

**4841 to 4881 Yonge Street,  
2 and 50 Sheppard Avenue East,  
2, 4 and 6 Forest Laneway  
Official Plan Amendment, Zoning By-law Amendment,  
Site Plan and Rental Housing Demolition Applications  
Final Report**

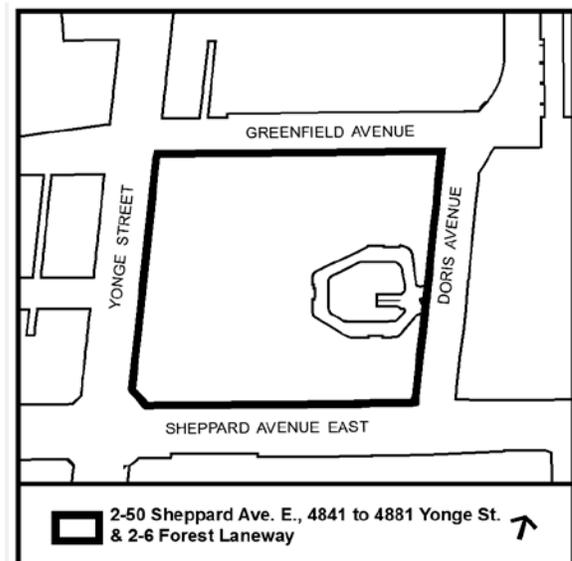
<b>Date:</b>	January 27, 2015
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 – Willowdale
<b>Reference Number:</b>	13 171700 NNY 23 OZ, 13 171720 NNY 23 RH, 14 172101 NNY 23 SA

**SUMMARY**

These applications to amend the Official Plan and Zoning By-law propose a 39 storey residential apartment on the Greenfield Avenue frontage of the Sheppard Centre, additional retail commercial uses on the Yonge Street, Sheppard Avenue East and Greenfield Avenue frontages, and the demolition and replacement of 25 existing residential rental units through renovation and an addition to existing vacant space in the Sheppard Centre.

A Rental Housing Demolition application has been submitted with the related planning applications to demolish the 25 existing residential rental units at 2 Forest Laneway. The 25 rental units are to be replaced in the new development, with affected tenants receiving relocation assistance and being able to return to the new replacement units.

The proposed additional and retrofitted retail and commercial uses on the Yonge Street, Sheppard Avenue East and Greenfield Avenue



frontages will enhance and improve the pedestrian streetscape. The relocation of the 25 existing rental townhouses from the Greenfield Avenue to the Sheppard Avenue East frontage will improve the quality of the rental housing stock, and enable the current loading facility activities on Greenfield Avenue to be provided within the new building. The height and massing of the proposed additional residential apartment building fits into the proposed location on Greenfield Avenue, and has no appreciable impact on stable residential areas outside the Secondary Plan.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law. This report also recommends that Council approve the rental housing demolition application under Municipal Code 667 subject to the conditions outlined in this report and that the authority for Site Plan approval be delegated back to staff.

## **RECOMMENDATIONS**

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

1. City Council amend the Official Plan, for the lands at 4841 to 4881 Yonge Street, 2 and 50 Sheppard Avenue East and 2, 4 and 6 Forest Laneway substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 9.
2. City Council amend Zoning By-law No. 7625 for the former municipality of North York, for the lands at 4841 to 4881 Yonge Street, 2 and 50 Sheppard Avenue East and 2, 4 and 6 Forest Laneway substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* with the City and to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, to secure or provide, the following facilities, services or matters:
  - a. retail/commercial space fronting and connected onto Yonge Street, Sheppard Avenue East and Greenfield Avenue on the concourse and ground levels, and an athletic or recreational facility;
  - b. at-grade bicycle room for the new residential apartment building on Greenfield Avenue;
  - c. a maximum of 1.5 m<sup>2</sup> per dwelling unit of indoor recreational amenity space in the new residential apartment building on Greenfield Avenue and a minimum of 59 m<sup>2</sup> in the rental replacement building;

- d. a monetary contribution towards the cost of acquiring lands for the service road, parkland acquisition and/or improvements, and/or community centre or social facility;
  - e. the provision and maintenance of non-residential gross floor area for office and other non-residential uses;
  - f. the provision and maintenance on the site of not less than 25 new replacement rental dwelling units for at least 20 years, comprising:
    - i. 7 one-bedroom units, 9 two-bedroom units and 9 three-bedroom units, of which at least 21 units be designated as affordable units with affordable rents and 4 units shall be designated as mid-range units with mid-range rents;
    - ii. The rental housing shall be provided in accordance with more detailed terms as set forth in the draft zoning by-law attached as Attachment No. 10 and substantially in accordance with the Rental Replacement Plans dated October 15, 2014 and rental amenity space plans dated December 16, 2014.
  - g. The owner shall provide tenant relocation assistance for tenants in the existing building to the satisfaction of the Chief Planner in accordance with the detailed terms set forth in the draft Zoning By-law as Attachment No. 10.
  - h. The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support the development:
    - i. the owner shall submit and implement a Construction Mitigation and Communication Strategy to the satisfaction of the Director, Community Planning North District, prior to the issuance of any demolition permit.
    - ii. the owner agrees to address the issues identified in the memos from the Manager, Development Engineering, North York dated June 4, 2014 and October 8, 2014 including any necessary off-site improvements.
    - iii. the owner convey off-site parkland prior to the issuance of the first above grade building permit or otherwise satisfy parkland dedication requirements to the satisfaction of the General Manager, Parks Forestry and Recreation.
5. City Council approve the application to demolish the 25 existing rental townhouse dwelling units located at 2 Forest Laneway pursuant to Municipal Code Chapters 667 and 363, subject to the following conditions under Chapter 667 which provides for replacement of rental housing units:
- a. The owner shall provide and maintain 25 residential rental dwellings units in the development, for a period of at least 20 years, comprising 7 one-bedroom units, 9 two-bedroom units and 9 three-bedroom units of which

- at least 21 shall have affordable rents and 4 shall have rents no higher than mid-range rents, and substantially in accordance with the Rental Replacement Plans dated October 15, 2014 and rental amenity space plans dated December 16, 2014;
- b. the owner shall provide tenant relocation assistance for tenants in the existing rental buildings to the satisfaction of the Chief Planner, and in accordance with the detailed terms set forth in the draft Zoning By-law attached as Attachment No. 10;
  - c. the owner shall enter into and register a Section 111 Agreement to secure the conditions outlined in (a.), (b.) and (e.) herein, and as described in the draft Zoning By-law amendment in Attachment No. 10 to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division;
  - d. the owner shall enter into and register a Section 118 Restriction under the Land Titles Act (to the satisfaction of the City Solicitor) agreeing not to transfer or charge those parts of the lands, comprising the 25 replacement rental units, without the written consent of the Chief Planner and Executive Director, City Planning Division or her designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands to be released only upon the owner obtaining the necessary approvals including the Zoning By-law amendment; and
  - e. the owner shall obtain a building permit which provides for the replacement rental building no later than issuance of the first building permit for renovations to the retail commercial spaces included in the Phase 1 Site Plan. The 25 replacement rental dwelling units shall be ready for occupancy no later than the date of substantial completion of the Phase 1 retail commercial uses, and prior to issuance of any building permit for Phase 2 residential building.
6. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the demolition application under Municipal Code Chapter 667 after:
    - a. the satisfaction of, or securing of the conditions in Recommendation 5; and,
    - b. the Official Plan and Zoning By-law amendments referred to in Recommendations 1 and 2 have come into full force and effect, and/or issuance of Site Plan approval for any or all phases of the proposed development by the Director of Community Planning, North York District.
  7. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner has given preliminary approval in Recommendation 6 above.

8. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* no earlier than after the Chief Planner has given the preliminary approval in Recommendation 7, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:
  - a. the owner erect the rental replacement units on site no later than three years from the date of issuance of the demolition permit for the existing townhouse rental units on Greenfield Avenue; and
  - b. should the Owner fail to complete the replacement rental units within the time specified in condition 8(a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
9. City Council delegate the authority for Site Plan Approval back to staff and authorize staff to finalize the site plan approval which will include the methods set out in two draft conditions attached as Attachment 11 to this report.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its November 2013 meeting, North York Community Council received a Preliminary Report from staff on the proposed redevelopment of the Sheppard Centre, and directed that a community consultation meeting be held with an expanded notice area and the notice to include an explanation of the density incentives that are being sought.

### **ISSUE BACKGROUND**

#### **Proposal**

The proposed development application is located within the block bounded by Yonge Street, Sheppard Avenue East, Doris Avenue and Greenfield Avenue. The proposed redevelopment and infill of the 'Sheppard Centre' would be largely located on the Yonge Street, Sheppard Avenue East and Greenfield Avenue frontages. No changes are proposed to the 3 existing 29-storey residential rental apartment buildings at 2, 4 and 6 Forest Laneway although retrofit work will be required in the below grade garage that covers the entire block.

The proposed Official Plan and Zoning By-law Amendments include the entire block because there is a site specific Secondary Plan policy and Zoning By-law that came into effect before the block was severed into two partially stratified ownerships: the parcel on the east consists of the 3 rental apartment towers at 2, 4 and 6 Forest Laneway; and the westerly parcel includes the retail uses, office buildings on Yonge Street and residential rental townhouse units on Greenfield Avenue.

The proposed development consists of 2 main components that may be constructed in 2 separate phases. One reason for this phased approach is because of the physical constraints of the existing buildings on the block. The proposed residential apartment tower is in the location of the existing 25 rental townhouse units and loading area that would need to be demolished and replaced prior to the construction of the residential apartment. Also, the Phase 1 component is permitted under the existing site specific Zoning By-law on the site and would be permitted provided that Site Plan approval and rental housing demolition approvals are obtained. The proposed Official Plan and Zoning By-law Amendments are required to be in full force and effect for the Phase 2 residential apartment to be permitted.

### Phase 1

The first phase would be the demolition of the 25 existing residential rental units located in the townhouse block on Greenfield Avenue and the replacement into the retrofitted vacant space and expanded new space at the south end of the site and fronting on Sheppard Avenue East. This component also includes the reconstruction of the loading area and private child care facility on Greenfield Avenue and the redevelopment of the retail commercial uses on the Yonge Street and Sheppard Avenue East frontages.

The existing retail uses on Yonge Street and most of the Sheppard Avenue East frontages are proposed to be renovated and directly connected to the existing sidewalks by extending the front walls of the building outwards. This would enclose the existing lower level 'moats' which currently separate the retail uses from the streetscape and sidewalk. Existing stairs and grade changes currently outside the building would be integrated within the new building walls and create a direct sidewalk to retail relationship. Additional renovations to the interior of the building are proposed, including improvements to the pedestrian circulation through the internal commercial retail uses and to the reconfigured entrance to the TTC subway station. This would simplify the pedestrian circulation through the mall and between the Yonge Street, Sheppard Avenue and Greenfield Avenue sidewalks.

The 25 new rental replacement units would be located in the now vacant space between the existing 19 storey office building on the northeast corner of Yonge Street and Sheppard Avenue East, and the 29 storey residential apartment at 6 Forest Laneway. 19 of the replacement units would be located in space previously occupied by comparable townhouse apartment units and internally demolished under previous Rental Housing Protection Act approvals. An addition to this space on two new floors is proposed to accommodate another 6 replacement units. The replacement units with private terraces would include 7 one-bedroom units, 9 two-bedroom units and 9 three-bedroom units. A new residential lobby is proposed on Sheppard Avenue East with elevator access to the units and to the dedicated underground parking spaces. New indoor and outdoor amenity space is proposed on the new 4<sup>th</sup> level.

The existing child care would be replaced with a 2-storey 972m<sup>2</sup> child care on the south side of Greenfield Avenue and between the commercial uses fronting onto Yonge Street and the proposed residential apartment and reconstructed loading area further to the east.

A grocery store would be provided on level three and a recreation facility on the fourth level.

The existing loading operations on Greenfield Avenue would be moved within a new loading facility within the building. The access to the loading facility would reduce the current curb cut of approximately 40 metres wide on Greenfield Avenue to a single driveway access with all vehicle movements moved into the building.

No changes would be made to the location of vehicle access to the existing 3-level underground parking garage. Access to and from the existing underground parking ramps would remain in their current locations from Doris Avenue at the northeast corner of the site and mid-block on the south side of Greenfield Avenue. The total number of parking spaces in the garage would be reduced from 1,942 spaces to 1,840 to accommodate a new pick-up and drop-off function as well as below-grade structural changes necessary for the new apartment building in Phase 2. A minimum of 15 parking spaces would be reserved for the new rental replacement units and located adjacent to the elevator lobby on the P1 level.

### Phase 2

The second phase of the proposed redevelopment consists of a 39 storey and 374 unit residential apartment building located mid-block on the Greenfield Avenue frontage between the 9-storey office building on the southeast corner of Yonge Street and Greenfield Avenue, and the 29-storey rental apartment building at 2 Forest Laneway. The location of the proposed 27,278 m<sup>2</sup> apartment building is currently occupied by landscaped open space and the 25 residential rental townhouse units on the south side of Greenfield Avenue. The residential apartment would be located between the new reconstructed loading area and new child care on Greenfield Avenue that were built in Phase 1. The required structural work in the underground parking garage to support the new apartment building would be completed during Phase 1. At least 381 of the underground parking spaces would serve only the new residential apartment building and rental replacement units, with the remaining parking spaces for the other existing apartments on site, residential visitors, and non-residential uses. 403 bicycle parking spaces are also proposed with an additional 37 spaces required to be in an at-grade bicycle room.

The proposed Site Plan is in Attachment 1. Elevations for Phase 1 are in Attachments 2-4, and a perspective of Phase 2 is in Attachment 5. Detailed site statistics are included in the Application Data Sheet in Attachment 8.

### **Site and Surrounding Area**

The site has approximately 170 metres fronting on both Yonge Street and Doris Avenue, and 195 metres on Sheppard Avenue East and Greenfield Avenues. The applications are for the entire block bounded by Yonge Street, Sheppard Avenue East, Greenfield Avenue and Doris Avenue, and includes the addresses 2 and 50 Sheppard Avenue East, 4841 to 4881 Yonge Street, and 2 to 6 Forest Laneway.

The Sheppard Centre was one of the first major developments built in North York in the mid-70's and around the same time as the Yonge Subway line extension. Around 1990, additional approvals were obtained for a cinema, additional retail uses and a 16 storey office building on the Yonge Street frontage between the 2 existing office buildings. While the cinema was built, the approved 16 storey office building was never constructed. These approvals also included the demolition of a block of 16 rental townhouses at 6 Forest Laneway under the former Rental Housing Protection Act. Part of this now vacant space is proposed to be used to replace the existing rental townhouse units from Greenfield Avenue.

The site slopes down approximately 3 metres along the Sheppard Avenue sidewalk from Yonge Street to Doris Avenue. This grade change was accommodated in the existing development by having exterior stairs both up and down to commercial/retail uses.

The surrounding land uses are:

North: on the north side of Greenfield Avenue are 2 storey commercial uses on Yonge Street and further east on Greenfield Avenue, a 25 storey residential condominium apartment, the 3 storey Cardinal Carter Academy for the Arts, and a 23 storey residential condominium;

East: on the east side of Doris Avenue is the 4 storey office building of the Toronto Catholic District School Board including classrooms serving Cardinal Carter Academy for the Arts, and a 36 storey residential building currently under construction;

South: on the south side of Sheppard Avenue East is a 33 storey residential condominium with retail uses at grade, and on the southeast corner of Yonge Street and Sheppard Avenue East the Hullmark Centre is nearing completion with a 45 storey office and residential condominium, 5 storey office condominium and 35 storey residential condominium apartment; and

West: on the west side of Yonge Street are 2 storey retail and commercial uses.

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

The 2014 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. The PPS's growth management policies provide for land use patterns with a mix of land uses and densities that efficiently use land and support existing or planned transit. The PPS housing policies require municipalities to provide for an appropriate range of housing types and densities in locations with appropriate levels of infrastructure and public service facilities. 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. The Growth Plan identifies and provides policy direction for guiding high density growth in a network of Urban Growth Centres connected by higher order transit, of which North York Centre is one. 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 entire block and site is designated *Mixed Use Area* in the City's Official Plan. *Mixed Use Areas* are to provide for a broad range of residential and commercial uses in single or mixed use buildings, with buildings located and massed to provide a transition in scale and intensity and to limit shadow impacts on adjacent lower scale *Neighbourhoods*. Development in these areas is to frame the edges of streets and provide a comfortable and attractive pedestrian environment. Service areas, ramps and garbage storage are to be located and screened to minimize impacts on adjacent streets and residences.

The Official Plan also contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. Policy 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. Under policy 3.2.1.6. applicants proposing to demolish six or more residential rental units, except where all of the rents are above the mid-range rent category, are required to: replace the rental units with at least the same number, size and type of rental housing units; maintain the units with similar rents for a period of 10 years; and, retain the units as rental housing for at least 20 years. An acceptable tenant relocation and assistance plan is also required to address moving related costs, alternative accommodation, and other assistance to lessen hardship for the existing tenants.

In conformity with Growth Plan policies for Urban Growth Centres, the Official Plan identifies and includes policies for 'Centres'. The City's four Centres are one of the key locations for accommodating future growth, and among other matters, the policies direct 'Centre' Secondary Plans to set out the location, mix and intensity of land uses that support transit-based growth. The proposed development is located in one of the four 'Centres', that being North York Centre.

## **North York Centre Secondary Plan**

The North York Centre Secondary Plan designates the lands '*Mixed Use Area A*' and '*Mixed Use Area C*'. '*Mixed Use Area A*' is located on the western portion of the block and does not permit residential uses. '*Mixed Use Area C*' is on the east portion of the site which permits up to 100% residential uses. The entire block has a maximum density of 4.5 times the area of the land plus available density incentives. Density incentives are capped at an additional 33% for a total maximum of 5.98 times the area of the lands. The permitted height over the entire block is 100 metres. While site specific increases in height are discouraged by the Secondary Plan, the Secondary Plan also provides criteria for amendments. These include where an improved built form is achieved, and where there are no appreciable impacts on stable residential neighbourhoods. The Secondary

Plan also indicates that height increases are not to be used as a justification for density increases.

The entire Yonge Street frontage, and about half of this block's frontage on Sheppard Avenue East are identified as '*Prime Frontage Areas*'. Buildings in these locations are to provide pedestrian-oriented uses to animate the public sidewalks by incorporating street related retail uses with windows and store entrances at the adjacent grade. The Secondary Plan discourages below-grade and internalized retail uses. To provide a pedestrian-supporting environment, the Secondary Plan requires building setbacks to achieve a 10 metre wide publicly accessible boulevard, and minimum and maximum building heights and stepbacks on the Yonge Street and Sheppard Avenue rights-of-way.

The Secondary Plan includes a site specific policy over this entire block. The site specific policy identifies maximum floor areas that may be considered as density incentives including walkways on Level 2 to a maximum of 4,189m<sup>2</sup>, and a cinema on Level 3 to a maximum of 3,318 m<sup>2</sup>. The floor area of retail uses on Levels 1 and 2 may also be permitted as density incentives to a maximum of 1.5 times the area of the lands. The site specific policy also recognizes the height of the existing apartment building at 6 Forest Laneway.

In July 2014 Council also adopted OPA 249 which amended the treatment of Parkland and Social Facilities in the Section 37 policies of the Secondary Plan. The amendment enables the area of any parkland dedicated to the City in excess of the required dedication to be a density incentive, and also for the monetary contributions to be used for parkland acquisition and improvements. OPA 249 also amended the density incentive for Social Facilities to specify that the floor space be publicly accessible, and designed, constructed and equipped to the satisfaction of, and as approved by the City.

## **Zoning**

The entire block is zoned C1 with a site specific By-law No. 31560 detailing the permitted uses and associated development standards. The site specific amendment to the former City of North York Zoning By-law permits the broad range of residential and commercial uses currently found on the lands. The By-law permits a maximum of 1,042 units in 94,874m<sup>2</sup> of residential floor area and a maximum of 58,549 m<sup>2</sup> of non-residential gross floor area, for a total gross floor area of 153,423 m<sup>2</sup>.

As there is currently 37,616 m<sup>2</sup> of commercial floor space on the lands and 58,549 m<sup>2</sup> of non-residential gross floor is permitted, there is an ability to redevelop a portion of the site as-of-right under current zoning. As previously mentioned, as the Phase 1 portion of the proposed site plan includes non-residential floor space, it could be completed under the existing site specific Zoning By-law and without a need to amend either the Secondary Plan or site-specific Zoning By-law.

The site specific By-law's definition of 'Gross Floor Area' excludes certain uses located on levels one, two and three of the building from the total permitted gross floor area, in effect treating this floor space as a density incentive. The By-law exempts various retail,

commercial uses and pedestrian circulation areas on levels one and two. Level one floor area is exempt up to a maximum of 16,612 m<sup>2</sup>, and level two up to a maximum of 13,339 m<sup>2</sup>, for a total of 29, 851 4m<sup>2</sup>. The By-law also provides a gross floor area exemption for a cinema on level three to a maximum of 3,318 m<sup>2</sup>, and an athletic or recreational club located in a 16 storey office building to a maximum of 3,317 m<sup>2</sup>.

The By-law also establishes performance standards including setback and building height standards, maximum standards for height and width of commercial units fronting on Yonge Street, minimum landscaping provisions, and minimum and maximum parking requirements. While the lands have been severed into two lots, the site-specific By-law continues to apply to the block as a whole.

### **Site Plan Control**

A Site Plan Control application is required for the proposed development and was first submitted in June 2014. The original Site Plan application has now been split into two phases. Although it is also possible that separate and staged Site Plan approvals could be granted for each phase of the Site Plan Control application (before and after the Official Plan and Zoning By-law Amendments are in full force and effect), at this time it is being recommended that a single Site Plan approval be completed for the entire proposed redevelopment of the lands with phasing left to a matter of the applicant's timing for construction. The local Councillor has directed that all Site Plan applications in the Ward be bumped up for a report to Community Council. This report recommends that the Site Plan Control application be delegated back to staff so the plans listed in Attachment 11 can be finalized and conditions of approval satisfied prior to Site Plan approval.

### **Rental Housing Demolition and Conversion**

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

Proposals involving six or more rental housing units or where there is a related planning application require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* is required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*. The By-law provides for the co-ordination of all the approval authorities needed for the demolition of the rental housing.

When there is a related application under the *Planning Act* as well as an application under Chapter 667 for rental demolition or conversion, typically City Council considers both applications at the same time. Unlike *Planning Act* applications, decisions made by the City under Chapter 667 are not appealable to the OMB.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition and replacement of 25 residential rental units. A Housing Issues Report was submitted with the required application and reviewed for consistency with the Official Plan. This Section 111 application has been reviewed in conjunction with the proposed Official Plan and Zoning By-law amendment applications and the Site Plan application. In the event that Site Plan approval is issued for only the first phase of the proposed development, the rental housing replacement requirements will be secured prior to any associated redevelopment on the site.

### **Toronto Green Standard**

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

### **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Section 5.3.2 of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

### **Reasons for Application**

The proposed Official Plan Amendment is needed among other matters to permit a height increase from 100 metres to a site-specific height limit of 125 metres in the location of the proposed 39 storey residential apartment building.

The proposed amendment to site-specific Zoning By-law 31560 is necessary to, among other matters, specify the minimum and maximum amounts of floor areas to be provided as a density incentive; increase the number of permitted residential units from 1,042 to 1,410; increase maximum residential gross floor area from 94,874 m<sup>2</sup> to 125,000 m<sup>2</sup>; permit a maximum building height of 125 metres in a specific location between existing buildings on Greenfield Avenue; and establish new minimum and maximum parking requirements.

## Community Consultation

Community Consultation meetings were held at Earl Haig Secondary School on January 20 and June 3, 2014. About 50-75 people attended each meeting and raised a number of comments and concerns:

- traffic in area and other sites in immediate area also being redeveloped and access to Highway 401 needs to be improved
- too much density – should be a development freeze in the area until traffic and subway problems are solved and infrastructure is upgraded
- traffic studies and Cardinal Carter drop-off on Greenfield Avenue
- need for sufficient parking – reduced parking may be a problem
- parking garage needs to be safe
- loss of office space
- location of access points to underground parking and potential for consolidation
- traffic on Greenfield Avenue in particular trucks on Greenfield Avenue with increased retail uses
- rental or condominium units in the new apartment building
- density increase results in a building too tall
- location of garbage pick-up
- drop-off function for Sheppard subway
- loss of green space
- loss of cinema
- school capacity
- developers should pay Section 37 funds for needed pedestrian and bike infrastructure, traffic improvements e.g. Highway 401 interchange
- need bike lanes in area
- loading area hours of operation
- loading area needs access through the mall indoors or outdoors to retail spaces
- retail and restaurants on Yonge Street and improved streetscape is good
- whether underground connection to Federal Building on west side of Yonge Street is being maintained
- viability and appeal of retail on upper levels
- timing of construction and impact on traffic
- architecture is attractive/unattractive.

A Tenant Consultation meeting was held under Chapter 667 of the Municipal Code on November 5, 2014 with the existing tenants of the rental townhouse apartments proposed to be demolished. The purpose of the meeting was to review the impact of the proposed demolition on tenants of the affected units, discuss the application and plan review process, and provide an opportunity for tenants to ask questions and give comments on the rental housing application. Six tenants attended the meeting representing four of seven existing tenant households. Tenants' concerns included:

- changes to the phasing of the redevelopment and need for tenants to move twice;
- the 4 month notification period was too short to find alternative accommodations;
- the amount of compensation did not adequately account for the disruption and hardship on long-term and elderly tenants;

- difficulty in finding comparable temporary rental accommodations in the area and near the subway;
- assistance with managing the relocation process;
- additional moving expenses related to packing, storage, and changes to personal services;
- communication of timelines for completion and occupancy of the replacement rental units;
- location, finishings, parking and access to the rental replacement units; and,
- the comparability of the replacement units and rents.

As part of City Planning's World Town Planning Day outreach initiative, Staff also presented the proposed plans for the Sheppard Centre to 4 classes of grade 7 to 9 students of Cardinal Carter Academy for the Arts located on the north side of Greenfield Avenue. A wide range of questions and comments included such matters as timing and length of construction and disruption, types of retail store tenants, and housing affordability.

Staff also attended a meeting arranged by the local Councillor in December 2015 with area residents. Many of the concerns expressed were about traffic and safety issues in the area and more specifically on Greenfield Avenue. Suggestions included road design changes to both improve and restrict turning movements, and to increase traffic movement restrictions and enforcement in the immediate area. Other suggestions included moving trash into the interior of the building, creating more drop-off lanes, redesigning the Doris Avenue and Greenfield intersection, and completing the Doris Avenue/Service Road south of Sheppard Avenue and connecting to Yonge Street.

### **Design Review Panel**

The application was presented to the April 14, 2014 meeting of the Design Review Panel. The Panel recognized the complicated retrofit nature of the proposal and was fully supportive of the proposal in particular of the street related retail uses and entrances on Yonge Street as well as the internal connections to the sidewalks and TTC subway. The Panel supported the massing and location of the residential tower and associated floor plate. Some Panel members commented on the need to improve the streetscape plan such as by increasing the provision of trees, and improve the relationship and landscaping between parking garage entrances/exits and sidewalks and adjacent uses. The Panel also commented that the access to the proposed rental replacement units needs to be easier to find.

### **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 and draft conditions of Site Plan Approval.

Staff met with representatives of the Toronto Catholic District School Board to discuss their concerns regarding health, safety and the learning environment at Cardinal Carter Academy for the Arts during and after construction. Additional meetings would be

arranged to address their concerns before finalizing the Site Plan and issuing conditions of Site Plan approval.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

The proposed infill and redevelopment of the existing Sheppard Centre is consistent with the PPS. The proposed development is in a location the City has identified through its Official Plan as being suitable for intensification. The proposed retail uses on the Yonge Street and Sheppard Avenue East frontages provide for a mix of land uses that also support pedestrian activity and active transportation. The proposed amendment to the Official Plan for a taller residential building with resulting increased separation distances between tall buildings implements development standards that meet the City's Tall Building guideline and facilitates intensification and compact urban form.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It is located in an intensification area and Urban Growth Centre identified by the City through the North York Centre Secondary Plan. The proposed redevelopment and expansion of the commercial retail uses in the Sheppard Centre, as well as the proposed infill of a residential apartment building on Greenfield Avenue are in conformity with the Growth Plan. The proposed development is within the density limits of the North York Centre Secondary Plan and assists in accommodating both population and employment growth in an Urban Growth Centre located at the intersection of the Yonge and Sheppard subway lines.

### Land Use

The North York Centre Secondary Plan designates the lands as *Mixed Use Area A* and *Mixed Use Area C*. As noted above, *Mixed Use Area A* is located on the western portion of the lands and permits only non-residential uses, while *Mixed Use Area C* is on the east portion of the site and permits up to 100% residential uses. The existing site specific Zoning By-law No. 31291 permits up to 58,549 m<sup>2</sup> of non-residential and 94,874 m<sup>2</sup> of residential gross floor area. The Zoning By-law permits an office use that was not built. As a result, the expanded and enhanced retail commercial uses in the Phase 1 Site Plan comply with the existing site specific Zoning By-law provisions respecting non-residential gross floor area and can be permitted in advance of the proposed residential use. If so, the draft set of conditions in Attachment 11 could be tailored to apply separately to each phase of the Site Plan application.

The proposed Official Plan Amendment, Zoning By-law and Site Plan are necessary for, and would permit the proposed additional residential apartment use on Greenfield Avenue. The maximum proportion of residential gross floor area in the draft Zoning By-law represents about 60% of the total gross floor area on the block (approximately 120,000 m<sup>2</sup> residential). The approximately 80,000 m<sup>2</sup> of non-residential uses are about equally split between office and commercial uses. With the proposed addition of both the residential apartment and commercial retail uses, the block remains a viable mixed use area with commercial, retail and office uses supporting the North York Centre Secondary

Plan to support subway infrastructure and pedestrian environment and streetscape connected to it. Securing a minimum level of retail and commercial uses in the Zoning By-law and also in a Section 37 Agreement as a density incentive, also assists in securing a minimum level of higher intensity non-residential uses that support the higher order transit infrastructure in the area. The proposed land uses, and mix of residential and non-residential land uses are appropriate, and secured in the draft Zoning By-law and Section 37 Agreement.

### **Density/Section 37**

The North York Centre Secondary Plan provides for a base density of 4.5 times the area of the lands. At a land area of 34,628 m<sup>2</sup>, the proposed 155,826 m<sup>2</sup> of gross floor area is at this density limit.

The North York Centre Secondary Plan provides the opportunity for additional gross floor area to be achieved in exchange for specific density transfers and incentives. The total of these density incentives is limited at an additional 33% over the base density, for a total potential density of 5.98. The proposed development includes four density incentives that in total provide for an overall density of 5.77 times the area of the lands which is below the maximum potential density increase permitted by the Secondary Plan.

The table below summarizes the base density and incentives in: 1) the existing site specific Zoning By-law; 2) in the original proposed application; and 3) in the draft amended Zoning By-law now being recommended for enactment. They are further outlined below.

	1) Existing Site-specific Zoning By-law (m <sup>2</sup> )	2) Original application (m <sup>2</sup> )	3) Proposed draft By-law (m <sup>2</sup> )
<b>1a. Maximum 'Base' Density/ Gross Floor Area</b> 34,094 m <sup>2</sup> site area x 4.5 FSI	153,423	153,423	153,423
b. road widenings 534 m <sup>2</sup> site area x 4.5 FSI	2,403	2,403	<u>+ 2,403</u> 155,826
<b>2. Density Incentives</b>			
a. Private Recreational Use Accessory to a Residential Use	0	580	1.5/unit & max. 599
b. Daycare/Social Facility	0	2,296	0
c. Rental Replacement Units	0	3,657	0
d. At-grade bicycle room	0	0	0.1 parking spaces/ unit & max. 100
e. Street-related Retail/Commercial/ Cinema/Recreational Facility	max. 36,586	44,067	Max. 31,728
f. Monetary Contribution towards Land for Service Road, Parks and/or Parkland Improvements	0	0	Max. 11,384
<b>Total Maximum Density Incentives</b>	36,586	50,600	43,811
<b>Total Floor Area</b>	190,009	204,023	199,637

## 1) "Base" Density

### a) Base Density in current By-law

The existing site specific Zoning By-law permits a total gross floor area of 153,423 m<sup>2</sup>. This level of gross floor area was implemented in conformity with the Official Plan density of 4.5 times the area of the lands prior to the required road widenings.

### b) Road Widenings:

The existing site specific Zoning By-law specifically excludes a maximum of 2,403 m<sup>2</sup> floor space from lands for road widenings previously conveyed for the development. This 'density transfer' approach to road widenings has been changed in more recent Zoning By-laws; and, the approach is to now include the pre-widening lands in the base permitted density. Based on the more recent approach, the draft Zoning By-law amendment in Attachment 10 adds 2,403 m<sup>2</sup> of floor space to the 153,423 m<sup>2</sup> total gross floor area permitted on the lands for a total base density of 155,826 m<sup>2</sup>.

## 2) Density Incentives

### a. Private Recreational Use Accessory to a Residential Use:

The existing site specific Zoning By-law does not require a minimum level of indoor private recreational space. The original application proposed a recreational amenity space exemption of 2.0 m<sup>2</sup>/unit for the rental replacement units and 1.5 m<sup>2</sup>/unit for the residential apartment, to a maximum of 580 m<sup>2</sup>. The draft By-law applies the maximum incentive standard of 1.5 m<sup>2</sup>/unit residential amenity space in the North York Centre Secondary Plan to the 399 new residential apartment and rental replacement units, resulting in a maximum density incentive of up to 599m<sup>2</sup>.

### b. Social Facility

The existing site specific Zoning By-law permits a 'day nursery use'. It does not secure a social facility or provide a density incentive to the existing privately-owned and operated child care facility located in one of the Sheppard Centre office buildings. The original application proposed a 4 times density incentive of 2,296 m<sup>2</sup> for a daycare relocated to a new 574m<sup>2</sup> facility located on Greenfield Avenue. In consultation with City staff, the proposed for profit child care facility was not supported as a 4 times density incentive owing to it being privately-owned and operated. The draft Zoning By-law amendment however carries forward the floor space exemption for the child care within the Level One and Two (at 1 times) density incentive in the existing site specific Zoning By-law, essentially treating it in a similar manner to the retail/commercial exemption discussed below.

### c. Rental Replacement Units

The existing site specific Zoning By-law does not provide any density incentive for rental replacement units. The application originally proposed the floor space for the 25 rental replacement units of 3,657 m<sup>2</sup> be treated as a density incentive. However rental replacement is a requirement under the Municipal Code and is not identified in the North York Centre Secondary Plan as an eligible density incentive. The draft Zoning By-law

amendment therefore does not provide a density incentive for replacing the 25 rental units.

**d. At-grade bicycle room**

The existing site specific Zoning By-law does not address bicycle parking at all, including any treatment of an at-grade bicycle room as a density incentive. The originally proposed application did not include an at-grade bicycle room for the residential apartment. The proposal would meet the bicycle parking policies and rates in the North York Centre Secondary Plan by providing for an at-grade bicycle room. The recommended draft by-law requires a minimum level of 0.1/unit bike parking spaces to be provided in an at-grade bicycle room, and also in accordance with the North York Centre Secondary Plan density incentives, exempts up to 100 m<sup>2</sup> of gross floor area for the at-grade bicycle room.

**e. Street-related Retail/Commercial, Cinema, Athletic/Recreational facility**

The existing site specific Zoning By-law identifies and excludes a maximum of an additional 36,586 m<sup>2</sup> of gross floor area for a variety of non-residential uses. This consists of Level One (16,612m<sup>2</sup>) and Level Two (13,339m<sup>2</sup>) commercial and retail uses, a Level Three cinema (3,318 m<sup>2</sup>) and an athletic/recreational centre in the (un-built) office building (3,317 m<sup>2</sup>). The application originally proposed exempting all of the existing and new retail uses including the renovated and new retail floor space on the third and fourth levels, up to a maximum of 44,067m<sup>2</sup> of gross floor area.

The recommended draft By-law amendment reduces the current maximum density incentive for these uses from 36,586 m<sup>2</sup> to 31,728 m<sup>2</sup>. This includes continuing the exemption for the athletic recreational centre although it would not be located in an office building. The By-law also exempts 868m<sup>2</sup> of daycare floor space within Level One and Two located on Greenfield Avenue provided such uses are not located on the Yonge Street frontage. The density incentive associated with the cinema use would not be carried forward owing to the use being discontinued.

The existing site specific Zoning By-law provides for a maximum amount of floor space achievable as a density incentive, but does not require a minimum amount of retail/commercial gross floor area. The draft By-law secures minimum levels of non-residential uses in keeping with the desire for transit-supportive and mixed use development at this location. The draft By-law amendment identifies and secures a minimum amount of retail/commercial gross floor area to be provided. It carries forward the existing athletic/recreational facility floor space as an exemption of (3,317m<sup>2</sup>) for a total minimum of 31,728 m<sup>2</sup>. A minimum required level of overall non-residential uses would also be secured in a Section 37 Agreement.

The proposed improvements to the Levels One and Two retail/commercial uses support a continuing treatment of this floor space as a density incentive. The better connection to the Yonge and Sheppard sidewalks, by filling in the current 'moats' would make for a better support of the pedestrian realm. New, direct and at-grade main entrances to the interior retail uses would be provided from Yonge Street, Sheppard Avenue East and

Greenfield Avenue. The internal corridors would be retrofitted to increase their widths and connect pedestrians more directly to the street and TTC subway station. Increased natural lighting would be introduced into the main entrance corridors on Yonge Street through skylights. The underground connection from Level One of the Sheppard Centre below and across to the west side of Yonge Street would also be made more visible and connected to the Greenfield Avenue streetscape.

**f. Monetary Contribution towards Service Road, Parkland Improvements and/or Community Centre and Social Facilities**

The existing site specific Zoning By-law was drafted prior to the Secondary Plan provisions for monetary contributions towards community benefits as a density incentive. The original application proposed all gross floor area (e.g. retail and rental replacement) be exempt, and no monetary contribution was proposed.

Under the provisions of the Secondary Plan, one way that the base density of 4.5 times the area of the lands can increase to a maximum of 5.98 times density is to provide a monetary contribution equal to the full market value of the gross floor area. The Secondary Plan caps the total maximum gross floor area that can be achieved at a 33% increase. The monetary contribution is then to be used by the City towards community benefits that are also specified in the Secondary Plan.

With a base density of 153,423 m<sup>2</sup> noted in a) above and total proposed development of 199,637 m<sup>2</sup>, there is a remaining available density incentive of 43,811 m<sup>2</sup>. Subtracting out the proposed retail/commercial and athletic/recreational facility floor area of 31,728m<sup>2</sup>, an at-grade bicycle room of 100 m<sup>2</sup> and residential amenity space of 599 m<sup>2</sup>, leaves a remaining floor space to be provided through a monetary contribution of 11,384m<sup>2</sup>. The draft By-law provides for a 795 m<sup>2</sup> increase in Level Two commercial floor space that would result in a reduction in the monetary contribution. The market value of the additional density being sought through this application has been determined in a memo from City Real Estate staff. This value would be both indexed and payable prior to issuance of the first above grade building permit for the residential apartment. The estimated monetary contribution would be approximately \$7 million.

The Section 37 Agreement is based on the remaining density being provided through the monetary contribution policies of the Secondary Plan for off-site community benefits. As part of further consultations with the local Councillor, the potential to achieve further on-site community facilities was also expressed. Payment of the monetary contribution may be delayed owing to a period of time before the above grade portion of the residential apartment is constructed as part of the Phase 2 Site Plan. To provide a further opportunity for off-site parkland and community facilities to be provided on-site, the draft By-law and Section 37 Agreement indicates that the monetary contribution may be reduced if, prior to the Section 37 monetary contribution being made, additional parkland is conveyed to the City, or a Public Recreational Centre and/or Social Facility is secured in accordance with the policies of recently adopted OPA 249. This potential on-site facility and resulting reduction in monetary contribution has been accommodated in the current Zoning By-law and would also be secured in the Section 37 Agreement.

However, depending on the nature of any potential future on-site facility that the City and applicant agree upon, future amendments to the OPA, Zoning By-law and/or Agreement may be required.

The proposed development is within the density limits and density incentive limits permitted by the Secondary Plan. The private recreational uses would support existing and future residents and workers in the Yonge & Sheppard area. Recognizing the in-force and effect density exemptions for the proposed retail/service commercial uses and proposed improvements would support the transit-based pedestrian. The at-grade bicycle room would support a shift from bikes as recreation to bikes as an alternative mode of transportation. The proposed Section 37 monetary contribution could be used towards lands for needed new road connections, or towards acquiring and improving parks serving North York Centre, or towards a community centre or social facility. Prior to the first above grade building permit for the residential apartment, the proposed monetary contribution may also be reduced by any additional on-site community benefits that can be secured. The proposed density and density incentives are appropriate.

## **Rental Housing Demolition and Replacement**

### **Existing Rental Housing**

The existing rental building is a two-storey townhouse block at 2 Forest Laneway that was retrofitted into 25 residential rental units under previous *Rental Housing Protection Act* approvals granted in 1990. The existing rental building consists of 7 one-bedroom, 9 two-bedroom and 9 three-bedroom rental units. At the time of application, 7 of the 25 existing rental units were occupied, with four units at affordable rents and three units at mid-range rents. All except for one of the remaining 18 units have been vacant for a prolonged period of time and were not re-rented by the current owner. Each unit has a private terrace and internal access to adjacent retail, underground parking and the Sheppard subway station. There are no common facilities in the existing rental building.

Many of the current residents are long-term tenants with a significant interest in remaining in the community, with its convenient access to the subway, shops and other facilities in the area. At the tenant consultation meeting, tenants expressed concern with changes to the rental replacement proposal requiring them to vacate their current units earlier than previously anticipated and the need to find alternative accommodations while the replacement rental units are under construction.

### **Replacement rental housing**

In accordance with Policy 3.2.1.6 of the Official Plan and the City's Rental Demolition and Conversion By-law, 25 new replacement rental units will be provided in the new development and maintained as rental housing for at least 20 years, with no application to be made during this time for condominium registration, or to convert the units to non-rental housing purposes, or demolish them without replacement.

The original application proposed to replace the 25 existing rental housing units within a new 8-storey building at the south-end of the site along Sheppard Avenue East. The proposed building was to be located where there is currently a block of former townhouses which was vacated under earlier *Rental Housing Protection Act* approvals. Under the original proposal, the replacement rental units were to be constructed prior to the demolition of the existing rental housing units at the north-end of the site, allowing existing tenants to move directly to one of the replacement units.

The current application now proposes to replace 19 of the existing rental housing units within the former townhouse block at the south-end of the site, and the remaining 6 rental replacement units in a 4<sup>th</sup> and 5<sup>th</sup> level addition. The retrofitted townhouse block and new addition would share a new residential lobby along Sheppard Avenue East with direct access to both Forest Laneway, Sheppard Centre retail, and dedicated underground parking spaces. The existing 25 rental units will be replaced with the same mix of 7 one-bedroom, 9 two-bedroom and 9 three-bedroom rental units, including 5 accessible units. Each unit would have a private terrace and en-suite laundry. New common indoor and outdoor amenity space would be provided on Level 4 and be outfitted to accommodate a variety of social activities and represents an improvement to the existing rental housing. The current rental replacement proposal would require existing tenants to find alternative accommodations while the replacement rental housing is being constructed.

Staff is satisfied with the replacement rental housing being provided. Floor areas of the existing rental units average approximately 68 m<sup>2</sup> for one-bedroom, 83 m<sup>2</sup> for two-bedroom and 156 m<sup>2</sup> for three-bedroom units.

The replacement units average 64 m<sup>2</sup> for one-bedroom, 84 m<sup>2</sup> for two-bedrooms and 145m<sup>2</sup> for three-bedrooms. While the one bedroom units are slightly smaller, the overall replacement GFA is greater than the existing rental housing and staff is satisfied with the livability of the replacement units. The replacement rental housing maintains a large proportion of family-size units and will include 5 accessible units.

The provisions for setting initial rents and allowable rent increases for all 25 rental units will conform to the City's standard practices and meet the intent of the Official Plan policies. The replacement rental units will have 21 units at affordable rents and 4 units at mid-range rents. The maximum rents will be maintained for at least 10 years and thereafter until the 20<sup>th</sup> year for any tenant who moves in during the first 10 year period, followed by a phase-out to unrestricted rents. New tenants moving in to vacant units commencing in the 11<sup>th</sup> year will pay unrestricted market rents. All basic utilities are proposed to be included in the rents.

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

The applicant and City staff have agreed to a tenant relocation and assistance plan that is consistent with City policies and practices and that will be detailed and secured in the Zoning By-law and both a Section 37 and Section 111 Agreements. The plan provides a

comprehensive package to account for a number of factors, including the long-term tenancy of many tenants, the size of the existing units and area rent levels.

At the tenant consultation meeting, tenants expressed concern with changes to the timing and phasing of the rental replacement component of the project and in finding comparable temporary accommodations in the area. Tenants felt that the initial moving allowance and rent compensation proposed by the applicant was insufficient and did not adequately reflect the relative hardship the demolition would cause them.

In response to these concerns, the applicant agreed to extend the notice period and communications to tenants, provide additional moving assistance and change the criteria for 'special needs' to qualify all current tenants for an additional two-months' rent.

Tenant assistance will be provided as follows:

- right to return to a replacement rental unit at similar rent;
- at least 5 months notice prior to having to move, inclusive of the *Residential Tenancies Act* notice requirements;
- monthly updates to tenants prior to formal notice to vacate;
- moving allowance of \$3,000 for moving out and \$3,000 for moving back in;
- 7 months' rent compensation plus an additional \$2,000, inclusive of the *Residential Tenancies Act* requirements for rent compensation; and,
- a rent subsidy for a period of 12 months for the period tenants may have to relocate in the area and pay higher rent.

The applicant has also agreed to: monthly updates to tenants prior to the formal notice to vacate their units should approval be granted; retain a Moving Coordinator to provide tenants assistance with the logistics of moving; and, offer temporary storage of the tenants' furniture and personal belongings over the relocation period.

The rent subsidy will be based on the approximate difference between the tenants' current rents and average market rent for the local area by type. A survey conducted by the applicant identified the following average rents by type: \$1,250 for one-bedroom units; \$1,645 for two-bedroom units; and, \$1,980 for three-bedroom units. Staff consider the proposed rent subsidy to present a fair increment to assist tenants in finding new rental accommodations in the area until the rental replacement units have been built. The actual increments to be provided at the time of vacancy will be reviewed by staff to ensure they continue to reflect a reasonable measure of local market conditions.

## **Height, Massing**

The draft Official Plan Amendment in Attachment 9 would provide for the maximum permitted height to increase from the current 100 metre permission in the Secondary Plan to a height of 125 metres in the location of the proposed residential apartment building on Greenfield Avenue. The Secondary Plan discourages site specific increases in height. It also provides policies to evaluate whether amendments are appropriate. These include

whether an improved built form is achieved, and whether there are no appreciable impacts on stable residential neighbourhoods.

Located on a block at the intersection of Yonge Street and Sheppard Avenue, the proposed height increase is in a location that is central to the North York Centre and distant from the neighbourhoods outside the Secondary Plan and Relevant Residential Property Line. The existing block is substantially built out and the location for a new tower on the block is limited due to the location of existing towers. The proposed location of a small floorplate tower on the part of the site being demolished for the new servicing is far from the existing stable residential neighbourhoods to the east.

The heights in the Secondary Plan were based on the larger slab floor plates associated with many of the older residential apartments that exist in the immediate surrounding area. The proposed residential apartment has a tower floorplate size of 745 m<sup>2</sup> at levels 3 to 24 and 645 m<sup>2</sup> at levels 25 to 39. These floorplate sizes meet the Tall Buildings Guideline and result in separation distances of 25, 33 and 44 metres between the proposed new building and the other tall buildings on the block. The smaller floorplates and north/south orientation of the proposed tower increases light, view and privacy for other existing tall buildings in the area. The proposed Official Plan amendment for a building height of 125 metres is not a result of a density increase beyond what is permitted by the Secondary Plan. The recommended Official Plan Amendment for building height is appropriate as it produces an improved built form with greater separation between buildings, and a floorplate size and orientation that increases sky views from the public realm. There would be minimal shadow impact on the residential amenity of stable residential neighbourhoods outside of the Secondary Plan, and the use of a small floorplate tower would reduce increase sunlight on the public realm and Greenfield Avenue sidewalks within North York Centre.

The original application proposed an 8 storey rental replacement and retail/commercial building on Sheppard Avenue. This building was too close to the existing apartments at Forest Laneway and has been removed from the final plans.

The proposed development includes additional retail uses extending onto the Yonge Street and Sheppard Avenue East frontages. These retail uses fill in the existing 'moats' currently separating the retail uses from the streetscape and pedestrian sidewalks. By making this direct connection of the buildings onto Yonge Street and Sheppard Avenue East, the built form objectives of the Secondary Plan will add animation and activity to the pedestrian realm. The additional retail uses on Yonge Street, Sheppard Avenue and Greenfield Avenue meet Secondary Plan objectives to achieve base buildings that define the street edge and serve as an extension of the pedestrian environment. The 'base' building between larger towers are appropriately scaled at 16 to 25 metres in height as described in the North York Centre Secondary Plan for Yonge Street and Sheppard Avenue East.

The height and massing of the proposed development meet the urban design criteria in the Secondary Plan and the Official Plan amendment for the increased height is appropriate.

### **Pedestrian Connections to Streetscape, TTC Subway and Retail Commercial uses**

The proposed development includes improvements to the Yonge Street, Sheppard Avenue East and Greenfield Avenue streetscapes. The proposed development would provide an enhanced 10 metre wide boulevard that implements the North York Centre enhanced streetscape for Yonge Street and Sheppard Avenue East. It would include pedestrian supporting elements such as street trees in planters, enhanced pavement treatment with bands of granite pavers in new concrete, bicycle rings and other street furniture. The Yonge Street, Sheppard Avenue East and Greenfield Avenue streetscapes would also be enhanced through the removal and/or reduction of stairs currently in the pedestrian realm and by providing a generally continuous weather protection canopy on street frontages. The existing TTC elevator on Yonge Street would be removed and incorporated into the building adjacent to interior pedestrian connections. The Greenfield Avenue streetscape would be lined with trees and an enhanced pavement at the corner of Yonge Street. The curb cut into the loading area on Greenfield Avenue would be reduced with adjacent landscaping to provide an enhanced and safer pedestrian environment. The final streetscape elements may need to be adjusted owing to the uncertainty of below ground utilities and infrastructure and will be refined and secured through the final site plan approval.

The existing pedestrian connections through the Sheppard Centre to the retail uses on Levels One and Two would be improved. New, larger and at-grade main entrances to the building would be located on Yonge Street, Sheppard Avenue East and Greenfield Avenue. Pedestrian walkways within the building would be widened and made more direct to the street through a more fine-grained and simplified pattern. This would help pedestrian orientation to both the street and interior retail uses. The existing pedestrian connections from the existing apartments on Forest Laneway through the retail areas and to the TTC subway station would also be retained and enhanced. An additional pedestrian connection from Greenfield Avenue to the retail stores and through to the subway station would also be provided. The existing pedestrian walkway connection from Sheppard Centre, underneath and to the east side of Yonge Street, would be enhanced and made more pedestrian friendly with a more direct and visible connection faced with retail and commercial uses. Additional natural light would also be introduced into the pedestrian connection on Yonge Street at the TTC entrance. The pedestrian connection and entrance to the TTC subway station would be rebuilt inside the building to be more open and visible to the retail uses and sidewalks and be directly connected to the Yonge Street streetscape.

### **Transportation Impact, Access, Parking, Loading**

The development application included a Transportation Impact Study that among other matters included an assessment of existing travel patterns and volumes, and forecasts of future movements of people and goods from both the site and other planned development

in the corridor. The study findings accepted by Transportation Services found that the location of the proposed mixed-use development at the intersection of two subway lines, and the resulting reduced need for automobile-dependent movement, increases the use of transit and reduces the use of vehicles. The traffic resulting from the development can be accommodated by the existing site access driveways and ramps to and from below grade parking on Doris Avenue and Greenfield Avenue. As also noted above, the funds secured through the Section 37 monetary contribution could also be used to advance planned road function and capacity improvements to the Doris Avenue Service Road south of Sheppard Avenue East and connected to Yonge Street.

From the original application, the proposed development would include improvements to the access and egress ramps by providing increased and landscaped setbacks between the ramps and pedestrian entrances to the daycare and residential entrances on Greenfield Avenue. Landscaping and a trellis/structural enclosure around the current underground parking entrance on Doris Avenue would help minimize noise and visual impacts at this corner of the site.

The overall number of parking spaces in the development is proposed to be reduced from 1,942 to 1,840 spaces. This is appropriate as the existing shared residential and commercial parking garage has excess capacity. The parking spaces proposed for the new residential apartment building is in keeping with the North York Centre Secondary Plan parking policy. 15 dedicated parking spaces for the 25 rental replacement units would be located in the P1 parking level and adjacent to the elevator accessing the rental replacement units. A pick-up and drop-off area is also proposed in the underground parking with adjacent elevator access to the residential apartment and also day care on Greenfield Avenue. This will help mitigate some of the traffic impacts associated with drop-off functions currently occurring on Greenfield Avenue.

The proposed development includes improvements to the current loading facility on Greenfield Avenue. The originally proposed development included a new loading area on Sheppard Avenue East. This has been removed from the proposal to minimize impacts on the pedestrian realm and reduce vehicle turning movements on Sheppard Avenue East. The current loading and servicing area on Greenfield Avenue functions on the exterior of the building and requires reverse truck movements across the sidewalk and onto the street. The proposed revised loading area includes a reduced curb cut on Greenfield Avenue and internalizes all truck turning movements and servicing. This would provide a better and safer pedestrian environment with reduced noise and visual impacts on Greenfield Avenue as well as improve vehicle movements on the street.

The impact of the proposed construction on Greenfield Avenue on the safety of area residents, students, staff and visitors was a concern raised by area residents as well as the Toronto Catholic District School Board on behalf of Cardinal Carter Academy for the Arts. To help address this issue, and as a condition of any work within the right-of-way, the owner would be required to obtain approval from the Transportation Services Division and provide a Construction Mitigation Plan. This will address matters such as including the location of truck loading points and trailer parking, the location of material

storage areas, truck access and routing, and the location of hoarding, temporary fencing and walkways. As a condition of the rental replacement, a Tenant and Resident communications strategy would need to be developed, indicating the anticipated timing, length and nature of construction. To help address their concerns, the school board, including Cardinal Carter Academy for the Arts and residents of the adjacent area on Greenfield Avenue and Spring Garden Avenue would be added to those receiving communication from the developer about construction timing matters.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 – 0.42 hectares of parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, is located within the North York Secondary Plan and is subject to the alternative parkland dedication rate through the City Wide Parkland Dedication By-law 1020-2010.

The applicant has submitted a proposal to construct 374 units within a net site area of 24,618 m<sup>2</sup> (2.4618 ha). At the alternative rate of 0.6 hectares per 560 units, specified in the North York Secondary Plan, the parkland dedication requirement is 3,675 m<sup>2</sup> (0.3675 ha) which represents 62% of the site area. For developments sites less than 1 hectare in size, a cap of 10% is applicable to the residential portion of the site while the commercial portion is subject to 2%. In total, the parkland dedication for the proposed site is 635m<sup>2</sup> (0.0635ha). The parkland dedication for the subject site is too small to be functional in this area and would greatly affect the applicant's ability to conform to Secondary Plan's urban design and density principles. The General Manager, Parks Forestry and Recreation recommends that the applicant satisfy the parkland dedication requirements through off site parkland dedication with the size and location of the parkland being subject to the approval of the General Manager. The appropriate off site parkland dedication will be required prior to the issuance of the first above grade building permit for the apartment building. The Section 37 contribution noted above may also be used to acquire parkland or make improvements to existing or new parks. These options will be secured in the legal agreements for the development.

## **Toronto Green Standard**

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure and Cycling Infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Approval process including, Pedestrian Infrastructure, Urban Heat Island Reductions, Urban Forest: Tree Growth, Construction Activity, Storage and Collection of Recycling and Organic Waste, Water Efficiency and Stormwater Retention.

## **Conclusion**

Sheppard Centre was one of the earliest subway-based urban developments in North York Centre. The existing structure presents many structural challenges, but also provides an opportunity to revitalize many aspects of an older existing city block. The

added retail uses with improved and tree-lined streetscapes and new direct entrances from the street would greatly improve the pedestrian environment on Yonge Street, Sheppard Avenue East and Greenfield Avenues.

The interior of the mall would be renovated and reorganized to simplify pedestrian movement to and through the retail areas. The proposed development would provide direct and accessible connections from the street and retail concourse to the TTC subway stations.

The proposed Official Plan Amendment for a height increase on the residential building appropriately meets the criteria for height increases in the Secondary Plan. The proposed development provides a mix of uses in conformity with the density provisions of the North York Centre Secondary Plan and will provide and secure a number of public benefits for the area.

It is recommended that an Official Plan Amendment and Zoning By-law Amendment for the lands be approved and the Site Plan application be delegated back to staff for approval.

## **CONTACT**

Robert Gibson, Senior Planner  
Community Planning  
Tel. No. (416) 395-7059  
E-mail: [rgibson@toronto.ca](mailto:rgibson@toronto.ca)

Kirsten Stein, Policy Planner  
Strategic Initiatives, Policy & Analysis  
Tel. No. (416) 392-0421  
E-mail: [kstein@toronto.ca](mailto:kstein@toronto.ca)

## **SIGNATURE**

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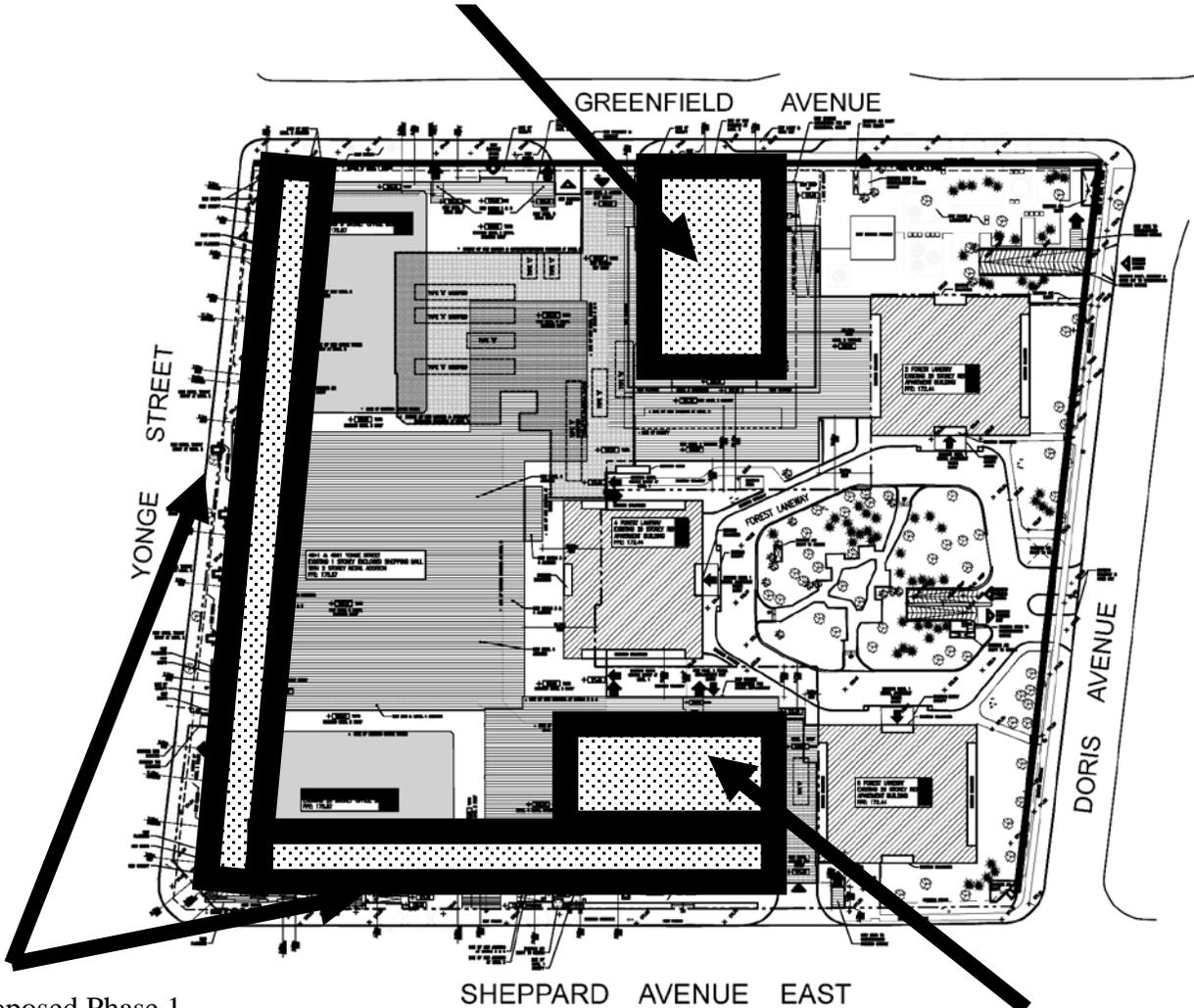
Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: West Elevation - Phase 1 – Retail on Yonge Street
- Attachment 3: South Elevation - Phase 1 Retail, Rental Replacement on Sheppard Avenue East
- Attachment 4: North Elevation - Phase 1 - Retail, Daycare, Loading on Greenfield Avenue
- Attachment 5: Elevation – Phase 2 - Residential Apartment Greenfield Avenue Perspective looking southeast
- Attachment 6: Official Plan – North York Centre Secondary Plan Height Map 8-8c
- Attachment 7: Zoning
- Attachment 8: Application Data Sheet
- Attachment 9: Draft Official Plan Amendment
- Attachment 10: Draft Zoning By-law Amendment
- Attachment 11: List of Site Plans and Draft Site Plan Conditions

Attachment 1: Site Plan

Proposed Phase 2  
39-storey Residential Apartment



Proposed Phase 1  
Retail Uses

Proposed Phase 1  
Rental Replacement

Site Plan

2-50 Sheppard Avenue East, 4841 to 4881 Yonge Street  
& 2-6 Forest Laneway

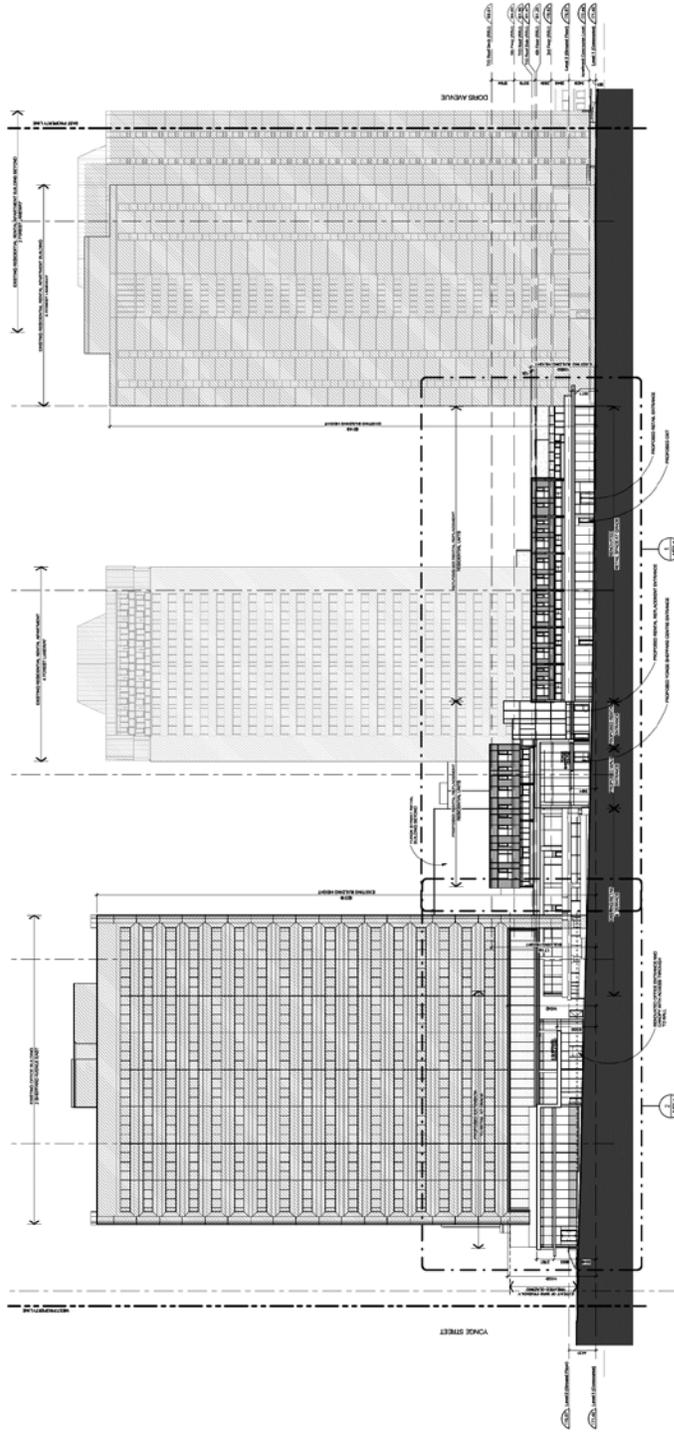
Applicant's Submitted Drawing

Not to Scale  
09/18/2013

File # 13 171700 NNY 23 0Z



**Attachment 3: South Elevation  
Phase 1 Retail, Rental Replacement on Sheppard Avenue East**



**South Elevation Phase 1**

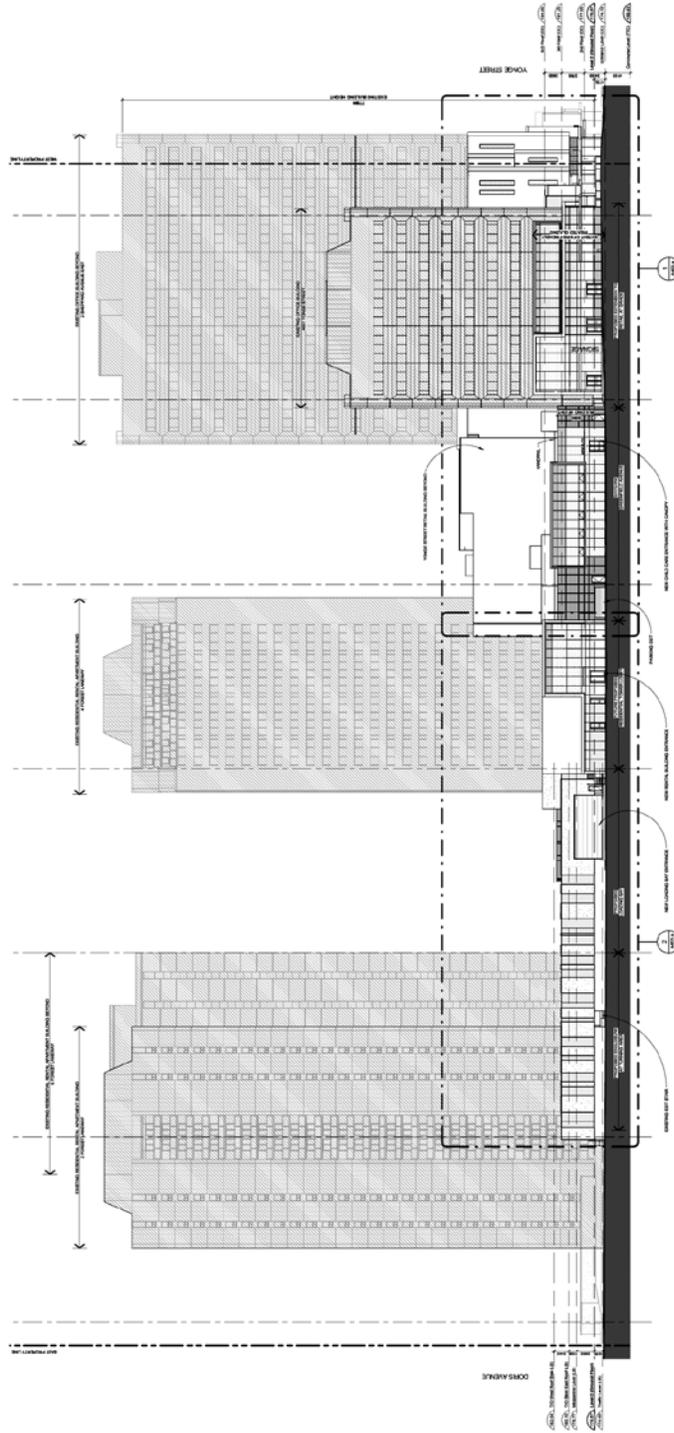
Applicant's Submitted Drawing

Not to Scale  
12/29/2014

**2-50 Sheppard Avenue East, 4841 to  
4881 Yonge Street & 2-6 Forest Laneway**

File # 13 171700 NNY 23 0Z

**Attachment 4: North Elevation  
Phase 1 - Retail, Daycare, Loading on Greenfield Avenue**



**North Elevation Phase 1**  
**Applicant's Submitted Drawing**  
 Not to Scale  
 12/29/2014

**2-50 Sheppard Avenue East, 4841 to  
 4881 Yonge Street & 2-6 Forest Laneway**  
 File # 13 171700 NNY 23 0Z

**Attachment 5: Elevation**

**Phase 2 - Residential Apartment Greenfield Avenue Perspective looking southeast**



Greenfield Avenue Perspective looking South-East

**Elevation Phase 2 Residential Apartment**

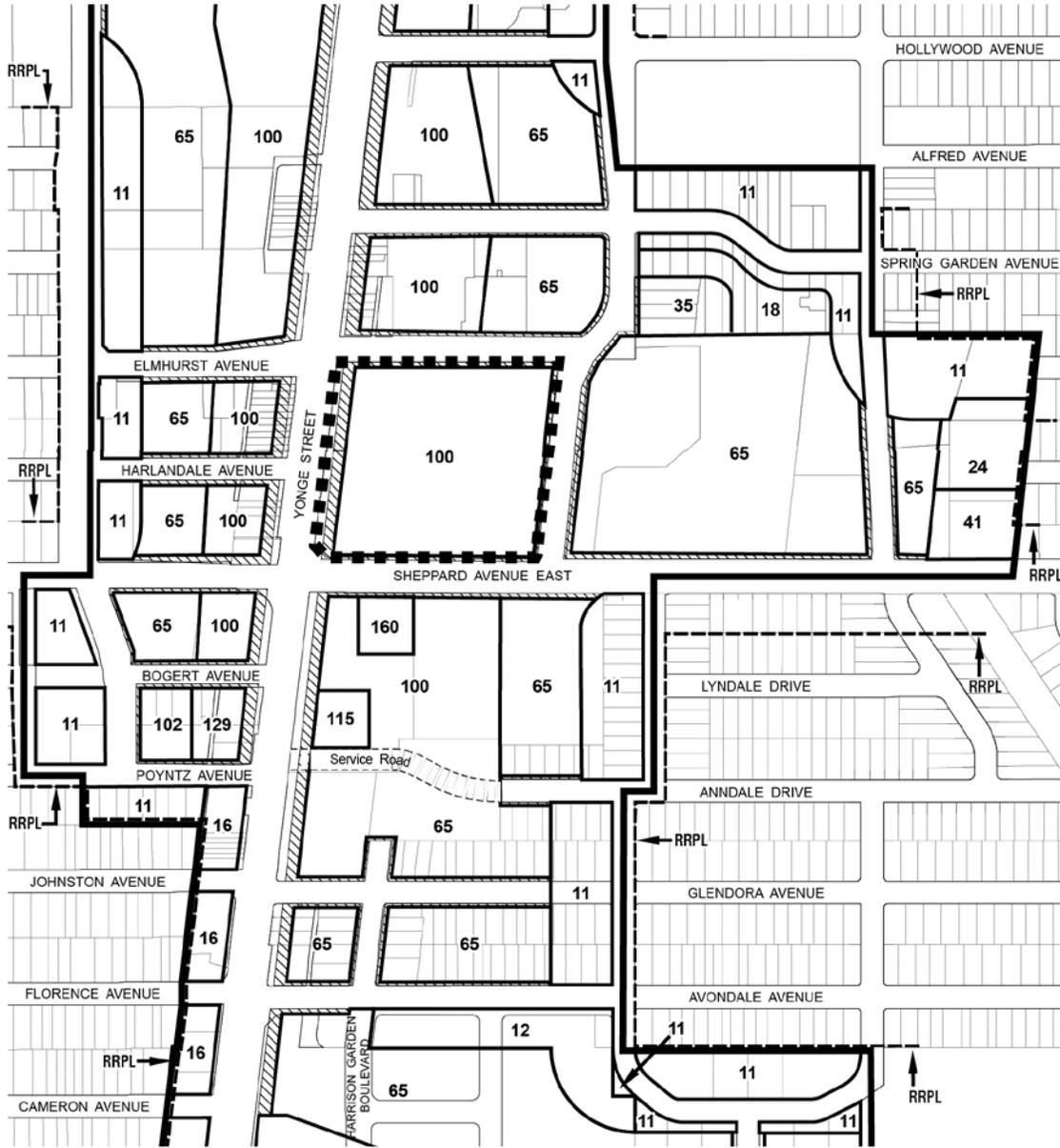
Applicant's Submitted Drawing

Not to Scale  
12/29/2014

**2-50 Sheppard Avenue East, 4841 to  
4881 Yonge Street & 2-6 Forest Laneway**

File # 13 171700 NNY 23 0Z

**Attachment 6: Official Plan – North York Centre Secondary Plan Height Map 8-8c**



**North York Centre Secondary Plan**

Parts of MAP 8-8c + 8-8d Maximum Height Limits

- |    |                                |       |   |
|----|--------------------------------|-------|---|
| ■  | Subject Property               | 35    | The Lesser of 35m or 12 Storeys                               |
| —  | Secondary Plan Boundary        | 41    | The Lesser of 41m or 13 Storeys                               |
| 11 | The Lesser of 11m or 3 Storeys | 65    | Maximum 65m Above Grade                                       |
| 12 | The Lesser of 12m or 4 Storeys | 100   | Maximum 100m Above Grade                                      |
| 16 | The Lesser of 16m or 4 Storeys | ▨     | Street Facade Limit as per Section 5.3 of this Secondary Plan |
| 18 | The Lesser of 18m or 6 Storeys | - - - | Relevant Residential Property Line (RRPL)                     |
| 24 | The Lesser of 24m or 7 Storeys |       |   |

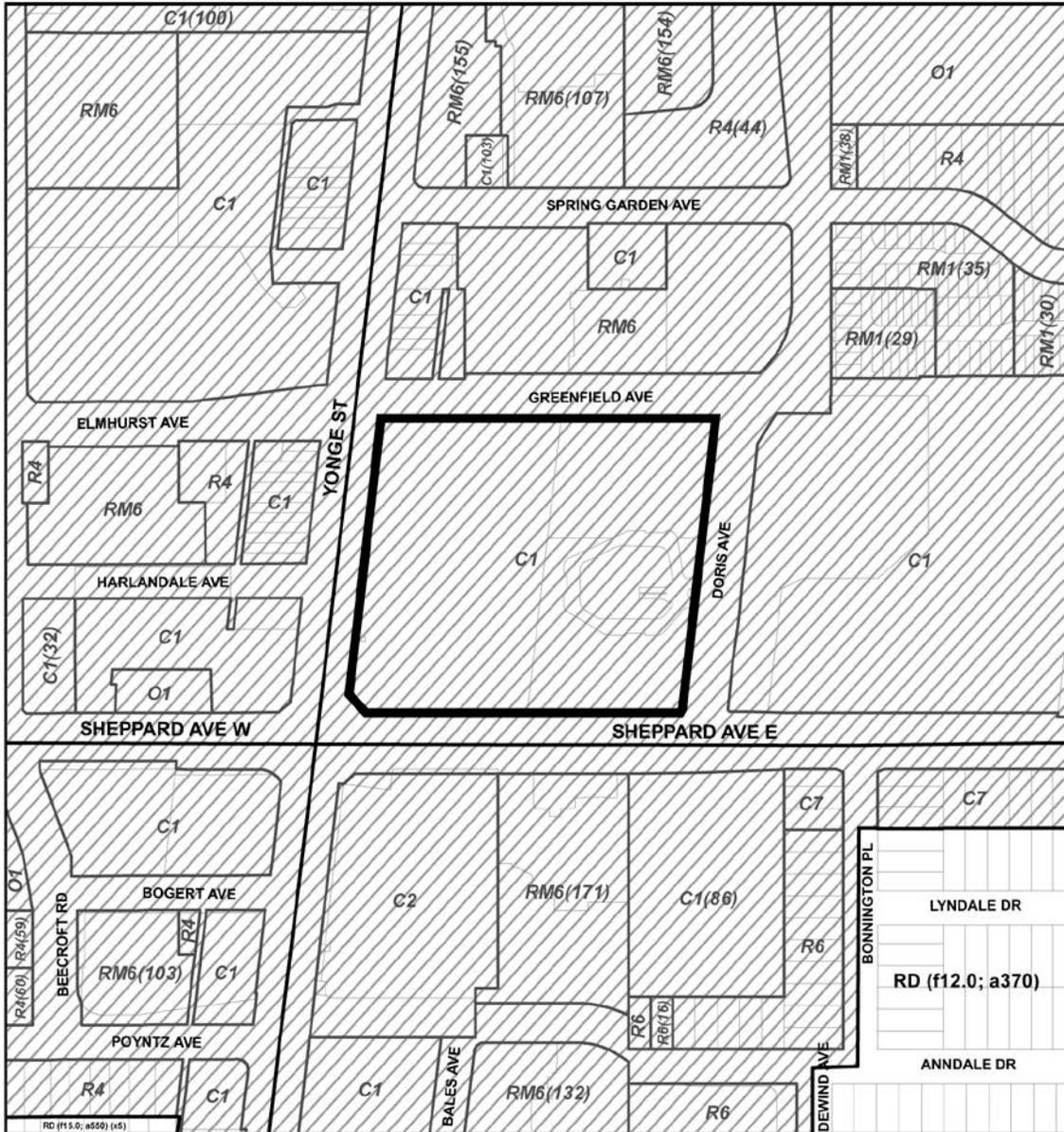
**2-50 Sheppard Avenue East,  
4841 to 4881 Yonge Street &  
2-6 Forest Laneway**

File # 13 171700 NNY 23 0Z

Not to Scale  
12/29/2014



## Attachment 7: Zoning



**TORONTO** City Planning  
**Zoning By-law 569-2013**

**2-50 Sheppard Avenue East, 4841 to 4881 Yonge Street  
 & 2-6 Forest Laneway**  
 File # 13 171700 NNY 23 OZ

- |   |                               |
|---|-------------------------------|
| Location of Application                             | See Former                    |
| R4 One-Family Detached Dwelling Fourth Density Zone | C1 General Commercial Zone    |
| R6 One-Family Detached Dwelling Sixth Density Zone  | C2 Local Shopping Centre Zone |
| RM6 Multiple-Family Dwellings Sixth Density Zone    | C7 Mixed Use Commercial Zone  |
| RM1 Multiple-Family Dwellings First Density Zone    | O1 Open Space Zone            |

Not to Scale  
 Extracted 09/20/2013

## Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	13 171700 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	May 21, 2013

Municipal Address: 4841 to 4881 Yonge Street; 2 and 50 Sheppard Avenue East; 2, 4 and 6 Forest Laneway

Location Description: CON 1 EY PT LOT 16 PLAN 3303 LOT 1 TO 8 PT LOT 9 TO 16 PLAN 207 PT LOT 1 CLSD DORIS AVE RP 66R15481 PT PTS 12&13 << STRUCTURE ADDRESS FOR 4841-4881 YONGE ST \*\*GRID N2304

Project Description: The proposal is a 39 storey and 374 unit infill apartment on the Greenfield Avenue frontage of the Sheppard Centre, with additional retail/commercial space on the Yonge Street, Sheppard Avenue East and Greenfield Avenue and replacement of 25 existing rental units.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
GOODMANS LLP	MARK NOSKIEWICZ	QUADRANGLE	RK (SHEPPARD CENTRE) INC

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area A and C	Site Specific Provision:	North York Centre South #14
Zoning:	C1	Historical Status:	
Height Limit (m):	100m	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	34,628	Height:	Storeys:	29
Frontage (m):	158		Metres:	100
Depth (m):	195			
Total Ground Floor Area (sq. m):	11,176			<b>Total</b>
Total Residential GFA (sq. m):	120,972		Parking Spaces:	1840
Total Non-Residential GFA (sq. m):	78,665		Loading Docks	10
Total GFA (sq. m):	199,637			
Lot Coverage Ratio (%):	32.78			
Floor Space Index:	5.77			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	TBD/Condo		
Rooms:	0	Residential GFA (sq. m): 27,278	0
Bachelor:	0	Retail GFA (sq. m): 6,219	0
1 Bedroom:	177	Office GFA (sq. m): 0	0
2 Bedroom:	213	Industrial GFA (sq. m): 0	0
3 + Bedroom:	9	Institutional/Other GFA (sq. m): 0	0
Total Units:	399		

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Robert Gibson, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 395-7059</b>

**Attachment 9: Draft Official Plan Amendment**

Authority: North York Community Council Item ~  
as adopted by City of Toronto Council on ~, 2015  
Enacted by Council: ~, 2015

**CITY OF TORONTO**

**BY-LAW No. ~ -2015**

**To Adopt Amendment No. 300 to the Official Plan of the City of Toronto in respect of lands located at the northeast corner of Yonge Street and Sheppard Avenue, municipally known as 4841 to 4881 Yonge Street, 2 and 50 Sheppard Avenue East, 2, 4 and 6 Forest Laneway.**

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

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

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

1. Amendment No. 300 to the Official Plan of the City of Toronto in respect of lands located at the northeast corner of Yonge Street and Sheppard Avenue, municipally known as 4841 to 4881 Yonge Street, 2 and 50 Sheppard Avenue East, 2, 4 and 6 Forest Laneway, consisting of the attached text and the map designated as Schedule '1', is hereby adopted.

ENACTED AND PASSED this ~ day of ~, A.D. 2015.

XXXXX,  
Speaker

XXXXXXXX,  
City Clerk

(Corporate Seal)

## AMENDMENT NO. 300

### TO THE OFFICIAL PLAN OF THE CITY OF TORONTO IN RESPECT OF LANDS LOCATED AT THE SOUTHEAST CORNER OF YONGE STREET AND SHEPPARD AVENUE, MUNICIPALLY KNOWN AS 4841 to 4881 YONGE STREET, 2 AND 50 SHEPPARD AVENUE EAST, 2, 4 AND 6 FOREST LANEWAY

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

#### Clause 1

Chapter Six, Section 8 (North York Centre Secondary Plan) is amended by modifying Site Specific Policy 14 in Section 12, North York Centre South Site Specific Policies to read as follows:

#### **"14. LANDS LOCATED AT THE NORTHEAST CORNER OF YONGE STREET AND SHEPPARD AVENUE EAST (14 on Map 8-12):**

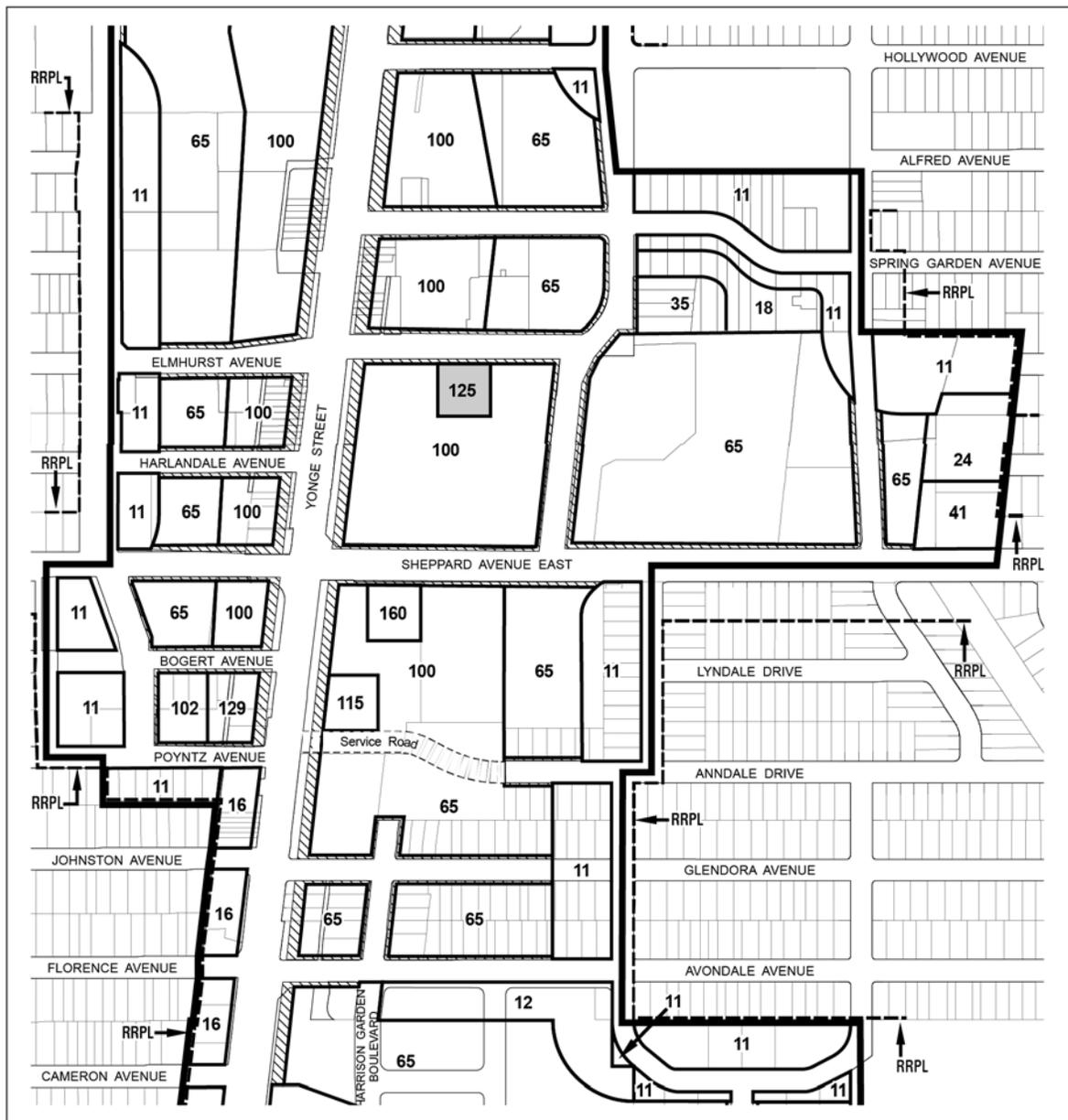
- (a) On the lands shown as 14 on Map 8-12, despite the provisions of Section 3.3, the following areas may also be exempted from the calculation of gross floor area and density and will be considered as density incentives:
  - i. the gross floor area of all retail and commercial floor space including pedestrian walkways on Level One and Two and accessible from the street is exempted from the calculation of gross floor area to a maximum of 29,951 m<sup>2</sup>; and
  - ii. the gross floor area of an athletic or recreational facility (fitness centre) is exempted from the calculation of gross floor area to a maximum of 3,317m<sup>2</sup>.
- (b) For the purposes of the implementing zoning by-law, Level One and Level Two will be defined terms based upon references derived from the Canadian Geodetic Datam.
- (c) The existing 29 storey building at the southeast corner of the existing lands predates the building height policies in the Official Plan. The lawful and conforming height of the existing building is therefore recognized.
- (d) Despite the provisions of Section 6.7(b) and (d), rooftop podium recreational area may be included in the calculation of the private outdoor recreational space requirement.

- (e) Despite the provisions of Section 5.3.3(c), retail uses are only required along the Sheppard Avenue frontage between the rental replacement units on Sheppard Avenue East and Yonge Street.
- (f) Pursuant to Section 5.4.2 of this Secondary Plan, a tall building with a maximum building height of 125 metres is permitted on the lands at the location identified on Map 8-8d.

**Clause 2**

Map 8-8d of the North York Centre Secondary Plan is amended in accordance with Schedule '1' below.

**SCHEDULE '1'**



## **Attachment 10: Draft Zoning By-law Amendment**

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

Enacted by Council: ~

**Bill No.** ~

### **CITY OF TORONTO**

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

**To amend the former City of North York By-law No. 7625  
with respect to lands known municipally as  
4841 to 4881 Yonge Street,  
2 and 50 Sheppard Avenue East and 2, 4 and 6 Forest Laneway**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development;

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

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in the By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

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

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedules "A" and "B" of this By-law.
2. Section 64.23 of By-law No. 7625 is amended by adding the following subsection:

**"64.23(144)                      C1(144)**

## **DEFINITIONS**

### **MECHANICAL FLOOR AREA**

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

(b) Level One shall mean a floor the elevation of which is at or above 171.4 metres c.g.d. and below 172.3 metres c.g.d.

(c) Level Two shall mean a floor the elevation of which is at 172.3 metres c.g.d. or above, and to a maximum elevation below 179.9 metres c.g.d.

### **BUILDING HEIGHT AND ESTABLISHED GRADE**

(d) Building Height shall mean the vertical distance in storeys and in metres between the base Level, as established on Schedule "B" hereto, and shall exclude the height of mechanical penthouses, parapets and other architectural features, and stairwells to access the roof.

(e) Building Height shall also mean on Schedule "B" where measured in metres, the vertical distance in metres above "Established Grade" which shall mean the geodetic elevation of in the case of Level 1, 171.45 metres, and in the case of Level Two 175.87 metres, and shall exclude the height of mechanical penthouses, parapets and other architectural features, and stairwells to access the roof.

### **BICYCLE PARKING**

(f) Bicycle room shall mean an at-grade common bicycle room designed and equipped exclusively for the purpose of parking and securing bicycles.

(g) Bicycle parking space shall mean a space with minimum vertical clearance of 1.9 m, minimum horizontal dimensions of 0.6 m by 1.2 m and maximum floor area of 2.0 m<sup>2</sup>,

including any associated access corridor area, that is designed and equipped exclusively for the purpose of parking and securing one or more bicycles and is not located within a dwelling unit, balcony or commercial suite.

#### COMMON OUTDOOR SPACE

(h) Common outdoor space shall mean unenclosed, exterior, publicly accessible areas of the net site that are adjacent to the building, consist of hard or soft landscaping, adjoin a public street, provide pedestrian facilities such as outdoor seating, and may include public art.

#### GROSS SITE

(i) Gross Site shall mean the lands identified on Schedule A comprising an area of 34,628m<sup>2</sup>.

#### GROSS FLOOR AREA

(j) Gross Floor Area shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:

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

#### NET SITE

(k) Net Site shall mean the gross site minus parts conveyed for road widening purposes to the City of Toronto and comprising an area of 34,094 m<sup>2</sup>. Any lands within the net site conveyed to the City shall continue to be considered part of the net site.

#### **PERMITTED USES**

(l) Permitted uses shall be: restaurants, retail stores, personal service shops, service shops, branches of banks or financial institutions, business and professional offices, studios, dry-cleaning and laundry collecting establishments, synthetic dry-cleaning establishments, automatic laundry shops, custom workshops making articles or products to be sold at retail on the premises, art galleries, museums, taverns, cinemas, theatres and uses ancillary thereto, assembly halls, banquet halls, clubs, commercial schools, billiard parlours, bowling alleys, professional medical offices, dwelling units, recreational uses,

commercial recreational uses, fitness centres, day nurseries, public parking structures, and outdoor cafes.

### **MAXIMUM GROSS FLOOR AREA**

(m) Except as provided for in subsection (aa), the maximum gross floor area permitted on the net site shall not exceed 155,826m<sup>2</sup> attributable to the gross site.

### **MAXIMUM RESIDENTIAL/MINIMUM NON-RESIDENTIAL GROSS FLOOR AREA**

(n) Including as provided for in subsection (aa), the maximum residential gross floor area permitted on the net site shall not exceed 125,000m<sup>2</sup>, and a minimum of 60,000m<sup>2</sup> non-residential gross floor area shall be provided.

### **NUMBER OF DWELLING UNITS**

(o) The maximum number of dwelling units shall be 1,410.

### **BUILDING ENVELOPE**

(p) No portion of any building or structure erected and used above grade shall be located otherwise than wholly within the building envelope identified on Schedule C1(144) except for canopies and other architectural features which may project beyond the building envelope.

### **BUILDING HEIGHT**

(q) The building height, measured in storeys or metres above Floor Levels or Established Grade, shall not exceed the maximum heights in storeys above Level One or Level Two, and in metres above Established Grade, as shown on Schedule "C1(144)" excluding mechanical penthouses, parapets and other architectural features, and stairwells to access the roof.

### **MOTOR VEHICLE PARKING**

(r) Parking spaces shall be provided within the net site in accordance with the following requirements:

- (i) for the Apartments 'B', 'C' and 'D' on Schedule 'B' a minimum of 0.63 parking spaces per unit and a maximum of 1.1 parking spaces per unit;
- (i) for Apartment 'A' on Schedule 'B' a minimum of 0.9 spaces per unit and a maximum of 1.1 parking spaces per unit;
- (iii) a minimum of 0.1 visitor parking spaces per unit;

- (iv) a minimum of 15 parking spaces devoted for the use of the 25 replacement rental dwelling units and located adjacent to the elevator to the rental lobby on the P1 Level of the parking garage;
- (v) for non-residential uses a minimum of 0.9 parking spaces to a maximum of 1.0 parking spaces per 100 m<sup>2</sup> of gross floor area devoted to non-residential uses;
- (vi) two way drive aisles shall have a minimum width of 5.4 metres.

No parking spaces shall be permitted outside any building; all parking spaces shall be located in parking garages contained within the building complex. Non-residential parking spaces and residential visitor parking spaces may be shared and made available to the general public and a charge may be imposed for the use of such spaces, whether by tenants, visitors or the public.

### **BICYCLE PARKING**

- (s) Bicycle parking shall be provided within the net site in accordance with the following requirements:
  - (i) a minimum of 360 bicycle parking spaces;
  - (ii) a minimum of 37 of these bicycle parking spaces in a bike room at a location that is near grade and accessible to Apartment 'A' on Schedule 'B'; and,
  - (iii) a minimum of 17 bicycle parking spaces devoted for the use of the replacement rental dwelling units and located adjacent to the elevator to the rental lobby on the P1 Level of the parking garage.

### **LOADING**

- (t) The minimum number of ten (10) loading spaces shall be provided on the net site as follows:
  - (i) 2 Type "A" loading spaces with a minimum length of 17.0 metres, a minimum width of 3.5 metres; and a minimum vertical clearance of 4.4 metres;
  - (ii) 4 Type "B" loading spaces with a minimum length of 11.0 metres, a minimum width of 3.5 metres; and a minimum vertical clearance of 4.0 metres;
  - (iii) 3 Type "C" loading spaces with a minimum length of 6.0 metres, a minimum width of 3.5 metres, and a minimum vertical clearance of 3.0 metres; and
  - (iv) 1 Type "G" loading space with a minimum length of 13.0 metres, a minimum width of 4.0 metres, and a minimum vertical clearance of 6.1 metres.

### **COMMON OUTDOOR SPACE**

- (u) A minimum of 4,000 m<sup>2</sup> of common outdoor space shall be provided on the net site.

## **INDOOR RECREATION AMENITY AREA**

(v) Indoor recreational amenity area shall be provided as follows:

- (i) A minimum of 1.5 m<sup>2</sup> of indoor recreational amenity space shall be provided for Apartment 'A'; on Greenfield Avenue as shown in Schedule "C1(144)" exclusive of the required indoor recreational amenity area for the Rental Replacement Building.
- (ii) A minimum of 59 m<sup>2</sup> of indoor recreational amenity space shall be provided on Level 4 of the Rental Replacement Building.

## **OUTDOOR RECREATIONAL AMENITY AREA**

(w) Outdoor recreational amenity area shall be provided as follows:

- (i) A minimum of 1.5 m<sup>2</sup> per dwelling unit of private outdoor recreational amenity area shall be provided at grade or on building rooftops for Apartment 'A' on Greenfield Avenue as shown on Schedule "C1(144)" exclusive of the required outdoor recreational amenity area for the Rental Replacement Building.
- (ii) A minimum of 67 m<sup>2</sup> of outdoor recreational amenity space shall be provided adjacent to the indoor recreational amenity space for the Rental Replacement Building.

## **INCREASED DENSITY**

(x) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule 1 hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lot, to the satisfaction of the City Solicitor.

## **SECTION 37 AGREEMENT**

(y) Where Schedule 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on the satisfaction of the same.

(z) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all the provisions of Schedule 1 are satisfied in accordance with the specified timeframes therein.

## **ADDITIONAL GROSS FLOOR AREA**

(aa) Notwithstanding subsection (m) of this exception, additional gross floor area shall be permitted on the net site shown on Schedule "C1(144)", with the maximum total of all additional gross floor area achieved through density incentives in this subsection not exceeding 43,811 m<sup>2</sup> and limited to the following:

- (i) a maximum of 29,206 m<sup>2</sup> of retail and service commercial space on Level One and Level Two, provided that the area is used exclusively for retail and service commercial purposes including a commercial day care facility on Greenfield Avenue and not fronting onto Yonge Street up to 868m<sup>2</sup>, and also in addition a maximum of 3,317 m<sup>2</sup> of an athletic or recreational facility (fitness centre) floor space;
- (ii) a maximum of 100m<sup>2</sup> for a bicycle room provided that the room is designed and used exclusively for parking and storing bicycles to serve the Apartment building 'A' fronting onto Greenfield Avenue;
- (iii) a maximum of 1.50 m<sup>2</sup> per dwelling unit of indoor recreational amenity space for the Rental Replacement units on Sheppard Avenue East and Apartment building 'A' fronting onto Greenfield Avenue, provided that the area is used exclusively for recreational purposes; and
- (iv) a maximum of 11,395m<sup>2</sup> attributable to the payment specified in Schedule 1, Item (i).

## **PROVISIONS NOT APPLICABLE**

(bb) The provisions of Sections 22, and 23 do not apply.

3. Section 64.23 of By-law 7625 of the former City of North York is amended by adding Schedule C1(144) attached to this By-law.

4. By-laws 31291 and 31560 are hereby repealed.

ENACTED AND PASSED this ~ day of ~ A.D. 2015.

JOHN TORY  
Mayor  
(Corporate Seal)

ULLI S. WATKISS  
City Clerk

## Schedule '1'

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development under subsection (aa) of this exception on the lot and secured in an agreement or agreements under Section 37(3) of the *Planning Act*, whereby the owner agrees as follows:

- i. prior to issuance of the first above grade building permit for Apartment 'A' on Schedule B a monetary contribution towards the cost of acquiring lands necessary for completion of planned service roads, associated road network and buffer areas in the North York Centre, parkland acquisition and parkland improvements and/or community centre or social facility shall be paid to the City. The amount of the monetary contribution shall be equal to the market value, based on land value, of the gross floor area specified in (aa) of this exception and based on the value of \$617.85 with indexing identified in the memo from the Director of Real Estate Services dated January 16, 2015 which may be reduced in the event that additional parkland is conveyed to the City prior to the Section 37 monetary contribution being made in accordance with OPA 249;
- ii. the building permit which provides for the replacement rental dwelling units shall be issued no later than the issuance of the first building permit for renovations to the retail commercial spaces included in the Phase 1 Site Plan;
- iii. provision and maintenance of a minimum of 60,000m<sup>2</sup> non-residential gross floor area, of which as a density incentive a minimum of 28,411 m<sup>2</sup> of retail and service commercial floor space on Level One and Level Two and directly accessible from Yonge Street, Sheppard Avenue East or Greenfield Avenue, and a minimum of 3,317 m<sup>2</sup> of an athletic or recreational facility (fitness centre) floor space;
- iv. provision and maintenance of a bicycle room containing bicycle racks or lockers at a minimum rate of 0.1 per dwelling unit provided that the room is designed and used exclusively for parking and storing bicycles to serve the Apartment building 'A' fronting onto Greenfield Avenue;
- v. provision and maintenance of a minimum of 1.50 m<sup>2</sup> per dwelling unit of indoor recreational amenity space for the rental replacement units on Sheppard Avenue East and for Apartment 'A' fronting onto Greenfield Avenue;
- vi. to address the issues identified in the memos from the Manager, Development Engineering, North York dated June 4, 2014 and October 8, 2014 including any necessary off-site improvements;
- vii. submit and implement a Construction Mitigation and Communication Strategy to the satisfaction of the Director, Community Planning North District, prior to the issuance of any demolition permit;
- viii. provision and maintenance by the owner of not less than 25 replacement rental dwelling units, comprising at least 21 affordable rental dwelling units and 4 rental dwelling units with rents no higher than mid-range rents, which units shall be of a size to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:

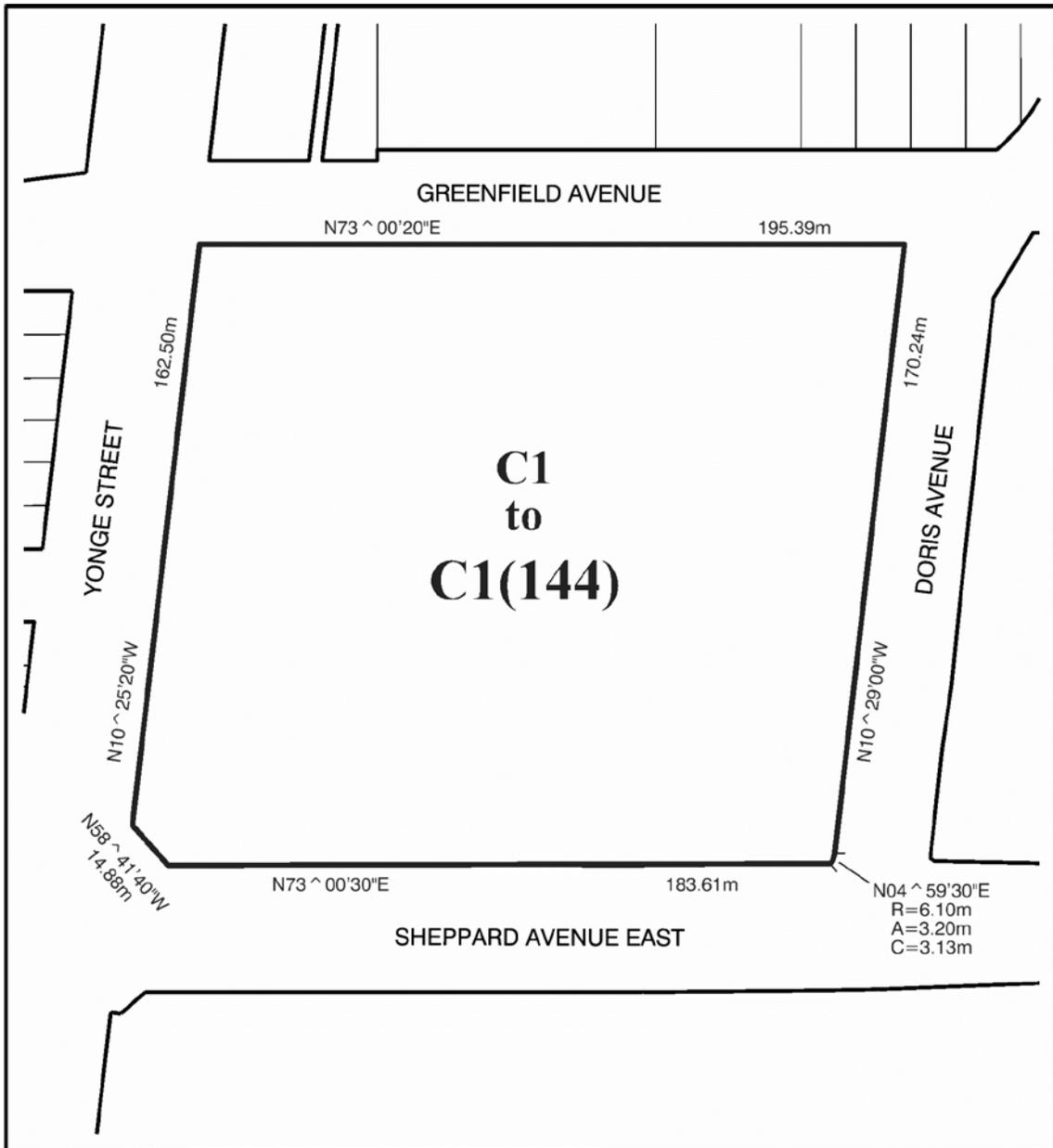
- ix. provision and maintenance by the owner of not less than 25 replacement rental dwelling units, comprising at least 21 affordable rental dwelling units and 4 rental dwelling units with rents no higher than mid-range rents, which units shall be of a size to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:
- a. the replacement rental dwelling units shall comprise 7 one-bedroom units, 9 two-bedroom units and 9 three-bedroom units; and the combined floor area of the 25 replacement rental dwelling units shall be no less than 2,467 m<sup>2</sup>, exclusive of terraces and common amenity space. Each unit shall have a terrace for private and exclusive access. The units shall range in sizes as follows:
    - i. 7 one-bedroom units of which 7 units shall be a minimum of 62 m<sup>2</sup> and 2 units shall be at least 68 m<sup>2</sup>;
    - ii. 9 two-bedroom units of which 9 shall be a minimum of 75 m<sup>2</sup>, 5 units shall be at least 80 m<sup>2</sup>, 1 unit shall be at least 91 m<sup>2</sup>, 1 unit shall be at least 94 m<sup>2</sup>, and 1 unit shall be at least 99 m<sup>2</sup>;
    - iii. 9 three-bedroom units of which 9 shall be at least 134 m<sup>2</sup>, 2 units shall be at least 142 m<sup>2</sup>, 1 unit shall be at least 143 m<sup>2</sup>, 1 unit shall be at least 144 m<sup>2</sup>, 1 unit shall be at least 145 m<sup>2</sup>, 2 units shall be at least 149 m<sup>2</sup>, and 1 unit shall be at least 158 m<sup>2</sup>.
  - b. the replacement rental dwelling units shall be maintained as rental housing units for at least 20 years, beginning with the date each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental housing units to be maintained as rental units. No application may be submitted for condominium registration, or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period;
  - c. The 25 replacement rental dwelling units shall be ready for occupancy no later than the date of structural or substantial completion of the Phase 1 retail commercial uses, and prior to issuance of any building permit for Phase 2 residential building;
  - d. the owner shall provide and maintain affordable rents charged to the tenants who rent of the 21 designated affordable replacement rental dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update of the Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and upon turn-over, the rent charged to any new tenant shall not exceed

the greater of the most recently charged rent or the most recent Fall Update Rental Market Report and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above-guideline increases;

- e. the owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the designated 4 dwelling units with mid-range rents during the first 10 years of its occupancy, with mid-range rents on the same basis as ix.d. except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type;
  - f. rents charged to tenants occupying a replacement rental dwelling unit at the end of the 10-year period set forth in ix.d. shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in ix.d. with a phase-in period of at least three years for rent increases;
  - g. rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10 year period set forth in ix.d. Will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement;
  - h. at least 15 parking spaces shall be designated for the 25 rental replacement units and located adjacent to the elevator to the rental lobby on the P1 Level of the existing parking garage;
  - i. an indoor amenity space for the exclusive used of the rental tenants that is not less than 59 m<sup>2</sup> and shall contain a kitchenette and associated furnishings and finishes to accommodate small meetings or gatherings to the satisfaction of Chief Planner and Executive Director;
  - j. an outdoor amenity space of not less than 67 m<sup>2</sup> immediately adjacent to the indoor amenity space set forth in (i.) for the exclusive use of the rental tenants, and including a BBQ and associated furnishings and finishes to the satisfaction of Chief Planner and Executive Director; and,
- k. the owner shall provide tenant relocation and assistance in accordance with the more detailed Tenant Relocation and Assistance Plan to be included in the Section 37 Agreement or agreements, to the satisfaction of the Chief Planner and Executive direction, City Planning Division, for tenants in the existing building on the lands. At a minimum, tenant relocation assistance shall include:

- i. the right to return to a rental replacement unit at a similar rent for all eligible tenants in the existing rental units;
- ii. extended notice of the date tenants must vacate for the demolition of their units;
- iii. a process for returning tenants to choose their rental replacement units by seniority; and,
- iv. financial assistance comprising at least: a moving allowance of at least \$3,000 for moving out of their unit and \$3,000 to move back to a replacement unit; four (4) months' rent compensation exclusive of any assistance required under provincial law and an additional \$2,000; and, a rent subsidy for a period of 12 months geared to the affordability gap between their current rent and local area rents by unit type.

Schedule 'A'



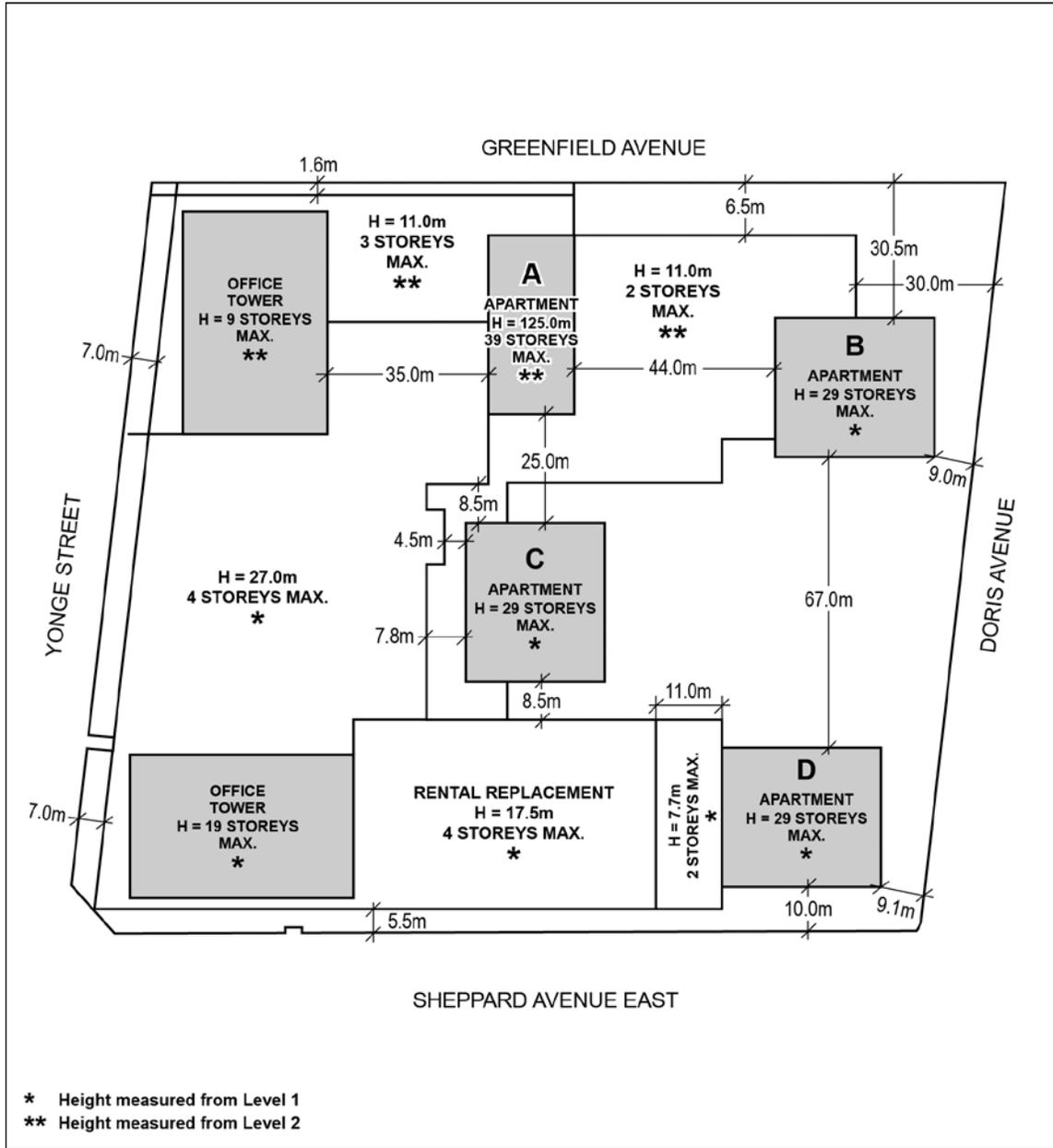
Schedule 1

Part of Lot 16, Concession 1, East of Yonge Street R.P. 207,  
 Part of Lots 1, 2, 3, 5, 6, 7, 8 and 9 and Part of Doris Avenue  
 Schaeffer Dzaldov Bennett LTD, Ontario Land Surveyors  
 Date: 01/15/2015  
 Approved by: R.G.

File # 13 171700 NNY 23 02



## Schedule 'B'



## Attachment 11: List of Site Plans and Draft Site Plan Conditions

### Phase 1:

<b>Drawing/ Plan No.</b>	<b>Title</b>	<b>Prepared By</b>	<b>Date</b>
A101	Site Plan- Phase 1	Quadrangle	Date Stamped Received Dec 23, 2014
A201	Level 1 (Concourse) Floor Plan - Phase 1	Quadrangle	Date Stamped Received Dec 23, 2014
A202	Level 2 (Ground) Floor Plan – Phase 1	Quadrangle	Date Stamped Received Dec 23, 2014
A204	Level 4 Floor Plan – Phase 1	Quadrangle	Date Stamped Received Dec 23, 2014
A211	Refurbished Rental Replacement Units – Phase 1	Quadrangle	Date Stamped Received Dec 23, 2014
A212	Rental Replacement Apartment Building Units – Phase 1	Quadrangle	Date Stamped Received Dec 23, 2014
A401	South Elevation – Phase 1	Quadrangle	Date Stamped Received Dec 23, 2014
A402	West Elevation – Phase 1	Quadrangle	Date Stamped Received Dec 23, 2014
A403	North Elevation – Phase 1	Quadrangle	Date Stamped Received Dec 23, 2014
A404	Rental Replacement North Elevation – Phase 1	Quadrangle	Date Stamped Received Dec 23, 2014
A405	Rental Replacement East and West Elevations – Phase 1	Quadrangle	Date Stamped Received Dec 23, 2014
L101	Layout Plan	terraplan	Date Stamped Received Dec 23, 2014
L105	Planting Plan	terraplan	Date Stamped Received Dec 23, 2014
L301	Landscape Details	terraplan	Date Stamped Received Dec 23, 2014
L302	Landscape Details	terraplan	Date Stamped Received Dec 23, 2014
L303	Landscape Details	terraplan	Date Stamped Received Dec 23, 2014

## Phase 2

<b>Drawing/ Plan No.</b>	<b>Title</b>	<b>Prepared By</b>	<b>Date</b>
A101	Site Plan- Phase 2	Quadrangle	Date Stamped Received Dec 23, 2014
A152	P2 Level Parking Plan - Phase 2	Quadrangle	Date Stamped Received Dec 23, 2014
A153	P1 Level Parking Plan - Phase 2	Quadrangle	Date Stamped Received Dec 23, 2014
A403	North Elevation - Phase 2	Quadrangle	Date Stamped Received Dec 23, 2014
A406	Residential Tower Elevations - Phase 2	Quadrangle	Date Stamped Received Dec 23, 2014
L305	Landscape Details Phase 2	terraplan	Date Stamped Received Dec 23, 2014

### **A. PRE-APPROVAL CONDITIONS**

#### **LEGAL SERVICES**

- Enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the owner's expense.

#### **CITY PLANNING (including Urban Design, Transportation Planning, Heritage Preservation Services)**

- Submit a financial security in the amount of 75 percent of the value of the landscape improvements to the Director, Community Planning North York District in the form of a letter of credit or certified cheque to guarantee the provision of landscape development works as detailed on the final approved Landscape Plans.
- Submit revised plans that address or include:
  - improvements to enclose the parking garage ramp entrance on Doris Avenue
  - improvements to the pedestrian entrances to the retail commercial uses from the underground parking levels
  - provide continuous pedestrian protection along all retail frontages and entrances on Yonge Street Sheppard Avenue East and Greenfield Avenue

- landscape and streetscape plans to meet the North York Centre Streetscape standards.

### **PARKS, FORESTRY AND RECREATION – PLANNING, DESIGN AND DEVELOPMENT**

- Prior to the issuance of the first above grade building permit, the Owner shall convey off site parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation
- The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.
- The owner is to pay for the costs of the preparation and registration of all relevant documents. The Owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.
- Prior to conveying the parkland to the City, the Owner shall be responsible for an environmental assessment of the lands to be dedicated as parkland to the City and any associated costs or remediation as a result of that assessment. Such assessment and/or remediation shall ensure that the parkland at the time of conveyance to the City, meets all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including but not limited to City Council policies respecting soil remediation of sites to be acquired by the City and the Ministry of the Environment's Guideline for Use at Contaminated Sites in Ontario, as amended. The environmental assessment shall be prepared by a qualified environmental consultant acceptable to the Director Development Engineering, Technical Services in consultation with the General Manager, Parks, Forestry and Recreation. Prior to the conveyance of the park land to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the Owner's expense (the 'Peer Reviewer'), and the conveyance of the park land shall be conditional upon the Peer Reviewer concurring with the Owner's environmental consultant that the park land meets all applicable laws, regulations and guidelines for public park purposes. The applicant is required to file the Record of Site Condition (RSC) on the Ontario's Environmental Site Registry and submit the Ministry of the Environment's Letter of Acknowledgement of Filing of the Record of Site Condition (RSC) confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, and that the MOE will not audit the RSC at this time or that the RSC has passed an MOE audit, to the Executive Director, Technical Services.
- The owner will be responsible for the base construction and installation of the parkland. The base park improvements include the following:

- demolition, removal and disposal of all existing materials, buildings and foundations;
- grading (inclusive of topsoil supply and placement, minimum of 150 mm);
- sod (or equivalent value of other approved park development);
- fencing to City standard (where deemed necessary);
- all necessary drainage systems;
- electrical and water connections to the street line, including back flow preventors, shut off valves, the necessary water and hydro chambers; and
- street trees along all public road allowances, which abut future City owned parkland.

All work is to be completed to the satisfaction of the General Manager, Parks, Forestry and Recreation.

- Prior to the issuance of the first above grade building permit, the Owner shall submit a cost estimate and any necessary plans for the Base Park Improvements.
- Prior to issuance of the first above grade building permit, the Owner shall post an irrevocable certified cheque in the amount of the value of the required parks levy to the satisfaction of the General Manager, Parks, Forestry & Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with base park improvements.
- The construction of the Base Park Improvements shall be completed within one year after the date of issuance of the above grade building permit to the satisfaction of the General Manager, Parks, Forestry & Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry & Recreation when determining a revised delivery date for the park block.
- The Owner, upon satisfactory completion of the construction and installation of the Base Park improvements shall be required to guarantee such work and associated materials. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. As-built drawings in print/hardcopy and electronic format shall be submitted to Parks, Forestry and Recreation. Once approved, the submitted letters of credit for park related development will be released, less 20% which shall be retained for a two-year period as a performance guarantee.

### **TECHNICAL SERVICES**

- Address the comments in the memo from the Manager, Development Engineering, North York dated June 4, 2014 and October 8, 2014 and any others identified through the review process.

## **PARKS, FORESTRY AND RECREATION - URBAN FORESTRY**

- Submission of a completed permit application along with a permit fee of \$5,220.36 involving 17 private trees
- Submission of a completed permit application along with a permit fee of \$1,535.14 involving five (5) City trees.
- Payment for the Amenity Value for Tree Nos. C-i to C-5 in the amount of 3,170.00 and a completed “Agreement for Contractors to Perform Arboricultural Services on City Owned Street Trees.
- A revised Landscape Plan L103 Substituting the columnar beech trees with Glen Maple trees to show six (6) additional City trees for the right of way on Greenfield Avenue

## **TORONTO CATHOLIC DISTRICT SCHOOL BOARD**

- The Owner shall consult with the Staff of the Toronto Catholic District School Board on the draft Construction Mitigation Plan and Tenant and Resident Communications Strategy, and be notified of any changes to that Plan in particular regarding construction timing matters.
- The Owner shall erect and maintain signs to the Board’s specifications, at points of egress and ingress of the development site, advising that:

“Notice to New and Potential Residents: The Toronto Catholic District School Board has plans to accommodate Catholic students from this development. If the elementary or secondary school which serves this area is oversubscribed, students from this development may need to be accommodated in portable classrooms or may have to attend a school located outside the area.

For information regarding Catholic schools serving this development, please contact the Planning Services Department at (416)222-8282, ext. 2278, or visit the Board website at [www.tcdsb.org](http://www.tcdsb.org).”

## **TORONTO DISTRICT SCHOOL BOARD**

- The Owner shall erect and maintain signs to the Board’s specifications, at points of egress and ingress of the development site, advising that:

“Toronto District School Board makes every effort to accommodate students locally. However, due to residential growth, sufficient accommodation may not be available in this area for all students. Students may be accommodated in facilities outside the area until adequate funding or space becomes available. For information regarding designated school(s), please call (416)394-7526.”

## **TTC**

### **Technical Review**

- Prior to starting any demolition or construction, or the issuance of the first or any building permit, the developer shall initiate and substantially complete a Toronto Transit Commission (“TTC”) Level 5 Technical Review of the proposed development, including the accessible entrance connection as applicable to the particular permit under application, and obtain the TTC’s written acknowledgement that the developer has satisfied all of the conditions arising out of the review. As part of the review process, the developer shall provide the required information, and pay the associated review fee to the TTC.

### **Advisory Committee on Accessible Transit**

- The developer shall make a presentation to the TTC Advisory Committee on Accessible Transit (ACAT) for the proposed fully accessible entrance connection within the development.

### **Construction Agreement**

- Prior to the issuance of the demolition and shoring and excavation permits for the construction of this development or any phase or stage of this development the developer shall enter into the required construction agreement(s) with the TTC. In the case of phased or staged construction, TTC may require that the developer enter into a construction agreement with the TTC particular to that phase or stage.

## **B. POST APPROVAL CONDITIONS**

### **CITY PLANNING (including Urban Design, Transportation Planning, Heritage Preservation Services)**

- The Owner shall provide and maintain the landscaping for the lands in accordance with the approved landscape plan to the satisfaction of the Director, Community Planning North York District.

## **TECHNICAL SERVICES**

- Address the comments in the memo from the Manager, Development Engineering, North York dated June 4, 2014 and October 8, 2014 and any others identified through the review process.

## **TTC**

### **Entrance Connection Agreement**

- The Developer is required to enter into an entrance connection agreement with the TTC for the construction of the Sheppard Station entrance connection.

### **Land Requirements**

- The Developer shall provide:

- A permanent easement for the entrance connection and the fully accessible TTC elevator which will be constructed by the Developer to TTC's standards;
- Permanent easements for general access through the development into the Sheppard Station Entrance Connection; and
- Maintenance easements providing access to TTC's existing facilities and structures, replacement facilities and entrance connections and permitting TTC to access, inspect, repair and maintain its structures and facilities.

Required Surveys

- Prior to occupancy of any portion of this development, the developer shall, at their own cost, provide the TTC surveys showing the location of underground utilities and services, underground parking garage structure and all building foundations, signed and sealed by an Ontario Land Surveyor.

Registration of Documents:

- The developer shall, at their own cost, prepare and register all reference plans, strata reference plans, easement documents, and any agreements required as a result of this development.

Subway Operations Interferences Warning:

- The Developer acknowledges and agrees that:
  - The proximity of the Development to the Toronto Transit Commission subway right-of-way may result in transmissions of noise, vibration, electromagnetic interference, lighting glare, stray current, smoke and particulate matter (collectively referred to as "Interferences") on and/or to the Development;
  - The City of Toronto and Toronto Transit Commission will not accept responsibility and will not be liable, for Interferences on and/or to the Development, in whole or part, and/or the occupants of the Development;
  - The Developer has been advised by the Toronto Transit Commission to apply reasonable attenuation/mitigation measures with respect to the level of interferences on and/or to the Development; and
  - The Developer shall insert or have inserted into all rental agreement(s), and/or offers of purchase and sale or lease and condominium declaration(s) for each unit of the Development, the following Toronto Transit Commission warning clause respecting Interferences:

"The purchaser and/or lessee specifically acknowledges and agrees that the proximity of the development of the lands municipally known as 2 & 50 Sheppard Avenue East and 4-6 Forest Laneway (the "Development") to the Toronto Transit Commission transit operations may result in transmissions of noise, vibration, electromagnetic interference, lighting glare, stray current, smoke, and particulate matter (collectively referred to as "Interferences") on and/or to the Development and despite the inclusion of control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants of the Development. Notwithstanding the above, the purchaser or lessee agrees to release and save harmless the City of Toronto and the Toronto Transit Commission from all claims,

losses, judgments or actions arising or resulting from any and all Interferences. The purchaser or lessee further acknowledges and agrees that an Interference clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die, or be null and void, with the closing of the transaction."

**Development Restrictions:**

- The following restrictions will apply to the subject development:
  - No building or structure except as specifically approved in writing by the TTC shall bear directly or indirectly upon the TTC's structures or facilities, including staging, shoring, hoarding, construction equipment and all temporary construction measures, unless expressly approved in writing by TTC;
  - No building or structure will be constructed immediately over TTC's structures or facilities except as expressly agreed to in writing by the TTC;
  - No building, structure or landscape element shall overload or place unbalanced loads on the TTC's structures or facilities;
  - The Developer shall not plant trees on top of or immediately adjacent to the TTC's structures except as expressly agreed to in writing by the TTC; and
  - In the construction of the development and anytime thereafter, the Developer shall not allow any construction crane located on the development lands to traverse, swing and/or pass over any TTC facility or structure at any time unless:
    - TTC's subway system is not operational nor open to the public, nor being occupied by workers for repair or maintenance purposes; or
    - Protective measures are in place, as set out in the construction agreement to be entered into between the Developer and the TTC.

**ENERGY EFFICIENCY OFFICE**

- Construct and maintain the development substantially in accordance with the accepted Energy Report dated 29/10/2014 and prepared by Robert Borovina from McGregor Allsop Limited to ensure that the energy savings identified continue to be achieved, to the satisfaction of the Executive Director, Environment and Energy Division.

**TORONTO DISTRICT SCHOOL BOARD**

- The Owner agrees to include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan and for a period of ten years following registration), that:

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board's policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area."

### **TORONTO CATHOLIC DISTRICT SCHOOL BOARD**

- The Owner agrees to include the following warning clauses in all Agreements of Purchase and Sale, or Lease (prior to registration of any plan of condominium and for a period of ten years following registration), that:

"The Toronto Catholic District School Board has plans to accommodate Catholic students from this development If the elementary or secondary school which serves this area is oversubscribed, students from this development may need to be accommodated in portable classrooms or may have to attend a school located outside the area.

The purchasers or tenant acknowledges that school bus service for students, if required, will be from designated school bus stops located within or outside the development area."

- The Owner agrees to notify the Toronto Catholic District School Board and Cardinal Carter Academy for the Arts on any changes to the final approved Construction Mitigation Plan and Tenant and Resident Communications Strategy in particular regarding construction timing matters.

### **OTHER SITE SPECIFIC CONDITIONS**

- TBD