

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** July 19, 2023

**CASE NO(S).:**

OLT-22-002185

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

Applicant/Appellant: Fengate CCC Holdings LP  
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision  
Description: To permit a mixed-use community with five residential and mixed-use buildings  
Reference Number: 21 179555 NNY 16 OZ  
Property Address: 1-3 Concorde Gate and 10-12 Concorde Place  
Municipality/UT: Toronto/Toronto  
OLT Case No: OLT-22-002185  
OLT Lead Case No: OLT-22-002185  
OLT Case Name: Fengate CCC Holdings LP v. Toronto (City)

**PROCEEDING COMMENCED UNDER** section 51(34) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Applicant/Appellant: Fengate CCC Holdings LP  
Subject: Proposed Plan of Subdivision – Failure of Approval Authority to make a decision  
Description: To permit a mixed-use community with five residential and mixed-use buildings  
Reference Number: 21 179556 NNY 16 SB  
Property Address: 1-3 Concorde Gate and 10-12 Concorde Place  
Municipality/UT: Toronto/Toronto  
OLT Case No: OLT-22-002186  
OLT Lead Case No: OLT-22-002185

**PROCEEDING COMMENCED UNDER** section 69(3) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended*.

Applicant/Appellant	Fengate CCC Holdings LP
Subject:	Protest the levying of fees in relation to an application for a zoning by-law amendment
Description:	To permit a mixed-use community with five residential and mixed-use buildings
Reference Number:	21 179555 NNY 16 OZ
Property Address:	1-3 Concorde Gate and 10-12 Concorde Place
Municipality/UT:	Toronto/Toronto
OLT Case No:	OLT-21-001207
OLT Lead Case No:	OLT-22-002185

**Heard:** June 21, 2023

#### **APPEARANCES:**

##### **Parties**

##### **Counsel**

Fengate CCC Holdings LP (Applicant/Appellant") ("Fengate")	J. Park
City of Toronto ("City")	C. Dougherty
Don Mills Residents Inc.	S. Spitz
Toronto District School Board ("TDSB")	P. Patterson

#### **MEMORANDUM OF ORAL DECISION DELIVERED BY D. CHIPMAN ON JUNE 21, 2023 AND INTERIM ORDER OF THE TRIBUNAL**

---

[Link to Interim Order](#)

#### **INTRODUCTION and BACKGROUND**

[1] Fengate CCC Holdings LP (Applicant/Appellant" or "Fengate") submitted applications to the City of Toronto ("City") for a Zoning By-law Amendment ("ZBA") and

a Plan of Subdivision ("PoS") for 1-3 Concorde Gate and 10-12 Concorde Place ("Site"). The applicant appealed the City's failure to make a decision on the applications within the prescribed timeframes under s. 34(11) (ZBA) and s. 51(34) (PoS) of the *Planning Act*.

[2] The Original Proposal included five residential and mixed-use buildings comprised of nine towers ranging in height from 40 to 52 storeys, containing approximately 4,086 dwelling units. A total gross floor area of 308,282 square metres ("m<sup>2</sup>"), consisting of 307,004 m<sup>2</sup> of residential space, 841 m<sup>2</sup> of retail commercial space and 437 m<sup>2</sup> of community space.

[3] The hearing on this matter was originally assigned fourteen days. Fengate notified the Tribunal that the issues of the TDSB had been resolved. The Tribunal was informed that discussions with the City including those issues raised by Don Mills Residents Inc. were progressing toward a settlement. The Tribunal, on request of the Parties, stood down to allow the discussions to advance.

[4] As a result, the Parties reached a settlement in principle. In accordance with Rule 12 of the Tribunal's *Rules of Practice and Procedure*, the Tribunal convened the proceedings as a hearing on the terms of the settlement.

[5] Fengate and City jointly requested that the Tribunal approve the Revised ZBA, adjourn the Site Plan Approval *sine die* and withhold its Final Order pending receipt of confirmation, in writing by the City Solicitor, that the prerequisite matters, outlined in paragraph [47] below, are satisfied.

[6] With regard to the Appeal under section 69(3) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, protesting the levying of fees in relation to the application for the zoning by-law amendment, neither Counsel spoke to this appeal during the Settlement Hearing. The Tribunal made an inquiry post hearing to understand whether the appeal

under s. 69(3) of the Planning Act was resolved or forthcoming. Counsel for the Appellant indicated the matter to be still outstanding. As such, the Tribunal directs that in adjourning the Draft Plan of Subdivision (“PoS”) *sine die*, the s. 69(3) appeal be brought forward at the same time as the Draft PoS for the Tribunal’s consideration unless otherwise notified of the appeal withdrawal or settlement by the Parties.

## **SITE CONTEXT**

[7] The Site is approximately 30,996 m<sup>2</sup> in size, is currently occupied by a commercial office development and does not include any public uses, parks, or public open spaces.

[8] The Wynford-Concorde area is characterized by a mix of predominantly high-rise residential buildings in addition to retirement residences, co-ops, corporate office buildings located along the east side of the Don Valley Parkway and a retail plaza on Wynford Heights Crescent. The area has direct access to the northbound Don Valley Parkway on-ramps from Eglinton Avenue and Wynford Drive and to the trailhead of the East Don Trail system on the north side of Wynford Heights Crescent.

## **REVISED PROPOSAL (“Proposal”)**

[9] The Proposal includes five residential and mixed-use buildings, comprised of eight towers ranging in height from 42 to 47 storeys, inclusive of six to ten storey podiums. The provision of two new public parks located near the north and south extents of the site, now total approximately 2,544 m<sup>2</sup> in size.

[10] The Proposal has a total gross floor area of approximately 295,786 m<sup>2</sup>, resulting in a reduced density of 9.54 FSI (Floor Space Index). This includes approximately 286,737 m<sup>2</sup> of residential space, 2,048 m<sup>2</sup> of retail commercial space and 7,001 m<sup>2</sup> of space to be dedicated to the provision of a new TDSB public school within the Building 2 podium, beneath Tower 2B.

[11] A total of 3,914 residential units are now proposed, representing a decrease of approximately 172 units from the Original Proposal. The proposed unit mix will include a mix of studio, one, two and three-bedroom units, some of which will be configured as at-grade townhouse units. The proposed units will be supported by a combined 2.92 m<sup>2</sup> of indoor and outdoor amenity space per unit. A total of 587 vehicular parking spaces will be provided on two to three underground parking levels, in addition to 3,956 bicycle parking spaces and 9 loading spaces.

[12] Street A's alignment and configuration was revised, affecting the north parcel's layout. Street A has been widened from 18.5 to 23.0 metres ("m") and has been both shortened and reconfigured into a general "L" shape, extending north from Concorde Gate and then east to meet with Concorde Place. Due to the reconfiguration of Street A, the north public park formerly abutting Building 1 has been relocated to sit between Buildings 2 and 3 on the west/north side of Street A directly adjacent to a contiguous outdoor open space area of approximately 1,596 m<sup>2</sup> which is to be dedicated to the proposed public-school use by way of a surface easement.

[13] The north parcel will now accommodate a total of three buildings and five towers (Towers 1A, 1B, 2A, 2B and 3) while the south parcel will continue to accommodate two buildings and three towers (Towers 4, 5A and 5B). Vehicular access to the buildings on the south parcel is provided by way of a private driveway from Concorde Gate.

[14] The proposed walkways, hard and soft landscaping treatments and tree plantings will be applied to the street frontages to enhance the pedestrian environment. Street A and Concorde Gate are intended to accommodate new bicycle lanes.

[15] The proposed base buildings will contain a mix of active uses at grade, including retail commercial. Buildings 1, 2 and 5 will each contain several at-grade townhouse units, while Building 3 will include at-grade townhouse units fronting the north public

park. Building 2 base building is intended to accommodate the proposed public-school use.

[16] The proposed tower elements have been sited to exceed 25 m separation distances from other towers on the Site.

## **THE SETTLEMENT HEARING**

[17] When considering an appeal of an application to amend a zoning by-law filed pursuant to s. 34 of the Act, the Tribunal must have regard to matters of provincial interest as set in s. 2 of the Act. Section 3(5) of the Act requires that decisions of the Tribunal affecting planning matters be consistent with the Provincial Policy Statement, 2020 (“PPS”) and conform to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”). The Tribunal must also be satisfied that the ZBA conforms with the OP.

[18] In consideration of the statutory requirements set out above, the Tribunal must be satisfied that the ZBA represents good planning and is in the public interest.

[19] The Tribunal qualified Peter Smith, on consent, to provide opinion evidence as an expert in the area of land use planning and urban design.

[20] Mr. Smith testified that, in his professional opinion, the proposed ZBA, to permit the development of the Site in accordance with the Proposed Settlement, represents an appropriate and desirable form of land use planning and was in the public interest and met all the legislative tests. The following is an account of his uncontested evidence, which is accepted by the Tribunal.

## **Matters of Provincial Interest**

[21] Mr. Smith testified that the Applications had regard to matters of provincial interest set out in s. 2 of the Act. The proposed development has regard for the orderly development of safe and healthy communities; the adequate provision of a full range of housing; the appropriate location of growth and development; the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

[22] In consideration of the PPS, Mr. Smith opined that the Settlement Proposal is consistent with the PPS, in particular the policies relating to residential intensification and the efficient use of land and infrastructure. Mr. Smith directed the Tribunal to his Witness Statement submitted with the Tribunal (Exhibit 1) which identify the relevant policies of the PPS on which Mr. Smith relied. The Tribunal was directed to the policies found in Section 1.1, which promote efficient development and land use patterns, Section 1.1.3 which promote land use patterns that efficiently use land and infrastructure and are transit supportive, Section 1.3 encouraging compact mixed-use development that incorporates employment uses to support liveable and resilient communities, Section 1.4 which direct planning authorities to provide for an appropriate range and mix of housing options, Section 1.6 encouraging the use of existing infrastructure and public service facilities which optimize and support the current and future use of transit and active transportation, and the economic policies and energy conservation and climate policies of Sections 1.7 and 1.8.

[23] It is Mr. Smith's opinion that the Settlement Proposal conforms with the Growth Plan, in particular the policies that seek to optimize the use of land and infrastructure and to encourage growth and intensification in Strategic Growth Areas, including Major Transit Station Areas (MTSA), implementing the objectives for a complete community and requiring minimum density targets for MTSA's along Priority Transit Corridors.

The Site is within 530 to 800 m (approximately 800 m walking distance, representing a 10 to 11 minute walk) of the entrance to the Wynford stop on the Eglinton-Crosstown LRT (Light Rapid Transit) line, which is planned to begin operation shortly.

### **OP 575**

[24] Mr. Smith proffered that the City delineated the boundaries of MTSA's across the City in conformity with the Growth Plan, with the approval of Official Plan Amendment 575 ("OPA 575") which created the Wynford MTSA and Site Area Specific Policies 685 ("SASP 685") which establish a minimum population and employment target of 200 residents and jobs combined per hectare. OPA 575 includes the Subject Lands within the boundaries of the Wynford MTSA and advised that the Subject Lands are in close proximity to the future Wynford LRT station located on the Eglinton Crosstown LRT route located directly south of the Subject Property on Eglinton Avenue East.

### **City's Official Plans**

[25] Mr. Smith noted that the land use designation is Mixed-Use Areas. He explained that Mixed-Use Areas are one of four land use designations anticipated to accommodate much of Toronto's increased growth.

[26] The Tribunal heard the OP envisions that development in Mixed-Use Areas will create a balance of high-quality commercial, residential, institutional, and open space uses that reduce automobile dependency, satisfy the needs of the local community, and provide for new homes for the City's growing population on underutilized lands.

[27] Mr. Smith reviewed the criteria for development in the Mixed-Use Areas policies and opined that the Settlement Proposal achieves a balance of high-quality commercial, residential, institutional, and open spaces uses that reduce automobile dependency and meet the needs of the local community providing new jobs, a school and homes for the City's growing population on underutilized lands.



[28] With regard to the Public Realm and Built Form policies of the OP, Mr. Smith reviewed renderings prepared by the Architect and explained how the Settlement Proposal will result in a public realm that provides a continuous frontage of ground floor uses to enhance the safety, amenity and animation of Concorde Place, Concorde Gate, Street A.

## **Zoning**

[29] The in-force Zoning By-law applying to the Subject Site is Zoning By-law 7625 of the former City of North York, as amended.

[30] Under By-law 7625, the Subject Site is zoned MO(1) (Industrial-Office Business Park Zone, with a site-specific exception). The MO(1) zone permits a range of non-residential uses, including office uses, hotels, financial institutions, restaurants and accessory retail stores and service shops, in addition to light industrial uses. Residential uses are not permitted in the MO(1) zone.

[31] In this regard, Mr. Smith explained that the proposed amendment incorporates all the zoning provisions that would be required to bring the zoning into conformity within the new City-wide ZBL 569-2013.

## **City's Guidelines**

[32] With respect to the City's Growing Up Guidelines ("GUG"), which recommends a range of unit sizes, Mr. Smith opined that the Settlement Proposal is generally in keeping with the guidelines in the sense that the unit mix includes approximately 1,062 two-bedroom units, representing 27.1 percent of the total unit count, and 351 three-bedroom units, representing 9 percent of the total unit count, both of which meet the Guidelines. The guidelines seek to achieve a minimum of 25% two and three-bedroom

units, comprised of 15% two-bedroom units and 10% three-bedroom units. The Proposal will also have access to a new school, parks, and active transportation paths.

[33] Mr. Smith summarized the City's Tall Building Design Guidelines ("TBDG"). In his opinion the Proposal is generally in accordance with the TBDG which have flexibility for larger floor plates for taller buildings. He qualified the Settlement Proposal's floor plates' range from slightly larger to somewhat larger than the recommended limit of 750 m<sup>2</sup>. He noted the consideration that the Proposal exceeds the recommended minimum tower setback of 12.5 m and the recommended minimum tower separation of 25 m.

### **Pet Friendly Design Guidelines**

[34] Mr. Smith testified that under the Pet Friendly Design the proposed development provides for well designed high-quality pet friendly amenities that included external open spaces and living spaces that are supportive of a growing pet population.

### **FCM/RAC Rail Proximity Guidelines**

[35] Section 3.0 of the Rail Proximity Guidelines sets out the main objective being to mitigate railway-oriented impacts such as noise, vibration, and safety hazards and to ensure that the quality of life of a building's residents and users is not negatively affected. Mr. Smith explained that Building 3 of the proposed development will include a 25m setback from the rail line and will be fitted with a safety barrier crash wall.

### **Comments from Participants**

[36] The Tribunal received written statements from Participants who held concerns related to height, traffic, rail safety and design guidelines. Mr. Smith addressed these concerns extensively through his evidence.

[37] It was Mr. Smith's overall opinion that the Settlement is consistent with the land use planning framework established in the PPS, conform with the Growth Plan and the OP.

## **FINDINGS AND DISPOSITION**

[38] The Tribunal accepts the uncontroverted planning evidence and opinions of Mr. Smith in the disposition of the appeal.

[39] The Tribunal accepts the submission of Mr. Smith that the Settlement Proposal will not create unacceptable built form impacts on nearby properties or the public realm noting the site is located within a high-rise context and is well separated from low-rise residential areas and other shadow-sensitive areas.

[40] The Tribunal is satisfied that the Settlement Proposed will create a high-quality addition to the area, in keeping with the built form policies of the OP and the nodal development pattern emerging around the Eglinton-Crosstown LRT system.

[41] The Settlement Proposal will support the achievement of the PPS and Growth Plan policy directions promoting intensification within a built-up urban area and will be an efficient use of the land resulting in a desirable mixed-use intensification project having convenient access to transit, recreation, shopping and employment opportunities, while incorporating a school on the site.

[42] The Tribunal finds that the Settlement Proposal will enhance the area by intensifying an underutilized site which is well served with municipal infrastructure.

[43] The ZBA is consistent with the policy direction of the PPS and conforms to the directives of the Growth Plan and the policy intent of the OP. It has appropriate regard

for matters of Provincial interest and represent good planning that is in the public interest.

[44] Furthermore, considering the Proposed Settlement has been endorsed by the City, the Tribunal makes its findings while exercising regard for the decision of the City pursuant to s. 2.1(1)(a) of the Act.

[45] The Tribunal approves the ZBA in principle, subject to the conditions as recommended by Mr. Smith being approval of the final form of the zoning by-law to the satisfaction of the City Solicitor. With respect to the Draft Plan of Subdivision appeal, this appeal shall be adjourned *sine die* to allow the City and the Appellant to finalize the approval conditions and to provide them to the Tribunal.

#### **INTERIM ORDER**

[46] **THE TRIBUNAL ORDERS THAT** the appeal is allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified in paragraph [47] below, and the draft Zoning By-law Amendment set out in Attachment 1 to this Interim Order, is hereby approved in principle.

[47] **THE TRIBUNAL** will withhold the issuance of its Final Order contingent upon confirmation of the City Solicitor, in writing, that the following prerequisite matters have been completed:

- a. the Tribunal has received, and approved, the Zoning By-law Amendments submitted in a final form, confirmed satisfactory to the City Solicitor, Chief Planner and Executive Director, City Planning;
- b. the Owner has provided a Functional Servicing Report, Stormwater Management Report and Hydrogeological Review, including the Foundation

Drainage Report, satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services;

- c. the Owner at its sole expense has designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report and Hydrogeological Review, including the Foundation Drainage Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Functional Servicing Report and Stormwater Management Report, Foundation Drainage Report, and Hydrogeological Review, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;
- d. the implementation of the Functional Servicing Report, Groundwater Report, Stormwater Management Report and Hydrogeological Report, including the Foundation Drainage Report, accepted by Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services, does not require changes to the proposed amending by-law or any such required changes have been made to the proposed amending by-law to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
- e. the Owner has submitted a revised Traffic Impact Study which includes Travel Demand Management measures acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, and that matters arising from the Study be secured if required and/or provided for in the Zoning By-

law Amendment, including the appropriate parking ratios for the development;

- f. the Owner has submitted updated Functional Road Plans, including pavement marking and signage plans, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- g. the Owner has submitted a Phasing Plan to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the Chief Planner and Executive Director, City Planning;
- h. the Owner has submitted an updated Rail Safety Report to the satisfaction of the Chief Planner and Executive Director, City Planning, and further the Owner's solicitor has confirmed to the City Solicitor that the Owner agrees to a condition of draft plan of subdivision approval to incorporate the mitigation measures outlined in the Rail Safety Report as part of the final development; and
- i. the Owner has submitted an updated Pedestrian Level Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning, and further, the Owner's solicitor has confirmed to the City Solicitor that the Owner agrees to a condition of draft plan of subdivision approval to incorporate the mitigation measures outlined in the Pedestrian Level Wind Study as part of the final development. For clarity, such mitigation measures shall not extend to changes to the building envelope, but may include mitigation measures such as chamfered corners, inset building entrances, or the like, and any other mitigation measures recommended by the wind consultant that would normally be addressed as part of the site plan control application.

[48] **THE TRIBUNAL ORDERS** that the Draft Plan of Subdivision appeal section 51(34), shall be adjourned *sine die* to allow the City and the Appellant to finalize the approval conditions and to provide them to the Tribunal.

[49] **THE TRIBUNAL ORDERS** that the s. 69(3) appeal protesting the levying of fees in relation to the application for a zoning by-law amendment, shall be adjourned *sine die* and be brought forward with the Draft PoS for the Tribunal's consideration unless otherwise notified of the appeal withdrawal or settlement by the Parties.

[50] The Panel Member will remain seized for reviewing and approving the final draft of the Zoning By-Law Amendment and issuing the Final Order.

[51] If the Parties do not submit the final drafts of the Zoning By-law Amendment, and provide confirmation that all other contingent pre-requisites to the issuance of the Final Order set out in paragraph [47] above have been satisfied, and do not request the issuance of the Final Order by **Monday, January, 2, 2024**, then the Applicant and the City shall provide a written status report to the Tribunal by that date, as to the timing of the expected confirmation and submission of the final form of the draft Zoning By-law Amendment and issuance of the Final Order by the Tribunal. In the event the Tribunal fails to receive the required status report, and/or in the event the contingent pre-requisites are not satisfied by the date indicated above, or by such other deadline as the Tribunal may impose, the Tribunal may then dismiss the Appeal.

[52] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional timelines and deadline for the submission of the final form of the instrument(s) the satisfaction of the contingent prerequisites and the issuance of the Final Order.

“D. Chipman”

D. CHIPMAN  
MEMBER

### **Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.



## Attachment 1

### *Draft Zoning By-law Amendment (June 20, 2023)*

Authority: Ontario Land Tribunal Decision and Order issued on **XX** in Case No. **PLXX**.

#### CITY OF TORONTO

#### BY-LAW No. **XXX-2023** (OLT)

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 1-3 Concorde Gate and 10-12 Concorde Place.**

Whereas the Ontario Land Tribunal, by its Decision and Order issued on **XX** in File No. **PLXX**, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c.P13, as amended, order the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 1-3 Concorde Gate and 10-12 Concorde Place; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law; and

The Ontario Land Tribunal Orders:

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 label to these lands: CR 3.0 (c2.0; r2.5) SS2 (**x####**), as shown on Diagram 2 attached to 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 Areas Overlay Map in Article 995.10.1 and applying no value;
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 Article 995.20.1, and applying the following height and storey label to these lands: HT 10.5, as shown on Diagram 3 attached to 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 Article 995.30.1, and applying the following lot coverage label to these lands: 35, as shown on Diagram 4 attached to this By-law;

7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to the Rooming House Overlay Map in Article 995.40.1, and applying no value;
8. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number ##### so that it reads:

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

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 1-3 Concorde Gate and 10-12 Concorde Place as shown on Diagram 1 of By-law [Clerks to insert By-law ##], a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Y) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the elevation of the heights point of the **building** or **structure** and Canadian Geodetic Datum elevations of **136.61** metres for "Area A", and **135.84** metres for "Area B" as shown on Diagram 1 of By-law [Clerks to insert By-law ##];
- (C) Despite Regulation 40.10.30.40(1), the maximum **lot coverage** permitted must not exceed **55** percent;
- (D) Despite Regulation 40.10.40.1(1), residential use portions of a **building** are permitted to be located on the same level as non-residential use portions of the **building**;
- (E) Despite Regulation (D) above, **dwelling units** are not permitted to be located on the same level as a **public school** use within Building 2-B;
- (F) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 5 of By-law [Clerks to insert By-law ##];
- (G) Despite Regulations 40.5.40.10(3) to (8) and (F) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
- (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, cooling equipment, water supply facilities, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts and

- overruns, chimneys and vents may project above the height limits to a maximum of **9.0** metres;
- (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, may project above the height limits to a maximum of **9.0** metres;
  - (iii) **green roof** elements and parapets located on top of the mechanical penthouse enclosure, may project above the height limits to a maximum of **1.5** metres;
  - (iv) **building** maintenance units and window washing equipment may project above the height limits to a maximum of **14.0** metres;
  - (v) cabanas, pergolas, trellises and unenclosed **structures** providing safety or wind protection to rooftop terraces or **amenity space**, may project above the height limits to a maximum of **4.5** metres;
  - (vi) planters, **landscaping** features, guard rails, balustrades, privacy and decorative screens, terrace dividers, fences, exterior stairs, roof drainage features and terrace walls may project above the height limits to a maximum of **4.5** metres;
  - (vii) architectural features, parapets, and elements and structures associated with a **green roof** located below a mechanical penthouse enclosure, may project above the height limits to a maximum of **2.0** metres;
  - (viii) **structures** and elements related to outdoor flooring and roofing assembly features by a maximum of **0.5** metres; and
  - (ix) a crash wall or derailment protection feature by a maximum of **6.0** metres;
- (H) Despite Regulation 40.10.40.40(1), should a **public school** use be provided within Building 2-B as shown on Diagram 5 of [**Clerks to insert By-law ##**], the permitted maximum **gross floor area** of all **buildings** and **structures** is **296,700** square metres, subject to the following:
- (i) the permitted maximum **gross floor area** for residential uses is **287,556** square metres;
  - (ii) the required minimum **gross floor area** for non-residential uses is **2,044** square metres;
  - (iii) the permitted maximum **gross floor area** for a **public school** is

- 7,100 square metres; and
- (iv) the permitted residential **gross floor area** may be increased by the unused **gross floor area** allocated for a **public school** use, up to a maximum of 1,500 square metres;
- (I) Despite Regulation (H) above, should a **public school** use not be provided within Building 2-B as shown on Diagram 5 of [Clerks to insert By-law ##], the permitted maximum **gross floor area** of all **buildings** and **structures** is 296,700 square metres, subject to the following:
- (i) the permitted maximum **gross floor area** for residential uses is 291,400 square metres; and
  - (ii) the required minimum **gross floor area** for non-residential uses is 5,300 square metres;
- (J) Despite Regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** at the following rate:
- (i) for Building 1, as shown on Diagram 5 of [Clerks to insert By-law ##]:
    - a. at least 1.5 square metres for each **dwelling unit** as indoor **amenity space**; and
    - b. at least 1.1 square metres for each **dwelling unit** as outdoor **amenity space**, of which at least 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**;
  - (ii) for Building 2, as shown on Diagram 5 of [Clerks to insert By-law ##]:
    - a. at least 1.5 square metres for each **dwelling unit** as indoor **amenity space**; and
    - b. at least 0.8 square metres for each **dwelling unit** as outdoor **amenity space**, of which at least 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**;
  - (iii) for Building 3, as shown on Diagram 5 of [Clerks to insert By-law ##]:
    - a. at least 1.5 square metres for each **dwelling unit** as indoor **amenity space**; and
    - b. at least 2.0 square metres for each **dwelling unit** as outdoor **amenity space**, of which at least 40 square metres must be in

- a location adjoining or directly accessible to the indoor **amenity space**;
- (iv) for Building 4, as shown on Diagram 5 of [Clerks to insert By-law ##]:
    - a. at least **1.5** square metres for each **dwelling unit** as indoor **amenity space**; and
    - b. at least **1.0** square metres for each **dwelling unit** as outdoor **amenity space**, of which at least 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**;
  - (v) for Building 5, as shown on Diagram 5 of [Clerks to insert By-law ##]:
    - a. at least **1.5** square metres for each **dwelling unit** as indoor **amenity space**; and
    - b. at least **1.3** square metres for each **dwelling unit** as outdoor **amenity space**, of which at least 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**;
  - (K) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 5 of By-law [Clerks to insert By-law ##];
  - (L) Despite Regulation 40.10.40.80(2), the required separation of **main walls** is as shown in metres on Diagram 5 of By-law [Clerks to insert By-law ##];
  - (M) Despite Clause 40.10.40.60 and Regulations (K) and (L) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:
    - (i) decks and platforms situated upon a roof may encroach to the extent of the roof upon which they are situated;
    - (ii) a crash wall or derailment protection feature;
    - (iii) canopies and awnings, by a maximum of **3.0** metres;
    - (iv) exterior stairs, access ramps and elevating devices, by a maximum of **3.0** metres;
    - (v) at grade terraces, by a maximum of **3.0** metres;
    - (vi) balconies, by a maximum of **2.0** metres;

- 
- (vii) architectural features, such as a pilaster, decorative column, cornice, sill, belt course or chimney breast, in addition to louvres, or screens providing privacy, safety or wind mitigation by a maximum of **1.0** metre;
  - (viii) window projections, including bay windows and box windows, by a maximum of **1.0** metre;
  - (ix) eaves, by a maximum of **1.0** metre;
  - (x) light fixtures, satellite dishes, antennae, vents, and pipes, by a maximum of **1.0** metre; and
  - (xi) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of **1.0** metres;
- (N) Despite Regulation 40.10.50.10(2), a fence is not required along a **lot line** abutting a lot in the Residential Apartment Zone category;
- (O) Despite Regulation 40.10.50.10(3), **soft landscaping** is not required along a **lot line** abutting a lot in the Residential Apartment Zone category;
- (P) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a maximum of **0.7 parking spaces** for each bachelor **dwelling unit** up to 45 square metres and **1.0 parking spaces** for each bachelor **dwelling unit** greater than 45 square metres;
  - (ii) a maximum of **0.8 parking spaces** for each one **bedroom dwelling unit**;
  - (iii) a maximum of **0.9 parking spaces** for each two bedroom **dwelling unit**;
  - (iv) a maximum of **1.1 parking spaces** for each three bedroom **dwelling unit**;
  - (v) a minimum of **2.0 plus 0.05 parking spaces** per **dwelling unit** for residential visitors; and
  - (vi) a maximum of **1.0 parking space** for each **100** square metres of **gross floor area** for non-residential uses;
- (Q) Despite Regulation 200.5.1.10(2)(A)(iv), a total of **10** percent of all **parking spaces** on the **lot** may be obstructed as described in Regulation 200.5.1.10(2)(D) without being required to provide additional width for the

- obstructed sides of the **parking space**;
- (R) Despite Regulation 200.5.1.10(2)(D), Electric Vehicle Infrastructure, including electrical vehicle supply equipment or an **energized outlet**, does not constitute an obstruction to a **parking space**;
- (S) Despite Regulation 200.15.1(1) and (3) an accessible **parking space** must comply with the following:
- (i) accessible **parking spaces** must have the following minimum dimensions:
    - a. length of **5.6** metres;
    - b. width of **3.4** metres; and
    - c. vertical clearance of **2.1** metres;
  - (ii) the entire length of an accessible **parking space** must be adjacent to a **1.5** metre wide accessible barrier free aisle or path;
- (T) Despite Regulation 200.15.1(4), an accessible **parking space** is not required to be the closest **parking space** to:
- (i) a barrier free entrance to a **building**; or
  - (ii) a passenger elevator that provides access to the first **storey** of a **building**;
- (U) Despite Regulation 200.15.10.10 (1), a minimum of **29** accessible **parking spaces** are required;
- (V) Despite Regulation 220.5.10.1(1) and (2), **loading spaces** must be provided in accordance with the following:
- (i) for Building 1, as shown on Diagram 5 of **[Clerks to insert By-law ##]**, **1** Type "G" **loading space** and **1** Type C **loading space** is required;
  - (ii) for Building 2, as shown on Diagram 5 of **[Clerks to insert By-law ##]**, **2** Type "G" **loading space** and **1** Type "C" **loading space** is required;
  - (iii) for Building 3, as shown on Diagram 5 of **[Clerks to insert By-law ##]**, **1** Type "G" **loading space** for Building 3 is required;
  - (iv) for Building 4, as shown on Diagram 5 of **[Clerks to insert By-law ##]**, **1** Type "G" **loading space** for Building 4 is required; and

- (v) for Building 5, as shown on Diagram 5 of [Clerks to insert By-law ##], 1 Type "G" loading space and 1 Type "C" loading space are required;
- (W) Despite Regulation 230.5.1.10(9), "long-term" **bicycle parking spaces** are permitted to be located on all levels of the **building** and **parking garage** both above and below a Canadian Geodetic Datum elevation **136.61** metres for "Area A", and **135.84** metres for "Area B" as shown on Diagram 1 of By-law [Clerks to insert By-law ##];
- (X) Despite Regulation 230.5.1.10(10), required "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space** arrangement; and
- (Y) Despite Regulations 230.40.1.20(2), a "short-term" **bicycle parking space** may be located more than **30** metres from a pedestrian entrance to the **building** on the **lot**;

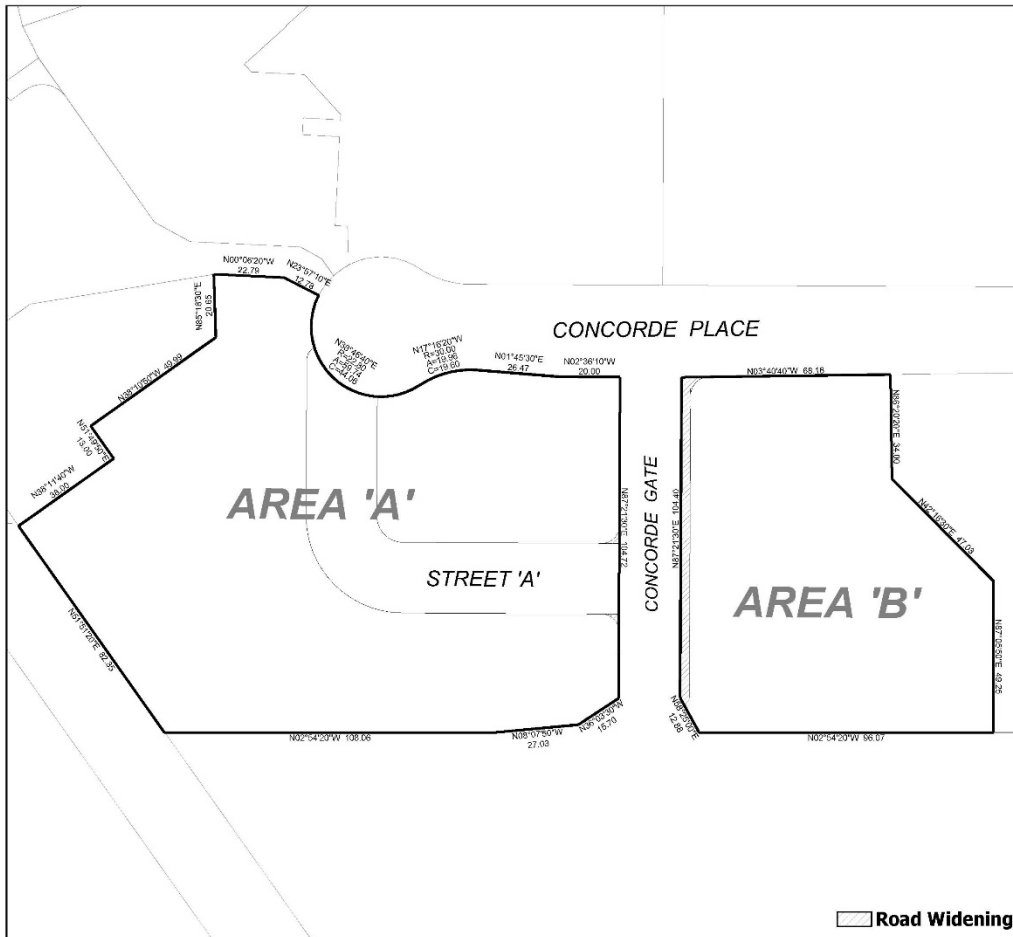
Prevailing By-laws and Prevailing Sections: (None Apply)

9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition, or division occurred.
10. Temporary use(s):
- (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales, leasing or construction office, which is a temporary **building, structure**, facility, or trailer on the lands used exclusively for the purpose of marketing or sale of **dwelling units** or non-residential gross floor area to be erected on the **lot** for a period of not more than 3 years from the date this By-law comes into full force and effect.

Ontario Land Tribunal Decision and Order issued on **XX** in File No. **XX**.



City of Toronto By-law No. \_\_\_\_ - 2023



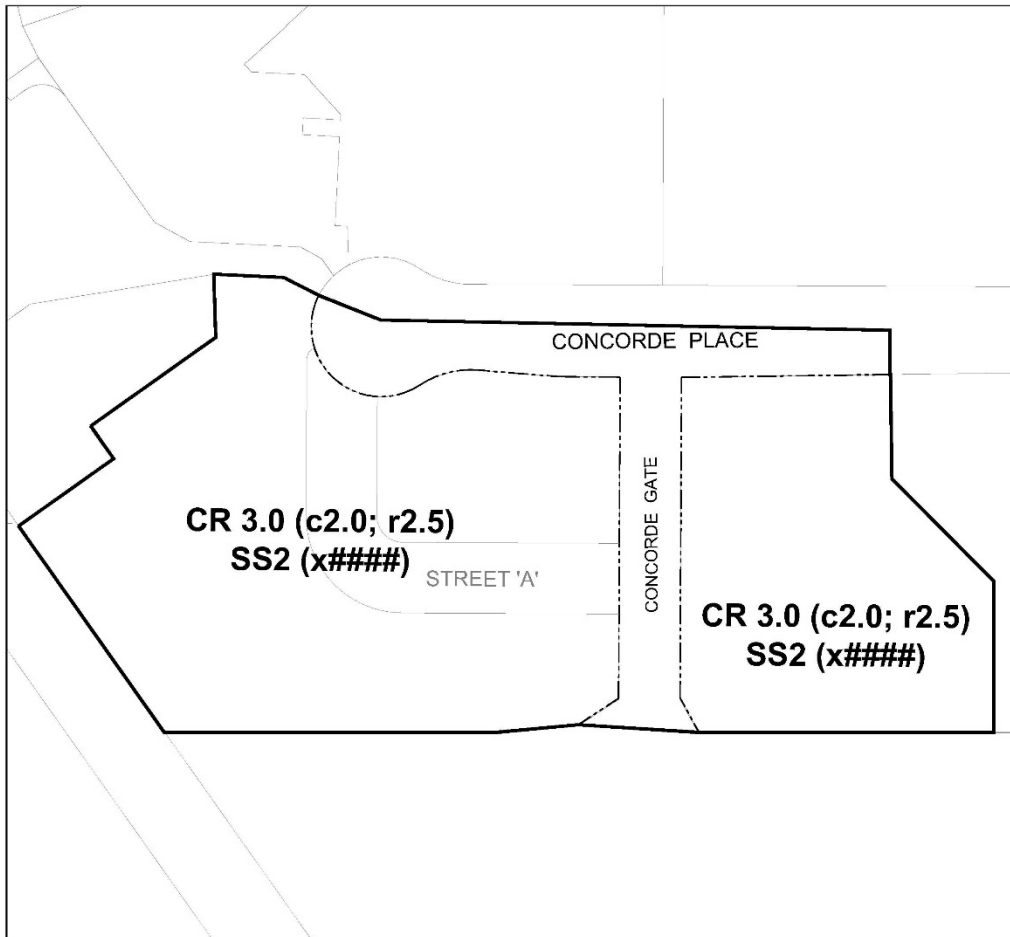
**TORONTO**  
**Diagram 1**

**1-3 Concorde Gate and 10-12 Concorde Place, Toronto**

File #21 179555 NNY 16 OZ



City of Toronto By-law No. \_\_\_\_ - 2023



1-3 Concorde Gate and 10-12 Concorde Place, Toronto

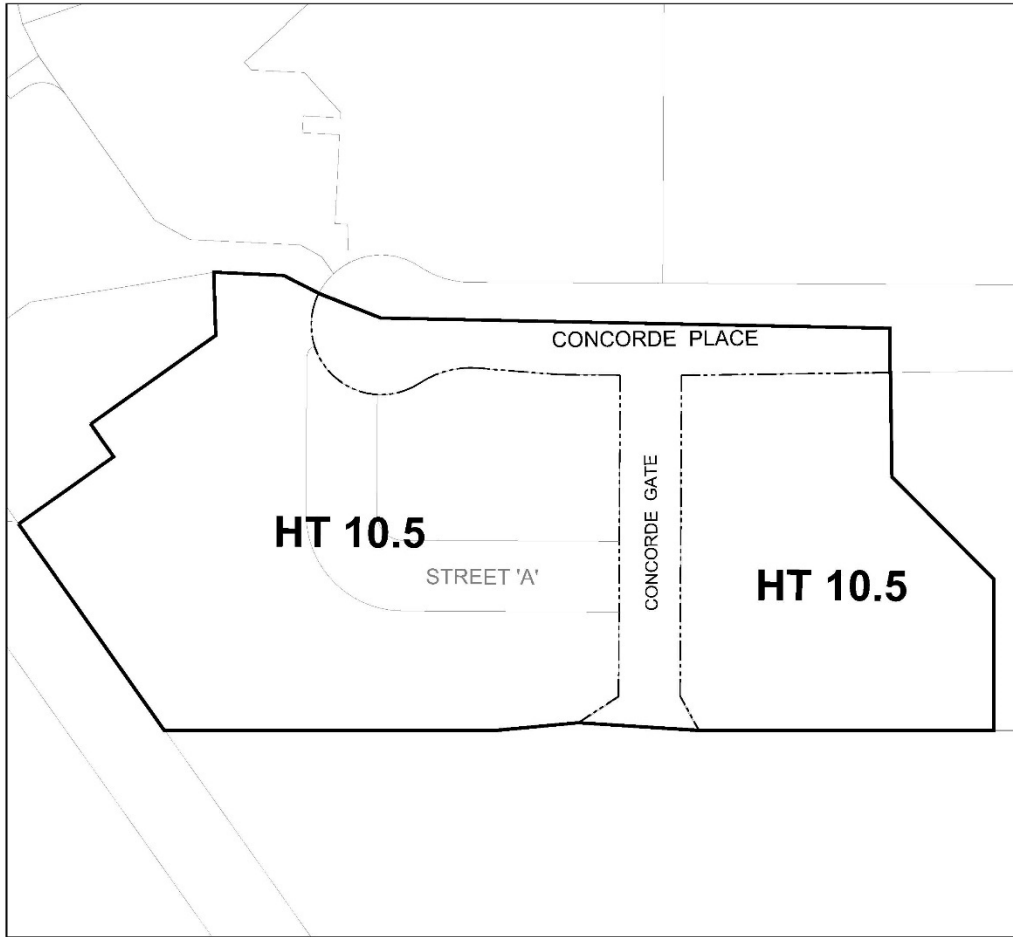
Diagram 2

File #21 179555 NNY 16 OZ



Not to Scale

City of Toronto By-law No. \_\_\_\_ - 2023



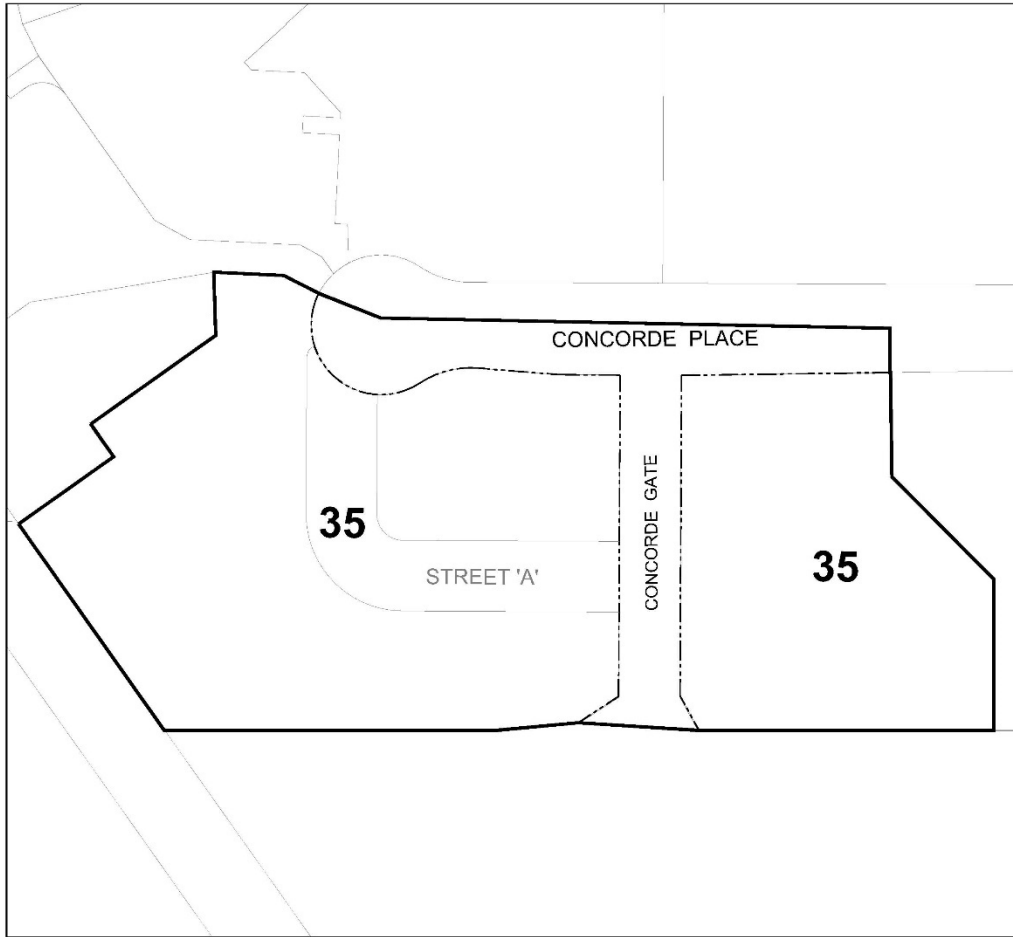
 **TORONTO**  
**Diagram 3**

**1-3 Concorde Gate and 10-12 Concorde Place, Toronto**

File #21 179555 NNY 16 OZ

  
Not to Scale

City of Toronto By-law No. \_\_\_\_ - 2023



 **TORONTO**  
**Diagram 4**

**1-3 Concorde Gate and 10-12 Concorde Place, Toronto**

File #21 179555 NNY 16 OZ

  
Not to Scale

