

475 Yonge Street - Zoning Amendment Application – Final Report

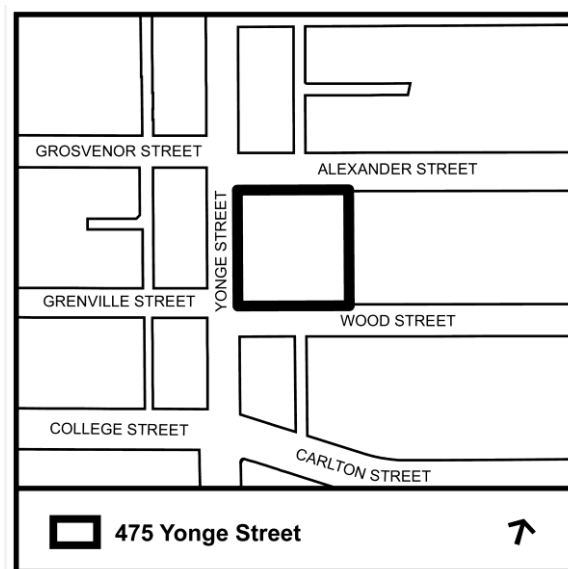
Date:	September 29, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	16 125715 STE 27 OZ

SUMMARY

This application proposes to demolish the existing 9 and 16-storey Courtyard Marriot Hotel at 475 Yonge Street and construct a mixed-use building with a 4 to 9 storey podium with a north tower and south tower of 58-storeys (190 m) and 48-storeys (163 m) respectively (including mechanical). The project includes a total of 985 residential condominium units, 97 hotel units and retail/commercial uses in the podium along Yonge Street. The proposal provides a 908 m² strata-park on the east side of the site and a 125 m² Privately-Owned Publicly Accessible Space (POPS) at the northwest corner of Yonge Street and Alexander Street.

The proposed development complies with the development criteria for *Mixed Use Areas* and *Downtown* Official Plan policies, as well as the North Downtown Yonge Site and Area Specific Policies (Official Plan Amendment No. 183). Staff find that this proposal fits in with the existing and planned context of Yonge Street.

The Owner has a site-specific appeal on the property, as it relates to Official Plan Amendment No. 183. This report reviews and recommends approval of the application to amend the Zoning By-law and settle the site-specific appeal for Official Plan Amendment No. 183.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 of the former City of Toronto for the lands at 475 Yonge Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the report of the Director, Community Planning, Toronto and East York District, dated September 29, 2017.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 475 Yonge Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10 to the report of the Director, Community Planning, Toronto and East York District, dated September 29, 2017.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. City Council accept a 908 square metre stratified on-site parkland dedication substantially as shown on Attachment No. 1 to the report of the Director, Community Planning, Toronto and East York District, dated September 29, 2017 as "On-Site Parkland Dedication", with the difference between the encumbered conveyance of 908 square metres and the free simple conveyance of 530 square metres to be in paid for in cash-in-lieu prior to the issuance of the first above grade building permit, and all generally as set out in the memorandum from Parks, Forestry and Recreation dated September 29, 2017, all to the satisfaction of the General Manager, Parks, Forestry and Recreation.
5. City Council direct the Chief Planner and Executive Director of City Planning to amend the Official Plan to designate the 908 square metre stratified parkland as "On-Site Parkland Dedication" as "Parks" as shown on Attachment No. 1 to the report of the Director, Community Planning, Toronto and East York District, dated September 29, 2017.
6. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
7. City Council authorize the entering into of a Limiting Distance Agreement for the parkland with the Owner, subject to fair market compensation to be paid to the City, to facilitate the construction of the north tower to be in compliance with the Ontario Building Code, all to the satisfaction of the City Solicitor.

8. Before introducing the necessary Bills to City Council for enactment, the Owner is required to submit a revised Functional Servicing Report to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
9. Before introducing the necessary Bills to City Council for enactment, the Owner is required to submit a revised Hydrogeological Report to the satisfaction of the General Manager of Toronto Water.
10. City Council require the Owner to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Chief Engineer and Executive Director of Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development.
11. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows, all to the satisfaction of the Chief Planner and Executive Director City Planning and the City Solicitor:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. An indexed cash payment of \$11,400,000 payable prior to the issuance of the first above-grade building permit. The amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made. The funds shall be directed as follows:
 - a. \$9,120,000 to be allocated towards local area park or streetscape improvements, in consultation with the Ward Councillor.
 - b. \$1,140,000 to be allocated towards existing community, recreation and/or cultural space improvements in the ward, in consultation with the Ward Councillor.
 - c. \$1,140,000 to be allocated towards new or existing Toronto Community Housing and/or affordable housing.
 - ii. In the event the cash contributions referred to above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the

community in the vicinity of the lands.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The provision of a public park at grade (strata title) with a minimum size of 908 square metres and a depth of not less than 1.5 metres on terms and conditions set out in Attachment No. 12 to the report of the Director, Community Planning, Toronto and East York District dated September 29, 2017, all to the satisfaction of the General Manager Parks, Forestry and Recreation;
 - ii. A Privately-Owned Publicly Accessible Space (POPS) with a minimum size of 125 square metres at the northwest corner of the site (Yonge Street and Alexander Street) be provided, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor in consultation with the Ward Councillor.
 - iii. The Owner shall provide a minimum of 10 percent family sized units in the development, containing at least three bedrooms; and,
 - iv. The Owner shall withdraw their appeals as set out in paragraph 13 below.
12. The Owner shall register the Section 37 Agreement to the satisfaction of the City Solicitor prior to the Zoning By-law Amendments coming into effect.
13. The Owner shall withdraw their site specific appeal to the Ontario Municipal Board of Official Plan Amendment No. 183, the North Downtown Area Specific Policy 382 (for Phases I and II of the appeals) upon the coming into force of the site specific Zoning By-law Amendments for the lands at 475 Yonge Street.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Official Plan Amendment – OPA 183 – North Downtown Yonge Site and Area Specific Policy
At the meeting of October 8, 9, 10 and 11, 2013, Council enacted Official Plan Amendment 183 (OPA 183), comprising in part Site and Area Specific Policy 382 (SASP 382). OPA 183 was subsequently appealed to the Ontario Municipal Board (the OMB) by 17 appellants, including the applicant, Kingsett Capital Inc. Several pre-hearings were held between August 19, 2014 to January 7, 2016 to, amongst other matters, scope the appeals, enable parts of OPA 183 to come into force, and divide the hearing into two phases.

Mediation for the Phase I Hearing was undertaken between February and June 2016 to determine opportunities for settling any of the issues that were identified through the pre-hearing process. In addition, the OMB set a Phase I Settlement Hearing for June 21, 2016, in the event of any

motions or evidence by the City of Toronto and/or other parties in regard to Official Plan Amendment 183 (By-law No. 1507-2013) that might be agreed to by the parties.

The Minutes of Settlement entered into between the parties to the mediation (Kingsett, City and Community Associations) were adopted by City Council and included the following:

The Parties acknowledge that:

- *the Kingsett appeal for Phase 1 of OPA 183 shall also be scoped to a site specific appeal of 475 Yonge Street; and*
- *the Parties agree that, in the event that Kingsett appeals the site specific zoning by-law and site plan application for 475 Yonge Street and seeks consolidation of those appeals with its scoped appeal of Phase 1 of OPA as it relates to 475 Yonge Street, such consolidation shall not constitute a breach of these Minutes.*

The Final Report and City Council Decision for North Downtown Yonge Official Plan Amendment under Item TE26.14 is available via the following

link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE26.14>

A motion regarding a Request for Direction under Item MM10.16 is available via the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM10.16>

Report from the Interim City Solicitor on North Downtown Yonge Site and Area Specific Policy 382 (June 6, 2016) - Official Plan Amendment 183 - Request for Direction - Ontario Municipal Board Phase I Hearing (CC19.12)

<http://www.toronto.ca/legdocs/mmis/2016/cc/bgrd/backgroundfile-94069.pdf>

Confidential Attachments (May 31, 2016) Report from the City Solicitor on North Downtown Yonge Site and Area Specific Policy 382 - Official Plan Amendment 183 - Request for Direction - Notice of Pending Report (CC19.12)

(<http://www.toronto.ca/legdocs/mmis/2016/cc/bgrd/backgroundfile-93870.pdf>)

Confidential Appendices 1, 2 and 3 - made public on June 16, 2016

(<http://www.toronto.ca/legdocs/mmis/2016/cc/bgrd/backgroundfile-94473.pdf>)

On August 25, 2017, the Ontario Municipal Board issued a decision and order on the matters dealt with in the settlement hearing of November 18, 2016 for Phase I of Official Plan Amendment No. 183 North Downtown Yonge Site and Area Specific Policy 382, subject to site specific appeals still remaining.

Historic Yonge Street Heritage Conservation District

A Staff Report entitled "Designation of the Historic Yonge Street Heritage Conservation District under Part V of the Ontario Heritage Act" was brought forward to the Toronto and East York Community Council meeting held on February 23, 2016, and subsequently to the City Council meeting held on March 10, 2016, along with a Supplementary Report with the same title. City Council adopted the staff recommendations to designate the Heritage Conservation District Plan under Part V of the Ontario Heritage Act. By-law No. 235-2016, enacted and passed on March

10, 2016, serves to implement the Historic Yonge Street Heritage Conservation District and Plan. The implementing By-law was subsequently appealed to the Ontario Municipal Board (Case No. MM160035) and remains under appeal before the Board at this time.

475 Yonge Street Site-Specific Zoning By-law Amendment – Preliminary Report

A preliminary staff report dated July 19, 2016 was adopted at the September 7, 2016 Toronto and East York Community Council meeting. A copy of the report can be found here: <http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-95739.pdf>

ISSUE BACKGROUND

Proposal

The applicant is proposing two mixed-use buildings with a 48-storey tower (163 m including mechanical penthouse) on the south portion of the site and a 58-storey tower (190 m including mechanical penthouse) on the north portion of the site. The towers are positioned on top of a 4-storey (18.7 m) podium, which rises to 9-storeys between the two towers. For more information see Attachment No. 8: Application Data Sheet.

The following chart summarizes the development statistics and provides a comparison to the original proposal submitted in March 2016.

Category	Original Proposal	Proposed Development
Site Area	6,044.4 square metres	6,044.4 square metres
Building Heights North	65-storeys (220 including mechanical)	58-storeys (190 m including mechanical)
South	45-storeys (160 m including mechanical)	48-storeys (163 m including mechanical)
Tower Floor Plates North	1,200 square metres & 800 square metres above 21 st storey	800 square metres
South	900 square metres	898 square metres
Gross Floor Area	104,790 square metres	99,448 square metres
Floor Space Index	16.8	16.5
Number of Dwelling Units	988	985
Base Building Height	24 metres	18.7 metres
Base Building Setbacks - Yonge Street - Alexander Street - Wood Street	3.1 metres 0 metres 0 metres	2.3 metres 0 metres 0 metres
Tower Setbacks - South - West - North - East	3 metres 10 metres (north tower) and 18 metres (south tower) 3 metres 10 metres (north tower) and 17 metres (south tower)	3 metres 10 metres (south tower) and 23 metres (north tower) 1.5 metres 7 metres (north tower) and 21 metres (south tower)

Category	Original Proposal	Proposed Development
Sidewalk Widths <ul style="list-style-type: none"> - Yonge Street - Alexander Street - Wood Street 	6 metres 8.7 metres 6.45 metres	6 metres 8.2 metres 5.8 metres
Vehicle Parking <ul style="list-style-type: none"> - Residential Occupants - Residential Visitors/Hotel/Retail 	206 96	210 80
Bicycle Parking <ul style="list-style-type: none"> - Residential Occupants - Residential Visitors/Retail 	890 134	887 129
Residential Amenity <ul style="list-style-type: none"> - Indoor - Outdoor 	1,976 square metres (2 square metres per unit) 1,976 square metres (2 square metres per unit)	1,970 square metres (2 square metres per unit) 1,970 square metres (2 square metres per unit)

The ground floor includes non-residential uses (retail and restaurant), underground vehicular access along Wood Street, a secondary residential access on Yonge Street, and the hotel lobby and access on the east side of the proposed building. In the 9-storey link between the two towers, which is setback approximately 30 m from Yonge Street, the hotel use occupies levels 3 and 4 and residential units occupy levels 5 to 9.

Vehicular access to the 4-level underground parking garage is proposed from Wood Street. Loading functions including garbage/solid waste removal will occur underground on the P2 parking level. The applicant is proposing to provide 5 underground loading spaces. From Alexander Street, loading and drop-off for the hotel will occur from Alexander Street via a one-way access.

At the northwest corner of the site at Yonge Street and Alexander Street, the applicant has provided a 125 m² Privately Owned Publicly Accessible Space (POPS). A 908 m² stratified parkland is proposed adjacent to the existing parking lot owned by the City Park Co-operative directly to the east of the site. The on-site parkland provides a connection between Wood Street and Alexander Street, opposite the main entrance of the hotel.

The application is proposing a total of 985 residential units with the following breakdown:

Unit Type	Number of Units	Percentage
Bachelor	90	9%
1-bedroom	551	56%
2-bedroom	248	25%
3-bedroom	96	10%

The table below indicates the location of the residential and hotel suites:

	North Tower 58-storeys	South Tower 48-storeys	Podium Levels 3 & 4	Bridge 9-storeys	Total
Residential units	484	380	N/A	121	985
Hotel suites	N/A	N/A	97	N/A	97

The current proposal incorporates numerous revisions from the original application summarized below:

- the total gross floor area of the building has been reduced from 104,791 m² to 99,448.2 m²;
- the height of the north tower has been reduced from 65 to 58 storeys (220 to 190 m, including mechanical);
- the height of the south tower has increased from 45 storeys to 48 storeys (160.58 to 163.13 m, including mechanical);
- a reduction in the overall tower floorplate sizes, specifically the 21-storey portion of the north tower, which extended westward, has been removed;
- the base building height reduced from 5 storeys (24 m) to 4-storeys (18.7 m);
- the number of units has been reduced from 988 to 985;
- a 9-storey podium bridge has been added connecting the north and south tower;
- the internal two-way vehicular connection has been re-designed to provide a one-way connection;
- an on-site stratified parkland conveyance of 908 m² is proposed between Wood Street and Alexander Street on the eastern portion of the site; and
- a 125 m² POPS has been provided at the northwest corner of the site along Yonge Street.

Site and Surrounding Area

The site is located on the east side of Yonge Street, south of Alexander Street and north of Wood Street and spans an entire city block. The site is square in shape, with a frontage of approximately 79 m on Yonge Street and 76 m on both Alexander and Wood Streets, for a total site area of 0.6 hectares (1.5 acres). The site is currently occupied by the 9 and 16-storey Courtyard Marriott Hotel building that contains commercial uses at grade. The site is within the recently council-adopted Historic Yonge Street Heritage Conservation District. The current buildings are not designated heritage and are identified as non-contributing buildings in the Historic Yonge Street HCD District Plan.

The surrounding uses are as follows:

North: To the north of the site, across Alexander Street, is a recently approved, under construction, mixed-use residential development with a 52-storey tower (at Yonge St & Alexander Street) and a 25-storey tower (at Yonge Street & Maitland Street). North of Wood Street, east of Yonge there are other mid and high-rise residential buildings.

South: To the south of the site, across Wood Street at 2 Carlton Street, is an 18-storey commercial office building with retail at grade. Further south is the College subway station on the Yonge-University line. On the southwest corner of Yonge Street and Grenville Street is a recently approved 60-storey, mixed-use residential condominium building known as “YC Condos”, which is currently under construction. Across St. Luke Lane from YC Condos is a 50-storey residential condominium under construction known as “Karma”.

East: An above-grade parking lot abuts the site to the east, currently owned by the City Park Co-operative which contains three 14 to 15-storey apartment buildings. The City Park Co-operative property is large and extends from the east property line of the proposed site to Church Street.

West: Immediately west of the site across the street is a block of 1, 2 and 3-storey retail buildings with narrow frontages along Yonge Street. On the northern portion of this block at 480 Yonge Street is a recently approved proposal for a 38-storey residential condominium. The proposal included the preservation and restoration of the historic clock tower and building. Further west are Infrastructure Ontario owned lands at 27 Grenville/26 Grosvenor.

The site is located in the Yonge Street Community Improvement Plan Area, the Downtown Yonge Business Improvement Area (BIA), and within the boundaries of the Bay Cloverhill Community Association.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Official Plan

The site is designated in the Official Plan as *Mixed Use Areas* and located within the *Downtown and Central Waterfront* on Map 2, the Urban Structure map of the Official Plan.

The Official Plan identifies that the *Downtown* will continue to evolve as a healthy and attractive place to live and work, as new development that supports the reurbanization strategy and the goals for *Downtown*, is attracted to the area. In particular, Section 2.2.1.1 of the Plan identifies that the *Downtown* policies of the Plan will shape the City's future by accommodating development that:

- builds on the strength of *Downtown* as the premier employment centre in the GTA; and

- provides a full range of housing opportunities for *Downtown* workers and reduces the demand for in-bound commuting.

The Official Plan outlines a growth strategy for the City that highlights the importance of the *Downtown* as one of a number of locations where growth in employment and residential uses are encouraged. Yonge Street is a major street with an existing and planned right-of-way width of 20 metres as per Map 3. Map 4 indicates that Yonge Street is a higher order transit corridor with an existing subway line.

Policy 2.2(2) directs growth to the *Downtown, Centres, Avenues, and Employment Areas* in order to efficiently use existing infrastructure, create a concentration of jobs and people in areas well served by transit, and facilitate cultural and economic activity. Policy 2.2.1(1) specifies a "minimum combined gross density target of 400 jobs and residents per hectare for Downtown, which delineates the urban growth centre for the purposes of the Growth Plan." New development is to build on "the strength of the Downtown as the premier employment centre in the GTA" as per Policy 2.2.1(1)(b).

The Official Plan includes development criteria for *Mixed Use Areas*. This land use designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale.

The development criteria in *Mixed Use Areas* include, but are not limited to:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- providing for new jobs and homes for Toronto's growing population on underutilized lands;
- locating and mass buildings to provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks;
- locating and mass buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- providing an attractive, comfortable and safe pedestrian environment;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Built Form policies, contained within Section 3.1.2 of the Official Plan emphasise the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area.

Section 3.1.5 provides polices regarding heritage conservation, which were recently updated through Official Plan Amendment No. 199 that is now in force and effect. Policy 3.1.5(5) states that proposed development "on or *adjacent* to, a property on the Heritage Register will ensure that the *integrity* of the heritage property's cultural heritage value and attributes will be retained." Policy 3.1.5(26) requires that "new construction on, or *adjacent* to, a property on the Heritage Register will be designed to *conserve* the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it. Similarly, with regard to Heritage Conservation Districts (HCDs), Policy 3.1.5(32) states that the impact of new development within or *adjacent* to HCDs is to be "assessed to ensure that the *integrity* of the district's heritage values, attributes, and character are *conserved*."

North Downtown Yonge Area Specific Policy 382 and North Downtown Yonge Street Urban Design Guidelines

At its meeting of October 8-9, 2013, City Council adopted the North Downtown Yonge Area Specific Policy 382 (Official Plan Amendment No. 183) and approved the North Downtown Yonge Urban Design Guidelines for the area generally bounded by Charles Street, Bay Street, Church Street and College/Carlton Street.

The North Downtown Yonge Area Specific Policy 382 (Official Plan Amendment No. 183) provides direction in how development should respond to its historic main street context, reinforcing a pedestrian friendly micro-climate and retail uses along the street. OPA183 represents the most recent thinking and examination of the planning framework and principles for this area which has been adopted by Council, and preceded the application by a number of years. It should be noted that parts of OPA 183 are under appeal at the OMB and parts are in force, and that the Phase II hearing, which is not scheduled, will deal with outstanding matters. Policies which are not yet in force will be identified throughout this report. Despite some of the policies of OPA 183 being in force and effect, the owner has a site-specific appeal on OPA 183 as it relates to the subject property at 475 Yonge Street.

The owner has confirmed its agreement to withdraw its site-specific appeal to the Ontario Municipal Board (OMB) of OPA 183, the North Downtown Area Specific Policy 382 for Phases I and II of the appeals once the by-laws for the Zoning By-law Amendment for the lands at 475 Yonge Street are in full force and effect. Recommendation 13 of this report requires the owner to withdraw the appeals to the OMB, prior to the passage of the bills to City Council.

The site is within the "Yonge Street Character Area" which is characterized by: a strong heritage fabric; predominately low-rise main street building typology with a prevailing street wall height of 2-4 storeys; narrow retail frontages; and shallow lot depths.

Policy 5.3.1 of OPA (under appeal) states that "development/redevelopment must create a consistent street wall along Yonge Street to a maximum height of 18 metres or 4 storeys."

Policy 5.3.8 of OPA 183 (under appeal) identifies the site within a "Height Transition Area" which includes segments along Yonge Street which mediate the heights between the height peaks and the core area. The maximum height within areas identified as "Height Transition

Area" in the Yonge Street Character Area, as shown on Map 2, Open Space Network and Height Areas, is "in the range" of 45 storeys or 170 metres in height. Applications for these maximum heights will not be approved if the following potential height impacts have not been satisfactorily addressed through the development/redevelopment application review: a) the potential impacts on heritage properties located on or adjacent to the development site; b) the potential impacts on sunlight in parks and open spaces adjacent to the development site; c) the potential impacts on views of prominent and heritage properties, structures and landscapes on or adjacent to the development site; and d) the potential impacts on the site(s) ability to accommodate satisfactory separation and setback distance requirements. Further, Policy 6.2.9 (under appeal) states that in the "Height Peak" and "Height Transition" areas in the Yonge Street Character Area, that "in the range of" is not intended to exceed 3 storeys or 10 metres (rooftop mechanicals included).

Policy 5.8.5 (b) of OPA 183 (under appeal), states that "development/redevelopment must have: a minimum setback of 10 metres from the Yonge Street frontage property line to the tower portion of any tall building development where there is no on-site heritage."

Within the Area Wide Policies of OPA 183, Policy 6.2.1 states that "it is an objective of Council to create new parks and open space wherever possible through innovative parkland acquisition and through privately owned publically accessible open space." Specifically for the area east of Yonge Street, between Charles Street East and Carlton Street, Policy 6.2.6 states that "it is the objective of Council to expand the existing parks network through off-site and on-site dedications and/or acquisitions that form part of the development/redevelopment application review process."

Policy 6.2.9, states that "it is an objective of Council to ensure that development/redevelopment will not cast any new net shadow on (Dr. Lillian McGregor Park) for a period of 6 hours generally between the hours of 10:00 AM to 4:00 PM on March 21st and September 21st."

Section 6.3, Public Realm, states that it is the objective of Council to create an enhanced public realm and support pedestrian movements by expanding sidewalk widths to at least 6 m, and provide potential new mid-block connections.

Tall Building 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>

Official Plan Policy 5.3.2(1) 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. Specifically, the Guidelines implement Official Plan Policies

regarding fit and transition in scale; sunlight and sky view; the pedestrian realm and street animation, including publicly accessibly open space; servicing, access and parking; base building height and scale and separation distances between buildings. The Guidelines indicate that the height of the base building should match the existing street wall context, a minimum tower separation of 25 metres should be achieved and the placement of the tower on the base should achieve appropriate tower setbacks.

Downtown Tall Building: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies specific Downtown streets that are most suitable for tall building development, establishes a height range along these streets and provides a set of supplementary Downtown specific design guidelines which address Downtown built form and context. The Downtown Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

Yonge Street is uniquely identified as a Special Character Street due to the recent studies that resulted in the North Downtown Yonge Area Specific Policy No. 382 (OPA 183) and the Historic Yonge Street Heritage Conservation District Plan. The Special Character Street designation is intended to recognize that tall buildings may be appropriate if there is an appropriate lot configuration, context and an acceptable heritage preservation strategy. A suitable tower height is to be determined on a site-specific basis and no heights are assigned to this portion of Yonge Street on the Downtown Vision Height Map.

Official Plan Amendment No. 352

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 m in height. Both By-laws bring forward the following setback requirements for taller buildings, which is reflective of the current Tall Building Guidelines:

The minimum required tower setbacks from a lot line that abuts a street, a public lane or a neighbouring lot include:

- a) 3.0 m to a lot line that abuts a street, other than a public lane;
- b) 12.5 m to the centre line of an abutting street, other than a public lane;
- c) 12.5 m to a lot line which neither abuts a street, nor a public lane; and;
- d) 12.5 m to the centre line of a public lane, where the lot abuts a lane.

Policy B(i) of OPA 352 indicates that tall building development will provide setbacks from the lot line to the building face of the tower. The tower setbacks will ensure that individual tall buildings within a block and the cumulative effect of multiple tall buildings within a block

contribute to building strong and healthy contribute to building strong healthy communities by fitting in with the existing and/or planned context.

Historic Yonge Street Heritage Conservation District (HCD)

The Ontario Heritage Act (OHA) is the key provincial legislation that enables municipalities to conserve, protect, and manage heritage properties and areas. Part IV enables a municipality to designate individual properties that are of cultural heritage value and Part V enables a municipality to designate groups of properties or landscapes that demonstrate cultural heritage value. Part V of the OHA enables a municipality to designate by by-law all, or any part of, a municipality as an HCD (Section 41.(1)).

On March 10, 2016, City Council enacted By-law 235-2016 which designates the Historic Yonge Street Heritage Conservation District under Part V of the Ontario Heritage Act. The By-law also adopts the "Historic Yonge Street Heritage Conservation District Plan", dated January 2016 as the district plan. Currently the District Plan is under appeal and not in force.

The OHA enables municipalities to study an area for the purposes of designating it as an HCD (Section 40.(1)). The OHA also enables a municipality to formally designate an area of the municipality as an HCD study area by by-law (Section 40.1(1)). Where a by-law is passed under the OHA designating an area as an HCD, a Plan for that area is also required (Section 41.1(1)). The OHA states that where an HCD Plan is in effect, by-laws shall not be passed by the municipality for any purpose that is contrary to the objectives set out in the HCD Plan and that public works undertaken by the municipality must also not be contradictory to the objectives of the HCD Plan (Section 41.2(1)). In the event of a conflict between an HCD Plan and a municipal by-law, the HCD Plan prevails to the extent of the conflict.

On October 2, 3 and 4, 2012, City Council directed staff to initiate the Historic Yonge Street Heritage Conservation District study as a result of the application of prioritization criteria.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG17.12>

On July 28, 2015, the Toronto Preservation Board endorsed the Historic Yonge Street Heritage Conservation District Study area and confirmed that the area qualifies for designation under Part V of the Ontario Heritage Act as a Heritage Conservation District.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PB6.1>

On March 10, 2016, City Council enacted By-law 235-2016 which designates the Historic Yonge Street Heritage Conservation District under Part V of the Ontario Heritage Act. The By-law also adopts the "Historic Yonge Street Heritage Conservation District Plan", dated January 2016 as the district plan. Currently the District Plan is under appeal and not in force.
<http://www.toronto.ca/legdocs/bylaws/2016/law0235.pdf>

The proposed development site is considered a non-contributing site within the HCD and is adjacent to heritage properties on the City's heritage register including 480 and 484 Yonge Street (both listed properties) and 14 Carlton Street (designated under Part IV of the Ontario Heritage Act). This application will be reviewed against the enacted, but not yet in force (currently under appeal) HCD.

TOcore: Planning Downtown

'TOcore: Planning Downtown' is an initiative to prepare a 25-year plan for Toronto's Downtown along with a series of five infrastructure-related strategies, which will address: parks and public realm, community services and facilities, mobility, energy, and water. This plan, working in tandem with its accompanying strategies, will provide a blueprint to manage the growth and intensification being experienced and anticipated to continue in the Downtown.

The Downtown study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east. A new Downtown Plan will be developed for the Downtown geography, establishing a renewed vision and local development policies to guide growth and development. The Downtown Plan will provide an integrated planning framework and structure addressing elements of land use, built form, housing, office, institutional, retail, parks and open spaces, community facilities, streets, transit, energy and water. Emphasis is being placed on keeping Downtown an inclusive and affordable place for vulnerable populations.

TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

On September 7, 2017, Planning and Growth Management Committee adopted a staff report titled "TOcore: Proposed Downtown Plan". Attached to the report were the Proposed Downtown Plan Policies. Planning and Growth Management Committee added a recommendation at its meeting, requesting City Planning staff consider the Proposed Downtown policies during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

Additional information is available on the study website at: www.toronto.ca/tocore.

Zoning

The site is zoned Commercial-Residential, CR 7.8 (c4.5; r7.8) SS1 (x1861), under City-wide Zoning By-law 569-2013, and CR T7.8 C4.5 R7.8 under Zoning By-law 438-86. The CR zone permits a wide range of residential and non-residential uses including apartment buildings, retail stores, offices and hotels. The zoning permits a maximum non-residential density of 4.5 times the area of the lot and a maximum residential density of 7.8 times the area of the lot.

Site Plan Control

The proposal is subject to Site Plan Control. An application for Site Plan Control has not been made to date.

Reasons for Application

The proposal requires an amendment to the Zoning By-law to allow an increase in density and height, a reduction in the minimum parking requirements, reduction in the non-residential amenity space provisions and other non-conformities with the development standards.

Community Consultation

On September 27, 2016, a community meeting was attended by approximately 75 members of the public at the Chelsea Hotel at 33 Gerrard Street West. The original proposal of two residential towers at 65-storeys and 45-storeys was presented.

The attendees asked questions and expressed a number of comments, issues and concerns, including: the height and density of proposal; size of the overall floorplates; the heritage adjacency of the clocktower site; the loss of hotel rooms and hotel-related employment; the loading and access for service/delivery; the traffic generated as a result of the proposed development; shadowing on existing residential buildings; the width of sidewalks; the lack of greenspace; increase in TTC ridership; the servicing of the building; and construction damage to neighbouring properties.

Agency Circulation

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

COMMENTS

This section provides an overview of planning considerations used in evaluation of the proposed zoning. The comments draw on input from City and agency staff, the community and local stakeholders, technical studies, applicable planning policies and guidelines, and an analysis of the proposed development, surrounding context and historical context.

Provincial Policy Statement and Provincial Plans

Section 2 of the Planning Act identifies matters of provincial interest, which include, among other matters, the orderly development of safe and healthy communities, the appropriate location of growth and development, the adequate provision of a full range of housing, and the promotion of a built form that is well-designed. The proposed development has regard for matters of provincial interest as identified in Section 2 of the Planning Act.

The proposal is consistent with the Provincial Policy Statement (PPS). The PPS contemplates new development accommodating a range and mix of uses, which the proposed development does through the provision of both residential, hotel and retail uses. Section 1.1.3.3 indicates that "Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas...". The subject site has been identified as an appropriate location for intensification and redevelopment similar to the level contemplated by the proposed development through the OPA 183 and the proposed development takes into account the existing building stock.

Section 1.5.1(b) of the PPS indicates that healthy, active communities should be promoted by "planning and providing for a full range of equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas...". The proposal provides both a on-site strata parkland dedication and a POPS which extends and

connects an existing and planned network of parks and open spaces, which is encouraged through OPA 183 policies.

Section 4.7 indicates that the Official Plan is the most important vehicle for implementation of the PPS and that Official Plans shall identify provincial interests, as identified in Section 2 of the Planning Act, which includes the promotion of a well-designed built form. The proposed development is consistent with Official Plan policies and provides a well-designed built form and is consistent with the, both the in-force and under appeal, North Downtown Yonge area Official Plan framework (OPA 183), which provides further policy direction on built form in this area. This application provides intensification and redevelopment in an appropriate location in a built form that fits within its local context and is consistent with the 2014 PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) designates this site within the delineated built up area. Section 2.2.2.4 identifies that delineated built up areas as areas to encourage intensification and also identifies that municipalities will identify the appropriate type and scale of development and transition of built form to adjacent areas. Council adopted OPA 183 to identify appropriate areas for intensification in the North Downtown Yonge area and specifically along Yonge Street, where the subject site is located. While some of the relevant built form policies are still under appeal, OPA 183 identifies the appropriate type and scale of development and transition of built form to adjacent areas. This application accommodates intensification and transition, in a manner generally consistent with the policies in OPA 183. The proposed development conforms (does not conflict with) the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Land Use

Planning staff are satisfied that the proposed residential and non-residential uses are acceptable. The application proposes replacement of hotel units, which is the current use of the site. The proposed uses are permitted within the *Mixed Use Areas* of the Official Plan as well as the CR district in the Zoning By-laws. The development will create a balance of commercial and residential uses that reduces automobile dependency by providing at-grade retail commercial. The proposed mix of uses meets the needs of the local community as anticipated in the Official Plan for *Mixed Use Areas* and OPA 183.

Built Form: Tall Buildings

Density, Height and Massing

The proposed height is generally consistent with the direction in both the in force and appealed policies of OPA 183 that provides for tall buildings in the Yonge Street Character Area. OPA 183 identifies a Height Peak Area located on the block north of College/Carlton Street and a Height Transition Area that spans the block from Alexander Street to Wood Street. The proposed property is located in the Height Transition Area, which identifies a maximum building height in the range of 45 storeys or 170 m. Policy 6.6.3 of OPA 183 specifies that "in the range" is intended to not exceed 3 storeys or 10 m, including rooftop mechanical. The south tower, at 48 storeys, is within the height limit for a Height Transition Area, as specified in Policy 5.3.8 of

the area-specific policy. The north tower at 58-storeys and 190 m, exceeds the contemplated height limit established by OPA 183 (under appeal), however, staff are satisfied that the request for additional height provides a suitable height transition between the 60-storey tower under construction at 460 Yonge Street and the two towers under construction at 52 and 25-storeys in height at 501 Yonge Street. Furthermore, the proposed heights fit within its existing and planned context of the surrounding area (Policy 3.1.2.3 of the Official Plan), which also includes a new 50-storey tower one block south at 15 Grenville Street, the recently approved 38-storey tower at 480 Yonge Street and the new 60-storey tower at 11 Wellesley, currently under construction. The height increase on the north tower does not cause any impact on the amount of sunlight in parks and open spaces adjacent to the development site.

Base Building

The Official Plan states that base buildings shall be massed to support the appropriate scale of adjacent streets, parks and open spaces, and to minimize the impacts of parking and servicing uses. The design and height of the base building at 18.7 metres will contribute to a consistent street wall along Yonge Street as outlined by Policy 5.3.1 in OPA 183. The loading and vehicle parking areas are located underground or within the building mass and not visible from Yonge Street.

The design of the base building incorporates an architectural view terminus at the south-west elevation along Yonge Street. The positioning of the 9-storey podium link between the towers is well setback from the street and will not be visible to pedestrians travelling along Yonge Street.

Middle Portion of the Towers

Planning staff are satisfied with the design of the proposed towers. The Official Plan states that the design, floor plate size and shape of the middle component shall have appropriate dimensions for the site. Towers shall be located and oriented in relation to the base building and adjacent buildings to fit within the existing and planned context.

Policy 6.4.3 of the HCD states that new developments taller than 16 m in height must step back a minimum of 10 m. Additionally, Policy 5.8.5(b) of OPA 183 states that a minimum setback of 10 m from Yonge Street to the tower portion of any building must be achieved for sites where there is no on-site heritage. The proposed towers are step backed 10 and 23 m, respectively from the Yonge Street property line. The stepbacks will maintain the historic low-rise street wall along Yonge Street.

The north and south tower provide a tower setback distance of 7 and 21 m, respectively to the eastern property line. Between the two towers, there is a tower separation of 27.8 m, which meets the Tall Building Guidelines as well OPA 352 regarding minimum tower separation distances.

The north and taller tower has a floor plate of 800 m² and the south tower has a floor plate of 898 m². Despite being larger than the average 750 m² floor plates outlined in the Tall Building Guidelines, the proposed tower floorplates have been shaped and organized to minimize shadow impacts and negative wind conditions on surrounding streets and parks as per Section 3.2.1 of

the Tall Building Design Guidelines. Building heights have also been designed in conjunction with the floor plate sizes to meet shadow impacts, as discussed below.

The Tall Building Guidelines outline that a tower should be setback a minimum of 3 metres or more from the base building in order to define the street wall. On Wood Street, the tower is setback 3 metres and on Alexander Street the tower is setback 1.5 metres. The reduced tower setback along Alexander Street is acceptable, as the tower was pushed further north to achieve a greater tower separation between the two towers and to mitigate shadow on Dr. Lillian McGregor Park. The tower setbacks allow the base building to be the primary defining element for the site and adjacent public realm with respect to the intent of Section 3.2.2 in the Tall Building Design Guidelines that addresses tower placement.

Tower Top

The proposed tops of the two buildings seamlessly integrate with the overall design of the towers. Planning staff are satisfied with the envelope illustrated in the draft zoning by-law to accommodate the proposed massing of the mechanical penthouses.

Sun, Shadow, Wind

Sun and Shadow

The Downtown Tall Buildings Design Guidelines state that every effort will be made to design and orient tall buildings to minimize their shadow impact on all publicly accessible parks, open spaces, natural areas and other shadow sensitive areas. The Tall Buildings Design Guidelines - Supplementary Design Guideline #2 states that new buildings should be located and designed not to cast any new net shadow on parks between 12:00 PM and 2:00 PM on September 21st. Further policy direction is provided through OPA 183, Policy 6.2.9, which states that “it is an objective of Council to ensure that development/redevelopment will not cast any new net shadow on (Dr. Lillian McGregor Park) for a period of 6 hours generally between the hours of 10:00 AM to 4:00 PM on March 21st and September 21st.”

The proposed height and massing have been analyzed and refined throughout the rezoning review process with a priority to minimize shadow impact on nearby parks and open spaces, particularly Dr. Lillian McGregor Park, located between Breadalbane Street and Wellesley Street West, which is the largest park in the vicinity and Alexander Parkette, located to the northeast of the site. On September 21st between the hours of 12:00 PM and 2:00 PM, the proposed development casts a small incremental new net shadow on Alexander Parkette at 1:18 PM. With respect to Dr. Lillian McGregor Park, the majority of the proposed development's shadow was designed to cast shadow within the existing shadows cast by the approved buildings at 501 Yonge Street. On March 21/September 21, at 10:18 AM., there are small incremental shadows on the park caused by the north tower until 10:35 AM. Staff are satisfied that the intent of the policy direction provided by OPA 183 is met because 6 hours of sunlight is maintained in Dr. Lillian McGregor Park between the hours of 10:35 AM to 4:35 PM. As noted, while Policy 6.2.9 is in force in OPA 183, the owner maintains a site-specific appeal to OPA 183. This report represents both Zoning Amendment application and a settlement of the owner's site specific appeal to OPA 183. Should revisions be sought in the future for this development, or a subsequent Zoning Amendment application be filed for the property at 475 Yonge Street, staff

would have to re-examine the appropriateness of the development, as it relates to Policy 6.2.9 of the OPA 183.

Wind

The applicant submitted a wind study prepared by RWDI in support of the development. The study concludes that the proposed development will not cause any significant wind impact on its surrounding streets and suitable wind conditions are expected on sidewalks, at the south tower entrance, hotel entrance and at most retail entrances. Suitable wind conditions are also expected at outdoor seating areas around the proposed restaurant during the summer months. Higher-than-desired wind speeds are predicted for the north entrance and the proposed amenity spaces on Floors 5 and 10. Staff will be requiring a full Wind Study as part of Site Plan Control. Wind mitigation for these areas will be further explored and implemented through that process.

Streetscape

The development criteria for *Mixed Use Areas* call for development to provide an attractive, comfortable and safe pedestrian environment, and to locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets.

The proposed development satisfies the Official Plan policies by locating the loading and service areas in the interior of the site, with one vehicular access point along Alexander Street and one vehicular access point along Wood Street, providing for a safe, pedestrian friendly streetscape. Wood Street currently is a two-way roadway with a loading zone on the north side of the street on the existing hotel's frontage. As part of the proposed redevelopment, the loading zone will be removed to provide a wider sidewalk, which will improve pedestrian access to and from Yonge Street.

Yonge Street is identified as a Priority Retail Street in the Tall Building Guidelines, where at least 60 percent of the frontage should be glazed and transparent. The layout of the ground floor of the proposal has been designed to maximize the amount of retail frontage along Yonge Street, by providing access to the residential lobbies from the flanking streets. Additionally, the hotel's primary entrance is access from the interior of the site.

The Official Plan states that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians. The Urban Design Guidelines identify a range of opportunities to improve and expand the public network of parks, open spaces, pedestrian links, forecourts, courtyards and the quality of the pedestrian environment along the existing road network. In addition, OPA 183 contains policy direction about the importance of improving the public realm by enhancing streetscape design to improve pedestrian comfort, safety and utility, specifically along Yonge Street.

Along Yonge Street, a continuous 6-m sidewalk has been provided, in accordance with the policy direction in OPA 183 and the Tall Building Guidelines. At the northwest corner of the site, a 125 m² Privately-Owned Publicly Accessible Space (POPS) is proposed. In this location, the base building is setback 11 metres to provide the POPS and to provide a small outdoor seating area for the proposed restaurant use along the ground floor.

Planning staff are satisfied that the pedestrian realm, including the POPS, widened sidewalks and retail glazing meets the intent of the City's Official Plan policies and guidelines with respect to streetscape design. The proposed streetscaping initiatives will improve pedestrian comfort, safety and utility of Yonge Street. Final landscaping details, POPS design and streetscaping treatments will be reviewed and secured through Site Plan Control.

Heritage Preservation

The development property is adjacent to heritage properties located on the west side of Yonge Street and Carlton Street to the south. The existing buildings will be demolished and a new project is proposed for this site. The height of the proposed base building references the street wall height established by the existing retail buildings along Yonge Street and also references the horizontal rhythm and width of retail bays in the new design. Retail frontages are proposed along Yonge Street with entry to the towers from the east side of the project. The two proposed towers are setback above the base building a minimum of 10 metres from the property line along Yonge Street which conserves the streetwall and three dimensional character of the adjacent heritage properties. One of the benefits of the location of the POPS at the northwest corner of the development, is to provide viewing opportunities for those traveling down Yonge Street to stop and view the heritage Clocktower to the west on the adjacent proposed development site at 480 Yonge Street.

Traffic Impact, Access, Parking

Traffic Impact

In support of the development proposal, the applicant's transportation consultant, BA Group, prepared an updated Traffic Impact Study, dated June 29, 2017. In this study the consultant estimates that the proposed redevelopment will generate approximately 200 and 190 two-way trips during the AM and PM Peak Hours, respectively. However, based on the report, the existing hotel use at the site generates approximately 70 and 60 two-way trips during the AM and PM peak hours respectively. Accordingly, after adjustment for the existing trips generated by the site, there will be a net increase of approximately 130 two-way vehicular trips during both the AM and PM peak hours, respectively. Given this level of trip generation, the consultant concludes that the projected site traffic will have minimal impacts on area intersections, and therefore, can be acceptably accommodated on the adjacent road network. Transportation Services staff have reviewed the traffic study and agree with the study's conclusions.

Access and Site Circulation

Vehicular access to the site is proposed to be provided by two unsignalized site driveways. A one-way southbound driveway provides access to the site from Alexander Street with egress onto Wood Street. The driveway provides vehicular access to the proposed pick-up/drop-off facilities and the residential lobby. This driveway is located approximately 70 metres east of Yonge Street which is approximately the same location as the existing site driveway. The second driveway is located on Wood Street and is located approximately 30 metres from Yonge Street. This driveway provides access to the underground parking and loading facilities. The access arrangement is acceptable to Transportation Services.

Parking

The application proposes to provide 290 parking spaces, consisting of 210 resident spaces (0.21 spaces/residential unit) and 80 non-residential spaces for the shared use of residential visitors, hotel, and retail uses. All parking spaces will be located within the bottom three levels of a four level underground parking garage (P2-P4 levels). The owner's Transportation Consultant, BA Group, has provided justification in support of the parking reduction. Overall, the proposed parking supply and configuration is acceptable to Transportation Services.

Loading

The application provides two Type B, two Type C and one Type G loading spaces in the underground garage at level P2. The loading facility is accessed off of Dalhousie Street. The Type-G loading space will accommodate residential garbage and recycling collection. Currently, as shown, the ramp leading to the underground loading level on P2 has a slope of 12 percent and does not meet the City of Toronto Solid Waste Management policy standards, which allows a maximum of eight percent. The owner's consultant, BA Group, provided a series of diagrams which depicted the swept paths required by large trucks to access the loading spaces. Further details with respect to the design of the underground ramp will be provided during the Site Plan approval process.

Bicycles

A total of 1,016 bicycle parking spaces (898 long-term/occupant and 118 short-term/visitor spaces) are provided in the underground garage at level P1. Access to the bicycle parking areas is provided through a single bicycle elevator off Wood Street. Shower and change room facilities are also provided on the P1 level. The quantity and location of bicycle parking are acceptable to staff. The quantity of bicycle parking is secured in the site-specific zoning by-laws.

Servicing

Engineering and Construction Services staff reviewed a Functional Servicing Report (FSR) submitted with the application. Revisions to the FSR are required to be provided prior to final acceptance by staff. Staff recommend that a revised FSR be submitted to the satisfaction of the Executive Director of Engineering and Construction Services, prior to introducing the necessary Bills to City Council. The owner is required to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development.

A detailed Stormwater Management, Site Servicing and Grading Plans will be required and secured through the Site Plan Control process.

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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current

provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through an on-site parkland dedication. The applicant is proposing a 908 m² stratified parkland onsite that will be encumbered by underground parking. The proposed parkland is between Wood Street and Alexander Street, parallel to Yonge Street. At Alexander Street, the park is 7 metres in width and expands southwards to Wood Street at a width of 17 metres. The proposed parkland provides a midblock linear connection from Wood Street to the existing Alexander Street Parkette on the north side of Alexander Street. OPA 183 identifies the area as being parkland deficient. Existing parkland in the area consists of a small linear public park system east of Yonge Street running north-south over the Yonge subway line. Policy direction outlined in OPA 183 establishes that it is a priority in the area to expand existing parkland wherever possible to create larger more viable parcels of parkland; provide more parkland through dedication and acquisition; and, create linkages between parks and open spaces. An opportunity may exist in the future to expand the parkland to the east.

In accordance with Official Plan requirements, as contained in Section 3.2.3 Policy 8(a), acceptance of encumbered parkland requires Council approval. The recommendations of this report recommend Council approve the encumbered parkland dedication. Should Council approve the proposed encumbered parkland dedication through adoption of this report, Park, Forestry and Recreation require specific conditions to be secured through an agreement, as set out in Attachment No. 12. Due to the proximity of the proposed north tower to the parkland, in order to be in compliance with the Ontario Building Code, one of the report recommendations requires City Council to enter into a Limiting Distance Agreement with the owner. The area subject to the limiting distance agreement is 239 m², as shown on Attachment No. 11.

Any shortfall in the value of the stratified land conveyance, from that of the required parkland dedication requirement, would be required as a cash-in-lieu payment. The amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. At this time, staff and the owner have not come to agreement on the value of the cash-in-lieu payment.

If Council does not support the applicant's proposal for an encumbered parkland dedication, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu and the open space should be secured as a Privately Owned Publicly-Accessible Space (POPS) with easements for public access and use.

Toronto Green Standard

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law, and future site plan agreement, will secure performance measures for various Tier 1 development features, including, but not limited to, the following:

- Cycling Infrastructure, providing secure bicycle parking on P1, accessible by a dedicated bicycle elevator;
- Weather Protection, designing covered outdoor waiting areas at the Hotel entrance and Taxi waiting area; and
- Storage and Collection of Recycling and Organic Waste, such as two waste chutes, one dual sorter for garbage and organic waste and the second dedicated to recycling will be provided for each condominium.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

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

The owner shall enter into an Agreement pursuant to Section 37 of the *Planning*

- i. An indexed cash payment of \$11,400,000 payable prior to the issuance of the first above-grade building permit. The amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made. The funds shall be directed as follows:
 - a. \$9,120,000 to be allocated towards local area park or streetscape improvements, in consultation with the Ward Councillor.
 - b. \$1,140,000 to be allocated towards existing community, recreation and/or cultural space improvements in the ward, in consultation with the Ward Councillor.
 - c. \$1,140,000 to be allocated towards new or existing Toronto Community Housing and/or affordable housing.
- ii. In the event the cash contributions referred to above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another

purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The provision of a public park at grade (strata title) with a minimum size of 908 square metres and a depth of not less than 1.5 metres on terms and conditions set out in Attachment No. 12 to the report of the Director, Community Planning, Toronto and East York District dated September 29, 2017, all to the satisfaction of the General Manager Parks, Forestry and Recreation;
 - ii. The Owner shall provide a minimum of 10 percent family sized units in the development, containing at least three bedrooms; and,
 - iii. The Owner shall withdraw their appeals as set out in Recommendation 12 of this report.

Conclusion

City Planning recommends that Council approve the Zoning Amendment application. The proposed development complies with the development criteria for *Mixed Use Areas* and *Downtown* Official Plan policies, as well as the North Downtown Yonge Site and Area Specific Policies (Official Plan Amendment No. 183). The introduction of a POPS and stratified parkland dedication will make a significant contribution to the Yonge Street Character Area. Staff find that this proposal fits in with the existing and planned context of Yonge Street and the proposed rezoning is appropriate. Section 37 contributions have also been agreed upon and will be secured in a Section 37 agreement.

CONTACT

Kate Goslett, Planner
Tel. No. 416-395-7105
E-mail: Kate.Goslett@toronto.ca

SIGNATURE

Gregg Lintern, MCIP RPP
Director, Community Planning
Toronto East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: South Elevation

Attachment 3: West Elevation

Attachment 4: East Elevation

Attachment 5: North Elevation

Attachment 6: Official Plan Amendment No. 183 Map

Attachment 7: Zoning Map

Attachment 8: Application Data Sheet

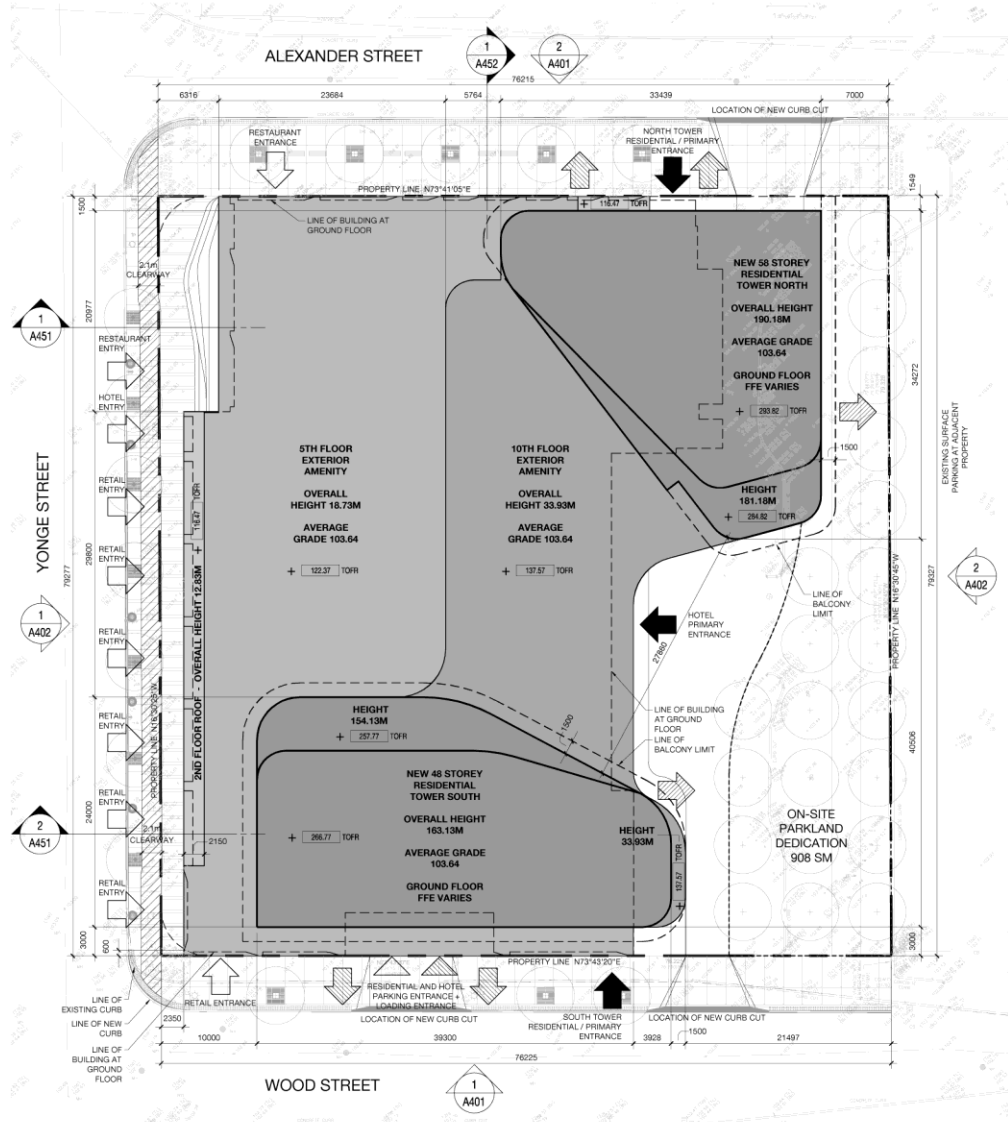
Attachment 9: Draft Zoning By-law Amendment 438-86

Attachment 10: Draft Zoning By-law Amendment 569-2013

Attachment 11: Area of On-Site Park Subject to Limiting Distance Agreement

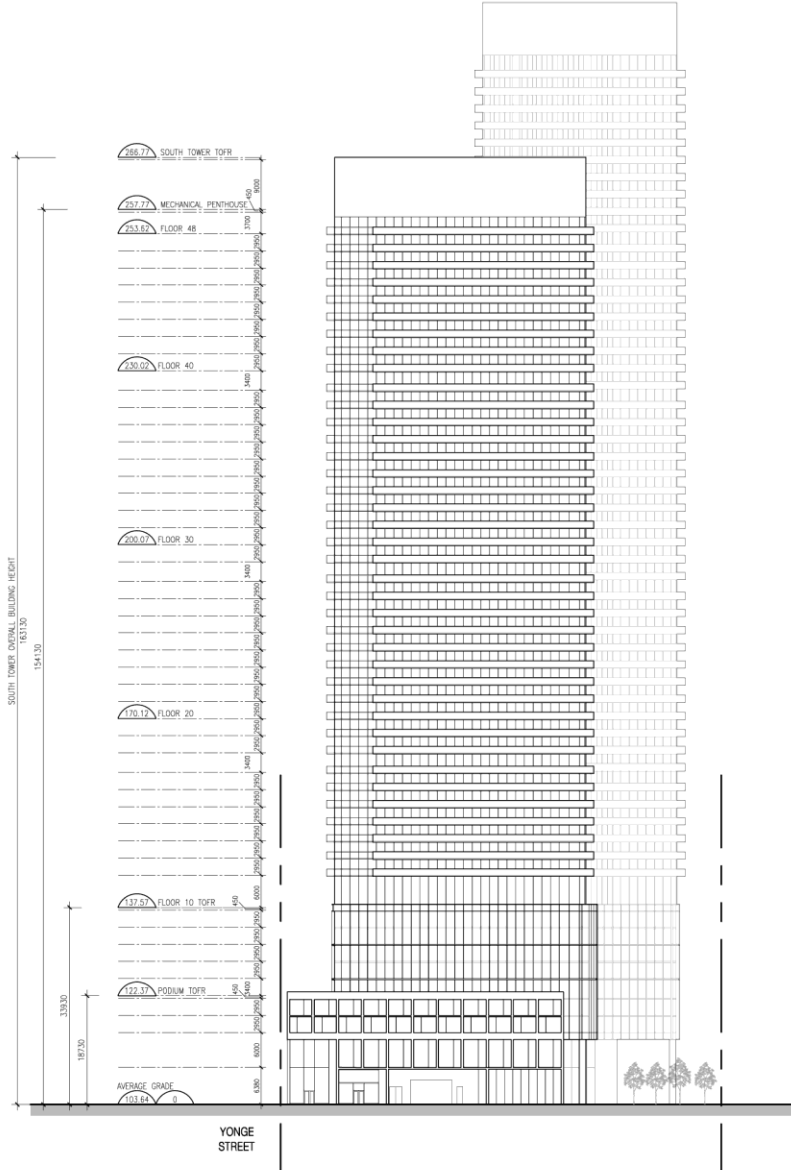
Attachment 12: Parkland Conditions

Attachment 1: Site Plan



<p>Site Plan</p> <p>Applicant's Submitted Drawing</p> <p>Not to Scale </p> <p>07/24/2017</p>	<p>475 Yonge Street</p>	<p>File # 16 125715 STE 27 0Z</p>
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Attachment 2: South Elevation



South Elevation

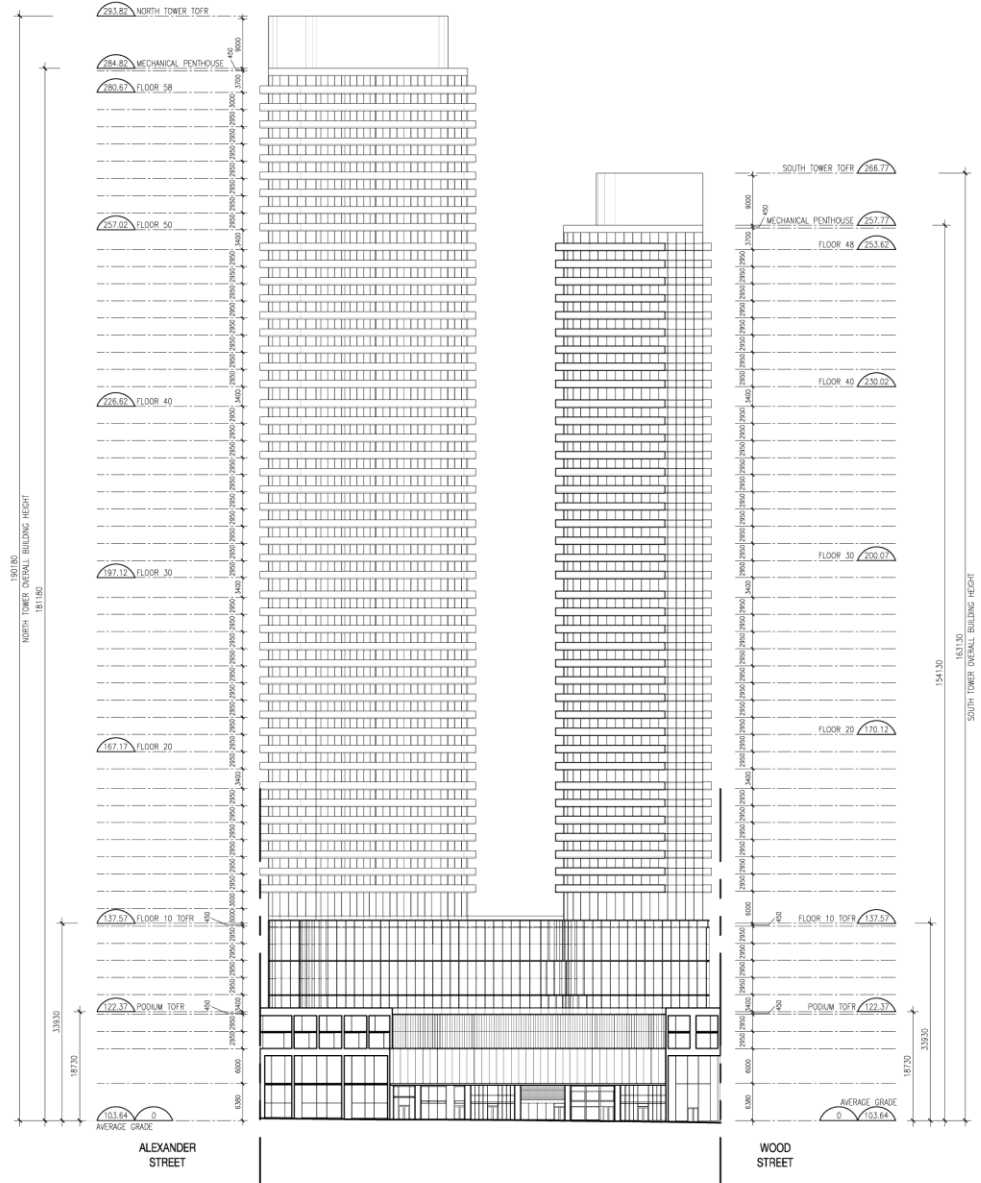
Applicant's Submitted Drawing

Not to Scale 07/24/2017

475 Yonge Street

File # 16 125715 STE 27 0Z

Attachment 3: West Elevation



West Elevation

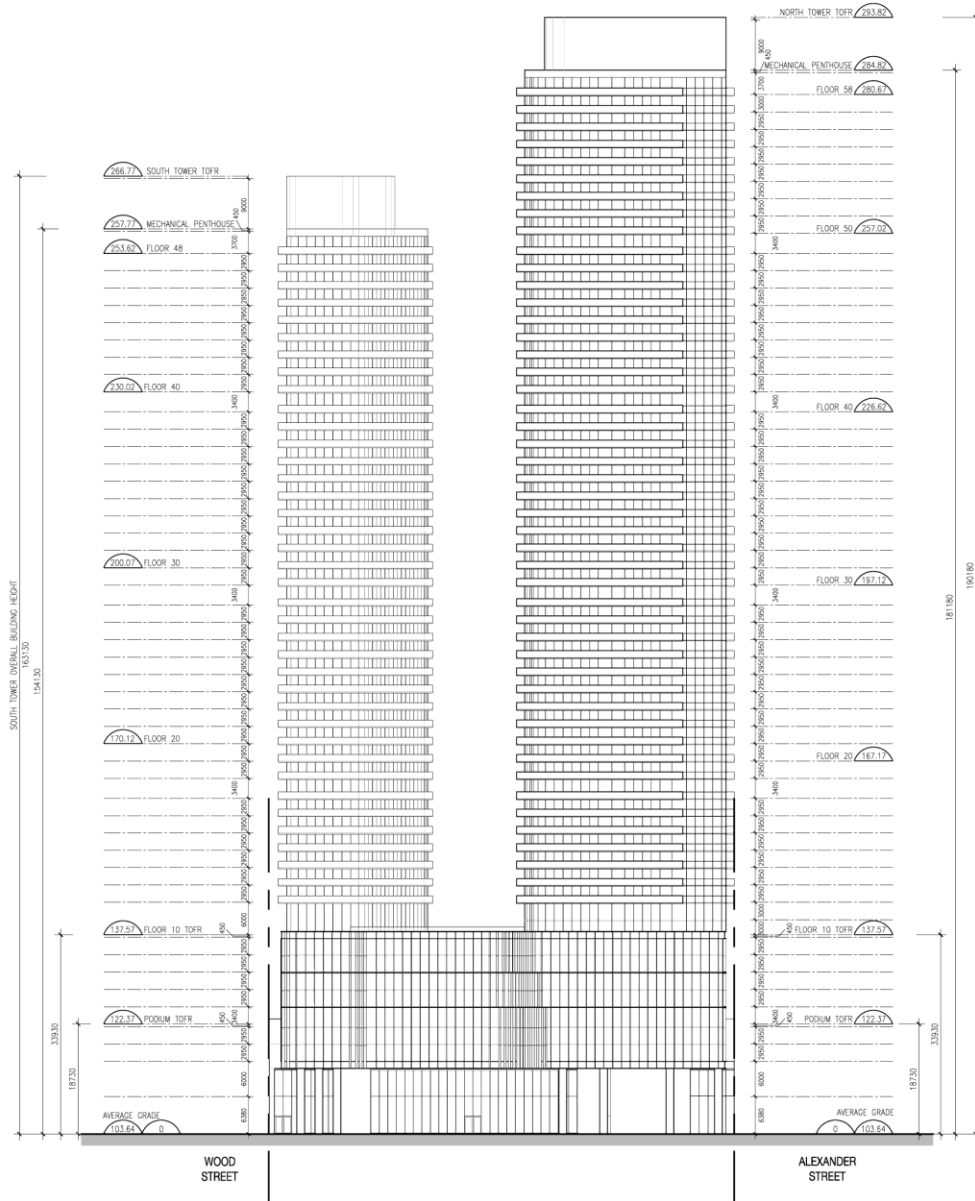
Applicant's Submitted Drawing

Not to Scale 07/24/2017

475 Yonge Street

File # 16 125715 STE 27 0Z

Attachment 4: East Elevation



East Elevation

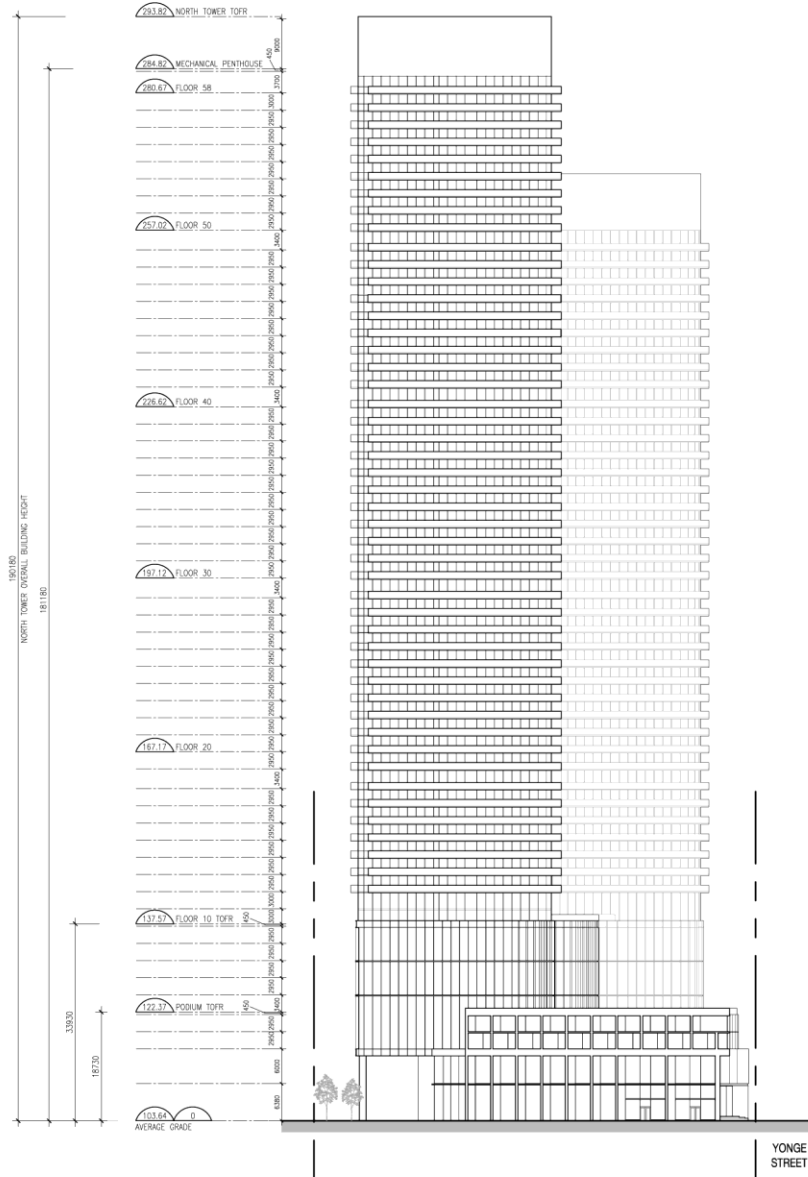
Applicant's Submitted Drawing

Not to Scale 
07/24/2017

475 Yonge Street

File # 16 125715 STE 27 02

Attachment 5: North Elevation



North Elevation

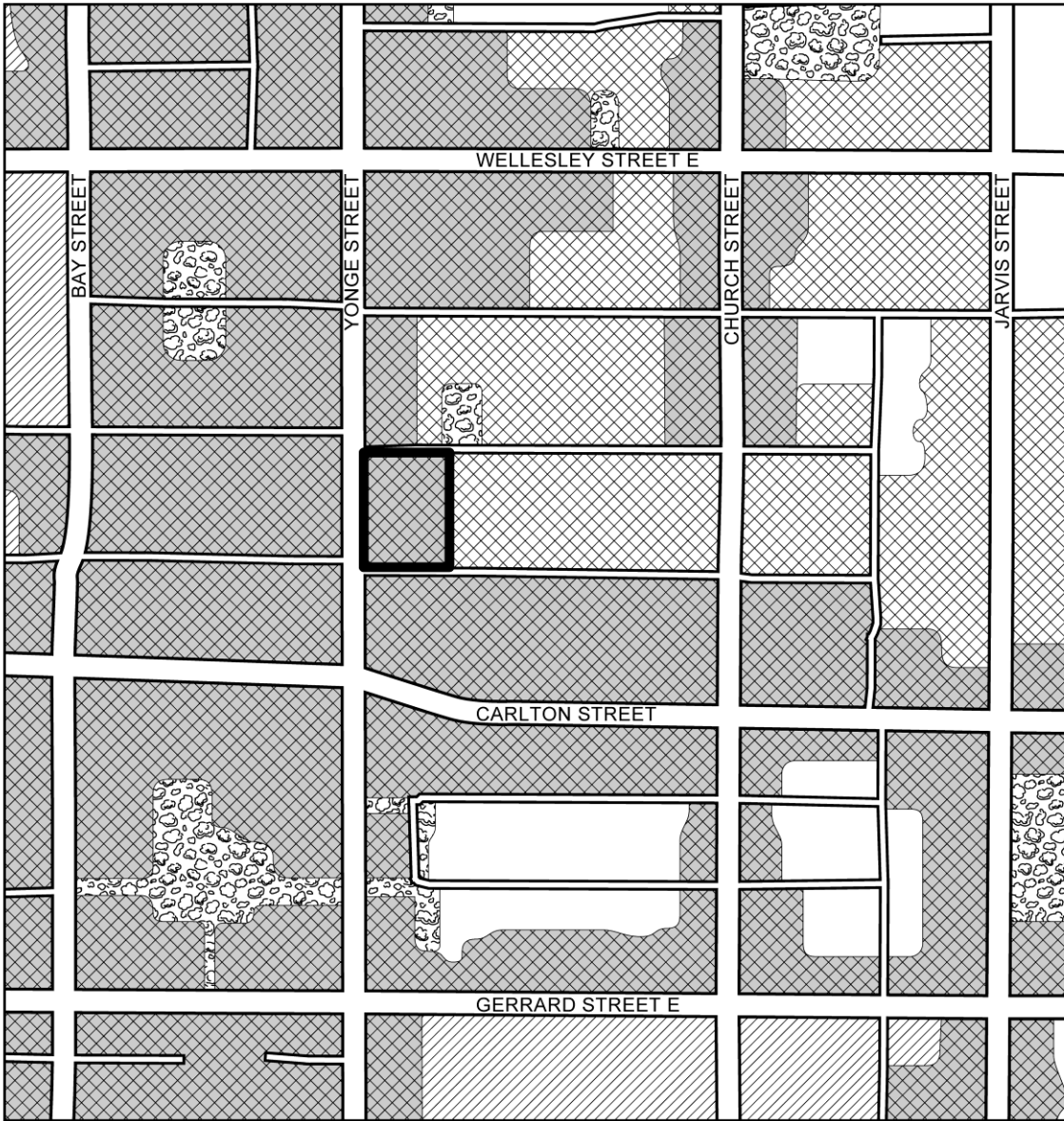
Applicant's Submitted Drawing

Not to Scale 
07/24/2017

475 Yonge Street

File # 16 125715 STE 27 02

Attachment 6: Official Plan Amendment No. 183 Map



Extract from Official Plan

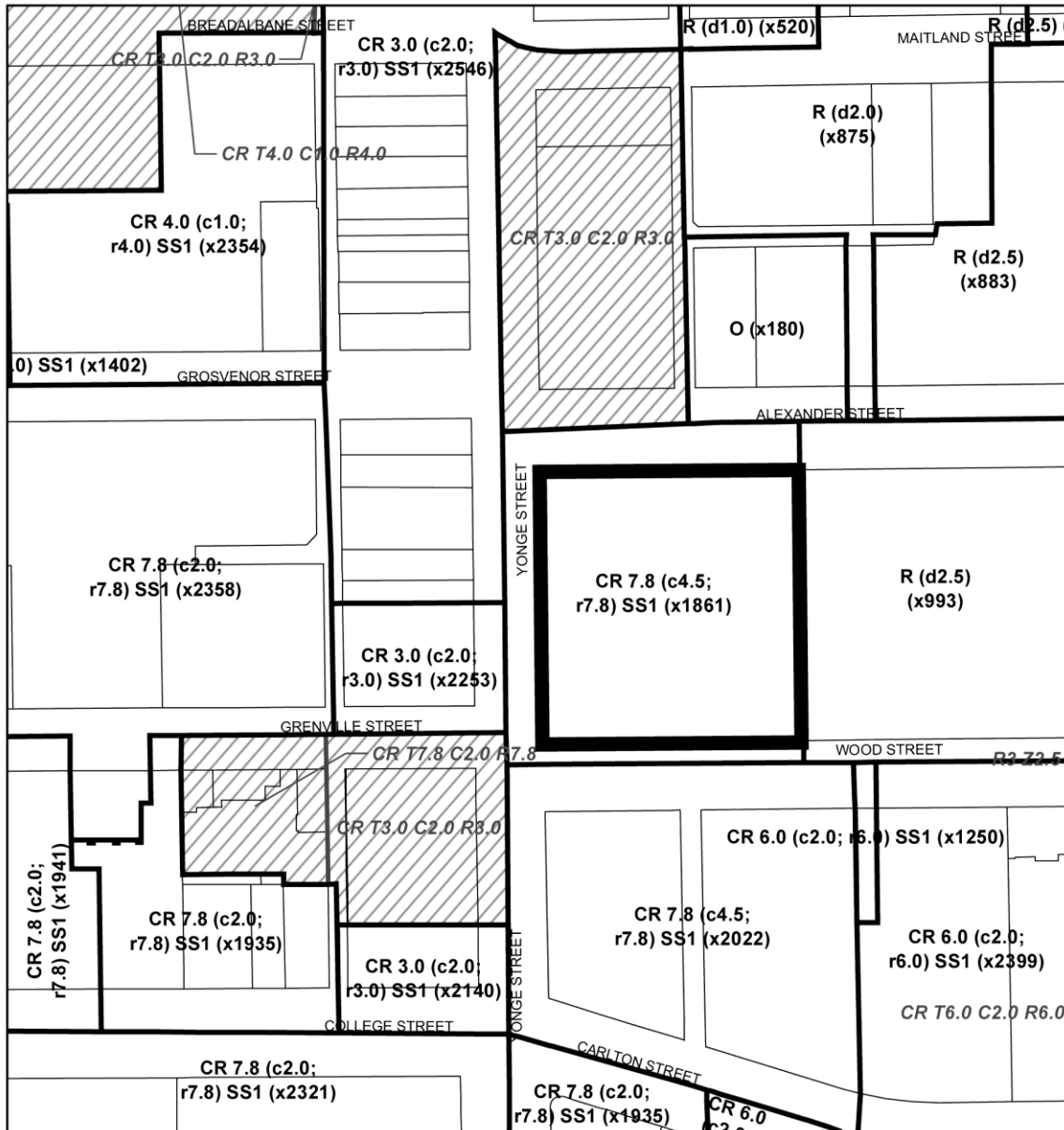
475 Yonge Street

File # 16 125715 STE 27

- | | | |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
|  Site Location |  Parks & Open Space Areas |  Institutional Areas |
|  Neighbourhoods |  Parks | |
|  Apartment Neighbourhoods | | |
|  Mixed Use Areas | | |

↑
Not to Scale
06/27/2016

Attachment 7: Zoning Map



Zoning By-Law No. 569-2013

Address

File # 16 125715 STE 27 02

Location of Application

See Former City of Toronto By-Law No. 438-86
CR Mixed-Use District

R Residential CR Commercial Residential
O Open Space

↑
Not to Scale
Extracted: 07/25/2017

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	16 125715 STE 27 OZ
Details	Rezoning, Standard	Application Date:	March 9, 2016

Municipal Address: 475 YONGE ST

Location Description: PLAN 34 LTS 6 TO 15,71 TO 73 LTS 93 TO 95, PT LTS 74 & 96 PT LANE CLOSED
**GRID S2710

Project Description: A Zoning By-law Amendment application to permit the construction of a mixed-use building with retail, hotel, and residential uses consisting of two towers, 58 (north) and 48 (south) storeys. In total, 985 residential units are proposed. A total of 290 vehicle parking spaces is proposed in four levels of underground parking. The applicant is proposing an on-site park dedication of 908 square metres and a Privately Owned Publicly Accessible Space of 125 square metres at the corner of Yonge Street and Alexander Street.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN	TOM GIANCOS	QUADRANGLE ARCHITECTS	KINGSETT CAPTIAL

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	OPA 183 - North Downtown Yonge
Zoning:	CR 7.8 (c4.5; r7.8) SS1 (x1861)	Historical Status:	
Height Limit (m):		Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	6044.4	Height:	Storeys:	58
Frontage (m):	79.28		Metres:	191
Depth (m):	76.22			
Total Ground Floor Area (sq. m):	3607			Total
Total Residential GFA (sq. m):	83672		Parking Spaces:	290
Total Non-Residential GFA (sq. m):	15164		Loading Docks	5
Total GFA (sq. m):	98836			
Lot Coverage Ratio (%):	59.7			
Floor Space Index:	16.4			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	83672	0
Bachelor:	90	Retail GFA (sq. m):	3566	0
1 Bedroom:	551	Office GFA (sq. m):	0	0
2 Bedroom:	248	Industrial GFA (sq. m):	0	0
3 + Bedroom:	96	Institutional/Other GFA (sq. m):	11598	0
Total Units:	985			

CONTACT:	PLANNER NAME:	Kate Goslett, Planner
	TELEPHONE:	416-395-7105

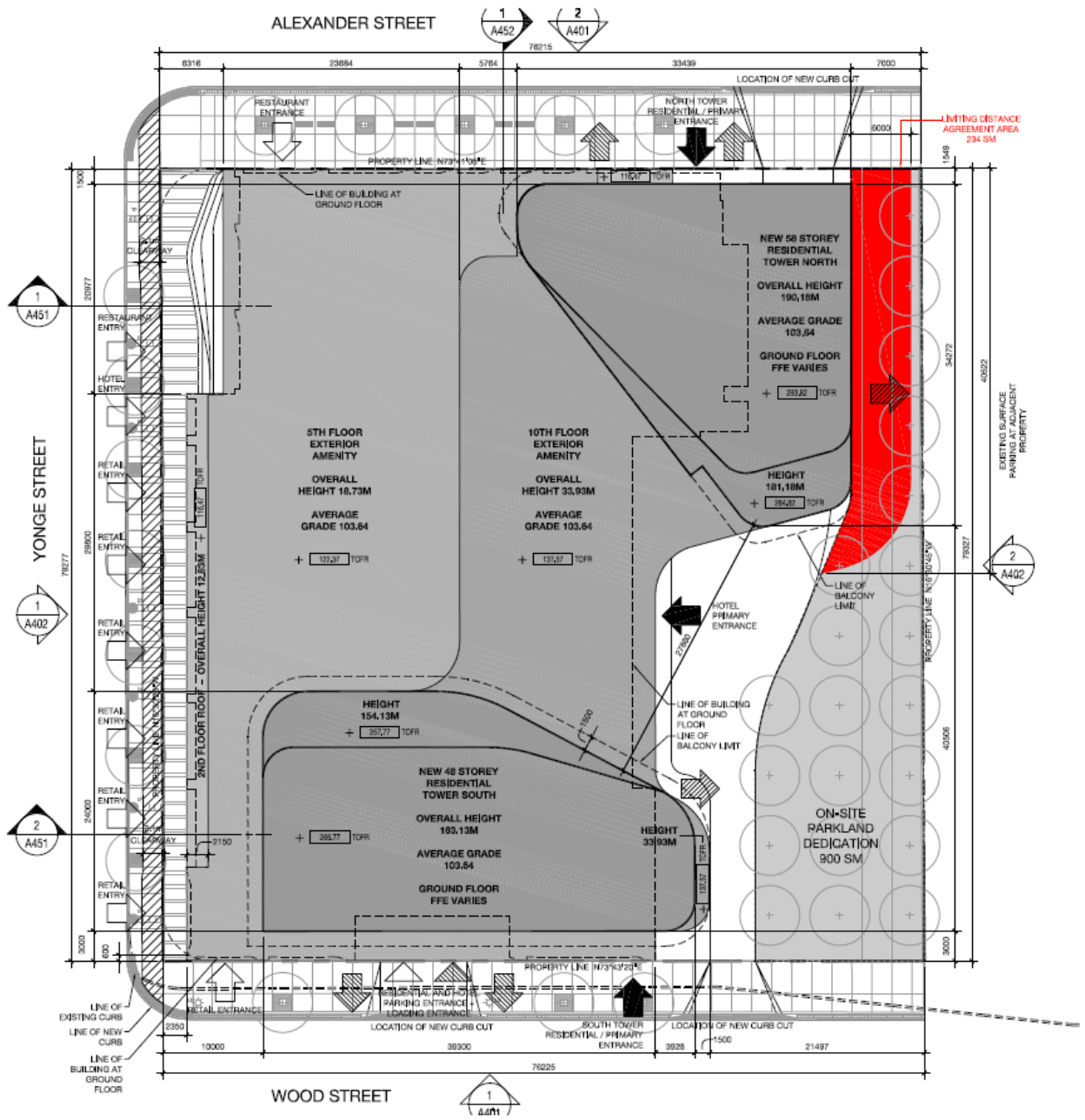
Attachment 9: Draft Zoning By-law Amendment 438-86

To be available at the October 17, 2017 meeting of Toronto East York Community Council

Attachment 10: Draft Zoning By-law Amendment 569-2013

To be available at the October 17, 2017 meeting of Toronto East York Community Council

Attachment 11: Area of On-Site Park subject to Limiting Distance Agreement



Attachment 12: Parkland Conditions

Parkland Dedication

1. Prior to the issuance of the first above grade building permit, excluding a permit for demolition or a rental/sales centre, the Owner shall register a Section 118 Restriction pursuant to the Land Titles Act, on the 908 m² Future Park, as follows:

No sale, transfer, lease, disposition, charge or other dealing with Part X on Plan 66M-_____, City of Toronto, or any part thereof, shall be registered without the written consent of the General Manager, Parks, Forestry and Recreation, City of Toronto, or his or her designate.

2. The Owner shall convey a stratified on-site parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR) prior to the earlier of (a) two years after the issuance of the first above grade building permit for all or any part of the site, and (b) prior to any condominium registration of all or any part of the site.
3. The encumbered parkland conveyance of 908 m² will be evaluated by the Real Estate Services Division. The difference between the encumbered conveyance of 908 m² and the fee simple conveyance of 530 m² shall be paid for in cash-in-lieu prior to the issuance of the first above grade building permit.
4. The Owner agrees that the conveyance to the City of the lands located above the Parking Garage shall include the ownership in fee simple of the surface, the air space, and the strata below grade to a depth of 1.5 metres, but will not include the Garage Protection System. "Garage Protection System" means all those facilities and appurtenances, which may be installed above the roof of the Parking Garage and below the lowest levels of the land to be conveyed to the City, without limiting the foregoing, this includes the waterproofing membrane on top of the filter cloth, the roof drainage system, and any other facilities that may be constructed by the Owner to protect the garage roof slab.
5. 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.

Stratified Parkland Conditions

The City will be securing the following conditions for a stratified parkland dedication, but not limited to:

6. The Public Park will include a minimum soil depth of 1.5 metres compacted to 95% SPD and certified to be environmentally clean in accordance with MOECC regulations.
7. All mechanical elements of the Public Park shall be designed and installed such that they function independently of the Lands and as part of the Public Park Land and,

further, that operational controls are accessible other than through private property or will be accessible by a service easement that is acceptable to the General Manager, PFR;

8. No penetrations of slabs, membranes or other elements associated with the Development, including the below grade parking structure, stairwells, ventilation equipment or any vehicular/pedestrian circulation/access requirements related to the Parking Garage shall be permitted through or into the strata Public Park Land.
9. The Owner shall retain a qualified and experienced structural engineer to:
 - a. ensure that those portions of the parking structure to be located on the Lands below any part of the strata Public Park Land (the “Parking Structure”) are designed and constructed in compliance with the Canadian Highway Bridge Design Code (CAN/CSA S6-00) for highway loading purposes, as amended, superseded or replaced from time to time, including allowance for impact factors and has such additional strength as the structural engineer considers appropriate to support the lands above and forming part of the Public Park and structural loading imparted on it, including its construction and maintenance during the life expectancy of any the Public Park and the Parking Structure;
 - b. ensure that the roof of the Parking Structure contains an adequate roof drainage system and is waterproofed with an appropriate membrane and protected against damage from the use and maintenance of the Public Park, including but not limited to tree root growth so as to prevent water penetration into the Parking Structure; and
 - c. submit certification confirming that the responsibilities respecting the design and construction of the Parking Structure have been complied with and, further, prior to conveyance of the Public Park Land to the City, to submit a certificate stating that the work has been completed in accordance with the requirements and that, in the opinion of the structural engineer, the Parking Structure on the Lands will support the Public Park Land above and any loading imparted on it, including its construction and maintenance during the life expectancy of the Public Park and the Parking Structure.
10. The Owner agrees that the conveyance to the City of the Public Park to be constructed above the Parking Garage shall contain support easements.
11. Upon the completion of the Parking Garage and the Garage Protection System, the Owner shall at its cost cause a registered plan of survey to be made of the as constructed facilities.

12. The Owner shall, at its expense and in the same manner and to the same extent as a prudent owner, construct, maintain and operate all structures and building elements within and related to the Parking Structure in good and substantial repair. In the event of damage to or destruction of the Parking Structure, the Owner shall repair or reconstruct the Parking Structure to provide sound waterproofing in full and proper support to the Public Park. Prior to the commencement of repair, maintenance, restoration or reconstruction of integral or structural elements of the Parking Structure, the Owner shall submit the plans and drawings for the proposed work for acceptance by the General Manager, PFR in consultation with the Executive Director, Engineering and Construction Services, and shall repair, maintain, restore or reconstruct in accordance with the approved plans and drawings. All maintenance, repair, restoration and reconstruction of the Parking Structure shall be in accordance with the Canadian Highway Bridge Design Code (CAN / CSA S6-00) for highway loading purposes, as amended, superseded or replaced from time to time and shall be certified by a professional structural engineer. The Owner, at their expense, shall be responsible for the repair and reinstatement of the Public Park to the same or improved condition as prior to undertaking any maintenance, restoration or reconstruction of the Parking Structure. In such cases, the Owner shall submit to the City a Letter of Credit in the amount of 120% of the value of the park improvements, to properly reinstate the Public Park. The Letter of Credit, less 20%, will be returned upon completion of the park replacement with a Certificate of Completion from a registered Landscape Architect. The remainder will be retained for a two year warranty.

13. In addition to any other indemnification requirements, the Owner, in respect of the Public Park, for itself as well as for its successors and assigns, hereby agrees that it will at all times, hereafter save, keep harmless, and fully indemnify the City, its elected officials, officers, employees and agents from and against all causes of action, suits, proceedings, claims and demands whatsoever which may be brought against or made upon the City, its elected officials, officers, employees and agents and against all loss, liability, judgments, costs, charges, demands, damages or expenses which the City, its elected officials, officers, employees and agents may sustain, suffer or be put to resulting from or arising out of:
 - a. the stratification of the Public Park Land and proximity of the park to the elements and structures of the Development, including the Parking Structure associated structures, slab and membrane;
 - b. failure of the Owner to satisfy its obligations pursuant to this Agreement in connection with the Public Park, including obligations relating to support.

14. The City shall have the right to enter the Parking Garage to inspect the state of its repair and maintenance upon giving the Owner reasonable notice in writing. In the event the Owner fails to repair or maintain the Parking Garage so as to properly provide the rights of support and waterproofing referred to in the conditions or to

properly restore the Public Park and in the event the City has provided the Owner with not less than thirty (30) days prior to notice in writing setting out the alleged failure or defect, then the City may enter the Parking Garage and any adjacent lands necessary for access to the Parking Garage and do such repair or maintenance work as is necessary to provide the required support or waterproofing and the City may restore the Public Park all at the cost of the Owner.

15. In the event of an emergency situation where the life or safety of the public is endangered or the Public Park is in imminent danger of collapse or damage then the City, without having given notice to the Owner, shall be entitled to enter the said lands and perform such emergency work as is necessary to deal with the emergency situation at the cost of the Owner.

Environmental Assessment

16. Prior to conveying the parkland to the City, the Owner must:

- a. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the Owner's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services;
- b. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City, and submit an initial deposit towards the cost of the peer review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
- c. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director, Engineering and Construction Services;
- d. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, Engineering & Construction Services for peer review and concurrence, which states:

In the opinion of the Qualified Person:

It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and

To the extent that the opinion in 15.4.1(i) is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

Land to be conveyed to the City meets either:

The applicable Ministry Generic Site Condition Standards for the most environmentally sensitive adjacent land use; or

The Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.

- e. The Qualified Person's statement, referenced in 15.4 above, will include a Reliance Letter that is dated and signed by the Owner's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services.
- f. For conveyance of lands requiring a Record of Site Condition:
 - i. File the Record of Site Condition on the Ontario Environmental Site Registry; and
 - ii. Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Executive Director, Engineering & Construction Services.

Park Construction

Base Park Improvements

17. The Owner, at their expense, will be responsible for base construction and installation of the parkland. The Base Park Improvements include the following:

- i. demolition, removal and disposal of all existing materials, buildings and foundations;
- ii. grading inclusive of topsoil supply and placement, minimum of 150 mm; for stratified conveyance a minimum of 1.5 metre SPD 95% is required;
- iii. sod #1 nursery grade or equivalent value of other approved park development;
- iv. fencing to City standard (where deemed necessary);
- v. all necessary drainage systems including connections to municipal services;
- vi. electrical and water connections (minimum 50 mm) directly to the street line, including back flow preventors, shut off valves, water and hydro meters and chambers;
- vii. street trees along all public road allowances, which abut future City owned parkland; and
- viii. standard park sign (separate certified cheque required).

18. All work is to be completed to the satisfaction of the General Manager, PFR.

19. 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, to the satisfaction of the General Manager, PFR.

20. Prior to issuance of the first above grade building permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, PFR. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.

21. The construction of the Base Park Improvements to the park block shall be completed within the earlier of: (a) three years after the issuance of the first above grade building permit for all or any part of the site, and (b) one year after the first condominium registration of all or any part of the site, to the satisfaction of the General Manager, PFR. Unforeseen delays (e.g. weather) resulting in the late completion of the construction of the Base Park Improvements to the park block may be taken into consideration and the date for completion may be extended at the discretion of the General Manager, PFR.

22. Should the Owner carry out any of the Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain, at the Owner's expense, a Park Occupation Permit (POP) from PFR's Park Supervisor for

that Ward. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PFR. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park, to the satisfaction of the General Manager, PFR.

Temporary Fencing

23. Prior to conveyance of the parkland the Owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.

Parkland Grading and Drainage

24. Prior to conveyance of the parkland, the Owner shall ensure that the grading and drainage for the parkland is compatible with the grades of the adjacent lands to the satisfaction of the General Manager, PFR.

25. The Owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.

Credit against Development Charges for Above Base Park Improvements

The Owner has agreed to design and construct the Above Base Park Improvements for a development charge credit against the Parks and Recreation component of the Development charges, the following condition applies:

26. The Owner agrees to design and construct the Above Base Park Improvements to the new park to the satisfaction of the General Manager, PFR, for a development charge credit against the Parks and Recreation component of the Development Charges. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. Prior to the issuance of the first above grade building permit for all or any part of the site, the Owner is required to submit a design and cost estimate to be approved by the General Manager, PFR, and a Letter of Credit equal to 120% of the Parks and Recreation Development Charges payable for the development, all to the satisfaction of the General Manager, PFR.

Above Base Park Improvements

27. The Owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, PFR. Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism etc. Final design and programming of the parkland shall be at the discretion of the General Manager, PFR.

28. Prior to the issuance of the first above grade building permit for the development of all or any part of the site, the Owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park improvements for review and approval by the General Manager, PFR.
29. The construction of the Above Base Park Improvements to the park block shall be completed within the earlier of: (a) three years after the issuance of the first above grade building permit for all or any part of the site, and (b) one year after the condominium registration of all or any part of the site, all to the satisfaction of the General Manager, PFR. In addition, the Section 37 Agreement and the Section 37 Provisions of any implementing zoning by-law amendments shall provide that no building permits shall be issued after the three year period in (a) unless the construction of the Above Base Park Improvements to the park block have been completed to the satisfaction of the General Manager, PFR, provided that unforeseen delays (e.g. weather) resulting in the late delivery of the park block may be taken into consideration and the date for completion may be extended at the sole discretion of the General Manager, PFR.
30. Should the Owner carry out any of the Above Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain, at the Owner's expense, a Park Occupation Permit (POP) from PFR's Park Supervisor for that Ward. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PFR. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

Warranty

31. The Owner, upon satisfactory completion of the construction and installation of the Base and Above Base Park Improvements shall be required to guarantee such work and associated materials, to the satisfaction of the General Manager, PFR. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, PFR be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.
32. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the Owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, PFR.

33. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to PFR. A complete set of “as built” plans shall be provided electronically on CD in PDF format, and two (2) sets full size bond hard copy the General Manager, PFR. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.
34. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to PFR.