

**Supplementary Report  
Zoning By-law Amendment and Site Plan Control  
Application  
5435 Yonge Street  
(east of Yonge Street, south of Byng Avenue and north  
of Northtown Way)**

<b>Date:</b>	December 20, 2006
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	23
<b>Reference Number:</b>	File Nos. 03 035345 NNY 23 OZ & 05 144186 NNY 23 SA

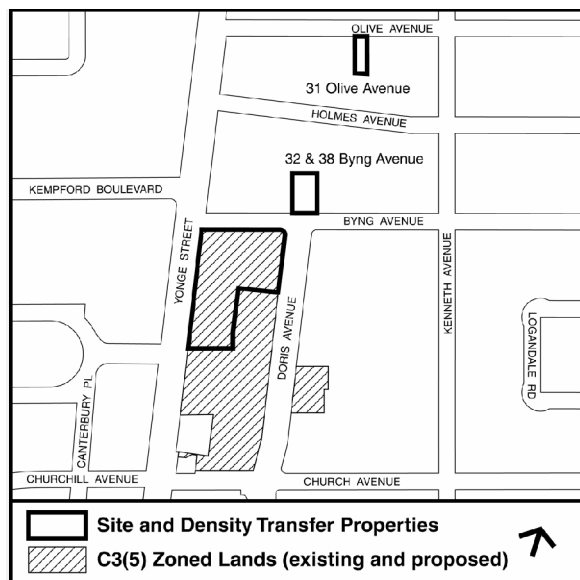
**SUMMARY**

This report recommends a revision to the proposed density transfers and incentives outlined in the August 29, 2006 Final Report. This revision incorporates a change proposed by the applicant with respect to the amount of land to be conveyed to the City from the 31 Olive Avenue property. This supplementary report provides the complete recommendations for the development, updated to reflect the recent revision, and attaches the revised draft Zoning By-law Amendment and Site Plan Control Approval conditions.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council 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 2.

2. City Council 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, City Council 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 m<sup>2</sup> (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 m<sup>2</sup> (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 14.5 m<sup>2</sup> (a portion of lands 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 density incentive of 18,663 m<sup>2</sup> gross floor area, in an amount satisfactory to the Director of Real Estate Services as per Attachment 4; to be provided in the form of an irrevocable letter of credit or a certified cheque upon the site-specific Zoning By-law for the project coming into full force and effect, to be held in trust, which security the owner shall replace with a certified

cheque to the City within 10 days of the conveyance of the existing public lane on the property by the City to the owner;

- (v) a total of 315 m<sup>2</sup> of bicycle storage space to be provided within the buildings on the site;
- (vi) a public art contribution in the amount of \$300,000 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 of the August 29, 2006 Final Report;
- (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, and the City shall provide an indemnification to the owner against all costs and liabilities associated with occupation of the City road allowance by the owner for the purpose of construction of the Yonge Byng intersection landscape improvements, 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 for the site;
- (x) a report assessing the affordable housing component for the entire C3(5) site based on unit size, for approval by the Chief Planner and Executive Director, prior to the issuance of any above-grade building permit for the proposed development; and

- (xi) 1.5 m<sup>2</sup> per unit of private indoor recreational amenity space; and
  - (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. City Council approve in principle the Site Plan Control Application as indicated on the drawings and subject to the conditions of approval listed in Attachment 3 subject to stylistic and technical changes.
  5. City Council 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 3 of this report have been fulfilled.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

The proposed development of a 30-storey residential building, and an 8-storey residential seniors' building, both with grade related commercial uses, represents the final phase of development of the Northtown lands generally bounded by Yonge Street, Kenneth Avenue, Byng Avenue and Church Avenue. Additional background information regarding the Northtown site is provided in the August 29, 2006 Final Report.

## **ISSUE BACKGROUND**

The August 29, 2006 Final Report for the subject site recommends approval of an application to amend the Zoning By-law and for Site Plan Control approval for a 30-storey residential building and an 8-storey seniors' residential building, both with grade-related commercial uses, for lands on the east side of Yonge Street between Byng Avenue and Northtown Way.

The project includes proposed density transfers and incentives that comply with the provisions of the North York Centre Secondary Plan. With permitted density transfers and incentives, approval of the draft Zoning By-law would result in an overall density of approximately 4.5 FSI for the C3(5) zoned area.

At the time of the August 29, 2006 Final Report, the applicant had proposed conveying to the City the entire properties known as 32 and 38 Byng Avenue, and 31 Olive Avenue, in exchange for additional density.

On September 14, 2006, the applicant advised the City that rather than conveying 31 Olive Avenue in its entirety to the City in exchange for additional density, they wished to convey only the southeast portion of the site which is required for the alignment of the Uptown Service Road. The remainder of the density previously to be transferred from 31 Olive Avenue would be reallocated to the monetary contribution incentive, which is also in accordance with the Secondary Plan. The reallocation of the proposed density transfer and density incentives is described fully in the following section.

There is no change to the applicant's other proposed density transfers and incentives, which include: the conveyance of 32 and 38 Byng Avenue to the City; a private indoor recreational space incentive on a per unit basis of 1.5 m<sup>2</sup> per unit; and a bicycle storage incentive.

This report also recommends the inclusion of a density incentive in relation to the provision of 1.5 m<sup>2</sup> per unit of private indoor recreational amenity space, which had been included in the density incentive calculations but was inadvertently left out of the Section 37 related Recommendations in the August 29, 2006 Final Report.

## **COMMENTS**

### **Proposed Density Incentives**

To achieve the same total overall density incentive of 25,220 m<sup>2</sup>, the applicant has proposed a reallocation between the 31 Olive Avenue land conveyance and the monetary contribution. The reduced land conveyance with respect to 31 Olive Avenue is acceptable as only a portion of the property is required for the construction of the Service Road. The applicant proposes to fund the difference by augmenting the monetary contribution incentive.

The proposed reallocation complies with the density transfer and density incentives policies of the Secondary Plan.

The proposed allocation among density incentives and density transfers is provided in the table on the following page.

<b>Density Transfers and Incentives</b>	<b>August 29, 2006 Final Report</b>	<b>Current Proposal</b>
32 Byng conveyance	743 m <sup>2</sup> at 3.75 FSI = 2,787 m <sup>2</sup> = 2,787 m <sup>2</sup>	No change = 2,787 m <sup>2</sup>
38 Byng conveyance	743 m <sup>2</sup> at 3.75 FSI = 2,787 m <sup>2</sup> = 2,787 m <sup>2</sup>	No change = 2,787 m <sup>2</sup>
31 Olive conveyance (portion of property)	694 m <sup>2</sup> at 2.6 FSI = 1,804 m <sup>2</sup>	14.5 m <sup>2</sup> at 2.6 FSI = 38 m <sup>2</sup>
Private indoor recreation	1.5 m <sup>2</sup> /unit*416 units = 624 m <sup>2</sup>	1.5 m <sup>2</sup> /unit*420 units 630 m <sup>2</sup>
Bicycle storage space	315 m <sup>2</sup>	315 m <sup>2</sup> (no change)
Monetary contribution	funding for 16,903 m <sup>2</sup> GFA	funding for 18,663 m <sup>2</sup> GFA
Total transfers/ incentives GFA	25,220 m <sup>2</sup>	25,220 m <sup>2</sup>

### **Yonge Street/ Byng Avenue Corner Landscaping**

A further minor modification made to the August 29, 2006 Final Report recommendations relates to the Yonge/ Byng corner landscaping treatment, which is to be installed following the realignment of the Yonge Street and Byng Avenue intersection by the City as part of the Service Road implementation. The applicant is funding the Yonge/ Byng landscape improvement as outlined in the August 29, 2006 Final Report, however the applicant and City Legal staff have agreed that the City, and not the future condominium corporation, should maintain this landscaped area.

## **Conclusions:**

It is recommended that the proposed revisions to the density transfers and density incentives, as outlined above, be made with respect to the August 29, 2006 Final Report.

The consolidated recommendations of this report incorporate the proposed reallocation between density transfers and density incentives. The proposed draft Zoning By-law Amendment and Site Plan Control approval conditions are also attached.

The proposed 30-storey residential building and 8-storey seniors' residential building, both with at-grade commercial uses, represent the final phase of development of the former Northtown Plaza site. The proposal is in conformity with the Official Plan, is an appropriate development of the site, and concludes a lengthy history of redevelopment of the former Northtown Plaza.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

Attachment 1: Zoning Map  
Attachment 2: Revised Draft Zoning By-law  
Attachment 3: Site Plan Control Approval Conditions  
Attachment 4: Real Estate Services memorandum dated December 21, 2006





## **Attachment 2: Revised Draft Zoning By-law**

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. \_\_\_\_-2007**

#### **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, 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 textual references to “Schedule C3(5)” in site-specific exception 64.25(5) of By-law No. 7625, as amended, existing on the date prior to the passing of this site-specific by-law, shall be deemed to refer to Schedule “C3(5)(A)” attached hereto.
- (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, in 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, or any combination thereof.

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 and accessory residential uses shall only be permitted on the ground floor level of the 8 storey / 25 metre building along the Yonge Street frontage, on the ground floor level and second floor level of the 30 storey / 87 metre building along the Yonge Street frontage and on the ground floor level of the 30

storey / 87 metre building along the Byng frontage to a distance of 55 metres along Byng Avenue from the Yonge Street property line;

(ii) the non-residential uses located on the ground floor level 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 on the ground floor level adjacent and directly accessible to Yonge Street and Byng Avenue shall have a maximum width of 14 metres, save and except for any non-residential unit located along Byng Avenue where the western limit of the unit is greater than 35 metres from the property line along Yonge Street;

(iv) any non-residential unit located on the ground floor level adjacent and directly accessible to both Yonge Street and Byng Avenue, either through one entrance or two, shall have a minimum width along Byng Avenue of 10 metres and a minimum width along Yonge Street of 8 metres;

(v) any non-residential unit located on the ground level adjacent and directly accessible to Yonge Street, which directly abuts an east-west at grade pedestrian connection 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 width along Yonge Street of 8 metres; and

(vi) notwithstanding the permitted uses for buildings built after December 31, 2006, the non-residential uses permitted on the ground level adjacent and directly accessible to Yonge Street and Byng Avenue shall be retail stores, personal service shops, take-out restaurants, restaurants and outdoor cafés, 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 m<sup>2</sup>” and replace it with “11,010 m<sup>2</sup>”, so that paragraph 1 of subsection (f) reads as follows:

“The total gross floor area for all uses permitted on the lands shown on Schedule “C3(5)A” hereto shall not exceed 11,010 m<sup>2</sup> for non-residential uses, of which a minimum of 3,540 m<sup>2</sup> to a maximum of 4,300 m<sup>2</sup> 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 m<sup>2</sup>, including both residential and non-residential uses.”

- (e) In subsection (g), add a new subsection (vii) as follows:

“For the retirement home use 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 / 3 storey height limit on the west side of the C3(5) zone along Yonge Street and Northtown Way is 186.40 metres Canadian Geodetic Datum. The established grade for the purpose of the 87 metre / 30 storey and 11.75 metre / 2 storey height limit along Byng Avenue and Yonge Street is 189.0 metres Canadian Geodetic Datum. The established grade for the purposes of 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; and
  - (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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>,”

(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 m<sup>2</sup>,”

(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 Service Road portion of the property municipally known as 31 Olive Avenue, being Lot 94 on Registered Plan 2282, having an approximate area of 14.5 m<sup>2</sup>,”

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

“(L) either

a monetary contribution towards the City’s cost of constructing and furnishing 4,666 m<sup>2</sup> 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:

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

“the maximum base gross floor area of 142,430 m<sup>2</sup> for all permitted uses; plus”

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

“(iv) a maximum of 2.5 m<sup>2</sup> 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 m<sup>2</sup> 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 of gross floor area of 2,787 m<sup>2</sup> attributable to density transferred from the off-site property known municipally as 32 Byng Avenue;”

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

“(vii) a maximum of gross floor area of 2,787 m<sup>2</sup> 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 of gross floor area of 38 m<sup>2</sup> 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 18,663 m<sup>2</sup> 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) as shown in storeys or metres 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 / 3 storey height limit on the west side of the C3(5) zone along Yonge Street and Northtown Way is 186.40 metres Canadian Geodetic Datum. The established grade for the purpose of the 87 metre / 30 storey and 11.75 metre / 2 storey height limit along Byng Avenue and Yonge Street is 189.0 metres Canadian Geodetic Datum. The established grade for the purposes of 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; and
  - (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.”
- (l) 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.”

- (m) Add a new subsection (s) as follows:

“Section 25.2.1. with respect to minimum lot area shall not apply.

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 m<sup>2</sup>.”

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 m<sup>2</sup>.”

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

“64.13(89) R4(89)

**EXCEPTION REGULATIONS**

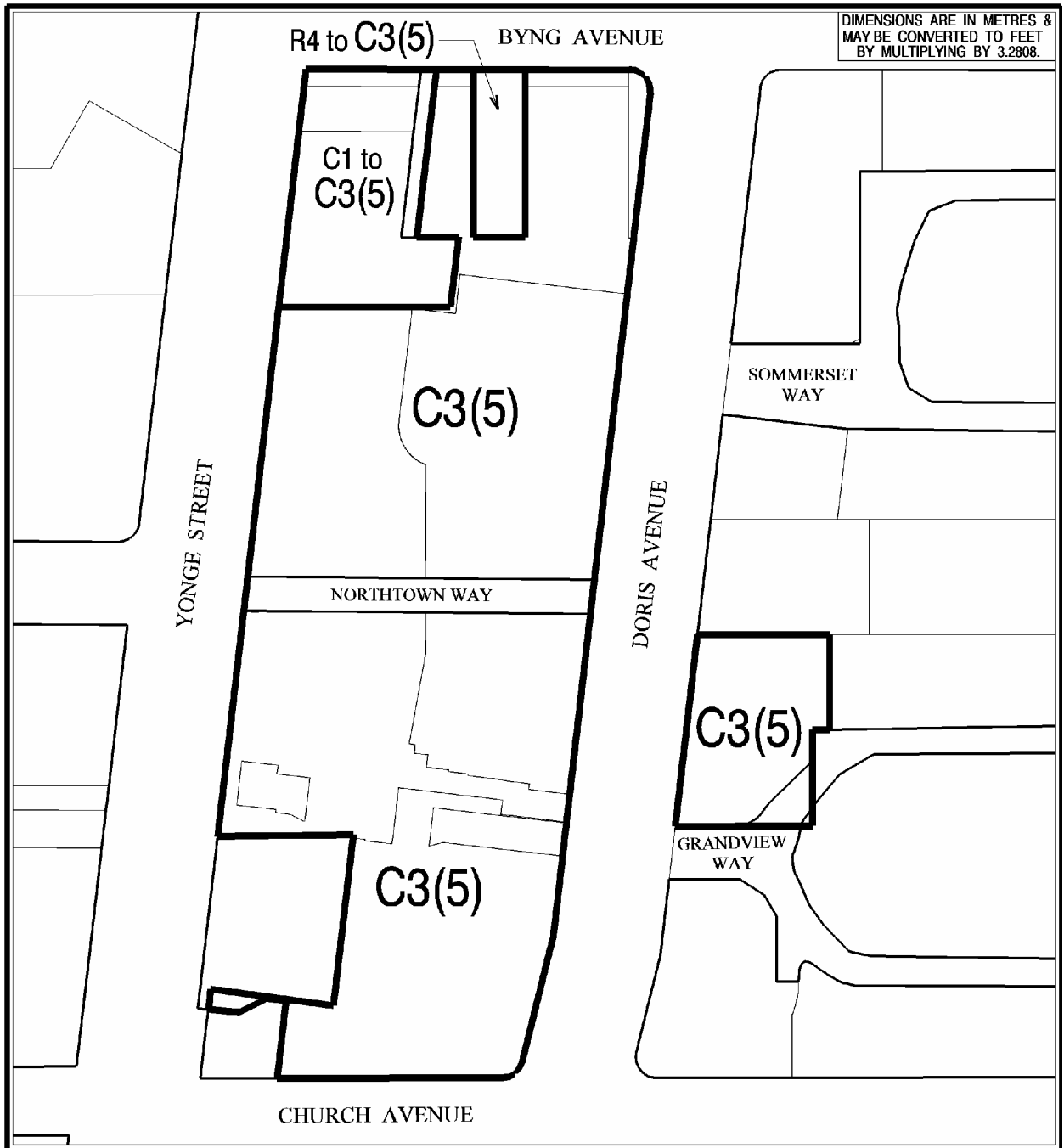
- (a) The maximum gross floor area shall be 0.0 m<sup>2</sup>.”

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2007.

\_\_\_\_\_  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)






**This is Schedule " 1 " to By-Law \_\_\_\_\_**  
**passed the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_**

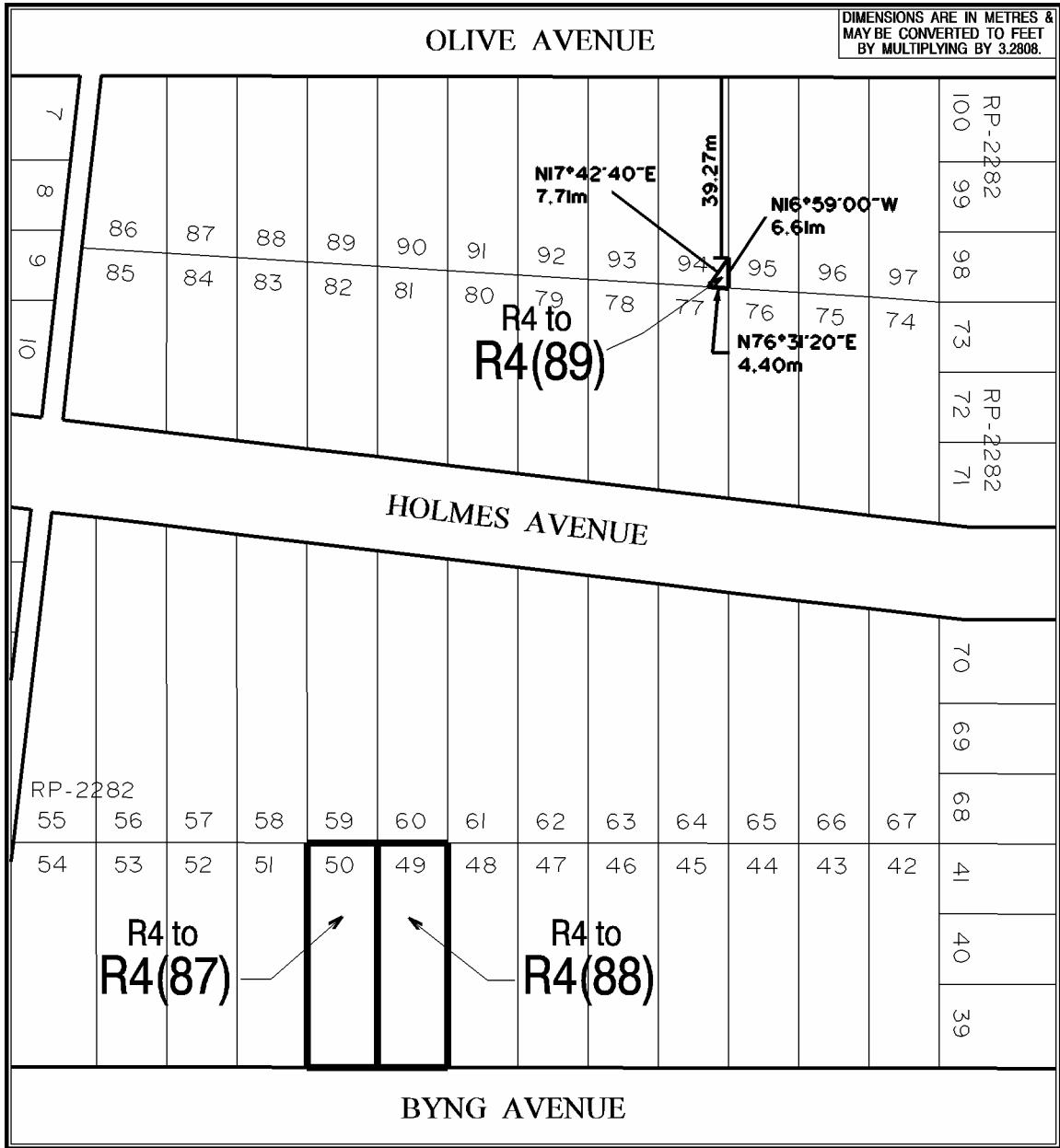
(Sgd.) \_\_\_\_\_ (Sgd.) \_\_\_\_\_  
 CLERK MAYOR

**Location: Northtown Lands**

File: 03_035345	Prepared by: A.K.	Approved by: C.C.	Date: Aug. 22, 2006
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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.

  
 City Planning Division  
 North District  
  
**SUBJECT PROPERTY**  




**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**

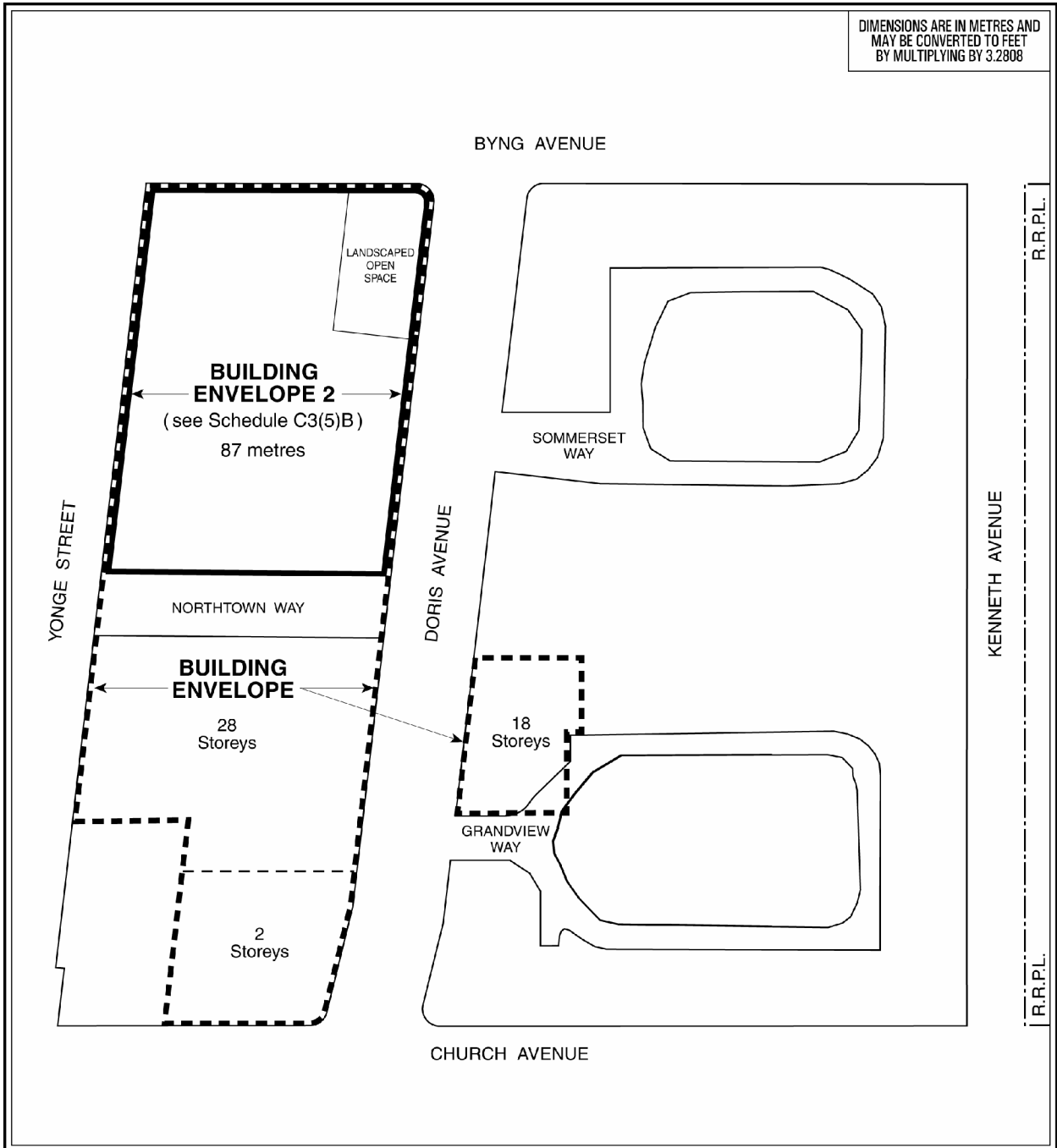
File: 03_035345	Prepared by: A.K.	Approved by: C.C.	Date: Aug. 16, 2006
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City Planning Division  
 North District

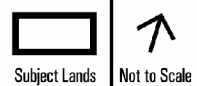
**SUBJECT PROPERTY**

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.

DIMENSIONS ARE IN METRES AND  
MAY BE CONVERTED TO FEET  
BY MULTIPLYING BY 3.2808



<p>This is Schedule "C3(5)A" to Bylaw _____ passed the _____ day of _____, 20__</p> <p>(Sgd.) _____ (Sgd.) _____</p> <p style="text-align: center;">CLERK <span style="margin-left: 150px;">MAYOR</span></p>		 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





### Attachment 3: 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.