

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 2, 2022

CASE NO.: OLT-22-002274
(PL200441)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Yonge Park Plaza Inc.
Subject: Request to amend the Official Plan - Failure of City of Toronto to adopt the requested amendment
Purpose: To permit 2 towers comprised of residential, office, retail, restaurants, and hotel uses.
Property Address: 4050 Yonge Street
Municipality: City of Toronto
Approval Authority File No.: 20 115845 NNY 08 OZ
OLT Case No.: OLT-22-002274
Legacy Case No.: PL200441
OLT Lead Case No.: OLT-22-002274
Legacy Lead Case No.: PL200441
OLT Case Name: Yonge Park Plaza Inc. v. Toronto (City)

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

Applicant and Appellant: Yonge Park Plaza Inc.
Subject: Application to amend Zoning By-law No. 7625 - Refusal or neglect of City of Toronto to make a decision
Purpose: To permit 2 towers comprised of residential, office, retail, restaurants, and hotel uses.
Property Address: 4050 Yonge Street
Municipality: City of Toronto
Approval Authority File No.: 20 115845 NNY 08 OZ
OLT Case No.: OLT-22-002275
Legacy Case No.: PL200442
OLT Lead Case No.: OLT-22-002274
Legacy Lead Case No.: PL200441

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject: Site Plan
Property Address/Description: 4050 Yonge Street
Municipality: City of Toronto
OLT Case No.: OLT-22-002279

Legacy Case No.: PL200443
 OLT Lead Case No.: OLT-22-002274
 Legacy Lead Case No.: PL200441

BEFORE:

M. A. SILLS) Thursday, the 2nd day of
 VICE-CHAIR)
) June, 2022

THESE MATTERS having initially come on for a public settlement hearing before the Tribunal on May 27, 2022;

AND THE TRIBUNAL having issued its Oral Decision on May 27, 2022 which allowed the appeals in part and approved in principle a development proposal for the properties known municipally in the City of Toronto as 4050 Yonge Street (the "**Property**");

NOW THEREFORE THE TRIBUNAL ORDERS, in accordance with the Oral Decision, that:

1. the appeal of the request to amend the City of Toronto Official Plan made by Yonge Park Plaza Inc. and assumed by Yonge City Square Inc. (the "**Appellant**") is granted, in part, and approval of the Official Plan Amendment attached as Attachment 1 hereto but withholds its final Order amending the City of Toronto Official Plan subject to the satisfaction of the matters set out in paragraph 4 below;
2. the appeal of the zoning by-law amendment application made by the Appellant is granted, in part and approval of the Zoning By-law Amendment attached as Attachment 2 hereto but withholds its final Order amending the City of Toronto Zoning By-law 569-2013 subject to the satisfaction of the matters set out in paragraph 4 below;
3. appeal of the site plan control application made by the Appellant is granted, in part, and approval of the Notice of Approval Conditions attached as Attachment 3 hereto but withholds its final Order granting site plan approval subject to the satisfaction of the matters set out in paragraph 5 below;
4. the final Order amending the City of Toronto Official Plan and City of Toronto Zoning By-law 569-2013 to permit the development is withheld until the Tribunal has been advised in writing by the City Solicitor that the owner of the lands subject to the request to amend the City of Toronto Official Plan and the application to amend the applicable zoning by-law(s) has signed and registered in priority a Section 37 Agreement securing such matters, services and facilities to be provided by the owner of the lands at its own expense pursuant to Section

37 of the Planning Act, R.S.O. 1990, c.P.13, as amended, and any other matters necessary to support the development, satisfactory to the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;

5. the final Order pursuant to subsection 114(16) of the City of Toronto Act, 2006, S.O. c. 11, Sched. A, as amended, approving the plans and drawings listed in the Notice of Approval Conditions is withheld until the Tribunal has been advised in writing by the City Solicitor that the Appellant has satisfied the conditions of approval listed in Part A and Part B of Attachment 3 to the satisfaction of the identified City Official;
6. the Tribunal may be spoken to in the event that there are difficulties in satisfying the above conditions for the issuance of the Tribunal's final Order in respect of any of the above mentioned appeals.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: 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.

ATTACHMENT 1**Draft Official Plan Amendment**

Authority: Ontario Land Tribunal issued on ~ and its Order issued, 20~, in Tribunal Case PL200441

CITY OF TORONTO**Bill XXX****BY-LAW XXX****To adopt Amendment 578 to the Official Plan for the City of Toronto
respecting the lands known municipally in the year 2021 as 4050 Yonge Street**

Whereas the Ontario Land Tribunal pursuant to its Decision/Order 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 2021 as 4050 Yonge Street;

The Ontario Land Tribunal Orders as follows:

1. The attached Amendment No. 578 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

AMENDMENT NO. 578 TO THE OFFICIAL PLAN**LANDS MUNICIPALLY KNOWN IN THE YEAR 2021 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 2021 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', the lands below the Long Term Stable Top of Slope (LTSTS) and/or the 10 metre buffer lands inland of the Long Term Stable Top of Slope may be used for a Below-grade Hydro Switch Room and/or a Dewatering Outlet Discharge Spillway.
 - 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".

ATTACHMENT 2

Draft Zoning By-law Amendment – May 25, 2022

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

CITY OF TORONTO**BY-LAW No. #####-2022 (OLT)****To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 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 2021 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 1.0 (c1.0; r1.0) SS2 (x581) 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 581 so it reads:

(581) Exception CR 581

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, as shown on Diagram 1 of By-law [Clerks to insert By-law Number], if the requirements of Section 10 and Schedule A of By-law [Clerks to insert By-law Number] are complied with, a **building** or **structure**, may be constructed, used or enlarged in compliance with (B) to (N) 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 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.1(1), residential use portions of a **building** may be located above non-residential use portions of a **building**;

- (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 Regulations 40.5.40.10(3), (4), (5), (6), (7) and (8) and Regulation (D) above, 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**]:
- i. 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, elements of a **green roof**, 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;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 51,250 square metres, of which:
- i. A minimum **interior floor area** of 1,500 square metres is required for all uses listed in Regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), with the exception of office uses;
 - ii. A minimum **interior floor area** of 3,900 square metres is required for office uses;
- (G) Despite Regulation 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and **main wall** separation distance are as shown in metres on Diagram 5 of By-law [**Clerks to insert By-law Number**];
- (H) Despite Regulations 40.5.40.60(1), Clause 40.10.40.60 and (G) of this Exception, the following **building** elements and **structures** are permitted to encroach into the required minimum **building setbacks** and **main wall separation distance** shown on Diagram 5 of By-law [**Clerks to insert By-law Number**]:
- i. 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, elements of a **green roof** and landscape features, by a maximum of 1.8 metres;
- (I) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided at a minimum rate of:
- i. for office, 1.0 **parking spaces** per 100 square metres of **gross floor area**, of which:

- a. the parking occupancy rate is 100% in the A.M., 100% in the P.M. and 10% in the evening;
 - ii. for all uses listed in clauses 40.10.20.10 and 40.10.20.20, with the exception of **dwelling units, eating establishments**, and offices, 1.0 **parking spaces** per 100 square metres of **gross floor area**, of which:
 - a. the parking occupancy rate is 35% in the A.M., 100% in the P.M. and 95% in the evening;
 - iii. for **eating establishments**, 16 **parking spaces** per 100 square metres of **gross floor area**, of which:
 - a. the parking occupancy rate is 30% in the A.M., 75% in the P.M. and 100% in the evening;
 - iv. for visitors to **dwelling units**, 0.1 **parking spaces** for each **dwelling unit** in the **building**, of which:
 - a. the parking occupancy rate is 10% in the A.M., 35% in the P.M. and 100% in the evening;
 - v. for each **dwelling unit** in the **building**, 0.35 **parking spaces** for the use of residential occupants, of which:
 - a. the parking occupancy rate is 100% in the A.M., P.M. and the evening; and
 - vi. For the purpose of applying the parking occupancy rate in this exception, A.M. is 6:00 a.m. to 11:59 a.m., P.M. is 12:00 p.m. to 5:59 p.m., and evening is 6:00 p.m. to 5:59 a.m. the following day;
- (J) Despite Regulation (I) 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";
- (K) For the purposes of this Exception:
- i. "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";

(L) Despite Clause 220.5.10.1, **loading spaces** must be provided as follows:

- i. 1 Type "G" **loading space**;
- ii. 1 Type "B" **loading space**; and
- iii. 2 Type "C" **loading spaces**; and

(M) Despite Regulation 230.40.1.20(2) a "short-term" **bicycle parking space** may be more than 30 metres from a pedestrian entrance to the **building** on the **lot**;

(N) A minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain three or more bedrooms and a minimum 35 percent of the total number of **dwelling units** on the **lot** must contain two bedrooms or more.

Prevailing By-laws and Provisions: (None Apply)

8. Nothing in By-law 569-2013 shall apply to prevent a Dewatering Outlet Discharge Spillway within the Lands below the Long Term Stable Top of Slope (LTSTS) and a Below-ground Hydro Switch Building within the 10 metre buffer lands inland of the Long Term Stable Top of Slope, as shown on Diagram 6 attached to this By-law.
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 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

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City by the owner at the owner's expense in return for the increase in height and density of the proposed development on the **lot** as shown on Diagram 1 attached to this By-law in accordance with and as secured in an agreement or agreements under Section 37(3) of the Planning Act (the "Section 37 Agreement"), whereby the owner agrees as follows:

1. Prior to the first above grade building permit issued for the lot, the owner shall make a cash payment to the City in the amount of \$1.0 million to be allocated towards improvements to path and trails within the West Don River Valley area adjacent to the site, improvements to Stewart A. McGregor Parkette, improvements to York Mills Valley Park, and improvements to the Don Valley Golf Course facility, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
2. The cash contribution referred to in paragraph 1 of this Schedule A shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment.
3. In the event the cash contribution referred to in paragraph 1 of this Schedule A has not been used for the determined purpose within three (3) years after the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands.
4. The owner shall design, finance and construct an at grade/below-grade pedestrian tunnel connection linking the proposed development to the York Mills Subway Station on the east side of Yonge Street at no cost to the City or the Toronto Transit Commission, including the supply and installation of payment turnstiles/gates that provide access to York Mills Subway Station via the Toronto Transit Commission entrance connection (if determined to be required by the Toronto Transit Commission), and such below-grade Toronto Transit Commission entrance connection shall be designed, constructed, repaired and maintained to the City and Toronto Transit Commission standards at the sole cost and expense of the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Toronto Transit Commission.

The Section 37 Agreement will also secure the following matters as a legal convenience to support the development:

5. Prior to the earlier of any residential use and the registration of the first residential condominium within the site under the Condominium Act, the owner will complete the

Toronto Transit Commission Entrance Connection, at the sole cost and expense of the owner, and at no cost to the City or the Toronto Transit Commission, and a public access easement, or license as applicable, shall be provided to the City concurrently to provide access through the interior of the proposed development to the Toronto Transit Commission entrance connection to the York Mills Subway Station in a manner and form satisfactory to the Director, Real Estate Services, the Toronto Transit Commission, and the City Solicitor;

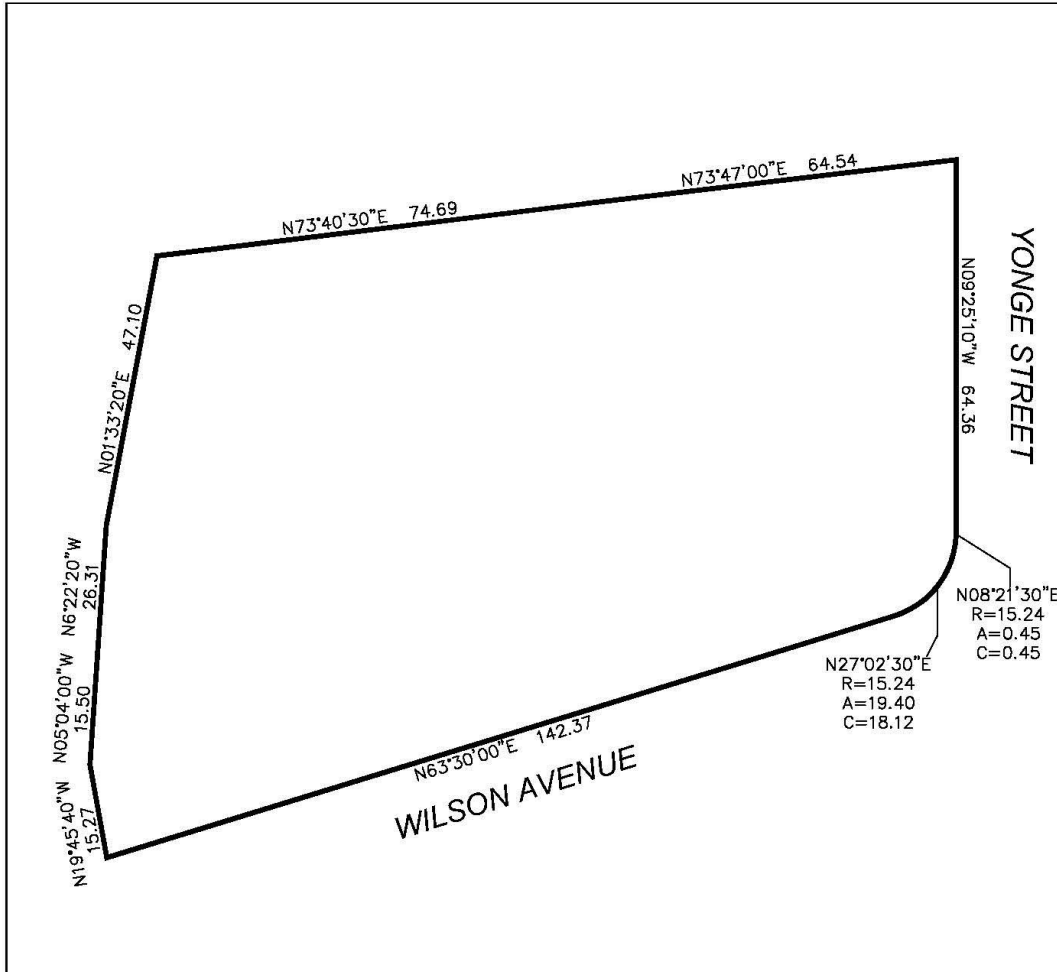
6. Pursuant to the site plan control application process but in any event prior to the issuance of the first above grade building permit for any part of the lot and prior to any works conducted within or below Yonge Street as it relates to the Toronto Transit Commission Entrance Connection, the owner shall obtain all necessary approvals and enter into a Tunnel Encroachment Agreement and/or an Entrance Connection Easement Agreement with the City and/or the Toronto Transit Commission, at no cost to the City and/or Toronto Transit Commission, regarding the Toronto Transit Commission Entrance Connection, which shall include the required maintenance, licensing permissions, any required letters of credit prior to the construction for a period of time as specified in the agreement, insurance, indemnity and any necessary provisions, to the satisfaction of the General Manager, Transportation Services, the Director, Real Estate Services, and the Toronto Transit Commission, and with such agreement(s) entered into, executed and registered on title satisfactory to the City Solicitor and subject to the following:
 - i. the owner shall be responsible for all costs relating to the preparation, execution registration of the Tunnel Encroachment Agreement and/or the Entrance Connection Easement Agreement, including, without limiting the generality of the foregoing: a Toronto Transit Commission Entrance Connection Fee as determined by the Toronto Transit Commission; the costs for providing any surveys or reference plans that may be required by the City and/or the Toronto Transit Commission; and all the registration costs relating to the registration of such agreements on title to lands owned by the owner in first priority subject to such permitted encumbrances as may be permitted by the City; and
 - ii. the owner satisfy any required pre-conditions and post-conditions, including any agreements, easements, maintenance arrangements, and fees of the Toronto Transit Commission and the City in relation to the Toronto Transit Commission Entrance Connection, to the satisfaction of the General Manager, Transportation Services, the Toronto Transit Commission, and the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning.
7. The owner shall convey to the City, for nominal consideration and at no cost to the City or the Toronto Transit Commission, all licences and/or public access easements, as may be required for public use of the Toronto Transit Commission entrance connection to be provided within the lot, including any space internal to buildings erected within the lot as required to access the Toronto Transit Commission entrance connection, and all pedestrian tunnels within the Lands that adjoin the lot to the east and to the north, in accordance with the terms of the Section 37 Agreement and the Entrance Connection Easement Agreement, to the satisfaction of the City Solicitor and the Toronto Transit Commission;

8. Prior to the earlier of the registration of the first condominium corporation within the subject lands, the first residential occupancy of any part of the lot, the owner shall grant a surface easement to the City along the Yonge Street frontage of the site to secure a pedestrian clearway of no less than 10 metres in width along the entire Yonge Street frontage of the lot, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
9. The owner shall provide and maintain on-site transportation demand management measures as set out in the Transportation Demand Management Plan prepared by the BA Group, dated November 3, 2021, attached as Confidential Attachment 7 to the report (December 6, 2021) from the City Solicitor, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
10. The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.
11. Prior to the issuance of the first above grade building permit for any part of the lot, the Owner shall to convey the fee simple interest in the part of the lot zoned Open Space (ON) by this By-law (the "Conservation Lands") to the City for nominal consideration, subject to an easement or license interest in favour of the Owner, to be determined by the Chief Planner and Executive Director, City Planning or their designate, in consultation with the City Solicitor, permitting access to and requiring the maintenance, repair, and replacement of drainage works for development of the lot at no cost to the City and at the sole responsibility of the Owner, inclusive of an indemnity from the Owner in favour of the City and insurance, but otherwise the Conservation Lands shall be free and clear of all other encumbrances, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.
12. Prior to the registration of the conveyance of the Conservation Lands, the Owner shall undertake the environmental remediation and/or risk assessment of the Conservation Lands at no cost to the City and in accordance with City standards as required by and to the satisfaction of the General Manager, Parks, Forestry and Recreation.
13. Prior to the issuance of the first building permit issued for any part of the lot, the Owner shall install tree protection hoarding and erosion and sediment control fencing within the Conservation Lands, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
14. Prior to the issuance of the first above grade building permit for any part of the lot, the Owner shall provide a ravine stewardship plan for the Conservation Lands and provide financial security in an amount equivalent to 100 percent of the cost to implement the ravine stewardship plan which has been determined to be no less than approximately \$130,000 in Canadian funds to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 18-10-0135-01, or its successor, to secure the implementation of the ravine

stewardship plan, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

- 15.** Prior to the earlier of the registration of the first condominium in respect of any part of the lot and the first residential use of any part of the lot, the Owner shall implement the ravine stewardship plan for the Conservation Lands, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

City of Toronto By-law No. ____ - 2022 (OLT)



4050 Yonge Street, Toronto

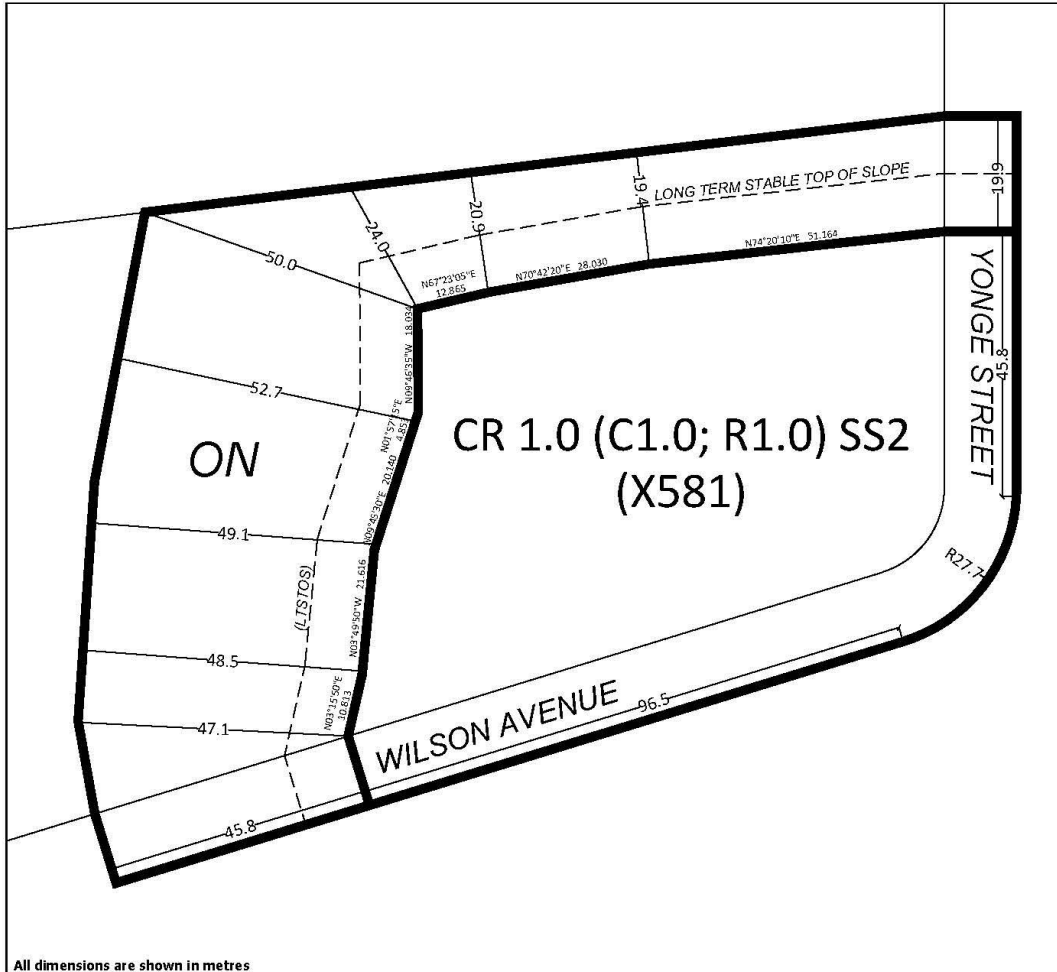
Diagram 1

File # _____



Not to Scale

City of Toronto By-law No. ____ - 2022



All dimensions are shown in metres



4050 Yonge Street, Toronto

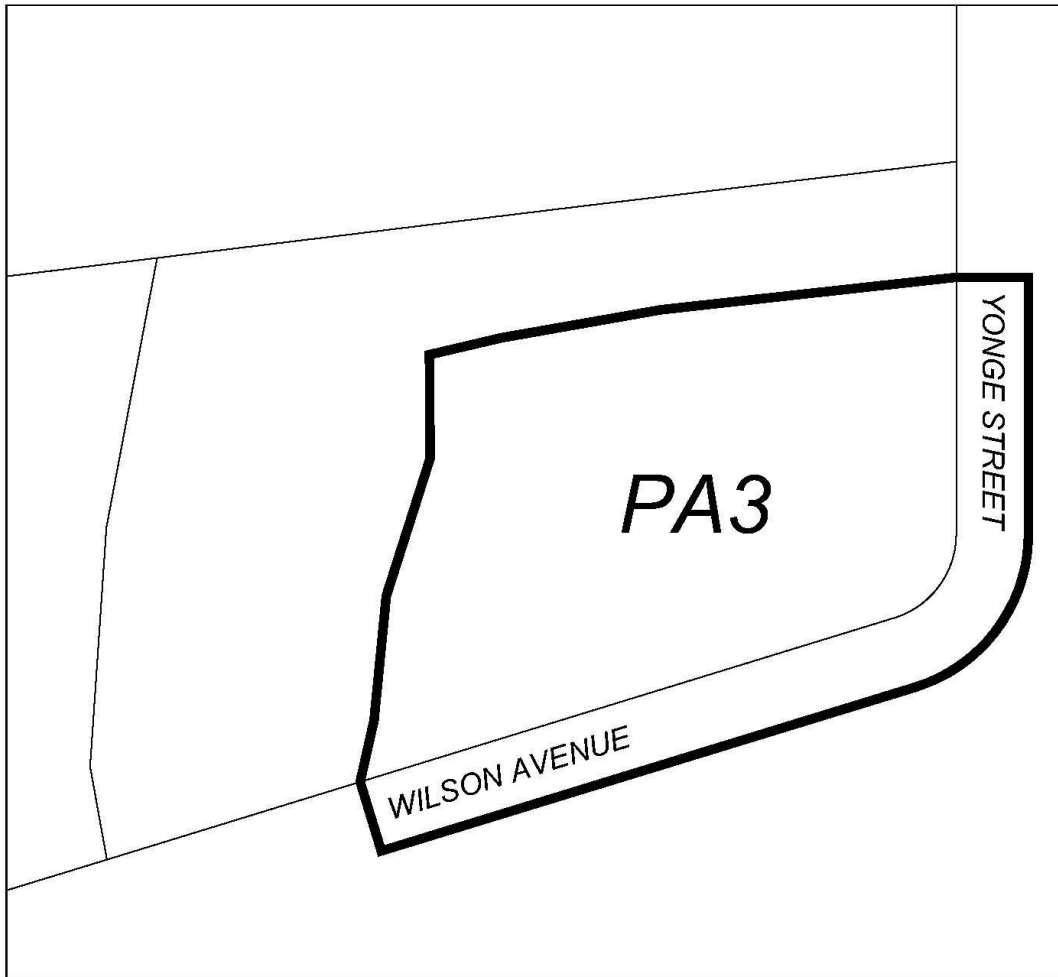
Diagram 2

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Not to Scale

City of Toronto By-law No. ____ - 2022 (OLT)



4050 Yonge Street, Toronto

Diagram 3

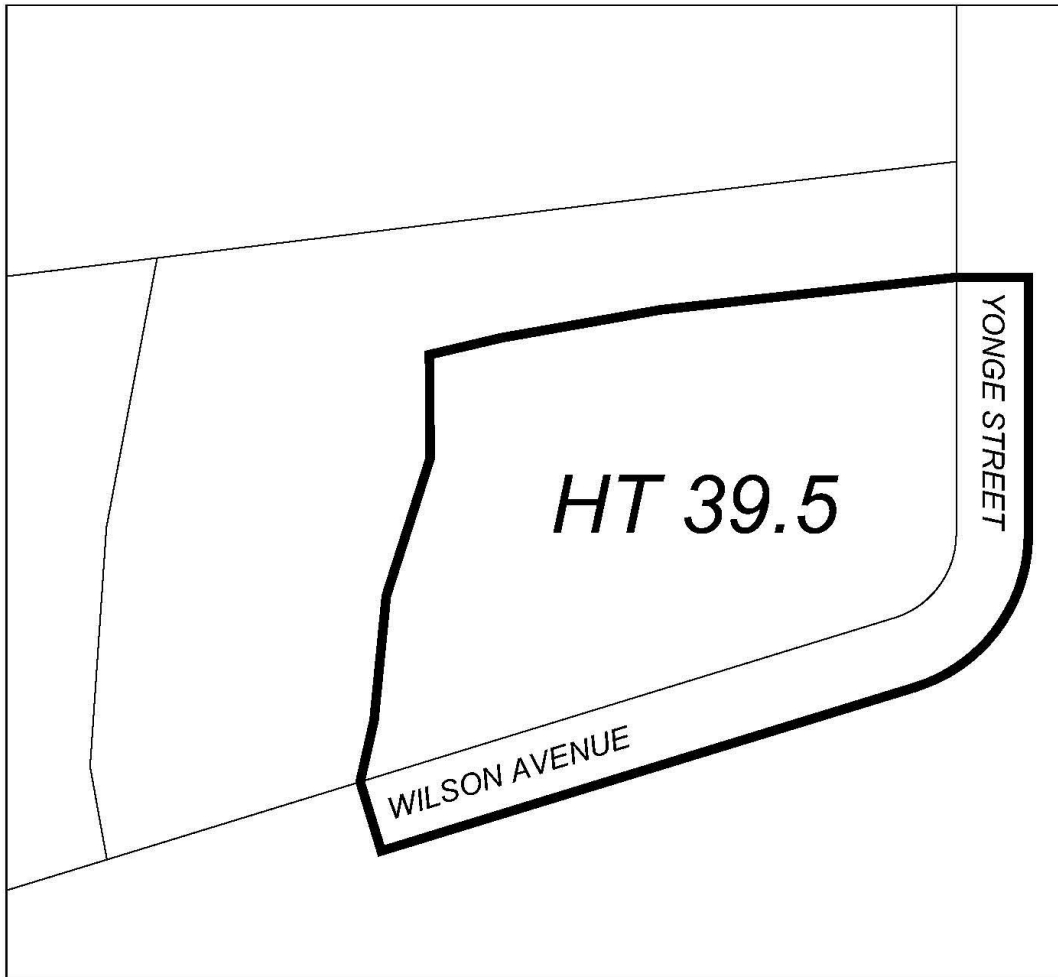
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City of Toronto By-law 569-2013

City of Toronto By-law No. ____ - 2022 (OLT)



4050 Yonge Street, Toronto

Diagram 4

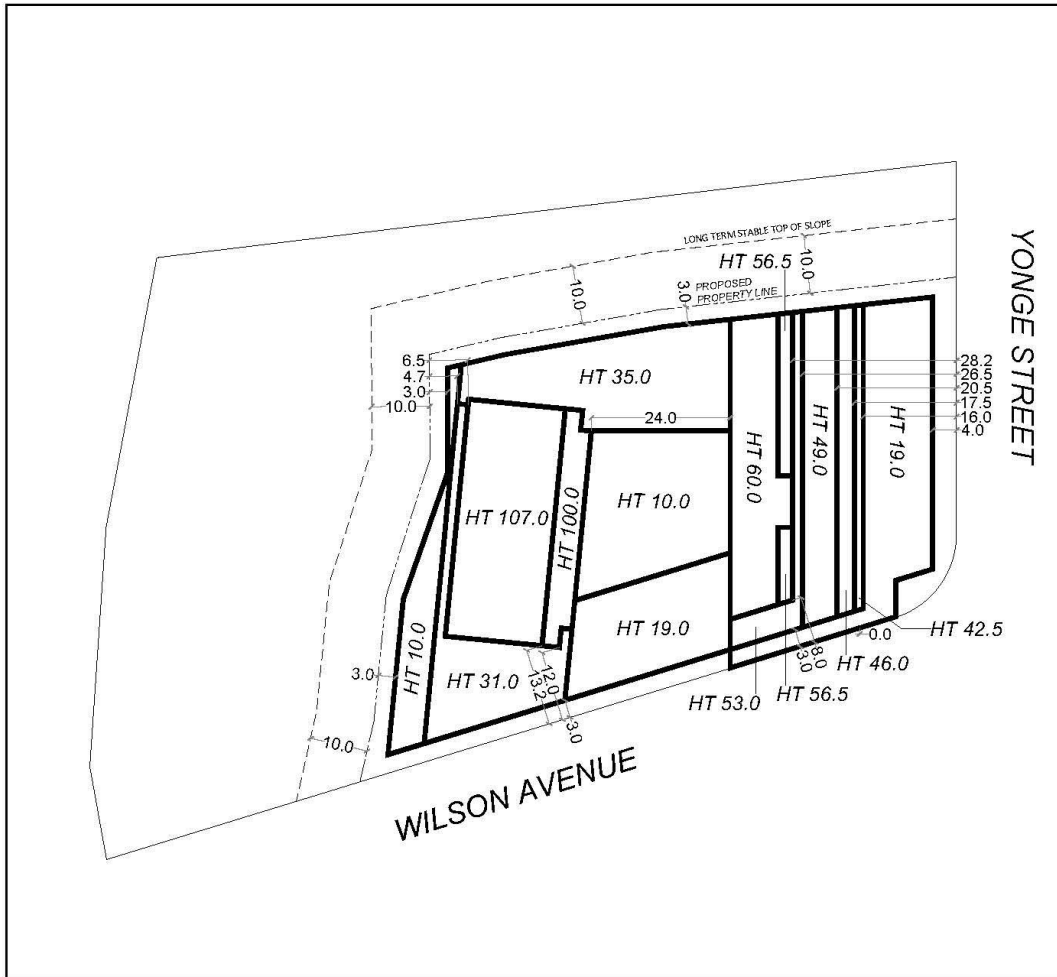
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City of Toronto By-law 569-2013

City of Toronto By-law No. ____ - 2022 (OLT)



4050 Yonge Street, Toronto

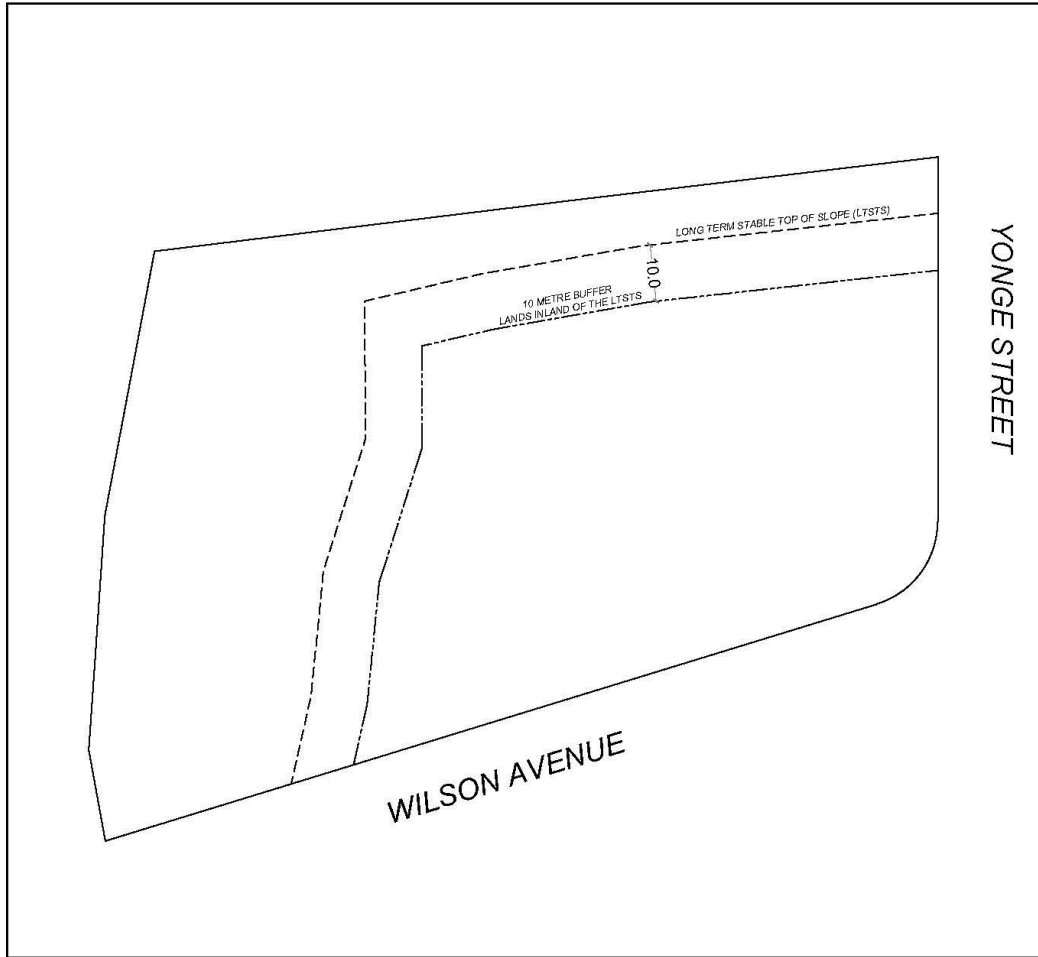
Diagram 5

File # _____



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City of Toronto By-law No. ____ - 2022



4050 Yonge Street, Toronto

Diagram 6

File # _____



Not to Scale

City of Toronto By-law 569-2013

ATTACHMENT 3
Draft Notice of Approval Conditions

Notice of Approval Conditions for Site Plan Control Application No. 20 115847 NNY 08 SA

Municipal Address: 4050 Yonge Street, Toronto, Ontario

Mixed use development containing a 14-storey building with 190 residential units and a 28-storey building with 526 units, a total of GFA of 81,706 square metres and a 4-level below-grade parking structure with 492 parking spaces

CON 1 WYS PT LOT 11 PLAN 204 PT LOTS 98 TO 104 RP 66R22242 PARTS 2 TO 4 AND PT PART 1

Ward 8 - Eglinton-Lawrence

The Ontario Land Tribunal ("OLT") has heard evidence on the site plan control appeal (Case No. PL200441) to permit the proposed development as outlined in the following plans and drawings:

Drawing No.	Drawing Title	Prepared By	Drawing Date
A.02	Context Plan & Site Statistics	IBI Group	January 29, 2020 as revised to May 16, 2022
A.03	Site Plan	IBI Group	January 29, 2020 as revised to May 16, 2022
A.05.1	P4 Parking Level	IBI Group	January 29, 2020 as revised to May 16, 2022
A.05.2	P3 Parking Level	IBI Group	January 29, 2020 as revised to May 16, 2022
A.06	P2 Parking Level	IBI Group	January 29, 2020 as revised to May 16, 2022
A.07	P1 Parking Level	IBI Group	January 29, 2020 as revised to May 16, 2022
A.08	Ground Floor Plan	IBI Group	January 29, 2020 as revised to May 16, 2022
A.09	Mezzanine Floor Plan	IBI Group	January 29, 2020 as revised to May 16, 2022(for the purposes of identifying the common amenity areas)
A.10	West Building 2 Floor Plan, East Building 2 Floor Plan	IBI Group	January 29, 2020 as revised to May 16, 2022 (for the purposes of identifying the common amenity

Drawing No.	Drawing Title	Prepared By	Drawing Date
			areas)
A.12	West Building 5 Floor Plan, East Building 4 Floor Plan	IBI Group	January 29, 2020 as revised to May 16, 2022(for the purposes of identifying the common amenity area and 3rd storey green roof)
A.14	West Building 9 Floor Plan, East Building 8 Floor Plan	IBI Group	January 29, 2020 as revised to May 16, 2022 (for the purposes of identifying the common amenity area and 8th storey green roof)
A.15	West Building 10 Floor Plan, East Building 9 Floor Plan	IBI Group	January 29, 2020 as revised to May 16, 2022 (for the purposes of identifying the common amenity area)
A.19	West Building 11-27 Floor Plan, East Building 14 Floor Plan	IBI Group	January 29, 2020 as revised to May 16, 2022 (for the purposes of identifying the 13th storey green roof)
A.20	15-27 Floor Plan	IBI Group	January 29, 2022 as revised to May 16, 2022 (for the purposes of identifying the Upper Mechanical Penthouse green roof)
A.23	Roof Plan	IBI Group	January 29, 2020 as revised to May 16, 2022 (for the purposes of identifying the 28th storey green roof)
A.24.1	Building Section 1-1, East-West Section Looking North	IBI Group	January 29, 2020 as revised to May 16, 2022 (for the purposes of illustrating compliance with a 45 degree angular plane from Yonge Street)
A.25.1	Building Elevations, North Elevation	IBI Group	January 29, 2020 as revised to May 16, 2022
A.25.2	Building Elevations, East Elevation	IBI Group	January 29, 2020 as revised to May 16, 2022
A.25.3	Building Elevations, South Elevation	IBI Group	January 29, 2020 as revised to May 16, 2022
A.25.4	Building Elevations, West Elevation	IBI Group	January 29, 2020 as revised to May 16, 2022

Drawing No.	Drawing Title	Prepared By	Drawing Date
A.25.5	Partial South Elevation	IBI Group	January 29, 2020 as revised to May 16, 2022
A.25.6	Partial West Elevation	IBI Group	January 29, 2020 as revised to May 16, 2022
A.25.7	Partial East Elevation	IBI Group	January 29, 2020 as revised to May 16, 2022
A.25.8	Entrance/Drop-Off Area 3D Perspective	IBI Group	January 29, 2020 as revised to May 16, 2022
A.26.1	Building Renderings	IBI Group	January 29, 2020 as revised to May 16, 2022
A.26.2	Building Renderings	IBI Group	January 29, 2022 as revised to May 16, 2022
L1	Landscape Hardscape and Lighting Plan	NAK design strategies	January 22, 2020 as revised to May 20, 2022
L2	Landscape Planting & Soil Volume Plan	NAK design strategies	January 22, 2020 as revised to May 20, 2022
L3	Ground Floor Irrigation	NAK design strategies	January 22, 2020 as revised to May 20, 2022
L4	2nd, 6th, and 7th Floor Amenity Terrace & Lighting Plan	NAK design strategies	January 22, 2020 as revised to May 20, 2022
L5	Green Roof Plan and Details	NAK design strategies	January 22, 2020 as revised to May 20, 2022
L6	Green Roof Irrigation	NAK design strategies	March 23, 2021 as revised to May 20, 2022
L7	City Standard Details	NAK design strategies	January 22, 2020 as revised to May 20, 2022
L8	Landscape Details	NAK design strategies	January 22, 2020 as revised to May 20, 2022
L9	Landscape Sections	NAK design strategies	January 22, 2020 as revised to May 20, 2022
PH-02	Electrical Amenity Photometrics	ABLEngineering	May 18, 2022
PH-03	Electrical Amenity	ABLEngineering	May 18, 2022

Drawing No.	Drawing Title	Prepared By	Drawing Date
	Details		

The OLT will issue a final Order approving the plans and drawings associated with the appeal subject to the Owner

- providing information and materials as set out in Part A of this document to the satisfaction of the named City Official,
- revising plans and drawings to the satisfaction of the named City Official as set out in Part A of this document, and
- fulfilling all pre-approval conditions to the satisfaction of the named City Official as set out in Part B of this document.

The OLT's endorsement of this Exhibit does **not** constitute site plan approval. The Tribunal will withhold its final order approving the above plans and drawings pending receipt of written confirmation from the City Solicitor for the City of Toronto that the owner has revised plans as set out in this Exhibit and satisfied all the pre-approval conditions in this Attachment.

All references to named officials are with respect to the officials of the City of Toronto.

It is the owner's responsibility to work with the respective City divisions to satisfy the pre-approval conditions set out below. In the event issues may arise, the Tribunal may be spoken to.

A. REQUIRED ADDITIONAL INFORMATION AND REVISIONS TO PLANS AND DRAWINGS

1. The following notation is to be added to Drawing L1 and L2: "Planting densities in the 10 metre buffer area are approximate only and final planting densities for this area will be determined in a Ravine Stewardship Plan that is satisfactory to the General Manager, Parks, Forestry, and Recreation (RNFP) prior to the issuance of the first building permit for lands."

B. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – Stephanie Morrow, Supervisor of Law Clerks - (416) 397-5379

1. **Prior to final site plan approval**, the Owner shall enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner's expense.
2. **Prior to final site plan approval**, the Owner shall enter into an agreement of purchase and sale with the City in respect of the lands necessary for the development and which are owned by the City and legally described as Parts 1 and 2 as shown on Reference Plan 66R-26058, to the satisfaction of the City Solicitor.

ENGINEERING AND CONSTRUCTION SERVICES – Natasha Ioannidis, P. Eng. (416) 395-6282 / Natasha.ioannidis@toronto.ca

Facilities to Provide Access to and from the Land

3. **Prior to final site plan approval**, the Owner is to make satisfactory arrangements with Engineering & Construction Services including, if required by the Chief Engineer and Executive Director, Engineering & Construction Services, for all works related to the development within the City's Rights-of-Way abutting the site to provide access to and from the land and provide financial security equal to 120% of the cost of the works proposed within the City's Rights-of-Way, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services. **Prior to final site plan approval**, the Owner shall submit engineering and inspection fees in the amount of 5% of the cost of the above mentioned financial security and provide an insurance certificate in the form and with the content satisfactory to the of the Chief Engineer and Executive Director, Engineering & Construction Services.
4. **Prior to final site plan approval**, the Owner shall submit a payment in the form of a certified cheque equal to 100% of the cost for pavement marking and signage modifications along Wilson Avenue and Yonge Street within the site frontage, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.

Methane

5. **Prior to final site plan approval**, the Owner shall retain a qualified person (as that term is defined in Ontario Regulation 153/04) (the "Qualified Person") to conduct a subsurface investigation of the site for the possible presence of methane gas within the subject lands in accordance with terms of reference for such an investigation attached hereto as Attachment 1 and the Qualified Person shall prepare and file a report, together with accompanying certifications (herein referred to as the "**Methane Report**"), stating whether or not the results of the investigation are methane gas is detected at or above 1% volume of air at any subsurface location within the site, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.

CITY PLANNING (including Urban Design, Transportation Planning, Heritage Preservation Services) – Cathie Ferguson, Senior Planner – (416) 395 - 7117

6. **Prior to final site plan approval**, the Official Plan Amendment and Zoning By-law Amendments (Application No.: 20 115845 NNY 08 OZ; OLT Case No.: PL200441) must be in full force and effect and have been provided with an administrative number by the City Clerk's Office.
7. **Prior to final site plan approval**, the Owner shall submit a financial guarantee in the form of an irrevocable Letter of Credit, or Certified Cheque, made payable to the Treasurer, City of Toronto, in the amount of **\$2,320,255.00**, to ensure that landscaping requirements are completed in accordance with the approved Site and Landscape Plans, to the satisfaction of the Director, Community Planning, North York District. The letter of credit shall be in a form satisfactory to the Treasurer in accordance with its standard format for letters of credit (see Attachment 2) as of the date of submission of the letter of credit to the City, and which shall provide for automatic renewal rights at the end of term, to complete all outstanding work required by these conditions. The deposit

shall be returned to the Owner at such time as the Director, Community Planning, North York District is satisfied that the property has been developed in accordance with the approved drawings and the conditions of approval.

URBAN FORESTRY RAVINE & NATURAL FEATURE PROTECTION, Nicole Grgic, RNFP Planner – (416) 392-7815 / Nicole.Grgic@toronto.ca

8. **Prior to final site plan approval**, the Owner shall apply for and obtain all permits required to injure and/or destroy trees necessary for the development, to the satisfaction of General Manager, Parks, Forestry and Recreation (RNFP).

URBAN FORESTRY TREE PROTECTION AND PLAN REVIEW, Elissa Chu, Urban Forestry Planner – Elissa.Chu@toronto.ca

Tree Permit Application and Fee

9. **Prior to final site plan approval**, the Owner shall submit to the Supervisor, Urban Forestry – Tree Protection & Plan Review, North York District a complete “Application to Injure or Remove Trees” and associated application fee in the amount of **\$755.34** (Current fees: \$377.67 per City Street tree) for two (2) City-owned Street trees (Trees 619 and H), that are proposed for injury or removal. The Owner is advised that submission of an application does not guarantee that a tree permit will be issued and that fees are subject to change. As part of the review process, Urban Forestry will independently assess the condition of the trees and the reason for their proposed removal against the provisions of the applicable by-law. The Owner may be required to submit revised plans and Urban Forestry may be required to notify the community, (co-owner(s) of boundary/neighbour trees, consult with the ward Councillor, and/or report to Council. The Owner is advised that By-law regulated trees may not be injured or removed until a Permit to Injure or Destroy a Tree has been issued by Urban Forestry, a Building or Demolition Permit has been obtained, and the construction which warrants tree injury/removal has commenced.
10. **Prior to final site plan approval**, the Owner shall apply and obtain a permit from Urban Forestry for two (2) City-owned Street trees (Trees 619 and H) that are proposed for injury or removal, to the satisfaction of Urban Forestry – Tree Protection & Plan Review, North York District.

Tree Planting Security Deposit

11. **Prior to final site plan approval**, the Owner shall submit a Tree Planting Security Deposit in the amount of **\$4,664.00** (\$583.00 per tree), equal to the cost of tree planting and maintenance for two (2) years, to ensure the initial planting of eight (8) new trees within the City-owned road allowance(s) and their survival in a healthy condition, to the satisfaction of Urban Forestry – Tree Protection & Plan Review, North York District. The Owner is advised that the deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy condition during the two (2)-year renewable guarantee period. The General Manager of Parks, Forestry & Recreation shall hold the Tree Planting Security Deposit for the duration of the guarantee period.

Tree Loss Payment

12. **Prior to final site plan approval**, the Owner shall submit to the Supervisor, Urban Forestry – Tree Protection & Plan Review, Toronto & East York District a non-refundable Tree Loss Payment in the amount of **\$3,200.00**, which represents the appraised value of City-owned Trees 619 and H to be removed and replacement costs. The Owner is advised that the cost of tree removal will be borne by the Owner. All security deposit and payments must be submitted to the attention of David Bostock, Acting Supervisor of Urban Forestry, Tree Protection & Plan Review North York District credit card or certified cheque payable to the Treasurer, City of Toronto.

ENVIRONMENT AND ENERGY DIVISION, Zac Zandona, Research Analyst, (647) 458-4930 or Zachary.Zandona@toronto.ca

13. **Prior to final site plan approval**, the Owner is to provide a Design Development Stage Energy Report, and the following supporting documentation with accompanying certification, to the satisfaction of the Chief Planner and Executive Director, City Planning, or his designate, in consultation with the Environment and Energy Division, for each building comprising a part of the development:
- (a) Thermal Bridging Calculations consisting of the following:
 - (i) Typical details for opaque clear fields including wall, roof, and window assemblies along with the area takeoffs and transmittance value calculations;
 - (ii) Transmittance values of the selected glazing (Example: Frame Plus screenshot to demonstrate the transmittance values of the selected glazing is also acceptable)
 - (iii) Typical linear interface details and takeoffs with transmittance value sources and calculations;
 - (iv) Show the effective R-value using the Thermal Performance Spreadsheet, preferably the completed BETBG calculator; and
 - (v) Include the architects signature within the submission to confirm the thermal bridges being considered for the calculations;
 - (b) Modelling Files;
 - (c) Energy Efficiency Reporting Appendices Workbook excel file and signed pdf;
 - (d) Electrical Design Brief; and
 - (e) Mechanical Design Brief.

TORONTO REGION CONSERVATION AUTHORITY, Anna Lim, Planner – (416) 661 – 6600, ex 5284

14. **Prior to final site plan approval**, the Owner shall apply for and receive all necessary permits from the TRCA for the purpose of the development of the site.

TORONTO TRANSIT COMMISSION, Matthew Taylor – (416) 906-3443 / matthew.taylor@ttc.ca

15. **Prior to final site plan approval**, the Owner shall complete the Toronto Transit Commission's technical review process for the proposed development, including the proposed new entrance connection to York Mills Subway Station and obtain the TTC's written acknowledgement that the owner has satisfied all of the conditions arising out of the technical review in accordance with the Section 37 Agreement between the Owner and the City and registered as Instrument No. <> [NTD: to be completed upon registration of the Section 37 Agreement], to the satisfaction of the Toronto Transit Commission.
16. **Prior to final site plan approval**, the Owner shall enter into an Entrance Connection Easement Agreement for the pedestrian connection through the site to the existing pedestrian tunnels within the Yonge Street right-of-way and within the site in accordance with the Section 37 Agreement between the Owner and the City <> [NTD: to be completed upon registration of the Section 37 Agreement], to the satisfaction of the Toronto Transit Commission.
17. **Prior to final site plan approval**, the Owner shall enter into a Tunnel Encroachment Licence Agreement for the portions of the proposed pedestrian connection through the site that are located within the City's right-of-way and to be owned and/or maintained by the Owner in accordance with the Section 37 Agreement between the Owner and the City <> [NTD: to be completed upon registration of the Section 37 Agreement], to the satisfaction of the Toronto Transit Commission.

C. POST APPROVAL CONDITIONS

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement:

1. The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

ENGINEERING AND CONSTRUCTION SERVICES

Facilities to Provide Access to and from the Land

2. The Owner must remove all existing accesses, curb cuts, traffic control sign(s) along the development site frontage that are no longer required and reinstate the curb, gutter and boulevard within the City's right-of-way, in accordance with City standards and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Off-street Vehicular Loading and Parking Facilities and Access/Driveways

3. The Owner must provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
4. The Owner must install and maintain appropriate signage and pavement markings on-site directing such as but not limited to: vehicle stopping and circulation, designated disabled parking, loading, and pedestrian walkways, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Facilities for the Storage of Garbage and Other Waste Material

5. For the multi-residential components of this development, the Owner must construct and maintain all facilities necessary to permit bulk lift City collection of solid waste, organic and recyclable materials in accordance with Chapter 844 of the City of Toronto Municipal Code, Waste collection, Residential Properties.
6. Provide and maintain the following waste diversion systems proposed for multiple household residential buildings:
 - (a) No chute provided that there is a central solid waste collection and waste diversion facility on the ground floor and subject to approval by the General Manager, Solid Waste Management Services;
 - (b) A single chute with a tri-sorter;
 - (c) Two separate chutes with one of the chutes equipped with a dual sorter; and
 - (d) Three separate chutes.
7. The Owner is to advise all Owners and tenants/future purchasers of the units that refuse and recyclable materials generated by this building must be collected by a private refuse collection firm at no cost to the City.
8. The Owner is to submit a letter certified by a Professional Engineer that in all cases where a collection vehicle is required to drive onto or over a supported structure (such as an underground parking garage) the structure has been constructed to safely support a fully loaded collection vehicle (35,000 kg) and conforms to the following:
 - (a) Design Code - Ontario Building Code;
 - (b) Design Load - City bulk lift vehicle in addition Building Code requirements; and
 - (c) Impact Factor - 5% for maximum vehicular speeds to 15 km/h and 30% for higher speeds.
9. Provide written certification to the Chief Engineer and Executive Director, Engineering & Construction Services by the "qualified professional" who designed and supervised the construction that all solid waste management facilities, including vertical and horizontal clearances, have been constructed in accordance with the accepted Site Plan and Waste Management Report.

Stormwater Management, Grading and Site Servicing

10. The Owner is to construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Functional Servicing and Stormwater Management Report, dated April 2022, prepared by Schaeffers Consulting Engineers, Site Grading Plan (drawing SG-1, dated April 6, 2022, and prepared by Schaeffers Consulting Engineers) and General Notes and Sections Plan (drawing SEC-1), dated April 6, 2022, and prepared by Schaeffers Consulting Engineers).
11. The Owner is to construct and maintain site servicing as indicated on the accepted Site Servicing Plan (drawings SS-1, dated April 6, 2022, and prepared by Schaeffers Consulting Engineers) and General Notes and Sections Plan, (drawing SEC-1, dated April 6, 2022, and prepared by Schaeffers Consulting Engineers).

12. The Owner is to provide certification to the Chief Engineer and Executive Director, Engineering & Construction Services from the Professional Engineer (P.Eng.) who designed and supervised the construction confirming that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.
13. The Owner is to provide certification to the Chief Engineer and Executive Director, Engineering & Construction Services from the Professional Engineer (P.Eng.) who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.
14. The Owner is to provide a letter from the structural/building engineer designing the building that the floor slabs and sidewalls of the stormwater holding tank will be designed to take the most critical loading including the full weight of the tank(s) and the maximum volume of stormwater in the tank(s).
15. Prior to the issuance of the first above grade building permit, the Owner shall submit drawings for the stormwater collection pipe monitoring systems to the satisfaction of the General Manager, Toronto Water.
16. The Owner covenants and agrees at its sole expense to install and maintain a monitoring system for each stormwater collection pipe to the satisfaction of the General Manager, Toronto Water.

Private Water Discharge

17. In the event the development is revised following final site plan approval such that short-term and/or permanent dewatering systems for the building are connected to City of Toronto sewer works, then prior to the earlier of the registration of the first plan of condominium within the site and occupancy of any part of the development located within the site, the Owner shall submit an application to Toronto Water, Environmental Monitoring & Protection, for any permanent dewatering system that is required for the building, and enter into an agreement and/or permit to discharge groundwater into City sewer works as required by the General Manager, Toronto Water.
18. In the event the development is revised following final site plan approval such that short-term and/or permanent dewatering systems for the building are connected to City of Toronto sewer works then prior to the earlier of the registration of the first plan of condominium within the site and occupancy of any part of the development located within the site, the Owner shall submit a copy of the relevant section(s) of the proposed Condominium Declaration that disclose(s) the obligations of the Owner in respect of the discharge of groundwater ("Private Water") to a City sewer pursuant to Toronto Municipal Code Chapter 681, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.

Other Conditions

19. The Owner shall submit a CCTV video and report that is prepared and reviewed by a certified professional under the Pipe Assessment & Certification Program administered by the National Association of Sewer Service Companies, confirming the existing 250mm diameter sanitary connection installed in 2016 is suitable to for reuse to service the development, to the satisfaction of the General Manager, Toronto Water and the Chief Engineer and Executive Director, Engineering and Construction Services. The

CCTV video and report shall include a description of the condition of the sanitary connection proposed for reuse to the satisfaction of the General Manager, Toronto Water and the Chief Engineer and Executive Director, Engineering and Construction Services.

20. In the event the Methane Report concludes methane gas was detected at or above 1% volume of air at any subsurface location within the site, the Owner shall provide mitigation measures within the site, excluding any land to be conveyed to the City or other public authority as a condition of approval, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
21. The Owner shall submit a Construction Management Plan for each stage of the construction process for the development of the site, to the satisfaction of the General Manager, Transportation Services which shall include, without limitation, the following information:
 - (a) Dust/mud control on and offsite;
 - (b) Location of truck loading points, trailer parking;
 - (c) Location of temporary material storage areas;
 - (d) Access/truck routing;
 - (e) Provision of hoarding, temporary fencing & covered walkways and sidewalk diversions;
 - (f) Location and timing of temporary road closures and alternative routes/detours;
 - (g) Location and extent of aerial crane operations A permit from Right-of-Way Management must be obtained if the crane's boom encroaches onto City Right-of-Way;
 - (h) Noise abatement measures, if required;
 - (i) Estimated period of construction including breakdown of phases;
 - (j) Details of piling and shoring activities;
 - (k) Control of storm runoff;
 - (l) Removal/disposal of excavated/demolition materials;
 - (m) The location and number of parking spaces for employee and construction trade vehicle parking; and
 - (n) Procedure to deal with vermin and rodents.

URBAN FORESTRY TREE PROTECTION AND PLAN REVIEW, Elissa Chu, Urban Forestry Planner – Elissa.Chu@toronto.ca

22. In the event the Public Utilities Coordination Committee process confirms utilities are in conflict with tree planting and continuous soil trench infrastructure proposed within the Yonge Street and Wilson Avenue right-of-ways, the Owner shall relocate all conflicting utilities at its sole cost and expense in order to provide the required Toronto Green Standard soil volumes to support the planting of public and private trees as shown on the landscape plans, to the satisfaction of the General Manager, Parks, Forestry and Recreation (Urban Forestry).

CITY PLANNING (including Urban Design, Transportation Planning, Heritage Preservation Services) – Cathie Ferguson, Senior Planner – (416) 395 – 7117 or Cathie.Ferguson@toronto.ca

23. The Owner shall provide and maintain the landscaping for the development, in accordance with the approved landscape plans to the satisfaction of the Director, Community Planning, North York District.

URBAN FORESTRY RAVINE & NATURAL FEATURE PROTECTION (RNFP), Nicole Grgic, RNFP Planner – (416) 392-7815 or Nicole.Grgic@toronto.ca

Tree Maintenance & Preservation

24. The Owner shall implement the approved tree maintenance and preservation strategies as detailed in the arborist report prepared by Kuntz Forestry Consulting Inc., dated May 2015 and revised on May 18, 2022 and the tree protection plan, prepared by Kuntz Forestry Consulting Inc., dated January 24, 2022 and revised on May 25, 2022 as may be revised by a Ravine Stewardship Plan that is required prior to the issuance of the first building permit for the lands, to the satisfaction of the General Manager, Parks, Forestry and Recreation (RNFP). Prior to and during demolition/construction, where necessary to ensure the health and vigor of trees onsite, tree maintenance measures, such as crown or root pruning, removing dead-wood, watering, mulching, or fertilizing shall be undertaken according to currently accepted sound arboricultural practices

Tree Protection Hoarding

25. The Owner shall preserve all protected trees that have not been approved for removal throughout development works to the satisfaction of General Manager, Parks, Forestry and Recreation (RNFP). Tree protection hoarding shall be located in accordance with the RNFP approved tree protection plan, and shall remain in place and in good condition during demolition and/or construction and shall not be altered or moved until authorized by RNFP. Established tree protection zones shall not be used as construction access, storage or staging areas. Grade changes are not permitted within established tree protection zones.

URBAN FORESTRY Tree Protection and Plan Review, Elissa Chu, Urban Forestry Planner – Elissa.Chu@toronto.ca

26. The Owner shall maintain all new tree plantings within the City road allowance in good condition. If necessary, the Tree Planting Security Deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period. The Owner must notify Urban Forestry at tppnorth@toronto.ca within two weeks of the trees being planted to start the two year guarantee period. Trees will be inspected during and prior to the end of the renewable guarantee period. At the end of the period, while the trees are in leaf, the Owner must notify Urban Forestry at tppnorth@toronto.ca to allow for us to confirm if the trees are in good condition. If the trees are in good condition at the end of the period, the City will assume maintenance and ownership of the trees and the deposit will be returned.
27. The Owner shall be responsible for the maintenance or replacement of all new tree plantings within the City road allowance if during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require

replacement. The Owner will be responsible for rectifying the problem as determined by and to the satisfaction of the General Manager of Parks, Forestry & Recreation (Urban Forestry). The Owner shall maintain all newly replanted trees within the City road allowance in good condition and shall provide an additional two-year renewable guarantee.

28. Following the planting of street trees, the Owner shall provide a Certificate of Completion of Work and an as-installed plant list in the form of a spreadsheet identifying street trees, as shown on the approved planting plan, by street addresses. The as-installed plant list shall also include tree species, calliper, condition and specific location of the trees by identifying two points of references (i.e., distances in meters from the curb, sidewalk, driveway, utility pole or pedestal).
29. The Owner shall note revise revisions or make alterations to the approved plans or permits that affect trees without the prior written approval of the General Manager of Parks, Forestry & Recreation (Urban Forestry).
30. The Owner shall submit a complete "Agreement for Arborists Retained by Private Property Owners to Undertake Work on City Trees" and supporting documents (Certificate of Insurance, Workplace Safety and Insurance Board (WSIB) Clearance Certificate) from the contractor who will conduct any tree work (e.g. root exploration, root/canopy pruning, injury, removal, or planting) prior to undertaking such work, to the satisfaction of the General Manager of Parks, Forestry & Recreation (Urban Forestry).

ENVIRONMENT AND ENERGY DIVISION, Zac Zandona, Research Analyst, (647) 458-4930 or Zachary.Zandona@toronto.ca

31. The Owner shall construct and maintain the development substantially in accordance with the Design Development Stage Energy Report prepared by <> and dated <> [NTD: to be updated to add authorship and date upon satisfaction of pre-approval condition 13 above] to ensure that the energy savings identified continue to be achieved, to the satisfaction of

TORONTO TRANSIT COMMISSION, Alex Butler, Operations Planner, Alex.Butler@ttc.ca

32. The Owner shall relocate the existing transit stop shelter located on Wilson Avenue to the satisfaction of the Toronto Transit Commission.

ATTACHMENT 1



April 26, 2022

Easton's Group / Gupta Group
3100 Steeles Ave. East, Suite 601
Markham, Ontario
L3R 8T3

Attention: Mr. Mario Angelucci

Re: **Subsurface Methane Investigation – Terms of Reference**
4050 Yonge Street, Toronto, Ontario

Dear Mr. Angelucci:

EXP Services Inc. (EXP) has been requested to provide a proposal (issued separately) and a term of reference (this document) for City of Toronto comment on a subsurface methane investigation at on the above-noted property proposed for development, hereafter referred to as the 'Site'.

It is understood that Solid Waste Management of the City of Toronto is requesting the subsurface investigation for the possible presence of methane gas as part of their zoning by-law amendment to develop the property. **The request is based on the Site's proximity (less than 250 m) to a former landfill located to the north of the property, along the west side of Yonge Street.** The objective of the investigation is to determine if methane gas is detected at or above 1% volume in air, at any (subsurface) location in the parcel of property proposed for redevelopment.

As discussed in a conference call attended by representatives from Easton, EXP and the City of Toronto, the above assessment is required for screening purposes and is not intended to be exhaustive. At this time, specific terms of reference have yet to be developed for this assessment. Therefore, EXP has proposed the following terms below and outlined an appropriate scope of work for completion of a subsurface methane investigation on the Site for comment by the City of Toronto.

Terms of Reference:

- Where a specific methane source is noted (ie. former landfill), soil vapour probes should be installed along the property boundary(ies) of the proposed development closest to the source at an interval of approximately 50 m. In addition, a single probe should be installed in the approximate centre of the property, within the footprint of any future structure (where possible).
- Soil vapour probes be installed in accordance with existing guidance documents.
- Monitoring be conducted using appropriate equipment (ie. portable direct read instrumentation capable of measuring soil gas methane concentration < 1% volume in air)
- Laboratory confirmatory sampling be conducted only if monitoring results exceed 50% of the target criteria (1% volume in air, or 20% LEL). Samples to be collected in Tedlar bags and submitted to an accredited laboratory for analysis.

Re: **Subsurface Methane Investigation, Terms of Reference**
4050 Yonge Street, Toronto, Ontario

Proposed Scope:

EXP proposes to advance four (4) boreholes up to an approximate depth of 2 meters below ground surface (m bgs), which will be completed as soil gas probes. The soil gas probes will be installed above the water table and will consist of 6 inch stainless steel soil vapour probe implants and an appropriate length of ¼ inch Teflon tubing. The boreholes will consist of a 2" diameter hole drilled to the completion depth using direct push methodology. A water level meter will be used to confirm that no water has infiltrated the boreholes during drilling activities. Boreholes will be backfilled with sand to approximately 1 ft above the screen so that the screen will be located in permeable materials, and the rest of the borehole was backfilled with hydrated granular bentonite and hydrated bentonite powder, to prevent surface water intrusion and intrusion of ambient outdoor air. The soil vapour wells were then finished with well sand, cement, and flush-mount protective covers. The proposed depth of the probes will be confirmed based on previously reported water table elevations, with final determination in the field. The soil gas probes will be completed with flush mount protective casings and will be equipped with air-tight valves for gas monitoring.

Three (3) soil gas probes will be located along the north edge of the property (west, center and east) and one (1) probe will be placed in the south center of the property, as shown on the attached soil vapour probe location plan.

Monitoring will be conducted a minimum of 48 hours after installation. Gas monitoring will consist of real-time measurements of methane, oxygen, carbon dioxide, oxygen, hydrogen sulphide and carbon monoxide using portable direct read instrumentation. If required based on monitoring results, samples will also be collected in Tedlar bags for confirmatory analyses of methane and for quality control by an accredited laboratory.

Monitoring and sampling results will be collated and assessed against appropriate guidelines (Ministry of the Environment, Conservation and Parks (MECP) D-4; Ontario building code).

If you have any questions, please do not hesitate to contact us.

Sincerely,
EXP Services Inc.



Miles Anderson, M.Sc.
Environmental Scientist
Environmental Services



Ron Taylor, M.Sc., C.Chem., CIH
Discipline Lead, Air Quality and Industrial Hygiene
Environmental Services

Re: **Subsurface Methane Investigation, Terms of Reference**
4050 Yonge Street, Toronto, Ontario

References:

D-4-1 Assessing Methane Hazards from Landfill Sites (2016), *Ministry of Environment, Conservation and Parks (MECP)*, Updated July 13, 2021.

(Draft) Technical Guidance: Soil Vapour Intrusion Assessment, *Ministry of Environment, Conservation and Parks (MECP)*, January 4, 2021.

Attachments:

- Soil Vapour Probe Location Plan



EXP Services Inc.
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 1590 Clark Road Unit 2
 Scarborough, ON M1T 4V1
 Canada

 www.exp.com

LEADERS:
 **PROPOSED SOIL VAPOUR PROBE LOCATION**

TITLE AND LOCATION:
**SOIL VAPOUR PROBE
 LOCATION PLAN
 4050 YONGE STREET
 TORONTO, ONTARIO**

PROJECT NO.:	DATE:
SCALE:	C/D:
ISSUE:	FILE NO.:
APRIL 28, 2022	1

Attachment 2

(PRINTED ON BANK LETTERHEAD)

IRREVOCABLE STANDBY LETTER OF CREDIT

Beneficiary: City of Toronto	Issue Date:
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Letter of Credit Number:	Credit Amount (Canadian Funds):	Initial Expiry Date: <u>(12 months following issue date)</u>
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We hereby authorize you, the City of Toronto, to draw on **(Bank name, address and branch)** (the "Bank") for the account of **(customer name and address)**, (the "Customer") up to an aggregate amount of \$ _____ Canadian Dollars (the "Credit Amount") available on demand up to **(date)** (the "Initial Expiry Date") or a subsequent anniversary date, and is hereby given to you pursuant to an agreement between the City of Toronto, and **(name of customer)**, made in connection with approval of Site Plan Application [list application number] (the "Agreement").

Pursuant to the request of the Customer, the Bank hereby establishes in your favour and gives to you an Irrevocable Standby Letter of Credit in the Credit Amount on which you may draw in whole or in part at any time and from time to time, subject to the terms herein.

A drawing under this Letter of Credit shall be made by you presenting to the Bank, at the address noted below, a demand in writing authorized by the City Treasurer or delegate.

Partial drawings are permitted.

Upon receipt of said demand, the Bank shall pay to you the amount stated in the demand, to be payable to you without inquiring whether you have a right as between yourself and the Customer to make such demand, and without recognizing any claim of the Customer or objection by the Customer to payment by the Bank.

This Letter of Credit will continue up to the Initial Expiry Date but shall be subject to the condition that it shall be deemed to be automatically extended without amendment for one year from the present or any future expiration date hereof, unless 60 days prior to any such expiration date the Bank notifies you by notice in writing delivered to the City of Toronto at the address noted below by registered mail that it shall not renew this Letter of Credit for any such additional period. Upon receipt by you of such notice, you may draw hereunder, for the available balance of this Letter of Credit by presenting a written demand together with confirmation that the amounts drawn will be retained and used by you to meet obligations incurred or to be incurred in connection with the Agreement. The demand must be authorized by the City Treasurer or delegate.

Bank Name: _____ Countersigned: _____

Address: _____ Countersigned: _____

ADDRESS FOR NOTICE

1. **NOTICE TO BANK**
(bank to insert full address and contact information)

2. **NOTICE TO CITY OF TORONTO**

City of Toronto
Corporate Finance Division, Capital Markets
City Hall, 7th Floor, East Tower
100 Queen Street West
Toronto, Ontario, M5H 2N2