

4050 Yonge Street– Official Plan Amendment & Rezoning Application – Final Report

Date:	June 1, 2011
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	10 167159 NNY 16 OZ

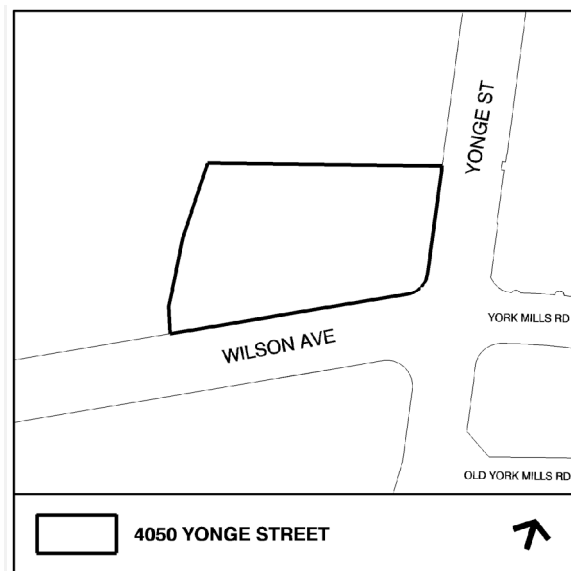
SUMMARY

The applicant is proposing to amend the Official Plan and Zoning By-law in order to develop the subject site with a 7-storey office building.

The development would have a total gross floor area of 44,669 m² (480,800 ft²), including 34,400 m² (370,300 ft²) for office use, 5,577 m² (60,000 ft²) for retail, restaurant and cafe uses, and the remaining for bicycle parking, mechanical/storage rooms and a TTC entrance lobby. There would be 371 vehicular parking spaces provided within 3 levels of below grade parking with access from Wilson Avenue.

The proposed Official Plan and Zoning By-law amendments would allow for the appropriate development of this property at the intersection of two major streets located at a transit station within a *Mixed-Use Areas* designation in the Official Plan. The proposed increase in height and density, and associated development standards, would allow for an appropriate office development suitably located within its surrounding context. Portions of the subject property are also being removed from applicable 'Low Lot' By-laws which prohibit development on low lying lands.

This report reviews and recommends approval of the application to amend the Official Plan,



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the lands at 4050 Yonge Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7.
2. City Council amend former City of North York Zoning By-law No. 7625 for the lands at 4050 Yonge Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft amending By-laws as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. Prior to the release of above grade permits, provide a cash contribution of \$1,500,000, which is to be used for the following:
 - (i). Upgrades to the existing transit passenger pick-up and drop-off parking area along Old York Mills Road;
 - (ii). Path and trail improvements/connections within the West Don River Valley area adjacent to the site, York Mills Park and York Mills Valley Park; and
 - (iii). Parks improvements to Woburn Park, Brookdale Park, Douglas Greenbelt and the establishment of a Village Square on Dunblaine Avenue.
 - ii. Require that the cash amounts identified above shall be indexed quarterly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City; and
 - iii. Provide and maintain public art pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the site.
 - b. The following matters are also to be secured in the Section 37 Agreement as a legal convenience to support development:

- i. The owner is required to submit a Reference Plan for all or portions of the lands below the top-of-bank, to the satisfaction of the Toronto and Region Conservation Authority, and convey all or portions of the subject site below top-of-bank to the Toronto and Region Conservation Authority; and
 - ii. The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption item PG32.3 of the Planning and Growth Committee.
5. Before introducing the necessary Bills to City Council for enactment:
 - a. Require the applicant to enter into a Site Plan Agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act; and
 - b. Require the applicant to submit a letter of credit in the amount of \$300,000 in order to secure improvements to the existing sanitary sewer, to the satisfaction of the Executive Director of Technical Services.
6. City Council amend former City of North York By-law Nos. 9813 and 9896 substantially in accordance with the draft By-law Amendment attached as Attachment No. 9
7. Before introducing the necessary Bills to City Council for enactment, require that the owner enter into an agreement with the City to secure Technical Services conditions related to the removal of portions of the property from By-law Nos. 9813 and 9896, to the satisfaction of the City Solicitor and the Executive Director of Technical Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The application was received on April 30, 2010 and on June 22, 2010 North York Community Council received a Preliminary Report on the Official Plan and Zoning By-law Amendment application. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillors for Wards 16 and 25 with an expanded notice area, notice for the public meeting be given according to regulations under the *Planning Act*, and Toronto and Region Conservation Authority issues and ravine protection be included as an issue to be resolved.

The Preliminary Report is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.NY35.57>

City Council at its meeting on February 7th and 8th, 2011, considered a motion for the "Joint Review of Development Application for 4050 Yonge Street". City Council directed that the applicant for 4050 Yonge Street have a final meeting with the Councillors of Ward 16 and Ward 25 to discuss the remaining community issues and develop a mutually acceptable resolution to those issues, and that City Council not consider the development until the meeting has taken place to the satisfaction of the Councillors of Ward 16 and 25.

The applicant met with the local Ward Councillor and adjacent Ward Councillor on May 18, 2011 to discuss outstanding community issues. City Planning has been advised that the Councillor's concerns have been appropriately addressed.

The City Council adopted motion is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.MM3.5>

ISSUE BACKGROUND

Proposal

The applicant is proposing to develop the subject site with a 7-storey office building with various roof heights ranging from 26 metres (85 feet) along Wilson Avenue to the tallest portion of the building being the solar chimney with a height of 39.2 metres (129 feet) along Yonge Street (Attachment 3). The purpose of the solar chimney is to provide fresh air to occupants and reduce energy used for heating and ventilation. Also proposed is a green roof on the 6th and 7th floors and an atrium incorporated into the centre of the building to provide natural light.

The development would have a total gross floor area of 44,669 m² (480,800 ft²), including 34,400 m² (370,300 ft²) for office use and 5,577 m² (60,000 ft²) for retail, restaurant and cafe uses, and the remaining for bicycle parking, mechanical/storage rooms and a TTC entrance lobby. Level 1 and the mezzanine would contain a mix of uses while offices would be the predominant use on levels 2-7.

A total of 371 parking spaces and 4 loading spaces would be provided within a 3 level below grade parking garage accessed from Wilson Avenue. The development would include 134 bicycle parking spaces distributed between P1 (126 spaces) and at grade (8 spaces). The existing underground connection to the York Mills Subway Station would be maintained and accessible from within the proposed building. The floor space index for this project would be approximately 5.4 times the total area of the site after excluding the ravine lands beyond the 10 metre top-of-bank.

The application has been revised since the original April 2010 submission in response to discussions with staff and the local residents. A summary of revisions is provided in the following table:

	April 2010 Original Proposal:	December 2010 Revised / Current Proposal:
Height (m)		
• Highest point of roof	37.5	32.9
• Solar chimney	43	39.2
Storeys	8	7
Floor Space Index	5.6x	5.4x
Gross Floor Area (m ²)	46,380	44,669
Vehicular Parking	231 spaces (2 levels)	371 spaces (3 levels)

For further project information please refer to the Application Data Sheet included as Attachment 6 to this report.

Site and Surrounding Area

The property is approximately 13,000 m² (140,000 ft²) in size and located at the northwest corner of Yonge Street and Wilson Avenue having street frontages of approximately 75 metres (246 feet) and 154 metres (505 feet) respectively. The property is currently used as a 260 space surface commuter parking lot and includes a TTC entrance building providing access to an underground tunnel connecting the west side of Yonge Street to the York Mills Subway Station and the York Mills GO Transit bus terminal on the east side of Yonge Street.

The intersection at Yonge Street is the boundary between York Mills Road (east of Yonge Street) and Wilson Avenue (west of Yonge Street). The intersection is situated in a valley sloping down from Highway 401 towards Wilson Avenue and York Mills Road.

Land uses surrounding the subject site are as follows:

North: Immediately north of the site is a naturalized portion of the Don Valley Golf Course and includes its service yard. North of this is the Yonge Corporate Centre, a collection of 3 office buildings.

South: South of the site across Wilson Avenue is York Mills Park a continuation of the natural area from the north. Further south at the top of the slope sits the “Four Thousand” an 8-storey residential condominium building. Directly southeast of the site is a Shell Gas Station and east of that is a 9-storey residential condominium building.

West: Don Valley River West Branch and the Don Valley Golf Course.

East: The York Mills Centre is located directly east of the site across Yonge Street which includes a multi-building office and retail complex.

Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council’s planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is located within a *Mixed Use Areas* designation within the Official Plan (Attachment #4). *Mixed Use Areas* are comprised of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Development criteria in *Mixed Use Areas* includes: creating a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community; locate and mass new 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; and take advantage of nearby transit services.

Official Plan Site and Area Specific Policy #90 applies to the subject property. This policy specifies that a maximum density of 2.0 times the lot area is permitted. It also includes a maximum building height, inclusive of superstructures, pipes and chimneys, of 163 metres (535 feet) above sea level, provided that the building height does not obstruct sight lines across the valley, from top-of-bank to top-of-bank.

The property is also located within the Natural Heritage System as identified on Map 9 of the Official Plan. Development is generally not permitted in the natural heritage system except where the underlying land use designation provides for development in or near the natural heritage system. In these cases development will: recognize natural heritage values and potential impacts on the natural ecosystem as much as is reasonable in the context of other objectives for the area; and minimize adverse impacts and when possible, restore and enhance the natural heritage system. All proposed development in or near the natural heritage system will be evaluated to assess the development's impacts on the natural heritage system and identify measures to mitigate negative impacts on and/or improve the natural heritage system.

The Toronto Official Plan is available on the City's website at:
www.toronto.ca/planning/official_plan/introduction.htm

Zoning

The subject property is zoned both Open Space Zone (O1) and Multiple-Family Dwellings Second Density Zone (RM2) in the former City of North York Zoning By-law No. 7625, as shown on Attachment #5. A mix of residential dwelling types are permitted within the RM2 zone and a variety of open space and recreational uses are permitted within the O1 zone.

Site Plan Control

An application for Site Plan Control Approval was submitted in December, 2010 and is being reviewed concurrently with this application.

Ravine Control & Tree Preservation

The property is located within the Ravine and Natural Feature Protection By-law area and is subject to the Private Tree By-law. The property abuts the Don Valley River West Branch and there are a number of trees that exist on or near the property. The application along with supporting materials has been reviewed by City Urban Forestry, Toronto and Region Conservation Authority and City planning staff (Natural Heritage).

Reasons for Application

The Official Plan's *Mixed Use Areas* designation permits the proposed uses as contemplated by the application. The Official Plan amendment is required in order to permit the development at the density and height being proposed, which is greater than that allowed in site and area specific policy #90.

An amendment to the Zoning By-law is required to permit the proposed office and associated commercial uses, as well as to establish appropriate performance standards to facilitate the proposal including minimum setbacks, maximum coverage, maximum height(s), parking ratios, and landscaping requirements.

Design Review Panel

The initial design for this proposal was presented to the Design Review Panel in September 2010 for review. The panel was generally pleased with the proposal and suggested that it should be refined. The following refinements were recommended by the Panel:

- Considering the valley setting, design should be refined to increase setbacks at the corner of Wilson Avenue and Yonge Street, and along Wilson Avenue west of Yonge Street, to improve the scheme's response to the context. In general, the setback along Yonge Street, together with the formal articulation, was considered appropriate.
- A greater set back along Wilson Avenue is needed to improve the pedestrian environment.
- The narrow width extension of the east retail space along Wilson Avenue does not appear viable.
- Consider an increased set back along Wilson Avenue to mitigate potential car/pedestrian conflicts at the parking garage entrance, to provide better animation of the street edge and visibility of the restaurant at the southwest corner.
- Consider elaborating the folded plane geometry of the south façade to increase the setback at the corner of Yonge Street and Wilson Avenue, as well as at the south western corner of Wilson Avenue and the forested valley.
- Consider setbacks in the masonry base beneath the glazed form to improve views of the valley from Wilson Avenue and to further integrate the built form and the landscape.
- Consider providing more street trees on the Yonge Street and Wilson Avenue street frontages, and more setback to do so.
- Research use of the 10m top-of-bank set-back as amenity space and determine if this prevented by TRCA regulation and ownership.

Community Consultation

City Planning was invited to an open house hosted by the local Ward Councillor and the adjacent Ward Councillor on June 3, 2010 and a workshop hosted by Build Toronto on November 24, 2010. Issues raised at these meetings are consistent with the issues identified in this Final Report.

A community consultation meeting was held by City Planning on January 12, 2011 and approximately 60 members of the public attended along with the applicant and their team, the local Ward Councillor and the adjacent Ward Councillor.

The following issues were raised at the community consultation meeting:

- Adequacy of the proposed vehicular parking supply and loading spaces;
- Impacts of additional traffic on the surrounding area;
- Desire for affordable commuter parking being available;
- Maintain transit pick-up and drop-off area on site;
- Concern that more expensive parking would result in vehicles parking on residential streets within the area and residents did not want this problem resolved with parking restrictions on streets that would negatively impact them;
- Appropriateness of the proposed height and density;
- Desire for site to remain as a commuter parking lot;
- Desire for building to be environmentally efficient and for site landscaping to include year round vegetation;
- Impact of adjacent watercourse and flooding on proposed development;

- Appropriateness of other uses included within the development besides office use and potentially the Toronto Transit Commission as a tenant; and
- Some residents complimented the building and wanted to ensure that the developer builds what was shown on plans and drawings to the community.

Additional issues raised from letters and e-mails received by Planning include: desire to increase the building's setbacks especially along Yonge Street; ensure that the building's scale, massing and materials are sensitive to the character of the surrounding area; and a desire to see final building materials and colours used that would soften the building so that it blends with its natural surroundings.

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

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The site is designated *Mixed Use Areas* within the Official Plan and is proposed to be developed with suitable standards to facilitate appropriate intensification and development of an underutilized site.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It introduces an office use and intensifies lands within a Built-Up Area, which can appropriately accommodate this form of development. Additionally, the subject lands are located along a major transit station.

Land Use

The proposed office and commercial uses are provided for by the *Mixed Use Areas* designation of the Official Plan. The proposed development, containing predominantly offices along with other uses such as retail and commercial, reflects the Plan's objectives by providing for new jobs for Toronto's growing population on underutilized lands; providing for an attractive, comfortable and safe pedestrian environment; and taking advantage of nearby transit services. The proposed uses are appropriate. The draft Zoning By-law permits a number of additional uses such as cafes, restaurants and retail which would provide an appropriate and suitable mix within the proposed development.

Height and Massing

Site Specific Policy #90 in the Official Plan limits the maximum building height on this site to 163 metres above sea level (A.S.L.), which corresponds to a building height of approximately 30 metres above grade. The proposed development at 7-storeys has varying roof heights with the majority of the building generally complying with, or less than, the maximum height permitted within the Official Plan (Attachment 3).

The proposed building height is appropriate. The majority of the building at 7-storeys and approximately 30 m above grade exceeds the height limit by 0.25m (0.8 ft). The height along Wilson Avenue at 26 m is below the maximum height. The portions of the building that exceed the height maximum are the "clerestory" located within the centre of the roof (32.9 m) and the "solar chimney" along Yonge Street (39.2 m). The clerestory is setback a minimum of 13m from

Yonge Street and a minimum of 20 m from Wilson Avenue with 6 and 7-storey stepbacks to the clerestory limiting its visual presence from street level. The solar chimney is a relatively small component of the overall roof fronting along Yonge Street. Both the clerestory and solar chimney are not part of the usable gross floor area of the building but are rather design elements and assist with environmental sustainability of the building by providing fresh air and light to occupants and reducing energy used for heating and ventilation.

The current proposal has been revised from the original proposal by decreasing the height from 8 to 7-storeys and decreasing the overall various roof heights. The proposed building height is in keeping with that of buildings within the surrounding intersection. The existing York Mill Centre across Yonge Street to the east has a comparable height at 161 metres A.S.L. or approximately 29 metres from grade and the 9-storey condo at the south-east corner of the intersection has a height of 161.5 metres and approximately 29 metres.

The proposed Official Plan Amendment increases the height limit of 163 metres to 163.3 metres A.S.L and allows for elements such as the clerestory and solar chimney to exceed the height maximum. The proposed height increase is appropriate and in keeping with that of the surrounding area.

The proposed building has been massed to frame the edges of both Yonge Street and Wilson Avenue at the upper levels while recessing the building back along the street frontages at grade to allow for sufficient setbacks and an expanded public realm. The building was originally setback at grade approximately 2 m along Wilson Avenue and 0 m along Yonge Street in certain areas. The proposal has since been revised increasing the at grade setbacks to a minimum of 3.1 m along Wilson Avenue and 3 m along Yonge Street (Attachment 8). The recessed building at grade allows for pedestrian circulation, creates appropriate public space and landscaped amenity at a busy and prominent street corner. Pedestrians can travel in a weather protected environment along both street frontages connecting to paths around the north and west sides of the building. This is consistent with the recommendations from City staff and the Design Review Panel (DRP).

The main entrance to the building is appropriately located at the corner of Yonge Street and Wilson Avenue and the corner is animated with a generous lobby, retail space and the solar chimney. The main floor adjacent to Yonge Street also incorporates access to the York Mills Subway Station. The ground floor has been setback 4.9 metres along the north property line along the east end of the site where there is additional access to the building and TTC lower levels with an increased view of the natural area to the north.

The longest portion of the building is massed along Wilson Avenue. The mass of the building has been articulated by stepping the upper levels of the building back from Wilson Avenue as shown on the roof plan (Attachment 3). Additionally, a "crinkle" has been incorporated into the façade of the building along the west end and the building was setback at grade along the western most edge of the building to increase visibility of the ravine area to the west consistent with DRP suggestions.

Density

The site specific Official Plan policy permits a maximum density of 2.0 times the area of the lot, whereas the proposed density for this development is 5.4 times the area of the lot. The height and massing of the development, setbacks, public realm elements and overall development standards result in an appropriate development that fits this location. The proposed increased density at this site at the corner of two major streets within a *Mixed Use Areas* designation,

located above a TTC subway station and across the street from the York Mills Bus Terminal is appropriate.

Shadow Impact

The applicant submitted a shadow impact study for the original 8-storey version of the development and staff were satisfied with the level of shadowing that would occur on other nearby properties, streets and open spaces. Staff have therefore not requested a revised shadow study for the revised building with a reduced height at 7-storeys.

Traffic Impact, Access, Parking and Loading

An Urban Transportation Considerations report was submitted by the applicant in support of the proposed development. This report indicates the development would generate a total of 190 vehicular trips during the AM peak period and 160 during the PM peak period. The proposed traffic generated is not expected to have a significant impact on the nearby intersections or road network. Transportation Services agrees with this assessment.

There is one vehicular driveway access to the site and it is proposed to be located on Wilson Avenue approximately 72 metres west of Yonge Street. The access is currently proposed to be 14.6 metres wide and Transportation Services has requested that it be reduced to 10.8 metres in width which would accommodate two outbound lanes, left and right, and an inbound lane. The entrance width will be revised through the site plan process. There are 4 loading spaces proposed as part of this development which are located in an internal service area within the building sharing this driveway access. Service vehicles would turn around within the service area and exit the site in a forward motion with no loading taking place from Wilson Avenue. The driveway access to the site is appropriately located.

Recommended parking rates by Transportation Services have been secured as part of the draft Zoning By-law (Attachment 8). The applicant is proposing a total of 371 parking spaces, which meets the minimum requirements of 306 spaces and is within the maximum of 658 parking spaces. Of the 371 parking spaces proposed there are 25 identified as small car parking spaces. These small car parking spaces will not be recognized as part of the Zoning By-law. However, the proposed parking will continue to meet the minimum requirement of 306 if these spaces are excluded. As part of the Toronto Green Standard, any additional parking spaces over the minimum requirement must be provided with roughed-in conduits for electric vehicles or dedicated priority parking spaces.

The applicant's consultant surveyed the parking lots in the local area to determine whether sufficient parking is available for public use, reviewed TTC customer surveys, reviewed the cost of parking in the area and surveyed on-street parking on local neighbourhood streets. The consultant conducted these surveys during the closure of the existing TTC commuter parking lot on this site between May 2010 and December 2010. Based on the results of the parking surveys, the parking lots in the local area will have sufficient parking to accommodate for the public's use if the existing parking lot is closed. The on-street parking survey indicated that there was some modest increase in on-street parking on Sandringham Drive when the lot was closed. If this persists and creates traffic problems to the local neighbourhood, parking enforcement may be increased. Build Toronto indicated that public parking on-site will be available during the evenings and on weekends. Way-finding and signage will be incorporated on the parking plans as part of the site plan review process.

The existing TTC commuter parking lot operates as a 'Pay and Display' and gates are not provided at the driveway access to restrict access. Vehicles have the ability to pick-up and drop-

off passengers in this parking lot. The community was concerned that vehicles would pick-up/drop-off transit passengers on Yonge Street or Wilson Avenue if this informal pick-up/drop-off was eliminated. To address this concern, the applicant's Transportation Consultant suggested 3 options which included: a lay-by on Wilson Avenue immediately abutting the subject site, introduce a passenger pick-up by "cell phone" waiting area at the Toronto Parking Authority (TPA) Lot #414 (Jolly Miller Lot) and/or improvements to the existing passenger pick-up/drop-off on Old York Mills Road.

Transportation Services staff have reviewed the various options and supports the proposal to improve the existing drop-off/pick-up on Old York Mills Road. Transportation Services are exploring angled parking and a lay-by on the south side of Old York Mill Road and an additional lay-by on the north side of Old York Mills Road. This option will have a minimal impact on the park on the south side of Old York Mills Road. Transportation Services staff will have discussions with Parks, Forestry and Recreation staff to review this option further. Part of the Section 37 contribution for this development would pay for the improvements to this pick-up/drop-off area.

Technical Services Division is recommending that 123 bicycle parking spaces of which 71 are short-term (visitors) and 52 are long-term (occupant) be provided. The applicant is proposing a total of 134 bicycle parking spaces of which 73 are short-term and 61 are long-term with 50% of the short-term spaces to be provided at-grade and the remainder within P1. Also proposed are 3 shower and change facilities for each gender.

Toronto and Region Conservation Authority

The development site is located within a Toronto and Region Conservation Authority (TRCA) Regulated Area and adjacent to the Don Valley River West Branch and the Regional Floodplain. A permit will be required from the TRCA prior to any development occurring on the subject property.

The development application was circulated to the TRCA for review and comment and TRCA staff attended the Community Consultation meeting held in January 2011. The proposed building will be setback 10 metres from the long-term stable top of bank once bank stabilization works have been completed and is beyond the Regional Floodplain elevation boundaries. The bank stabilization works will protect the further occurrence of erosion in the vicinity of the proposed development and the bank for the subject site will be protected in order to ensure that the Wilson Avenue bridge abutments are not exposed resulting in an increased risk of erosion in the future.

The Natural Environment, Official Plan Policy 3.4.6 requires that areas within the floodplain may only be used for certain activities such as those that retain the existing topography. The bank stabilization works will require alterations to the existing topography in order to implement the changes. An amendment to Official Plan Policy 3.4.6 a) is required to facilitate this development (Attachment 7). The bank stabilization work, once completed within this floodplain area, will address all other policies within Policy 3.4.6 such as: protect, restore and improve existing natural features and functions; not result in risk to life or property; and minimize the need to mitigate and remediate floods, erosion and damage to the natural ecosystem.

The TRCA is supportive of the bank stabilization work and the TRCA has no objections to the approval of the Official Plan and Zoning amendment subject to the lands below the top-of-bank being re-designated as *Natural Areas* and lands within the 10 metre buffer rezoned to an open

space category. Lands below the top-of-bank are also to be conveyed to the TRCA with the exact property boundaries of the lands to be conveyed to be determined through the site plan review process.

Urban Forestry, Ravine and Landscaping

The applicant has submitted a landscaping plan that includes the planting of 19 street trees within the Wilson Avenue and Yonge Street boulevards. The landscaping plan needs to be revised in order to space the trees further apart and substitute some of the trees species with more appropriate species for planting within the boulevard.

The entire site is also protected by the City's Ravine and Natural Feature Protection By-law. All trees within the ravine area are protected under the by-law and there are a total of 275 trees within the ravine distributed roughly evenly between the north and west slopes. All these trees would have to be removed to complete bank stabilization works and the proposed development. The applicant is required to replant 3 trees for every tree removed in the ravine and 1 tree for every tree injured and for every 25 m² of protected area lost to hard surfaces. According to Ravine staff, the applicant would have to replant 851 trees and they are currently proposing to replant 124 trees. The applicant would be required to submit cash-in-lieu for any trees that cannot be replanted on site.

Ravine staff have requested a revised landscaping plan that increases the amount of planting on site and within the stabilized slope area and have requested a Ravine Stewardship Plan for the part of the subject site below the top of bank. The stewardship plan and revised landscaping plans are to be provided during the site plan review process. Ravine staff have no objections to the proposed amendments to the Official Plan and Zoning provided the appropriate lands outside the building footprint are re-designated and rezoned as open space. As part of the Official Plan Amendment staff have re-designated the lands below the top-of-bank as *Parks and Open Space Areas – Natural Areas* (Attachment 7).

In addition to tree planting along all four sides of the property, the landscape plan includes a number of shrubs, bushes and grasses, and the green roof on the 6th and 7th floors includes various sedums. Ravine staff have requested that the number of shrubs within the 10 metre buffer proposed is too dense and that additional tree planting, and a greater variety in tree species, be planted within the buffer. The 10 metre buffer along the west end of the site incorporates an outdoor café/patio area for use by proposed restaurants. The existing open space zoning for this buffer area will be retained but will limit the amount of outdoor area associated with restaurant uses as part of the draft Zoning By-law Amendment (Attachment 8).

Pedestrian Circulation

Existing public sidewalks along both Yonge Street and Wilson Avenue merge at the southeast corner of the site where the main entrance would be located and public realm space for pedestrians is proposed. Pedestrians would enter the building at this main entrance, the entrance along the west end of the building or the entrance at the northeast corner of the site.

The building would be setback at grade along both Yonge Street and Wilson Avenue. Pedestrians could travel in a weather protected environment of both projecting canopies and building overhang along the building adjacent to these street edges. There are escalators located at the northeast corner within the building that connect to an underground tunnel beneath Yonge Street providing access to the east side of Yonge Street and the York Mills Subway Station. There is also an underground tunnel on the west side of Yonge Street running north providing access to the Yonge Corporate Centre.

Private pathways are proposed adjacent to the ravine areas along the north and west property lines. These pathways would ultimately connect to the public sidewalks along Yonge Street and Wilson Avenue allowing pedestrians to walk around the entire building through these various public and private pathways. As part of the section 37 contribution for this development, a contribution has been secured for path and trail improvements from this site, down through the ravine, under Wilson Avenue and into the Park system to the south.

The paths and outdoor patio area along the north and west ends of the property are to be developed using a variety of pavers and stones. Through the site plan review process staff will pursue limiting the hard surfaces within the buffer area through use of pathways and permeable materials.

Servicing

Technical Services staff has reviewed and accepted the Functional Servicing and Stormwater Management reports submitted by the applicant, plus addendum letters and information to those reports. Technical Services has requested a letter of credit in the amount of \$300,000 in order to secure improvements to the existing sanitary sewer.

Low Lot By-laws

The former Township of North York enacted a number of 'Low Lot' By-laws in the 1950s that prohibited development due to the low lying or unstable character of lands because of risk of flooding and the potential impacts of construction required for water, sewer or drainage works.

Toronto and Region Conservation Authority staff have reviewed the proposal and advised that the subject property is beyond the Regional Floodplain elevation boundaries and City Technical Services staff are satisfied that servicing for this site will be constructed and maintained as part of the proposed development. TRCA and Technical Services staff have no concerns with the removal of these lands from the Low Lot By-law area (Attachment 9).

Open Space/Parkland

The development is subject to a 2 per cent cash-in-lieu of parkland dedication payment required under the City Wide Parkland Dedication By-law 1020-2010. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit by the Facilities and Real Estate Division.

In addition to the 2% cash-in-lieu payment to be made, discussions were had with the applicant and the local Ward Councillor as part of the Section 37 negotiations for improvements to area parks, trails and the ravine system. A portion of the Section 37 funds would go towards local parks in need of improvement and creating new trails that link the subject property to the ravine system/natural area abutting the property to the west and southwards underneath the Wilson Avenue bridge into York Mills Park. Section 37 funds would be used for park improvements to Woburn Park, Brookdale Park, the Douglas Greenbelt, and the establishment of a 'village square' park on Dunblaine Avenue.

Toronto Green Standard

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

gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The Zoning By-law will secure performance measures for the following Tier 1 development features: minimum and maximum vehicular parking rates and minimum bicycle parking spaces and associated shower/change room facilities.

Other applicable TGS performance measures will be secured through the Site Plan Approval process. Key TGS performance measures that will be secured through the site plan approval process include: a green roof, pedestrian infrastructure to transit stops, planting of native species, and no up-lighting from exterior light fixtures.

Tier 1 performance standards also require that all trees are retained which are located within a ravine protected area. The applicant will not meet this standard as trees that are within the ravine area where the bank stabilization works are to occur would be removed. As part of the review of the site plan application staff will be requiring that trees be replanted, where possible, on the new stabilized slope, and at alternative locations on-site and the immediate surrounding area. Where it will not be possible for the applicant to meet these replacement rates, the applicant will be required to submit cash-in-lieu payment for each that cannot be planted on-site.

The applicant has also advised that they are targeting a LEED Gold Certification standard for the proposed building.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increase in height and/or density pursuant to Section 37 of the *Planning Act*. Community Planning staff in consultation with the local Ward Councillors and the applicant have agreed upon a \$1,500,000 Section 37 contribution to be used within the community.

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

1. A cash contribution of \$1,500,000, which is to be used for the following:
 - a. Upgrades to the existing transit passenger pick-up and drop-off parking area along Old York Mills Road;
 - b. Path and trail improvements/connections within the West Don River Valley area adjacent to the site, York Mills Park and York Mills Valley Park; and
 - c. Parks improvements to Woburn Park, Brookdale Park, Douglas Greenbelt and the establishment of a Village Square on Dunblaine Avenue.
2. Public art pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the site.

The recommendations of the report also require that the cash amount identified above shall be indexed quarterly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

1. The owner is required to submit a Reference Plan for all or portions of the lands below the top-of-bank, to the satisfaction of the Toronto and Region Conservation Authority, and convey all or portions of the subject site below top-of-bank to the Toronto and Region Conservation Authority.
2. The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.

Conclusions

The draft Official Plan Amendment (OPA) re-designates the lands below the top-of-bank from *Mixed-Use Areas* to *Parks and Open Space Areas – Natural Areas* limiting uses as development is generally prohibited within this designation. The OPA also amends *The Natural Environment* policy 3.4.6 facilitating bank stabilization works. Amendments to Site and Area Specific policy #90 allow for the proposed height and density. The draft Zoning By-law Amendment allows the proposed uses and implements development standards, such as setbacks, height and gross floor area, to regulate the development.

The proposed Official Plan and Zoning By-law amendments allow for the appropriate development of a property at the intersection of two major streets located at a transit station within a *Mixed-Use Areas* designation in the Official Plan. The proposed increase in height and density, and associated development standards, allow for an appropriate office development suitably located within its surrounding context.

CONTACT

John Andreevski, Senior Planner

Tel. No. 416-395-7097

Fax No. 416-395-7155

E-mail: jandree@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

Attachments 2A-2D: Elevations

Attachment 3: Roof Heights

Attachment 4: Official Plan

Attachment 5: Former City of North York Zoning By-law No. 7625

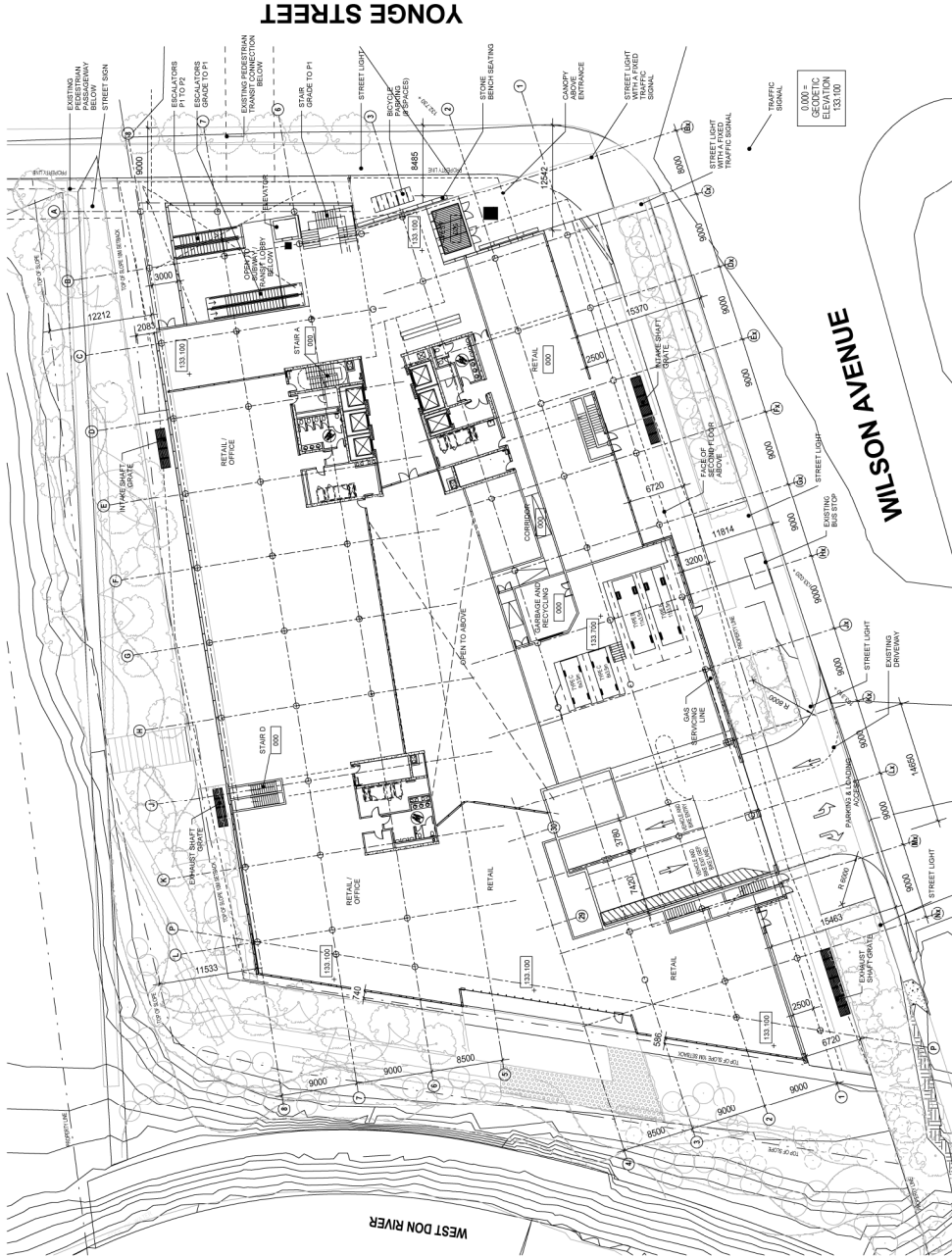
Attachment 6: Application Data Sheet

Attachment 7: Draft Official Plan Amendment

Attachment 8: Draft Zoning By-law Amendment

Attachment 9: Draft Low Lot By-law Amendment to By-laws 9813 and 9896

Attachment 1: Site Plan



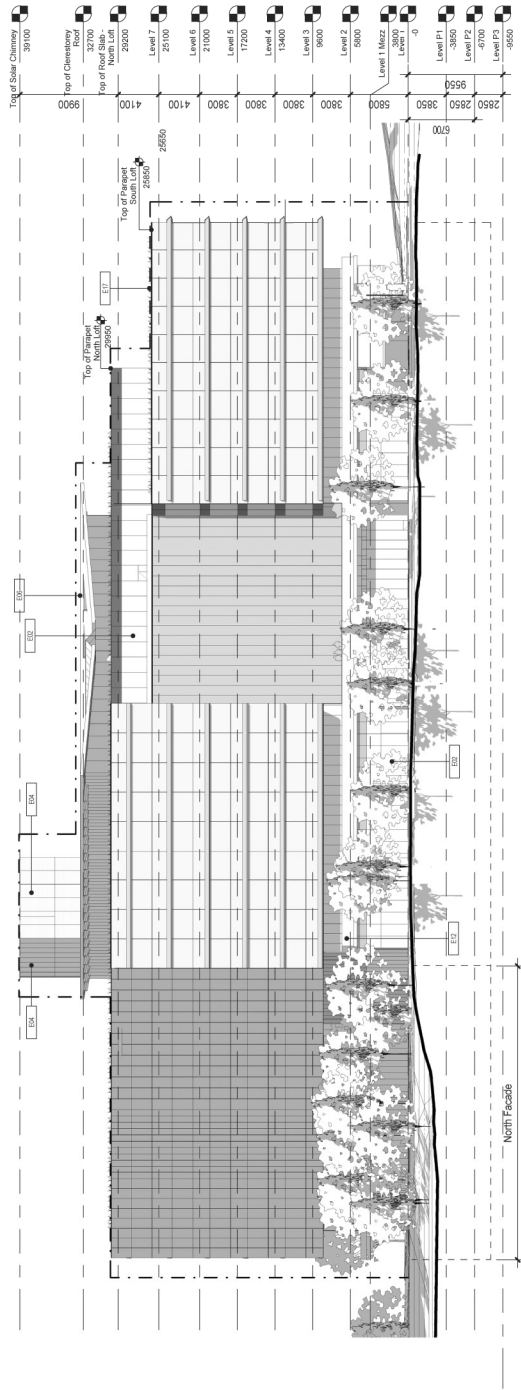
4050 Yonge Street

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 05/31/2011

File # 10 167159 NNY 16 0Z

Attachment 2A: West Elevation



West Elevation

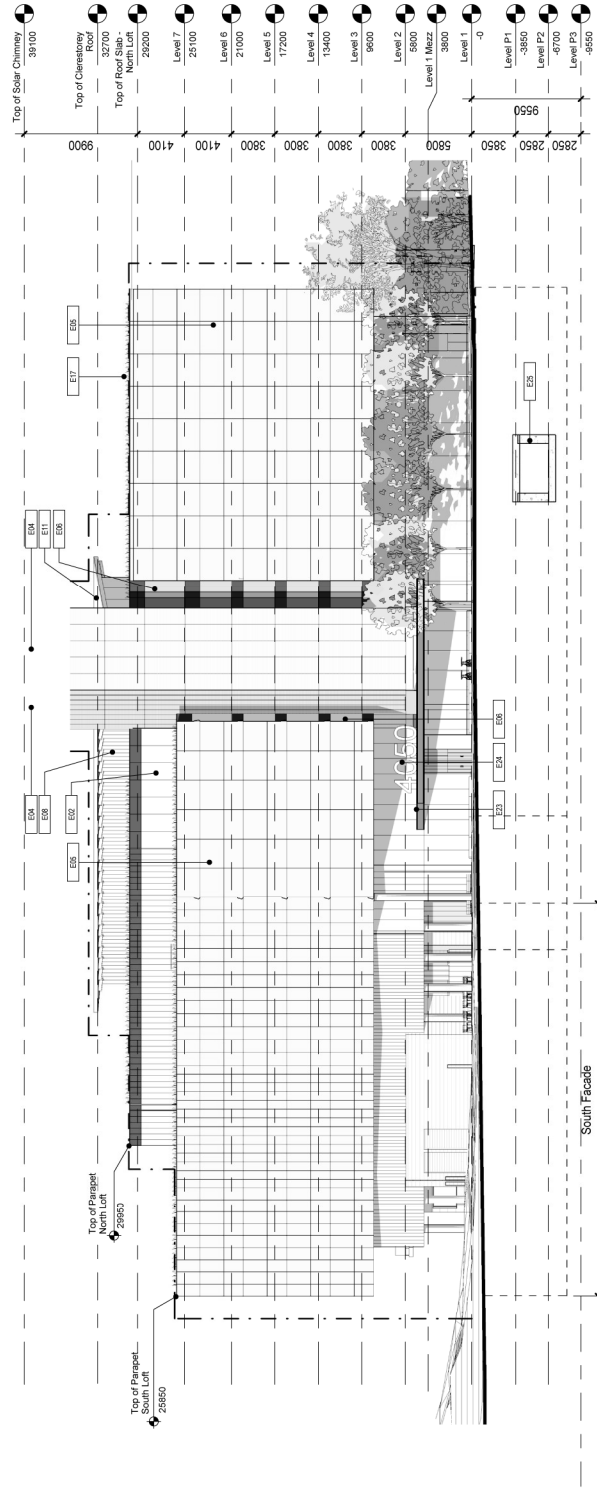
4050 Yonge Street

Elevations
Applicant's Submitted Drawing

Not to Scale
05/31/2011

File # 10 167159 NNY 16 0Z

Attachment 2B – East Elevation



East Elevation

4050 Yonge Street

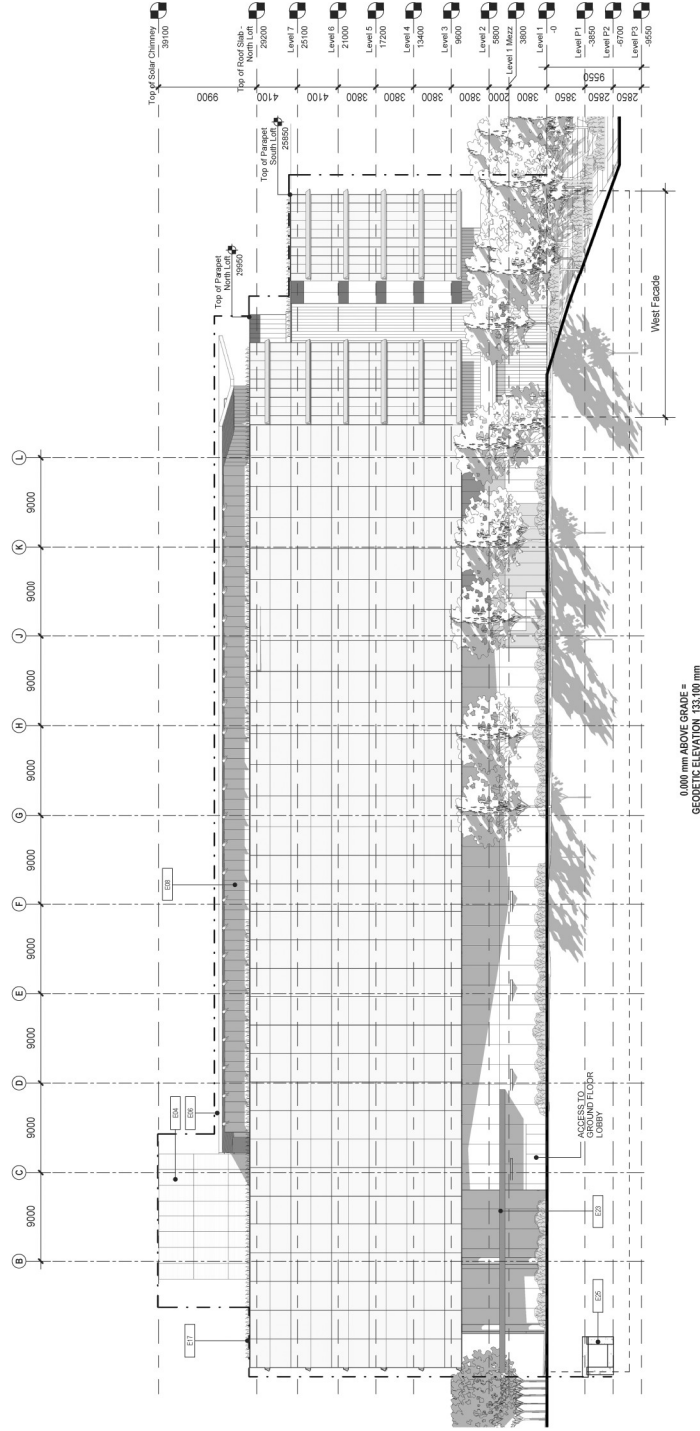
Elevations

Applicant's Submitted Drawing

Not to Scale
05/31/2011

File # 10 167159 NNY 16 0Z

Attachment 2C: North Elevation



North Elevation

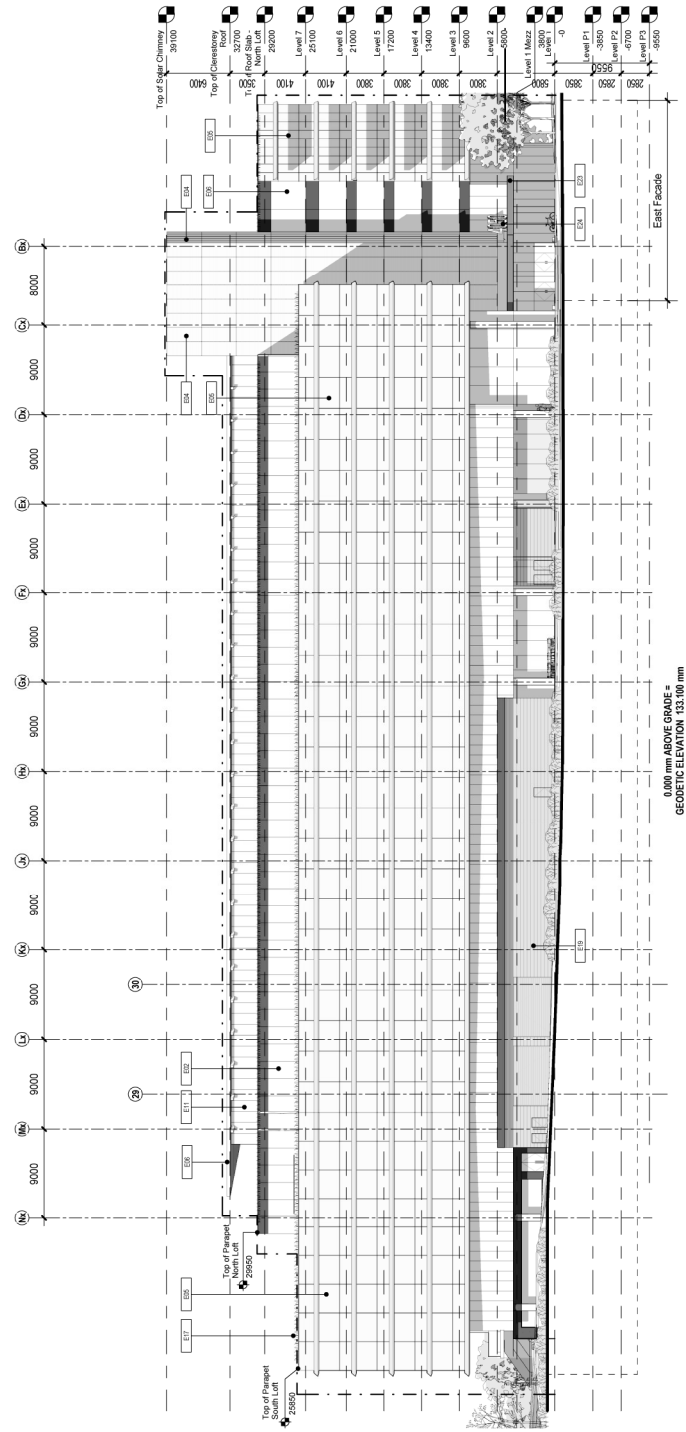
4050 Yonge Street

Elevations
Applicant's Submitted Drawing

Not to Scale
05/31/2011

File # 10 167159 NNY 16 0Z

Attachment 2D: South Elevation

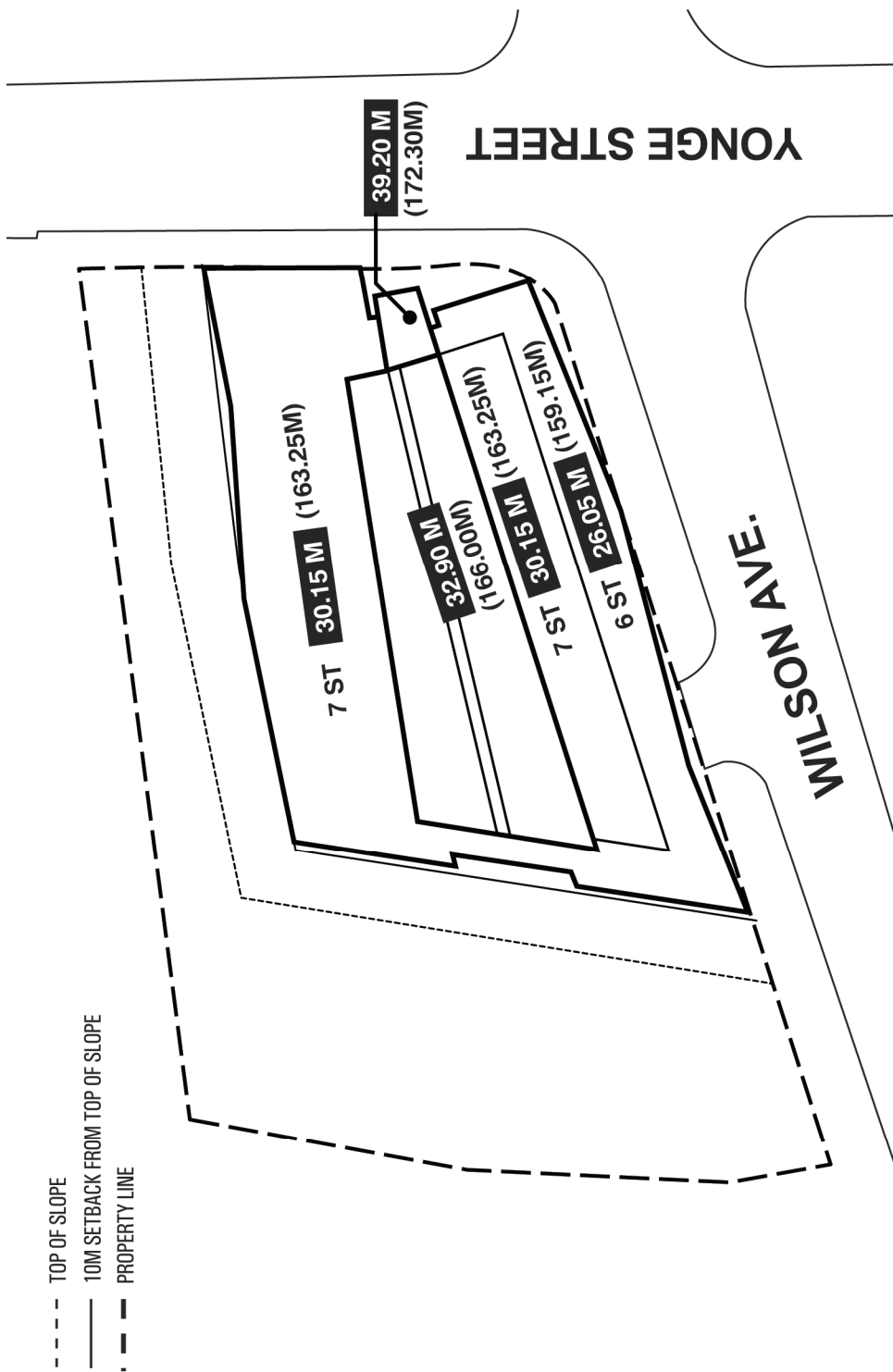


South Elevation

4050 Yonge Street
 File # 10 167159 MNY 16 0Z

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/31/2011

Attachment 3: Roof Heights



4050 Yonge Street

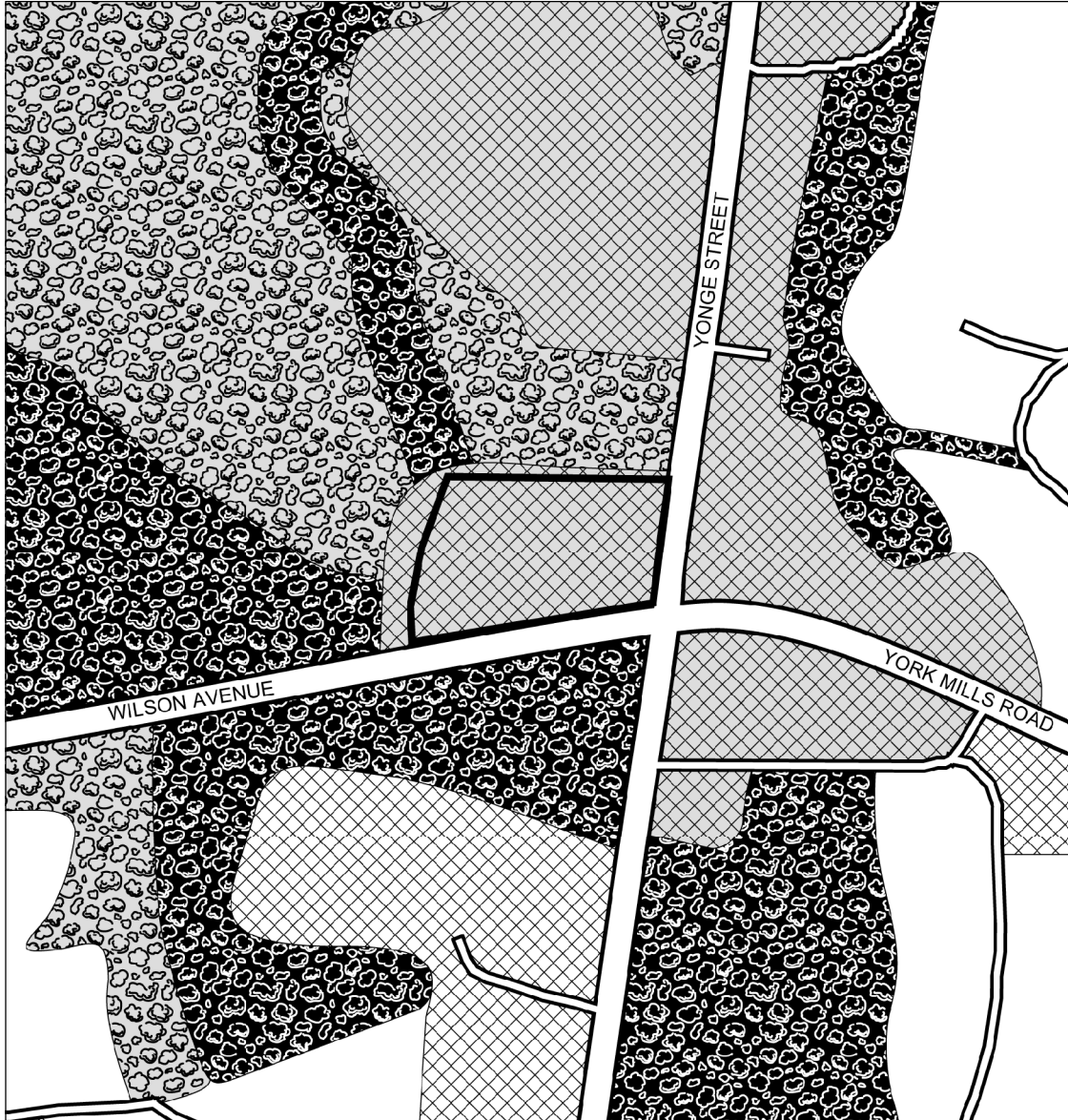
Roof Heights

Applicant's Submitted Drawing

Not to Scale
05/26/2011

File # 10 167159 NNY 16 0Z

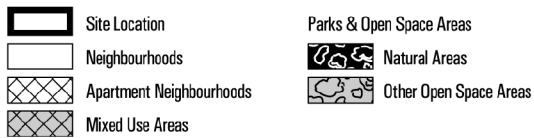
Attachment 4: Official Plan



TORONTO City Planning
Official Plan

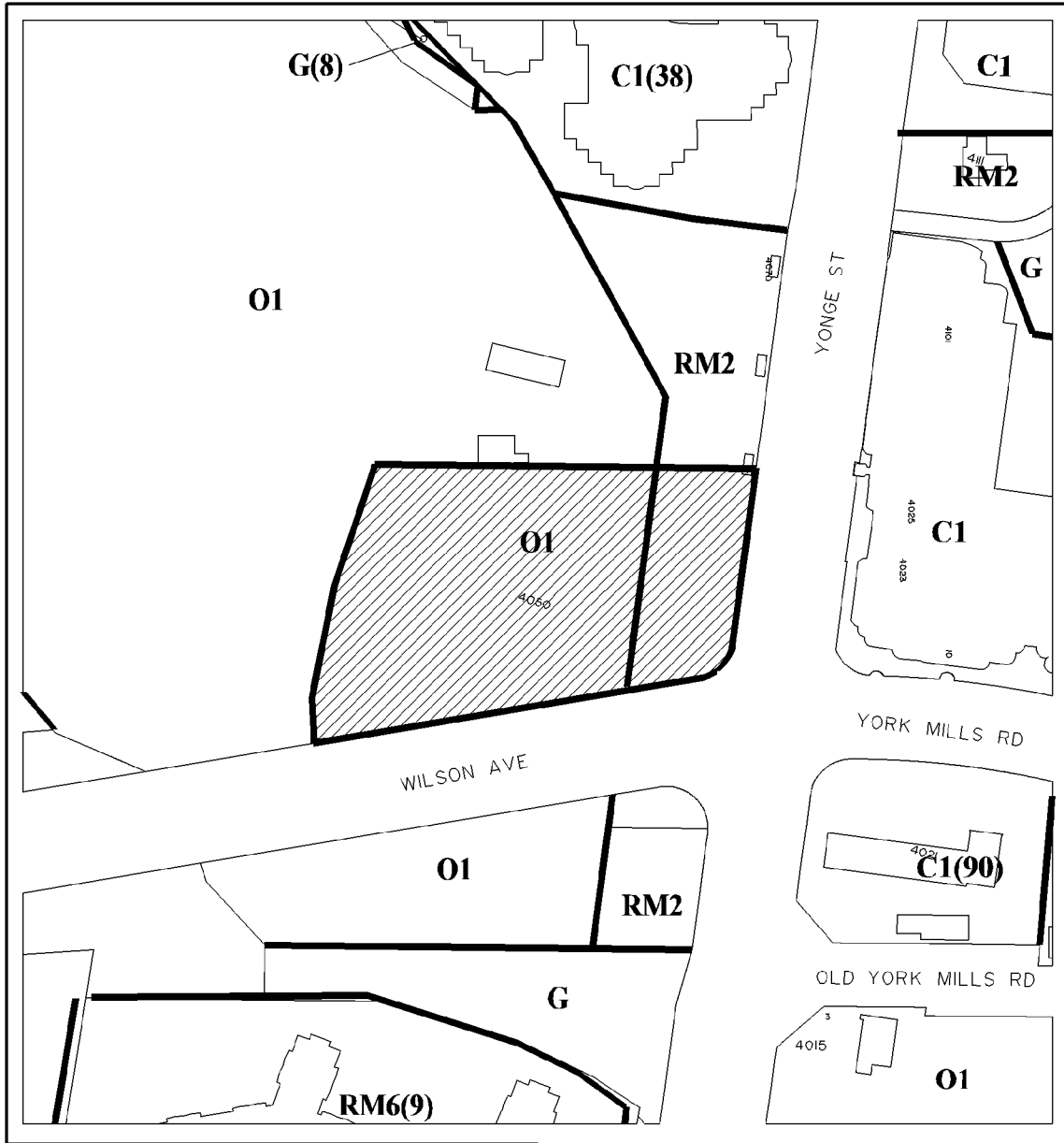
4050 Yonge Street

File # 10_167159



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05/12/2010

Attachment 5: Zoning



 **TORONTO** City Planning
Zoning

4050 Yonge Street

File # 10_167159

- RM2 Multiple-Family Dwellings Second Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- G Greenbelt Zone
- C1 General Commercial Zone
- O1 Open Space Zone



Not to Scale
Zoning By-law 7625
Extracted 05/12/2010

Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment, Rezoning and Low Lot By-law	Application Number:	10 167159 NNY 16 OZ
Details	OPA & Rezoning, Standard, & Low Lot By-law	Application Date:	April 30, 2010
Municipal Address:	4050 YONGE STREET		
Location Description:	CON 1 WYS PT LOT 11 PLAN 204 PT LOTS 98 TO 104 RP 66R22242 PARTS 1 TO 4 **GRID N1602		
Project Description:	Build Toronto is proposing to develop the subject site with a 7-storey mixed use building with a total height of 39.2 m (128 ft). The development would have a total gross floor area of 44,669 m ² (480,800 ft ²), including 34,400 m ² (370,300 ft ²) for office use and 5,577 m ² (60,000 ft ²) for retail, restaurant and cafe uses. There would be 371 vehicular parking spaces provided within 3 levels of below grade parking with access from Wilson Avenue.		

Applicant:	Agent:	Architect:	Owner:
BUILD TORONTO INC. 200 King Street W., Ste. 200 Toronto, ON M5H 3T4	LUIGI LAROCCA KPMB Architects 322 King Street West, 3 rd Fl. Toronto, ON M5V 1J2	LUIGI LAROCCA KPMB Architects 322 King Street West, 3 rd Fl. Toronto, ON M5V 1J2	Toronto Transit Commission

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	RM2 and O1	Historical Status:	
OP Height Limit:	163m (ASL)	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	12986 (8313 TOB)	Height:	Storeys:	7
Frontage (m):	75		Metres:	32.9 clerestory 39.2 solar chimney
Depth (m):	154			
Total Ground Floor Area (sq. m):	5467			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	371
Total Non-Residential GFA (sq. m):	44,669		Loading Docks	4
Total GFA (sq. m):	44,669			
Lot Coverage Ratio (%):	42.1			
Floor Space Index:	5.4			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	5577	0
1 Bedroom:	0	Office GFA (sq. m):	34400	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Other GFA (sq. m):	0	4,692
Total Units:	0			

CONTACT:	PLANNER NAME:	John Andreevski, Senior Planner
	TELEPHONE:	416-395-7097

Attachment 7: Draft Official Plan Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on
~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2010, as
4050 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;

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. The attached Amendment No. 158 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

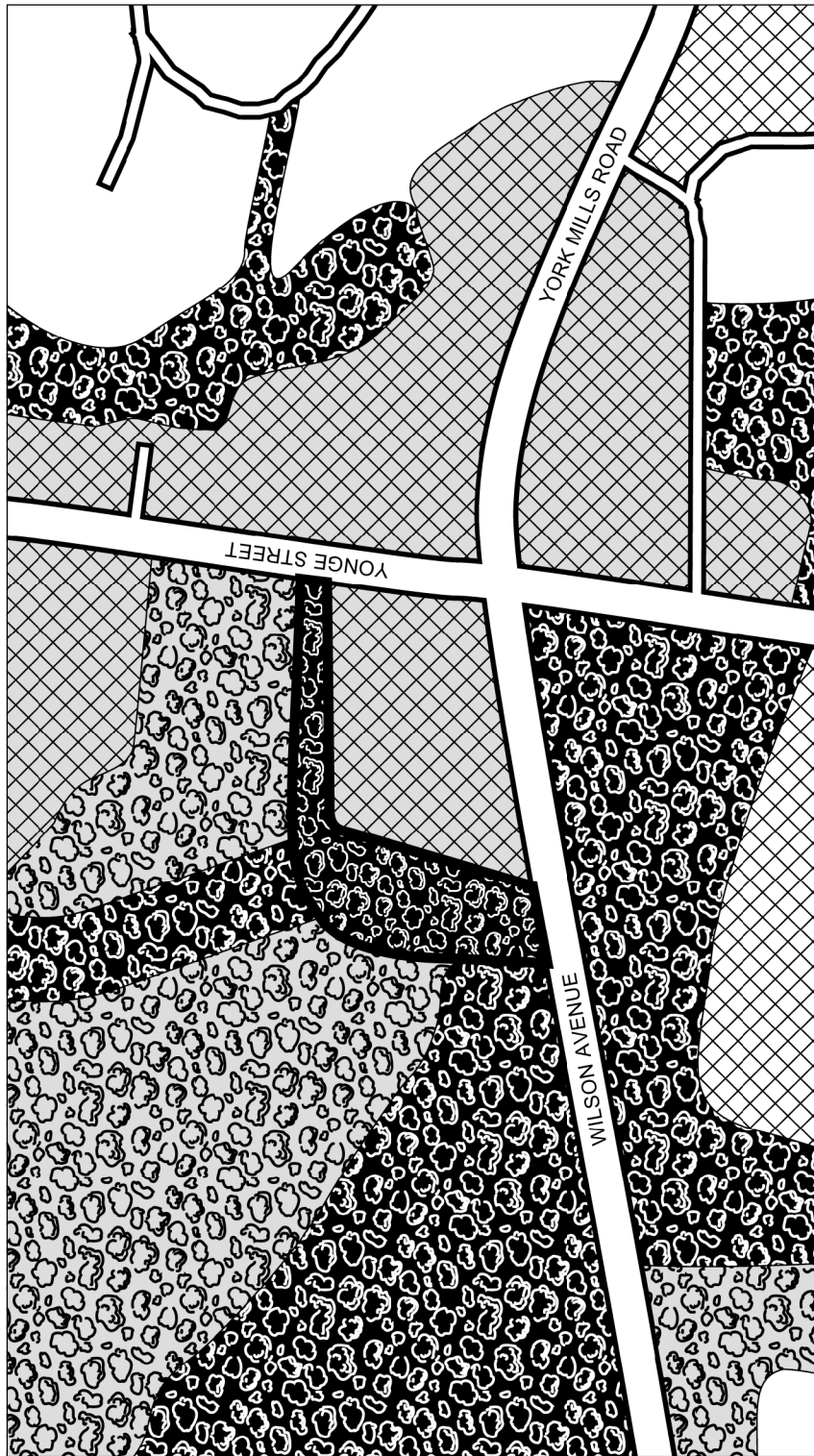
(Corporate Seal)

AMENDMENT NO. 158 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2010 AS
4050 YONGE STREET

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

1. Map 16, Land Use Plan, is amended by re-designating the northerly and westerly portions of the lands known municipally as 4050 Yonge Street from *Mixed Use Areas* to *Parks and Open Space Areas – Natural Areas*, as shown on the attached Schedule A.
2. Chapter 7, Site and Area Specific Policies, Site and Area Specific Policy No. 90 is amended for the lands known municipally in 2010 as 4050 Yonge Street by deleting the text and replacing it with the following text:
 - " 90. Northwest of Wilson Avenue and Yonge Street, and Southeast of York Mills Road and Yonge Street
 - a) For the lands located at the north-west corner of Wilson Avenue and Yonge Street, shown as Parcel 'A', a maximum density of 5.4 times the lot area is permitted and a maximum building height of 163.3 metres above sea level is permitted. Superstructures that improve the environmental performance of the operation of buildings, such as clerestories and solar chimneys, are permitted above the maximum building height of 163.3 metres above sea level. A maximum height of 166 metres above sea level is permitted for clerestories and a maximum height of 172.3 metres above sea level is permitted for solar chimneys.
 - b) For Parcel 'A', areas within the floodplain may be used for bank stabilization works that alter the existing topography, provided that such works: protect, restore or improve existing natural features and functions; do not result in unacceptable risk to life or property; and minimize the need to mitigate and remediate floods, erosion and damage to the natural ecosystem.
 - c) For Parcel 'B', a maximum building height, inclusive of superstructures, pipes and chimneys, of 163 metres above sea level is permitted, provided the building height does not obstruct sight lines across the valley, from top-of-bank to top-of-bank."

Schedule A



4050 Yonge Street

TORONTO City Planning
Official Plan Amendment #158

File# 10 167159 NMY 16 0Z

Revisions to Land Use Plan, Map 16 to redesignate lands from Mixed Use Areas to Parks & Open Space Areas - Natural Areas

- Site Location
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Parks & Open Space Areas
- Natural Areas
- Other Open Space Areas



Not to Scale
 05/25/2011

Attachment 8: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the former City of North York Zoning By-law No. 7625, as amended,
with respect to the lands municipally known as,
4050 Yonge Street**

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

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

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

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

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters, as set out in this By-law;

WHEREAS the increases in the height and density permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 7625 of the former City of North York, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. Schedules "B" and "C" of By-law No.7625 of the former City of North York are amended in accordance with Schedule "1, 2, 3" attached to this By-law.
2. Section 64.23 –**EXCEPTIONS TO C1 ZONE (GENERAL COMMERCIAL ZONE)** of By-law No. 7625 is amended by adding the following subsection:

64.23 (132) C1(132)

DEFINITIONS

- (a) For the purposes of this exception, the following definitions will apply:
 - (i). **Established Grade** shall mean the geodetic elevation of 133.1 metres above sea level.
 - (ii). **Environmental Design Features** shall mean superstructures such as clerestories and solar chimneys that contribute to the building or structure’s environmental performance.
 - (iii). **Landscaping** shall mean trees, plants, decorative stonework, retaining walls, walkways, or other landscape-architectural elements. Driveways and areas for loading, parking or storing vehicles are not **Landscaping**.
 - (iv). **Soft Landscaping** shall mean **landscaping**, and excludes hard-surfaced areas such as decorative stonework, retaining walls, walkways or other hard-surface landscape-architectural elements.

PERMITTED USES

- (a) The following are the only permitted uses subject to the Exception Regulations below:
 - (i). business use;
 - (ii). information processing use;
 - (iii). financial institution;
 - (iv). restaurant;
 - (v). outdoor café;
 - (vi). open space;
 - (vii). professional medical offices;
 - (viii). professional office use;
 - (ix). retail store;
 - (x). personal service shop; and
 - (xi). service shop.

EXCEPTION REGULATIONS

(b) Building Height

- (i). The maximum building height, including **Environmental Design Features**, shall not exceed the heights in metres above established grade and storeys as shown on Schedule 3; and
- (ii). A mezzanine level located between the first and second floor shall not be considered as a storey.

(c) Yard Requirements

The minimum yard setbacks shall be as shown on Schedules 2 and 3.

(d) Loading

A minimum of two (2) Type B and two (2) Type C loading spaces shall be provided.

(e) Gross Floor Area

- (i). The maximum total gross floor area shall be 44,670 square metres.
- (ii). The minimum retail gross floor area shall be 360 square metres.

(f) Parking

- (i). On-site vehicular parking shall be provided as follows:
 - A. Business & Professional Offices:
 1. Minimum – 1.0 spaces per 100 m² GFA; and
 2. Maximum – 2.0 spaces per 100 m² GFA.
 - B. Financial Institution:
 1. Minimum – 2.0 spaces per 100 m² GFA; and
 2. Maximum – 4.5 spaces per 100 m² GFA.
 - C. Professional Medical Office:
 1. Minimum – 1.5 spaces per 100 m² GFA; and
 2. Maximum – 6.0 spaces per 100 m² GFA.
 - D. Personal Service Shops:
 1. Minimum – 1.0 spaces per 100 m² GFA; and
 2. Maximum – 4.0 spaces per 100 m² GFA
 - E. Retail Store:
 1. Minimum – 1.0 spaces per 100 m² GFA; and
 2. Maximum – 4.0 spaces per 100 m² GFA.

- F. Service Shops:
 1. Minimum – 1.0 spaces per 100 m² GFA; and
 2. Maximum – 4.0 spaces per 100 m² GFA.
 - G. Restaurant:
 1. Minimum – 0 spaces; and
 2. Maximum – 5.0 spaces per 100 m² GFA.
- (ii). On-site bicycle parking shall be provided as follows:
- A. Business & Professional Offices:
 1. Short Term – 3, plus 0.2 spaces for each 100 m² GFA; and
 2. Long Term - 0.13 spaces per 100 m² GFA
 - B. Professional Medical Office:
 1. Short Term – 3, plus 0.1 spaces for 100 m² GFA; and
 2. Long Term – 0.1 per 100 m² GFA
 - C. Personal Service Shops & Service Shops:
 1. Short Term - 3, plus 0.25 spaces for each 100 m² GFA; and
 2. Long Term – 0.13 per 100 m² GFA.
 - D. Retail:
 1. Short Term – 3, plus 0.25 spaces for each 100 m² GFA; and
 2. Long Term – 0.13 spaces per 100 m² GFA.
 - E. Restaurant:
 1. Short Term – 3, plus 0.25 spaces for each 100 m² GFA; and
 2. Long Term – 0.13 spaces per 100 m² GFA
 - F. A minimum of 3 shower and change facilities must be provided for each gender if 121 to 180 bicycle parking spaces are provided on site.
 - G. A minimum of 20 short-term bicycle parking spaces must be located in a weather protected bicycle parking area at grade.
- (iii). If providing more than the minimum parking spaces required, any additional parking spaces must provide roughed-in conduits to allow for future electrical outlets for plug-in electric vehicles or spaces must be provided for dedicated priority parking for carpooling.

- (g) Buildings or structures and/or portions of buildings or structures are not permitted within and may not protrude within, above or below grade, the 10 metre top-of-slope O1(45) Zone as shown on Schedule 1. Bank stabilization works may be permitted within this area.
 - (h) The provisions of Sections 22.10, 22.10.2, 22.10.3, 22.12.5, and Section 23 shall not apply.
3. Section 64.37 – **EXCEPTIONS TO O1 ZONE (OPEN SPACE ZONE)** of By-law 7625 is amended by adding the following subsection:

64.37 (45) O1(45)

DEFINITIONS

- (a) For the purposes of this exception, the following definitions will apply:
 - (i). **Landscaping** shall mean trees, plants, decorative stonework, retaining walls, walkways, or other landscape-architectural elements. Driveways and areas for loading, parking or storing vehicles are not **Landscaping**.
 - (ii). **Soft Landscaping** shall mean **landscaping**, and excludes hard-surfaced areas such as decorative stonework, retaining walls, walkways or other hard-surface landscape-architectural elements.
- (b) The following are the only permitted uses subject to the Exception Regulations below:
 - (i). Cafes and patios ancillary to a restaurant use within the **C1(132)** Zone;
 - (ii). **Landscaping**; and
 - (iii). **Soft landscaping**.

EXCEPTION REGULATIONS

- (c) Landscaping
 - A minimum of 3,000 square metres of **landscaping** shall be provided.
- (d) Soft Landscaping
 - A minimum of 1,700 square metres of **soft landscaping** shall be provided.
- (e) Cafes and patios ancillary to a restaurant use shall not exceed an area of 160 m².

- (i) Buildings or structures and/or portions of buildings or structures are not permitted within and may not protrude within, above or below grade, the 10 metre top-of-slope area as shown on Schedule 1. Bank stabilization works may be permitted within this area.
- (j) The provisions of Section 37 Open Space Zone (O1) shall not apply.

4. SECTION 37 – INCREASED HEIGHT/DENSITY

- (a) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lot is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's sole expense:
 - (i). Prior to the release of above grade permits, provide a cash contribution of \$1,500,000, which is to be used for the following:
 - A. Upgrades to the existing transit passenger pick-up and drop-off parking area along Old York Mills Road;
 - B. Path and trail improvements/connections within the West Don River Valley area adjacent to the site, York Mills Park and York Mills Valley Park; and
 - C. Parks improvements to Woburn Park, Brookdale Park, Douglas Greenbelt and the establishment of a Village Square on Dunblaine Avenue.
 - (ii). Require that the cash amounts identified above shall be indexed quarterly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City; and
 - (iii). Provide and maintain public art pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the site.
- (b) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

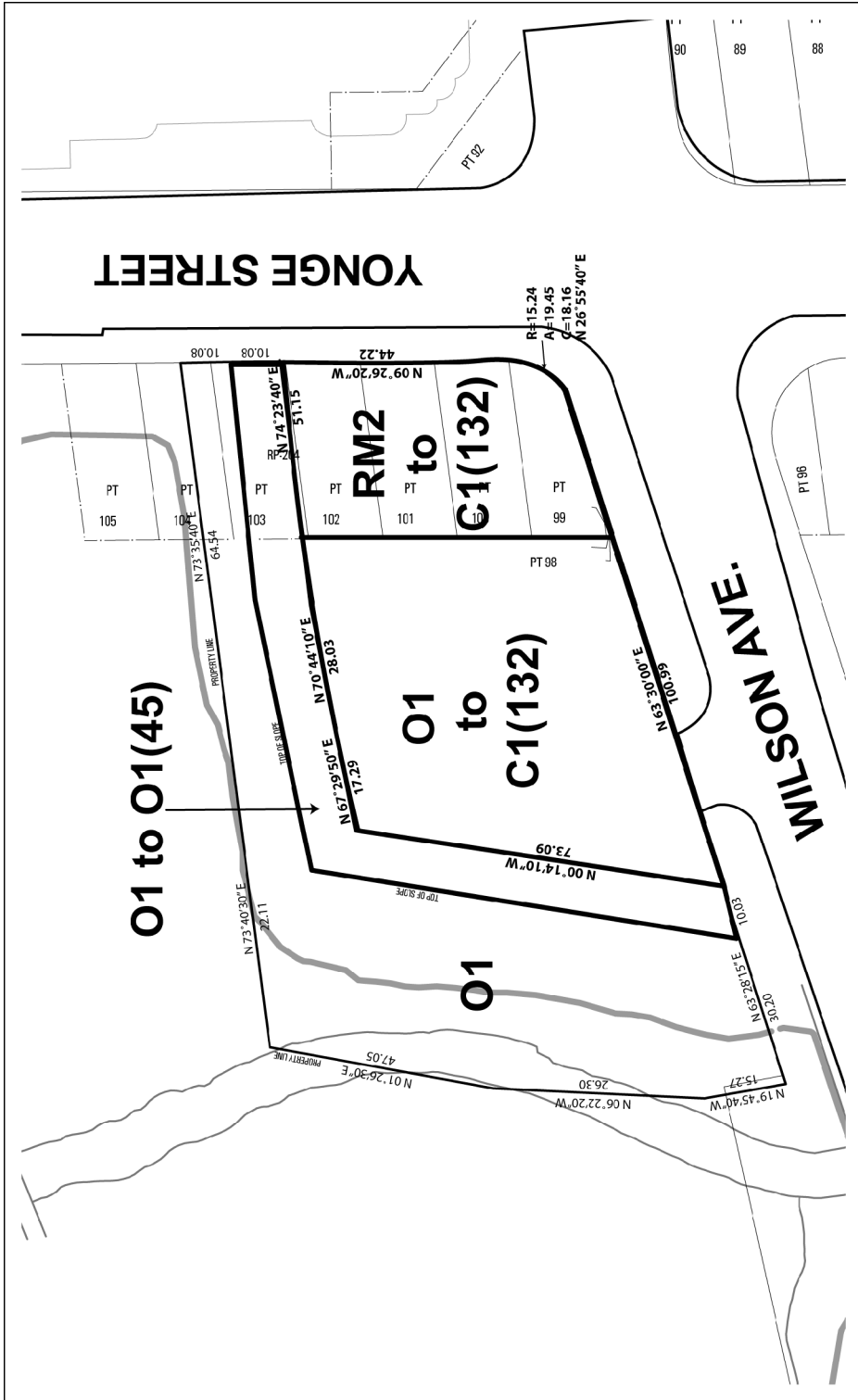
- (i). The owner is required to submit a Reference Plan for all or portions of the lands below the top-of-bank, to the satisfaction of the Toronto and Region Conservation Authority, and convey all or portions of the subject site below top-of-bank to the Toronto and Region Conservation Authority; and
 - (ii). The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption item PG32.3 of the Planning and Growth Committee.
- 5. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- 6. The provisions of this By-law shall apply collectively to this land as shown on Schedule "1" attached to this By-law, notwithstanding its future division into two or more parcels.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Schedule 1

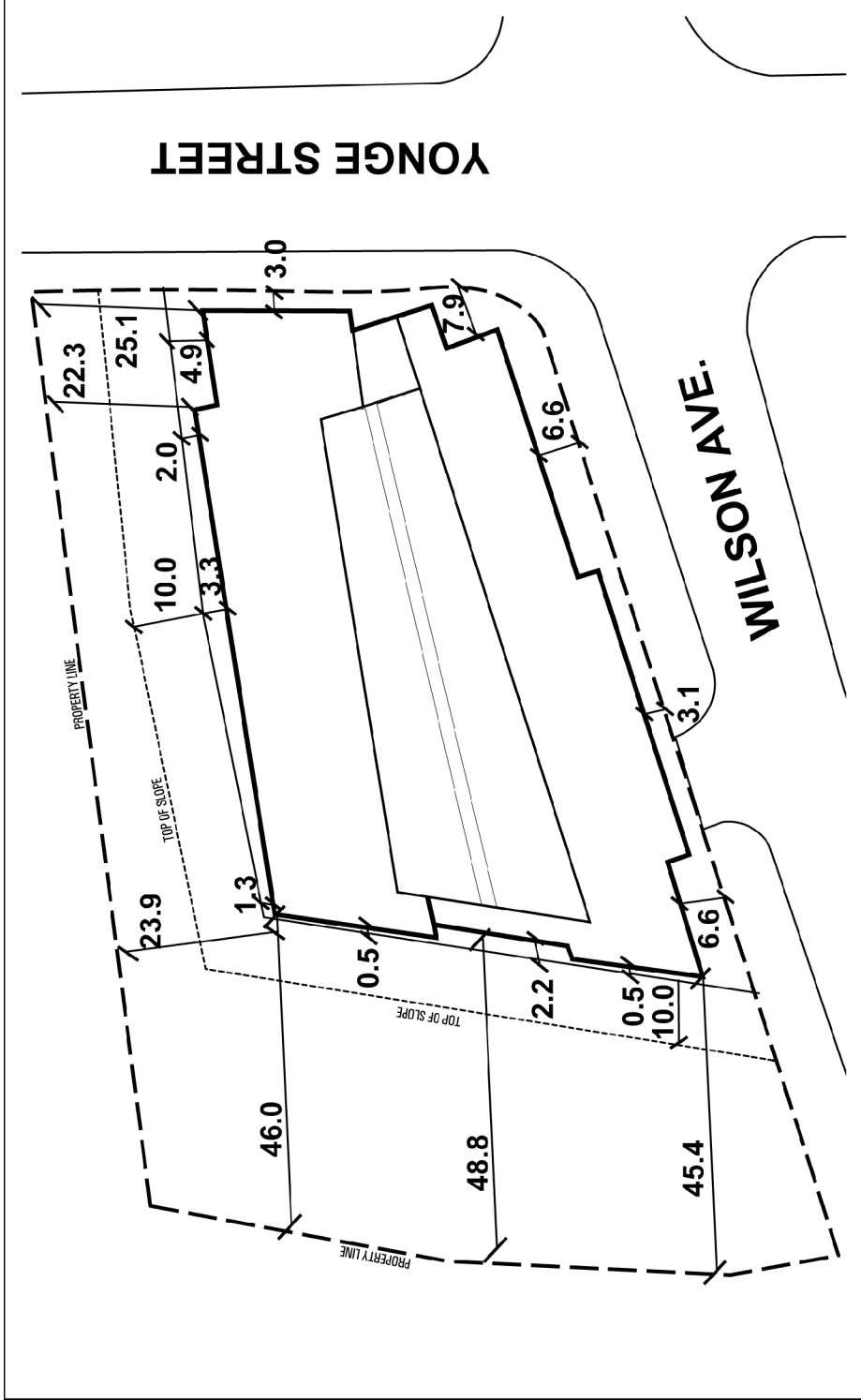
File # 10 167159 MNY 16 0Z

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Not to Scale

Toronto City Planning

Part of Lot 11, Concession 1, West of Yonge Street and Part of Lots 98, 99, 100, 101, 102, 103, & 104
 Registered Plan 204, City of Toronto.
 J.D.Barnes Ltd. February 2010.
 Date: 05/31/2011
 Approved by: J.A.



Ground Floor Setbacks

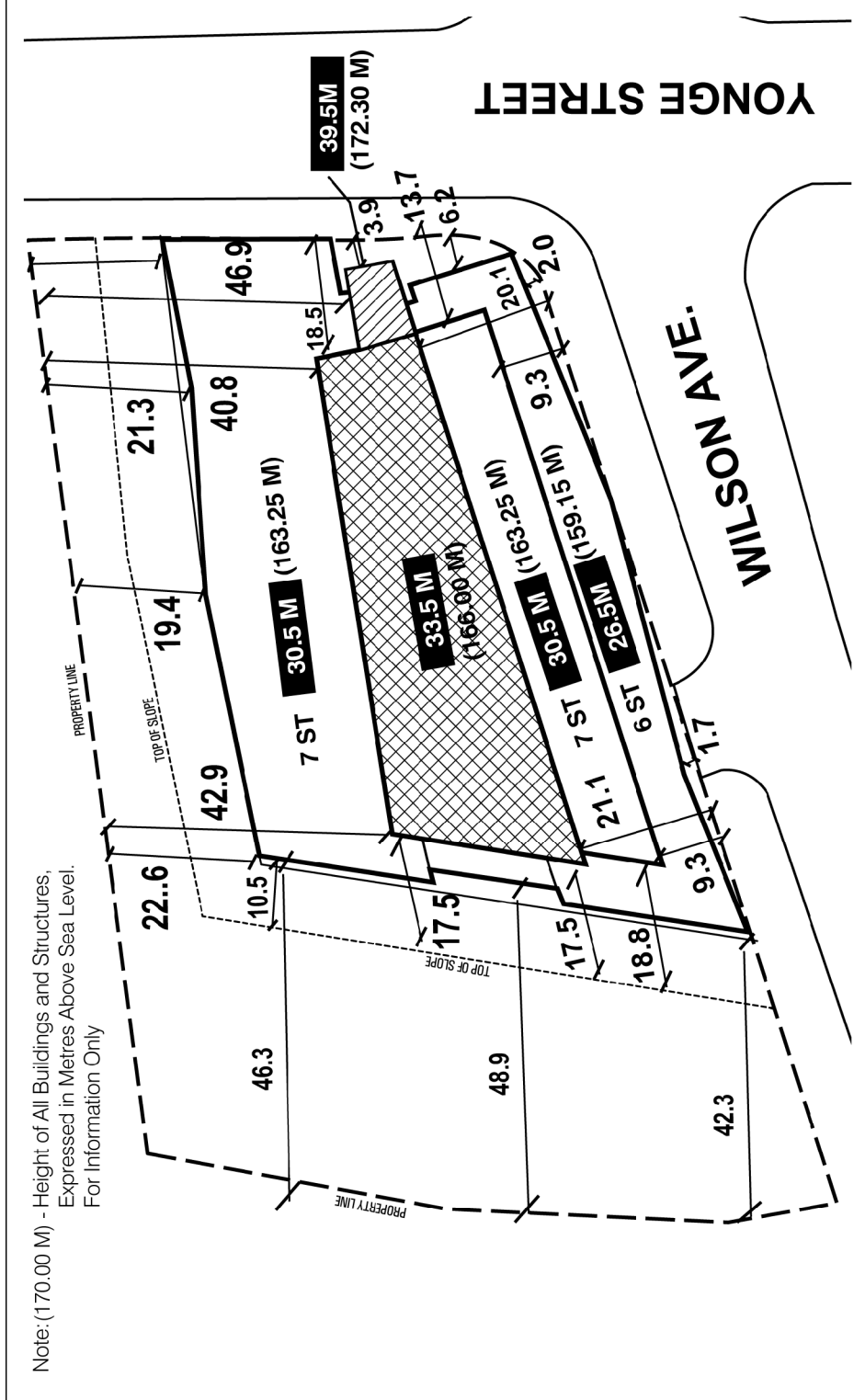
From Applicant's Drawings
 Date: 05/31/2011
 Approved by: J.A.

Schedule 2

File # 10 167159 NNY 16 0Z



Not to Scale



Note: (170.00 M) - Height of All Buildings and Structures, Expressed in Metres Above Sea Level. For Information Only

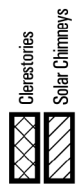


Heights & Roof Setbacks

From Applicant's Drawings
 Date: 05/31/2011
 Approved by: J.A.

Schedule 3

File # 10 167159 NNY 16 0Z



↑
 Not to Scale

Attachment 9: Draft By-law Amendments

Authority: North York Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend the former City of North York Low Lot By-law Nos. 9813 and 9896, as amended, with respect to the lands municipally known as, 4050 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;

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:

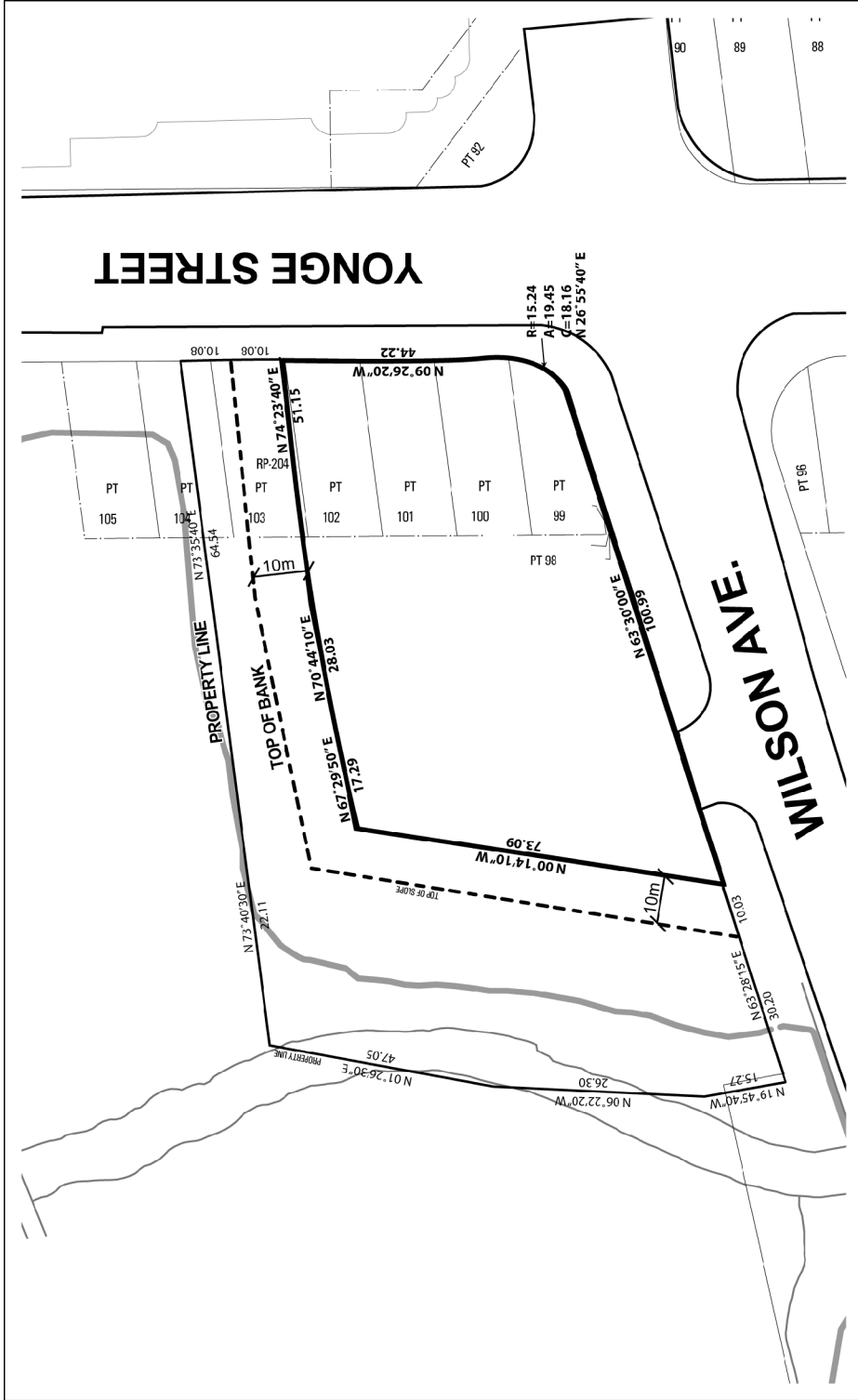
1. Schedule "A" to By-laws 9813 and 9896 are hereby amended by deleting the land in heavy black line as shown on attached Schedule 1.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Schedule 1

File # 10 167159 NNY 16 0Z
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TORONTO City Planning
 Part of Lot 11, Concession 1, West of Yonge Street and Part of Lots 98, 99, 100, 101, 102, 103, & 104
 Registered Plan 204, City of Toronto.
 J.D. Barnes Ltd. February 2010.
 Date: 05/31/2011
 Approved by: J.A.