

**5182-5192, 5200 and 5218 Yonge Street – Official Plan
Amendment and Zoning By-law Amendment
Applications – Final Report**

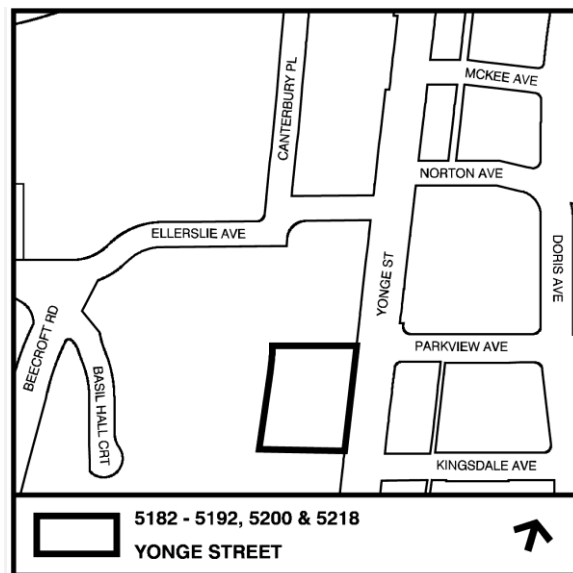
Date:	May 29, 2013
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	10 164793 NNY 23 OZ 12 116291 NNY 23 OZ

SUMMARY

The applications propose to amend the North York Centre Secondary Plan and Zoning By-law to permit a 35-storey mixed-use commercial and residential building (117.7 metres high) with 374 residential units and 5,575 square metres of non-residential gross floor area. The development will provide Social Facility Space including 545 square metres of City retail space and 52 square metres of community space proposed at the north end of the building. A publicly accessible open space mews is also proposed along the north side of the building adjacent to the City retail space.

The proposal provides for a mix of uses, including Social Facility Space that will increase the diversity, vitality and interest of the North York Centre consistent with the objectives of the North York Centre Secondary Plan. The proposed development reinforces the existing and planned built form context along Yonge Street in this area, and the building design and proposed open space amenity areas will contribute to and enhance the public realm.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 5182-5192, 5200 and 5218 Yonge Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 15 to report dated May 29, 2013.
2. City Council amend Zoning By-law No. 7625, for the lands at 5182-5192, 5200 and 5218 Yonge Street, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 16 to report dated May 29, 2013.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. a minimum of 1,268 square metres of street related retail and service commercial uses located on the ground floor along the Yonge Street frontage, and is to include street related retail and service commercial uses located at grade within 30 metres of the property line and are directly accessible from the street;
 - ii. an at grade bicycle room containing a total minimum of 37 bicycle parking spaces for the residential uses and a minimum of 4 bicycle parking spaces for the commercial uses, located on the ground floor accessible from the outside and having a minimum area of 85 square metres;
 - iii. a minimum of 1.5 square metres per dwelling unit of indoor amenity space;
 - iv. a monetary contribution in the form of a certified cheque to fund 2,836 square metres of proposed gross floor area, toward the provision of public recreation centres and social facilities and/or toward the cost of constructing and furnishing such facilities 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 2,836 square metres of proposed gross floor area, as determined by the Director of Real Estate Services and provided to the City prior to the issuance of the first building permit;

- v. a density incentive of 2,180 square metres in return for the provision of a minimum of 545 square metres of the City retail space component of the Social Facility Space;
 - vi. a density incentive of 208 square metres in return for the provision of a minimum of 52 square metres of the community space component of the Social Facility Space;
 - vii. the provision of a minimum of 545 square metres of Social Facility Space for the City retail space, fronting on an east-west publicly accessible mews, substantially in accordance with the Draft Term Sheet attached as Attachment 17 and any further amendments as deemed appropriate by the Director of Real Estate, in consultation with the local Councillor; and
 - viii. the provision of a minimum of 52 square metres of Social Facility Space for the community space, for the use of a community association to be determined to the satisfaction of the Director of Real Estate Services in consultation with the local Councillor, substantially in accordance with the Draft Term Sheet attached as Attachment 17 and any further amendments as deemed appropriate by the Director of Real Estate in consultation with the local Councillor.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. the owner shall satisfactorily address Toronto Transit Commission (TTC) requirements regarding a TTC Technical Review, as indicated in their letter dated March 23, 2012;
 - ii. the owner shall convey the property at 47 Princess Avenue to the City for park purposes prior to the issuance of the first above-grade building permit, or prior, as agreed upon by the General Manager of Parks, Forestry and Recreation, with such conveyance deemed to fully satisfy the parkland contribution requirements for the development, and with the details of timing of transfer and completion of works to be determined in consultation with Parks, Forestry and Recreation and the local Councillor;
 - iii. the owner shall provide a public access easement in favour of the City over the publicly accessible mews and driveway, and all other required easements, to the satisfaction of the City Solicitor, in consultation with the applicable City departments; and
 - iv. the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee.

- c. the following servicing matters be addressed to the satisfaction of the Executive Director of Development Services:
 - i) a sanitary sewer analysis to identify any required improvements to the existing sanitary sewer system to provide for peak sanitary flows generated by the proposed development; and
 - ii) a hydrant flow analysis.
- 5. City Council approve in principle the Draft Term Sheet attached as Attachment 17, regarding the provision of Social Facility Space and the Publicly Accessible Mews, 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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The properties at 5182-5192 and 5200 Yonge Street were subject to previous development applications. In 1991 North York City Council approved a development application for a 21-storey commercial building and a daycare centre on the site. In 1997 North York City Council approved a zoning by-law amendment to permit up to 50% of the permitted gross floor area to be used for residential uses and approved a mixed-use development that included a 27-storey residential building, a 17-storey commercial building and a daycare.

In 1998 Official Plan and Zoning By-law Amendment applications were submitted that included releasing the owner from previous obligations to purchase the density attributable to the historic Gibson House property, resulting in a proposal to reduce the permitted gross floor area on the site. City Council approved the applications in 1999. The Official Plan amendment designated the Gibson House lands as Open Space and provided for its original density of 4.5 times the lot area. The Zoning By-law amendment permitted a 17-storey residential building and a 9-storey commercial building on the Yonge Street properties. The owner was also required to convey land to the City for a daycare and fund a substantial portion of its construction. In 2002, Official Plan and Zoning By-law Amendment applications were submitted for a 28-storey revised to a 33-storey mixed-use commercial and residential development but were not pursued by the owner and have been closed.

At its meeting of February 16, 2011 North York Community Council (NYCC) considered a preliminary report on the current Official Plan Amendment application that includes the lands from the previous applications as well as 5218 Yonge Street. NYCC directed that staff hold a community consultation meeting with landowners and residents within 120 metres of the site and that the notice area be extended to include all landowners and residents in the area bounded by Park Home Avenue to the south, Doris Avenue to the east, Church Avenue and Churchill Avenue to the north and Tamworth Road to the west and that the applicant pay the City for the costs associated with extending the notice area. The preliminary report is available on the City's website at:

<http://www.toronto.ca/legdocs/mmis/2011/ny/bgrd/backgroundfile-35537.pdf>

At its meeting of April 23, 2012 NYCC considered a preliminary report on the Zoning By-law Amendment application. NYCC directed that staff hold a community consultation meeting with landowners and residents within 120 metres of the site and that the notice area be extended to the same notification area as approved previously for the Official Plan amendment and that the applicant pay the City for the costs associated with extending the notice area. The preliminary report is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY15.14>

ISSUE BACKGROUND

Proposal

The applications propose a 35-storey (117.7 m) mixed-use commercial and residential development with 374 dwelling units and 5,575 square metres of non-residential gross floor area. The building consists of a 3 and 4-storey base building with a 31-storey tower above at the north end of the base. Commercial, retail and residential uses are proposed in the base. Retail space (545 m²) on the ground floor and mezzanine at the north end of the building is proposed to be conveyed to the City along with a community meeting space (52 m²) proposed for a community association (Attachments 1, 2, 3, 4, 5 and 6).

Four levels of underground parking with 459 parking spaces for residents, non-residential uses and visitors are proposed. Bicycle parking is proposed in a ground floor room (41 spaces) and an additional 355 bicycle parking spaces for residents, non-residential uses and visitors are proposed in the underground parking garage. Access to the underground parking and surface loading area is proposed from a 7 to 9 metre wide driveway along the west side of the property. The driveway is proposed to connect to the driveways on the adjacent properties to the north (Centrium) and to the south (Menkes-Gibson Square). The driveway will provide a consolidated access from Yonge Street, Park Home Avenue and Eglinton Avenue for these developments as well as access to the Gibson House and Yonge Hearts child care centre to the west.

Proposed residential amenity space includes 600 square metres within the building on the second floor accessible to a rooftop outdoor amenity area 463 square metres in size. Balconies, as well as private outdoor terraces of varying sizes are proposed in association with the apartments. An outdoor open space area of approximately 400 square metres is proposed at the north end of the building. This open space is proposed to be developed in conjunction with open space on the adjacent property to the north to create a publicly accessible open space mews. Additional site and development statistics are outlined in the application data sheet; Attachment 7.

The application has been revised since the initial submission. The overall height of the building has been reduced from 37 (125 metres) to 35-storeys (117.7 metres) and the base building height has been increased from 3 to 4-storeys. The overall gross floor area has been reduced, the commercial gross floor area has been increased and the density has been reduced from 5.98 to 5.91 times the area of the lot.

The permitted gross floor area for development on the site without density incentives is 24,699.15 square metres representing 4.5 times the area of the lot. The proposed gross floor area with density incentives is 32,434 square metres representing 5.91 times the area of the lot. Proposed density incentives under the North York Centre Secondary Plan include:

Proposed Density Incentives – North York Centre Secondary Plan 5182-5192, 5200 and 5218 Yonge Street	
Density Incentive	Area (m²)
Social Facility - Community Space	52
Social Facility - Community Space (4 x 45.8m ²)	208
Social Facility - City Retail Space	545
Social Facility - City Retail Space (4 x 428m ²)	2180
Street-related Retail	1268
Private Recreation Use (1.5 m ² per unit)	561
Bicycle Parking Room	85
Gross Floor Area for monetary contribution	2836
Total Gross Floor Area above 4.5 x density	7735

Site and Surrounding Area

The site is located on the west side of Yonge Street midway between Ellerslie Avenue and Park Home Avenue. The site is approximately 5,488 m² in size and has a frontage of approximately 82.5 metres along Yonge Street and a depth of about 67 metres. There are single and 2-storey commercial buildings and surface parking on the site.

Surrounding land uses:

North: Adjacent to the north is the site of a future mixed-used development (Centrium at North York) that was approved by Council in June of 2012. The proposed development includes a 14-storey hotel and a 30-storey mixed-use residential and commercial building. The site currently contains 2-storey commercial and residential buildings.

South: To the south is the Menkes-Gibson Square development that is under construction. This development consists of a mixed-use residential and commercial building with two 42-storey towers. The Rose Garden Park is located at the north-west corner of Park Home and Yonge Street.

West: The Yonge Hearts Child Care Centre and two apartment buildings are located west of the site. The Gibson House Museum is located to the southwest of the site.

East: Directly opposite the site on the east side of Yonge Street are single and 2-storey commercial buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

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

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

Official Plan

The site is located in a *Centre* and in the North York Centre Secondary Plan Area. The site is designated *Mixed Use Areas* in the Official Plan.

The Official Plan identifies four *Centres* within the City. The *Centres* are areas where growth is anticipated and encouraged to support various levels of both commercial office job growth and residential growth outside of the *Downtown*.

The North York Centre focused on three subway stations is recognized as one of the City's major concentrations of commercial office space and as a vibrant residential and cultural centre. The policies of Section 2.2.2 of the Official Plan provide that a framework for new development in each *Centre* be set out in a Secondary Plan. The Secondary Plans are intended to set out local goals and establish policies for managing change tailored to the individual circumstances of each *Centre*. Among other things, Secondary Plans are intended to create a positive climate for economic growth, and support residential development and a full range of housing opportunities while protecting adjacent *Neighbourhoods* from encroachment of large scale development.

North York Centre Secondary Plan

Recognizing its important role in achieving the City's strategic growth objectives, the policies of the North York Centre Secondary Plan (NYCSP) encourage redevelopment with a focus on transit-based employment and residential growth, while ensuring that existing *Neighbourhoods* outside the *Centre* are protected, preserved and enhanced. In order to achieve these aims the Secondary Plan includes policies regarding the type and distribution of land uses, the density of development and height of buildings, along with environment and urban design policies that promote high quality design, and that seek to strengthen and enhance the pedestrian environment.

Section 1.1.4 provides that in considering site specific amendments to the Secondary Plan, the City will be satisfied that the proposed amendment is minor in nature and local in scope and that it does not materially alter provisions of the Secondary Plan dealing with boundaries, land use, density, and building height or form. Further, the City will be satisfied that the traffic certification requirements of the Secondary Plan are satisfied and that the amendments do no adversely impact stable residential areas.

Recognizing the importance of retail uses at grade to support the objectives of the Secondary Plan, Section 1.1.5 identifies sections of Yonge Street, Sheppard Avenue and Finch Avenue as Prime Frontage Areas (Attachment 8). At grade street-related narrow frontage retail uses are required by Section 1.1.6 within the Prime Frontage Areas and street related retail uses are encouraged along arterial roads outside of these areas.

The site is situated within the North York Centre South sub-area. The North York Centre South is a mixed-use area providing for a range of residential and non-residential uses. The site is designated *Mixed Use Area B* (Attachment 9). Commercial, institutional, residential, public parks and recreation uses and transit terminals uses are permitted on the site. Section 2.1.2 of the NYCSP establishes a limit on the percentage of the gross floor area of a development in *Mixed Use Area B* that can be devoted to residential uses. On this site the total for all residential uses on the site cannot exceed 50 per cent of the maximum permitted gross floor area on the site. Section 3 of the NYCSP provides for limits on the density of development and outlines circumstances and requirements where density incentives and density transfers will be allowed. On this site, an overall density for development of 4.5 times the area of the site is permitted (Attachment 10). The NYCSP also provides for an additional 33% of gross floor area through density incentives for an overall permitted density with incentives of 5.98 times the area of the site.

Section 5 of the NYCSP sets out the urban design objectives for the North York Centre and includes policies and guidelines to address the built form for new development, the public realm including streets, parks and open spaces and the interface with surrounding neighbourhoods.

Section 5.4.1 provides that maximum building heights will be established in order to implement the goals and objectives of the Secondary Plan and more specifically to protect stable residential areas adjacent to the Centre, provide for appropriate transitions in height between the highest intensity areas along Yonge Street and the residential communities outside the Centre, encourage the highest intensity development along Yonge Street and in the vicinity of the subway stations, and to achieve a comfortable human scale and sense of spatial enclosure along the primary pedestrian streets in the Centre. On this site a maximum building height of 100 metres is permitted (Attachments 11 and 12).

Section 5.4.2 of the Secondary Plan discourages site specific amendments to the height limits, but provides criteria for considering such applications. It provides that when considering an application, the City will be satisfied that the contemplated increase in height is necessary to provide for desirable flexibility in built form, would have no appreciable impact on the residential amenity of properties within the stable residential area and meets the urban design objectives of Section 5 the Secondary Plan.

The Official Plan is available on the City's website at:
http://www.toronto.ca/planning/official_plan/introduction.htm

Tall Buildings Design Guidelines

In May 2013, Toronto City council adopted the updated city-wide Tall Buildings Design Guidelines and directed City Planning Staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts.

The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Zoning

The lands are zoned General Commercial (C1) and (C1(94)) in the former City of North York Zoning By-law 7625 (Attachment 13). The C1 zone applies to the north portion of the site at 5218 Yonge Street. Subject to certain restrictions the C1 zone permits residential uses such as apartments and a

range of commercial uses such as; restaurants, retail stores, banks, business and professional offices, theatres, funeral establishments, parking lots, service stations and accessory uses. The remainder of the site is subject to a site specific exception. The exception permits residential apartments, commercial and retail uses. The maximum permitted building height ranges from 26 to 29-storeys and a maximum of 120 dwelling units are permitted. The site specific by-law also limits the gross floor area to a maximum of 20,664 square metres of which a maximum of 50% may be used for residential purposes.

Site Plan Control

The proposed development is subject to site plan control. A site plan control application has not been submitted.

Reasons for Application

An Official Plan Amendment is required as the proposed building height of 117.7 metres exceeds the maximum permitted height of 100 metres in the NYCSP. As well, the NYCSP permits a maximum gross floor area of 50% for residential uses on the site. The proposal seeks 77.5% for residential uses. An amendment to the long range development targets of NYCSP Plan is also required for the proposed change in the proportions of residential and non-residential gross floor areas. The application also proposes to convey retail space and community meeting space to the City and to have this space considered as Social Facility space subject to a density incentive under the NYCSP. The application also seeks to apply the Prime Frontage Area to the Yonge Street frontage of the site, and to reduce the requirements for private outdoor amenity space for residential uses and permit this amenity space on a rooftop.

A zoning by-law amendment is required as the current zoning does not permit a 35-storey building and the proposed 374 dwelling units exceeds the maximum 120 dwelling units permitted on the site. As well the proposed gross floor areas for residential and non-residential uses exceed the amounts currently permitted. A zoning amendment is also required to establish requirements for parking and loading building setbacks and required landscaping and amenity space for the proposed development.

Community Consultation

Two community consultation meetings were held to consider the development. Planning staff and the Ward Councillor attended each meeting. A community consultation meeting for the Official Plan Amendment application was held on June 21, 2011. Approximately 14 people attended. A community consultation meeting for the Zoning By-law Amendment application was held on September 19, 2012. Approximately 12 people attended. The applicant presented a revised proposal that included reducing the overall height of the building from 125 to 117.7 metres (37 to 35-storeys) and increasing the height of a portion of the base from 3 to 4-storeys. Issues related to the traffic movement through the laneway system, and drop-off parking on the adjacent daycare property. Participants noted that the building was well-designed and commended the architect. It was asked whether canopies could be considered along the retail frontages for added weather protection.

Design Review Panel

The proposal was considered by the City's Design Review Panel (DRP) on two occasions, the first December 18, 2008 prior to the submission of the applications, and the second on September 27, 2011 after the submission of the Official Plan Amendment application.

At the first DRP meeting the panel considered a 30-storey residential building and a separate 2-storey commercial building. The Panel suggested that the design be further developed to address the potential for active frontages along Yonge Street. The Panel appreciated the distinctive architectural built form but noted that the building should be brought closer to Yonge Street to create a strong urban edge along the street. Given the mid-block location, the panel suggested that the focus be on the south access as the main entrance to the site and that uses along this frontage would need to be appropriate neighbours for the daycare and Gibson House.

At the second DRP meeting the panel considered a 37-storey mixed-use building. The panel noted strengths in the proposal: the general massing, the position of the tower in the context and appropriately-scaled base building, the recognition of a building with public faces on all four sides, and the drop-off area and forecourt in response to the daycare centre to the west. Panel members noted concerns including the landscaping and functionality of the driveway as it connected to the north, the day-care drop-off and landscape buffering with the daycare. In addition the panel felt that the design with repeating elements on the north, south and east facades of the podium and identical facades on all four sides of the tower should be more adaptable. The Panel also felt that a residential address should be on Yonge Street to better contribute to the public realm.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) promotes intensification and redevelopment opportunities through 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 and is in keeping with the policy direction for the North York Centre as one of 25 Urban Growth Centres in the Greater Golden Horseshoe.

Land Use and Density

The North York Centre Secondary Plan (NYCSP) provides that a maximum of 50% of the permitted gross floor area of buildings on the site can be used for residential purposes. This limitation is intended to support the objectives of the Secondary Plan that seek to encourage a broad mix of uses in the North York Centre and the development of commercial uses in strategic locations to support the Centre's role as an important growth area within the City.

The NYCSP provides for a base density of 4.5 times the area of the site (without density incentives) reflecting an overall gross floor area permission of approximately 24,699 square metres. The application proposes 5,575 square metres of non-residential uses representing approximately 22.5% of this permitted gross floor area. This would result in 77.5 percent of the gross-floor area available for residential uses. The proposed development of 32,434 square metres reflects a density of 5.91 times the area of the lot, within the density of 5.98 times the area of the lot permitted with density incentives in the NYCSP.

Planning staff find the proposed increase in the percentage of residential gross floor area and the proposed extension of the prime frontage area designation across the Yonge Street frontage of the site to be acceptable. Extending the prime frontage area to this site is consistent with the land use and design objectives of the NYCSP that encourage at grade street-related retail along Yonge Street to support its function as one of the primary promenades in the City and a main retail street within the Centre. The designation will secure the provision of the retail and commercial uses at grade for the development. The application also provides a mix of uses including a substantial amount of commercial space helping to maintain the Centre as an important employment area consistent with the NYCSP.

As well, the non-residential uses include City retail space and a community space for a community association at the north end of the building. The proposed City retail space is intended to provide space for small community based vendors and foster activities akin to those at the St. Lawrence Market, or other farmer's markets in the City. The proposed open space adjacent to the City retail space provides a spill out area for activities in association with the retail uses, or for broader community events. The community uses and publicly accessible open space not only adds to the mix of uses in this area of the Centre along Yonge Street, but will contribute to the diversity, vitality and interest of the North York Centre all important objectives of the NYCSP.

Height and Massing

The NYCSP requires that in considering amendments for increases in height that the City must be satisfied that the increase is necessary to provide for desirable flexibility in built form, would have no appreciable impact on the residential amenity within the stable residential area and meets the urban design objectives of the plan. Planning staff are satisfied that the proposed height and massing of the building are consistent with the existing and planned built form context for this area, respects the urban design objectives of the NYCSP and tall buildings guidelines, and will positively contribute to the public realm.

The NYCSP provides that the greatest height, massing and intensity of buildings will generally be focussed along Yonge Street. The proposed amendment to increase the height of the building from 100 to 117.7 metres is consistent with the planned built form context along this section of Yonge Street. The Menkes Gibson Square development under construction to the south of this site includes two 42-storey residential towers (125 m) and the approved Centrium development adjacent to the north includes a 30-storey residential building (100 m) and a 14-storey hotel (49 m). The proposed development at 35-storeys provides an appropriate transition stepping down from the higher buildings to the south and stepping up from lower heights to the north.

The shadow study submitted with the application indicates that the shadow cast from the building will extend slightly beyond the boundary of the Secondary Plan area northwest of Eglinton Avenue in the early morning during the March and September periods, but will have moved beyond the neighbourhood by about 10:30 in the morning. Given the limited extent of the shadow Planning staff are satisfied that the impacts are acceptable.

The provision of an attractive and convenient pedestrian environment is one of the key objectives of the NYCSP. As a result, careful consideration is required for the design of developments along Yonge Street not only to support its role as the main street for the Centre but as a primary promenade for the City. Buildings are required to be setback approximately 4 metres from Yonge Street in order to create

a 10 metre wide sidewalk and promote an active and pedestrian friendly streetscape. To reflect the primacy of Yonge Street, retail uses are required at grade in many areas and are encouraged to wrap around onto side streets. To achieve a pedestrian scale street wall condition along Yonge Street base building heights between 8 and 25 metres are required.

The proposed building design includes a 3 and 4–storey base (20.5 to 24.1 metres) with retail uses at grade along Yonge Street as well as retail uses along the south side of the building adjacent to the private driveway and at the north end of the building facing the mews. The building is setback 4 metres along Yonge Street and 3.9 metres along the south driveway providing appropriate space for amenities and uses to animate the street, consistent with the objectives of the NYCSP and the tall buildings guidelines. The base building design also includes a pattern of smaller bays creating opportunities for smaller retailers along the street. Stepbacks above the base building reinforce its pedestrian scale, and the stepback of the tower over 10 metres from the base and 12.5 metres or more from the other property boundaries are consistent with the tall buildings guidelines.

City Retail Space, Community Space and Publicly Accessible Open Space Mews

The application proposes to convey 545 square metres of retail space and 52 square metres of community space at the north end of the building to the City and seeks to include this space as a social facility subject to a density incentive under the NYCSP. The City retail space and community space would be owned and managed by the City and the retail space is intended to provide opportunity for small community based vendors. It would operate in concert with a similar retail space on the adjacent property to the north that was secured in association with a Zoning By-law Amendment application (File 09 165755 NNY 23 OZ) at 5220 and 5224 Yonge Street in June of 2012. The community meeting space is intended for the use of a community association.

The City retail space will face an area of open space at the north end of the building approximately 400 square metres in size. Similar to the retail space, this open space area is proposed to be designed and function together with open space on the adjacent property to the north to create a publicly accessible open space mews. The mews space is intended to serve as amenity space along Yonge Street, a spill out area for the retail uses that face onto it, a common outdoor area for the retail users within the building, and as a space that the City can program for community events. Real Estate Services staff have worked with the applicant to establish the terms for the conveyance of the retail space and community meeting space including the details regarding ownership, finishing, proposed uses and ongoing responsibilities as well as the requirements concerning the publicly accessible mews space. The draft terms are included in Attachment 17.

Transportation, Access and Parking

Access to the underground parking garage, loading area, drop-off area and bicycle room are proposed on the west side of the building from a 7 to 9 metre wide driveway along the west side of the property. This driveway is part of a larger privately owned driveway system shared with properties to the south (Menkes-Gibson Square) and the north (Centrium) that will provide access from Park Home Avenue to the south, Eglerslie Avenue to the north and Yonge Street to the east for all three developments. In addition the driveway will provide access to the Yonge Hearts Child Care Centre and Gibson House.

A four level underground parking garage with 459 parking spaces is proposed for the residents (358 spaces), visitors (43 spaces) and non-residential uses (58 spaces). There are 396 bicycle parking spaces

proposed at grade (41 spaces) and in the underground garage (355) consistent with the Toronto Green Standard and the NYCSP. A pedestrian connection is also proposed from the 1st level of the underground garage to the underground garage in the adjacent Menkes-Gibson Square development to provide pedestrian access to the North York Centre subway station through the Menkes-Gibson square building.

A Transportation Study was submitted in support of the applications that assessed traffic expected to be generated from the development and impacts on traffic operations in the area. Transportation Services staff have advised that the subject site is not expected to have a major traffic impact to the surrounding road network and the traffic study is an acceptable traffic certification. The existing access from Yonge Street opposite Parkview Avenue will be closed and the applicant will be responsible for reinstating the curb, removing the existing northbound left-turn lane at this location and extending the median on Yonge Street. These improvements will be secured through the site plan approval application process.

Residential Amenity Space

The applications seek to reduce the amount of residential outdoor amenity space and permit this amenity space on a terrace above grade. Under the NYCSP, a minimum of 1.5 square metres of amenity space per dwelling unit is required for both indoor (561 m²) and outdoor amenity space (561 m²) for a total minimum requirement of 1,122 square metres. The applications propose an indoor amenity area of 600 square metres for residents on the second floor that is directly accessible to an outdoor amenity area of 463 square metres on a terrace for a total of 1,063 square metres of residential amenity space.

Although, the proposal reflects a shortfall of outdoor residential amenity space (98 m²), the indoor residential amenity space exceeds minimum requirements by 39 square metres. Further, approximately 900 square metres of common outdoor open space for the non-residential uses is proposed and only 549 square metres is required. This includes open space adjacent to the building along Yonge Street and the driveway to the south, as well as the publicly accessible mews north of the building (400 m²). The mews area will offset the reduction of residential amenity space as it is intended for community events and will also provide an outdoor amenity area opportunity for residents. The location and design of the outdoor amenity area on the second floor terrace will be secured through the future site plan application process. Planning staff are satisfied that the proposed outdoor residential amenity space is sufficient to meet the needs of future residents.

Yonge Hearts Child Care Centre

Yonge Hearts child care centre is located adjacent to the west, separated from the proposed building by the driveway along the west side of the site that provides access to the parking and loading for the development. Children's Services staff have requested that measures be put in place to address the interface between the two sites particularly due to the location of the play area on the east side of the daycare site near the property line. As well, Children's Services have requested consideration by the applicant to make improvements to the surface parking area on the daycare site to deter visitors to the development from using the daycare parking which is currently unsecured.

Children's Services staff have suggested architectural or landscape screens on the amenity terrace, non reflective glass at the lower levels on the west elevation, as well as fencing and plantings along the west side of the driveway including considering an acoustic fence if required. Planning staff will address these interface issues through the site plan application review process.

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 Alternative Parkland Dedication By-law 1420-2007.

The applicant has proposed approximately 374 residential units, and 5,333m² of non-residential floor area on the 0.5489 hectares (5,489 m²) site. 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 0.4007 hectares (4,007m²) or 73% of the site. 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 would be 549m².

In response to Parks, Forestry and Recreation (PFR) comments, the applicant has acquired an offsite parcel to fulfil parkland dedication requirements, the site being 47 Princess Avenue. It is recommended that the funds usually associated with base park improvements for lands that are transferred to the City for parks purposes can be used towards the internal renovations to the house. These works should be completed prior to the conveyance of the property to the City or at a later date agreeable to the Manager of Parks Forestry and Recreation. Details regarding the timing of transfer and completion of works shall be set out in the Section 37 Agreement. Proposed draft conditions of parkland conveyance are included in Attachment 14.

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 Automobile Infrastructure and Cycling Infrastructure. Other applicable TGS performance measures will be secured through the future Site Plan Approval process.

Section 37

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

1. a minimum of 1,268 square metres of street related retail and service commercial uses located on the ground floor along the Yonge Street frontage, and is to include street related retail and service commercial uses located at grade within 30 metres of the property line and are directly accessible from the street;
2. an at grade bicycle room containing a total minimum of 37 bicycle parking spaces for the residential uses and a minimum of 4 bicycle parking spaces for the commercial uses, located on the ground floor accessible from the outside and having a minimum areas of 85 square metres;

3. a minimum of 1.5 square metres per dwelling unit of indoor amenity space;
4. a monetary contribution in the form of a certified cheque and satisfactory to the City, to fund 2,836 square metres of proposed gross floor area, toward the provision of public recreation centres or social facilities and/or toward the cost of constructing and furnishing such facilities 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 2,836 square metres of proposed gross floor area, as determined by the Director of Real Estate Services and provided prior to the issuance of the first building permit;
5. a density incentive of 2,180 square metres in return for the provision of a minimum of 545 square metres of the City retail space component of the Social Facility Space ;
6. a density incentive of 208 square metres in return for the provision of a minimum of 52 square metres of the community space component of the Social Facility Space;
7. the provision of a minimum of 545 square metres of Social Facility Space for the City retail space, fronting on an east-west publicly accessible mews, substantially in accordance with the Draft Term Sheet attached as Attachment 17 and any further amendments as deemed appropriate by the Director of Real Estate Services, in consultation with the local Councillor; and
8. the provision of a minimum of 52 square metres of Social Facility Space for the use of a community association substantially in accordance with the Draft Term Sheet attached as Attachment 17 and any further amendments as deemed appropriate by the Director of Real Estate Services, in consultation with the local Councillor.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

1. the owner shall satisfactorily address Toronto Transit Commission (TTC) requirements regarding a TTC Technical Review, as indicated in their later dated March 23, 2012;
2. the owner shall convey the property at 47 Princess Avenue to the City for park purposes prior to the issuance of the first above-grade building permit, or prior, as agreed upon by the General Manager of Parks, Forestry and Recreation, with such conveyance deemed to fully satisfy the parkland contribution requirements for the development, and with the details of the timing of the transfer and completion of works to be determined to the satisfaction of the General Manager of Parks, Forestry and Recreation in consultation with the local Councillor;
3. the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee; and

4. the owner shall provide a public access easement in favour of the City over the publicly accessible open space mews and driveway, and all other required easements, to the satisfaction of the City Solicitor, in consultation with the applicable City departments.

Conclusions

City Planning recommends that Council approve the Official Plan and Zoning By-law Amendment applications. The proposal for a 35-storey mixed-use building is consistent with the objectives of the North York Centre Secondary Plan. The proposal provides a mix of uses including City retail space, community space and a publicly accessible mews along Yonge Street that will increase the diversity, vitality and interest of the North York Centre. The building design reinforces the existing and planned built form context and will create a desirable street wall condition and enhanced public realm along this section of Yonge Street. The recommended Official Plan Amendment is included in Attachment 15. The recommended Zoning By-law Amendment is included in Attachment 16.

CONTACT

Sue McAlpine, Senior Planner
Tel. No. 416-395-7110
Fax No. 416-395-7155
E-mail: smcalpin@toronto.ca

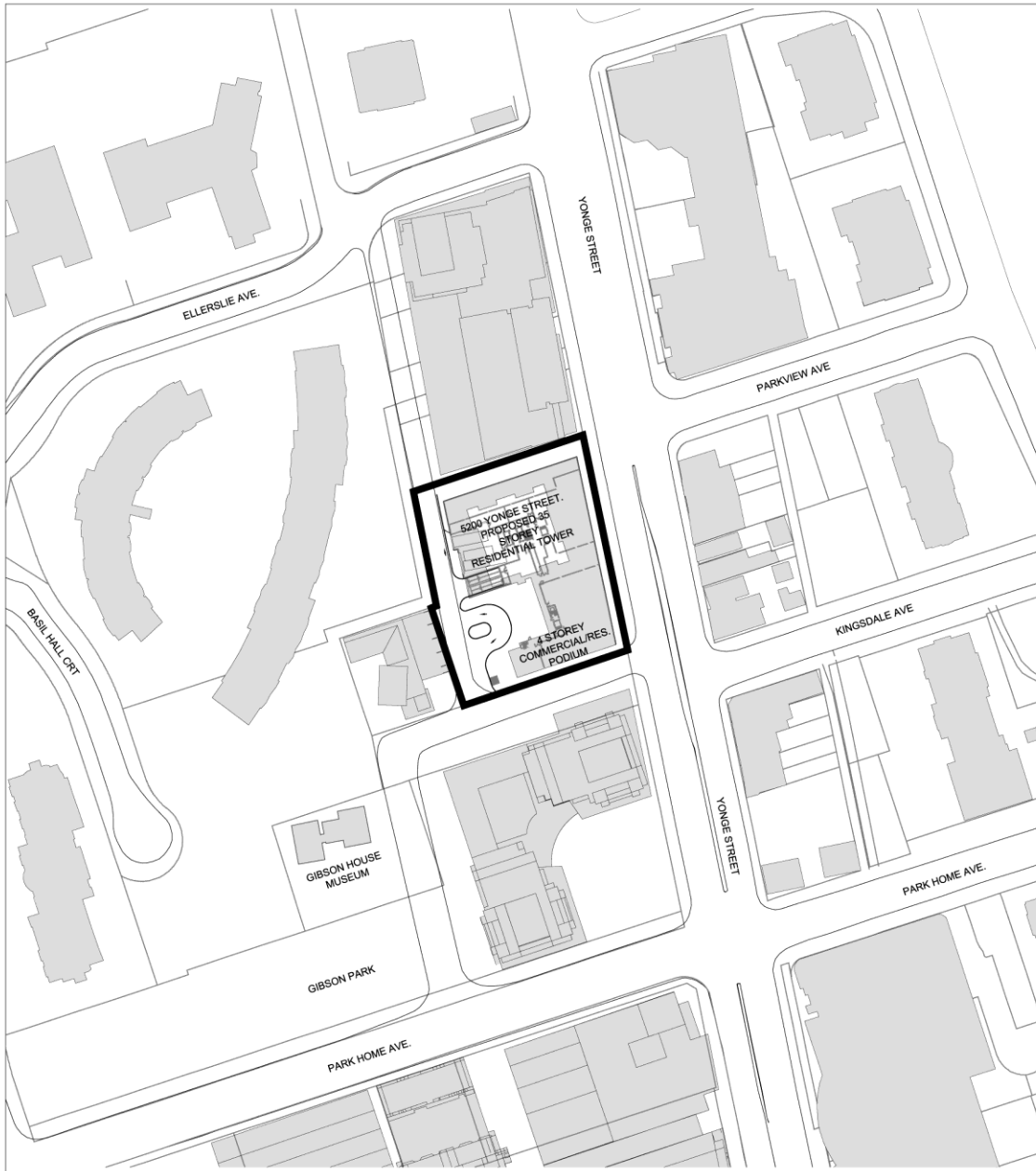
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Context Plan
Attachment 2: Site Plan
Attachment 3: North Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: East Elevation
Attachment 7: Application Data Sheet
Attachment 8: North York Secondary Plan - Land Use Areas
Attachment 9: North York Secondary Plan - Prime Frontage Areas
Attachment 10: North York Secondary Plan - Density Limits
Attachment 11: North York Secondary Plan - Height
Attachment 12: North York Secondary Plan - Height
Attachment 13: Zoning
Attachment 14: Draft Conditions of Parklands Conveyance
Attachment 15: Draft Official Plan Amendment
Attachment 16: Draft Zoning By-law Amendment
Attachment 17: Draft Terms and Conditions – Social Facility Space and Pedestrian Mews

Attachment 1: Context Plan



Context Plan
From Applicant's Drawings

5182 - 5192, 5200 & 5218 Yonge Street

Not to Scale
12/14/12 

File # 12 116291 NNY 23

Attachment 2: Site Plan



Site Plan

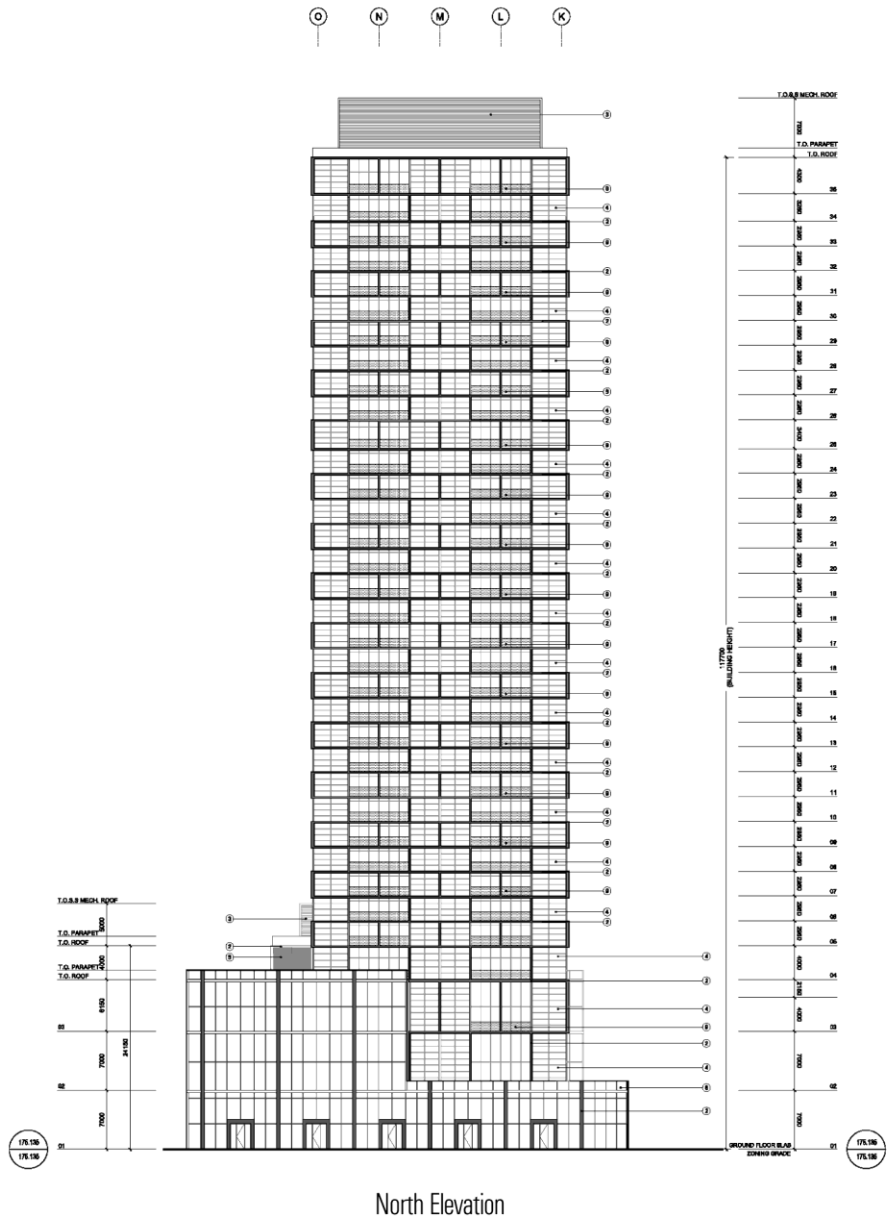
5182 - 5192, 5200 & 5218 Yonge Street

Applicant's Submitted Drawing

Not to Scale
 05/13/2013

File # 12 116291 NNY 23 0Z

Attachment 3: North Elevation



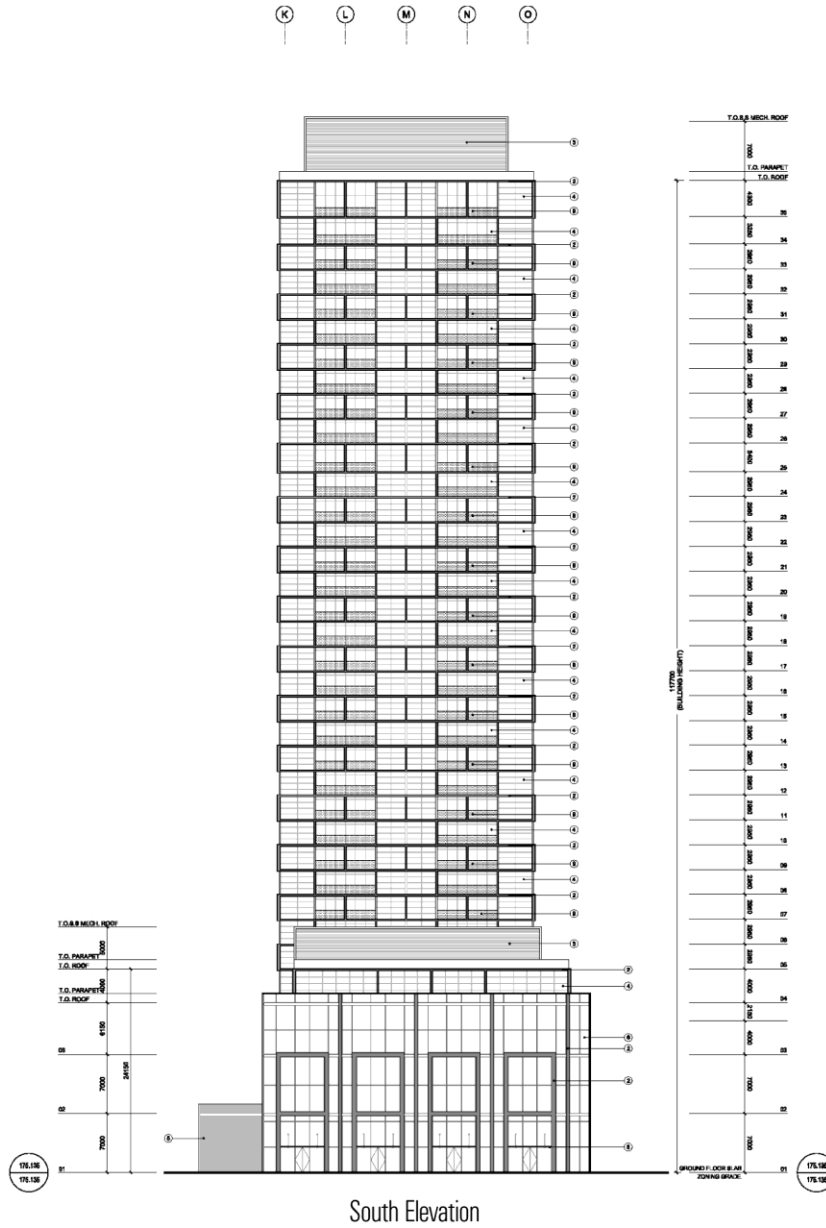
Elevation
From Applicant's Drawings

5182 - 5192, 5200 & 5218 Yonge Street

Not to Scale
12/13/12

File # 12 116291 NNY 23

Attachment 4: South Elevation



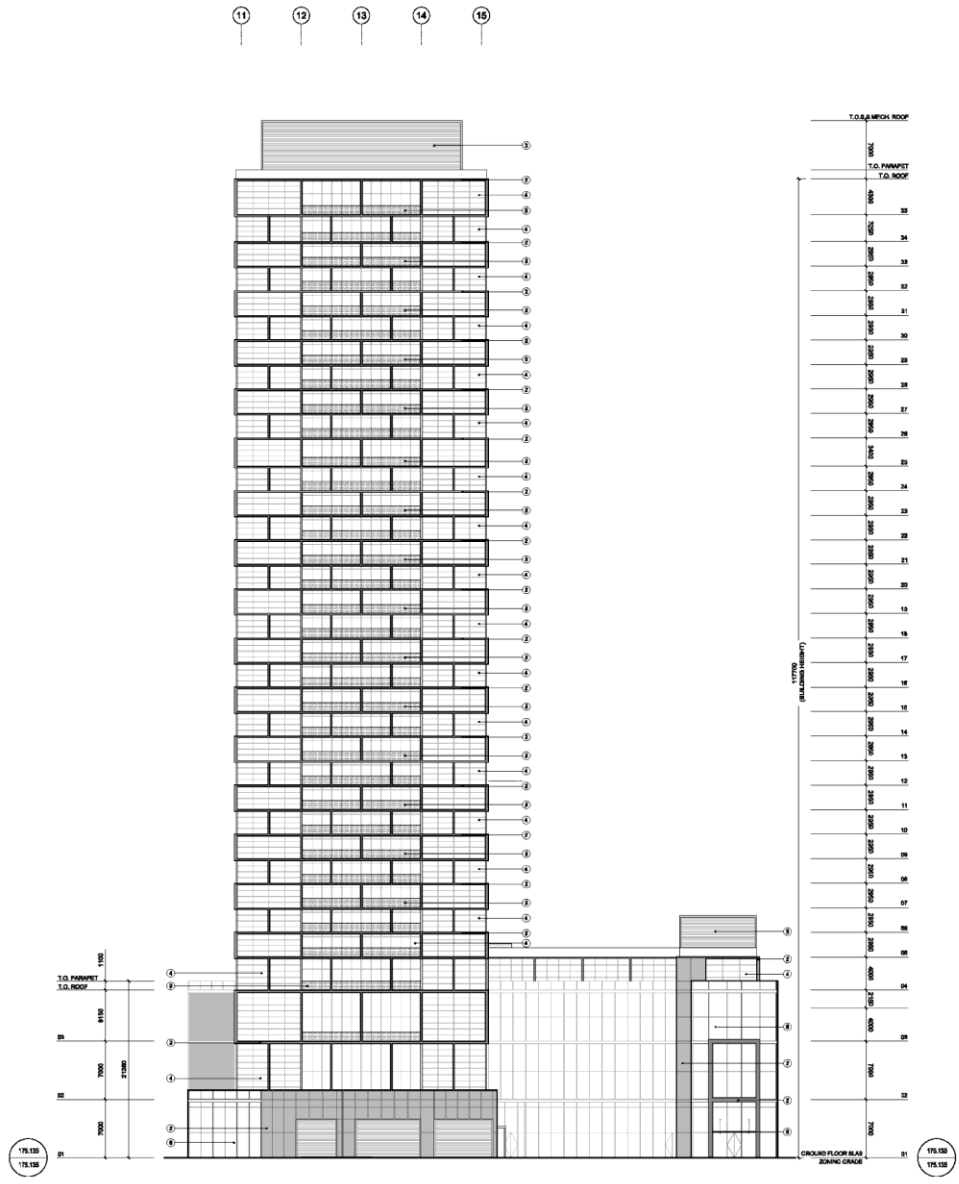
Elevation
From Applicant's Drawings

5182 - 5192, 5200 & 5218 Yonge Street

Not to Scale
12/13/12

File # 12 116291 NNY 23

Attachment 5: West Elevation



West Elevation

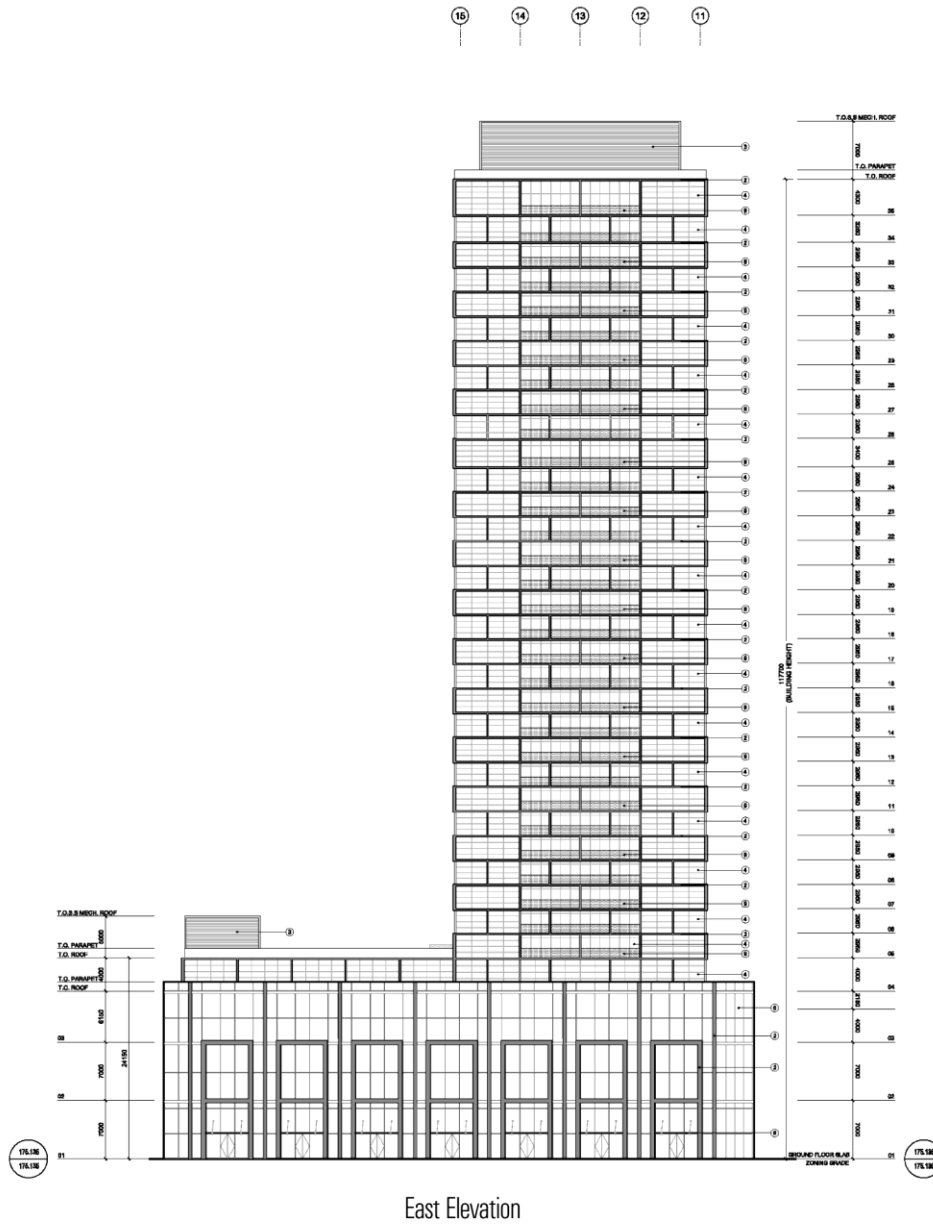
Elevation
From Applicant's Drawings

5182 - 5192, 5200 & 5218 Yonge Street

Not to Scale
12/13/12

File # 12 116291 NNY 23

Attachment 6: East Elevation



Elevation
From Applicant's Drawings

5182 - 5192, 5200 & 5218 Yonge Street

Not to Scale
12/13/12

File # 12 116291 NNY 23

Attachment 7: Application Data Sheet

Application Type	Official Plan Amendment	Application	10 164793 NNY 23 OZ
	Zoning By-law Amendment	Number:	12 116291 NNY 23 OZ
Details	Standard	Application Date:	April 27, 2010 & Feb. 9, 2012

Municipal Address: 5182-5192, 5200 and 5218 Yonge Street

Location Description: CON 1 W Y S PT LOT 18 **GRID N2302

Project Description: To amend the North York Centre Secondary Plan and Zoning By-law to permit a 35-storey mixed-use commercial and residential building (117.7 m) with 374 residential units and 5,575 m² of non-residential gross floor area. Four levels of underground parking with 459 parking spaces are proposed. Social facility space including 545 m² of City retail space and 52 m² of community space are proposed in the building. A publicly accessible open space mews is proposed along the north side of the building adjacent to the City retail space.

Applicant:	Agent:	Architect:	Owner:
McCarthy Tetrault LLP		Wallman Architects	5200 Yonge G.P. Inc.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	C1 and C1 (94)	Historical Status:	
Height Limit:	26 to 29 storeys	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	5488.7	Height:	Storeys:	35
Frontage (m):	82.45		Metres:	117.7
Depth (m):	66.89			
Total Ground Floor Area (sq. m):	2923			Total
Total Residential GFA (sq. m):	26859		Parking Spaces:	459
Total Non-Residential GFA (sq. m):	5575		Loading Docks	3
Total GFA (sq. m):	32434			
Lot Coverage Ratio (%):	53			
Floor Space Index:	5.91			

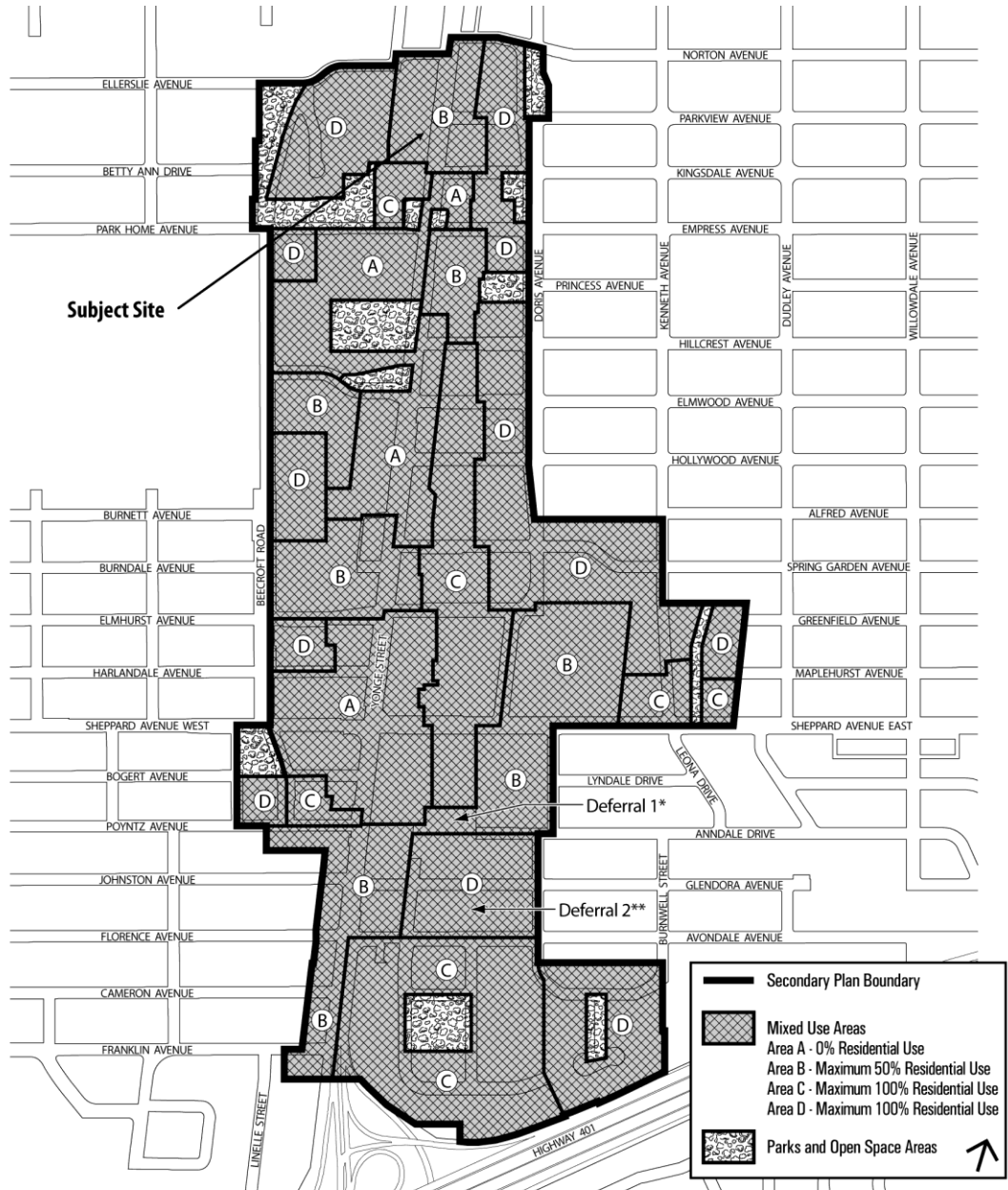
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	26859	0
Bachelor:	0	Retail GFA (sq. m):	1958	0
1 Bedroom:	223	Office GFA (sq. m):	3617	0
2 Bedroom:	139	Industrial GFA (sq. m):	0	0
3 + Bedroom:	12	Institutional/Other GFA (sq. m):	0	0
Total Units:	374			

CONTACT:	PLANNER NAME:	Sue McAlpine, Senior Planner
	TELEPHONE:	416-395-7110

Attachment 8: North York Secondary Plan – Land Use Areas



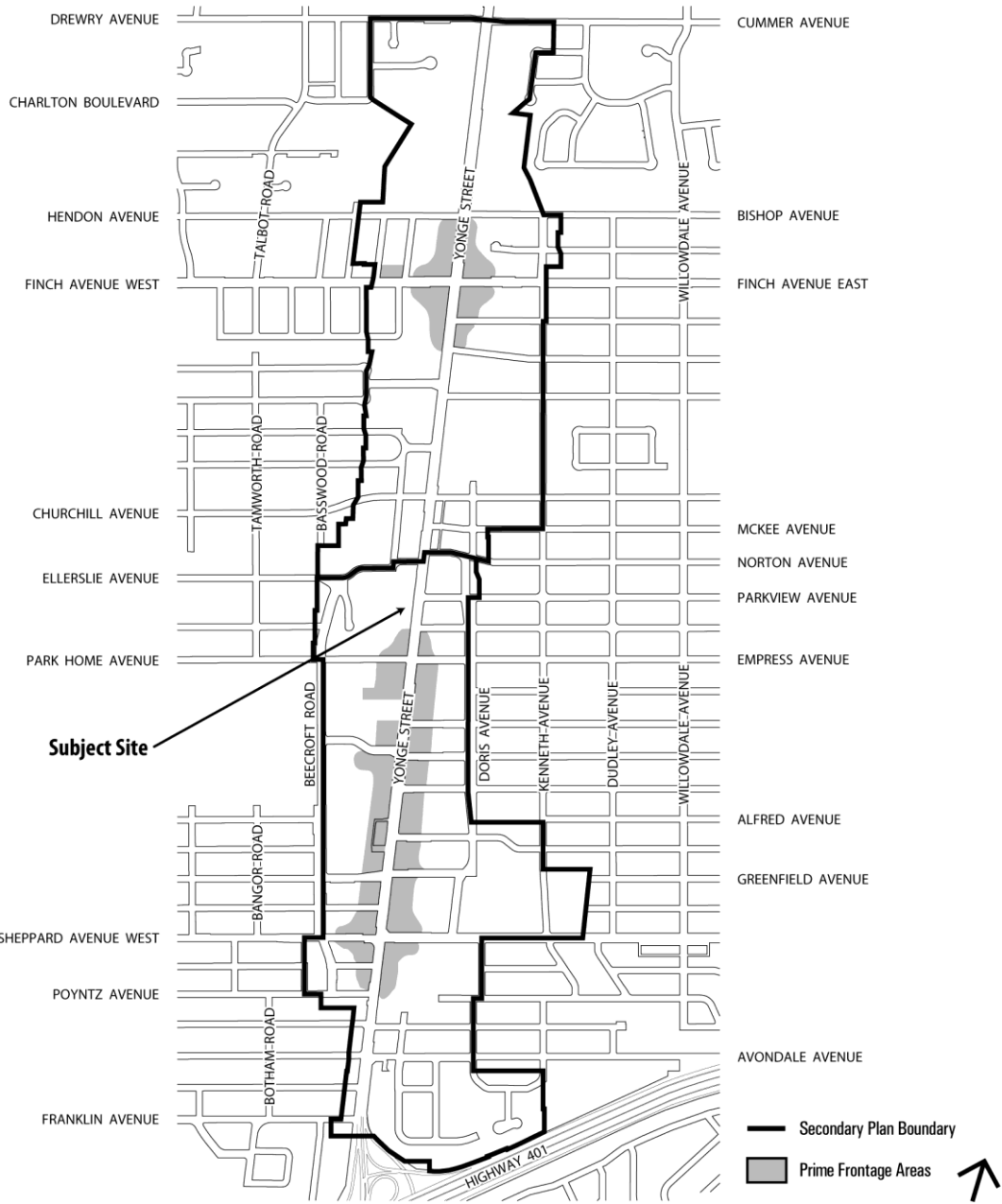
**North York Centre South
Land Use Areas**

5182 - 5192, 5200 & 5218 Yonge Street

Not to Scale
03/14/12

File # 12 116291 NNY 23

Attachment 9: North York Secondary Plan – Prime Frontage Areas



Prime Frontage Area

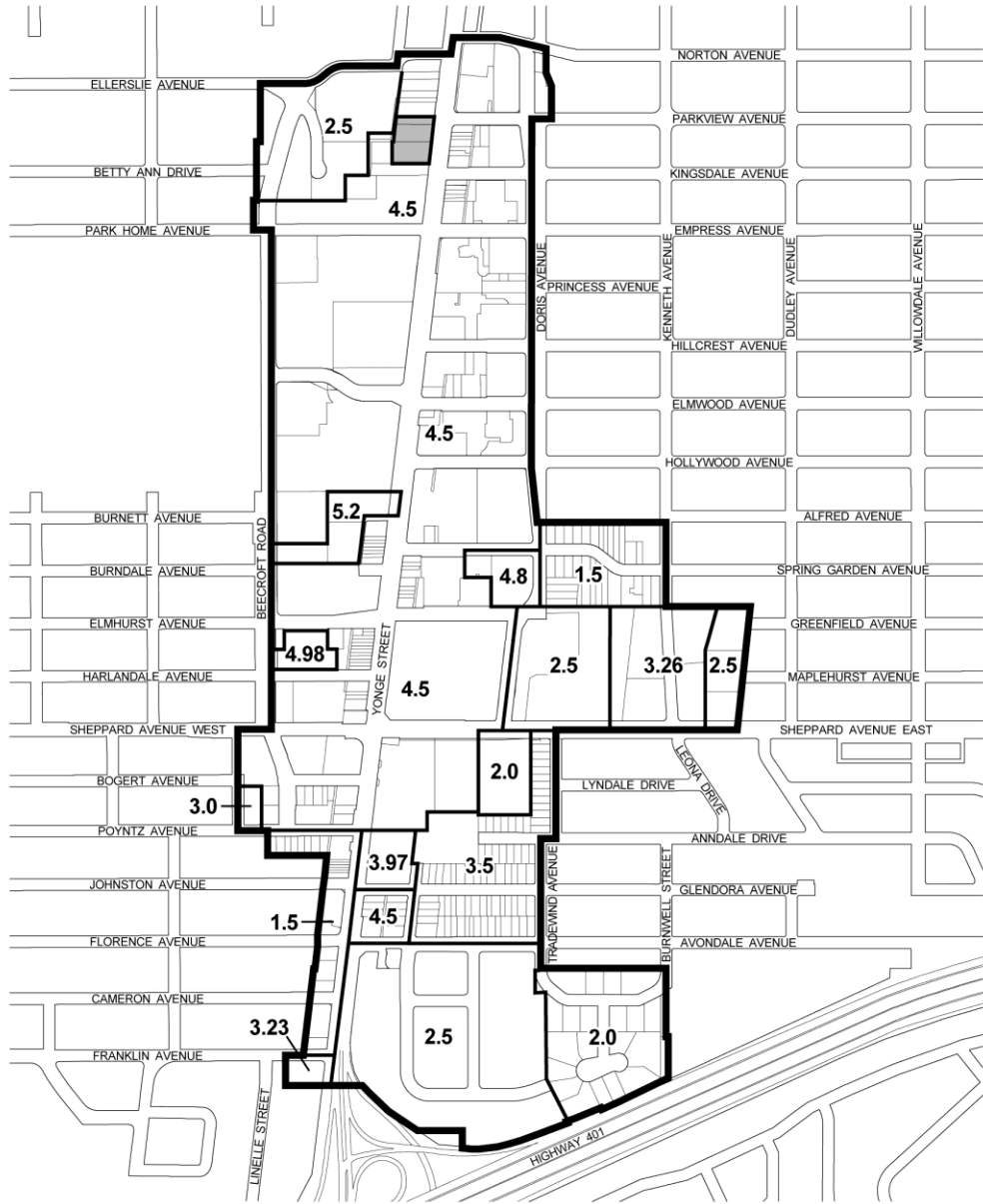
5182 - 5192, 5200 & 5218 Yonge Street

Not to Scale
03/14/12



File # 12 116291 NNY 23

Attachment 10: North York Secondary Plan – Density Limits



North York Centre Secondary Plan

MAP 8-6 North York Centre South Density Limits

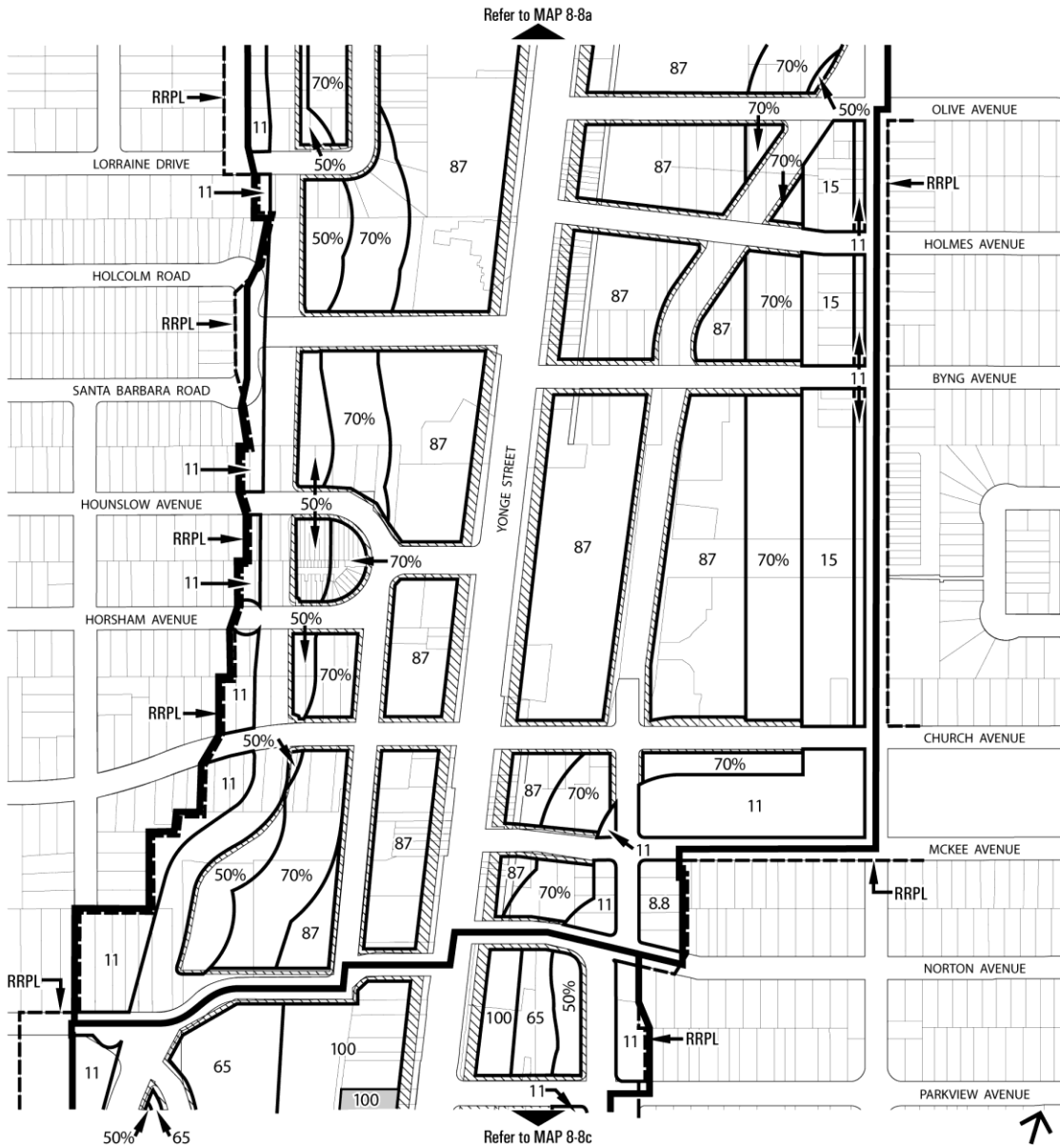
— Secondary Plan Boundary ■ Subject Property

Note: Density Limits are exclusive of density incentives and transfers



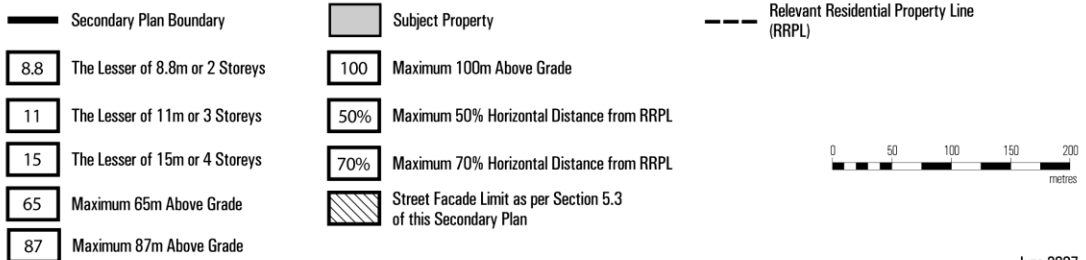
December 2010

Attachment 11: North York Secondary Plan - Height



North York Centre Secondary Plan

MAP 8-8b Maximum Height Limits



June 2007

Attachment 12: North York Secondary Plan - Height



North York Centre Secondary Plan

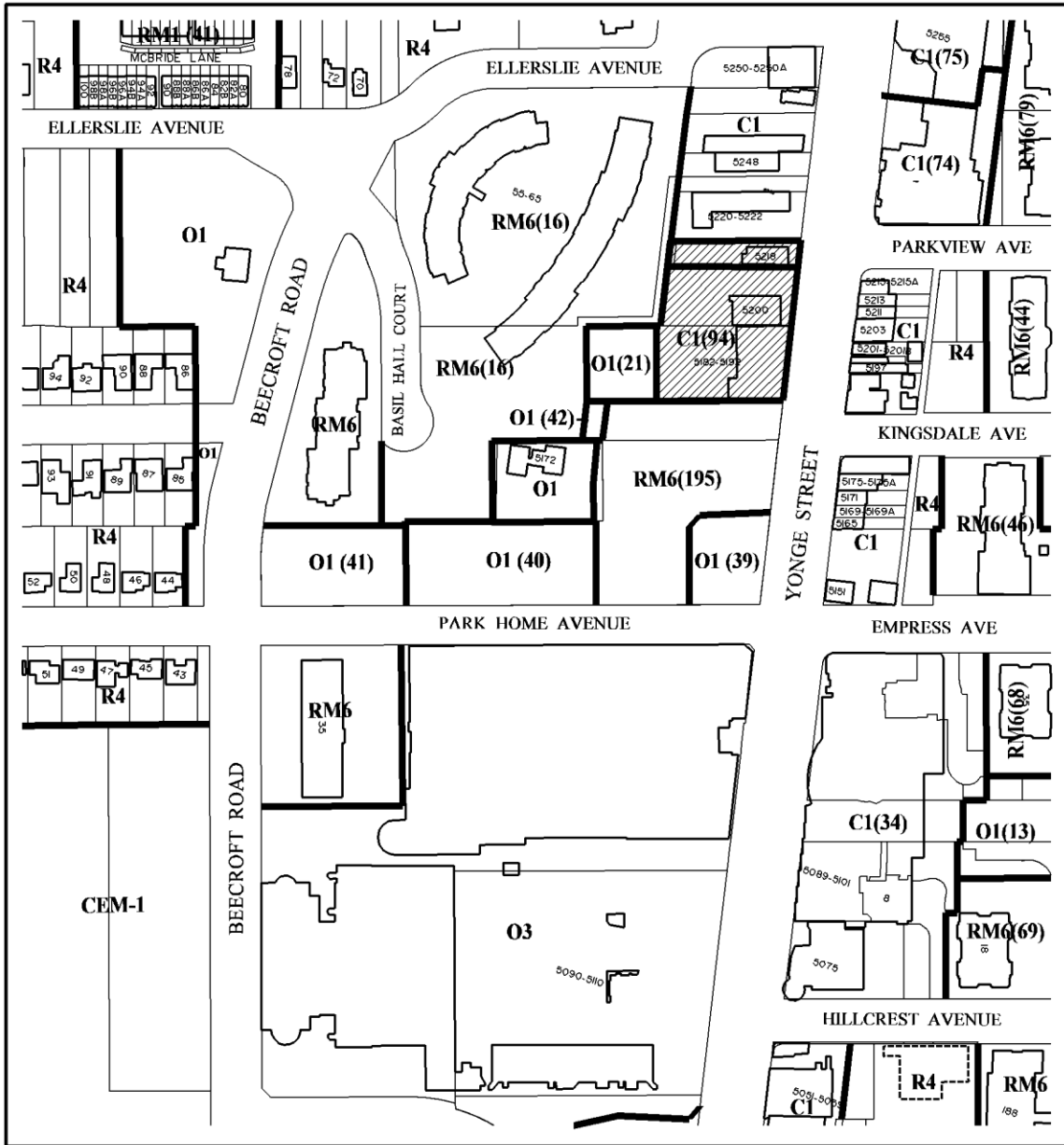
MAP 8-8c Maximum Height Limits

- | | |
|---------------------------------|---|
| Secondary Plan Boundary | Subject Property |
| The Lesser of 11m or 3 Storeys | Maximum 86m Above Grade |
| The Lesser of 18m or 6 Storeys | Maximum 100m Above Grade |
| The Lesser of 24m or 7 Storeys | Maximum 50% Horizontal Distance from RRPL |
| The Lesser of 35m or 12 Storeys | Street Facade Limit as per Section 5.3 of this Secondary Plan |
| Maximum 65m Above Grade | Relevant Residential Property Line (RRPL) |



December 2010

Attachment 13 – Zoning



5182-5192, 5200 & 5218 Yonge Street

File # 12 116291 NNY 23

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- C2 Local Shopping Centre Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

- O1 Open Space Zone
- O3 Semi-Public Open Space Zone
- CEM-1 General Cemetery Zone



Not to Scale
Zoning By-law 7625
Extracted 12/08/08

Attachment 14: Draft Conditions of Parkland Conveyance

1. Prior to the issuance of the first above grade building permit or as agreed upon by the General Manager, Parks, Forestry and Recreation, the Owner shall convey offsite parkland to the City.
2. The owner is to pay for the costs of the preparation and registration of all relevant documents. The Owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey.
3. Prior to conveying the land to the City, the Owner shall be responsible for an environmental assessment of the soil and groundwater within the park block and any associated costs or remediation as a result of that assessment. Such assessment and/or remediation shall ensure that the parkland at the time of conveyance to the City, meets all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including but not limited to City Council policies respecting soil remediation of sites to be acquired by the City and the Ministry of the Environment's Guideline for Use at Contaminated Sites in Ontario, as amended. The environmental assessment shall be prepared by a qualified environmental consultant acceptable to the Director Development Engineering, Technical Services in consultation with the General Manager, Parks, Forestry and Recreation. Prior to the conveyance of the park land to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the Owner's expense (the 'Peer Reviewer'), and the conveyance of the park land shall be conditional upon the Peer Reviewer concurring with the Owner's environmental consultant that the park land meets all applicable laws, regulations and guidelines for public park purposes. The applicant is required to file the Record of Site Condition (RSC) on the Ontario's Environmental Site Registry and submit the Ministry of the Environment's Letter of Acknowledgement of Filing of the Record of Site Condition (RSC) confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, and that the MOE will not audit the RSC at this time or that the RSC has passed an MOE audit, to the Executive Director, Technical Services.
4. Prior to the issuance of the first above grade building permit, the applicant is required to submit to the City an irrevocable Letter of Credit in the amount of 120% or a certified cheque to the value of base park improvements or other works deem equivalent, to the satisfaction of the General Manager Parks, Forestry and Recreation. The funds associated with the base park improvements are to be used for purposes of improvements to offsite parkland at 47 Princess Avenue.
5. All Letters of Credit submitted by the Owner to the City shall be to the satisfaction of the General Manager of Parks, Forestry & Recreation. The Owner shall agree that all Letters of Credit held by PFR unless determined otherwise by the General Manager, Parks, Forestry and Recreation are intended to be in current dollars and, accordingly, shall be adjusted, either upwards or downwards,

annually on the anniversary date in accordance with the change in the Statistics Canada Quarterly, Capital Expenditure Price Statistics during such one year period. Provided, however that in no case shall the amount actually be payable by the Owner at any time be less than the minimal amount as set out in the agreement.

6. In the event, the Owner, upon satisfactory completion of the construction and installation improvements shall be required to guarantee such work and associated materials. The Owner shall provide certification that all work has been completed in accordance with the approved drawings.

Attachment 15 – Draft Official Plan Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To adopt Amendment No. 213 to the Official Plan for the City of Toronto
respecting the lands known municipally in the year 2013,
as 5182-5192, 5200 and 5218 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;

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. 213 to the Official Plan is hereby adopted pursuant to
the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

AMENDMENT NO. 213 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2013 AS
5182-5192, 5200 and 5218 Yonge Street

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

Clause 1

Chapter Six, Section 8 (North York Centre Secondary Plan) is amended by modifying Section 12, North York Centre South Site Specific Policies, by adding the following Site Specific Policy 12.31:

31. 5182-5192, 5200 and 5218 Yonge Street

- (a) Pursuant to Section 5.4.2 of this Secondary Plan, a maximum building height of 118 metres is permitted at the location identified on Maps 8-8b and 8-8c.
- (b) Despite the *Mixed Use Area B* designation, a maximum of 32,822 square metres of residential and non-residential gross floor area is allowed on these lands with the provision of a minimum of 5,575 square metres of non-residential gross floor area.
- (c) Despite Section 6.7 of this Secondary Plan, the Private Outdoor Recreational Space Requirements for Residential Development on the lands shall be as follows:
 - (i) Residential development of 100 dwelling units or greater will be required to provide a minimum of 1.2 square metres per dwelling unit of private outdoor recreation space.
 - (ii) The private outdoor recreational space may be located above-grade including on a rooftop.
 - (iii) The private outdoor recreational space will not be counted towards parkland dedication.
 - (iv) Rooftop outdoor recreational space will be counted as part of the private outdoor recreational space requirement.
- (d) For the purposes of this exception, the facilities within the development that are conveyed to or otherwise managed by the City or for community uses pursuant to an agreement with the City that may include among other uses, community retail, community office, and social facilities will be deemed to be a Social Facility under Section 3.3 of this Secondary Plan.

Clause 2

Map 8-8b and 8-8c of Chapter Six, Section 8 (North York Centre Secondary Plan) titled "Maximum Height Limits", is amended in accordance with Schedule '1' attached.

Clause 3

Map 8-2 of Chapter Six, Section 8 (North York Centre Secondary Plan) titled "Prime Frontage Area", is amended in accordance with Schedule '2' attached.

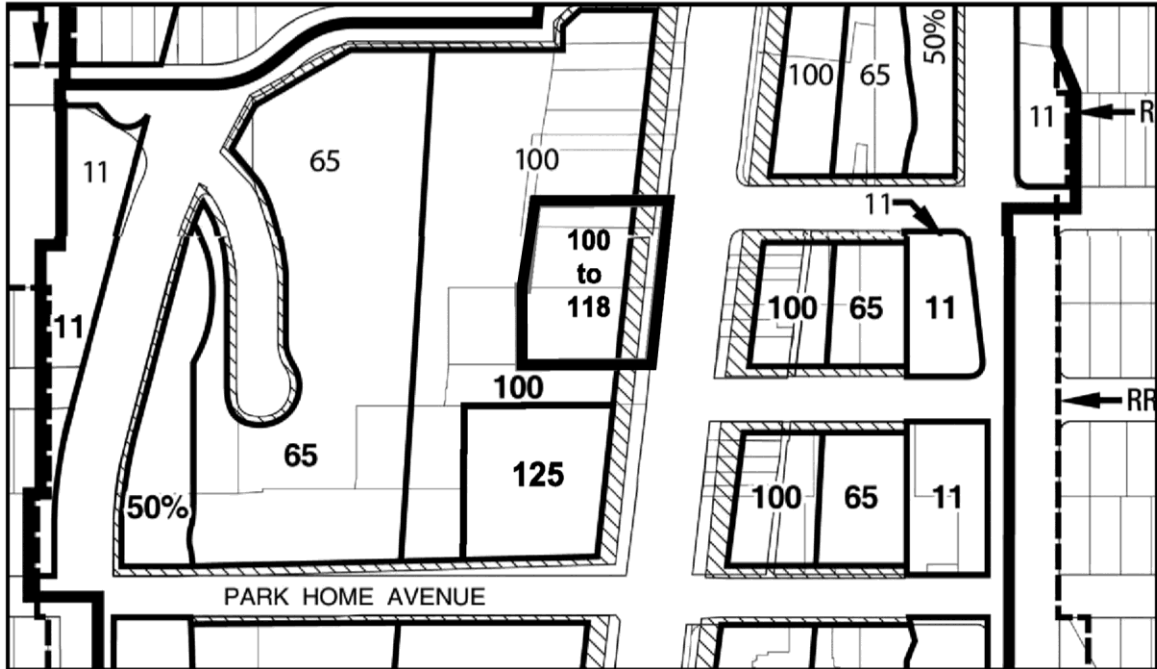
Clause 4

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 '3' attached.

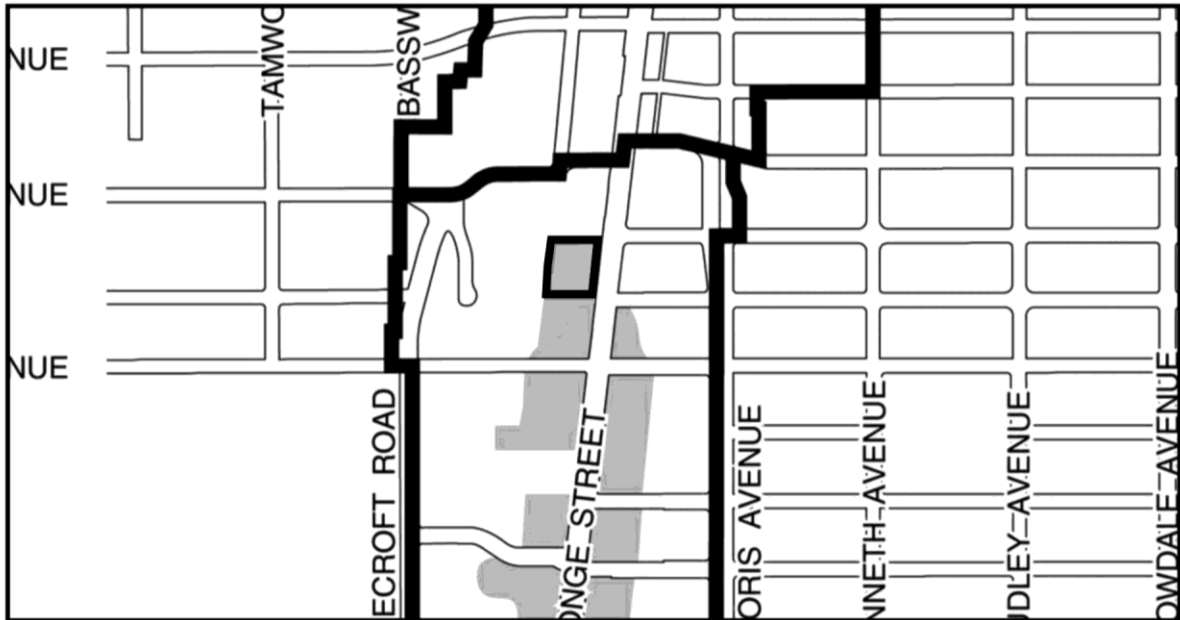
Clause 5

Figure 4.3.1 of Chapter Six, Section 8 (North York Centre Secondary Plan) titled "Long Range Development Levels" is amended to decrease the North York Centre South Non-Residential Gross Floor Area (and relevant totals) by 6,727 m² and to increase the North York Centre South Residential Gross Floor Area (and relevant totals) by 14,510 m².

SCHEDULE 1



SCHEDULE 2



- Secondary Plan Boundary
- Prime Frontage Areas

SCHEDULE 3



-  Secondary Plan Boundary
-  Site Specific Policy Areas*

Attachment 16 – Draft Zoning By-law Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands known municipally in the year 2013 as, 5182-5192, 5200 and 5218 Yonge Street

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

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

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

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

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York, as amended, are amended in accordance with Schedule 1 of this By-law.
2. Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
3. Section 64.20-A of By-law No. 7625, as amended, is further amended by adding the following subsection:

"64.20-A (216) RM6 (216)

DEFINITIONS

BICYCLE PARKING

- (a) For the purpose of this exception, "bicycle room" shall mean an indoor space that is designed and equipped for the purpose of parking and securing bicycles.

- (b) For the purpose of this exception, "bicycle parking space" shall mean:
- i) a bicycle parking space with a minimum vertical clearance of 1.9 m and minimum horizontal dimensions of 0.6 metres by 1.8 metres for bicycles parked in a horizontal position and 0.6 metres by 1.2 metres for bicycles parked in a vertical position and/or;
 - ii) a stacked bicycle parking space that is a horizontal bicycle parking space positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces with a minimum vertical dimension of at least 1.2 metres and minimum horizontal dimensions of at least 0.45 metres width and 1.8 metres length; and,
 - iii) a bicycle parking space or stacked bicycle parking space shall not be provided within a dwelling unit, balcony or commercial suite.

SOCIAL FACILITY SPACE

- (c) For the purpose of this exception, "social facility space" shall mean a space operated by a government or non-profit organization and used for community or cultural activities, including community based retail activities and uses accessory thereto. Retail activities shall mean community based-retail uses, such as; small-scale retail stores, food vendors, restaurants, take-out restaurants, and outdoor cafes in conjunction with a restaurant, that provide alternative retail or food options to those of mainstream commercial retailers and restaurants. In addition, uses such as; community meeting spaces, artist studios, child daycares and day nurseries are permitted.

COMMON OUTDOOR SPACE

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

ESTABLISHED GRADE

- (e) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 175.135 metres.

GROSS FLOOR AREA

- (f) 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, but excluding:

- (i) any part of the building used for mechanical floor area;
- (ii) any space in a parking garage below grade or on the first level above grade used exclusively for motor vehicle and bicycle parking and access thereto, including loading areas; and
- (iii) the floor area of unenclosed residential balconies.

INDOOR RECREATIONAL AMENITY AREA

- (g) For the purpose of this exception “indoor recreational amenity area” shall mean an area set aside for 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, which is common to all residents on the building.

MECHANICAL FLOOR AREA

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

NET SITE

- (i) For the purpose of this exception, "net site" shall mean the lands identified by Part of Lot 18 on Plan 64R-16374 and 64R-12093, comprising an area of 5,488.7 m².

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.

OUTDOOR RECREATIONAL AMENITY AREA

- (k) For the purposes of this exception, “outdoor recreational amenity area” shall mean an area(s) set aside for social and/or recreational purposes such as playgrounds, outdoor swimming pools and seating areas, which is common to all residents of the building.

(l) SALES OFFICE

For the purpose of this exception, "sales office" shall mean an office located on the site in a temporary or existing building, structure, facility or trailer satisfactory to the City's Chief Planner used exclusively for the purpose of selling or leasing the residential dwelling units or the non-residential gross floor area to be erected within the site.

PERMITTED USES

(m) The only permitted uses are:

RESIDENTIAL

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

NON-RESIDENTIAL

Retail and Service Commercial uses and Office uses including, adult education school, art galleries, automatic teller machines, bakeries, business offices, car share services, clinic, commercial and private schools, commercial galleries, commercial recreation facilities, custom workshops, day nurseries, dry-cleaning and laundry collecting establishments, financial institutions, fitness centers, information processing centres or facilities, outdoor cafes in conjunction with a restaurant, personal services shops, professional offices, professional medical offices, restaurant including take-out restaurants, retail stores (including grocery stores, supermarkets and pharmacies), sales office, social facility space, studios, theatres, and accessory uses thereto.

All non-residential uses, other than mechanical floor area, shall be restricted to the 4-storey base-building.

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA (PRIMARY GFA)

(n) Except as provided for in subsections (bb) and (cc) of this exception, the maximum gross floor area permitted on the net site shall not exceed 24,699.15 m² attributable to the gross site, of which a minimum of 5,575 square metres of non-residential gross floor area shall be provided.

NUMBER OF DWELLING UNITS

(o) The maximum number of dwelling units shall be 374.

BUILDING ENVELOPE

- (p) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule RM6 (216) 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.

BUILDING HEIGHT

- (q) The building height, measured from established grade, shall not exceed the maximum height in metres shown on Schedule RM6(216) excluding mechanical penthouses, parapets and other architectural features, mechanical equipment and other elements necessary for the functional operation of the building, and stairwells to access the roof.

NUMBER OF STOREYS

- (r) The number of storeys shall not exceed the maximum shown on Schedule RM6(216) excluding mechanical penthouses, parapets and other architectural features, mechanical equipment and other elements necessary for the functional operation of the building, and stairwells to access the roof and, except that a mezzanine may be located within the 1-storey portion of the building shown on Schedule RM6(216) in the area of the building adjacent to the publicly accessible open space as shown on Schedule RM6(216).

MOTOR VEHICLE PARKING

- (s) Motor vehicle parking spaces shall be provided within the net site in accordance with the following requirements:
 - (i) a minimum of 1.0 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit allocated for visitor use;
 - (ii) a maximum of 1.2 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit allocated for visitor use;
 - (iii) a minimum of 0.9 parking spaces per 100 m² of gross floor area allocated to non-residential uses;
 - (iv) a maximum of 1.13 parking spaces per 100 m² of gross floor area allocated to non-residential uses;

All motor vehicle parking spaces shall be located in an underground parking garage contained within the net site. Non-residential parking spaces and residential visitor parking spaces may be commingled and made available to the

general public, and a charge may be imposed for the use of such spaces. Resident parking spaces above the minimum requirements shall be provided with roughed-in conduits for electric vehicles.

BICYCLE PARKING

- (t) Bicycle parking shall be provided as follows:
- (i) For residential uses, a minimum of 0.8 occupant bicycle parking spaces and/or stacked bicycle parking spaces per dwelling unit and a minimum of 0.2 visitor bicycle parking spaces and/or stacked bicycle parking spaces per dwelling unit;
 - (ii) For commercial uses, a minimum of 0.2 occupant bicycle parking spaces and/or stacked bicycle parking spaces for each 100 square metres of gross floor area and the greater of 0.2 visitor bicycle parking spaces and/or stacked bicycle parking spaces for each 100 square metres of gross floor area or 6 bicycle parking spaces and/or stacked bicycle parking spaces; and
 - (iii) For retail uses, a minimum of 0.2 occupant bicycle parking spaces and/or stacked bicycle parking spaces for each 100 square metres of gross floor area and the greater of 0.3 visitor bicycle parking spaces and/or stacked bicycle parking spaces for each 100 square metres of gross floor area or 6 bicycle parking spaces and/or stacked bicycle parking spaces.
 - (iv) A minimum of thirty-seven (37) of the required residential bicycle parking spaces and a minimum of four (4) of the required commercial bicycle parking spaces shall be provided in one or more bicycle room(s) located on the ground floor accessible from the outside and such bicycle parking spaces shall meet the minimum dimensions required by Section 3 (b) i) Definition - Bicycle Parking of this by-law.

LOADING

- (u) A minimum of three (3) loading spaces shall be provided on the net site. Loading spaces shall have minimum dimensions as follows: one (1) loading space with minimum dimensions of 13.0 metres long, 4.0 metres wide and 6.1 metres high and two (2) loading spaces with minimum dimensions of 11.0 metres long, 3.5 metres wide and 4.0 metres high.

LOT COVERAGE

- (v) The maximum permitted building coverage shall be 60 percent of the net site.

INDOOR RECREATIONAL AMENITY AREA

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

OUTDOOR RECREATIONAL AMENITY AREA

- (x) A minimum of 1.2 square metres per dwelling unit of outdoor recreational amenity area shall be provided and may be located on a rooftop adjacent to the indoor residential amenity area.

COMMON OUTDOOR OPEN SPACE

- (y) A minimum of 549 square metres of common outdoor open space shall be provided within the net site and this may also include the area shown as publicly accessible open space on Schedule RM6 (216).

YARD SETBACKS

- (z) The minimum yard setbacks shall be as shown on Schedule RM6 (216).

PROVISIONS NOT APPLICABLE

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

SECTION 37 AGREEMENT

- (bb) The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to, the agreements referred to above shall provide for or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto in exchange for the increased density and height hereinafter set out:

- (i) a minimum of 1,268 square metres of street related retail and service commercial uses located on the ground floor along the Yonge Street frontage, and such area shall include street related retail and service commercial uses located at grade within 30 metres of the property line and that are directly accessible from the street;
- (ii) at grade bicycle room(s) containing a total minimum of 37 bicycle parking spaces for the residential uses and a minimum of 4 bicycle parking spaces for the commercial uses, located on the ground floor

accessible from the outside and having a minimum area of 85 square metres;

- (iii) a minimum of 1.5 square metres per dwelling unit of indoor recreational amenity space;
- (iv) a monetary contribution in the form of a certified cheque and satisfactory to the City, to fund 2,836 square metres of proposed gross floor area, toward the provision of public recreation centres and social facilities and/or the cost of constructing and furnishing such facilities 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 2,836 square metres of proposed gross floor area, as determined by the Director of Real Estate Services and provided to the City prior to the issuance of the first building permit;
- (v) the owner shall provide a minimum of 545 square metres of Social Facility Space to be used for City retail space and 52 square metres of Social Facility Space for the use of a community association to be determined in consultation with the Ward Councillor, fronting on an east-west publicly accessible open space, as shown on Schedule "RM6(216) 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, and all other owners and Condominium Corporation(s) having use of Common Facilities, 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 owners and commercial condominium units in the building, as detailed in the Section 37 Agreement;

- (4) the Social Facility Space is to be located adjacent to the publicly accessible open space, as shown on Schedule RM6 (216); and
 - (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 unit(s) is exempt from the calculation of gross floor area and four (4) times the gross floor area of the social facility unit(s) will be available as a density incentive.
- (vi) Upon condominium registration, the owner shall grant to the City for nominal consideration a non-exclusive surface easement for public pedestrian access over the northerly 7.0 m (approximate) of the project commencing at Yonge Street and extending approximately 55 metres to the west, being the publicly accessible open space as shown on Schedule "RM6 (216) provided:
- (1) the owner shall be responsible for constructing the publicly accessible open space in accordance with landscape plans and drawings to the satisfaction of the City of Toronto through the site plan approval process pursuant to Section 114 of the City of Toronto Act, 2006, c.11, as amended.
 - (2) following the grant of the easement, the owners of the private components of the proposed development and not the City shall be responsible for the maintenance and repair of the publicly accessible open space including the clearing of snow and ice, and indemnifying the City by insurance policy 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 open space, as detailed in the Section 37 Agreement; and
 - (3) the City shall have the right to program activities within the publicly accessible open space as detailed in the Section 37 Agreement.

ADDITIONAL GROSS FLOOR AREA (INCENTIVE GFA)

- (cc) Notwithstanding the maximum gross floor area of 24,699.15 m² set out in subsection (n) of this exception, additional gross floor area up to a maximum of 7,735 m² 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 (216), shall not exceed a total aggregate maximum of 32,434 square metres, limited to the following additional gross floor area:

- (i) a maximum of 1.5 square metres per dwelling unit of indoor recreational amenity area;
- (ii) a maximum of 1,268 square metres of street related retail and service commercial uses located on the ground floor along the Yonge Street frontage, and is to include street related retail and service commercial uses located at grade within 30 metres of the property lines, provided that the retail and service commercial uses are directly accessible from Yonge Street;
- (iii) a maximum 85 square metres for the provision of an at grade bicycle room(s) containing a total minimum of 37 bicycle parking spaces for the residential uses and a minimum of 4 bicycle parking spaces for the commercial uses, located on the ground floor easily accessible from the outside;
- (iv) a maximum 2,836 square metres for a monetary contribution in the form of a certified cheque and satisfactory to the City, toward the provision of public recreation centres and social facilities, and/or constructing and furnishing such facilities, 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;
- (v) a density incentive of a maximum of 2,180 square metres for the provision of a minimum of 545 square metres of Social Facility Space to the City fronting on an east-west publicly accessible open space as shown on Schedule "RM6 (216);
- (vi) a maximum of 545 square metres for the Social Facility Space to be provided;
- (vii) a density incentive of a maximum of 208 square metres for the provision of a minimum of 52 square metres of Social Facility Space to a community association to be determined in consultation with the local Councillor;
- (viii) a maximum of 52 square metres for the Social Facility Space to be provided.

SEVERANCE

- (dd) Notwithstanding any past or future severance, partition or division of the net site shown on Schedule "RM6 (216), the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred."

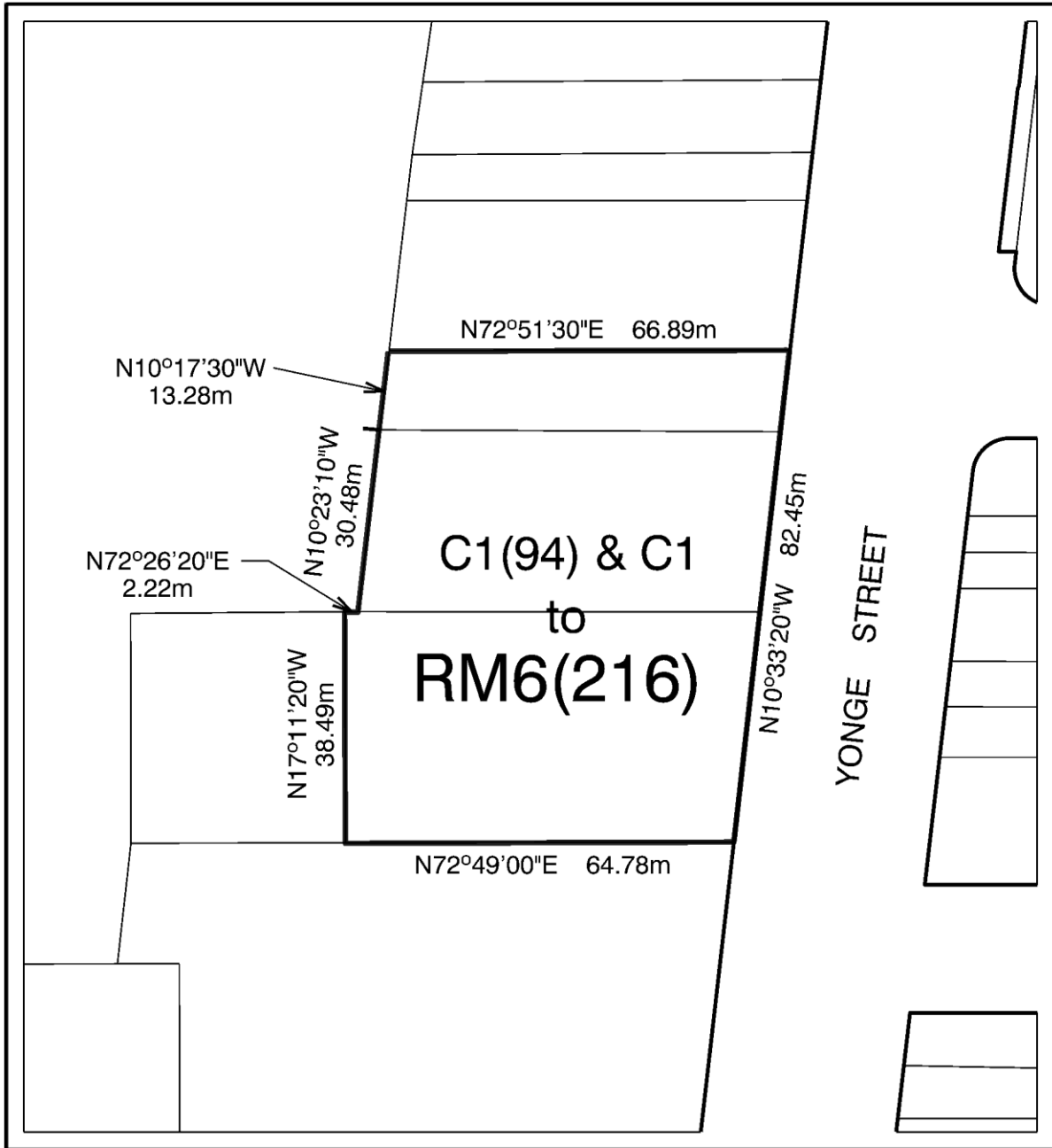
4. Section 64.20-A of By-law No. 7625, as amended, is further amended by adding Schedule RM6 (216) attached to this By-law.
5. Where any provision or Schedule of By-law No. 7625 of the former City of North York, as amended, conflicts with this By-law, this By-law shall prevail.

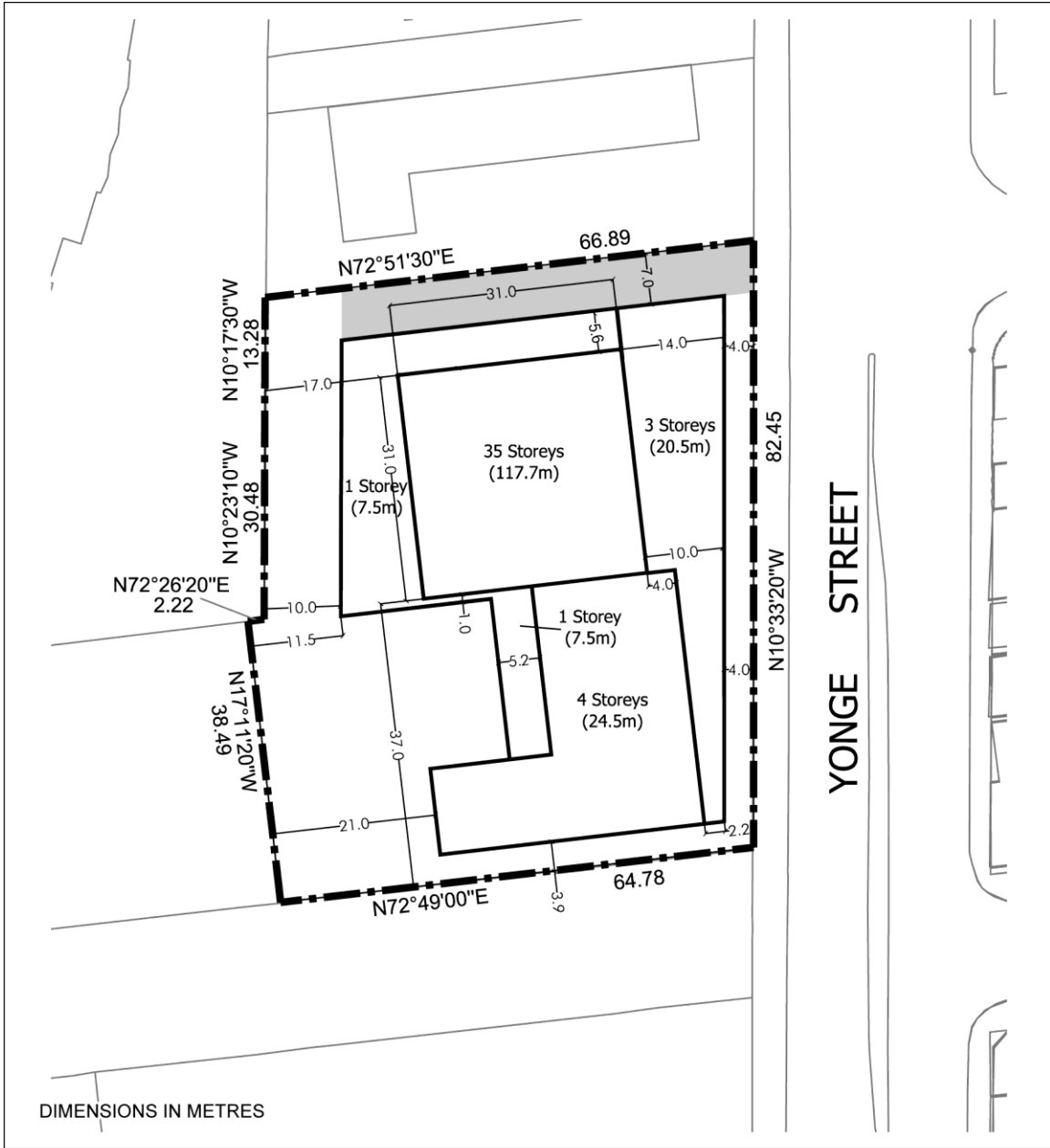
ENACTED AND PASSED this ___ day of _____, A.D. 2013.

ROB FORD,
WATKISS
Mayor

(Corporate Seal)

ULLI S.
City Clerk





Part of Lot 18, Con. 1, West of Yonge Street, City of Toronto
 R. Avis Surveying Inc.

 Publicly Accessible Open Space

File # 12 116291 23 0Z

Date: 05/30/2013
 Approved by: S. McAlpine


 Not to Scale

**Attachment 17 – Draft Terms and Conditions
Social Facility Space and Pedestrian Mews**

Key Principles

Social Facility Space

1. The Social Facility Space that gives rise to density incentives under the zoning by-law shall consist of a City Retail Space component having a useable area of not less than 545 sq m and a Community Space component having a useable area of not less than 52 sq m. In order to provide such facilities within the development proposal (the "Project") an area of not less than 677 sq m of freehold space shall be conveyed to the City, or as it directs. For the purposes of this Draft Terms and Conditions, the entire area of not less than 677 sq m is referred to as "Social Facility Space" and such area is comprised of:
 - a) not less than 445 sq m of useable space to be located on the ground floor of the Project adjacent to the Project's retail space and fronting on an east-west publicly accessible mews ("Pedestrian Mews");
 - b) an area of not less than 100 sq m to be located at the mezzanine level above the space described in a) above, for use as a public corridor and uses accessory to the area described in a) above, a portion of which may be improved with public washrooms to serve the occupants and visitors to the Social Facility Space, and part of which may be finished and left open to the area described in a) above;
 - c) an enclosed mechanical room having an area of approximately 80 sq m (the "Mechanical Room") to be located at the mezzanine level above the space described in a) above (which area is not eligible/included for the purposes of a density incentive under the policies of the North York Centre Secondary Plan;

For the purposes of this Draft Terms and Conditions, areas a), b) and c) above are together referred to as the "City Retail Space"; and

- d) an enclosed area not less than 52 sq m to be used for community space , which shall be located at the mezzanine level above the space described in a) above (the "Community Space").

All parts of the Social Facility Space will be supported by appropriate, commercially reasonable facilities to be located within the Project but outside of the Social Facility Space, to provide, as a minimum, access for functional servicing, deliveries, and repair of mechanical apparatus to and within the Social Facility Space, including the use of a service elevator, where necessary. A

passenger elevator within the Project will be available to provide access to the Community Space and other public areas of the mezzanine.

The City Retail Space and the Community Space will be able to operate independently of each other, will have separate legal descriptions and will be capable of being conveyed and owned separately.

2. The Social Facility Space will be separate and apart from the rest of the “Project” and have separate access points as agreed upon between the parties and in particular, with access from the City Retail Space on to the Pedestrian Mews. Each unit within the City Retail Space, and all washrooms to be used in conjunction with the Social Facility Space, will be handicapped accessible and constructed in accordance with the Ontario Building Code and City of Toronto accessibility standards.
3. The exterior of the Social Facility Space will be dealt with as part of the site plan approval process for the rest of the Project.
4. The interior of the Social Facility Space will be completed on a turn-key basis by the Owner based on design and finishings approved by the City and plans to be settled in a timely fashion so as to permit the completion of the rest of the Project. The Owner shall not charge any mark up or management fees whatsoever. The construction and finishing of the Social Facility Space to the City's specifications pursuant to the Finishing Plans shall be referred to herein as the “**Finishing Work**”. Details of the Finishing Work shall be spelled out in the s. 37 agreement when finalized. The City will work with the Owner's architect, engineering team and space design team to finalize plans, with the cost of such professionals to be paid by the Owner and included in the Finishing Work. In addition, the Owner shall be required to complete all required Base Building Improvements at its sole cost and expense to permit such Finishing Work to be implemented.
5. For the purposes of this Term Sheet, “**turn-key**” means Base Building Improvements plus the improvements to be undertaken by the Owner as contemplated herein. “**Base Building Improvements**” means: (i) basic improvements including, but not limited to, concrete floors finished with ceramic tiles, 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 and (ii) exterior building envelope. The Owner acknowledges and agrees to provide, at its cost, all washroom facilities to meet the requirements of the Social Facility Space. It is anticipated that in addition to the main washroom facility to be located at the mezzanine level as described in #1 above, there will be a handicapped accessible washroom at the ground level. Further, if the final design of the City Retail Space results in the requirement for further washroom facilities in accordance with Ontario Building Code standards, those too will be provided by the Owner. The finishing of the

areas located at the mezzanine level will be to operational standard as set out in the Secondary Plan.

Design Framework for the Social Facility Space

6. The design of the Social Facility Space will reflect the following considerations:
 - a) the City Retail Space referred to in section 1 (a) of these Draft Terms and Conditions may be divided into as many as 10 smaller units;
 - b) the uses of the units in the City Retail Space are yet to be determined. Design of the Finishing Work will allow for approximately 30% of the City Retail Space to accommodate intensive cooking use, 40% of the area to accommodate light cooking, and 30% with no cooking;
 - c) a fixed door will be required for each unit within the City Retail Space;
 - d) the City Retail Space will be served by an interior 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. The Owner shall provide at its sole cost the required containers and operational arrangements to be able to meet the City's waste diversion program, including organic waste disposal;
 - e) where possible, the units will be designed to have access/permeable walls in good weather by employing an overhead roll-up glass door that can open fully or alternative designs to achieve a similar objective;
 - f) the based building HVAC and electrical infrastructure will not be located within the Social Facility Space but will be supplied from the main building systems serving the complex as a whole. The mechanical room described in #1 above will house HVAC and electrical infrastructure required to service the improvements to the City Retail Space;
 - g) HVAC and electrical infrastructure serving the Community Space will be supplied through the main building systems.

Timing of Finalization of City Plans for the Social Facility Space

7. The Owner will provide notice to the City to commence the preparation of the plans and specifications for the Social Facility Space, once construction of the Project has reached ground level. The City will then have at least 2 years' before work will commence on finishing the Social Facility Space. The Owner will then provide a further minimum of 120 days' prior written notice that it intends to commence the base and/or finishing work for the Social Facility Space, during which time the plans and specifications for the Social Facility Space will be

finalized by the City and the Owner, working together, although the parties anticipate that by the time of issuance of the said 120 day notice, planning and design for the Social Facility Space will be well underway.

Warranties

8. The Owner shall provide a full covering warranty for all the base building systems, including mechanicals, and the Finishing Work, as well as all other construction related matters with respect to the Social Facility Space, for a one year period from the date of turnover of the finished Social Facility Space to the City.

Turnover

9. The Social Facility Space will be conveyed to the City, once the Base Building Improvements have been completed, as a freehold stratified fee simple interest, free of all encumbrances shortly after registration of the first condominium within the Project, and in any event prior to the condominium turnover meeting on a date to be agreed upon between the Owner and the City. The obligations to convey the Social Facility Space shall be secured by the provision of a letter of credit in the amount of \$1,200,000.00, which shall be released upon completion of the conveyance of the Social Facility Space.

Finishing Allowance LC

10. A letter of credit in the amount of \$1,200,000.00 representing approximately 125% of the costs of the City to complete the Finishing Work shall be posted with the City to secure the completion of the Finishing Work and released once the Finishing Work has been completed, all lien periods have expired and all remaining deficiencies have been rectified (it being understood that the Finishing Work LC can be reduced to a level to reflect the amount of the outstanding deficiencies).

Uses

11. The Social Facility Space may be used for any use that the City may decide in accordance will all permitted uses pursuant to the North York Centre Secondary Plan and the amending by-laws as amended from time to time. The s. 37 Agreement may provide for some reasonable restrictions on such uses where they conflict with the residential retail purpose of the Project, such as adult entertainment parlors, gambling, bingo halls, etc. It is understood that the Social Facility Space may be divided into smaller units to include restaurants, butcher shops, other craft stores and food and retail merchandise that are not a chain store that is a retail outlet, a retail franchise establishment or a chain restaurant with a national or regional presence.

Shared Facility Costs

12. The City, the residential condominium proposed within the Project, and the owner of the Project's retail component, will enter into one or more reciprocal cost-sharing agreements with respect to the equitable sharing of the costs relating to facilities within the Project which benefit the City Retail Space together with the private components of the Project, including the washrooms within the City Retail Space if they are accessible for use by Project visitors other than visitors to the City Retail Space. Only those shared facilities which directly benefit the City Retail Space will be the subject of the City's cost sharing responsibilities. There will be no operating costs allocated to or payable in respect of the Community Space.
13. Structural repairs to elements such as the roof of the garage over which the Pedestrian Mews is located will be the sole responsibility of the owners of the private components of the Project and not the City. The owners of the private components of the Project and not the City will be responsible for maintaining, repairing, replacing and operating the physical elements of the Pedestrian Mews, with the costs of maintaining, repairing, replacing and operating the physical elements of the Pedestrian Mews to be included in the reciprocal cost-sharing agreement.

Pedestrian Mews

14. It is acknowledged that the exterior area located between this Project and such development as may occur on the property to the north at 5220 Yonge Street will be constructed to allow for complementary pedestrian mews for each of the developments, with consistency of design and access, and will run approximately 7 metres along the northern boundary of the property commencing at Yonge Street and extending approximately 55 metres to the west. As a condition of its development approvals to permit construction of the Project, including site plan approval, the Owner and the owners of the private components of the Project, as may be applicable, will grant to the City a non-exclusive surface easement for public pedestrian access over the northerly 7.0 m (approximate) of the property commencing at Yonge Street and extending approximately 55 m to the west, together with an easement for the right to program and carry out related activities as described in #16 below within the Pedestrian Mews on terms and conditions satisfactory to the Chief Planner and the Chief Corporate Officer.
15. The Pedestrian Mews shall be designed in accordance with the conditions of site plan approval for the Project. The Owner shall be responsible for constructing the Pedestrian Mews entirely at the Owner's own cost and to the satisfaction of the Chief Planner and the Chief Corporate Officer in accordance with the approved design, which may include decorative paving, removable planters and trees, public seating, attractive railings.
16. The City shall have reasonable use of the Pedestrian 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, all of which will be undertaken in compliance with the City's Noise By-law. The Condominium Corporation shall also have the right to program events on the Pedestrian Mews. The City and the owners of the private components of the Project will establish a protocol for the coordination and booking of events involving the Pedestrian Mews, it being understood and agreed that the City's programming shall have priority.

17. The City shall, at its sole cost and expense, obtain and maintain general liability and property damage insurance in respect of its activities and programming with respect to the Pedestrian Mews. The City shall indemnify the owners of the private components of the Project from all losses, damages and costs which such parties may become liable to arising from the City's activities and programming with respect thereto.

Right of First Offer

18. The s. 37 Agreement shall provide for a right of first offer in the event that the City wishes to sell the City Retail Space or the entire Social Facility Space to a third party (non-municipal related party or organization). The City shall advise the Owner of the terms of the proposed offer and the Owner shall be given 5 business days to agree to enter into a purchase agreement on the proposed terms, failing which, the City shall be free to sell the City Retail Space or the Social Facility Space to third parties at a price that is no less than 90 per cent of the offered price, without having to offer the Owner the opportunity to purchase the City Retail Space or the Social Facility Space.