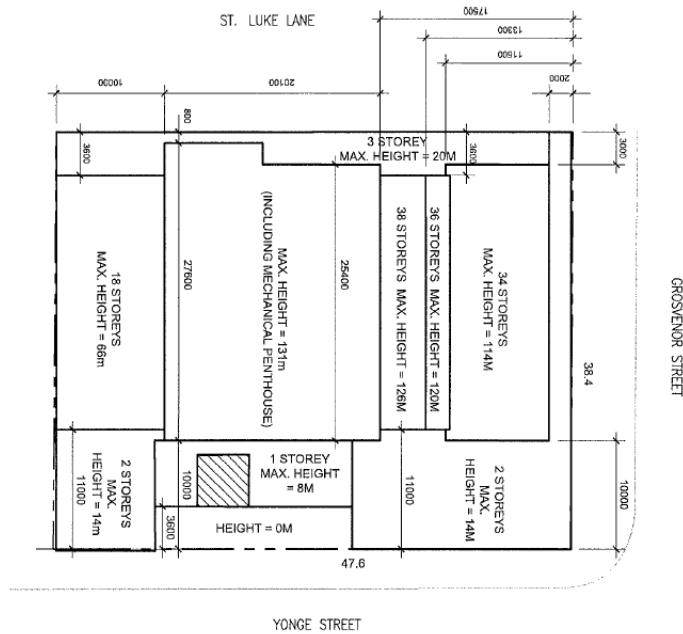





Appendix 1 – Draft Zoning Map 480-494 Yonge Street

480-494 Yonge Street



This schedule represents the built form used to model shadows on the new City Park. Some dimensions may change during the preparation of the re-submission and processing of the application by the City. Dimensional changes increasing shadows on the new City Park, are not permitted.

-  EXISTING CLOCK TOWER
-  PROPERTY LINE
-  MAX. EXTENT OF BUILDING ENVELOPE (NOT INCLUDING BALCONIES)
- H = 0m
MAXIMUM BUILDING HEIGHT (IN METRES)
MEASURED FROM AVERAGE GRADE 100.00

①

**Appendix 2 –
Phase 1 Hearing OPA 183 Partial Settlement Principles for KingSett Capital Inc.**

June 6, 2016

OPA 183 – PHASE 1 SETTLEMENT PRINCIPLES FOR KINGSETT – 480-494 YONGE STREET AND 475 YONGE STREET

MINUTES OF SETTLEMENT (KINGSETT/CITY/COMMUNITY ASSOCIATIONS)

Minutes of Settlement would be entered into as between the parties to the mediation (KingSett, City and Community Associations) which Minutes will address the following, all subject to confirmation by the City Council:

Basic principles (to be reflected in the recitals):

- the incremental shadow on the park located at 11 Wellesley Street West (the “Park”) from 484 Yonge (Clock Tower) as illustrated in the shadow study circulated April 27th is deemed acceptable to the City, KingSett and the Community Associations;
- there is certainty as to the proposed height and floor plates for 484 Yonge Street (Clock Tower) as shown in the zoning schedule circulated on April 17th;
- there is certainty as to the shadow on the Park resulting from the proposal for 484 Yonge Street (Clock Tower) as shown in the April 27th shadow study;
- there is agreement that the shadow on the Park as shown in the April 27th shadow study are accurate;

484 Yonge Street (Clock Tower)

- the Parties agree to a settlement of the KingSett appeal as it relates to 480-494 Yonge Street based on the incremental shadow generated by 480-494 Yonge Street on the Park as shown in the April 27th shadow study;
- the settlement is based on the proposal as reflected in the April 17th zoning schedule and the amount of shadow cast on the Park, and includes: a maximum 38 storey, 131 metre (including mechanical penthouse) building height; and the building setbacks, step backs and articulation, as shown on the April 17th zoning schedule;
- settlement to be implemented either by: (1) site specific by-law(s) to be considered by the City Council; or (2) at the election of KingSett, via a site specific appeal of the rezoning application for 484 Yonge Street to the Ontario Municipal Board which appeal shall be consolidated with the Phase 1 hearing for OPA 183;
- acknowledgement in Minutes of Settlement that the Parties will work together to jointly support such settlement, including at a Board hearing if such should occur;
- acknowledgement in Minutes of Settlement that the final form of any implementing by-law to a Settlement to be to the satisfaction of the Parties;
- acknowledgement in Minutes of Settlement that the shadow from 484 Yonge Street on the Park as shown in the April 27th shadow drawings will, upon the coming into force of the site specific by-law for 484 Yonge Street, form part of the background shadow already cast on December 31,

2015 by existing and approved buildings and structures within the meaning of Policy 6.6.4.2 of OPA 183 [as proposed to be amended March 15, 2016 and April 25, 2016 by the City] specifically for the assessment of shadow on the Park policy 6.2.9. [NTD: On March 15, 2016, the City previously proposed wording for 6.2.9 and 6.6.4.2. The City proposes one further revision to the wording proposed for 6.6.4.2 by inserting “on December 31, 2015” in the 3rd line after “in excess of the shadow already cast”].

– acknowledgement in Minutes of Settlement that there are remaining issues to be addressed to the satisfaction of the City prior to the zoning by-law coming forward to the City Council for consideration and/or prior to the City supporting any appeal, including, but not limited to, s. 37 Planning Act contributions, approvals required under the Ontario Heritage Act, and the requirement for a Heritage Easement Agreement between the Owner and the City pursuant to s. 37 of the Ontario Heritage Act. These issues will be identified through a resubmission to the City and circulation to the commenting agencies and divisions including the Associations. Notwithstanding these remaining issues, there shall be no substantive changes to the total gross floor area, building height or setbacks as shown in the April 17th zoning schedule for the site;

– acknowledgement in the Minutes of Settlement that the Associations shall be meaningfully consulted by KingSett in the site plan process for 484 Yonge Street;

– acknowledgement in the Minutes of Settlement that the Parties have entered into this settlement in good faith to resolve the KingSett appeal of Phase 1 of OPA 183 as it relates to 484 Yonge Street and specifically the issue of the incremental shadow permitted on the Park;

– acknowledgement in the Minutes of Settlement that the KingSett appeal of Phase 1 will be scoped to a site specific appeal of 484 Yonge Street (Clocktower), with such appeal remaining alive only to facilitate the completion of a settlement of the current zoning by-law application for 484 Yonge Street (Clocktower) with the City through the enactment by the City of a site specific zoning by-law by the City Council and/or appeal to the Ontario Municipal Board, together with any appeals of same being resolved in full, with KingSett and the City working co-operatively to achieve the principles set forth in the Minutes of Settlement as outlined herein.

– acknowledgement in the Minutes of Settlement that KingSett will maintain a watching brief in the Phase 1 mediation so as to ensure language agreed to by the Parties is not amended or modified;

– acknowledgement in the Minutes of Settlement that KingSett would not seek amendments or additional permissions for 484 Yonge Street which would be contrary to these Minutes of Settlement or have the effect of increasing any incremental shadow on the Park;

– acknowledgement in the Minutes of Settlement that the Parties agree that the Minutes of Settlement shall be binding on the Parties to these Minutes;

-- acknowledgement in the Minutes of Settlement that KingSett shall append the Minutes to any Agreement of Purchase and Sale for 484 Yonge; and

– the Parties acknowledge that the jurisdiction of City Council is not fettered in the exercise of any of its legislative or quasi-judicial powers.

475 Yonge Street

The Parties acknowledge that:

– the KingSett appeal for Phase 1 of OPA 183 shall also be scoped to a site specific appeal of 475 Yonge Street; and

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

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Appendix 3

Phase I Hearing: Recommended Modifications to OPA 183 Agreed to through mediation by BILD, KingSett and the Associations

NOTE: New wording added/revised has been underlined, wording deleted is in strikethrough.

ORIGINAL OPA 183 WORDING	AGREED UPON WORDING
OBJECTIVES	
<p>2.8 Maintain the existing mix of housing types and tenures to provide for a full range of housing opportunities within the area, including family sized units and encourage the provision of a full range of housing types and tenure when development/redevelopment.</p>	<p>2.8 <u>Further to the policies of Section 3.2.1 of the Official Plan, the production of a mix of housing types, unit sizes, and tenures, including family sized units, will be encouraged within the North Downtown Yonge Area.</u></p>
<p>2.11 Require public realm improvements as part of development/redevelopment, including opportunities for expanded sidewalk widths, mid-block access, well designed promenades, gateways, and public transit access points.</p>	<p>2.11 Provide for <u>Require</u> public realm improvements as part of development/redevelopment, including opportunities for expanded sidewalk widths, mid-block access, well designed promenades, gateways, and public transit access points.</p>
LAND USE POLICIES	
<p>3. Development/redevelopment in the North Downtown Yonge Area will conform with the policies of the Official Plan and in particular the <i>Neighbourhoods</i> and <i>Apartment Neighbourhoods</i> land use policies, which limit growth in stable residential areas but provide for growth opportunities in areas designated as <i>Mixed Use Areas</i>. **FIRST SENTENCE ONLY**</p>	<p>3. <u>Any development/redevelopment in the of a site</u> in the North Downtown Yonge Area will is to conform with the policies of the Official Plan, <u>including those policies applicable to the land use designation of the site except where they are modified by area specific policies,</u> and in particular the <i>Neighbourhoods</i> and <i>Apartment Neighbourhoods</i> land use policies, which limit growth in stable residential areas but provide for growth opportunities in areas designated as <i>Mixed Use Areas</i>.</p>
DEVELOPMENT POLICIES	
<p>4C. Urban Design Guidelines Development/redevelopment and public realm improvements within the Character Areas, and the Area Wide Policies as noted in Section 6, will be further informed by:</p>	<p>DEVELOPMENT POLICIES 4C. <u>The evaluation of development/redevelopment and public realm improvements within the Character Areas, and the Area Wide Policies as noted in Section 6, will be informed by:</u></p>

<p>a) the North Downtown Yonge Urban Design Guidelines adopted by Council in July of 2013 and as further revised in September 2013, and such further revisions as Council may adopt from time to time;</p> <p>b) the city-wide Tall Buildings Design Guidelines and Downtown Tall Building Vision and Supplementary Design Guidelines, adopted by Council in May of 2013, and such further revisions as Council may adopt from time to time;</p> <p>c) the Bloor Yorkville/North Midtown Urban Design Guidelines, adopted by Council in June of 2004, as may be revised by Council from time to time for development/redevelopment on lands fronting onto the south side of Charles Street East, generally located one block west of Bay Street to one block east of Church Street, and including the Bay Street and Isabella Character Areas; and</p> <p>d) other applicable policies and guidelines adopted by Council that may apply, including such further revisions thereto as Council may adopt from time to time.</p>	<p>a) the North Downtown Yonge Urban Design Guidelines adopted by Council in July of 2013 and as further revised in September 2013, and such further revisions as Council may adopt from time to time;</p> <p>b) the city-wide Tall Buildings Design Guidelines and Downtown Tall Building Vision and Supplementary Design Guidelines, adopted by Council in May of 2013, and such further revisions as Council may adopt from time to time;</p> <p>c) the Bloor Yorkville/North Midtown Urban Design Guidelines, adopted by Council in June of 2004, as may be revised by Council from time to time for development/redevelopment on lands fronting onto the south side of Charles Street East, generally located one block west of Bay Street to one block east of Church Street, and including the Bay Street and Isabella Character Areas; and</p> <p>d) other applicable policies and guidelines adopted by Council that may apply, including such further revisions thereto as Council may adopt from time to time;</p> <p><u>but such guidelines are not part of the Official Plan and do not have the status of policies in this North Downtown Yonge Site and Area Specific Policy adopted under the <i>Planning Act</i>.</u></p>
<p>COLLEGE CARLTON CHARACTER AREA</p>	
<p>5.8.3 It is the objective of Council for development/redevelopment to provide building setbacks to secure a sidewalk zone (measured curb to building face) of at least 6 metres wide, or greater where established by the existing context or at corners, transit nodes, PATH access points, or other locations with significant pedestrian use. The sidewalk zone may consist entirely of public property or a combination of public and private property.</p>	<p>5.8.3 It is the objective of Council for development/redevelopment to provide building setbacks to secure a sidewalk zone (measured curb to building face) of at least 6 metres wide, or greater where established by the existing context or at corners, transit nodes, PATH access points, or other locations with significant <u>similar</u> pedestrian use. The sidewalk zone may consist entirely of public property or a combination of public and private property. **PARTIES AGREE THAT SAME LANGUAGE MAY BE USED FOR 5.3.3 THROUGH PHASE 2 HEARING **</p>
<p>5.8.4 Where commercial uses are planned at grade, development/redevelopment must provide building setbacks to secure a sidewalk zone on private property to support adequate space for cafe patios, outdoor displays and other marketing</p>	<p>5.8.4 <u>It is the objective of Council</u> where commercial uses are planned at grade <u>for</u> development/redevelopment <u>to</u> provide building setbacks to secure a sidewalk zone on private property to support adequate space for cafe patios, outdoor</p>

activities.	displays and other marketing activities.
AREA WIDE POLICIES	
6. AREA WIDE POLICIES	6. AREA WIDE POLICIES
The Area Wide Policies detailed below will be further informed by the North Downtown Yonge Urban Design Guidelines adopted by Council in June of 2013, with revisions adopted by Council in October 2013, and such further revisions as may be adopted by Council from time to time and by the city-wide Tall Buildings Design Guidelines and Supplementary Downtown Tall Buildings Vision and Design Guidelines, adopted by Council in May of 2013, and such further revisions as may be adopted by Council from time to time.	<u>The evaluation of development/redevelopment and public realm improvements within the Character Areas, and the Area Wide Policies as noted in this Section 6, will be</u> informed by the North Downtown Yonge Urban Design Guidelines adopted by Council in June of 2013, with revisions adopted by Council in October 2013, and such further revisions as may be adopted by Council from time to time and by the city-wide Tall Buildings Design Guidelines and Supplementary Downtown Tall Buildings Vision and Design Guidelines, adopted by Council in May of 2013, and such further revisions as may be adopted by Council from time to time, <u>but such guidelines are not part of the Official Plan and do not have the status of policies in this North Downtown Yonge Site and Area Specific Policy adopted under the <i>Planning Act</i>.</u>
PARK AND OPEN SPACE	
6.2.9	6.2.9
It is the objective of Council to ensure that development/redevelopment will not cast any new net shadow on Opera Place Park Street between 12 Noon and 2:00 PM on March and September 21 st , and should the opportunity arise to expand Breadalbane Park, for a period of 6 hours generally between the hours of 10:00 AM and 4:00 PM on March 21 st and September 21 st .	It is the objective of Council to ensure that development/redevelopment will not cast any new net shadow on Opera Place Park between 12 Noon and 2:00 p.m. on March 21 st and September 21 st , and will not cast any new net shadow on the new public park identified on Map 2 and located between Wellesley Street West, St. Luke Lane, Breadalbane Street and Bay Street, for a period of 6 hours generally between the hours of 10:00 a.m. to 4:00 p.m. on March 21 st and September 21 st .
6.2.10	6.2.10
It is the objective of Council, as part of development/redevelopment application review process, to provide linkages and strong physical connections between the linear parks and to create or improve existing pedestrian connections to existing parks and open space as well as to potential parks and open space and in particular:	It is the objective of Council, as part of development/redevelopment application review process , to provide linkages and strong physical connections between the linear parks and to create or improve existing pedestrian connections to existing parks and open space as well as to potential parks and open space and in particular:
a) the linear park system east of Yonge Street that extends between Charles Street East and Dundonald Street; and	a) the linear park system east of Yonge Street that extends between Charles Street East and Dundonald Street; and
b) the potential open space at 15 Wellesley Street East, Alexander Park, the potential parkland at 11 Wellesley Street West, and Cawthra Park.	b) Alexander Park, the park at 11 Wellesley Street West, Cawthra Park and the potential open space at 15 Wellesley Street East.
**THIS POLICY IS IN FORCE. HOWEVER, THE MODIFICATION REQUESTED BY BILD (SHOWN UNDERLINED IN THE RIGHT COLUMN) IS	

<p>RECOMMENDED AS IT BETTER REFLECTS THE POLICY INTENT**</p> <p>***IN ADDITION CLAUSE B HAS BEEN REORGANIZED TO BE CLEARER AND TO REMOVE THE REFERENCE TO <u>POTENTIAL</u> PARKLAND AT 11 WELLESLEY STREET WEST AS IT NOW IS PARKLAND.***</p>	
<p>THE PUBLIC REALM</p>	
<p>6.3.4</p> <p>It is the objective of Council to review development/redevelopment applications in terms of achieving the following public laneway improvements objectives as part of the development application review process:</p> <ul style="list-style-type: none"> a) a minimum laneway width of 6 metres; b) additional setbacks, where possible as part of the development application review process, in order to better accommodate north-south pedestrian connections and movement through the area; c) raised or well demarcated and barrier-free paths of travel along the laneways to improve pedestrian safety and movement; and d) re-surfacing of laneways with brick pavers or other materials, where appropriate, to complement the heritage character of the area. 	<p>6.3.4</p> <p>It is the objective of Council to review development/redevelopment applications in terms of achieving the following public laneway improvements objectives as part of the development application review process:</p> <ul style="list-style-type: none"> a) a minimum laneway width of 6 metres; b) additional setbacks, where possible as part of the development application review process, in order to better accommodate north-south pedestrian connections and movement through the area; c) raised or well demarcated and barrier-free paths of travel along the laneways <u>where appropriate</u> to improve pedestrian safety and movement; and d) re-surfacing of laneways with brick pavers or other materials, where appropriate, to complement the heritage character of the area.
<p>6.3.5</p> <p>It is the objective of Council to encourage at-grade commercial uses along the following public laneways in the area: St. Vincent Lane; St. Luke Lane; Reverend Porter Lane; Gloucester Lane; and, Maitland Terrace.</p>	<p>6.3.5</p> <p>It is the objective of Council to encourage at-grade commercial uses <u>where appropriate</u> along the following public laneways in the area: St. Vincent Lane; St. Luke Lane; Reverend Porter Lane; Gloucester Lane; and, Maitland Terrace.</p>
<p>6.3.10</p> <p>It is the objective of Council to expand and improve pedestrian and cycling linkages as part of the development/redevelopment application review process.</p> <p>**THIS POLICY IS IN FORCE. HOWEVER, CONSISTENT WITH THE MODIFICATION IN 6.3.4 ABOVE, THE MODIFICATION REQUESTED BY BILD</p>	<p>6.3.10</p> <p>It is the objective of Council to expand and improve pedestrian and cycling linkages as part of the development/redevelopment application review process.</p>

(SHOWN UNDERLINED IN THE RIGHT COLUMN) IS RECOMMENDED AS IT BETTER REFLECTS THE POLICY INTENT	
6.3.13 It is the objective of Council to widen the setbacks on east-west streets as part of the development/redevelopment application review process to widen sidewalks to a minimum width of 6 metres.	6.3.13 It is the objective of Council to widen the setbacks on east-west streets as part of the development/redevelopment application review process <u>to secure a sidewalk zone (measured curb to building face) of at least 6 metres wide</u> widen sidewalks to a minimum width of 6 metres
URBAN DESIGN	
6.4 Revitalization within the North Downtown Yonge Site and Area Specific Policy is expected to occur through redevelopment, renewal and infill. Together with the policies of the North Downtown Yonge Site and Area Specific Policy, new development will be further informed by the North Downtown Yonge Urban Design Guidelines, the Tall Building Design Guidelines and the Downtown Tall Buildings Vision and Supplementary Design Guidelines.	6.4 Revitalization within the North Downtown Yonge Site and Area Specific Policy is expected to occur through redevelopment, renewal and infill. Together with the policies of the North Downtown Yonge Site and Area Specific Policy, new development <u>the evaluation of development/redevelopment</u> will be informed by the North Downtown Yonge Urban Design Guidelines, the Tall Building Design Guidelines and the Downtown Tall Buildings Vision and Supplementary Design Guidelines.
INCENTIVES	
6.5 The policies of Section 5.1.1 of the Official Plan regarding Section 37 of the <i>Planning Act</i> will apply to the North Downtown Yonge Site and Area Specific Policy, with the additional following policy direction. In determining community benefits the following will be considered priorities, although others may also be secured, as appropriate, and should be considered in the context of the policies of the Official Plan, the North Downtown Yonge Site and Area Specific Policy and the North Downtown Yonge Urban Design Guidelines:	6.5 The policies of Section 5.1.1 of the Official Plan regarding Section 37 of the <i>Planning Act</i> will apply to the North Downtown Yonge Site and Area Specific Policy, with the additional following policy direction. In determining community benefits the following will be considered priorities, although others may also be secured, as appropriate, and should be considered in the context of the policies of the Official Plan <u>and</u> the North Downtown Yonge Site and Area Specific Policy, and the North Downtown Yonge Urban Design Guidelines:
INTERPRETATION	
6.6.4	<u>6.6.4.1</u> <i>**Policy 6.6.4 has been renumbered to 6.6.4.1 (the wording has not been changed and remains under appeal) in order to facilitate the insertion of a new policy 6.6.4.2 below:</i>

	<p><u>6.6.4.2 For the purposes of the policies of this North Downtown Yonge Site and Area Specific Policy "new net shadow" means shadow cast by a proposed development/redevelopment in excess of the shadow already cast on December 31, 2015 by existing and approved buildings and structures as well as buildings and structures permitted on December 31, 2015 by the existing in-force Zoning By-law.</u></p>
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