

5270 and 5290 Yonge Street – Re-zoning and Site Plan Control Applications – Final Report

Date:	August 23, 2007
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward No. 23 – Willowdale
Reference Number:	File Nos. 06 144386 NNY 23 OZ & 06 144417 NNY 23 SA

SUMMARY

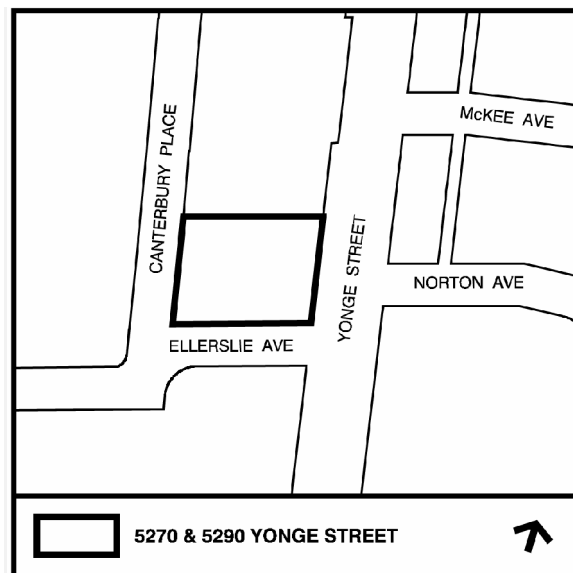
This application proposes to amend the site specific zoning for the lands located at 5270 and 5290 Yonge Street in order to permit a phased mixed use project consisting of a 3-storey commercial building fronting onto Yonge Street and a 17-storey, 165 unit retirement residence on the western portion of the lands fronting onto Canterbury Place.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 7625 for the City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5;
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the



draft Zoning By-law Amendment as may be required;

3. City Council approve in principle the site plan drawings and the Conditions of Site Plan Approval as listed in Attachment No. 6, subject to stylistic and technical changes;
4. City Council authorize the Chief Planner 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 as set out in Attachment No. 6, including entering into a satisfactory Site Plan Agreement, have been fulfilled;
5. before introducing the necessary Bill to City Council for enactment, City Council require the owner to enter into a Section 37 Agreement with the City to the satisfaction of the City Solicitor, to provide the following facilities, services and/or monetary contributions:
 - (A) a below grade bicycle storage space totalling 115.44 m² comprised of 48.59 m² for the retirement residence and 66.85 m² for the non-residential use;
 - (B) an indoor recreational amenity area for the exclusive use of occupants of the retirement residence with a minimum size of 247.5 m²;
 - (C) a monetary contribution in the form of a certified cheque, and satisfactory to the City, to fund 2,024.08 m² of proposed gross floor area, toward the provision of public recreation centres or social facilities serving the North York Centre Area, and/or toward the cost of the City acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre, to be made no later than the earlier of 6 months from the issuance of any occupancy permit for the non-residential portion of the development, and the issuance of the first building permit for the retirement residence, and which shall be indexed to the Toronto Real Estate Board Market Watch Index from the date of the Section 37 Agreement and as further set out in that Agreement. The certified cheque shall be secured by a letter of credit, delivered to the City prior to the issuance of an occupancy permit for the non-residential portion of the development. The letter of credit shall be returned to the owner upon receipt of the certified cheque. The amount of the monetary contribution shall be equal to the market value, based on land value, of

2,024.08 m² of proposed gross floor area, as determined by the Director of Real Estate Services;

furthermore, the following collateral matters shall be set out in the Section 37 Agreement:

- (D) a 2 metre maximum road widening across the Eglinton Avenue frontage and a 6.1 metre radius corner rounding at the intersection of Canterbury Place and Eglinton Avenue and at the intersection of Yonge Street and Eglinton Avenue representing 109 m² in area;
- (E) prior to the issuance of an occupancy permit for the new non-residential building, the owner shall have obtained leases for 23 off-site parking spaces for the new non-residential portion of the development. In the event that the applicant is unable to secure acceptable off-site leased parking within the North York Centre area, with such leases secured for a 6 month period from the issuance of the occupancy permit for the non-residential portion of the development, and satisfactory to the City Solicitor and the Director, Transportation Services, the owner agrees to provide a monetary contribution to the City of Toronto in the amount of a \$25,000 certified cheque, prior to the issuance of an occupancy permit for the new non-residential building (Phase One of the development), such contribution to be used exclusively for capital improvements to parks and/or community facilities serving the North York Centre area, as determined by the Director of Community Planning, North York District in consultation with the Ward Councillor;
- (F) The phasing provisions for the construction of the retirement residence and non-residential components of the development, which will occur as per the following stages:
 - (i) **PHASE ONE (1):**
 - a) The existing DUCA building located at 5290 Yonge Street will be permitted to remain in use, and will be required to provide 15 on-site surface parking spaces between the date of issuance of the first building permit for the new non-residential building, and until such time as the occupancy permit for the new non-residential building is issued.

b) An occupancy permit shall not be issued for the new non-residential portion of the development until a demolition permit is issued for the existing DUCA building.

c) Upon issuance of the occupancy permit for the new non-residential building, demolition of the existing DUCA building shall begin within 30 days and be completed within 90 days of issuance of the occupancy permit.

d) The owner agrees to provide a letter of credit satisfactory to the City of Toronto in the amount of \$60,000.00 prior to the issuance of any building permit for the new non-residential portion of the development to ensure that demolition of the existing DUCA building takes place as in paragraph (i)(c) above.

e) During the demolition of the existing DUCA building the owner will be permitted to provide 0 on-site surface parking spaces for the new non-residential portion of the development for a maximum of 90 days from issuance of the occupancy permit. Should a building permit for the residential portion of the development have been issued, the permission for 0 on-site parking spaces for the non-residential portion of the development may be extended for a period of 6 months from the issuance of the occupancy permit for the new non-residential portion of the development, in order to permit completion of the ramp to the below grade parking garage.

(ii) PHASE TWO (2):

a) The owner is required to obtain building permits and begin construction of the residential portion of the development including the access ramp to the below grade garage within 6 months of the issuance of an occupancy permit for the non-residential component of the development referred to in (i)(b) above.

b) The owner agrees that the residential portion of the development shall proceed within 6 months of

the issuance of an occupancy permit for the non-residential component, failing which the owner shall construct the ramp to the underground parking garage and shall landscape the balance of the site forthwith. Prior to final zoning approval, the owner will provide a letter of credit satisfactory to the City of Toronto in the amount of \$162,000.00, to secure the foregoing obligation. Should the residential portion of the development not proceed within 6 months of the issuance of an occupancy permit for the non-residential component of the development, the owner shall have a further 2 months to submit a building permit application to construct the ramp to the underground parking garage. If such application is not submitted within said 2 months, or if the garage ramp is not completed within 6 months of issuance of the building permit for the ramp, to the satisfaction of the Director/Deputy Chief Building Official, North York District, the City shall thereafter be entitled to cash the letter of credit, and such funds will be used exclusively for capital improvements to parks and/or community facilities serving the North York Centre area, as determined by the Director of Community Planning, North York District in consultation with the Ward Councillor. If not cashed, the letter of credit shall be returned to the owner upon completion of the garage ramp.

c) Prior to the issuance of a building permit for the new non-residential portion of the development, the owner will provide a letter of credit to the City of Toronto in the amount of \$60,000.00, as further set out in the Section 37 Agreement to ensure that in the event that the garage ramp and/or residential portion of the development not proceed within 8 months of the issuance of an occupancy permit for the non-residential component of the development, appropriate landscaping for the balance of the subject lands takes place to the satisfaction of the City.

d) During construction of the residential portion of the development, and in accordance with the Section 37 Agreement, the owner will be permitted to provide 0 on-site parking spaces for the

new non-residential portion of the development for a period of 6 months from the issuance of the occupancy permit for the new non-residential portion of the development, in order to permit completion of the ramp to the below grade parking garage.

- (G) The retirement residence units proposed to be located within the retirement residence portion (Phase Two) of the development may contain only partial culinary facilities but not a 220 volt electrical service for a stove connection. All retirement home residents will be served by a common kitchen and dining area located at the base of the building.
- (H) Prior to final Site Plan Approval, the owner shall convey to the City free and clear of all encumbrances, a 2 metre maximum road widening across the Ellerslie Avenue frontage and a 6.1 metre radius corner rounding at the intersections of Canterbury Place and Ellerslie Avenue and at the intersection of Yonge Street and Ellerslie Avenue representing 109 m² in area and identified as Part 1, Part 2 and Part 5 on a Plan of Survey prepared by R.G. McKibbon, Ontario Land Surveyors.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In November 2001 Toronto City Council approved a site specific Zoning By-law to permit a 20-storey apartment building containing 140 condominium units with a 3-storey non-residential podium containing at grade retail space, a financial institution and a social facility for the subject lands. The approval allowed density incentives in return for the provision of a social facility. The applicant subsequently decided not to use the density incentives and did not enter into a Section 37 agreement.

In 2003, the applicant filed an application to amend the Official Plan as it pertained to the social facility incentive provisions as outlined in the staff Final Report. The applicant subsequently appealed the application to the Ontario Municipal Board, which in a decision of February 2005, upheld the incentive provisions of the North York Centre Secondary Plan.

ISSUE BACKGROUND

Proposal

The application proposes to amend the current zoning on the site, to permit a mixed use project consisting of a 17-storey, 165 unit retirement residence on the west portion of the lands, and a 3-storey commercial building on the portion fronting on Yonge Street. The proposal consists of a total of 14,896.77 m² of Gross Floor Area (gfa); 2,573.71 m² for office and commercial-retail uses and 12,323.06 m² for retirement residential uses, and a maximum building height of 55 metres (17-storeys). The proposed density of the project is 4.5 FSI.

The applicant's proposed density incentives include an additional 2,024.08 m² of gross floor area in exchange for directing a monetary contribution incentive toward the cost of the City providing public recreation centres or social facilities, and/or towards the City's cost of acquiring lands for the completion of the planned service road and associated road network and buffer areas in the North York Centre.

The retirement residential units in the proposed retirement residence will not have full individual kitchen facilities, although for convenience a sink and refrigerator may be provided for the occupants. All retirement home residents will be served by a common kitchen and a dining area which will be located on the second floor of the building.

Vehicular access for pick-up and drop-off for the proposed retirement residential building will be from Canterbury Place. This access route has been designed to include a lay-by for vehicles including Wheel Trans buses and emergency vehicles. Although it is proposed as a one-way in at its southern end, the access route will allow two-way traffic at its northerly connection to Canterbury Place in order to also permit access to a common refuse pick-up and loading area for the entire development.

Both buildings would be served by a one-level below grade parking garage with a total of 73 parking spaces accessed through a common ramp entrance located just west of Yonge Street, on the north side of Eglerslie Avenue. Five surface parking spaces located at grade for the exclusive use of DUCA customers are also being proposed. Bicycle storage space for both the residential and non-residential portions of the development would also be provided in the below grade garage.

Site and Surrounding Area

The site has a frontage of 50 metres along the west side of Yonge Street, just north of Ellerslie Avenue. The northerly portion of the 3335.9 m² site is presently occupied by the Head Office of the DUCA Financial Services Credit Union. A currently vacant, 2-storey commercial building is also located at the southeast corner of the site. A demolition permit has been issued for removal of this building.

Surrounding land uses are as follows:

- North: Low rise commercial uses are located north of the site along Yonge Street. Immediately north on Canterbury Place a 3-storey building which will become the new home of “Eva’s Place” Youth Shelter is under construction and north-westerly on Canterbury Place is located the 18-storey DIA residential condominium building which is nearing completion;
- South: Low rise commercial uses are located south of Ellerslie Avenue along Yonge Street;
- East: Across Yonge Street south of Norton Avenue is located a 15-storey commercial office building, with 2-storey commercial buildings along Yonge Street north of Norton Avenue; and
- West: A police station and fire station are located on the west side of Canterbury Place, immediately west and just north, respectively, of the site.

Provincial Policy Statement and Provincial Plans

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

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

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

Official Plan

The site is designated “Mixed Use Area G” within the North York Centre Secondary Plan. This designation permits commercial uses, institutional uses that

are not predominantly offices, residential, public parks and recreational uses. The maximum permitted base density on the site is 3.75 FSI provided that the total of all commercial uses on the site does not exceed 20% of the maximum permitted gross floor area. The North York Centre Secondary Plan allows for a maximum height on the subject lands of 87 metres above grade.

The North York Centre Secondary Plan also allows various additional density incentives of up to 33% of the maximum permitted base density, for a total of approximately 5.0 FSI. In exchange for additional density, the City may accept a monetary contribution for the provision of public recreation centres or social facilities, and/or utilize the funds towards the cost of acquiring land necessary for completion of the service road and associated road network and buffer areas. The amount of the monetary contribution will be equal to the market value of the additional gross floor area obtained, based on the land value of density in the North York Centre, as determined by the Director of Real Estate Services.

The Secondary Plan also has specific policies with respect to Urban Design, transportation and other requirements.

Zoning

This site was rezoned in 2001 to RM6 (105), to permit a 20-storey mixed use building containing 140 residential units and a social facility as well as a 3-storey commercial podium fronting onto Yonge Street. This zoning permits a range of residential and commercial uses, with a total of 13,004 m² of gfa, a height of 81 metres, and a minimum of 190 parking spaces.

Site Plan Control

The applicant has submitted a concurrent site plan control application (06 144417 NNY 23 SA). This report recommends approval in principle of the Site Plan Control application, as per the Conditions of Site Plan Approval outlined in Attachment 6.

Reasons for Application

The applicant has proposed changes to the development of the site originally approved by City Council in 2001. There have been changes to the design of the proposed 3 storey DUCA office and commercial/retail portion of the building, particularly with regard to the Yonge Street façade and colonnade. The applicant is also proposing to change the 20-storey, 140 unit residential condominium to a 17-storey, 165 unit retirement residence building fronting onto Canterbury Place.

The development footprint for the site remains basically unchanged from the previously approved development. The proposed building height for the retirement residence is 3 storeys less than what was permitted in the approved By-law.

The application also proposes changes to the density incentive provision arrangement of the previous proposal in order to provide a monetary contribution towards the City's cost of constructing public recreation centres or social facilities serving the North York Centre Area and/or toward the cost of acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre, rather than an on-site social facility; and to permit a proposed total supply of 78 parking spaces for the retirement residence and commercial uses.

Community Consultation

A community meeting to discuss the revised proposal for the subject lands was held on March 27, 2007. Approximately 22 members of the local community as well as the area Councillor's representative, Planning staff, the applicant and their legal representatives were in attendance. The community participants were pleased with the green-roof features for the DUCA building, and supportive of the retirement residence proposal. No objections were stated.

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 as well as conditions for the Site Plan Agreement.

COMMENTS

Provincial Policy Statement and Provincial Plans

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

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

Density, Height, Massing

The applicant is proposing a development with a total of 14,896.77 m² of Gross Floor Area (gfa); 2,573.71 m² for commercial uses and 12,323.06 m² for residential uses. The proposed total density of 4.5 FSI, including permitted incentives, is within the density limits of the Secondary Plan. The applicant is requesting density incentives of residential amenity spaces of 1.5 m² per unit, 115.44 m² for bicycle storage space and a cash contribution to fund 2,024.08 m² of gross floor area, with the contribution directed towards a community facility and/or service road serving the North York Centre.

The proposed non-residential portion of the development fronting onto Yonge Street will have a building height of 3 storeys and 17 metres. The retirement residence component of the development, which fronts onto Canterbury Place, will have a maximum height of 17 storeys and 55 metres. The proposed heights conform to the policies of the Secondary Plan which permit heights up to 87 metres.

Provision has been made for outdoor, at-grade open space and landscaping for the use of residents of the retirement residential building. This is augmented by significant outdoor space on the 2nd floor terraces of that building. Residents will also have access to indoor amenity and recreational space on the first and second floor of the building, which is further enhanced by the addition of an 89 m² year-round conservatory located on the 1st floor at the south-west corner of the building.

The proposal has been reviewed in light of the density, built form, urban design and open space objectives in the Secondary Plan and is in conformity with those provisions.

Traffic Impact, Access, Parking

The applicant has submitted a Traffic Impact Study prepared by LEA Consulting Ltd. The study assessed the parking and traffic generation of the development as well as the operation of the combined refuse and loading space. The applicant has proposed a parking arrangement that provides for shared below grade parking between the retirement residence and the commercial portion of the development. With this arrangement, visitors to the retirement residence will have, in addition to the parking available on the retirement residence portion of the lands, exclusive access to the 26 below grade parking spaces located on the commercial portion of the development, weekdays after 6:00 p.m., on weekends and on statutory holidays. The Transportation Services Division has reviewed the studies and has advised they are acceptable.

The applicant has advised that at various points in time and on a temporary basis during the two phases of construction, reduced on-site parking will be available. The applicant has indicated that they will provide alternatives to staff and customers, such as car-pooling and transit passes. The Transportation Services Division has acknowledged this arrangement. The applicant advises that they intend to seek opportunities to provide off-site leased parking if available during the periods when on-site parking is not possible. Any arrangement for off-site leased parking must be to the satisfaction of the Director, Transportation Services, North York District, and must be provided within the boundaries of the North York Centre area.

In the event that the proposed temporary off-site leased parking arrangement cannot be secured, it is recommended that the owner provide a certified cheque to the City of Toronto in the amount of \$25,000.00, as further set out in the Section 37 Agreement, prior to the issuance of an occupancy permit for the new non-residential building, to be used for capital improvements to parks and/or community facilities serving the North York Centre area. The developer has agreed to this possible alternative.

Phasing of the Development

The applicant, DUCA Credit Union, has proposed a phased development in order to avoid disruption to its business operations. The applicant has proposed a building construction plan which involves two distinctive phases as follows, and which will be secured through the Section 37 Agreement:

Phase 1 will involve demolition of the existing 2-storey commercial building located at the northwest corner of Yonge Street and Eglinton Avenue. Subsequently, the new 3-storey commercial building and its portion of the combined 1-storey below grade parking garage will be constructed along the Yonge Street frontage for DUCA Credit Union use. Immediately afterwards, the existing on-site commercial building presently housing the DUCA branch will be demolished. As access to the parking garage and surface parking will not be possible during this phase, the applicant has requested approval for a temporary parking reduction.

In order to guarantee that the phasing proceeds on schedule and to secure demolition of the existing on-site commercial building, and completion of the access ramp and landscaping of the site should Phase 2 not occur, the applicant has agreed to provide financial security to the City for the estimated value of the demolition, the garage ramp construction, and landscaping costs.

Such guarantees will be utilized to ensure that the demolition of the existing on-site commercial building shall begin within 30 days from the date that an occupancy permit is issued for the new commercial building, and be completed

within 90 days of such occupancy. The phasing plan also requires that the retirement residential portion of the development begin within 6 months of occupancy of the new commercial building. The financial guarantees will ensure that parking access to the below grade garage of the new commercial building will be provided. Should Phase 2 not occur or the construction not begin within 8 months of the occupancy of the commercial building, the applicant will be required to construct the ramp to the underground parking garage and to landscape the remainder of the site to the satisfaction of the City.

Phase 2 consists of the construction of the 17-storey retirement residence building as well as the remainder of the below grade parking garage and its access ramp. During construction of the garage and lower portions of this building and until such time as access to the below grade parking garage can be safely provided, the applicant will be unable to provide on-site parking to the commercial portion of the development, and will pursue off-site parking or provide a cash contribution as further outlined in this report.

In order to ensure that the applicant adheres to the phasing plan proposed for the development, the phasing requirements and related securities have been incorporated into the proposed By-law for the lands and will be incorporated into the Section 37 Agreement and Site Plan Control Agreement, as may be appropriate, to the satisfaction of the City Solicitor.

Toronto Green Development Standard

The applicant has been encouraged to review and incorporate the City's Green Development Standards initiative in the design of the proposed development. The applicant has incorporated a "green roof" design on the proposed commercial portion of the development. With this design, rainwater will be collected and absorbed by a system of soil based plant medium, which will result in reduced heat radiation into the atmosphere and storm water runoff. This will be secured in the Site Plan Approval.

Section 37

The applicant proposes to use the density incentive provisions of the North York Centre Secondary Plan to provide 1.5 m² of indoor amenity space per retirement residential unit, to provide 115.44 m² of indoor bicycle storage space and to acquire additional density of 2,024.08 m² for the proposed development through a monetary contribution. The North York Centre Secondary Plan allows additional density incentives to a maximum not exceeding 33% of the maximum permitted base density for a total of approximately 5.0 FSI.

In exchange for additional density, the City may accept a monetary contribution for the provision of public recreation centres or social facilities, and/or to be used towards the cost of acquiring land required for the completion of the service road and associated road network areas serving the North York Centre.

Table 1 – Secondary Plan Provisions – Maximum Permitted Density

	Maximum Gross Floor Area (m ²)
Base Density 3.75 FSI	12,509.75 m ² (3,335.93 m ² site x 3.75)
Incentive Density (33% of 12,509.75 m ²)	4,128.22 m ²
Total Permitted Density approximately 5.0 FSI (including maximum permitted density incentives & transfers)	16,637.97 m ²

Table 2 – Applicant’s Proposed Density Incentives

Item	Gross Floor Area (m ²)	Description
Base Gross Floor Area	12,509.75 m ²	3,335.93 m ² site times 3.75 FSI base density
Bicycle storage	115.44 m ²	Below grade bicycle storage space for the development
Private indoor amenity area	247.50m ²	1.5 m ² @ 165 retirement residential units
Monetary contribution for additional density	2,024.08 m ²	Monetary contribution for density as per Secondary Plan
Total Proposed Density 4.5 FSI	14,896.77 m ²	Total proposed gross floor area (with density incentives and transfers)

As indicated in Table 2 above, the density incentives agreed to between the developer and the City, in conformity with the Secondary Plan and recommended to be secured in the Section 37 agreement, are summarized as follows:

1. The owner shall provide at its sole expense and cost, a below grade bicycle storage space totalling 115.44 m² comprised of 48.59 m² for the retirement residence and 66.85 m² for non-residential use;

2. The owner shall provide, at its sole expense and cost, an indoor recreational amenity area having a minimum size of 1.5 m² per retirement residential unit;
3. The owner shall provide a monetary contribution in the form of a certified cheque, and satisfactory to the City, to fund 2,024.08 m² of proposed gross floor area, toward the provision of public recreation centres or social facilities serving the North York Centre area, and/or toward the cost of the City acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre to be made no later than the earlier of 6 months from the occupancy of the non-residential portion of the development, and prior to the issuance of the first building permit for the retirement residence, and which shall be indexed to the Toronto Real Estate Board Market Watch Index from the date of the Section 37 Agreement and as further set out in that Agreement. The certified cheque shall be secured by a letter of credit, delivered prior to the issuance of an occupancy permit for the non-residential portion of the development. The letter of credit shall be returned to the owner upon receipt of the certified cheque. The amount of the monetary contribution shall be equal to the market value, based on land value, of 2,024.08 m² of proposed gross floor area, as determined by the Director of Real Estate Services.

In addition, the following items will also be secured in the Section 37 agreement:

4. In order to minimize disruption to its business operations, and to provide assurances that development proceeds and is completed in an orderly fashion, the applicant has proposed a building construction plan with two distinctive phases as discussed above. This phasing plan, as further outlined in this report, will be secured;
5. Prior to issuance of an occupancy permit for the new non-residential building, the owner shall have obtained leases for 23 parking spaces for the non-residential portion of the development, off site within the boundaries of the North York Centre area, with such leases secured for a 6 month period from the issuance of the occupancy permit for the non-residential portion of the development, and satisfactory to the City Solicitor and the Director, Transportation Services. In the event the owner is unable to secure acceptable off-site leased parking, within the North York Centre area, the owner shall provide a certified cheque to the City of Toronto in the amount of \$25,000.00, as further set out in the Section 37 Agreement, prior to the issuance of an occupancy

permit for the non-residential portion of the development, such contribution to be used exclusively for capital improvements to parks and/or community facilities serving the North York Centre area;

6. The owner agrees that the residential portion of the development shall proceed within 6 months of the issuance of an occupancy permit for the non-residential component, failing which the owner shall construct the ramp to the underground parking garage and shall landscape the balance of the site forthwith. Prior to final zoning approval, the owner will provide a letter of credit satisfactory to the City of Toronto in the amount of \$162,000.00, to secure the foregoing obligation. Should the residential portion of the development not proceed within 6 months of the issuance of an occupancy permit for the non-residential component of the development, the owner shall have a further 2 months to submit a building permit application to construct the ramp to the underground parking garage. If such application is not submitted within said 2 months, or if the garage ramp is not completed within 6 months of issuance of the building permit for the ramp, to the satisfaction of the Director/Deputy Chief Building Official, North York District, the City shall thereafter be entitled to cash the letter of credit, and such funds will be used exclusively for capital improvements to parks and/or community facilities serving the North York Centre area;
7. The owner agrees that the retirement residential units in the proposed retirement residential building may contain only partial culinary facilities but not a 220 volt electrical service for a stove connection. All retirement home residents will be served by a common kitchen and dining area located at the base of the building;
8. The owner shall convey to the City free and clear of all encumbrances, a maximum 2 metre width road widening across the Ellerslie Avenue frontage and a 6.1 metre radius corner rounding at the intersections of Canterbury Place and Ellerslie Avenue, and at the intersection of Yonge Street and Ellerslie Avenue, representing 109 m² in area and identified as Part 1, Part 2 and Part 5 on a Plan of Survey prepared by R.G. McKibbon, Ontario Land Surveyors.

As previously mentioned, the phasing of the development, along with the items listed above, are recommended to be secured in the Section 37 Agreement as a legal convenience to support development, in addition to the density incentive provisions.

Development Charges

Development Charges for this development will be determined by the City Building Division prior to the issuance of any building permits.

CONTACT

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SIGNATURE

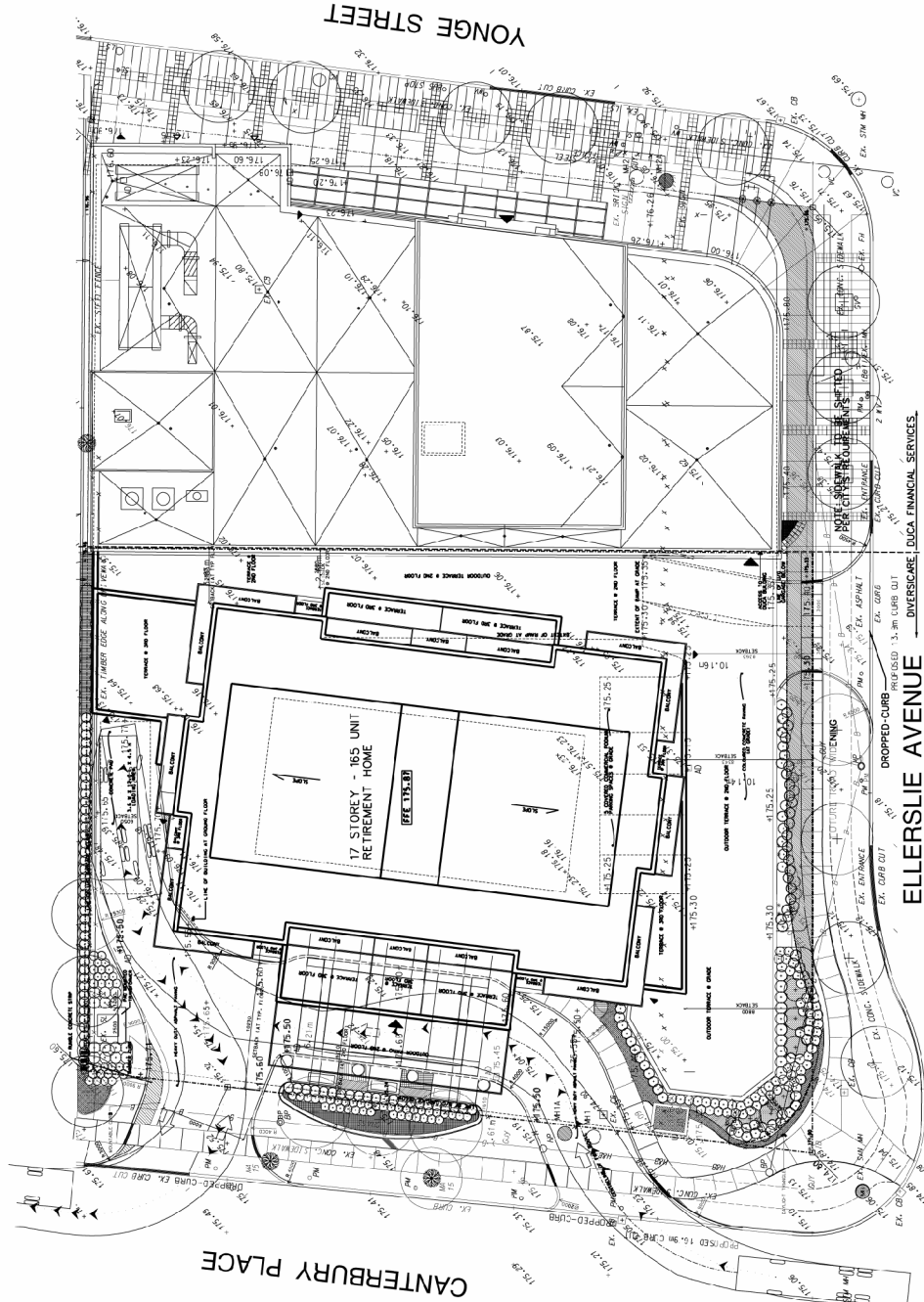
Thomas C. Keefe

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendment
Attachment 6: Conditions of Site Plan Approval
Attachment 7: Agency Comments

Attachment 1: Site Plan



5270 & 5290 Yonge Street

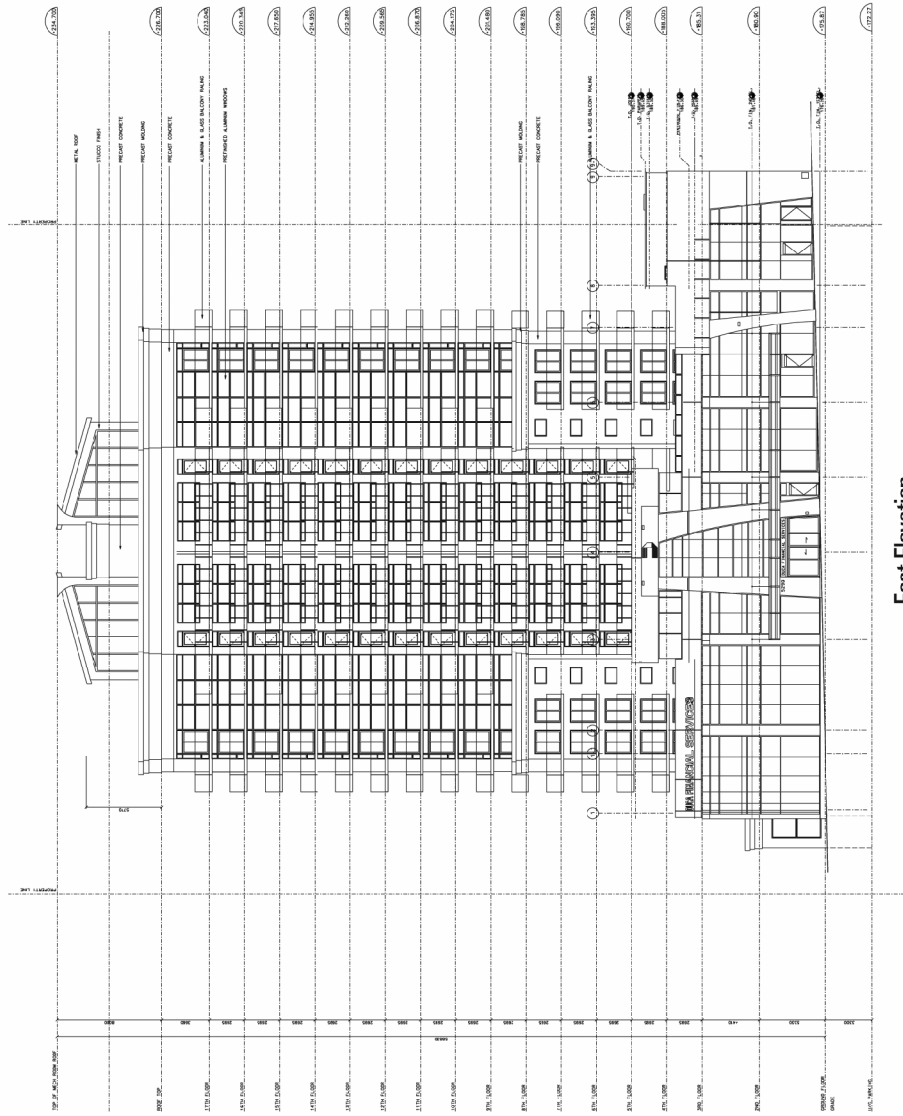
Site Plan

Applicant's Submitted Drawing

Not to Scale
05/29/07

File # 06_144386

Attachment 2: Elevations



East Elevation

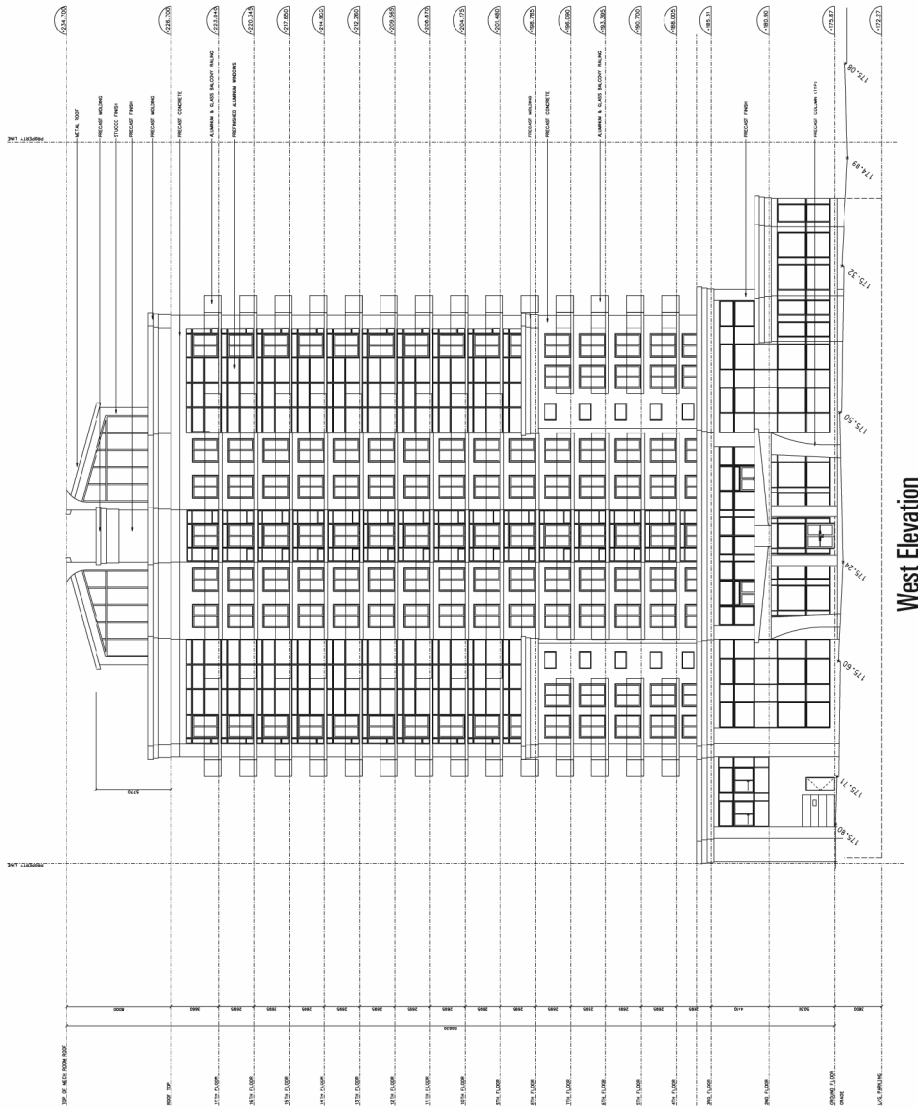
5270 & 5290 Yonge Street

Elevations
 Applicant's Submitted Drawing

Not to Scale
 05/29/07

File # 06_144386

Elevations



West Elevation

5270 & 5290 Yonge Street

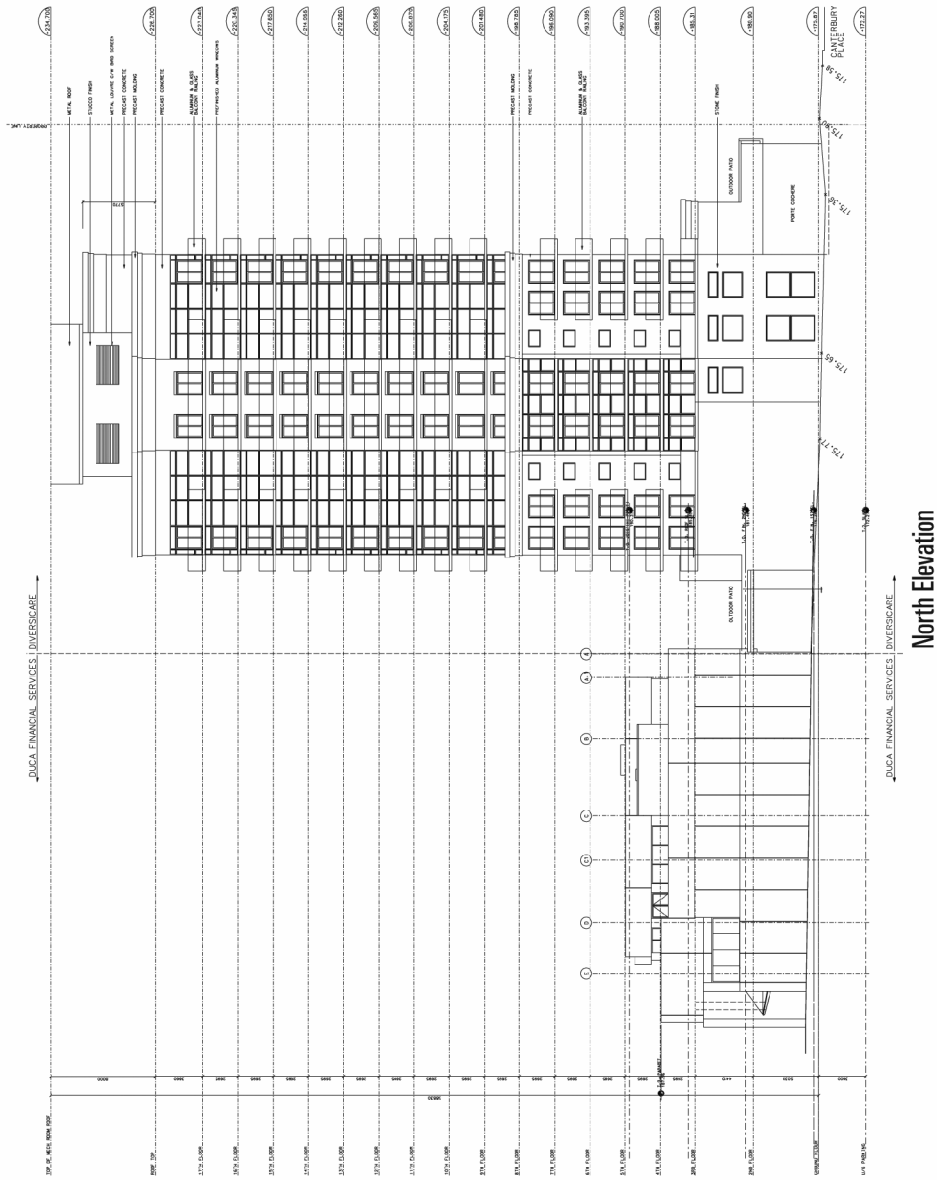
Elevations

Applicant's Submitted Drawing

Not to Scale
05/29/07

File # 06_144386

Elevations



5270 & 5290 Yonge Street

Elevations

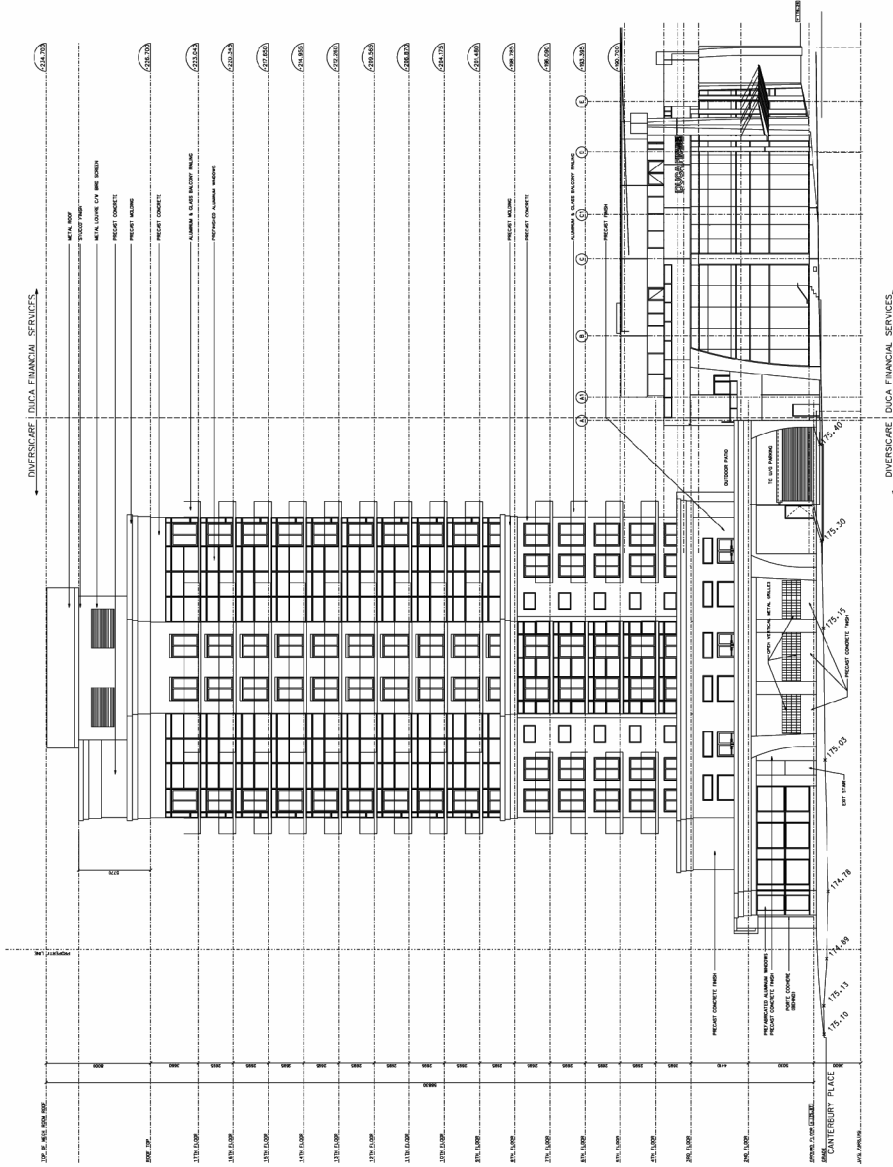
Applicant's Submitted Drawing

Not to Scale
05/29/07

File # 06_144386

North Elevation

Elevations



South Elevation

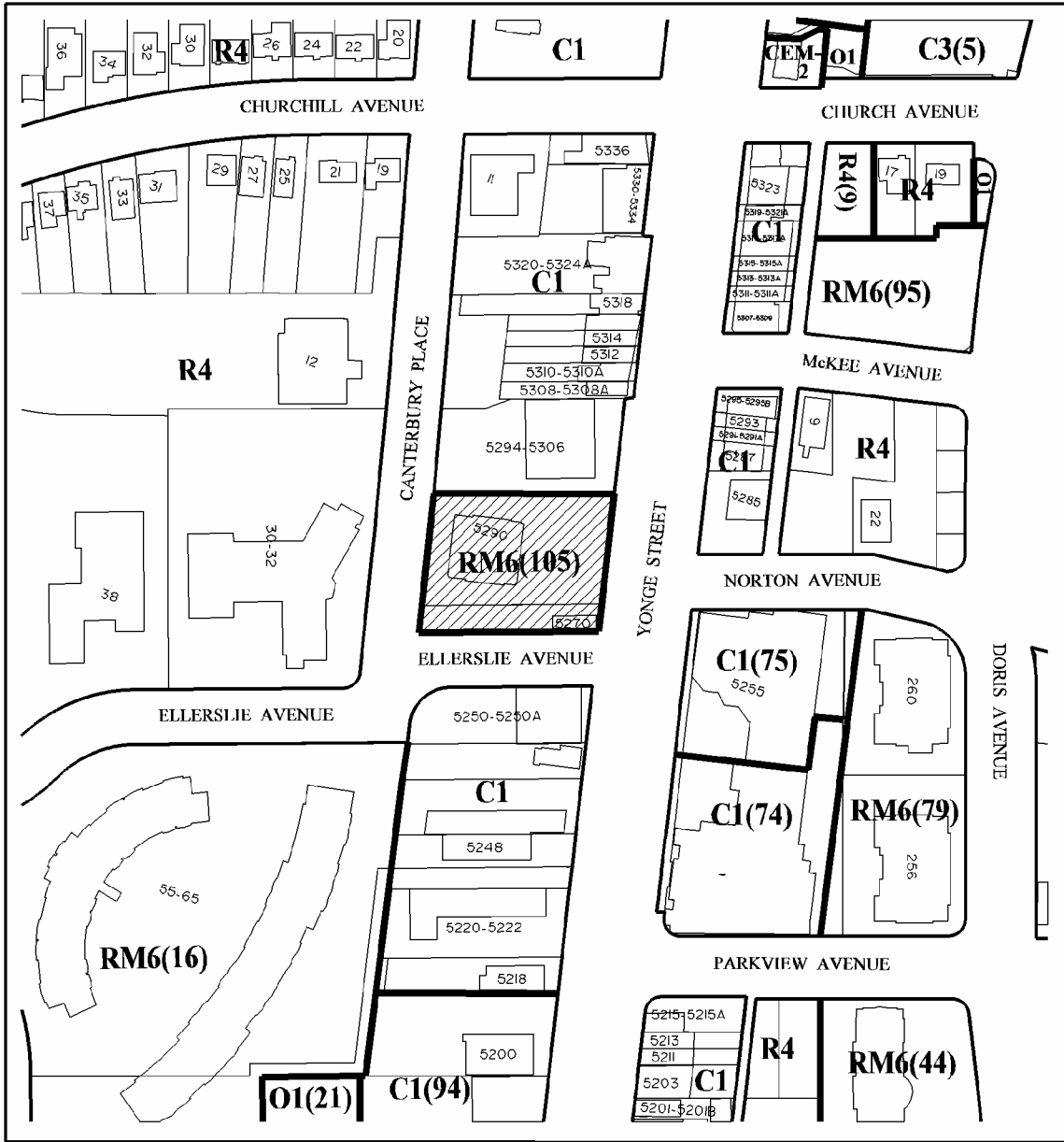
5270 & 5290 Yonge Street

Elevations
Applicant's Submitted Drawing

Not to Scale
05/29/07

File # 06_144386

Attachment 3: Zoning



Toronto City Planning Division
Zoning

5270 & 5290 Yonge Street

File # 06_144386

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- C3 District Shopping Centre Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

- O1 Open Space Zone
- Cem-2 Restricted Cemetery Zone



Not to Scale
 Zoning By-law 7625
 Extracted 01/22/07

Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	06 144386 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	June 8, 2006

Municipal Address: 5270 YONGE ST, TORONTO ON
 Location Description: CON 1 WYS PT LOT 18 **GRID N2302
 Project Description: DUCA financial services building with ground floor retail and service commercial uses and a 17-storey retirement residence with 165 retirement residential units on Canterbury Place frontage. Common podium and underground garage for 73 parking spaces (+ 5 surface). Concurrent site plan application.

Applicant: AIRD & BERLIS, LLP	Agent:	Architect: HENDRICK OP'T ROOT	Owner: S JACK VANDERKOOY
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PLANNING CONTROLS

Official Plan Designation:	MUA	Site Specific Provision:
Zoning:	RM6(105)	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	3335.9	Height:	Storeys:	17
Frontage (m):	50.65		Metres:	55
Depth (m):	65.8			
Total Ground Floor Area (sq. m):	2010.92			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	78
Total Non-Residential GFA (sq. m):	14896.77		Loading Docks	1
Total GFA (sq. m):	14896.77			
Lot Coverage Ratio (%):	60.3			
Floor Space Index:	4.46			

DWELLING UNITS

Tenure Type:	Other
Rooms:	165
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	2573.71	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	12323.06	0

CONTACT:	PLANNER NAME:	Ben DiRaimo, Planner
	TELEPHONE:	(416) 395-7119

Attachment 5: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on
~, 2007
Enacted by Council: ~, 2007

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2007

**To amend the former City of North York Zoning By-law No. 7625, as amended,
with respect to the lands municipally known as,
5270 and 5290 Yonge Street**

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

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

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

1. Schedules “B” and “C” of By-law 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law.
2. Section 64.20-A (105) of By-law No. 7625 is hereby repealed, and replaced by the following:

“64.20-A (174)

RM6 (174)

DEFINITIONS

- (a) Bicycle Storage Space For the purposes of this exception, Bicycle Storage Space means an area below grade that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, but is not intended for general storage use.
- (b) Common Outdoor Space For the purposes of this exception, Common Outdoor Space means an unenclosed exterior area that adjoins and is directly accessible from a street or public park and is directly accessible to the public at all times, including landscaping and outdoor seating and other features.
- (c) Established Grade Means the geodetic elevation of 175.8 metres taken at the centre line of Yonge Street at the mid-point of the abutting lot.
- (d) 5290 Building For the purposes of this exception, 5290 Building means the commercial building existing on the property in the year 2006 having a municipal address of 5290 Yonge Street.

- (e) Gross Floor Area For the purposes of this exception, Gross Floor Area means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as enclosed balconies, but excluding:
- (i) any part of the building used as Mechanical Floor Area;
 - (ii) any space used exclusively for motor vehicle parking.
 - (iii) the floor area of unenclosed residential balconies.
- (f) Mechanical Floor Area For the purposes of this exception, Mechanical Floor Area means the floor area within a building that is used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, such as heating and ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.
- (g) Net Site For the purposes of this exception, Net Site means the gross site minus any lands conveyed to the City of Toronto for road widening purposes, with such net site comprising an area of 3,226.93 m².
- (h) Pedestrian Colonnade For the purposes of this exception, Pedestrian Colonnade means a covered area of a building open to the street which is designed and intended to provide for pedestrian comfort and which may include supporting columns.
- (i) Phase One (1) For the purposes of this exception, Phase One (1) shall mean the construction of the 3-storey (17 metres) non-residential portion of the development with its one-storey below grade garage component and the demolition of the 5290 Building as shown on Schedule RM6 (174).
- (j) Phase Two (2) For the purposes of this exception, Phase Two (2) shall mean the construction of the 17-storey (55 metres) Retirement Residence building with 165 Retirement Residential Units, including the shared refuse pick up and loading space for the entire development and the remainder of the one-storey below grade garage and associated ramp access structure as shown on Schedule RM6 (174).
- (k) Retirement Residence For the purposes of this exception, Retirement Residence means living accommodation for residents in a semi-independent living arrangement, other than a senior's community house or apartment house dwelling, provided there is:

- (i) a maximum of two persons per Retirement Residential Unit,
- (ii) office accommodations for one or more staff persons, one or more common lounges and dining areas, and
- (iii) dining facilities shared by all residents.

(l) Retirement Residential Unit

For the purposes of this exception, Retirement Residential Unit means living accommodation in a Retirement Residence, for a maximum of two persons per unit, which shall include at least one room and sanitary conveniences, and which may contain only partial culinary facilities but without a 220 volt electrical service for a stove connection.

PERMITTED USES

(m) The following are the only permitted uses:

Phase One (1):

business and professional offices;
 automatic laundry shops;
 clubs;
 commercial schools;
 dry-cleaning and laundry collection establishments;
 financial institutions;
 personal service shops;
 professional medical offices;
 rental agencies;
 restaurants with or without outdoor patio;
 retail stores;
 service shops;
 studios;
 take-out restaurant;
 uses accessory to the foregoing.

Phase Two (2):

Retirement Residence and uses accessory thereto.

EXCEPTION REGULATIONS

(n) Retirement Residential Units The maximum number of Retirement Residential Units in the Retirement Residence shall be 165.

- (o) Building Height The building height shall not exceed the maximum number of storeys and shall not exceed the maximum height as shown on Schedule RM6 (174), excluding parapets, mechanical penthouses and equipment, stairwells to access the roof for mechanical and service purposes, window washing equipment, landscaping elements relating to a green roof, and other structures.
- (p) Loading Space One shared refuse pick up and loading space shall be provided to serve both non-residential and Retirement Residential portions of the development, and it shall be provided in conjunction with the Phase Two (2) portion of the development only.
- (q) Parking Parking spaces shall be provided within the Net Site in accordance with the following:
- (i) For Retirement Residence use:
 - (A) 47 below grade parking spaces, provided within the Phase Two lands, of which 30 spaces shall be for visitors,
 - (B) Notwithstanding (i) (A) above, 5 of the visitor spaces shall be located below grade within the new non-residential building on the Phase One lands, and shall be for the exclusive use of the Retirement Residence.
 - (ii) For non-residential use:
 - (A) 26 below grade parking spaces provided on the Phase One lands,
 - (B) 5 at grade parking spaces provided on the Phase Two lands; and
 - (C) Notwithstanding (ii) (A) above, the Retirement Residence shall be permitted use of the 26 below grade non-residential parking spaces identified in (ii)(A) above, only on weekdays after 6:00 p.m., and on all weekends and statutory holidays. These spaces shall be clearly identified.
- (r) Total Gross Floor Area The total Gross Floor Area permitted on the lands as shown on Schedule RM6(174) shall not exceed a maximum gross floor area of 12,509.75 m² attributable to the Net Site, of which the maximum non-residential gross floor area shall be 2,574 m².
- (s) Yard Setbacks and Projections The minimum yard setbacks shall be shown on Schedule RM6 (174). Every part of any required yard shall be open and unobstructed by any structure, from the ground to the sky, except

projections for accessory structures including, a garbage pickup station, ventilation shafts, landscape features and structures, window washing equipment, HVAC equipment, generators, landscaping associated with a green-roof, Pedestrian Colonnade and elevated portions of the garage. There shall be no minimum yard setback requirement for accessory structures.

(t) Common Outdoor Space

A minimum of 132 m² Common Outdoor Space shall be provided on the Phase One (1) lands.

(u) Exceptions

The provisions of Section 6A(2)(a) (Parking), 6A(8)(b) (Location of Parking Spaces), and 15.8 (landscaping) shall not apply.

SECTION 37 AGREEMENT

(v)

The owner of the lands shown on Schedule “RM6(174)” shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* R.S.O. 1990, c.P. 13, as amended to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner’s expense and in accordance with, and subject to, the agreements referred to above, shall provide or fund the following facilities, services and matters on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out.

Increased Density:

Matters which are to be provided pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, in order to permit the increased maximums in gross floor area authorized under subsection 3(v) (D) of this exception are:

- (A) the owner shall provide at its sole expense and cost, a below grade Bicycle Storage Space totalling 115.44 m² comprised of 48.59 m² for the Retirement Residence and 66.85m² for non-residential use;
- (B) the owner shall provide, at its sole expense and cost, an indoor recreational amenity area having a minimum size of

1.5 m² per Retirement Residential Unit, for the exclusive use of the Retirement Residence;

- (C) the owner shall provide a monetary contribution satisfactory to the City, to fund 2,024.08m² of proposed gross floor area, for the provision of public recreation centres or social facilities serving the North York Centre Area, and/or toward the cost of the City acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre to be provided in the form of a certified cheque to the City of Toronto no later than the earlier of six months from the issuance of any occupancy permit for the non-residential portion of the development, and prior to the issuance of the first building permit for the Retirement Residence, and which shall be indexed to the Toronto Real Estate Board Market Watch Index from the date of the Section 37 Agreement and as further set out in that Agreement. The certified cheque shall be secured by a letter of credit, delivered prior to the issuance of an occupancy permit for the non-residential portion of the development. The letter of credit shall be returned to the owner upon receipt of the certified cheque. The amount of the monetary contribution shall be equal to the market value, based on land value, of 2,024.08 m² of proposed gross floor area, as determined by the Director of Real Estate Services.

Additional Gross Floor Area:

- (D) Notwithstanding subsection 3(r) of this exception, additional gross floor area may be permitted on the lands shown on Schedule RM6(174), limited to the following:
- (i) a maximum of 115.44 m² of Gross Floor Area for the provision of Bicycle Storage Space comprised of an area of 48.59 m² for the Retirement Residence and an area of 66.85m² for non-residential use;
 - (ii) a maximum of 247.5 m² of Gross Floor Area for the provision of an indoor recreational amenity area of minimum area 247.5 m² to be made available for the residential portion of the development;

- (iii) a maximum of 2,024.08 m² of Gross Floor Area attributable to the monetary contribution specified in subsection 3(v) (C) above.

Collateral Matters:

- (E) The Section 37 Agreement will also secure the following collateral matters:

(1) PHASING OF DEVELOPMENT

The construction of the Retirement Residence and non-residential components of the development will occur as per the following stages:

(i) PHASE ONE (1):

a) The existing 5290 Building will be permitted to remain in use and will be required to provide 15 on-site surface parking spaces between the date of issuance of the first building permit for the new non-residential building, and until such time as the occupancy permit for the new non-residential building is issued.

b) An occupancy permit shall not be issued for the new non-residential portion of the development until a demolition permit is issued for the existing 5290 Building.

c) Upon issuance of the occupancy permit for the new non-residential building, demolition of the existing 5290 Building, shall begin within 30 days and be completed within 90 days of issuance of the occupancy permit.

d) The owner agrees to provide a letter of credit satisfactory to the City of Toronto in the amount of \$60,000.00 prior to the issuance of building permit for the new non-residential portion of the development to ensure that demolition of the existing 5290 Building takes place as in paragraph (i)(c) above.

e) Notwithstanding subsection 3(q) of this exception, and in accordance with the requirements of subsection 3(v) (E) (2) below, during the demolition of the existing 5290 Building the owner will be permitted to provide 0 on-site surface parking spaces for the new non-residential portion of the development for a maximum of 90 days from issuance of the occupancy permit for the new non-residential building. Should a building permit for the residential portion of the development have been issued,

the permission for 0 on-site parking spaces for the non-residential portion of the development may be extended for a period of 6 months from the issuance of the occupancy permit for the new non-residential portion of the development, in order to permit completion of the ramp to the below grade parking garage.

(ii) PHASE TWO (2):

a) The owner is required to obtain building permits and begin construction of the residential portion of the development including the access ramp to the below grade garage within 6 months of the issuance of an occupancy permit for the non-residential component of the development referred to in 3(v)(E)(1)(i)(b) above.

b) Prior to the issuance of a building permit for the non-residential portion of the development referred to in 3(v)(E)(1)(i)(b) above, the owner will provide a letter of credit to the City of Toronto in the amount of \$60,000.00, as further set out in the Section 37 Agreement to ensure that should the garage ramp and/or residential portion of the development not proceed within 8 months of the issuance of an occupancy permit for the non-residential component of the development, appropriate landscaping for the balance of the subject lands takes place to the satisfaction of the City.

c) Notwithstanding section 3(q) of this exception, during construction of the residential portion of the development the owner will provide parking for the new non residential portion of the development in accordance with subsections 3(v)(E)(2) below, and 3(v)(E)(1)(i)(e) above, such off-site permission to extend only for a period of 6 months from the issuance of an occupancy permit for the non-residential portion of the development in order to permit completion of the ramp to the below grade parking garage.

(2) OFF SITE PARKING

Prior to issuance of an occupancy permit for the new non-residential building, the owner shall have obtained leases for 23 parking spaces for the non-residential portion of the development, off site within the boundaries of the North York Centre area, with such leases secured for a 6 month period from the issuance of the occupancy permit for the non-residential portion of the development, and satisfactory to the City Solicitor and the Director, Transportation Services. In the event the owner is unable to secure

acceptable off-site leased parking within the North York Centre area, the owner shall provide a monetary contribution to the City of Toronto, in the form of a certified cheque and in the amount of \$25,000.00, as further set out in the Section 37 Agreement, prior to the issuance of an occupancy permit, such contribution to be used exclusively for capital improvements to parks and/or community facilities serving the North York Centre area, as determined by the Director of Community Planning, North York District.

(3) GARAGE RAMP

The owner agrees that the residential portion of the development shall proceed within 6 months of the issuance of an occupancy permit for the non-residential component, failing which the owner shall construct the ramp to the underground parking garage and shall landscape the balance of the site forthwith. Prior to final zoning approval, the owner will provide a letter of credit satisfactory to the City of Toronto in the amount of \$162,000.00, to secure the foregoing obligation. Should the residential portion of the development not proceed within 6 months of the issuance of an occupancy permit for the non-residential component of the development, the owner shall have a further 2 months to submit a building permit application to construct the ramp to the underground parking garage. If such application is not submitted within said 2 months, or if the garage ramp is not completed within 6 months of issuance of the building permit for the ramp, to the satisfaction of the Director/Deputy Chief Building Official, North York District, the City shall thereafter be entitled to cash the letter of credit, and such funds will be used exclusively for capital improvements to parks and/or community facilities serving the North York Centre area, as determined by the Director of Community Planning, North York District. If not cashed, the letter of credit shall be returned to the owner upon completion of the construction of the garage ramp.

(4) LIMITED CULINARY FACILITIES

The Retirement Residential Units proposed to be located within the Retirement Residence portion (Phase 2) of the development may also contain only partial culinary facilities but not a 220 volt electrical service for a stove connection.

(5) ROAD WIDENING

The owner shall convey to the City free and clear of all encumbrances, a maximum 2 metre width road widening across the Eglinton Avenue frontage and a 6.1 metre radius corner rounding at the intersections of Canterbury Place and Eglinton Avenue and at the intersection of Yonge Street and Eglinton Avenue representing 109m² in area and identified as Part 1, Part 2 and Part 5 on a Plan of Survey prepared by R.G. McKibbin, Ontario Land Surveyors;

LAND DIVISION

- (w) Notwithstanding any severance, partition or division of the Net Site, as shown on “Schedule RM6 (174)” the provisions of this By-law shall apply to the whole of the Net Site as if no severance, partition or divisions occurred.
- (x) Notwithstanding any other provisions of this By-law, during the Phase One (1) period of construction, the existing on-site commercial building located at 5290 Yonge Street may be retained and used for non-residential purposes.”
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6 (174)” attached to this By-law.

Except as otherwise provided in this exception, all terms or expressions shall have the same meaning as each term or expression as defined in By-law 7625 of the former City of North York.

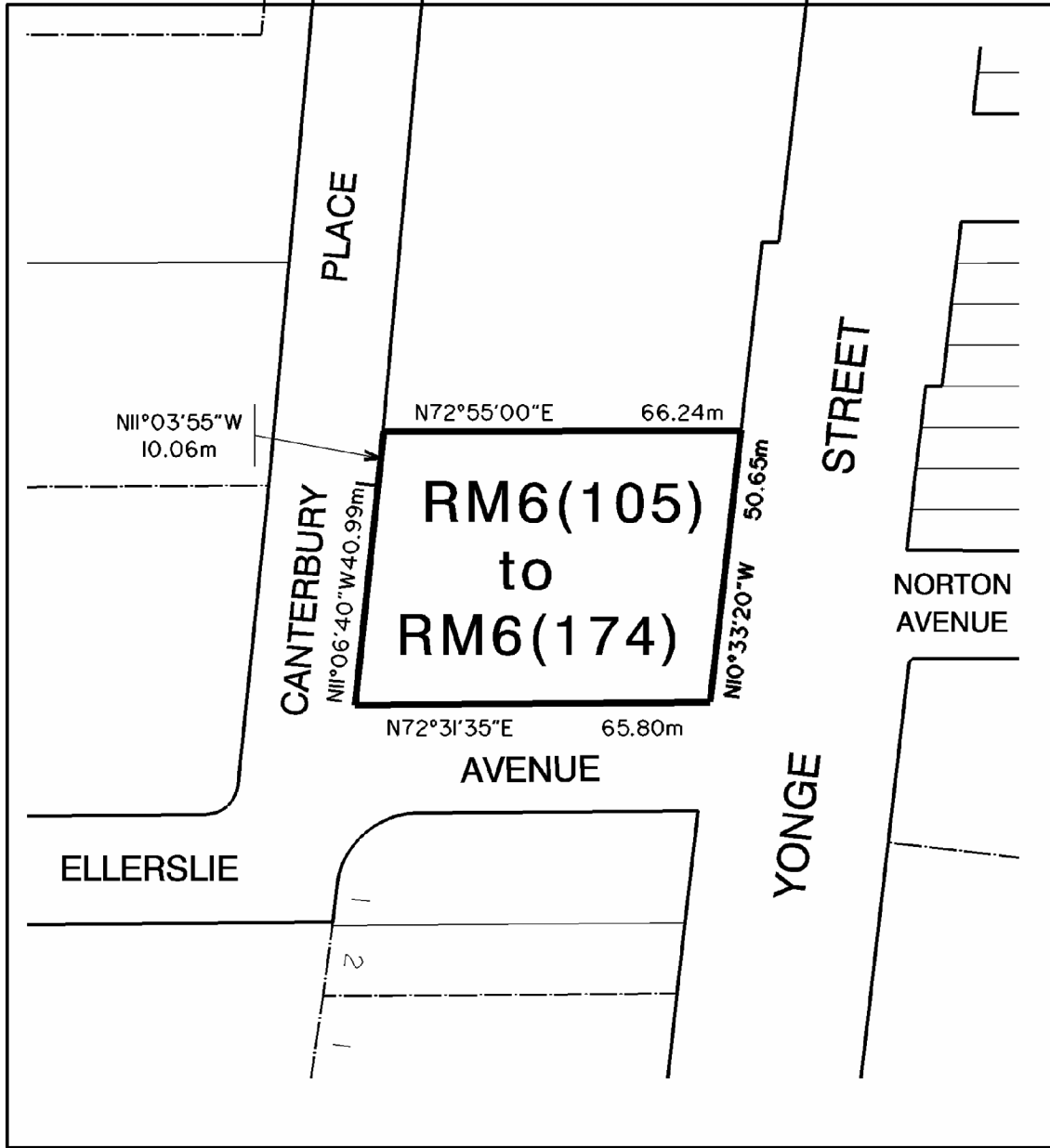
Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance.”

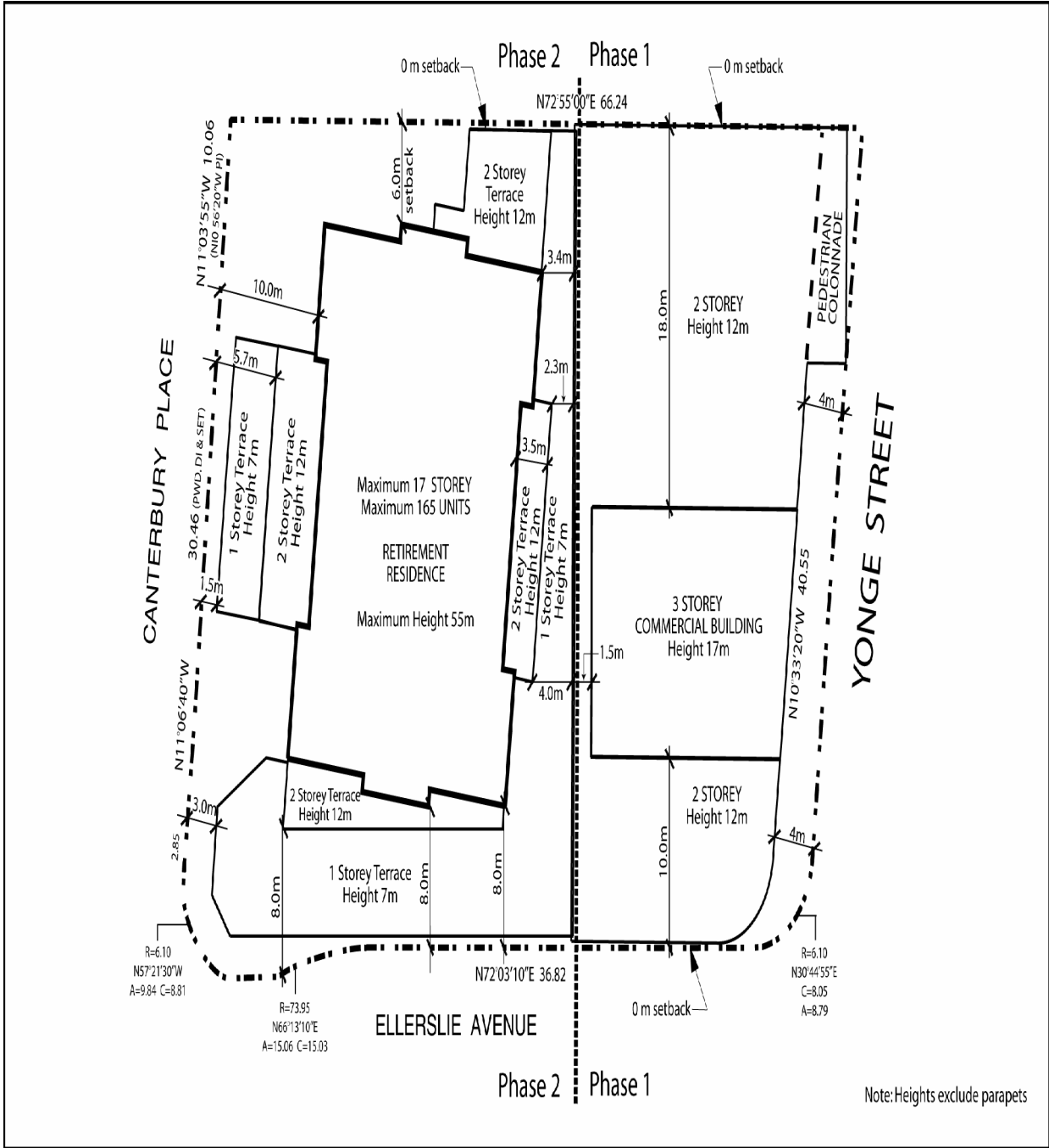
ENACTED AND PASSED this ~ day of ~, A.D. 2007.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





Note: Heights exclude parapets



Schedule "RM6(174)" to Bylaw _____

From Applicant's Drawings

File # 06_144386

Date: 08/14/2007
 Approved by: B.D.R

↑
 Not to Scale

Attachment 6: Conditions of Site Plan Approval

Re: **Notice of Approval Conditions – Site Plan Application No.: 06 144417 NNY 23 SA**
5270 and 5290 Yonge St

The City Planning Division North York District has completed our review of your proposal for a phased mixed-use project consisting of a 3-storey commercial building fronting onto Yonge Street and a 17-storey, 165 unit retirement residence on the western portion of the lands fronting onto Canterbury Place as outlined in the following plans and drawings:

1. **Site Plan (A-1)**, prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received August 20, 2007, City of Toronto Planning North York Civic Centre.
2. **Master Site Plan (A-1A)** prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received August 20, 2007, City of Toronto Planning North York Civic Centre.
3. **Underground Parking (A-2)**, prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received August 20, 2007, City of Toronto Planning North York Civic Centre.
4. **Ground Floor Plan (A-3)**, prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received August 20, 2007 City of Toronto Planning North York Civic Centre.
5. **Second Floor Plan (A-4)**, prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received July 5, 2007, City of Toronto Planning North York Civic Centre.
6. **3rd Floor Plan (A-5)**, prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received July 5, 2007, City of Toronto Planning North York Civic Centre.
7. **Typical Floor Plan (Floors 4-17) (A-6)**, prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received July 5, 2007, City of Toronto Planning North York Civic Centre.
8. **Roof Plan (A-7)**, prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received July 5, 2007, City of Toronto Planning North York Civic Centre.
9. **West Elevation (A-8)**, prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received July 5, 2007, City of Toronto Planning North York Civic Centre.
10. **South Elevation (A-9)**, prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received July 5, 2007, City of Toronto Planning North York Civic Centre.
11. **North Elevation (A-10)**, prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received July 5, 2007, City of Toronto Planning North York Civic Centre.
12. **East Elevation w/ DUCA Financial (A-11)** prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received July 5, 2007, City of Toronto Planning North York Civic Centre.
13. **Building Section 1 (A-12)** prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received July 5, 2007, City of Toronto Planning North York Civic Centre.
14. **Building Section 2 (A-13)** prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received August 20, 2007, City of Toronto Planning North York Civic Centre.
15. **Ramp Section (A-14)**, prepared by Arsenault Architect Inc., revised June 27, 2007 and stamped received July 5, 2007, City of Toronto Planning North York Civic Centre.

Landscape Plans (at grade)

16. **Landscape Plan (L1)** prepared by Baker Turner Inc. Landscape Architecture, revised July 5, 2007 and stamped received July 5, 2007 City of Toronto Planning North York Civic Centre.
17. **Site Plan & Site Info (A2.1)** prepared by Hendrik Op't Root Architect Ltd., revised June 12, 2007 and stamped received July 5, 2007 City of Toronto Planning, North York Civic Centre

18. **Site Plan Special Circumstance (A2.1a)** prepared by Hendrik Op't Root Architect Ltd., revised March 1, 2007 and stamped received July 5, 2007 City of Toronto Planning, North York Civic Centre

Landscape Plans (green-roof)

19. **DUCA Podium Landscape Plan (L3 of 3)**, prepared by Baker Turner Inc. Landscape Architecture, dated October, 2006 and stamped received August 21, 2007, City of Toronto Planning North York Civic Centre.
20. **First Floor Plan (A2.4)**, prepared by Hendrik Op't Root Architect Ltd., revised March 1, 2007 and stamped received August 21, 2007, City of Toronto Planning North York Civic Centre.

Before we can grant final site plan approval to your proposal we require that the following conditions be fulfilled:

1. The owner is required to amend the Site Plan Drawings and/or Studies and/or Drawings to address the following comments and resubmit for the review and acceptance by the Executive Director of Technical Services:
 1. Site Servicing Plan & Grading Plan, by Cole Engineering, dated June 29, 2007
 - a) The proposed 200mm diameter PVC fire line must be redesigned to 150mm since the existing watermain passing through Ellerslie Avenue is just 150mm;
 - b) The applicant must provide rationale behind providing area drains for overland flow. In addition, final location of the area drains must be illustrated in subsequent submissions.
2. Prepare all documents and agree to convey to the City, at nominal cost, the following:
 - a) There is a 2 metre road widening tapering to 0.0m, 8.93m east of west property limit required for right-of-way purposes across the Ellerslie Avenue frontage of this site;
 - b) 6.1 metre radius corner rounding is required at the intersection of Canterbury Place and Ellerslie Avenue and at the intersection of Yonge Street and Ellerslie Street;
 - c) Such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been laid out and dedicated for public highway purposes, all to the satisfaction to the Executive Director of Technical Services in consultation with the City Solicitor;
 - d) The Draft Reference Plan submitted by R. G. Mc Kibbon Limited illustrating the proposed conveyances is satisfactory; however, a Registered Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, is required showing the lands to be conveyed to the City to the Executive Director of Technical Services, for

review and approval, prior to depositing it in the Land Registry Office. For further information, please contact John House, Supervisor Property Records at 416-392-8338;

- e) Pay all costs for registration and preparation of reference plan(s).
3. The owner shall deposit with the Technical Services Division prior to Site Plan Approval, certified cheques, for the following;
- a) Relocation/Construction of a 1.7 metre wide sidewalk across the entire Ellerslie Avenue frontage of the site to the standard location of 1.0 metre from the widened property line. The cost of this work is estimated to be \$12,500.00;
 - b) \$625.00 representing the 5% Engineering review and inspection fee of the above construction works.

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

- a) A City representative has approved the proposed location of the above sidewalk;
 - b) The owner is required to make an application for a streetscaping permit.
4. The owner shall provide a tree planting financial security for tree planting in the form of an irrevocable Letter of Credit or certified cheque payable to the Treasurer, City of Toronto, in the amount of \$583.00 per tree (subject to change) for each new tree planting within the City Road allowance to guarantee the healthy growth of the tree(s) for a period of two years. The tree planting financial security must be submitted to the attention of Harold Moffat, Supervisor of Tree Protection & Plan Review. The financial security may be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year maintenance period.
5. The owner shall install protective measures and install tree Protection Zone signage to protect privately owned trees in accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees and to the satisfaction of the General Manager of Parks, Forestry and Recreation.
6. The owner shall provide final plans for a Green Roof on the non-residential portion of the development (Phase One) incorporating the City of Toronto Green Development Standards, and generally as per the DUCA Podium Landscape Plan (L3 of 3) and First Floor Plan (A2.4) referred to above. The final plans and a financial guarantee to secure the provision of the green roof will be provided to the satisfaction of the Director, Community Planning, North York District.

7. The owner acknowledges and agrees that the construction of the retirement residence and non-residential components of the development, and any related demolition, will occur in stages as detailed in the phasing plan, with all necessary matters and securities as described in the related Section 37 Agreement with the City of Toronto.
8. The Owner shall provide final architectural and landscape plans to the satisfaction of the Director, Community Planning, North York District, as may be required.
9. The Owner shall provide the necessary securities in the form of a Letter of Credit or certified cheque, to the satisfaction of the City Solicitor, to secure Phase One landscaping in the amount of \$108,039.75 and to secure Phase Two landscaping in the amount of \$101,580.48.
10. Prior to starting any demolition or construction, or the issuance of the first building permit, the owner shall complete a Toronto Transit Commission (TTC) Technical Review of the proposed development as applicable to the particular permit under application, and obtain the TTC's written acknowledgement that the owner has satisfied all of the conditions arising out of the review. As part of the review process, the owner shall provide the requisite information, and pay the associated review fee to the TTC.
11. The execution of a site plan agreement.

Please note that if these conditions are not fulfilled within 2 years of the date of this notice, 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 of Community Planning.

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

1. This approval is valid for a period of two years from the date of the approval.
2. 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.
3. The owner hereby acknowledges and agrees that:
 - a) the proximity of the proposed development of the lands municipally known as 5270 Yonge Street (the "Buildings") to the Yonge subway right-of-way may result in noise, vibration, electromagnetic interference, and stray current transmissions (collectively referred to as "Interferences") to the Buildings;

- b) the City of Toronto and the Toronto Transit Commission (the “Commission”) will not accept responsibility for such effects on any of the Buildings and/or its occupants of the Buildings;
 - c) it has been advised by the Commission to apply reasonable attenuation measures with respect to the level of the interferences on an in the Buildings; and
 - d) a TTC Interference Warning clause, as satisfactory to the TTC has been, or shall be inserted into all offers of purchase and sale or lease and condominium declaration(s) for each dwelling unit.
4. Remove all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Executive Director of Technical Services.
 5. The applicant must enter into an encroachment agreement with Right-of-Way Management, with regards to any pedestrian walkways, from the subject site, that encroaches into the municipal Right-of-Way, namely along the surrounding Municipal road network.
 6. Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Transportation Services. The applicant is required to contact the section through the permit approval process to obtain the exact particulars of these requirements. For further information, please contact the Right-of-Way Management Section, Toronto North York District at (416) 395-7112.
 7. All accesses must be at least 1.0metre from existing utilities and must be explicitly shown on site plan drawings. If required, the relocation of any public utilities (utility poles and their guy wires, etc.) would be at the cost of the developer and shall be subject to the approval of the applicable governing agencies.
 8. The owner shall arrange for the installation of the standard Yonge Centre boulevard treatment, including a 3.0 metre wide concrete sidewalk and special pattern of granite pavers across the entire Yonge Street and Eglinton Avenue commercial frontage of the site in accordance with Council Policy, Resolution No. 90-44.
 9. All uses shall comply with the provisions of Zoning By-Law 7625 for loading requirements.
 10. Snow must be stored on site such that the driving aisle widths are not reduced and vehicular sightlines are not affected. Snow which cannot be adequately stored on site must be cleared and removed from the site by the owner/building management after each snowfall.
 11. All existing redundant curb cuts must be closed and restored to the satisfaction of the Executive Director of Technical Services.

12. The owner agrees that the site-specific parking requirements for the subject development are based upon the premise that the retirement facility will consist of suites that will contain sanitary but not culinary facilities with all food preparation and dining occurring in a common dining area and as such, the suites are characterized as 'dwelling rooms'. The said residential units shall be constructed in said manner and, under no circumstances, shall they be converted to apartment house dwelling units with complete culinary facilities (i.e. full kitchens).
13. With respect to the proposed severing of the lands between the DUCA portion to the east and the Diversicare portion to the west, reciprocal agreements for right-of-way are required for vehicular and pedestrian access, parking and loading.
14. Direct access from any shared loading facilities must be provided to each commercial unit.
15. Convex mirrors shall be placed at each corner of the parking garage, and at the top and bottom of each ramp, at the location opposite the driveway ramp, at grade, and at the top and bottom of the ramp. This is to provide clear sightlines for vehicular activity within the site.
16. All spaces must be delineated with painted line markings. Appropriate signage must be provided, at the cost of the applicant, detailing information pertaining to the on-site parking area, patron use, timings and restrictions.
17. Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Transportation Services. The applicant is required to contact the section through the permit approval process to obtain the exact particulars of these requirements. For further information, please contact the Right-of-Way Management Section, Toronto North York District at (416) 395-7112.
18. Further to the above, any proposed walkway connection to the public along the westerly driveway, such as the walkway to the staircase from Ellerslie Avenue at the southwest of the site, is subject to an encroachment agreement; moreover, the applicant shall indemnify the City of Toronto for the said encroachment.
19. "Do not enter" signs must be shown to either side of the northbound one-way driveway where it meets the two-way driveway. These signs must conform to the Ontario Traffic manual. These signs must be installed on-site as shown on the site plan drawing.
20. Advise all owners and tenants/future purchasers of the units of both buildings that refuse and recyclable materials generated by this building must be collected by a private refuse collection firm.
21. The owner shall plant 16 new trees within the City road allowance as shown on Landscape Plan, L-1, by Baker Turner Inc. Landscape Architects, dated April, 2006 revised August 24, 2006 to the satisfaction of the General Manager of Parks, Forestry and Recreation.

22. The owner shall ensure a clearance of 1.2 meters from the edge of a tree's root ball to the edge of the underground utility(s). For clearance less than 1.2 meters but greater than or equal to 0.6 meters, a root deflector must be installed in the tree pit between the tree's root ball and the utility(s).
23. The owner shall remove privately owned trees only upon receipt of a "Permit to Remove Privately Owned Trees" issued by the General Manager of Parks, Forestry and Recreation upon receipt of final site plan approval and the building and/or demolition permits have been obtained and the permitted construction and/or demolition related activities associated with this project warrant the removal of the trees.
24. The owner shall ensure new trees to be planted on private property are planted to the satisfaction of the General Manager of Parks, Forestry and Recreation and in accordance with the Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002.
25. The Retirement Residential Units proposed to be located within the Retirement Residence portion (Phase Two) of the development may also contain partial culinary facilities but not a 220 volt electrical service for a stove connection.
26. As further described in the related section 37 Agreement with the City of Toronto, the owner acknowledges and agrees to provide a letter of credit in the amount of \$60,000.00 to insure that should the garage ramp and/or residential portion of the development not proceed within 8 months of the issuance of an occupancy permit for the non-residential component of the development, appropriate landscaping for the balance of the subject lands takes place to the satisfaction of the City.

Attachment 7: Agency Comments



Joe Casali
Director of Real Estate

Memorandum

Facilities & Real Estate
 Metro Hall
 55 John Street, 2nd Floor
 Toronto, ON M5V 3C6

DATE: August 17, 2007

TO: Ben DiRaimo (By fax 416 395 7155)
 Catherine Cieply (By fax 416 395 7155)
 Senior Planner, Community Planning, Central Section


FROM: Joe Casali
 Director of Real Estate Services

SUBJECT: **Purchase of Additional Density**
5270-5290 Yonge Street (DUCA)

I refer to DUCA Financial Services Credit Union Ltd.'s (DUCA) application for additional density for this project.

Please be advised that Real Estate recommends a rate of \$38.00 per square foot (\$409.03 per square metre) of additional density as of the current date for settlement purposes with DUCA.

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


 Joe Casali
 Director of Real Estate Services

Cc Brian Varner
 Paul Byrne (Fax: 416 395 7155)
 Valuation File

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