

TORONTO STAFF REPORT

August 29, 2006

To: North York Community Council

From: Director, Community Planning, North York District

Subject: Final Report
Rezoning Application 03 035345 NNY 23 OZ
Site Plan Control Application 05 144186 NNY 23 SA
Applicant: Eminent Construction Limited
Architect: Burka Varacalli Architects
5435 Yonge Street
Portion of lands east of Yonge Street between Byng Avenue and Church Avenue,
and lands at 32 and 38 Byng Avenue and 31 Olive Avenue
Ward 23 - Willowdale

Purpose:

This report reviews and recommends approval of an application to amend the Zoning By-law and for site plan approval for a 30-storey residential and commercial building, and an 8-storey seniors' residential and commercial building, on the east side of Yonge Street south of Byng Avenue.

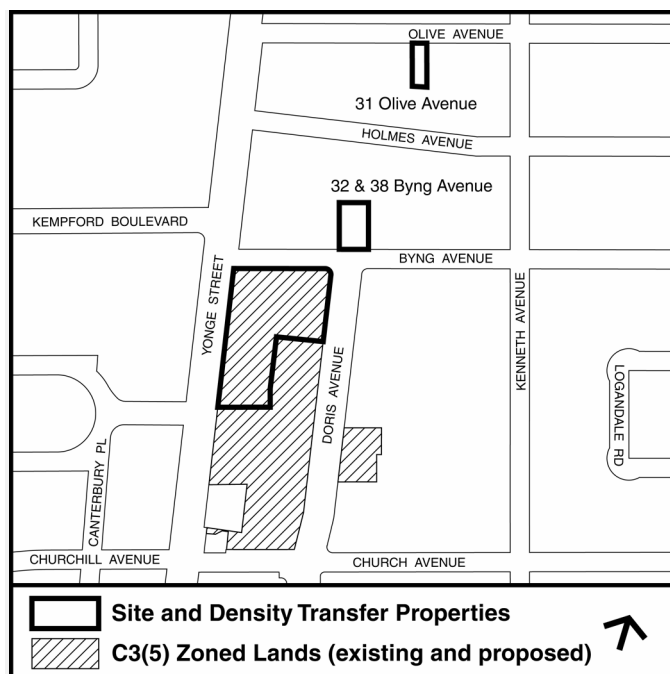
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6.
- (2) authorize the City Solicitor to make such stylistic, technical and



other changes to the draft Zoning By-law Amendment as may be required to give effect to the intent of this Report.

- (3) before introducing the necessary Bills to City Council for enactment, require the owner to:
- (a) enter into a section 37 Agreement with the City, to the satisfaction of the City Solicitor, to provide or fund the following facilities, services and/or matters:
 - (i) lands with a total area of 743 m² (known municipally as 32 Byng Avenue) for the North York Centre Service Road and associated buffer area, to be conveyed to the City for a nominal sum and free and clear of structures and encumbrances, to the satisfaction of the City Solicitor, within 30 days of the site-specific zoning by-law for the project coming into full force and effect;
 - (ii) lands with a total area of 743 m² (known municipally as 38 Byng Avenue) for the North York Centre Service Road and associated buffer area, to be conveyed to the City for a nominal sum and free and clear of structures and encumbrances, to the satisfaction of the City Solicitor, within 30 days of the site-specific zoning by-law for the project coming into full force and effect;
 - (iii) lands with a total area of 694 m² (known municipally as 31 Olive Avenue) for the North York Centre Service Road and associated buffer area, to be conveyed to the City for a nominal sum and free and clear of structures and encumbrances, to the satisfaction of the City Solicitor, within 30 days of the site-specific zoning by-law for the project coming into full force and effect;
 - (iv) a monetary contribution toward the cost of land acquisition for the North York Centre Service Road and associated road network or buffer areas and/or the cost of constructing and furnishing a public recreational centre or social facility serving the North York Centre, for the proposed 16,903 m² density, to be provided in the form of an irrevocable letter of credit within 10 days of the conveyance of 31 Olive Avenue and 32 and 38 Byng Avenue by the owner to the City, which the owner shall replace with a certified cheque within 10 days of the conveyance of the existing public lane by the City to the owner, which public lane is located on the property and which is directly perpendicular to Byng Avenue;
 - (v) a total of 315 m² of bicycle storage space to be provided within the buildings on the site;
 - (vi) a public art contribution in the amount of \$300,000.00 for a public art programme to be provided on-site and/or on public lands adjacent to the

site. The Owner shall submit to the City a public art plan for the site and obtain approval by the Chief Planner or designate in consultation with the Toronto Public Art Commission prior to the issuance of the first building permit for the first building, or shall in lieu thereof, deposit the entire public art obligation in respect of that building permit with the City;

- (vii) public access to be provided over the landscaped open space lands at the southwest corner of Byng Avenue and Doris Avenue, the pathway along the south side of the driveway connecting with Doris Avenue and across the driveway connecting to the landscaped open space lands, the midblock connection between Yonge Street and the interior courtyard of the development, referred to as the Breezeway, and the public access lands located along the east side of Yonge Street on the property located 2.5 metres from the main building face of the podiums along Yonge Street, all as generally shown on Attachment 4;
 - (viii) a financial security in the form of a certified cheque or letter of credit to fund proposed future landscape improvements at the southeast corner of Yonge Street and Byng Avenue, to be installed following the City's future realignment of the intersection in accordance with the Uptown Service Road Environmental Study Report, the maintenance of such landscape improvement which shall be the responsibility of the owner, and the City shall provide an indemnification to the owner against all costs and liabilities associated with occupation of the City road allowance for this purpose that do not result from the negligence of the owner;
 - (ix) a Construction Management Plan, to the satisfaction of the Executive Director, Technical Services, prior to the issuance of any demolition permit in relation to the site; and
 - (x) a report assessing the affordable housing component for the entire C3(5) site based on unit size, for the approval of the Chief Planner and Executive Director, prior to the issuance of any above-grade building permit for the proposed development.
- (b) have provided a written undertaking in a form satisfactory to the City Solicitor, that upon the site-specific zoning by-law amendment described in this report coming into effect, the applicant's appeal of the new Toronto Official Plan as it relates to a portion of this site, be withdrawn.
- (4) approve in principle the Site Plan Control Application as indicated on the drawings and subject to the conditions of approval listed in Attachment 7 subject to stylistic and technical changes.

- (5) authorize the Chief Planner and Executive Director or his designate to give final approval to the Site Plan Control Application once the conditions to be satisfied prior to Site Plan Control Approval set out in Attachment 7 of this report have been fulfilled.

Background:

Proposal

The proposed development consists of a 30-storey, 308-unit residential building at the southeast corner of Yonge Street and Byng Avenue and an 8-storey, 112-unit seniors' residential building at the northeast corner of Yonge Street and Northtown Way. The proposed 30-storey building is to have grade-related retail and service commercial uses fronting on Yonge Street and on Byng Avenue, and second floor commercial uses and common indoor amenity space. The proposed 8-storey seniors building is also to have ground level commercial uses fronting on Yonge Street.

The proposed density of the project is approximately 4.5 FSI (including permitted incentives). The total proposed gross floor area of the two buildings is approximately 47,154 m². The applicant advises that the seniors' building is to be a rental building and that the 30-storey residential building and the commercial units are to be registered as a condominium in the future.

The proposal includes the conveyance of three properties (32 and 38 Byng Avenue and 31 Olive Avenue) to the City for North York Centre Service Road and related buffer area purposes, with the density from these lands to be transferred to the development site in accordance with provisions in the Secondary Plan. The applicant also wishes to purchase from the City an existing public lane running south from Byng Avenue, which the City has declared surplus to its requirements, and incorporate these lands into the development.

Vehicular access to the proposed 30-storey building is via Doris Avenue. Vehicular access to the proposed 8-storey building is via an existing driveway connecting with Northtown Way which also serves an existing 30-storey building on the west side of Doris Avenue. In total, 466 parking spaces are to serve the residential and commercial uses for the two proposed buildings. (Please see Attachment 5, Application Data Sheet for further details).

The proposal also includes public access over a midblock connection between Yonge Street and the rear courtyard of the project, along the driveway from Doris Avenue, and throughout the privately owned, publicly accessible open space area proposed at the southwest corner of Byng Avenue and Doris Avenue.

Site History

The proposal represents the last phase of development of the former Northtown Plaza, which once occupied most of the lands generally south of Byng Avenue and north of Church Avenue, between Yonge Street and Kenneth Avenue. The proposed development is to be located on the portion of the Northtown lands west of Doris Avenue, between Byng Avenue and Northtown Way, the majority of which are zoned C3(5) and which were subject to site-specific zoning by-

laws enacted in 1993, 1997 and 2002. The applicant has more recently acquired additional lands at the corner of Yonge Street and Byng Avenue, which they propose to add to the C3(5) zone.

The most recent approval related to the Northtown site, in 2002, was for the 30-storey building at the northwest corner of Doris Avenue and Northtown Way, and also included approval for a 3-storey building and underground parking along Yonge Street at the location of the currently proposed 8-storey seniors' building.

Site and Surrounding Area

The lands at the southeast corner of Yonge Street and Byng Avenue, where the 30-storey building is proposed, are currently developed with one and two storey commercial uses, their associated parking areas, and a public lane running south from Byng Avenue, which is proposed to be closed. The proposed 8-storey seniors' building lands have three-level underground parking facility that was constructed as part of the previously approved (but not built) 3-storey building on those lands. The balance of the larger Northtown site is developed with a range of multiple residential and commercial uses.

Surrounding land uses are as follows:

North: the future proposed Service Road extension along Byng Avenue (to be realigned at the Yonge Street, Byng Avenue and Kempford Boulevard intersection). Across Byng Avenue are 1 and 2 storey commercial buildings fronting on the east side of Yonge Street, and a 14-storey residential building on Byng Avenue;

South: existing multiple storey residential buildings (26 to 30 storeys) with grade-related retail uses at 5, 10 and 15 Northtown Way;

East: Doris Avenue, and across Doris Avenue is a 22-storey residential building at the southeast corner of Doris Avenue and Byng Avenue, Northtown Park, and an 18-storey residential building south of the park; and

West: Yonge Street, and on the west side of Yonge Street between Horsham Avenue and Kempford Boulevard are residential buildings with heights of 14 storeys, 21 storeys and 22 storeys, and grade related commercial uses.

Official Plan

On July 6, 2006, the Ontario Municipal Board issued Order No. 1928, bringing the majority of the new Official Plan into force and effect, including the North York Centre Secondary Plan which had been carried forward into the new Official Plan. The Order also repealed most of the policies of the City of North York Official Plan and Metro Plan that were previously in effect. However, the Order did not bring into force the new Plan policies related to Section 37, Housing and the flood plain "Special Policy Areas". Policies of the City of North York Official Plan and Metro Plan respecting these three policy areas remain in effect.

In addition, the OMB did not bring the new Plan into force for those lands subject to applications that were under appeal to the OMB as of July 6, 2006, the approval date. Because the applicant had appealed the policies of the new Official Plan in relation to the Northtown lands, the North York Centre Secondary Plan of the (former) North York Official Plan is still in effect for these lands until such time as the appeal may be withdrawn. It is recommended that prior to City Council's enactment of any site-specific zoning by-law for this development, the applicant provide an undertaking to withdraw their appeal of the new Official Plan in relation to this site.

The North York Centre Secondary Plan that is in force with respect to the subject lands designates the portion of the Northtown site west of Doris Avenue Uptown Residential-1 (excluding the parcels of land at Yonge Street and Byng Avenue which the applicant acquired more recently and which are designated Mixed Use Area G in the new Official Plan, with the same Secondary Plan provisions). These designations permit the proposed residential use, and commercial uses up to 20% of the proposed gross floor area. The maximum permitted density is 3.75 FSI (a maximum of 5.0 FSI with permitted Secondary Plan incentives and transfers). The maximum permitted height is 87 m. The Secondary Plan contains additional policies related to matters including built form, urban design and transportation.

The Secondary Plan also contains site-specific policies and a general concept plan for the Northtown site. The site-specific policies have been addressed through previous phases of development of the Northtown lands and are related to matters that included the relocation of the former grocery store on the lands, the transfer of density from that portion of the former plaza site east of Kenneth Avenue, and the securing of lands for the Service Road and for public park purposes.

Upon the new Official Plan coming into effect as it pertains to this site, the portion of the site located west of Doris Avenue is to be designated Mixed Use Area G by the North York Centre Secondary Plan, with the same provisions as the in-force Secondary Plan. No amendments to the North York Centre Secondary Plan in the new Official Plan would be required.

The lands proposed to be conveyed to the City for Service Road and associated buffer area purposes are designated Mixed Use Area G (32 & 38 Byng Avenue) and Mixed Use Area H (31 Olive Avenue) and are identified in the Secondary Plan as being required for the Service Road and Associated Road Network and Buffer Area.

Zoning

The site is zoned C3(5) under the former City of North York Zoning By-law 7625, which has been amended as earlier phases of the Northtown development have progressed. The additional properties to be added to the site and incorporated into a revised C3(5) zoning are currently zoned C1 (at Yonge Street and Byng Avenue) and R4 (along the Byng Avenue frontage).

The 32 and 38 Byng Avenue and 31 Olive Avenue properties are currently zoned R4, which permits single detached houses (see Attachment 3, Zoning Map).

Site Plan Control

The applicant is seeking Site Plan Control Approval for the project. It is recommended that the Site Plan Control Application be approved in principle, subject to the conditions of approval listed in Attachment 7. The site plan agreement for this proposal may be required to amend or supersede existing site plan agreements in relation to the Northtown site.

Reasons for the Application

The proposed rezoning would incorporate additional lands in the northwest corner of the subject site into the C3(5) zone and would update the site-specific C3(5) zoning standards for the proposed 30-storey and 8-storey residential buildings that are to also include a commercial component. The proposed rezoning would also transfer densities from 32 and 38 Byng Avenue and 31 Olive Avenue to the development site, as these lands are to be conveyed to the City for Service Road purposes.

Community Consultation

A Community Consultation Meeting was held on September 21, 2005. Approximately 40 members of the public attended, along with the Ward Councillor, City Planning and Transportation Services staff, and the applicant and their representatives. Written comments have also been provided to Planning staff. The comments provided in relation to the proposal, which have been considered in the review of this application, are generally related to the following matters:

- building height;
- sunlight and views for residential buildings across Byng Avenue and Doris Avenue;
- traffic, and completion and timing of Service Road improvements;
- adequacy of proposed parking for the residential, visitor and retail components;
- access to and maintenance of proposed open space lands at Byng and Doris Avenues;
- the desire for larger retail frontages for the commercial component;
- construction impacts; and
- the provision of services including schools and access by emergency vehicles.

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:

Land Use and Density

Upon approval of the current proposal, the total density of the C3(5) zoned area of the phased project would be approximately 4.5 FSI (including incentives and transfers). The proposed development conforms with the land use mix, density, and density incentive provisions of the

Secondary Plan. The Secondary Plan allows a maximum permitted density of 5.0 FSI (including incentives and transfers).

Density Incentives

Included in the applicant's incentives for this final stage of the Northtown development are: transfers of density from 32 and 38 Byng Avenue and 31 Olive Avenue; a monetary contribution toward the City's acquisition of lands for the Service Road and/or toward the construction of a public recreational centre servicing the North York Centre; indoor recreational amenity space; and bicycle storage space.

Previous phases of development of the Northtown lands resulted in the City obtaining from the developer certain lands necessary for the Doris Avenue Service Road, including its extension from Church Avenue up to Byng Avenue. With the conveyance of the three proposed properties to the City in exchange for a density transfer to the site, the City will have all the lands it requires to complete the segment of Doris Avenue between Byng Avenue and Finch Avenue West. Construction of this link is expected to begin shortly after the lands are conveyed to the City.

Within the context of the North York Centre North/ Uptown area, City staff in each of the Transportation Services Division and the Parks, Forestry and Recreation Division recognize that securing funds for further expansion of the Service Road network, as well as securing funds for the future construction of a public recreational centre or social facility serving the North York Centre area, are both priorities.

At the current time, both initiatives are currently underway to improve these services to the North York Centre North/ Uptown area. Within this area, the City's acquisition of remaining Service Road properties will allow the City to continue to achieve the Uptown Service Road network, and will ultimately allow for a better distribution of traffic over the Service Road network both east and west of Yonge Street. In terms of public recreational facilities, the City is currently assembling funds to develop a new facility at the location of the existing Edithvale Community Centre.

At this time, the monetary contribution arising from the proposed development could be allocated to both priorities in the North York Centre North/ Uptown area.

Master Site Plan

The Master Site Plan for the site of the former Northtown Plaza, dating back to 1993, was intended to ensure that appropriate scale, massing and distribution of density would occur on the entire site, as the development was to be phased over a number of years. The Master Site Plan had originally contemplated four buildings in the northwest quadrant of the former Northtown Plaza site, including a 16-storey building at the southwest corner of Byng Avenue and Doris Avenue.

Since its original formulation, the conceptual building arrangement and massing of the Master Site Plan have been modified. The previous zoning approval in 2002 resulted in permission for a

30-storey building at the southwest corner of Doris Avenue and Northtown Way, a 3-storey building in the location of the proposed seniors' building, and a privately owned open space area at the corner of Byng Avenue and Doris Avenue. At that time, the opportunity was identified for a future building at the southeast corner of Yonge Street and Byng Avenue, possibly of 15 storeys based on 3.75 FSI base density permission (without incentives) in the Secondary Plan. At that time, the developer did not own certain lots at the Yonge/ Byng intersection.

The rezoning application for the current project was originally submitted in 2003, and at that time the applicant had proposed the development of a 28-storey residential building at the southwest corner of Byng Avenue and Doris Avenue and a 6-storey residential building at the northeast corner of Yonge Street and Northtown Way. The applicant subsequently acquired additional lands at Yonge Street and Byng Avenue, and in 2005 revised their application to relocate the proposed tower (increased from 28 to 30 storeys) to the Yonge Street frontage. The Master Site Plan had originally provided for a 28-storey building in this location.

The location of the proposed larger building at the Yonge/ Byng intersection has allowed a privately-owned, publicly accessible landscaped open space area to be provided at the southwest corner of Byng Avenue and Doris Avenue where an open space feature was contemplated in the previous development phase. The proposed 30-storey building includes a 2-storey component consisting of grade-oriented residential units framing, and providing definition and overlook to, the proposed landscaped open space area.

Built Form and Streetscape

The Secondary Plan encourages height, massing and intensity of buildings to be focused along Yonge Street. The proposed development represents the most logical build-out of this final phase in relation to the built context of the surrounding area and is an appropriate modification to the Master Site Plan.

Along Yonge Street, a 2 to 3 storey podium, which includes at-grade retail units fronting on Yonge Street and wrapping around onto Byng Avenue, extends the Yonge Street base condition of the existing buildings located south of Northtown Way. The development provides this extended base condition along the public frontages, allowing for active pedestrian-oriented uses, while containing servicing functions such as loading and drop-off areas within the interior courtyard space. Canopies are proposed along the Yonge Street and Byng Avenue frontages to provide weather protection for pedestrians.

In order to provide for a variety of retail frontages and to secure active uses at-grade, the attached draft zoning by-law recommends maximum retail unit widths of 14 m, minimum retail unit widths for the three retail units proposed in key locations being the corner of Yonge and Byng and either side of the midblock connection, and recommends that the grade-level commercial units be limited to active uses.

Between the 30-storey building and the seniors' building, an at-grade, pedestrian midblock connection from Yonge Street through to the interior courtyard of the project is proposed.

The location and massing of the proposed 30-storey tower at the corner of Yonge Street and Byng Avenue, which is to be built on a 2-storey podium, minimize potential light, view and privacy impacts on surrounding properties to within limits that are acceptable for the North York Centre context.

At 8 storeys, the proposed seniors' building provides for separation between the existing 30-storey building to the east and the existing 22-storey building on the west side of Yonge Street, and between the proposed 30-storey building to the north and the existing 28-storey building to the south across Northtown Way.

The proposal complies with the built form provisions of the Secondary Plan. The proposed tower is within the 87 m height limit of the Secondary Plan. The two-storey connection between the two proposed buildings, together with the 8-storey seniors' building, comprise approximately two-thirds of the Yonge Street frontage of the proposed development and meet the Secondary Plan design requirement of a maximum 25 m height at the street frontage. The proposed 30-storey tower, which occupies approximately one-third of the frontage of the development, exhibits a strong cornice line above the second storey base and together these elements achieve the required pedestrian street wall conditions along Yonge Street.

The applicant has provided sun/shadow studies and a wind study, which have been reviewed by staff and are acceptable.

Streetscape enhancements in the form of new tree plantings and enhanced paving treatment are proposed along the Yonge Street, Byng Avenue, and Northtown Way frontages of the project.

The applicant proposes to meet LEEDS standards for environmental sustainability for the 30-storey building. Additional green features are proposed for the adjacent landscaped open space at the corner of Byng Avenue and Doris Avenue.

Access, Parking and Servicing

Vehicular access to the proposed 30-storey building at Yonge Street and Byng Avenue is via a new driveway connecting with Doris Avenue. Three underground parking levels are proposed, which are to provide a total of 412 parking spaces for this building (including parking for residents, visitors, and commercial/ retail parking). Vehicular access to the proposed 8-storey building is via Northtown Way and the existing parking ramp that also services 10 Northtown Way (the Grand Triomphe condominium). In total, three underground parking levels are to provide 54 parking spaces to serve the seniors' building. The parking supply meets the requirements of the North York Centre Parking Policy.

The proposed 30-storey building and 8-storey building are to have separate loading facilities within the interior courtyard space. An interior commercial servicing corridor is proposed at the rear of the buildings and provides access to the loading and garbage storage areas.

Traffic

A Traffic Impact Study and Traffic Certification prepared by Lea Consulting have been submitted on behalf of the applicant, in accordance with the North York Centre Secondary Plan, and are acceptable to the Transportation Services and Technical Services Divisions. The review of the study and details of the findings are contained in Attachment 8.

Parkland Dedication

The site-specific policies of the Secondary Plan contain a provision stating that the parkland which has been dedicated to the City or secured on or before December 16, 1999, satisfies all requirements for the provision of parks on the subject lands pursuant to the Secondary Plan and/or the Planning Act. Any additional required cash-in-lieu of parkland will be based on the additional lands more recently acquired by the applicant close to the Yonge/ Byng intersection and consolidated with the current proposal.

The Parks, Forestry and Recreation Division recommends that the applicant provide to the City a letter of credit as security for the required off-site parkland dedication in relation to the increased site area. The amount of the letter of credit will be determined by the Real Estate Services Section of Corporate Services and the City will hold the letter of credit until an appropriate location for the off-site parkland dedication can be identified and acquired.

Landscaped Open Space

As part of the development the applicant proposes to provide a network of open spaces which, although privately owned, are to provide public access. This network includes a midblock pedestrian connection from Yonge Street through to the interior courtyard of the project, a landscaped open space area at the southwest corner of Byng Avenue and Doris Avenue, and a pedestrian route connecting the two.

The proposed midblock pedestrian connection from Yonge Street is located at grade level and extends below second floor commercial uses into the interior courtyard. It is 5 m wide and is to be located approximately half way between Byng Avenue and Northtown Way. It is intended to provide for an additional, alternative pedestrian route between Yonge Street and Doris Avenue, breaking up a long development block.

The applicant proposes to provide a privately owned, publicly accessible landscaped open space area at the southwest corner of Byng Avenue and Doris Avenue. The proposed 2-storey townhouses are to front onto and frame this open space area. The open space will provide a setting for buildings on the block and across Byng and Doris Avenues. The proposed open space area is also to contain a children's playground.

The applicant has agreed to provide open public access over all of the open space lands at the Byng and Doris corner, along the midblock connection to Yonge Street, and along the driveway connecting the two. As a pedestrian it will therefore be possible to connect from Yonge Street through to the open space lands on the west side of Doris Avenue. It is recommended that the

proposed public access be secured as part of the section 37 agreement to be registered on title (see Attachment 4, showing locations of proposed public access).

An additional landscape feature is proposed at the southeast corner of Yonge Street and Byng Avenue. As part of the Uptown Service Road Environmental Study Report, it is expected that in the future Byng Avenue will be realigned slightly northward from its existing location in order to line up with Kempford Avenue on the west side of Yonge Street. The applicant has provided a design for a future landscape feature at the southeast corner of Yonge Street and Byng Avenue adjacent to the site, on lands that now comprise a portion of Byng Avenue. This landscape treatment is to be secured as part of the section 37 agreement. It is recommended that the final design of both the Byng/ Doris open space lands and the Yonge/ Byng landscape feature be secured prior to final site plan approval.

Urban Forestry Services

There are no existing private trees that qualify for protection under the City's private tree by-law. The applicant is proposing to plant new trees in City boulevards adjacent to the site along Yonge Street and Byng Avenue. The applicant is to provide the necessary financial guarantees to the satisfaction of the General Manager of Parks, Forestry and Recreation, which are to be secured as a condition of Site Plan Approval (see Attachment 8).

Public Art

The North York Centre Secondary Plan encourages the provision of public art. The applicant has agreed to an on-site public art program in the amount of \$300,000.00. The programme is to be developed through a Public Art Plan and the Toronto Public Art Commission. It is recommended that the public art contribution be secured prior to the issuance of the first building permit for the development, and formalized as part of the section 37 agreement.

Construction Access

To address concerns related to construction access and potential construction impacts, it is recommended that the developer submit to and have approved by the Executive Director, Technical Services, a Construction Management Plan, prior to the issuance of any demolition permit on the development site. This requirement is to be secured in the section 37 agreement.

School Boards

The proposal was circulated to the Toronto District School Board and the Toronto Catholic District School Board. The School Boards have requested signage to be posted, and warning clauses in any agreements of purchase and sale, advising of local school accommodation (see Attachment 8).

Affordable Housing

The existing section 37 agreement registered on title for the Northtown lands requires the owner to provide the City with a report assessing the affordable housing component for the entire site, for City Planning approval, prior to the issuance of a building permit for the residential space defined in the agreement. In order to ensure that 25% of the units on the entire project are intrinsically affordable units, this provision will also apply to the proposed development and is to be secured in the section 37 agreement. The affordability criterion is based on unit size.

Development Charges

It is estimated that the Development Charges for the proposed 30-storey building will be approximately \$1,672,000.00. This is an estimate. The actual charge is assessed and collected upon issuance of the Building Permit.

Conclusions:

The proposed 30-storey residential building and 8-storey seniors' residential building, both of which are to contain grade-related retail commercial uses and which are to be connected by a two-storey podium, represent an appropriate development for the final phase of the Northtown block west of Doris Avenue. The proposed zoning is in conformity with the Secondary Plan including the land use mix, density and density incentives, height, and built form. Planning staff recommend approval of the proposed zoning amendment and site plan control applications, subject to the conditions noted above.

This proposal is the final phase of the development of the former Northtown Plaza lands, which once occupied the majority of the lands between Yonge Street and Kenneth Avenue, and between Church Avenue and Byng Avenue. This multiple phase project has been built out over the past 13 years as a major redevelopment initiative in the north part of the North York Centre planning area.

Contact:

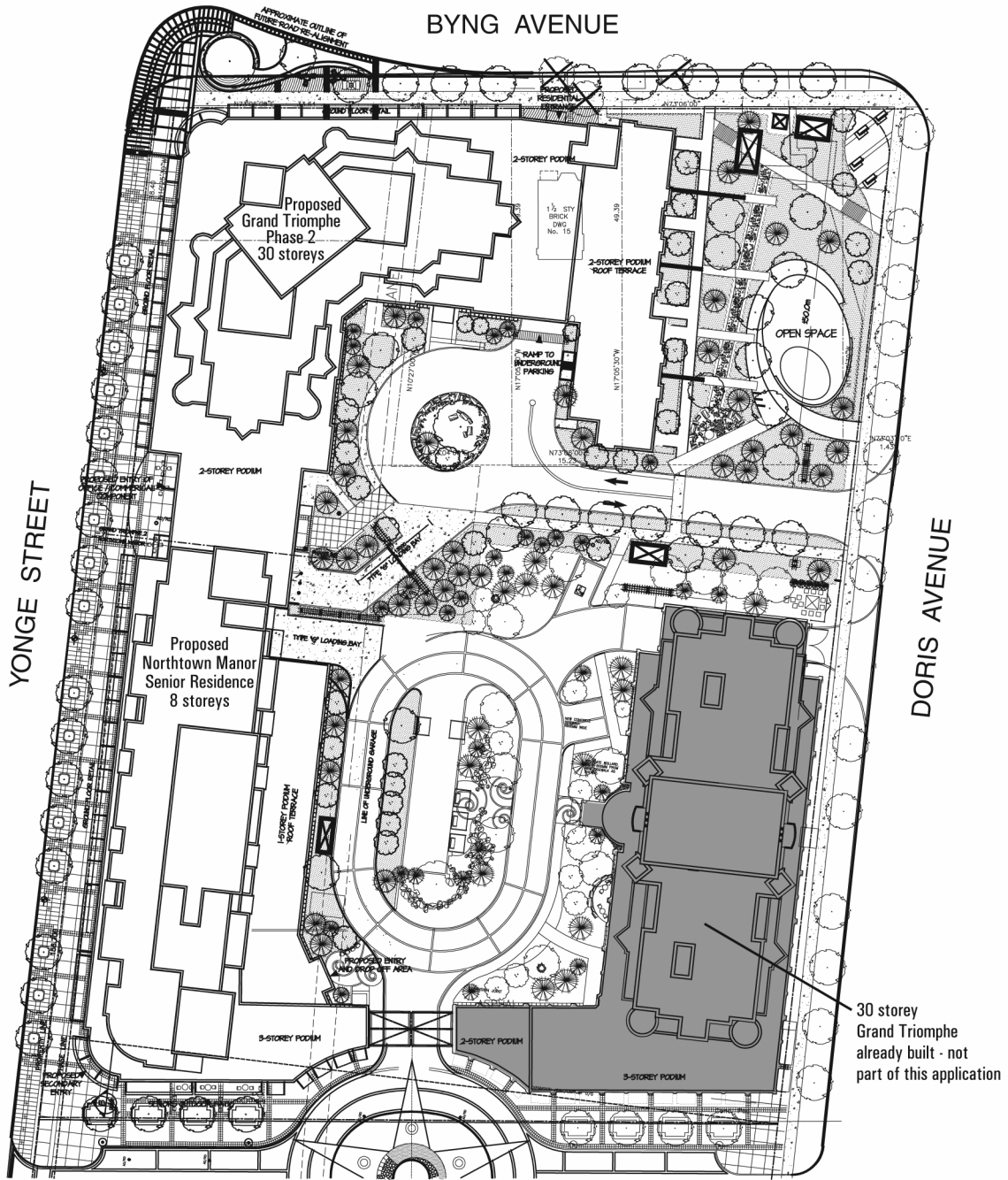
Catherine Cieply, Senior Planner
416 395 7109 (phone)
416 395 7155 (fax)
Email: ccieply@toronto.ca

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

List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Elevations
- Attachment 3: Zoning
- Attachment 4: Right of Public Access
- Attachment 5: Application Data Sheet
- Attachment 6: Draft Zoning By-law Amendment
- Attachment 7: Site Plan Control Approval Conditions
- Attachment 8: Circulation Comments

Attachment 1: Site Plan



Site Plan

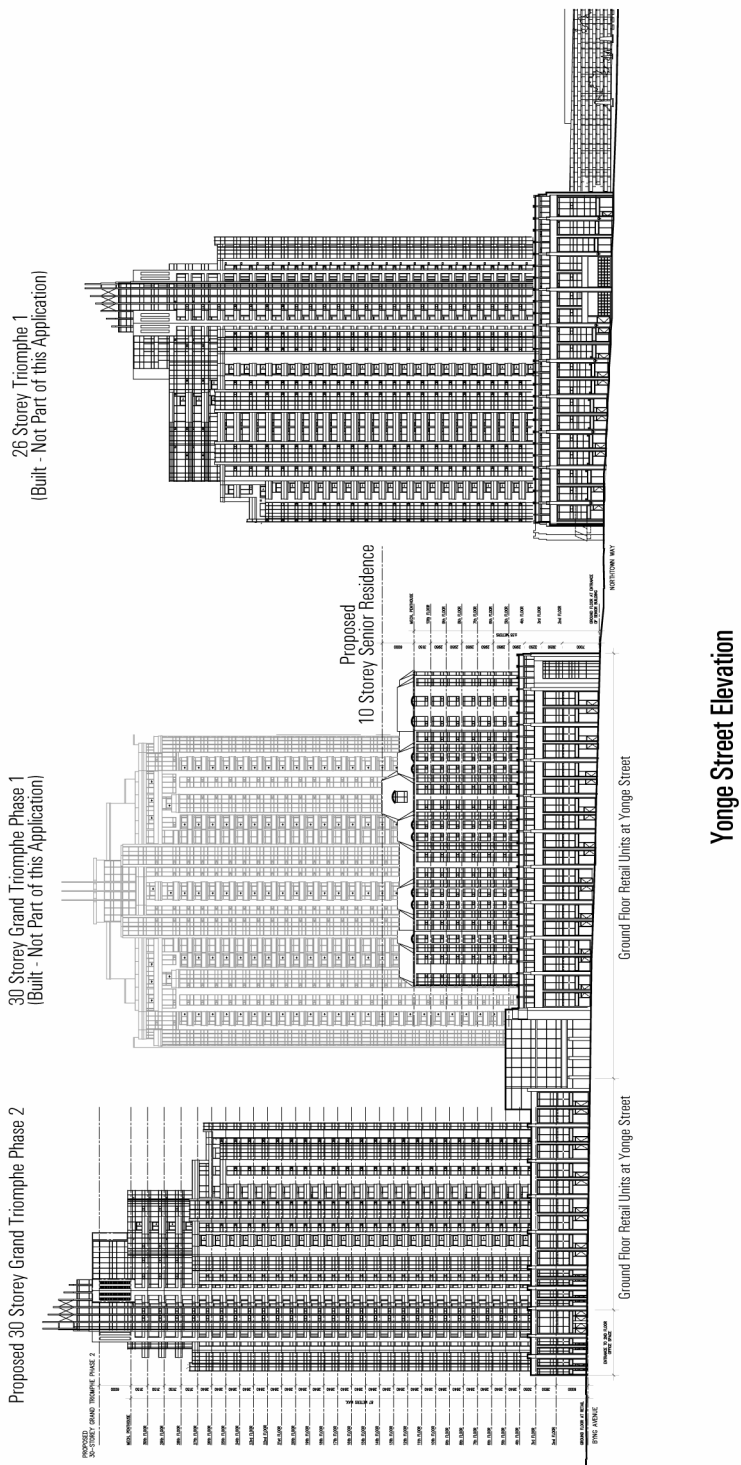
Applicant's Submitted Drawing

Not to Scale 

North Lands of Northtown

File # 03_035345

Attachment 2a: Yonge Street Elevation (West)



Elevations

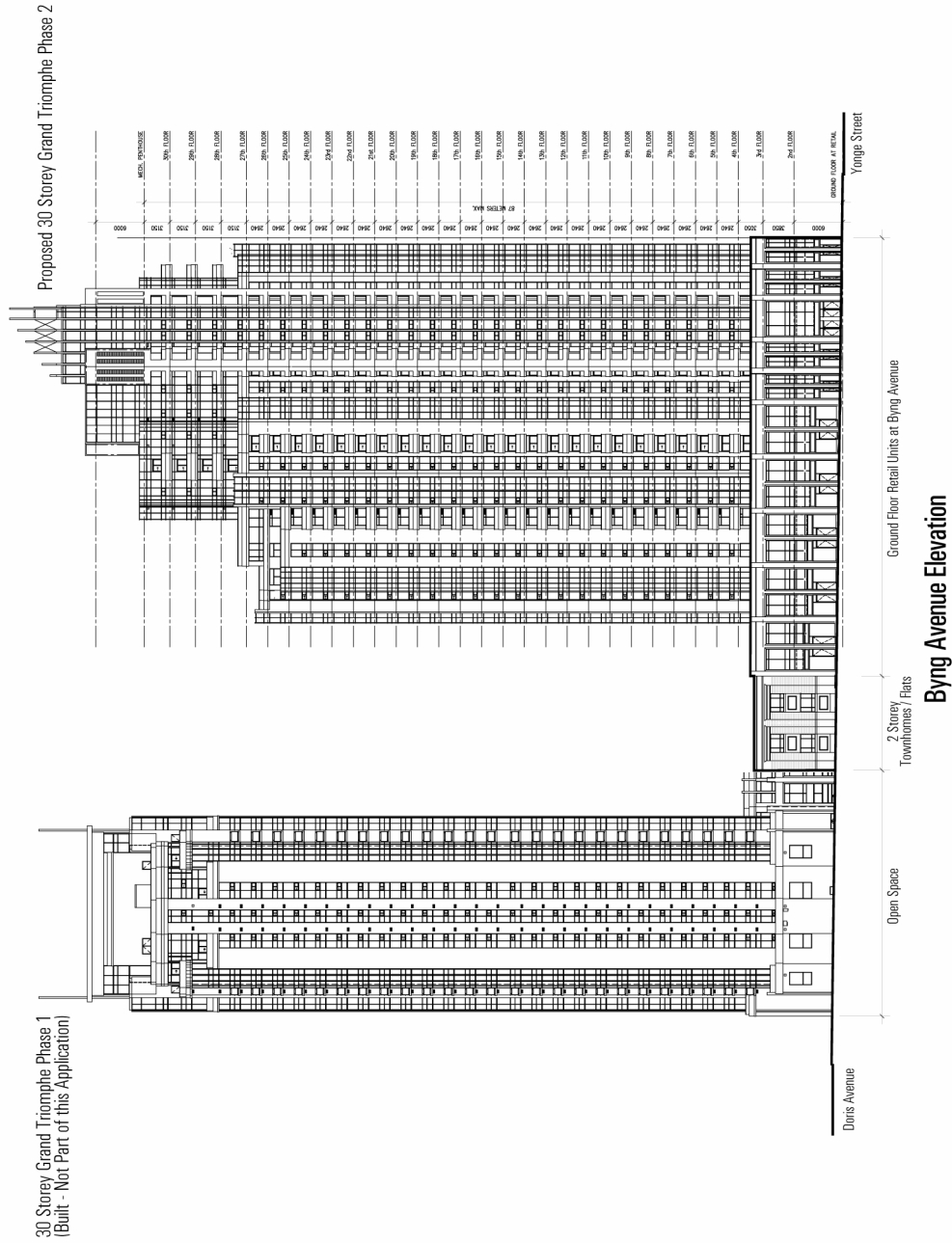
Applicant's Submitted Drawing

Not to Scale
06/13/05

North Lands of Northtown

File # 03_035345

Attachment 2b: Byng Avenue Elevation (North)



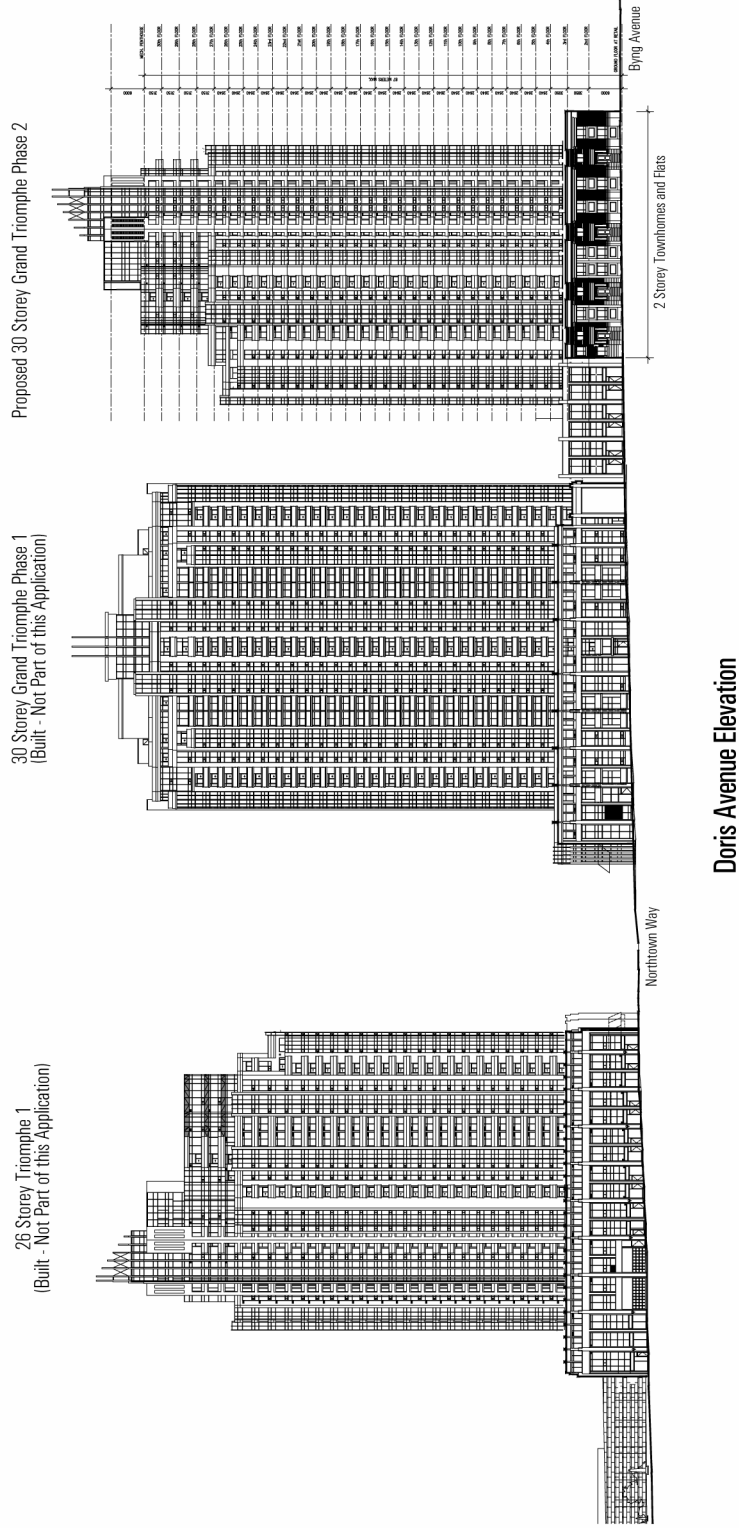
North Lands of Northtown

Elevations
Applicant's Submitted Drawing

Not to Scale
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File # 03_035345

Attachment 2c: Doris Avenue Elevation (East)



Elevations

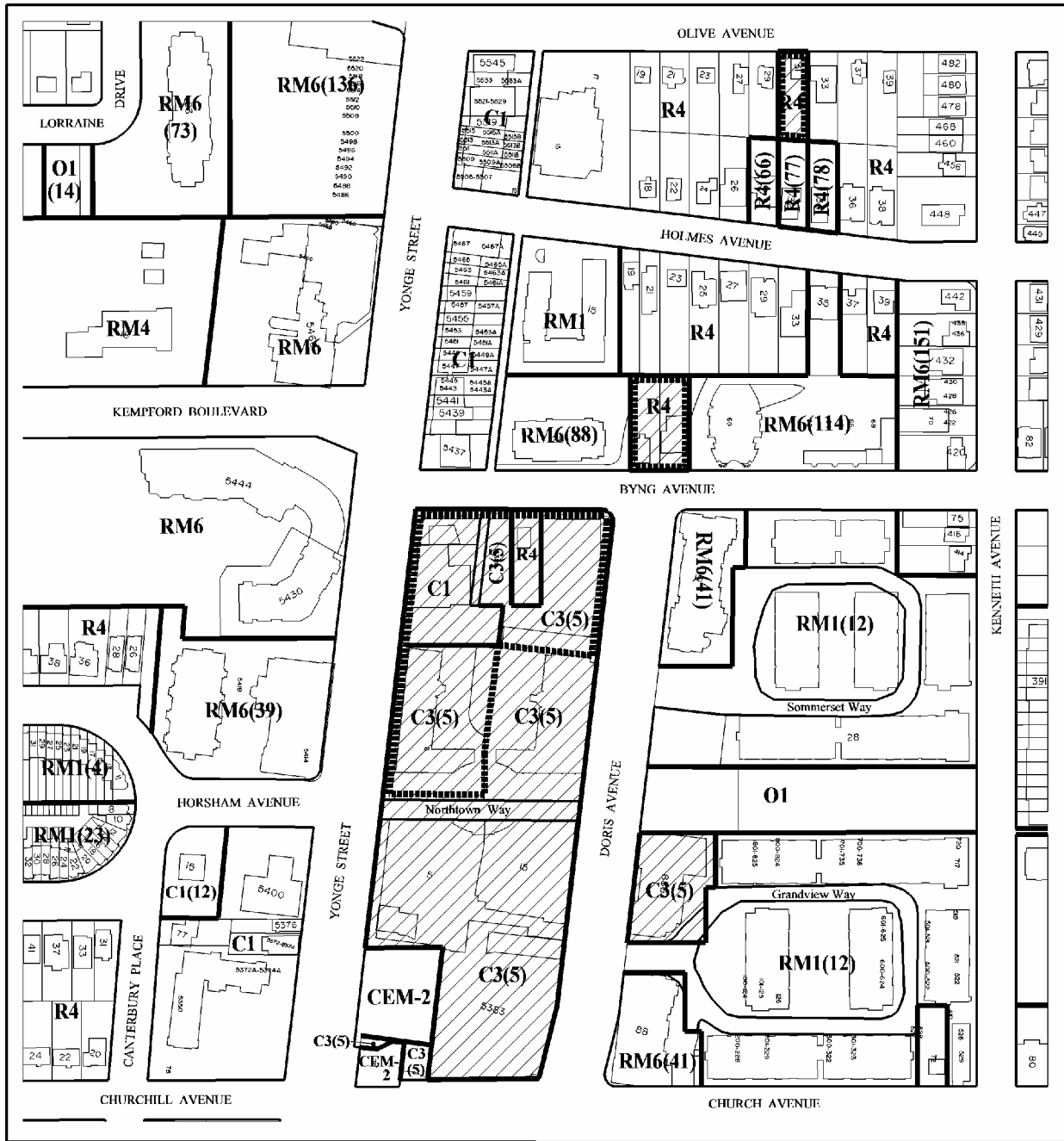
Applicant's Submitted Drawing

Not to Scale
06/13/05

North Lands of Northtown

File # 03_035345

Attachment 3 : Zoning Map



TORONTO City Planning Division
Zoning

5435 Yonge Street (Northtown Project)
(and 32-38 Byng Avenue and 31 Olive Avenue)
File # 03_035345

Subject of this application
 Subject lands

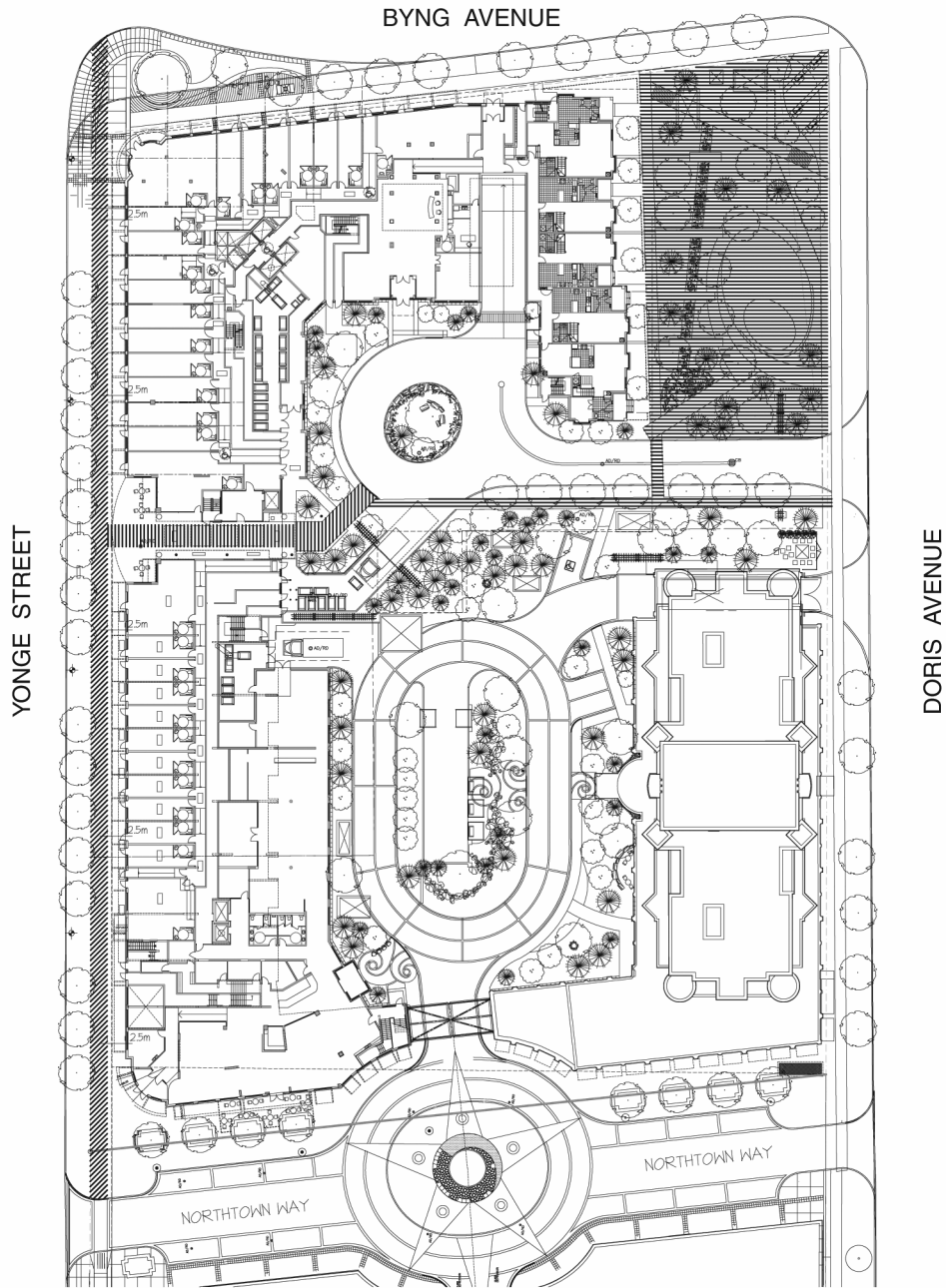
R4 One-Family Detached Dwelling Fourth Density Zone
RM1 Multiple-Family Dwellings First Density Zone
RM4 Multiple-Family Dwellings Fourth Density Zone
RM6 Multiple-Family Dwellings Sixth Density Zone
C1 General Commercial Zone
C3 District Shopping Centre Zone
O1 Open Space Zone
CEM-2 Restricted Cemetery Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Zoning By-law 7625
Extracted 08/09/06

Attachment 4: Right of Public Access



RIGHT OF PUBLIC ACCESS  YONGE STREET  BREEZEWAY  OPEN SPACE & PATHWAY

Right of Public Access

North Lands of Northtown

Applicant's Submitted Drawing

Not to Scale 

08/25/06

File # 03_035345

Attachment 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	03 035345 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	March 17, 2003

Municipal Address: 5435 YONGE ST, TORONTO ON
 Location Description: PLAN 2282 LOT 19 **GRID N2303
 Project Description: Proposed Use: 30-storey residential condominium (308 condominium units) and 8-storey residential seniors' building (112 rental units); plus commercial

Applicant:	Agent:	Architect:	Owner:
Eminent Construction Limited	Stephen Upton Deltera Inc.	Burka Varacalli Architects	Eminent Construction Limited

PLANNING CONTROLS

Official Plan Designation:	UR1, Mixed Use Area G, Mixed Use Area H	Site Specific Provision:	Y
Zoning:	C3(5), C1, R4	Historical Status:	
Height Limit (m):	87 m, 8.8 m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	5841.1	Height:	Storeys:	Maximum 30
Frontage (m):	65		Metres:	Maximum 87
Depth (m):	100			
Total Ground Floor Area (sq. m):	4675.25			Total
Total Residential GFA (sq. m):	44499.0		Parking Spaces:	466
Total Non-Residential GFA (sq. m):	2655.42		Loading Docks	2
Total GFA (sq. m):	47,154.42			
Lot Coverage Ratio (%):	Approx. 60% (overall phased C3(5) project)			
Floor Space Index:	Approx. 4.5 FSI (overall phased C3(5) project)			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo (30-storey bldg.)/ rental (8-storey bldg.)	Above Grade	Below Grade
Rooms:		Residential GFA (sq. m):	44499.0 +/- 0
Bachelor:	0	Retail GFA (sq. m):	1658.8 0
1 Bedroom:	194	Office GFA (sq. m):	996.62 0
2 Bedroom:	192	Industrial GFA (sq. m):	0 0
3 + Bedroom:	34	Institutional/Other GFA (sq. m):	0 0
Total Units:	420		

CONTACT: PLANNER NAME: Catherine Cieply, Senior Planner
TELEPHONE: (416) 395-7109

Attachment 6: Draft Zoning By-law Amendment

Authority: North York Community Council Report No. ____, Clause No. ____,
as adopted by City of Toronto Council on _____
Enacted by Council: _____

CITY OF TORONTO

BY-LAW No. ____-2006

To amend former City of North York By-law No. 7625 in respect of lands located east of Yonge Street, between Byng Avenue and Church Avenue

Whereas authority is given to Council by Sections 34 and 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas Amendment No. 447 of the Official Plan of the former City of North York Official Plan, and the North York Centre Secondary Plan of the Toronto Official Plan, contain provisions relating to the authorization of increases in density of development; and

Whereas pursuant to Section 37 of the Planning Act, the Council of a municipality may, in a By-law passed under Section 34 of the Planning Act, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

Whereas subsection 37(3) of the Planning Act, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

Whereas the owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

Whereas the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law No. 7625, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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

1. Section 64.25(5) of By-law No. 7625 is amended as follows:

- (a) All references to “Schedule C3(5)” shall be amended to read “Schedule “C3(5)A””.
- (b) In subsection (a), permitted uses, add the following to the end of subsection (a):

“For any buildings constructed on or after December 31, 2006, “apartment house dwelling”, shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly accessible from the outside or from an internal corridor system or any combination thereof.

Notwithstanding the permitted uses listed above, any building constructed on or after December 31, 2006 located within Building Envelope 2 having a height of 8 storeys / 25 metres, a “retirement home” shall be permitted.

For the purposes of this exception, a “retirement home” shall mean a multiple family dwelling containing dwelling rooms and/or dwelling units with a common lounge, kitchen and dining area and which may include other accessory uses such as, but not limited to, accessory office uses, a spa and wellness centre, a pub/piano lounge, an exercise and multi-purpose room and an art and craft centre. The common areas shall be available to all residents of the retirement home on a daily basis and shall not function as facilities available to the general public. The dwelling rooms and/or dwelling units shall be used as the principal residence of the occupants and shall not be provided on a transient basis. Retirement home shall exclude a boarding or lodging house, and a hotel.

For the purposes of this exception, a “dwelling room” shall mean separate living quarters designed or intended for use or used by an individual or individuals and which include at least one room and separate sanitary conveniences, with a private entrance from outside or from a common hallway or stairway.

For any buildings constructed on or after December 31, 2006 within Building Envelope 2, non-residential uses shall be permitted as follows:

- (i) non-residential uses shall only be permitted on the ground floor of the 8 storey / 25 metre building along the Yonge Street frontage, on the ground floor and the second floor of the 30 storey / 87 metre building along the Yonge Street frontage and on the ground floor of the 30 storey / 87 metre building along the Byng frontage to a distance of 60 metres along Byng Avenue from the intersection of the Yonge Street and Byng Avenue property lines.
- (ii) the non-residential uses located at grade and fronting directly onto Yonge Street and/or Byng Avenue shall be directly accessible at grade level to the street or streets on which they front;

- (iii) the non-residential units located at grade and adjacent and directly accessible to Yonge Street and Byng Avenue shall have a maximum street frontage of 14 metre;
 - (iv) any non-residential unit located at grade and adjacent and directly accessible to both Yonge Street and Byng Avenue, either through one entrance or two, shall have a minimum street frontage on Byng Avenue of 10 metres and a minimum street frontage on Yonge Street of 8 metres;
 - (v) any non-residential unit located at grade and adjacent and directly accessible to Yonge Street, which directly abuts an at grade pedestrian walkway between the 25 metres/8 storey building on Yonge Street and the 87 metres/30 storey building at the southeast corner of Byng Avenue and Yonge Street shall have a minimum street frontage of 8 metres; and
 - (vi) notwithstanding the permitted uses listed above, the non-residential uses permitted at grade and adjacent and directly accessible and to Yonge Street and Byng Avenue shall be retail stores, personal service shops, take-out restaurants, restaurants and outdoor cafes, one grocery store as hereinafter defined, banks, custom workshops making articles or products to be sold at retail on the premises, car rental agencies, dry cleaning and laundry collecting establishments, synthetic dry cleaning establishments and automatic laundry shops.”
- (c) In subsection (f), delete “8,339 m²” and replace it with “11,010 m²”, so that paragraph 1 of subsection (f) reads as follows:
- “The total gross floor area permitted on the lands shown on Schedule “C3(5)A” hereto shall not exceed 11,010 m² for non-residential uses, of which a minimum of 3,540 m² to a maximum of 4,300 m² shall be used for a grocery store.”
- (d) In subsection (f), add a second paragraph as follows:
- “The total gross floor area permitted on the lands shown on Schedule “C3(5)A” hereto shall not exceed 142,430 m², including both residential and non-residential uses.”
- (e) In subsection (g), add a new subsection (vii) as follows:
- “For uses located in the 25 metre/8 storey building in Building Envelope 2:
- (vii) notwithstanding subsections (i) – (vi), a minimum of 0.5 parking spaces per dwelling unit and/or dwelling room.

Parking Spaces, Driveways and Parking Aisles shall be provided as follows:

- (viii) parking spaces shall have a minimum width of 2.7 metres and a minimum length of 5.5 metres; and
 - (ix) driveways and parking aisles shall have a minimum width of 6.0 metres.”
- (f) In subsection (j), add “and all such buildings and structures within the Building Envelope and Building Envelope 2 shall not exceed a lot coverage of 60%.” at the end of the first sentence and add the following after the end of the subsection:
- “Notwithstanding the foregoing, for buildings built after December 31, 2006 the following projections are permitted beyond the dashed lines shown on Schedule “C3(5)B”:
- (i) hard and soft landscaping elements and features;
 - (ii) cornices, eaves or gutters, pilasters, sills and roof overhangs may project to a maximum of 0.9 metres;
 - (iii) wheelchair ramps may project to a maximum of 2.5 metres;
 - (iv) porches, decks, terraces, stairs, columns and balustrades may project to a maximum of 5.0 metres, except that exit stairs associated with an underground parking garage and any required air intake and exhaust vents for such underground parking garage shall not be so limited;
 - (v) canopies may project to a maximum of 6.0 metres; and
 - (vi) balconies may project to a maximum of 2.2 metres.”
- (g) In subsection (k), delete the “and” after “(i) two (2) storeys;” and add the following requirements after the end of (ii):
- “(iii) For the purpose of Building Envelope 2, the building height shall not exceed the height in metres and in storeys, as shown on Schedule “C3(5)B”. The established grade for the purpose of the 25 metre/ 8 storey and 11.75 metre/ 2 and 3 storey height limit on the west side of the C3(5) area is 186.40 metres Canadian Geodetic Datum. The established grade for the 87 metre/ 30 storey and 8 metre/ 2 storey height limit along Byng Avenue is 189 metres Canadian Geodetic Datum. The established grade for the 87 metre/ 30 storey height limit along Doris Avenue is 187.4 metres Canadian Geodetic Datum;
 - (iv) for any building constructed within the 25 metre/ 8 storey height limit along the west side of the C3(5) area, roof access enclosures and residential amenity space enclosures shall be excluded from the calculation of building height.

- (v) for any building constructed within the Building Envelope 2 elements, structures, enclosures used exclusively for mechanical equipment necessary to physically operate the building, such as heating and ventilation, air conditioning, electrical, plumbing, fire protection, wind protection and elevator equipment, and any architectural treatment of such elements, structures and enclosures, shall be excluded from the calculation of building height.”

- (h) In subsection (m)(i) with respect to increased height and density:
 - (i) Delete paragraph (G) and replace it as follows:
 - “(G) the provision of a maximum of 2.5 m² per dwelling unit of bicycle storage space for buildings constructed on lands within Building Envelope 2 before December 31, 2006 and the provision of a total of 315 m² of bicycle storage space provided in either a secured or unsecured room or area for buildings constructed in Building Envelope 2 on or after December 31, 2006.”

 - (ii) Add a new paragraph (I) as follows:
 - “(I) the conveyance to the City, within 30 days of the 2006 site-specific zoning by-law amendment for Building Envelope 2 coming into full force and effect, for a nominal sum and free and clear of tenancies, encumbrances and structures to the satisfaction of the City Solicitor, of the properties municipally known as 32 Byng Avenue, being Lot 50 on Registered Plan 2282, having an approximate area of 743 m²,”

 - (iii) Add a new paragraph (J) as follows:
 - “(J) the conveyance to the City, within 30 days of the 2006 site-specific zoning by-law amendment for Building Envelope 2 coming into full force and effect, for a nominal sum and free and clear of tenancies, encumbrances and structures to the satisfaction of the City Solicitor, of the properties municipally known as 38 Byng Avenue, being Lot 49 on Registered Plan 2282, having an approximate area of 743 m²,”

 - (iv) Add a new paragraph (K) as follows:
 - “(K) the conveyance to the City, within 30 days of the 2006 site-specific zoning by-law amendment for Building Envelope 2 coming into full force and effect, for a nominal sum and free and clear of tenancies, encumbrance and structures to the satisfaction of the

City Solicitor, of the property municipally known as 31 Olive Avenue, being Lot 94 on Registered Plan 2282, having an approximate area of 694 m²,”

- (v) Add a new paragraph (L) as follows:

“(L) either

a monetary contribution towards the City’s cost of constructing and furnishing 4,225.75 m² of public recreational centre or social facility, serving the North York Centre,

or

a monetary contribution towards the City’s cost of acquiring lands necessary for completion of planned Service Roads, associated road network and buffer areas in the North York Centre,

or any combination thereof.

The amount of the monetary contribution shall be equal to the market value, based on the land value of density in the North York Centre, of the gross floor area specified in (n)(i)(ix) below, as determined by the Director of Real Estate Services.”

- (i) Delete the preamble to subsection (n) and replace it with the following:

“The gross floor area permitted on the lands shown on Schedule “C3(5)A” hereto for all permitted uses shall not exceed the sum of:”

and amend the subsections in (n) as follows:

- (i) delete (i) and replace (i) with:

“the base density of 142,430 m²; plus”

- (ii) delete paragraph (iv) and replace it as follows:

“(iv) a maximum of 2.5 m² per dwelling unit of bicycle storage space for buildings constructed before December 31, 2006 on lands included in Building Envelope 2;”

- (iii) add a new paragraph (v) as follows:

- “(v) a maximum total of 315 m² of bicycle storage space in either a secured or unsecured room or area for buildings constructed in Building Envelope 2 on or after December 31, 2006;”
- (iv) add a new paragraph (vi) as follows:
 - “(vi) a maximum gross floor area of 2,787 m² attributable to density transferred from the off-site property known municipally as 32 Byng Avenue;”
- (v) add a new paragraph (vii) as follows:
 - “(vi) a maximum gross floor area of 2,787 m² attributable to density transferred from the off-site property known municipally as 38 Byng Avenue;”
- (vi) add a new paragraph (viii) as follows:
 - “(viii) a maximum gross floor area of 1,804 m² attributable to density transferred from the off-site property known municipally as 31 Olive Avenue;”
- (vii) add a new paragraph (ix) as follows:
 - “(ix) a maximum gross floor area of 16,903 m² attributable to the monetary contribution specified in (m)(i)(L) above;”
- (j) In subsection (o), delete the number “1,204” and replace it with “1,701” dwelling units, so that subsection (o) reads as follows:

“The maximum combined number of dwelling units and dwelling rooms shall be 1,701.”
- (k) In subsection (p), delete the “and” after “(i) two (2) storeys on Schedule C3(5);” and add the following requirements after the end of (ii):
 - “(iii) For the purpose of Building Envelope 2, the building height shall not exceed the height in metres and in storeys, as shown on Schedule “C3(5)B”. The established grade for the purpose of the 25 metre/ 8 storey and 11.75 metre/ 2 and 3 storey height limit on the west side of the C3(5) area is 186.40 metres Canadian Geodetic Datum. The established grade for the 87 metre/ 30 storey and 8 metre/ 2 storey height limit along Byng Avenue is 189 metres Canadian Geodetic Datum. The established grade for the 87 metre/ 30 storey height limit along Doris Avenue is 187.4 metres Canadian Geodetic Datum;

- (iv) for any building constructed within the 25 metre/ 8 storey height limit along the west side of the C3(5) area, roof access enclosures and residential amenity space enclosures on the roof shall be excluded from the calculation of building height.
- (v) for any building constructed within the Building Envelope 2 elements, structures, enclosures used exclusively for mechanical equipment necessary to physically operate the building, such as heating and ventilation, air conditioning, electrical, plumbing, fire protection, wind protection and elevator equipment, and any architectural treatment of such elements, structures and enclosures, shall be excluded from the calculation of building height.”

- (1) Add a new subsection (r) as follows:

“For the buildings constructed on lands within Building Envelope 2 after December 31, 2006 the loading spaces shall not require an area of the same minimum length and width as the loading space in front of the loading space. A garbage/recycle room or area shall be provided in front of each of the loading spaces that is able to store six garbage/recycle bins each having a width of 1.0 metre and a length of 2.0 metres.”

- 2. Section 64.25(5) of By-law No. 7625 is amended by deleting Schedule “C3(5)” and replacing it with the revised Schedule “C3(5)A” and a new Schedule “C3(5)B” attached to this By-law.
- 3. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

“64.13(87) R4(87)

EXCEPTION REGULATIONS

- (a) The maximum gross floor area shall be 0.0 m².”

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

“64.13(88) R4(88)

EXCEPTION REGULATIONS

- (a) The maximum gross floor area shall be 0.0 m².”

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

“64.13(89) R4(89)

EXCEPTION REGULATIONS

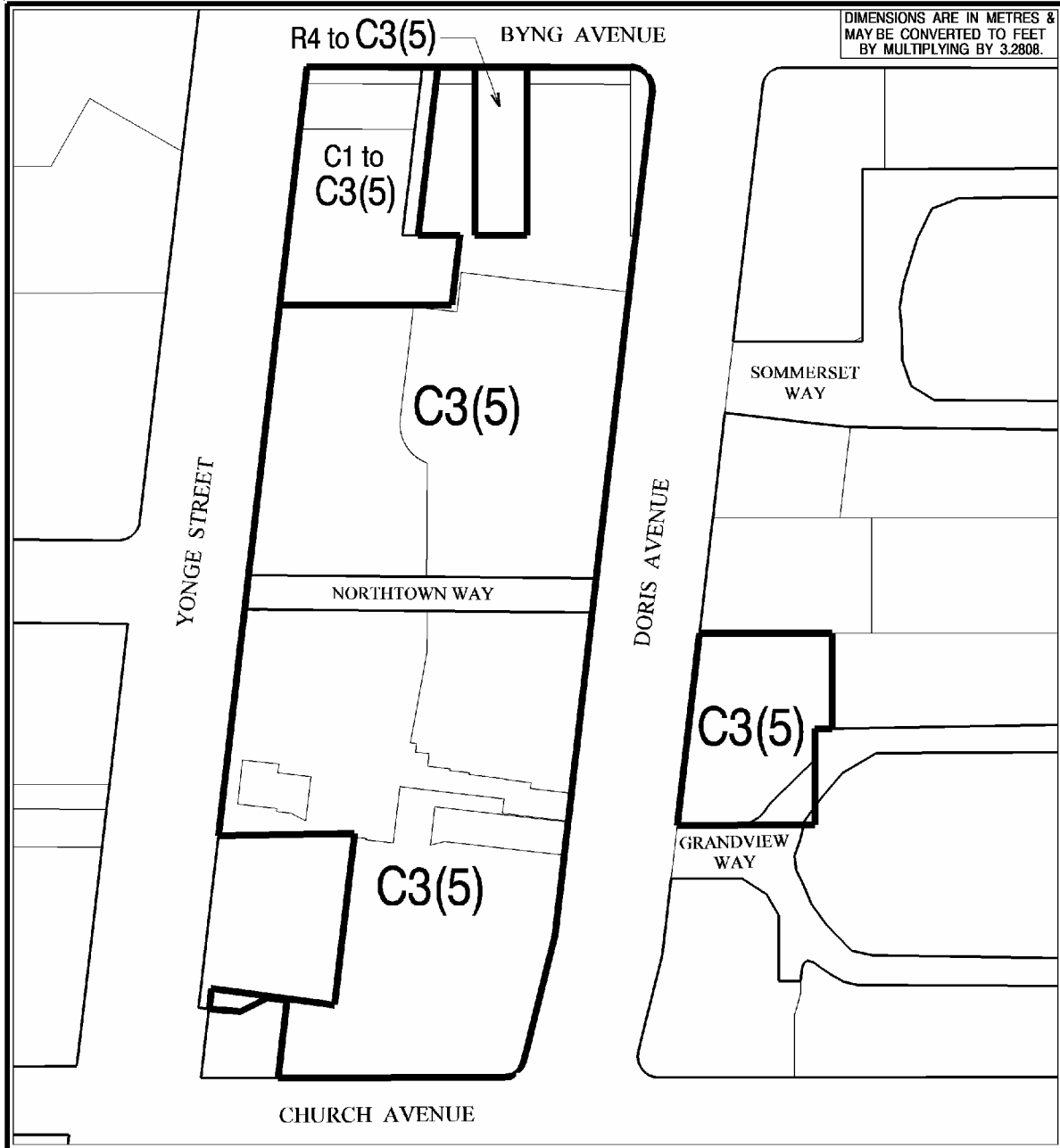
(a) The maximum gross floor area shall be 0.0 m².”

ENACTED AND PASSED this _____ day of _____, A.D. 2006.

_____,
Deputy Mayor

(Corporate Seal)




ULLI S. WATKISS
City Clerk



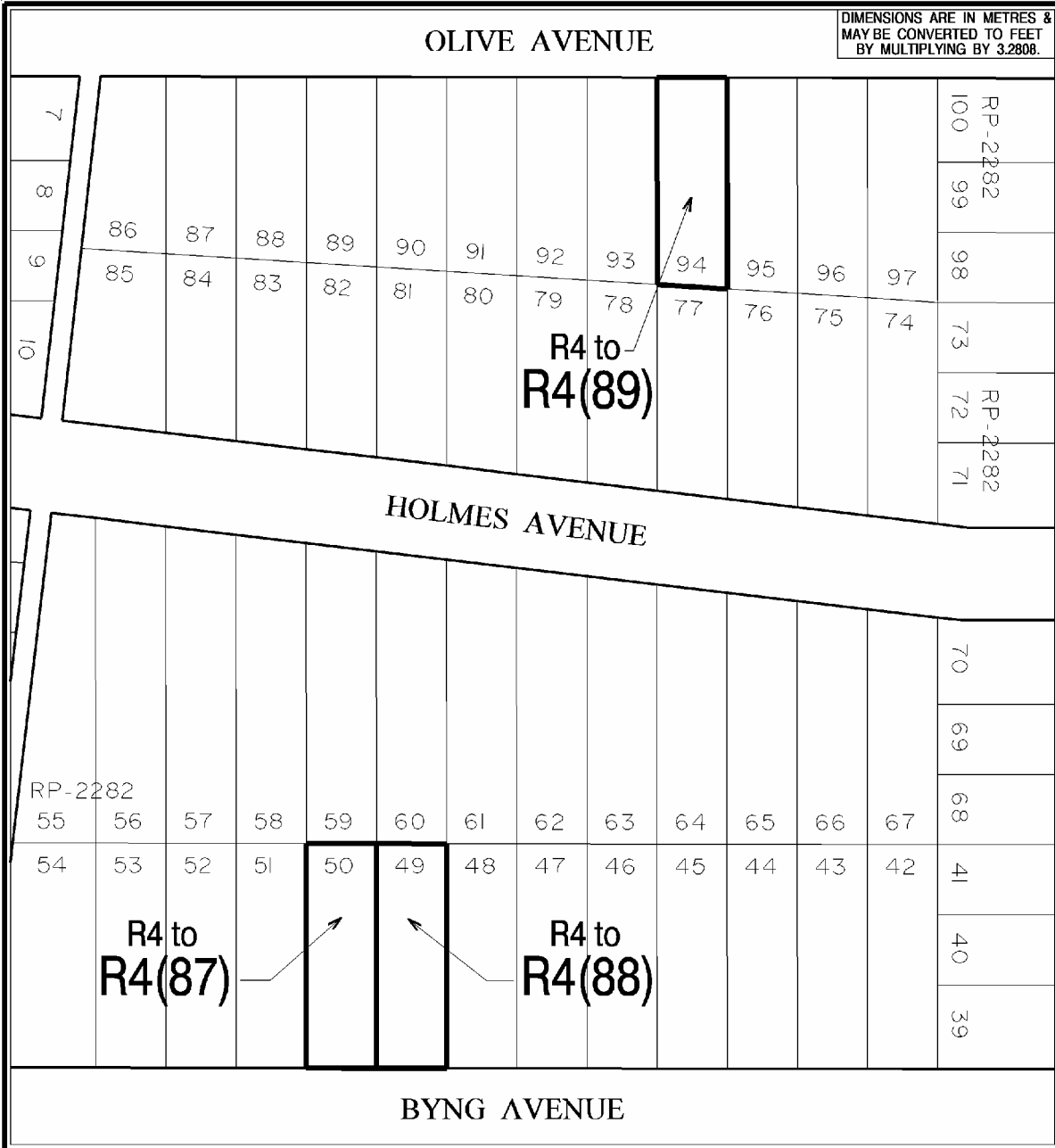
This is Schedule " 1 " to By-Law _____
passed the _____ day of _____, 20 _____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR

Location: Northtown Lands

File: 03_035345	Prepared by: A.K.	Approved by: C.C.	Date: Aug. 22, 2006
Filename: C3(5)_1			 City Planning Division North District
 SUBJECT PROPERTY			

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.




This is Schedule " 2 " to By-Law _____
passed the _____ day of _____, 20 _____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR


Location: Lots 49, 50 & 94 Registered Plan 2282 City of Toronto

File: 03_035345	Prepared by: A.K.	Approved by: C.C.	Date: Aug. 16, 2006
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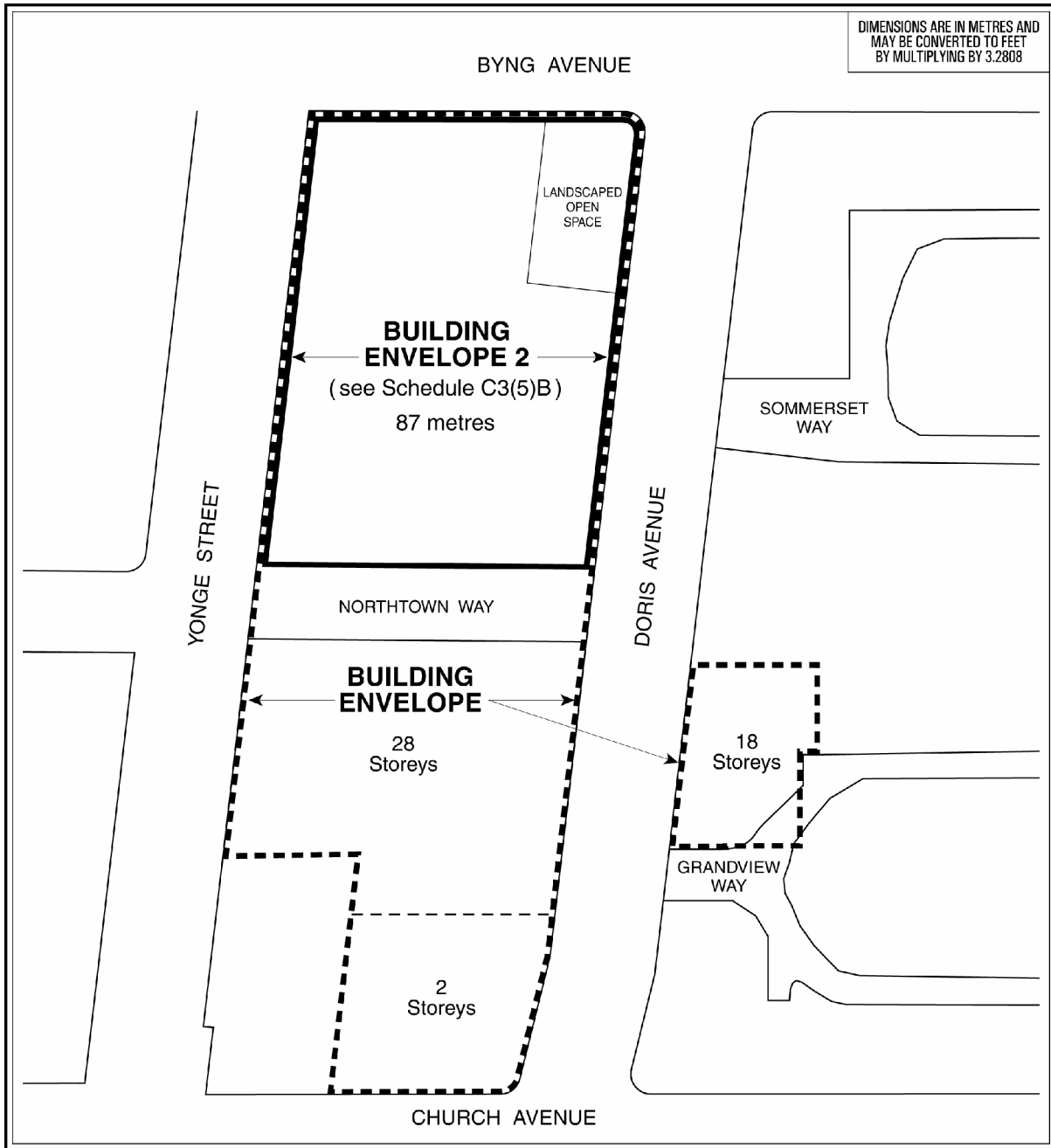
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.



Toronto
City Planning Division
North District

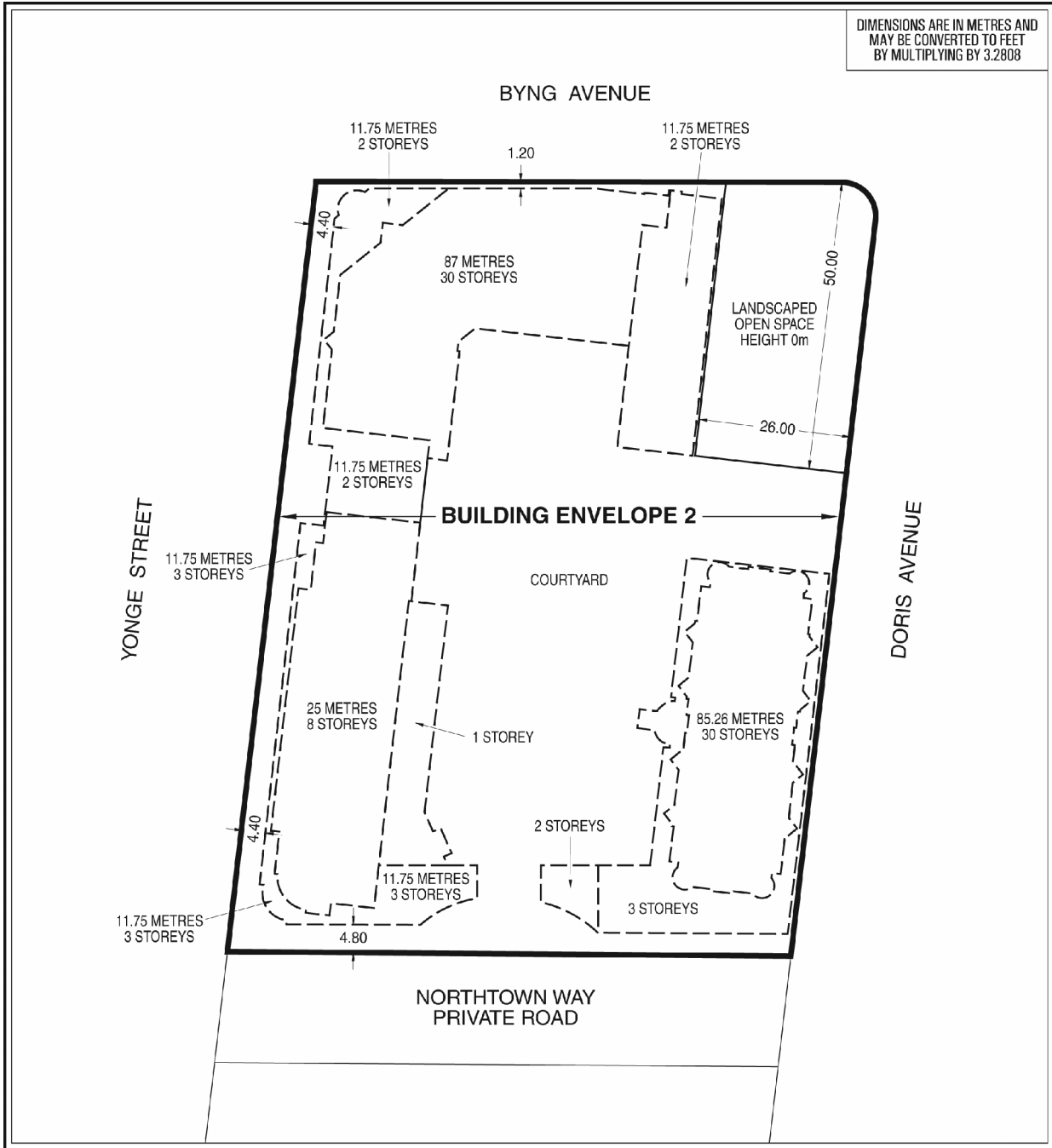


SUBJECT PROPERTY



This is Schedule "C3(5)A" to Bylaw _____ passed the _____ day of _____, 20____ (Sgd.) _____ (Sgd.) _____ CLERK MAYOR		 City Planning Division Community Planning North		
Location: Northtown Lands				
File No: 03_035345	Drawn by: A.K.	Approved by: C.C.	Date: Aug. 24, 2006	Filename: C3(5)A.ai

Subject Lands	Not to Scale



This is Schedule "C3(5)B" to Bylaw _____ passed the _____ day of _____, 20____			 City Planning Division Community Planning North
(Sgd.) _____	(Sgd.) _____		
CLERK	MAYOR		
Location: Northtown Lands			 Subject Lands
			 Not to Scale
File No: 03_035345	Drawn by: A.K.	Approved by: C.C.	Date: Aug. 25, 2006
Filename: C3(5)B.ai			

Attachment 7: Site Plan Control Approval Conditions

City staff have completed the review of the Site Plan Control Application for the proposed 30-storey residential building at the southeast corner of Yonge Street and Byng Avenue and the proposed 8-storey seniors' residential building at the northeast corner of Yonge Street and Northtown Way, both of which are to contain commercial uses, as outlined in the following plans and drawings:

Architectural Plans prepared by Burka Varacalli Architects:

Plan Number	Plan Title	Revision Date	Date Stamped Received by Planning
A100	Context Plan & Site Statistics	August 18, 2006	August 21, 2006
A100-A	Private Outdoor Recreation Space Calculation	August 2, 2006	August 2, 2006
A101	Site Plan & Building Statistics	August 18, 2006	August 21, 2006
A101-NS	Site Plan & Statistics (Senior Res. Bldg. Portion)	August 18, 2006	August 21, 2006
A201	Underground Parking – P3	August 18, 2006	August 21, 2006
A202	Underground Parking – P2	August 18, 2006	August 21, 2006
A201-NS	Underground Parking – P1 (Senior Res. Bldg. Portion)	August 18, 2006	August 21, 2006
A203	Underground Parking – P1	August 18, 2006	August 21, 2006
A301	Ground Floor Plan (30-Storey Tower Portion)	August 18, 2006	August 21, 2006
A302	Second Floor Plan (30-Storey Tower Portion)	August 2, 2006	August 2, 2006
A303	Third Floor Plan (30-Storey Tower Portion)	August 2, 2006	August 2, 2006
A304	Fourth – Twenty Sixth Floor Plan (30-Storey Tower Portion)	August 2, 2006	August 2, 2006
A305	Twenty Seventh Floor Plan (30-Storey Tower Portion)	August 2, 2006	August 2, 2006
A306	Twenty Eighth - Thirtieth Floor Plan (30-Storey Tower Portion)	August 2, 2006	August 2, 2006
A307	Townhomes Plan	August 2, 2006	August 2, 2006
A301-NS	Ground Floor Plan (Senior Res. Bldg. Portion)	August 18, 2006	August 21, 2006
A302-NS	Second Floor Plan (Senior Res. Bldg. Portion)	August 2, 2006	August 2, 2006
A303-NS	Third Floor Plan (Senior Res. Bldg. Portion)	August 2, 2006	August 2, 2006
A304-NS	Fourth Floor Plan (Senior Res. Bldg. Portion)	August 2, 2006	August 2, 2006
A305-NS	Fifth - Eighth Floor Plan (Senior Res. Bldg. Portion)	August 2, 2006	August 2, 2006

A306-NS	Conceptual Mechanical Penthouse	August 2, 2006	August 2, 2006
A401	West (Yonge St.) Elevation & Conceptual Canopy Section	August 2, 2006	August 2, 2006
A402	East (Doris Ave.) Elevation & South (Motorcourt) Elevation	August 2, 2006	August 2, 2006
A403	North (Byng Ave.) Elevation & South (Northtown Way) Elevation	August 2, 2006	August 2, 2006
A404	Breezeway Elevations & Perspective	August 2, 2006	August 2, 2006
A501	Conceptual Building Section (Yonge St.)	August 2, 2006	August 2, 2006

Landscape Plans prepared by the MBTW Group:

Plan Number	Plan Title	Revision Date	Date Stamped Received by Planning
M-1	Landscape Master Plan	July 6, 2006	July 12, 2006
L-1a	Landscape Master Plan (30-Storey Tower Portion)	July 6, 2006	July 12, 2006
L-1b	Landscape Master Plan (Senior Res. Bldg. Portion)	July 6, 2006	July 12, 2006
L-1c	Roof and Terrace Landscape Plan (Senior Res. Bldg. Portion)	July 6, 2006	July 12, 2006
L-2a	Grading Plan (30-Storey Tower Portion)	July 6, 2006	July 12, 2006
L-2b	Grading Plan (Senior Res. Bldg. Portion)	July 6, 2006	July 12, 2006
L-2s	Slab Grading Plan (30-Storey Tower Portion)	July 6, 2006	July 12, 2006
L-3a	Tree Planting Plan (30-Storey Tower Portion)	July 6, 2006	July 12, 2006
L-3b	Tree Planting Plan (Senior Res. Bldg. Portion)	July 6, 2006	July 12, 2006
L-4a	Shrub Planting Plan (30-Storey Tower Portion)	July 6, 2006	July 12, 2006
L-4b	Shrub Planting Plan (Senior Res. Bldg. Portion)	July 6, 2006	July 12, 2006
D-1	Plant List & Planting Details	July 6, 2006	July 12, 2006
D-2	Paving Details	July 6, 2006	July 12, 2006
D-3	Details	July 6, 2006	July 12, 2006
D-4	Details	July 6, 2006	July 12, 2006
D-5	Trellis Details	July 6, 2006	July 12, 2006

The following conditions are to be fulfilled prior to final Site Plan Control Approval:

1. The Owner shall address the requirements of Section A, "Revisions and Additional Information Required for Site Plan, Studies and Drawings", of the Technical Services memorandum dated August 25, 2006, to the satisfaction of the Executive Director of Development Engineering.
2. The Owner shall provide final landscape plans to the satisfaction of the Director, Community Planning, North York District, detailing the following matters:
 - (a) detailed landscape treatment for interim and future landscaped design at the Yonge Street and Byng Avenue intersection;
 - (b) detailed landscape treatment of the landscaped open space area at Byng Avenue/Doris Avenue, including children's play area details;
 - (c) detailed landscape treatment of the seniors' rooftop terrace;
 - (d) a complete planting list;
 - (e) details of proposed: ornamental fences; lighting; screen trellis adjacent to the loading area; entrance feature on Doris Avenue; and driveway paving; and
 - (f) location and screening of the proposed hydro transformer vault.
3. The Owner shall provide the necessary securities for existing and proposed City trees to the satisfaction of Parks, Forestry and Recreation (Urban Forestry Services).
4. The Owner shall submit to the Chief Financial Officer and Treasurer as a deposit a letter of credit or certified cheque for 120% of the value of the on-site landscaping including fencing, plantings, decorative paving, retaining walls and other landscape features. The letter of credit shall be in a form satisfactory to the City Treasurer in accordance with its standard format for letters of credit as of the date of submission of the letter of credit to the City, and which shall provide for automatic renewal rights at the end of the term, to complete all outstanding work required by these conditions. The deposit shall be returned to the Owner at such time as the Director is satisfied that the property has been developed in accordance with the approved drawings and the conditions of approval.
5. The Owner shall have executed the necessary site plan agreement to the satisfaction of the City Solicitor and the Director, Community Planning, North York District.
6. The Owner acknowledges that if these conditions are not fulfilled within 2 years of the date of the approval in principle of the Site Plan Control Application, then this notice is no longer valid and a new submission is required unless a written request for time extension is received and granted by the Director, Community Planning, North York District.

In addition to the above, the following conditions are to be fulfilled following Site Plan Control Approval and will be incorporated into a site plan agreement:

1. The lands shall be developed and maintained substantially in accordance with the approved Site Plan drawings referenced in the attached list of plans, and the conditions of approval. The Owner acknowledges that notwithstanding this approval, the lands shall be developed in accordance with the applicable zoning by-law(s) and that it is the responsibility of the Owner to ensure that the development is in conformity with the applicable zoning by-law(s) to the satisfaction of the Chief Building Official.
2. All of the work shown on the approved drawings and all of the work required by the conditions of this approval shall be completed within 3 years from the date of this approval failing which, this approval shall require an extension by the Director, Community Planning, North York District (the "Director"), or his successor, prior to the issuance of any building permit.
3. All refuse and recycling storage shall be contained within the building. Refuse and recycling materials shall be transported to collection areas on collection days only. The Owner acknowledges that garbage shall be collected in accordance with garbage by-law 235-2001, as amended.
4. All driveways, loading and parking areas shall be paved with asphalt, turfstone, concrete or concrete unit pavers.
5. All site illumination shall be designed to prevent the spread of light onto adjacent properties.
6. No signage, satellite dishes, cellular telephone antennae or associated equipment shall be provided on the roof of the building, without the prior approval of the Director.
7. Above-grade electrical transformers, gas regulators, and other equipment are not permitted above grade in any yard abutting a public street unless screened from view with landscaping or fencing to the satisfaction of the Director or his successor. All clearances from Toronto Hydro-Electric System Limited facilities must be maintained to the satisfaction of Toronto Hydro or such successor body. The owner shall make arrangements to the satisfaction of the affected Utility for the installation, relocation and protection of all utilities.
8. The municipal address of the project is to be well illuminated, provided in a prominent location and designed to be easily readable from adjacent streets.
9. Site grading shall be designed to ensure that there are no drainage problems created on adjacent lands.
10. All designated parking spaces for persons with disabilities shall be identified with signage and logos to the satisfaction of the Executive Director of Technical Services, or his/her successor. All designated parking spaces, walkways and curb ramps shall conform with the City of Toronto (formerly North York) "Barrier-Free Accessibility Design Guidelines and Policy Handbook (Exterior Guidelines)".

11. All existing trees scheduled to be preserved shall be maintained in accordance with the City of Toronto (formerly North York) "Standards for the Protection and Care of Trees". Any tree that is removed in contravention of the Site Plan Approval, or that is severely damaged, shall be replaced with a tree, or trees, of similar value to the satisfaction of the Director.
12. The Owner shall develop the lands in accordance with the requirements and conditions contained in the following:
 - (a) Technical Services Division memorandum dated August 25, 2006;
 - (b) Parks, Forestry and Recreation (Policy & Development) memorandum dated July 21, 2005;
 - (c) Parks, Forestry and Recreation (Urban Forestry Services) memorandum dated August 2, 2006;
 - (d) Toronto District School Board memorandum dated July 5, 2005;
 - (e) Toronto Catholic District School Board memorandum dated August 24, 2006;
 - (f) Toronto Hydro memorandum dated August 5, 2005; and
 - (g) Bell Canada memorandum dated July 14, 2005.
13. The site plan agreement will also stipulate the following:
 - (a) The Owner acknowledges that where it fails to promptly complete the work required by this Agreement, the City, in addition to and without prejudice to any other rights which it may have pursuant to this Agreement or otherwise at law, may enter onto the lands, perform such work and take any steps as are required, in the sole discretion of the City, to carry out and complete the work.
 - (b) The Owner agrees that the City has the right to recover the total cost of all work and materials, plus a management fee equal to 20 percent of the total cost of such work and materials. In addition to any other remedies it may have, the City may collect the sums owing in like manner as municipal taxes, with all such amounts to be payable as directed by City Council pursuant to Section 427 of the Municipal Act.
 - (c) The Owner acknowledges that the City enters onto the lands solely as the agent of the Owner, and such entry shall not be deemed, for any purpose, to constitute acceptance or assumption of all or any portion of the work required by this Agreement.

- (d) The Owner shall, at all times, indemnify and save harmless the City from and against any and all claims, demands, losses, costs, charges, expenses, actions and other proceedings (including those in connection with workplace safety and insurance compensation or any similar or successor arrangements) made, brought against, suffered by or imposed on the City or its property in respect of any failure by the Owner to fulfill any of its obligations under this Agreement in respect of its responsibility for any potential soil contamination or remediation of the lands.
- (e) The Owner agrees:
 - (i) that it shall save harmless, defend and fully indemnify the City, and each of the persons under the City's jurisdiction, from and against all actions, suits, claims, and demands which may be brought against or made upon the City, and any persons under the City's jurisdiction, and from and against all loss, costs, charges, damages and expenses which may be sustained, incurred or paid by the City, and each of any persons under the City's jurisdiction, by reason of, or on account of, or in consequence of this clause;
 - (ii) that it will pay to the City and to each of any persons under the City's jurisdiction, on demand, any loss, costs, or damages which may be sustained, incurred or paid by the City in consequence of any such action, suit, claim or demand; and
 - (iii) on default of such payment all such loss, costs or damages and all such monies so paid or payable may be recovered in any court of competent jurisdiction.