

Authority: North York Community Council Item 26.41,
as adopted by City of Toronto Council on May 25, 26 and 27, 2009
Enacted by Council: May 27, 2009

CITY OF TORONTO

BY-LAW No. 582-2009

To adopt Amendment No. 91 to the Official Plan of the City of Toronto in respect of lands located at the southeast corner of Yonge Street and Sheppard Avenue, municipally known as 4759 - 4789 Yonge Street.

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

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

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

1. Amendment No. 91 to the Official Plan of the City of Toronto in respect of lands located at the southeast corner of Yonge Street and Sheppard Avenue, municipally known as 4759-4789 Yonge Street, consisting of the attached text, and the map designated as Schedule '1', is hereby adopted.

ENACTED AND PASSED this 27th day of May, A.D. 2009.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

AMENDMENT NO. 91

**TO THE OFFICIAL PLAN OF THE CITY OF TORONTO IN RESPECT OF LANDS
LOCATED AT THE SOUTHEAST CORNER OF YONGE STREET AND SHEPPARD
AVENUE, MUNICIPALLY KNOWN AS 4759-4789 YONGE STREET**

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

Clause 1

Chapter Six, Section 8 (North York Centre Secondary Plan) is amended by modifying Site Specific Policy 19 in Section 12, North York Centre South Site Specific Policies, as follows:

1. Section 12.19(a) is revised to read as follows:

The lands shown as 19 on Map 8-12 are designated *Mixed Use Area A* and are assigned a maximum density of 4.5 times the lot area plus available density incentives and density transfers. The density from any part of the lot acquired by the City following approval of this site specific policy will remain on the balance of the lot without transfer. Despite the *Mixed Use Area A* designation, with the provision of at least 6,200 square metres of retail space and at least 23,000 square metres of office space, residential uses are also permitted on these lands, subject to the density limits and other policies contained in this Secondary Plan. Road requirements associated with the development of this site in order to achieve its planned density and use will be prescribed by the traffic certification described in Section (b)(i) of this site specific policy.

2. Section 12.19(b)(iv) is deleted and Section 12.19(b)(v) is renumbered 12(b)(iv).
3. The following sections are added after Section 12.19(c):
 - (d) Despite the provisions of Section 6.7(b) and (d), rooftop podium recreational area may be included in the calculation of the private outdoor recreational space requirement.
 - (e) Any redevelopment of these lands will provide two continuous indoor pedestrian connections from the development to the transit terminal at Yonge Street and Sheppard Avenue, one at the southern end of the lands (the “south pedestrian connection”) and another at the northern end of the lands (the “north pedestrian connection”). The proportional offset specified in Section 3.3(d) will apply to the total cost of providing both pedestrian connections, subject to Section (f) below.
 - (f) The cost of providing the north pedestrian connection is anticipated to greatly exceed the cost of providing the south pedestrian connection due to extraordinary construction complications resulting from existing transit facilities at the Yonge-Sheppard interchange. In this circumstance, the difference in costs between the north and south pedestrian connections will be deducted from the total cost of providing both connections for purposes of calculating the applicable proportional offset specified in Section 3.3(d). In addition, those costs resulting

from providing the north pedestrian connection that exceed the costs of providing the south pedestrian connection will be fully offset against the monetary contribution specified in Section 3.3, up to the amount of the contribution payment otherwise due.

- (g) Despite the provisions of Section 3.3, the gross floor area of all retail spaces directly accessible from the street is exempted from the calculation of gross floor area.
- (h) Despite the provisions of Section 5.3.3(c), retail uses at grade along the Sheppard Avenue frontage are not required.
- (i) Pursuant to Section 5.4.2 of this Secondary Plan, two point towers with maximum building heights of 115 metres and 155 metres are permitted on the lands at the locations identified on Map 8-8d.
- (j) The City will take appropriate measures to secure construction of the commercial uses of the development, including setting out performance standards in the zoning by-law and entering into an agreement with the landowner under Section 37 of the *Planning Act*.
- (k) The use of Section 37 in this policy is for the purpose of implementing the goals and objectives of this Secondary Plan, which include providing a diverse range of residential, office and service commercial uses at appropriate locations in the North York Centre, within the constraints imposed by available infrastructure. The provision of a mixed use project that conforms to the density limits specified for the site, and includes substantial office and retail uses directly accessible from both the street and the Yonge and Sheppard transit terminal, supports these goals and objectives.

Clause 2

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

Clause 3

Figure 4.3.1 (Long Range Development Levels) of the North York Centre Secondary Plan is amended to decrease the North York Centre South Non-Residential Gross Floor Area (and relevant totals) by 38,913 square metres and to increase the North York Centre South Residential Gross Floor Area (and relevant totals) by 38,913 square metres.

Clause 4

For greater certainty, all provisions of the North York Centre Secondary Plan and all other relevant provisions of the City of Toronto Plan not yet applicable to the lands shown as 19 on Map 8-12 will be brought into force concurrently with this site specific amendment.

SCHEDULE '1'

