

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** June 06, 2018

**CASE NO(S):** PL140790

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by:	Rosedale Developments Inc.
Subject:	Site Plan
Property Address/Description:	4917-4975 Yonge Street
Municipality:	City of Toronto
OMB Case No.:	PL140790
OMB File No.:	PL150005
OMB Case Name:	Rosedale Developments Inc. v. Toronto (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Rosedale Developments Ltd.
Subject:	Application to amend Zoning By-law No. 7625 – Refusal or neglect of the City of Toronto to make a decision
Existing Zoning:	RM6(155) and RM6(107)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit 34 storey mixed use building
Property Address/Description:	4917-4975 Yonge Street Et Al
Municipality:	City of Toronto
Municipal File No.:	11 330487 NNY 23 OZ
OMB Case No.:	PL140790
OMB File No.:	PL140791

**Heard:** August 15, 2017 in Toronto, Ontario

**APPEARANCES:****Parties**

Rosedale Developments Inc.

City of Toronto

**Counsel**John Alati  
Andy MargaritisGordon Whicher  
James Judson (student-at-law)**MEMORANDUM OF ORAL DECISION DELIVERED BY MICHEL BELLEMARE ON  
AUGUST 15, 2017 AND ORDER OF THE TRIBUNAL**

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**A. OVERVIEW**

[1] With a July 6, 2015 decision of the Ontario Municipal Board, now the Local Planning Appeal Tribunal (“Tribunal”), approving official plan and zoning by-law amendments for its property at 4917-4975 Yonge Street, 23 Hollywood Avenue, and 18 Spring Garden Avenue (the “site”), Rosedale Developments Inc.’s (“Rosedale”) remaining appeal concerns the City of Toronto’s (“City”) failure to make a decision within the prescribed time period on its site plan approval application. That application proposes a 34-storey mixed use building, including 478 residential units and five levels of underground parking for 622 vehicles.

[2] Based on the evidence and in light of a settlement agreement reached by the parties, I hold for the following reasons that the appeal should be allowed in part and the site plan approved subject to a final Order pending the fulfillment of certain conditions.

**B. BACKGROUND**

[3] At a February 2, 2017 pre-hearing conference for this case, and further to a request from the parties, the Board amended its July 6, 2015 decision to add the words “above grade” to clarify that “no nonresidential uses shall be permitted in the remaining above-grade floors of the building”.

[4] At the start of this hearing, the parties advised that they had reached an agreement settling all outstanding issues and asked for an Order to:

- Permit a maximum 4 metre extension of the canopy over the main building entrance by further amending the Board's March 24, 2017 decision amending the zoning by-law.
- Approve the site plan conditions but withhold the final Order until the parties have advised that the pre-approval conditions have been met and the drawings have been amended in accordance with the Notice of Approval Conditions.

## **C. ANALYSIS AND FINDINGS**

### ***i. Policy Context***

[5] Section 2 of the *Planning Act* ("Act") requires municipal councils and the Tribunal to "have regard to" several "matters of provincial interest", including: develop safe and healthy communities accessible to all; resolve planning conflicts involving public and private interests; and locate growth and development appropriately.

[6] Under subsection 3(5) of the Act, decisions of municipal councils and the Tribunal must "be consistent with provincial policy statements" issued under subsection 3(1) of the Act, and shall "conform with" provincial plans or not conflict with them.

[7] As subsection 24(1) of the Act prescribes, a municipality must adopt by-laws that conform to the goals and objectives stated in its official plan, a document approved by the Province or an upper-tier municipality.

### ***ii. Authority of the Tribunal on Appeal***

[8] Section 34(26) of the Act provides that the Tribunal has the authority to amend a zoning by-law in such a manner as the Tribunal may determine. Also, on an appeal of

the municipality's failure to approve a site plan application in the time prescribed, subsection 41(12.1) of the Act provides that the Tribunal has the authority to "hear and determine the matter in issue and determine the details of the plans or drawings and determine the requirements, including the provisions of any agreement required, and the decision of the Tribunal is final".

[9] In addition, section 2.1 of the Act prescribes that the Tribunal must have regard to the municipal council's decision and the information it considered in making that decision.

***iii. Proposal Conforms to Planning and Urban Design Policies***

[10] Testifying in support of the settlement were Sal Vitiello, who was qualified to provide urban design and architectural design evidence, and Paul Lowes, who was qualified to provide land use planning evidence. The evidence of these two professionals was both persuasive and uncontroverted.

[11] Based on the evidence, and taking into account relevant matters of provincial interest and the municipal council's decision in support of the settlement agreement, I find that:

- The proposal is consistent with the Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe because it represents growth in a settlement area based on densities and a land use mix that efficiently uses land and infrastructure.
- The site plan conditions fully implement and conform with Zoning By-law No. 7625, except for the proposed canopy which is a desirable design change that conforms with the North York Centre Secondary Plan.
- Together, the zoning by-law amendment to permit the canopy and the site plan conditions conform with the City's Official Plan and the North York



Centre Secondary Plan, are appropriate, represent good planning, and are in the public interest.

**D. ORDER**

[12] The Tribunal allows the appeal in part and replaces the zoning by-law resulting from the March 24 2017 Ontario Municipal Board disposition with the by-law filed as Exhibit 3 and appended to this decision (Attachment 1).

[13] The Tribunal also approves the site plan but withholds its final Order until the parties advise that the pre-approval conditions have been met and the drawings have been amended in accordance with the Notice of Approval Conditions filed as Exhibit 4 and appended to this decision (Attachment 2).

*“Michel Bellemare”*

MICHEL BELLEMARE  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

# **ATTACHMENT 1**

## **CITY OF TORONTO**

### **BY-LAW No. ~-2017(OMB)**

**To amend the former City of North York By-law No. 7625, as amended,  
with respect to lands known municipally as  
4917-4975 Yonge Street, 23 Hollywood Avenue and 18 Spring Garden Avenue**

WHEREAS the Ontario Municipal Board, pursuant to its Orders issued on July 6, 2015, March 24, 2017 and ~ 2017, having held a hearing, has decided to amend By-law No. 7625 of the former City of North York; and

WHEREAS the Ontario Municipal Board has decided that the minor variances granted by the Committee of Adjustment on June 23, 2010 in File No. A0221/10NY are to be superseded by amending Section 64.20-A(155)RM6(155) in Zoning By-law No. 7625 for the former City of North York; and

WHEREAS the Ontario Municipal Board has decided to also otherwise amend Sections 64.20-A(155)RM6(155) and 64.20-A(107)RM6(107) of By-law No. 7625;

THEREFORE By-law No. 7625 of the former City of North York is hereby amended as follows:

#### **64.20-A(155)RM6(155)**

1.1 Subsection 64.20-A(155)RM6(155)(e) of By-law No. 7625, headed "GROSS FLOOR AREA", is amended by replacing

“(ii) below grade space used exclusively for motor vehicle parking; and”

with

“(ii) below grade space used exclusively for motor vehicle or bicycle rack parking and access thereto, and at grade space used exclusively for motor vehicle loading; and”

1.2 Subsection 64.20-A(155)RM6(155)(h) of By-law No. 7625, headed "PERMITTED USES" is amended as follows:

- (a) by replacing "retail stores" in the list of permitted uses with "retail stores (including grocery stores, supermarkets and pharmacies)";
- (b) by replacing the first sentence in the second paragraph "Only non-residential uses, except for residential lobby space, shall be contained in the first three floors of the building." with "Only non-residential uses shall be contained in the first three floors of the building, except for accessory residential uses (including but not limited to

residential lobby space, mail rooms, garbage/recycling rooms, mechanical rooms, utility rooms, exit stairs and corridors).”;

- (c) by replacing the second sentence in the second paragraph “No non-residential uses shall be permitted in the remainder of the building.” with “No non-residential uses shall be permitted in the remaining above-grade floors of the building.”; and
- (d) by deleting the last sentence in the third paragraph “All other ground floor uses shall be subject to a maximum frontage width of 14 metres.”

1.3 Subsection 64.20-A(155)RM6(155)(j) of By-law No. 7625, headed “NUMBER OF DWELLING UNITS”, is amended by replacing “420” therein with “478”.

1.4 Subsection 64.20-A(155)RM6(155)(l) of By-law No. 7625, headed “BUILDING ENVELOPE”, is amended by replacing the entire subsection as follows:

“BUILDING ENVELOPE

- (l) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule “RM6(155)” except for a canopy and a three storey roof element along the Yonge Street frontage, which may project a maximum of 2.5 m into the yard setback, and an extension of the canopy in front of the commercial and residential entrances, which may project a maximum of 4.0 m into the yard setback.”

1.5 Subsection 64.20-A(155)RM6(155)(m) of By-law No. 7625, headed “PARKING”, is amended by replacing the entire subsection as follows:

“PARKING

- (m) Parking spaces shall be provided within the net site in accordance with the following requirements and conditions:
  - (i) A minimum of 1.00 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit allocated for residential visitor use.
  - (ii) A maximum of 1.20 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit allocated for residential visitor use.
  - (iii) A minimum of 0.90 parking spaces per 100 m<sup>2</sup> of gross floor area devoted to retail, service commercial and office uses.
  - (iv) A maximum of 1.26 parking spaces per 100 m<sup>2</sup> of gross floor area devoted to retail, service commercial and office uses.



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- (v) Up to 40 additional parking spaces may be allocated for use by the social facility located on the lands zoned C1(103) and known municipally as 6 Spring Garden Avenue, provided that the overall number of parking spaces does not exceed the sum of the maximum limits specified in (ii) plus (iv) above.
  - (vi) Residential visitor parking spaces and social facility parking spaces may be commingled with commercial parking spaces. Non-residential parking spaces and residential visitor parking spaces may be made available to the general public and a charge may be imposed for the use of such spaces.
  - (vii) Notwithstanding the minimum requirement specified in (i) above and the maximum limit specified in (iv) above, unsold residential tenant parking spaces located on the second level of the underground garage may be converted from residential to non-residential use provided that at least two parking spaces located in the non-residential portion of the garage are dedicated to motor vehicle sharing. As used herein, "motor vehicle sharing" refers to a practice whereby a number of people share the use of one or more vehicles owned by an entity so authorized by the owner of the non-residential portion of the underground garage.
  - (viii) Notwithstanding the requirement that parking spaces are to be provided within the net site, a maximum of 64 parking spaces may be contained, in whole or in part, in a directly accessible, underground parking garage located, in whole or in part, on abutting lands zoned RM6(107).
  - (ix) No surface parking spaces shall be permitted other than a maximum of 40 temporary spaces on an interim basis for the use of the social facility located on the lands zoned C1(103) and known municipally as 6 Spring Garden Avenue, pending completion of the building to be located on lands zoned RM6(155).
  - (x) A maximum of 64 parking spaces, located in the first four levels of the underground garage, shall have a minimum width of 2.7 metres and a minimum length of 5.5 metres, irrespective of any side obstructions."
- 1.6 Subsection 64.20-A(155)RM6(155)(o) of By-law No. 7625, headed "LOT COVERAGE", is amended by replacing "74 per cent" with "82 per cent".
  - 1.7 Subsection 64.20-A(155)RM6(155)(p) of By-law No. 7625, headed "LANDSCAPING", is amended by replacing "900 m<sup>2</sup>" with "500 m<sup>2</sup>".
  - 1.8 Subsection 64.20-A(155)RM6(155)(t) of By-law No. 7625, headed "PROVISIONS NOT APPLICABLE", is amended by adding 6A(3)(d)(ii) to the list specified therein.

1.9 Subsection 64.20-A(155)RM6(155)(w) of By-law No. 7625, headed "ADDITIONAL GROSS FLOOR AREA", is amended by replacing "bicycle rack or locker" wherever it appears in (ii) therein with "bicycle locker".

1.10 Schedule "RM6(155)" to By-law No. 7625 is replaced with Schedule "RM6(155)" attached to this By-law.

#### **64.20-A(107)RM6(107)**

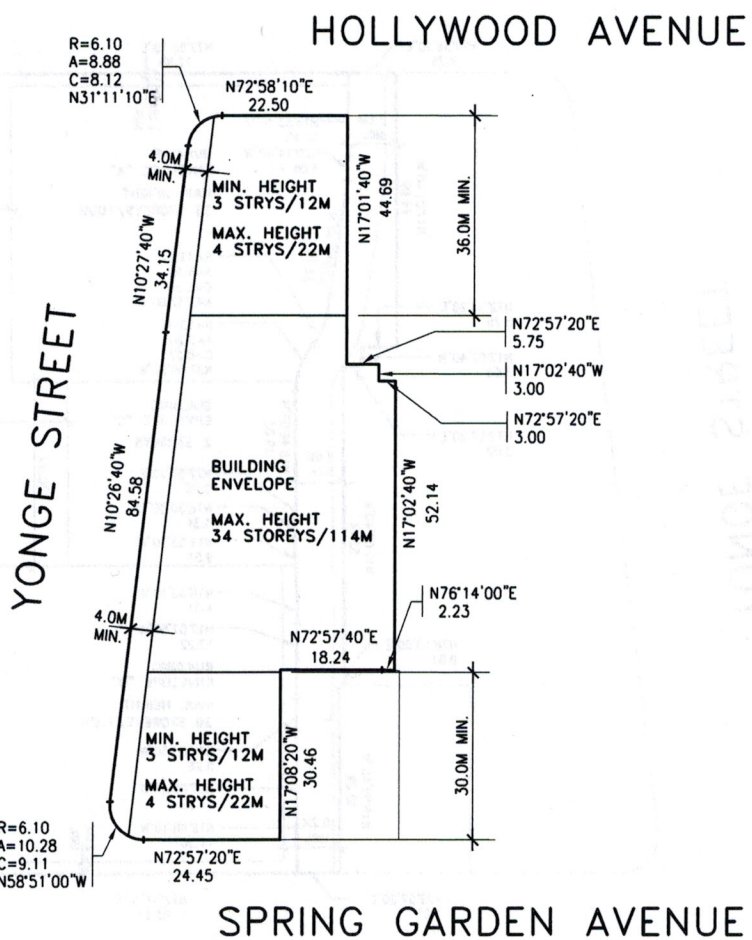
2.1 Subsection 64.20-A(107)RM6(107)(h) of By-law No. 7625, headed "PERMITTED USES", is amended by deleting the word "and" at the end of the first item in the list of permitted uses, replacing the period at the end of the second item with a semi-colon followed by the word "and", and adding to the list of permitted uses the following uses:

"a commercial driveway and related uses (including but not limited to loading bays, pedestrian walkways, surface parking spaces associated with the abutting lands zoned C1(103), and parking garage ramps and entrances) within the area so identified on Schedule "RM6(107)", serving the buildings located on the abutting lands zoned C1(103) and RM6(155) in addition to serving the buildings located on the lands zoned RM6(107)".

2.2 Schedule "RM6(107)" to By-law No. 7625 is replaced with Schedule "RM6(107)" attached to this By-law.

**PURSUANT TO THE DECISIONS/ORDERS OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JULY 6, 2015, MARCH 24, 2017 and ~ 2017 IN BOARD CASE NO. PL140790.**





CITY OF TORONTO

**SCHEDULE "RM6(155)" TO BY-LAW**

## PASSED ON

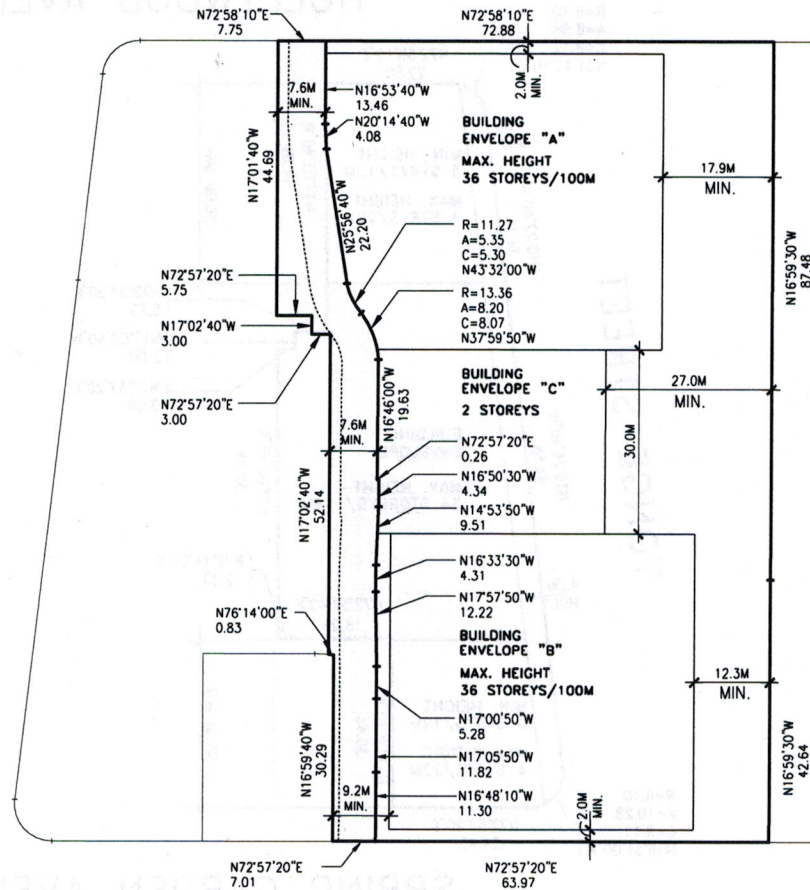
FILE NO.

LOCATION: 4917-4975 YONGE ST., 23 HOLLYWOOD AVE., 18 SPRING GARDEN AVE.

DIMENSIONS ARE IN METERS &  
MAY BE CONVERTED TO FEET  
BY DIVIDING BY 0.3048

YONGE STREET

HOLLYWOOD AVENUE



SPRING GARDEN AVENUE

COMMERCIAL DRIVEWAY AND RELATED USES  
DRIVEWAY WIDTH (6.0M MIN.)



CITY OF TORONTO

SCHEDULE "RM6(107)" TO BY-LAW \_\_\_\_\_

PASSED ON \_\_\_\_\_

FILE NO.

LOCATION: 4917-4975 YONGE ST., 23 HOLLYWOOD AVE., 18 SPRING GARDEN AVE.



**Jennifer Keesmaat, MES MCIP RPP**  
Chief Planner and Executive Director  
City Planning Division

**North York District**  
Ground Floor, North York Civic Centre  
5100 Yonge Street  
Toronto ON M2N 5V7

**Joe Nanos**  
Director, Community Planning

**Tel:** (416) 396-7013  
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**Refer to:** Guy Matthew at (416)395-7102  
**E-Mail:** gmatthe2@toronto.ca  
[www.toronto.ca/planning](http://www.toronto.ca/planning)

Davies Howe LLP  
425 Adelaide Street West, the Tenth Floor  
Toronto ON M5V 3C1

**Re: Notice of Approval Conditions**  
**Site Plan Control Application No. 10 108155 NNY 23 SA**  
4917-4975 Yonge Street  
CON 1 EY PT LOT 16 RP 66R16423 PART 20 BRAMALEA 80% INT IRREG  
SHAFTESBURY 20% INT  
Ward 23 - Willowdale

The City Planning Division North York District, has completed the review of your proposal for a 34 storey mixed use building with a total of 478 residential units as outlined in the following plans and drawings:

Drawing No.	Drawing Name	Drawn By	Drawing Date	Date Stamped by the City
A0	STATISTICS	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A1	MASTER SITE PLAN	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A1A	SITE PLAN BLDG C	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A2	PARKING LEVEL P5	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A3	PARKING LEVEL P4	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A4	PARKING LEVEL P3	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A5	PARKING LEVEL P2	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A6	PARKING LEVEL P1	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A7	GROUND, 2 <sup>ND</sup> & 3 <sup>RD</sup> FLOOR PLAN	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A8	FLOORS 4-8	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A9	FLOORS 9-20	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	



A10	FLOORS 21-28	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A11	FLOORS 29-34	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A12	MECHANICAL PENTHOUSE AND ROOF PLAN	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A13	WEST ELEVATION	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A14	NORTH & SOUTH ELEVATIONS	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A15	EAST ELEVATION	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A16	BUILDING SECTION	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A17	COLOURED WEST ELEVATION	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A18	COLOURED NORTH ELEVATION	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
A19	COLOURED SOUTH ELEVATION	RICHMOND ARCHITECTS LTD.	REVISION: MAY 25, 2017	
SGR-1	SITE SERVICING AND GRADING PLAN	MASONGSONG ASSOCIATES ENGINEERING LIMITED	REVISION: FEBRUARY 13, 2017	
ESC-1	EROSION AND SEDIMENT CONTROL PLAN	MASONGSONG ASSOCIATES ENGINEERING LIMITED	REVISION: FEBRUARY 13, 2017	
ST-1(C)	STREETSCAPE PLAN	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	
ST-2(C)	STREETSCAPE DETAILS	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	
ST-3(C)	STREETSCAPE DETAILS	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	
L-1(C)	LANDSCAPE PLAN	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	
L-2(C)	PLANTING PLAN	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	
L-3(C)	3 <sup>RD</sup> & 4 <sup>TH</sup> FLOOR ROOF TERRACE PLANS	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	

L-4(C)	GREEN ROOF PLANS	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	
D-1(C)	LANDSCAPE DETAILS	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	
D-2(C)	LANDSCAPE DETAILS	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	
D-3(C)	LANDSCAPE DETAILS	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	
D-4(C)	GREEN ROOF DETAILS	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	
IRR1(C)	GROUND FLOOR IRRIGATION PLAN	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS AND TURF CARE.	REVISION: MARCH 14, 2017	
IRR2(C)	LOADING BAY ROOF IRRIGATION PLAN	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS AND TURF CARE	REVISION: MARCH 14, 2017	
IRR3(C)	3 <sup>RD</sup> FLOOR IRRIGATION PLAN	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS AND TURF CARE	REVISION: MARCH 14, 2017	
IRR4(C)	4 <sup>TH</sup> FLOOR IRRIGATION PLAN	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS AND TURF CARE	REVISION: MARCH 14, 2017	
IRR5(C)	28 <sup>TH</sup> FLOOR ROOF & MPH + MAIN GREEN ROOF IRRIGATION PLAN	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS AND TURF CARE	REVISION: MARCH 14, 2017	
UTIL-1(C)	COMPOSITE UTILITY PLAN	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	
UTIL-2(C)	COMPOSITE UTILITY PLAN	ALEXANDER BUDREVICS & ASSOCIATES LIMITED LANDSCAPE ARCHITECTS	REVISION: MARCH 14, 2017	



SK-00	YONGE STREET x HOLLYWOOD & SPRING GARDEN AVENUE PROPOSED EXTERNAL ROAD CURB RADII MODIFICATIONS LIST OF DRAWINGS	LEA CONSULTING LTD.	MARCH 14, 2017	
SK-01	YONGE STREET x HOLLYWOOD AVENUE PROPOSED EXTERNAL ROAD CURB RADII MODIFICATIONS GENERAL LAYOUT AND NOTES	LEA CONSULTING LTD.	MARCH 14, 2017	
SK-02	YONGE STREET x HOLLYWOOD AVENUE PROPOSED EXTERNAL ROAD CURB RADII MODIFICATIONS FIRE ROUTE	LEA CONSULTING LTD.	MARCH 14, 2017	
SK-03	YONGE STREET x HOLLYWOOD AVENUE PROPOSED EXTERNAL ROAD CURB RADII MODIFICATIONS CITY GARBAGE TRUCK PATHS/ DURING OFF-PEAK HOURS	LEA CONSULTING LTD.	MARCH 14, 2017	
SK-04	YONGE STREET x HOLLYWOOD AVENUE PROPOSED EXTERNAL ROAD CURB RADII MODIFICATIONS CITY GARBAGE TRUCK PATHS/ DURING PEAK HOURS	LEA CONSULTING LTD.	MARCH 14, 2017	
SK-05	YONGE STREET x HOLLYWOOD AVENUE PROPOSED EXTERNAL ROAD CURB RADII MODIFICATIONS SIGNAGE PLAN	LEA CONSULTING LTD.	MARCH 14, 2017	

SK-11	YONGE STREET x SPRING GARDEN AVENUE PROPOSED EXTERNAL ROAD CURB RADII MODIFICATIONS GENERAL LAYOUT AND NOTES	LEA CONSULTING LTD.	MARCH 14, 2017	
SK-12	YONGE STREET x SPRING GARDEN AVENUE PROPOSED EXTERNAL ROAD CURB RADII MODIFICATIONS FIRE ROUTE	LEA CONSULTING LTD.	MARCH 14, 2017	
SK-13	YONGE STREET x SPRING GARDEN AVENUE PROPOSED EXTERNAL ROAD CURB RADII MODIFICATIONS CITY GARBAGE TRUCK PATHS/ DURING OFF-PEAK HOURS	LEA CONSULTING LTD.	MARCH 14, 2017	
SK-14	YONGE STREET x SPRING GARDEN AVENUE PROPOSED EXTERNAL ROAD CURB RADII MODIFICATIONS CITY GARBAGE TRUCK PATHS/ DURING PEAK HOURS	LEA CONSULTING LTD.	MARCH 14, 2017	
SK-15	YONGE STREET x SPRING GARDEN AVENUE PROPOSED EXTERNAL ROAD CURB RADII MODIFICATIONS SIGNAGE PLAN	LEA CONSULTING LTD.	MARCH 14, 2017	
P-000	LOADING SPACES – TRUCK PATHS LIST OF DRAWINGS	LEA CONSULTING LTD.	MARCH 14, 2017	
P-001	LOADING SPACE 1 – CITY GARBAGE TRUCK INBOUND FROM NORTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	
P-002	LOADING SPACE 1 – CITY GARBAGE TRUCK OUTBOUND TO SOUTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	
P-003	LOADING SPACE 1 – HEAVY TRUCK INBOUND FROM NORTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	



P-004	LOADING SPACE 1 – HEAVY TRUCK OUTBOUND TO SOUTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	
P-005	LOADING SPACE 2 – COMMERCIAL TRUCK INBOUND FROM NORTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	
P-006	LOADING SPACE 2 – COMMERCIAL TRUCK OUTBOUND TO NORTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	
P-007	LOADING SPACE 2 – COMMERCIAL TRUCK INBOUND FROM SOUTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	
P-008	LOADING SPACE 2 – COMMERCIAL TRUCK OUTBOUND TO SOUTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	
P-009	LOADING SPACE 3 – DELIVERY TRUCK INBOUND FROM NORTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	
P-010	LOADING SPACE 3 – DELIVERY TRUCK OUTBOUND TO NORTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	
P-011	LOADING SPACE 3 – DELIVERY TRUCK INBOUND FROM SOUTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	
P-012	LOADING SPACE 3 – DELIVERY TRUCK OUTBOUND TO SOUTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	
P-013	LOADING SPACE 1 – TRACTOR TRAILER TRUCK INBOUND FROM SOUTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	
P-014	LOADING SPACE 1 – TRACTOR TRAILER TRUCK OUTBOUND TO NORTH	LEA CONSULTING LTD.	REVISION: MARCH 14, 2017	

The issuance of the City's Notice of Approval Conditions letter does not constitute site plan approval. The Chief Planner's designate, the Director of Community Planning will be in a position to issue approval of the plans and drawings listed herein and to satisfy applicable law requirements of Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*, once the owner has satisfied all of the pre-approval conditions set out herein.

It is the owner's responsibility to work with the respective City divisions to satisfy the pre-approval conditions set out below. Please note that if the pre-approval conditions are not fulfilled within two (2) years of the date of this notice, then this notice is no longer valid and a new submission is required unless a written request for time extension is received and granted by the Chief Planner or his/her designate.



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

### **LEGAL SERVICES – Stephanie Morrow Phone #(416) 397-5379**

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

### **ENGINEERING AND CONSTRUCTION SERVICES – Yelena Akselrod Phone # (416) 395-6282**

2. Submit a pavement marking plan for Hollywood Avenue and Spring Garden Avenue that includes a legend for the proposed pavement markings.
3. Revise Irrigation Plan IRR1 to show the location of the irrigation connection from private to public, including where the connection to the tree planters occurs within the right-of-way.
4. Remove the existing wooden utility pole within the Hollywood Avenue right-of-way, adjacent to the development site. If the pole needs to be relocated so as to remain functional, then it is to be relocated so as to minimize conflict with the future sidewalk.
5. Amend the Site Plan drawing to include the following note:

Be advised that should any party, including the applicant or any subsequent owner, apply for more than one condominium corporation encompassing any or all of this development or make an application that results in a land division, Staff may require legal assurances, including but not limited to reciprocal services easements to ensure rights of access and maintenance among such entities with respect to the approved services. Such assurances will be determined at the time of application for condominium approval.

6. Amend drawings ST-2 and ST-3 to include two structural engineer's stamps and signatures to confirm that these interim standard drawings will meet the applicable vehicular loading requirements according to the current version of the Canadian Highway Bridge Design Code.
7. Update the Streetscape Plans to include an annotation clearly identifying the expansion joint at the property line to reflect detail P-s14 indicated on drawing ST-2.
8. Provide a revised cost estimate for the construction of the proposed concrete boulevard with granite pavers, tree planters and construction of parking lay-bys on Spring Garden Avenue and Hollywood Avenue.
9. Solid Waste Management will provide bulk lift compacted garbage, recycling and organic collection services to the residential component of the development. This will be done in accordance with Chapter 844 of the Municipal Code provided the following revisions are made:
  - a. Revise the applicable drawings to indicate the collection vehicle's minimum turning radii of 9.5 metres inside and 14 metres outside when entering, exiting



and travelling throughout the site and the Type G loading space or a truck movement diagram that indicates the movement of a collection vehicle that has length of 12 metres and a width of 2.4 metres.

- b. Revise the applicable drawings to indicate the ability of the collection vehicle to enter and exit the site in a forward motion with no more than a three-point turn.
10. Solid Waste Management will not provide garbage, recycling or organic collection services for the non-residential component of the development and the applicant must store, transport and mark arrangements for collection of all waste materials separately from the residential component. Collection of waste from the non-residential component of the development will be in accordance with Chapter 841 of the Municipal Code and the following revision is required:
  - a. Revise the applicable drawings to indicate if it is planned for the non-residential component to make use of the Type G loading space and if so that the non-residential component will only schedule use of the Type G loading space on opposite days from the collection days of the residential waste to ensure that the Type G space will be vacant for City Waste Collection. If the non-residential component will not use the Type G loading space, please add that notation.
11. Amend the Site Servicing Plan to include the following note:
 

Be advised that should any party, including the applicant or any subsequent owner, apply for more than one condominium corporation encompassing any or all of this development or make an application that results in a land division, Staff may require legal assurances, including but not limited to reciprocal services easements to ensure rights of access and maintenance among such entities with respect to the approved services. Such assurances will be determined at the time of application for condominium approval.
12. Amend the Site Servicing Plan and the Grading Plan to reference the Functional Design Drawings (include the drawing number and revision date) prepared by LEA Consulting Ltd. once it's accepted by Transportation Services.
13. Amend the Site Servicing Plan and the Grading Plan to indicate all curb radii within the lay-by areas to reflect the accepted Functional Design Drawings.
14. Parking lay-by details shall be revised to propose a reverse grade gutter that follows the cross-fall direction of the lay-by. These details shall include a sub-drain under the curb and double gutter.
15. Revise the Step Joint Detail to reference OPSS 1212 for hot rubber sealing compound as indicated in general note no. 14, Grading & Road/Pavements section.
16. Address all the comments from Toronto Water dated June 15, 2017 (see Attachment 3).
17. Register on title mutual access and parking agreements and easements with provisions for maintenance between the appropriate parties for use of the lane, surface parking, loading and below grade parking.
18. Make satisfactory arrangements with Engineering and Construction Services for work



within the City's right-of-way to provide access to and from the land and provide financial security in the amount of 100% to secure the provision of such works and facilities. Submit 5% engineering and inspection fee and insurance as required.

19. Once the Functional Design Drawings have been accepted by Transportation Services, the applicant shall retain a Consulting Engineer to submit engineering design drawings (reflecting all civil works and utility relocations as per approved drawing XXXX) for all roadway and intersection improvements. All road improvements should be consistent with the recommendations of the Transportation Services Division.
20. Provide a certified cheque for pavement markings and signage at Yonge Street and Hollywood Avenue and at Yonge Street and Spring Garden Avenue.
21. Obtain an encroachment agreement from Right-of-Way Management for the irrigation infrastructure located in the municipal right-of-way.

**CITY PLANNING – Guy Matthew Phone # (416) 395-7102**

22. Submit a landscape cost estimate to the satisfaction of the Director, Community Planning North York District.
23. Prior to final site plan approval, the owner shall submit a financial guarantee in the form of an irrevocable letter of credit or certified cheque, made payable to the Treasurer, City of Toronto, to secure Landscape requirements, to the satisfaction of the Director, Community Planning, North York District. The security will guarantee the provision of landscape development works as detailed on the approved landscape plans.
24. Provide amended drawings that show an extended metal and glass canopy at the main entrance so that it projects beyond the slab at the fourth floor, subject to approval by the Ontario Municipal Board of the following modification to section 1.4 of the OMB approved zoning by-law:

Subsection 64.20-A(155)RM6(155)(l) of By-law No. 7625, headed "BUILDING ENVELOPE", is amended by replacing the entire subsection as follows:

No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule "RM6(155)" except for a canopy and a three storey roof element along the Yonge Street frontage, which may project a maximum of 2.5 m into the yard setbacks, and an extension of the canopy in front of the commercial and residential entrances, which may project a maximum of 4.0 m into the yard setback. [Underlining indicates required modification]

25. Provide amended drawings which show streetscape improvements (extended sidewalk and one street keeper locust tree) to the City-owned boulevard in front of the adjacent Legion building. The Applicant shall provide a one-time cash contribution of \$3,000.00 payable to the City for the purpose of landscaping the private property fronting the Legion building located at 6 Spring Garden Avenue.
26. Provide amended drawings which show 8 street keeper locust street trees, 60 mm in diameter, at a minimum of 7800 mm o/c spacing to be planted along the Yonge Street City-owned right-of-way.



27. Provide a drawing which shows the placement of one street keeper locust street tree within the City-owned boulevard on the south side of Hollywood Ave., east of Yonge St. This tree shall be placed in a location which shall avoid any conflicts with above or below grade utilities, street furniture etc. to the satisfaction of the Director, Community Planning, North York District and the Supervisor of Urban Forestry, Tree Protection and Plan Review. In the event that the intended location on the south side of Hollywood Ave. is unsuitable, an alternative planting location, as may be determined by the Director, Community Planning, North York District and the Supervisor of Urban Forestry, Tree Protection and Plan Review, will be identified in an area which shall avoid any conflicts with above or below grade utilities, street furniture etc.

**URBAN FORESTRY – Bruce Gordon Phone # (416) 395-6686**

28. Submit an updated Arborist Report, including all trees on site and on the adjacent right of way. The report must detail proposed removals and practices around the retention of trees to be injured. A supporting plan showing the existing trees on site with numbers matching the arborist report is to be provided. The trees must be individually inventoried; grouping of trees is not acceptable.

29. All security deposit and payments must be submitted at \$583.00 per tree to the attention of Tara Bobie, Supervisor of Urban Forestry, Tree Protection & Plan Review, in the form of an irrevocable Letter of Credit, credit card or certified cheque payable to the Treasurer, City of Toronto

**TORONTO DISTRICT SCHOOL BOARD – Mario Silva Phone # (416) 394-3944**

30. The applicant/developer shall enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site, advising that:

"The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available.

For information regarding designated school(s), please call (416) 394-7526."

31. Erect the required signs prior to final Site Plan approval.

**TORONTO TRANSIT COMMISSION - Srdjana Jaksic Phone # (416) 590-6372**

32. Revise the Site Plan and all Parking Level Plans to clearly show the surveyed limit of TTC infrastructure on the plans.
33. Revise the Ground Floor Plan, Site Plan, Parking Level Plans, and Building Sections to show the distances between the development and the TTC's infrastructure, including, but not limited to, subway tunnels and vent shafts. The plans shall clearly show the dimensioned distances between the outermost wall of the development to the closest point of TTC infrastructure (at grade and below). Provide plans in hard copy, PDF and CAD format (TTC uses Microstation).



34. Revise plans to clearly show there is a minimum 3-metre setback between the proposed development including shoring (piles, tiebacks) and all TTC structures.
35. Prior to starting any demolition or construction, or the issuance of the first or any building permit, the owner shall complete a Toronto Transit Commission ("TTC") Level 3 Technical Review of the proposed development as applicable to the particular permit under application, and obtain the TTC's written acknowledgement that the owner has satisfied all of the conditions arising out of the review. As part of the review process, the owner shall provide the requisite information and pay the associated review fee to the TTC.
36. Based on the results of the Technical Review, the first or any permit, including any demolition permit, the owner may be required to enter into a construction agreement with the TTC in a form acceptable to the TTC.
37. By way of the City of Toronto Site Plan Agreement, the Owner acknowledges and agrees that:
  - a. the proximity of the proposed development, to the TTC transit right-of-way may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as "Interferences") to the development;
  - b. the City and TTC will not accept responsibility for such effects on any of the development and/or its occupants.
  - c. it has been advised by the TTC to apply reasonable attenuation/mitigation measures with respect to the level of the Interferences on and in the development;
  - d. a TTC Interferences Warning clause, as provided below and satisfactory to the TTC has been, or shall be inserted into all rental agreement(s), and/or offers of purchase and sale or lease and condominium declaration(s) for each unit.

"The Purchaser and/or Lessee specifically acknowledges and agrees that the proximity of the development of the lands municipally known as 4917-4975 Yonge Street (the "Development") to TTC transit operations, presently in existence or subsequently constructed or re-constructed, may result in transmission of noise, vibration, electromagnetic interference, stray current, smoke, particulate matter or other interferences (collectively referred to as "Interferences") on or to the Development and despite the inclusion of control features within the development, Interferences from transit operations or construction activity may continue to be of concern, occasionally interfering with some activities of the occupants in the Development. Notwithstanding the above, Purchasers and/or Lessee agrees to release and save harmless the City of Toronto, the Toronto Transit Commission, together with their Commissioners, officers, employees, successors and assigns, from all claims, losses, judgments or actions arising or resulting from any and all Interferences. Furthermore the Purchaser and/or Lessee acknowledges and agrees that an Interferences clause substantially similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors



and assigns and shall not die with the closing of the transaction.

## **B. POST APPROVAL CONDITIONS**

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

1. The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

## **TECHNICAL SERVICES**

2. Remove all existing accesses, curb cuts, traffic control signs, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
3. Provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
4. The owner must install and maintain appropriate signage and pavement markings on-site directing such as but not limited to: vehicle stopping and circulation, designated disabled parking, loading, and pedestrian walkways, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
5. Landscaping within the Yonge Street, Hollywood Avenue and Spring Garden Avenue boulevards must be approved by the Transportation Services Division prior to site plan approval.
6. Construct and maintain all facilities necessary to permit the City to collect solid waste and recyclable materials.
7. Advise all owners and tenants/future purchasers of the commercial/retail units that refuse and recyclable materials generated by this building must be collected by a private refuse collection firm.
8. Provide and maintain a tri-sorter waste diversion system for multiple household residential buildings.
9. On-site custodial staff must be present during collection for jockeying of bins in the collection staging area and also to act as a flagman when the truck is reversing. In the event the on-site staff member is unavailable at the time of the City collection vehicle's arrival at the site, the collection vehicle will leave the site and not return until the next scheduled collection day.
10. Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Functional Servicing and Stormwater Management report, prepared by Masongsong Associates Engineering Limited, and dated XXXX, and Site Servicing and Grading Plan, Drawings No. SS-1, prepared by Masongsong Associated Engineering Limited, revision No. XXX and dated XXX.



11. Construct and maintain site servicing as indicated on the accepted Site Servicing and Grading Plan, Drawing No. SS-1, prepared by Masongsong Associates Engineering Limited, revision No. XXX and dated XXXX.
12. Provide certification to the Chief Engineer and Executive Director of Engineering and Construction Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.
13. Provide certification to the Chief Engineer and Executive Director of Engineering and Construction Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.
14. The Professional Engineer who designed and supervised the installation of the tiebacks and construction of the garage structure shall provide certification to the Chief Engineer and Executive Director of Engineering and Construction Services that the thread bars (tiebacks) have been disconnected and cut back from the permanent structure upon completion of the garage envelope so as to allow the City in the future to complete works within the right-of-way without adversely affecting the existing structure at that time.
15. The owner shall comply with Chapter 681 of the City of Toronto Municipal Code ("Chapter 681") in respect to the discharge from the site of groundwater and other water originating from a source other than the City water supply (hereinafter referred to as "Private Water").
16. The owner acknowledges that the discharge of Private Water from the site to City sewage works is prohibited by Chapter 681, subject to any exemption and the extent of same that may be granted by the General Manager of Toronto Water in accordance with Chapter 681.
17. Prior to the registration of the Plan of Condominium, the owner shall disclose any obligations of the owner in respect to the discharge of Private Water in the Condominium Declaration including wording that identifies all obligation related to the discharge of Private Water under and pursuant to Chapter 681.
18. Prior to the registration of the Plan of Condominium, submit a copy of the relevant section(s) of the proposed Condominium Declaration that disclose(s) the obligations of the owner in respect of the discharge of Private Water to a City sewer pursuant to Toronto Municipal Code Chapter 681, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
19. The owner is responsible for maintenance of the irrigation system within the City's right-of-way.
20. Prior to the registration of the Plan of Condominium, submit an application to Toronto Water (Environmental Monitoring & Protection) for any permanent dewatering system that is required for the building and enter into an agreement and/or permit to discharge groundwater as required by the General Manager, Toronto Water.



21. The Owner shall file with the Director of Community Planning, North York District, a fully executed copy of Certification from the applicant's solicitor that:

- a) the Parties have entered into a Cost Sharing Agreement with respect to the shared services and/or any other shared facilities; and
- b) the Cost Sharing Agreement designates an owner who will be the person responsible in the case of any issues regarding the shared services, including but limited to issues arising with respect to the City of Toronto Municipal Code Chapters 681 and 851 (the "Person of Responsibility"). The Certification shall further indicate:
  - i. Who the Person of Responsibility is;
  - ii. The contact information for the Person of Responsibility; and
  - iii. That the Cost Sharing Agreement contains a clause requiring the Person of Responsibility to maintain up-to-date contact information with the General Manager, Toronto Water.

### **URBAN FORESTRY**

- 22. The Project shall be developed and maintained in accordance with the approved plans and conditions of approval as well as Building Permit and Tree Permit(s)/Approvals. Any proposed revisions/alterations to the approved plans or permits that affect trees must be approved by urban Forestry, on behalf of the General Manager of Parks, Forestry & Recreation.
- 23. The Owner shall provide a two-year renewable guarantee for all new tree plantings within the City road allowance and shall notify the Supervisor of Urban Forestry, Tree Protection & Plan Review in writing, of the planting date prior to planting. This date is used to establish the anniversary date of the required two-year renewable guarantee.
- 24. The Owner shall maintain all new tree plantings within the City road allowance in good condition. Trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees.
- 25. The Owner shall be responsible for the maintenance or replacement of all new tree plantings within the City road allowance if during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement. The Owner will be responsible for rectifying the problem as determined by and to the satisfaction of the General Manager of Parks, Forestry & Recreation.
- 26. The Owner shall maintain all newly planted trees within the City road allowance in good condition and shall provide an additional two-year renewable guarantee for new trees that are in poor condition that require replacing.

### **CITY PLANNING – Guy Matthew Phone # (416) 395-7102**

- 27. The Owner and the City agree that in the event the \$3,000.00 cash contribution provided to the City for the purpose of landscaping the private property fronting the Legion building located at 6 Spring Garden Avenue has not been used for the intended purpose



within three years of entering into a site plan agreement, the cash contribution will be returned to the Owner.

### **TORONTO TRANSIT COMMISSION**

28. Prior to the above grade permit being issued, the owner shall provide its solicitor's undertaking to the TTC in the form of a solicitor's letter, advising that an Interferences Warning similar to the warning clause noted in the Advisory Comments and Approvals section C.2 of the TTC's letter correspondence dated July 28, 2017, has been included in all applicable Offer(s) of Purchase and Sale, the Condominium Declaration, Leases and/or Rental Agreement(s) to ensure that future occupants are aware and accept the impacts of the possible Interferences.

29. The owner is required to provide a copy of all applicable parcel registers for the subject property and a copy of any instrument registered, and not discharged, on any applicable parcel register for the subject property to which the City or TTC is a party.

The site plan agreement will be prepared by Legal Services once the required revisions have been made. They will forward it to you for your execution and return to the City.

Please find attached advisory comments to assist you with your application.

Attached is a copy of the standard form letter of credit required by the City of Toronto. We have found in the past that the failure of applicants to provide the City with a letter of credit in the proper format has resulted in the City's Finance Division rejecting the letter with a resulting delay in the issuance of building permits. Please ensure that the letter of credit follows the format and content verbatim of the sample letter.

Should you have any questions, please contact Guy Matthew, Senior Planner at (416) 395-7102.

Yours truly,

Joe Nanos  
Director, Community Planning,  
North York District

\_\_\_\_\_  
(date)

Attachment 1: Site Plan Advisory Comments  
Attachment 2: Sample Letter of Credit  
Attachment 3: Comments from Toronto Water, Environmental Monitoring and Protection Unit, June 15, 2017

cc: Rosedale Developments Inc., 90 Tiverton Ave Suite 200, Markham ON L3R 9V2  
Manager, Plan Examination, Toronto Building  
Manager, Engineering and Construction Services  
Supervisor of Law Clerks, Planning & Administrative Tribunal Law, Legal Services



**ATTACHMENT: 1****SITE PLAN ADVISORY COMMENTS**

1. The owner is advised that the Green Roof By-law (By-law No. 583-2009) (Chapter 492 of the City of Toronto Municipal Code) including Article IV the Toronto Green Roof Construction Standard, may be applicable to the proposed development.
2. The owner shall sign and adhere to the "Municipal Infrastructure Agreement" document.
3. The owner is required to provide all financial security for all work within the City's right-of-way.
4. The owner is required to pay an engineering review fee of five percent of the estimated construction cost of the required work within the right-of-way.
5. The boulevards across the site frontages of Yonge Street, Spring Garden Avenue and Hollywood Avenue shall be designed in accordance with the Streetscape Manual Standard Dwg. #P-s14, Yonge Street North Treatment with the Special Pattern of Granite Pavers.

The owner shall deposit, prior to site plan approval, a letter of credit or certified cheque with Engineering and Construction Services for the estimated cost of construction and a certified cheque for the five percent engineering review fee for the following works:

- a) Construction of the boulevards and curbs across the site frontages of Yonge Street, Spring Garden Avenue and Hollywood Avenue in accordance with the Streetscape Manual Standard Dwg. #P-s14, Yonge Street North Treatment with the Special Pattern of Granite Pavers.
- b) Construction of the layby on Hollywood Avenue and Spring Garden Avenue.

The above works shall be constructed by the owner any time after final Site Plan approval, provided all necessary arrangements with Engineering and Construction Services for work on the City's right-of-way have been satisfied.

6. The owner will be required to obtain approval from the Transportation Services Division for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section, North York District at (416) 395-6221.
7. The owner will be required to make an application to the Toronto Water Division for the installation of any proposed services within the right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact District Operations, Toronto Water at 311 or (416) 392-CITY(2489).
8. The owner will be required to provide the City with a Construction Management Plan outlining the following:
  - a) Dust/mud control on- and off-site;
  - b) Location of truck loading points and trailer parking;



- c) Location of temporary material storage areas;
- d) Access/truck routing;
- e) Provision of hoarding, temporary fencing and covered walkways;
- f) Location and extent of aerial crane operations; and
- g) Parking for construction trades

for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section, North York District at (416) 395-6221.

The owner is advised that they cannot use the municipal right-of-way for construction-related purposes without first receiving written authorization from the Right-of-Way Management Section, including the payment of any necessary fees.

9. The owner is advised to contact Mr. John House, Property Records Supervisor, Survey and Utility Mapping Services at (416) 392-8338 to obtain or verify new municipal addresses prior to submitting a building permit application. It should be noted that all addresses parcels and structures must have the correct municipal addresses posted. Please see <http://www.toronto.ca/mapping/numbers/index.htm> for details.
10. Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management Section of Transportation Services. The owner is required to contact the section through the permit approval process to obtain the exact particulars of these requirements. For further information, please contact the Right-of-Way Management Section, North York District at (416) 395-7112.
11. The owner must obtain approval from Toronto Hydro Street Lighting Incorporated before removing and/or relocating any utility with attached municipal street lighting.
12. The owner is advised that approval is required for all work that will be carried out within the abutting public rights-of-way, which may include but not be limited to financial responsibility for removal or relocation of existing street furniture (transit shelters, benches, litter bins, bicycle locking rings, etc.). The owner must contact Street Furniture Management to co-ordinate the removal or relocation of Astral street furniture or bicycle locking rings. These are Third Party costs associated with the removal and relocation of Astral street furniture and costs to remove the City of Toronto bicycle locking ring(s). The City will not undertake any work associated with removing, reinstalling or relocating existing street furniture until it receives payment. If clarification is required on how the above standards will apply to this site, the owner can contact the Street Furniture Management Unit at [streetfurniture@toronto.ca](mailto:streetfurniture@toronto.ca).
13. Discharge of private water (including but not limited to groundwater, construction wastewater etc.) directly or indirectly into the City's sewage works is prohibited under Toronto Municipal Code (MCC) Chapter 681 – Sewers unless the subject property has obtained discharge approval in the form of an Agreement under MCC 681-6 from Toronto Water, Environmental Monitoring and Protection Unit.
14. The owner shall coordinate with the City and external agencies regarding relocation of existing utilities as a result of sidewalk and driveway construction.



15. Rogers Communications has buried plan facilities in the area. The standard depth of the trench line is one metre. The applicant should proceed with caution when installing new infrastructure.
16. The applicant is responsible for any damage to Rogers Cable. Locates are required to mark-out actual locations. Stake-outs can be arranged by calling 1-800-400-2255.
17. The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The actual amount of cash-in-lieu will be determined at the time of issuance of the building permit.
18. An application shall be submitted to Toronto Fire Services prior to occupancy for approval of the fire access route as required by Chapter 880 of the City of Toronto Municipal Code.

#### **TTC ADVISORY COMMENTS AND ADDITIONAL INFORMATION**

19. The owner is advised that landscaping adjacent to the Yonge Subway line must not interfere with subway operations and ongoing maintenance of the subway system. For example, tree species' roots that may undermine the retaining wall will not be permitted. The owner is also advised to consider how the weight of the plants may impact TTC infrastructure below grade and adjust their designs accordingly.
20. The owner is required to maintain a 3-metre setback from TTC infrastructure, including any shoring.
21. A Technical Review circulation takes approximately 4-6 weeks for each circulation. Complex projects may require multiple circulations and the circulation process may be more protracted.
22. In order to allow the TTC to perform the Technical Review without undue delay to the development, the owner should contact the TTC as early in the design process as possible. The contact person for this Technical Review is Roxanne Lypka, Development Officer of TTC Property Development, who can be reached at 416-590-6955.

## ATTACHMENT: 2

**(PRINTED ON BANK LETTERHEAD)****IRREVOCABLE STANDBY LETTER OF CREDIT**

Beneficiary: City of Toronto	Issue Date:
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Letter of Credit Number:	Credit Amount (Canadian Funds):	Initial Expiry Date: <b><u>(12 months following issue date)</u></b>
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<p>We hereby authorize you, the City of Toronto, to draw on <b><u>(Bank name, address and branch)</u></b> (the "Bank") for the account of <b><u>(customer name and address)</u></b>, (the "Customer") up to an aggregate amount of \$ _____ Canadian Dollars (the "Credit Amount") available on demand up to <b><u>(date)</u></b> (the "Initial Expiry Date") or a subsequent anniversary date, and is hereby given to you pursuant to an agreement between the City of Toronto, and <b><u>(name of customer)</u></b>, made in connection with approval of Site Plan Application [list application number] (the "Agreement").</p>
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Pursuant to the request of the Customer, the Bank hereby establishes in your favour and gives to you an Irrevocable Standby Letter of Credit in the Credit Amount on which you may draw in whole or in part at any time and from time to time, subject to the terms herein.

A drawing under this Letter of Credit shall be made by you presenting to the Bank, at the address noted below, a demand in writing authorized by the City Treasurer or delegate.

Partial drawings are permitted.

**Upon receipt of said demand, the Bank shall pay to you the amount stated in the demand, to be payable to you without inquiring whether you have a right as between yourself and the Customer to make such demand, and without recognizing any claim of the Customer or objection by the Customer to payment by the Bank.**

This Letter of Credit will continue up to the Initial Expiry Date but shall be subject to the condition that it shall be deemed to be automatically extended without amendment for one year from the present or any future expiration date hereof, unless 60 days prior to any such expiration date the Bank notifies you by notice in writing delivered to the City of Toronto at the address noted below by registered mail that it shall not renew this Letter of Credit for any such additional period. Upon receipt by you of such notice, you may draw hereunder, for the available balance of this Letter of Credit by presenting a written demand together with confirmation that the amounts drawn will be retained and used by you to meet obligations incurred or to be incurred in connection with the Agreement. The demand must be authorized by the City Treasurer or delegate.



Bank Name: \_\_\_\_\_ Countersigned: \_\_\_\_\_

Address: \_\_\_\_\_ Countersigned: \_\_\_\_\_

### ADDRESS FOR NOTICE

1. NOTICE TO BANK

(bank to insert full address and contact information)

2. NOTICE TO CITY OF TORONTO

City of Toronto  
Corporate Finance Division, Capital Markets  
City Hall, 7<sup>th</sup> Floor, East Tower  
100 Queen Street West  
Toronto, Ontario, M5H 2N2

### **Attachment 3: Comments from Toronto Water, Environmental Monitoring and Protection Unit, June 15, 2017**

Site: **4917-4975 Yonge Street**

Toronto Water, EM&P: June 15, 2017

Toronto Water, Environmental Monitoring and Protection Unit (EM&P) has reviewed the following documents:

- Functional Servicing and Stormwater Management Report by Masongsong Associates Engineering Limited dated June 2016
- Hydrogeological Assessment Report by HADDAD Geotechnical Inc. dated April 30, 2016 (appended to above report)
- Site Servicing and Grading Plan (Drawing No. SGR-1) by Masongsong Associates Engineering Limited dated Feb 13, 2017

#### **Comments:**

##### **1. Site Description**

Comment #1 dated January 12, 2017 was not addressed. Please see comment repeated below:

Confirm if the proposed building (Building C) will have its independent Private Water Drainage System that will not connect to any other Private Water Drainage System of other buildings. If different, provide description.

##### **2. Hydrogeology Report**

Comment #2a and #2b dated January 12, 2017 was not addressed. Information regarding groundwater quantity has not been provided. Please see comment repeated below:

Hydrogeological Assessment Report by HADDAD Geotechnical Inc. dated April 30, 2016 did not provide information regarding groundwater quantity. The Property Owner shall provide supporting documents addressing the following:

##### **a. Construction Dewatering**

Provide the Total Volume (L/day) of private water for the proposed development during construction dewatering phase. The Property Owner shall provide explanation on how groundwater will be managed during construction dewatering phase.

**Note:** Discharge of Private Water (including but not limited to groundwater, construction wastewater, etc.) directly or indirectly into City's sewage works is prohibited under Toronto Municipal Code (MCC) Chapter 681 – Sewers, unless the subject property has obtained discharge approval in form of Agreement under MCC 681-6 from Toronto Water, Environmental Monitoring and Protection Unit.

##### **b. Permanent Drainage**

Provide the Total Volume (L/day) of groundwater at the subject property post-construction.

c. (Additional) – The Proper Owner shall provide a revised Hydrogeology Report containing information that addresses Comment #2a and #2b above.

##### **3. Functional Servicing Report**

Comment #3a dated January 12, 2017 was not addressed. Please see comment repeated below:

a. Further to above Comment #2b – Functional Servicing and Stormwater Management Report by Masongsong Associates Engineering Limited dated June 2016 stated "peak groundwater seepage is



determined to be in a flow volume of less than 5,000L/day (or 0.058L/s)." Provide information on how this volume quantity was calculated.

#### 4. Private Water Drainage System

**Note:** Discharge of groundwater directly or indirectly into City's sewage works is prohibited under Toronto Municipal Code (MCC) Chapter 681 – Sewers, unless the subject property has obtained discharge approval in form of Agreement under MCC 681-6 from Toronto Water, Environmental Monitoring and Protection Unit.

Comment #4a dated Jan 12, 2017 was not addressed. Please see comment repeated below:

As the Property Owner wishes to have Private Water Drainage System and discharge groundwater to City's sanitary sewer, the following shall be provided:

a. The Property Owner shall submit an application to Toronto Water, Environmental Monitoring and Protection Unit (EM&P) and obtain discharge approval in form of Sanitary Discharge Agreement.

**Note:** As more than one legal entity will be formed, the legal entity who will assume the responsibilities for the service connection through which discharged groundwater will occur, shall also assume responsibilities of the Private Water Drainage System. The legal entity which assumes the responsibilities of Private Water Drainage System must comply with Toronto Municipal Code Chapter 681 and Chapter 851.

#### b. Groundwater peak flow rate

Comment #4b was not fully addressed. Clarification regarding groundwater pump peak flow rate was not provided. Please see revised comment below:

The Property Owner shall ensure to provide peak flow rate for groundwater discharge from the groundwater sump pumps into the City sewer as designed by the Mechanical Consultant based on the proposed pump schedule. This data is required for assessing capacity for the peak discharge flow into the City's sewer system. The groundwater peak discharge flow rate shall be incorporated into calculations on revised Functional Servicing Report.

Pump schedule or Letter by Mechanical Consultant shall be provided, confirming the proposed groundwater pump peak flow rate. Ensure it is signed and stamped by Professional Engineer of Ontario (Mechanical). Refer to letter template attached.

## PWDS – Letter by Mechanical Consultant

[Mechanical Consultant Company Letterhead]

[Company Name]

[Company Address and Contact Information]

[Date]

**Attention:** Executive Director, Engineering and Construction Services  
c/o Manager, Development Engineering  
[ADDRESS]

**Cc:** General Manager, Toronto Water  
c/o Manager, Environmental Monitoring and Protection Unit  
30 Dee Ave, Toronto ON M9N 1S9

Dear Sir or Madam,

This letter is to confirm that groundwater from the Private Water Drainage System [Description] will be collected and discharged into the [SANITARY OR STORM] control manhole of the Site located at [MUNICIPAL ADDRESS].

The groundwater sump pumps will be sized at [XX L/sec] (groundwater peak flow rate) and are expected to run approximately [XX hours per day].

This peak flow rate will be used for assessing capacity for the peak discharge flow into the City's [SANITARY OR STORM] sewer system.

Once the proposed groundwater peak flow rate of [XX L/sec] is approved by Engineering Construction Services (ECS), City of Toronto at the [ZONING/RE-ZONING] stage, the property owner will not be allowed to amend this flow rate in the future. Should there be any amendment to the peak flow rate of [XX L/sec] in future, the property owner shall re-submit either the updated pump schedule or a revised letter to ECS. In addition, the sewer capacity will need to be re-assessed.

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Stamp