

**Confidential Attachment 10**

*Draft Official Plan Amendment (November 26, 2021)*

Authority: Ontario Land Tribunal issued on ~ and its Order issued on ~ in Tribunal Case PL200441

**CITY OF TORONTO**

**BY-LAW No. --2021 (OLT)**

**To adopt Amendment No. XXX to the Official Plan for the City of Toronto with respect to the lands municipally known as 4050 Yonge Street**

Whereas the Ontario Land Tribunal pursuant to its Decision/Orders issued on ~, and on ~ in respect of Tribunal File PL200441, deems it advisable to amend the Official Plan for the City of Toronto, with respect to lands municipally known in the year 2020 as 4050 Yonge Street;

The Order of Ontario Land Tribunal Orders as follows:

1. The attached Amendment ### to the Official Plan is hereby approved.

PURSUANT TO THE DECISION OF THE ONTARIO LAND TRIBUNAL ISSUED ON ~ AND ITS ORDER ISSUED ON ~ IN TRIBUNAL CASE PL200441

confidential and without prejudice

**AMENDMENT NO. ### TO THE OFFICIAL PLAN**

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2020 AS 4050 YONGE STREET**

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

1. Chapter 7, Site and Area Specific Policies, Site and Area Specific Policy No. 90 is amended for the lands known municipally in 2020 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 8.29 times the lot area is permitted and a maximum building height of 232.85 metres (not including mechanical penthouse) above sea level is permitted.
- 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".

Authority: Ontario Land Tribunal issued on ~ and its Order issued on ~ in Tribunal Case PL200441

**CITY OF TORONTO**

**BY-LAW No. ~-2021 (OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 4050 Yonge Street.**

Whereas the Ontario Land Tribunal pursuant to its Decision/Orders issued on ~, and on ~ in respect of Tribunal File PL200441, upon hearing an appeal under Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend the Zoning By-law for the City of Toronto, being By-law 569-2013, as amended, with respect to lands municipally known in the year 2020 as 4050 Yonge Street; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

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

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; and

Now therefore pursuant to the Order of the Ontario Land Tribunal, By-law No. 569-2013, as amended, is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone labels: CR (x###), ON (x###) and ON as shown on Diagram 2 of this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Area Overlay Map in Section 995.10.1 and applying the following Policy Area label to these lands: PA3, as shown on Diagram 3 of this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1 and applying the following height label to these lands: HT 39.5, as shown on Diagram 4 of this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1 and the Rooming House Overlay map in Section 995.40.1 with no label.
7. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (x###) so it reads:

**Exception CR (x###)**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 4050 Yonge Street, if the requirements of Section 10 and Schedule A of By-law [Clerks to insert By-law Number] are complied with, nothing shall apply to prevent the erection of **buildings** or **structures** that comply with (B) to (L) below;
- (B) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 133.35 and the elevation of the highest point of the building;
- (C) Despite Regulations 40.5.40.10(3), (4), (5), (6), (7) and (8) and Regulation (D) of this Exception, the following elements of a **building** or **structure** may project above the permitted maximum heights shown on Diagram 5 of By-law [Clerks to insert By-law Number]:
  - a. parapets, fences and safety railings, planters and elements or **structures** on the roof of the **building** used for outside or open-air recreation, safety or wind protection purposes, and landscape features, heating, ventilation or cooling equipment such as chimneys, mechanical roof, stacks and flues all of which may exceed the permitted maximum height by 3.5 metres;

- (D) Despite Regulation 40.10.40.10(2), the permitted maximum height of any **building** or **structure** is the numerical value, in metres, following the letters “HT” as shown on Diagram 5 of By-law [**Clerks to insert By-law Number**];
- (E) Despite Regulation 40.10.40.40(1), the total **gross floor area** must not exceed a maximum of 51,250 square metres, of which:
- A minimum **gross floor area** of 1,500 square metres is for retail, commercial and restaurant uses;
  - A minimum **gross floor area** of 3,900 square metres is for office uses;
- (F) Despite Regulations 40.5.40.60(1), Clause 40.10.40.60 and Regulation (G) of this Exception, the following **building** elements and **structures** are permitted to encroach into the required minimum **building setbacks** shown on Diagram 5 of By-law [**Clerks to insert By-law Number**]:
- cornices, lighting fixtures, architectural features, signs, ornamental **structures**, trellises, canopies, columns, window washing equipment, stairs, heritage features, mechanical fans, balustrades, safety or wind protection measures, and landscape features, all of which may extend a maximum of 1.8 metres;
- (G) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks above ground** are identified on Diagram 5 of By-law [**Clerks to insert By-law Number**];
- (H) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided at a minimum rate of:

Land Use	Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Office	1.0 <b>parking spaces</b> per 100 square metres of <b>gross floor area</b>	100%	100%	10%
Retail	1.0 <b>parking spaces</b> per 100 square metres of <b>gross floor area</b>	35%	100%	95%
Restaurant	16 <b>parking spaces</b> per 100 square metres of <b>gross floor area</b>	30%	75%	100%
Residential Visitor	0.1 <b>parking spaces</b> per <b>dwelling units</b>	10%	35%	100%
Residential	0.35 <b>parking spaces</b> per <b>dwelling units</b>	100%	100%	100%

- (I) Despite Regulation (H) of this Exception, if a car-share **parking space** is provided the required **parking spaces** for residents of the **dwelling units** is reduced by 4 **parking spaces**, up to a maximum of 5 car-share **parking spaces**;
- (J) For the purposes of Regulation (I) of this Exception:
- Car-share is the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization

and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and

- ii. a car-share **parking space** is a **parking space** that is exclusively reserved and actively used for car-sharing;

(K) A minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain three or more bedrooms and a minimum 40 percent of the total number of **dwelling units** on the **lot** must contain two bedrooms or more;

(L) **Buildings** or **structures** and/or portions of **buildings** or **structures**, with the exception of a ground floor canopy, are not permitted within and may not protrude within, above or below grade, the 10 metre top-of-slope ON(x###) Zone as shown on Diagram 2 of By-law [**Clerks to insert By-law Number**].

Prevailing By-laws and Provisions: (None Apply)

8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.41.10 Exception Number (x###):

**Exception ON (x###)**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

(A) On 4050 Yonge Street, if the requirements of Section 10 and Schedule A of By-law [**Clerks to insert By-law Number**] are complied with, nothing shall apply to prevent the erection of **buildings** or **structures** that comply with (A) to (C) below;

(B) **Buildings** or **structures** and/or portions of **buildings** or **structures**, with the exception of a ground floor canopy, are not permitted within and may not protrude within, above or below grade, the 10 metre top-of-slope ON(x###) Zone as shown on Diagram 2 of By-law [**Clerks to insert By-law Number**]; and

(C) Despite Regulation (B) of this Exception, bank stabilization works may be permitted within the ON(x###) Zone as shown on Diagram 2 of By-law [**Clerks to insert By-law Number**].

Prevailing By-laws and Provisions: (None Apply)

9. Despite any future severance, partition or division of the lands shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

10. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Area A of Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

PURSUANT TO THE DECISION OF THE ONTARIO LAND TRIBUNAL ISSUED ON ~ AND ITS ORDER ISSUED ON ~ IN TRIBUNAL CASE PL200441

Confidential and without prejudice

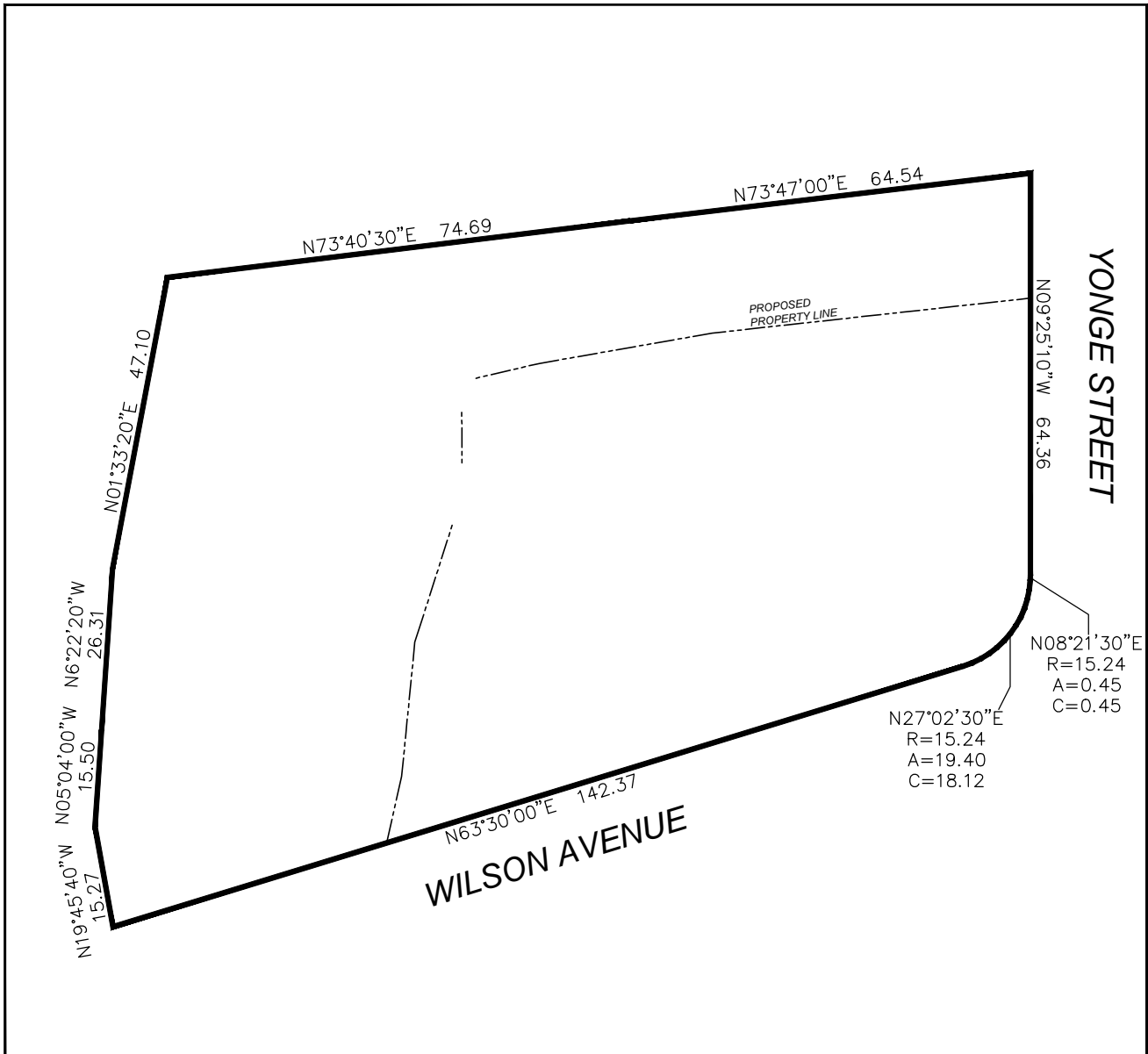
**SCHEDULE A**

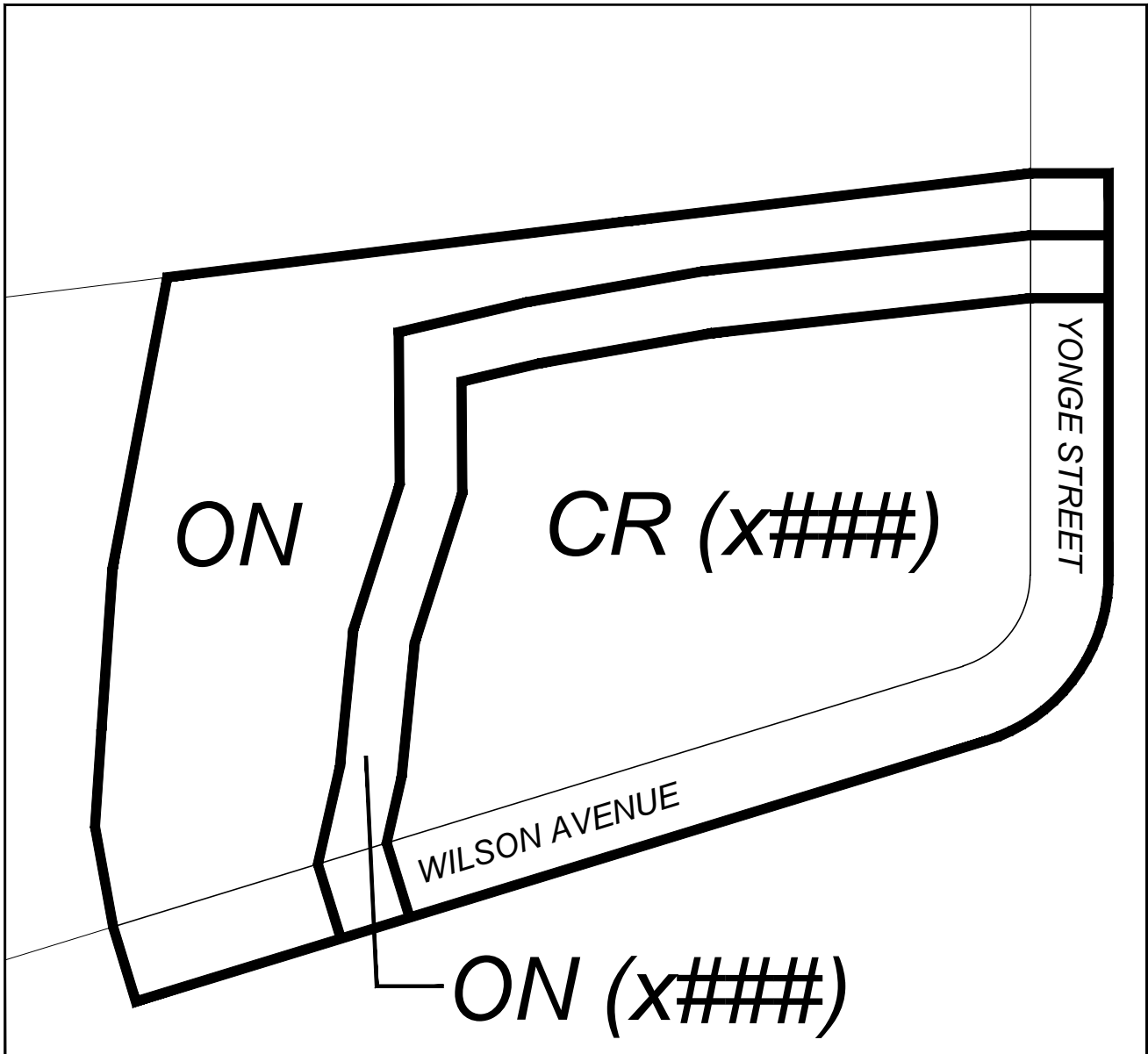
Section 37 Provisions

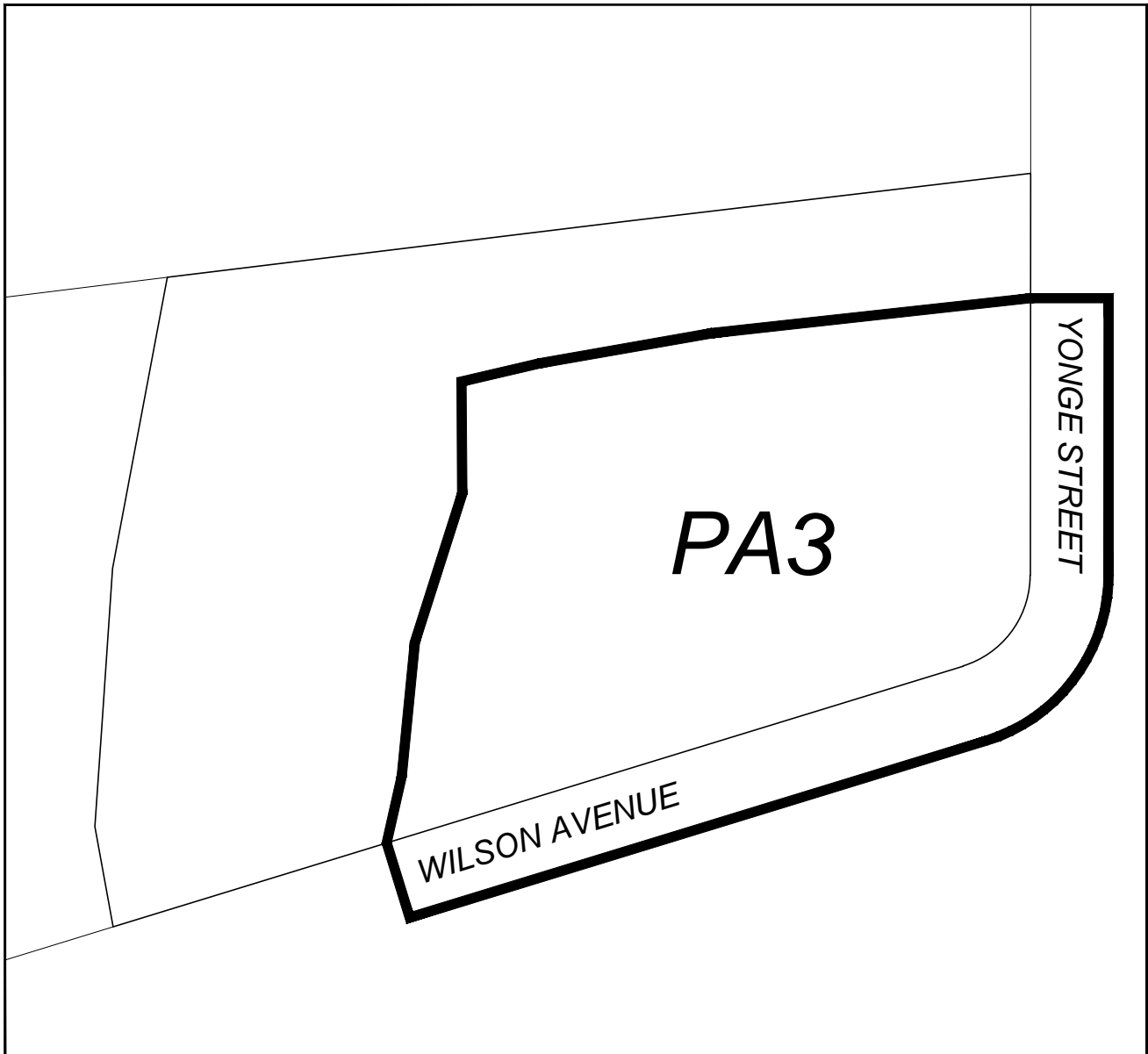
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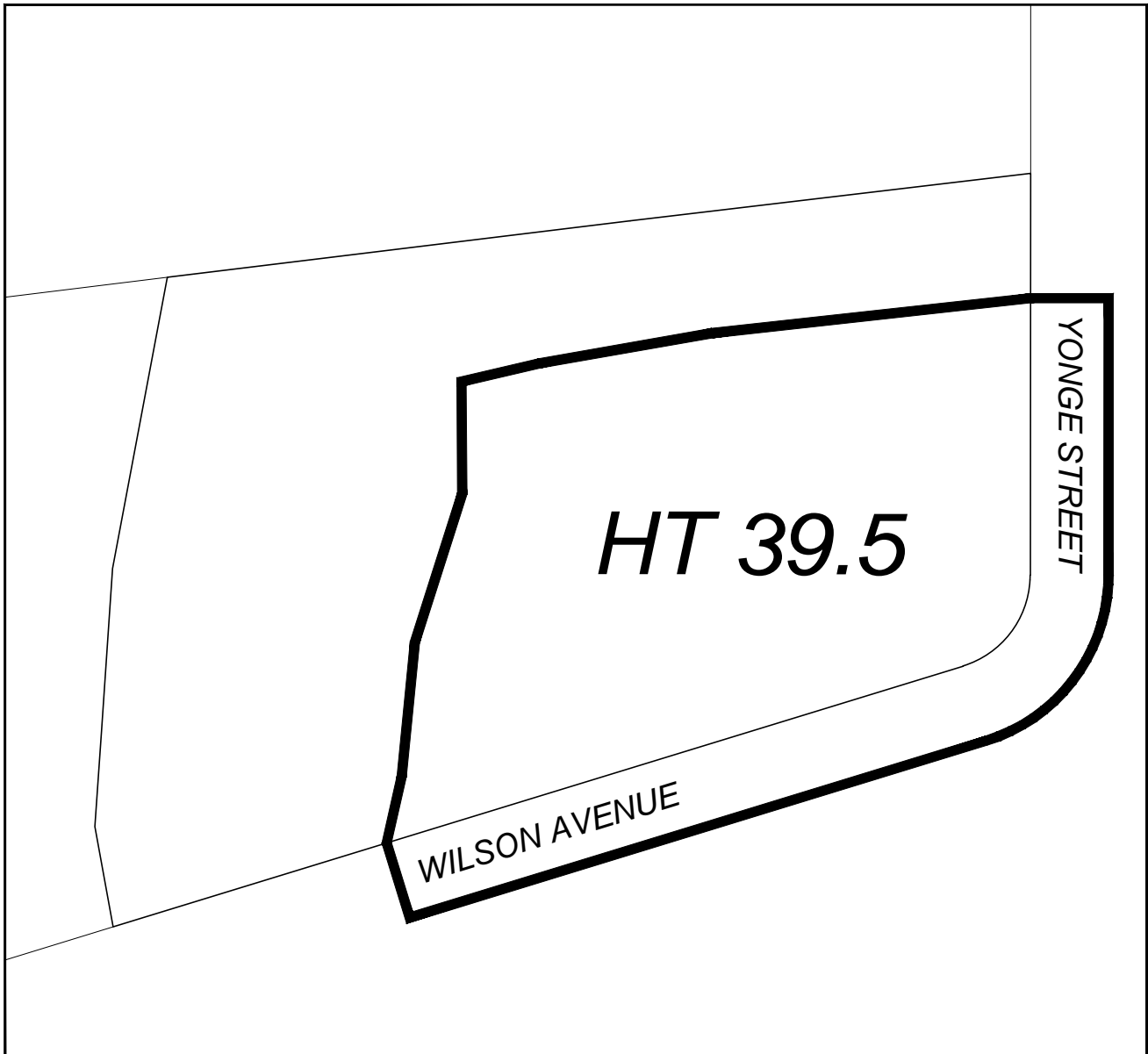
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*Draft Zoning By-law Amendment (November 26, 2021)*

Authority: Ontario Land Tribunal issued on ~ and its Order issued on ~ in Tribunal Case PL200441

**CITY OF TORONTO**

**BY-LAW No. ~-2021(OLT)**

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

Whereas the Ontario Land Tribunal pursuant to its Decision/Orders issued on ~, and on ~ in respect of Tribunal File PL200441, upon hearing an appeal under Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend the former Zoning By-law for the City of North York, being By-law 7625, as amended, with respect to lands municipally known in the year 2020 as 4050 Yonge Street; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

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

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; and

Now therefore pursuant to the Order of Ontario Land Tribunal, By-law No. 7625 is further amended as follows:

1. Schedule “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule 1 and Schedule C5(###) attached to this By-law.
2. Section 64.27 –**EXCEPTIONS TO C5 ZONE (GENERAL COMMERCIAL ZONE)** of By-law No. 7625 is amended by adding the following subsection:

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**64.27 (###) C5(###)**

**DEFINITIONS**

(a) For the purposes of this exception, the following definitions apply:

- (i) Established Grade means the geodetic elevation of 133.35 metres above sea level.

**EXCEPTION REGULATIONS**

(b) Yard Setbacks

- (i) Notwithstanding Section 27(4), the minimum above grade yard setbacks are shown on Schedules C5(###); and
- (ii) Canopies, cornices, lighting fixtures, architectural features, signs, ornamental structures, trellises, columns, window washing equipment, stairs, mechanical fans, balustrades, safety or wind protection measures, and landscape features may encroach within the minimum yard setbacks.

(c) Building Height/Storeys

- (i) Notwithstanding Section 27(5), the maximum building heights shall not exceed those building heights identified on Schedule C5(###); and
- (ii) Screens, parapets, skylights, fences and safety railings, planters and elements or structures on the roof of the building used for outside or open-air recreation, safety or wind protection purposes, and landscape features, heating, ventilation or cooling equipment such as chimneys, mechanical roof, stacks and flues and elevator overruns are permitted to exceed the heights on Schedule C5(###).

(d) Density

- (i) Notwithstanding Section 27(6), the maximum total gross floor area shall not exceed 51,200 square metres;
- (ii) The minimum retail, commercial or restaurant gross floor area is 1,500 square metres;
- (iii) The minimum office gross floor area is 3,900 square metres;
- (i) The interior floor area of a portion of a building that is used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas, storage areas in a basement, parking space,

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loading space, or a drive aisle used to access a parking space or loading space, is not included as gross floor area for the purpose of calculating parking space requirements; and

- (ii) Below grade mechanical and mechanical storage areas are excluded from gross floor area.

(e) Residential Recreational Amenity Area

- (i) Amenity Space must be provided at a minimum rate of 4.0 square metres for each dwelling unit, of which:

- (A) At least 2.0 square metres for each dwelling unit is indoor amenity space;

- (B) At least 40.0 square metres is outdoor amenity space in a location adjoining or directly accessible to the indoor amenity space; and

- (C) No more than 25% of the outdoor component may be a green roof.

(f) Parking

- (i) On-site vehicular parking must be provided as follows:

- (A) Business, Professional and Professional Medical Offices:

- i. Minimum 1.0 spaces per 100 square metres gross floor area;

- (B) Retail Stores and Personal Service Shops

- i. Minimum 1.0 spaces per 100 square metres gross floor area;

- (C) Restaurants

- i. Minimum 16 spaces per 100 square metres of gross floor area;

- (D) Residential

- i. Minimum 0.35 spaces per dwelling unit;

- (E) Residential Visitor

- i. Minimum 0.1 parking spaces per dwelling units;

- (ii) In determining the minimum number of vehicular parking spaces required, the following shared parking rates apply



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Use	Shared Parking		
	Morning	Mid-Day	Evening
Office	100%	100%	10%
Retail	35%	100%	95%
Restaurant	30%	75%	100%
Visitor	10%	35%	100%

(g) Loading

- (i) Notwithstanding Section 6A(16), the following loading spaces shall be provided:
  - a. a minimum of one Type “B” loading spaces, which measure 11.0 metres in length and 3.5 metres in width, with a vertical clearance of 4.0 metres.
  - b. a minimum of two Type “C” loading spaces, which measure 6.0 metres in length and 3.5 metres in width, with a vertical clearance of 3.0 metres.
  - c. a minimum of one Type “G” loading spaces, which measure 13.0 metres in length and 4.0 metres in width, with a vertical clearance of 6.1 metres.

(h) Buildings or structures and/or portions of buildings or structures, with the exception of a ground floor canopy and above-grade restaurant terrace, 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.

(i) The provisions of Section 6A-1, 22.10, 22.12 and 27(9) 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 apply:

- (i) Landscaping means 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) "Gross Floor Area" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the

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main wall of each floor level. Gross floor area may be reduced by the area in a the building used for:

- (A) parking, loading and bicycle parking below-ground;
  - (B) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
  - (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - (D) shower and change facilities required by this By-law for required bicycle parking spaces;
  - (E) amenity space required by this By-law;
  - (F) elevator shafts;
  - (G) garbage shafts;
  - (H) mechanical penthouse; and
  - (I) exit stairwells in the building
- (iii) Soft Landscaping means 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) Landscaping; and
- (ii) Soft landscaping.

**EXCEPTION REGULATIONS**

(a) Buildings or structures and/or portions of buildings or structures, with the exception of a ground floor canopy and above-grade restaurant terrace, are not permitted within, above or below grade, the 10 metre top-of-slope area as shown on Schedule 1. Bank stabilization works are permitted within this area.

**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

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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:

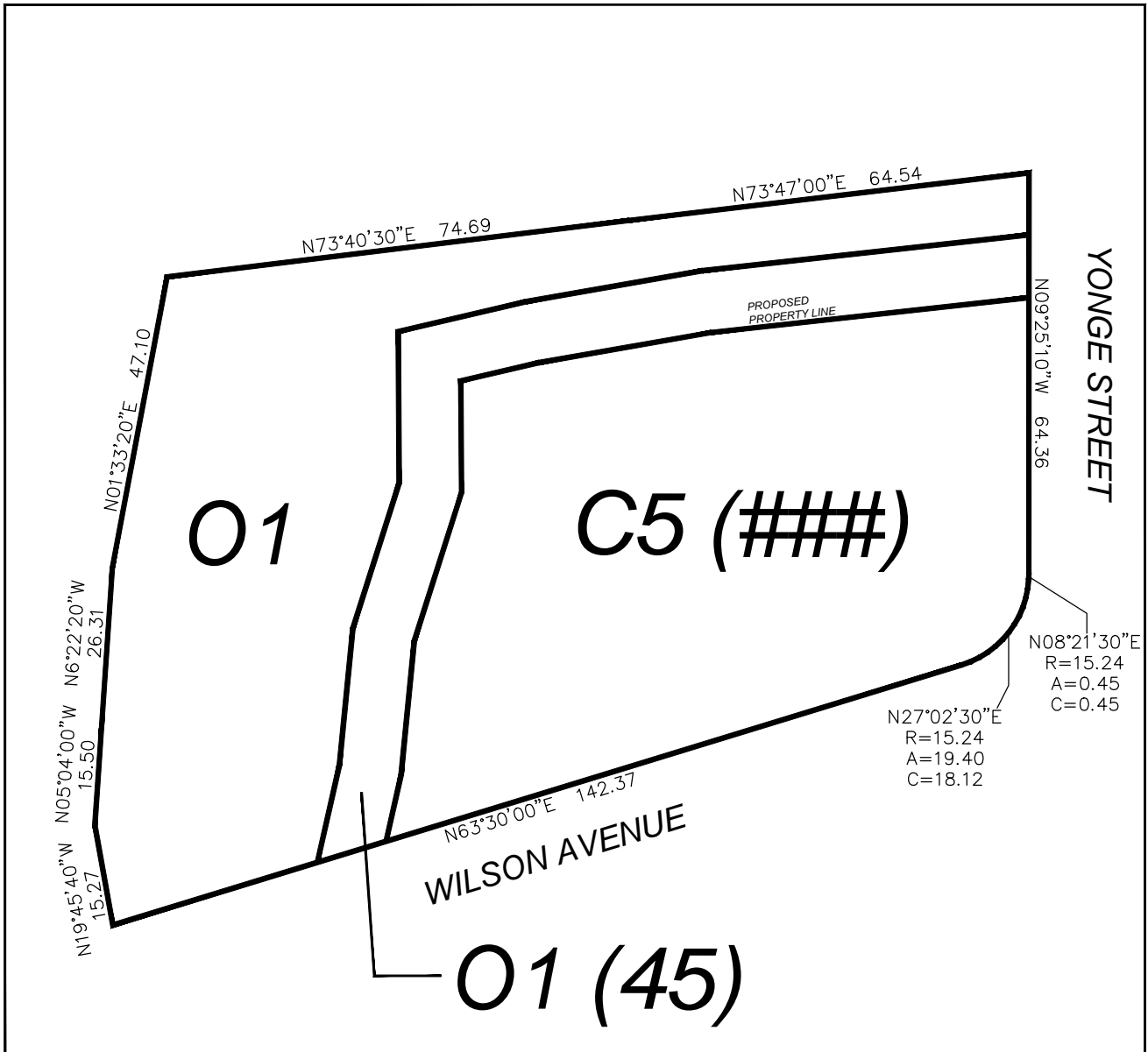
*(i) To complete upon discussion with City Staff*

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.
7. Zoning By-law 1093-2016 is hereby repealed.

PURSUANT TO THE DECISION OF THE ONTARIO LAND TRIBUNAL ISSUED ON ~  
AND ITS ORDER ISSUED ON ~ IN TRIBUNAL CASE PL200441

confidential and without prejudice

# Schedule 1



# Schedule C5 (###)

