

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: December 22, 2016

CASE NO(S): PL131355

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	1734141 Ontario Limited
Appellant:	Aragon (Wellesley) Developments (Ontario) Corporation
Appellant:	Building And Land Development Association
Appellant:	Catholic Children's Aid Society Of Toronto; and others
Subject:	Proposed Official Plan Amendment No. OPA 183
Municipality:	City of Toronto
OMB Case No.:	PL131355
OMB File No.:	PL131355
OMB Case Name:	Lee v. Toronto (City)

Board Rule 107 states:

107. Effective Date of Board Decision A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

Heard: June 21, 2016 in Toronto, Ontario

APPEARANCES:**Parties****Counsel**

City of Toronto

S. Hanniford
C. Ilan

KingSett Capital Inc.

E. Costello
L. DeanBay Cloverhill Community
Association/Church-Wellesley
Neighbourhood Association Inc.

I. Flett

Building Industry and Land
Development Association ("BILD")

J. Dawson

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. CARTER-WHITNEY
ON JUNE 21, 2016 AND ORDER OF THE BOARD**

INTRODUCTION

[1] This decision concerns a settlement hearing in relation to certain policies of Official Plan Amendment No. 183 ("OPA 183") that have been directed for the Board's Phase 1 hearing of OPA 183. OPA 183 is an amendment to the Official Plan ("OP") of the City of Toronto ("City"), relating to the North Downtown Yonge Site and Area Specific Policy 382. The North Downtown Yonge Site and Area Specific Policy is generally between the north side of College/Carlton Streets, the south side of Charles Street, the west side of Bay Street and the east side of Church Street. It is intended that the hearing of the Phase 2 policies will be linked with the hearing of appeals of a Heritage Conservation District Plan by-law in relation to a similar area.

[2] The Bay Cloverhill Community Association and the Church-Wellesley Neighbourhood Association Inc. ("Associations") have been granted party status in these proceedings.

[3] Following Board mediation in this matter, the City, KingSett Capital Inc. (“KingSett”), BILD and the Associations (“Phase 1 Parties”) have agreed that certain provisions of OPA 183 policies are not under appeal and may come into force and effect as set out in the Order below. Furthermore, the City, KingSett and the Associations are parties to Minutes of Settlement (appended to this Decision as Attachment 5) with respect to KingSett’s appeal. In support of these agreements, the Board heard evidence from Sarah Henstock, a Manager of Community Planning with the City who was qualified to provide land use planning opinion evidence at the hearing.

[4] Ms. Henstock testified concerning the North Downtown Yonge planning framework, which resulted in OPA 183. She also discussed the phasing of the hearing of the appeals in this matter.

[5] The City seeks the Board’s approval of modifications to OPA 183 in accordance with: a colour-coded version of By-law No. 1507-2013 adopting OPA 183, which has been updated to reflect modifications to OPA 183 as agreed to by the Phase 1 Parties, appended to this Decision as Attachment 1; a chart identifying the modifications to OPA 183 agreed to by the Phase 1 Parties, appended to this Decision as Attachment 2; a schedule identifying the provisions of OPA 183 released to come into effect with no modifications as agreed to by the Phase 1 Parties, appended to this Decision as Attachment 3; and a schedule identifying the provisions of OPA 183 released to come into effect with modifications or technical corrections as agreed to by the Phase 1 Parties, appended to this Decision as Attachment 4. Ms. Henstock provided evidence in support of these proposed modifications.

[6] Ms. Henstock also addressed the partial settlement of the KingSett appeal. KingSett owns lands within the OPA 183 area, including 480-494 Yonge Street and 475 Yonge Street, for which KingSett has filed applications for zoning by-law amendments. The Minutes of Settlement address the issue of the incremental shadow to be permitted on a park located at 11 Wellesley Street West, providing that the incremental shadow

on the park, as illustrated in the shadow study attached as Schedule 2 to the Minutes of Settlement is deemed acceptable to the City, KingSett and the Associations.

[7] Ms. Henstock provided her opinion that the proposed amendments to OPA 183 are consistent with the Provincial Policy Statement (“PPS”), have regard to matters of provincial interest in s. 2 of the *Planning Act*, conform to the policies of the City’s OP, and are in keeping with the original intent of OPA 183 as adopted by Council.

[8] Having considered the evidence and submissions before it, the Board accepts Ms. Henstock’s opinion evidence and finds the amendments to OPA 183 before it to be consistent with the PPS, to have regard to matters of provincial interest in s. 2 of the *Planning Act*, and to conform to the policies of the City’s OP.

[9] The Board, therefore, approves the modifications to OPA 183 as set out in the Order below.

[10] The Board notes that the KingSett appeal is maintained as a site-specific appeal to allow KingSett to complete rezoning of its lands, but the KingSett appeal with respect to the Phase 1 policies has been scoped in accordance with the Minutes of Settlement.

ORDER

[11] The Board orders that:

1. The appeals of KingSett and BILD are allowed in part.
2. OPA 183 shall be modified substantially in accordance with Attachments 1, 2, 3, 4 and 5, all of which are appended to this Order.
 - a. Attachment 1 is a colour-coded version of OPA 183 articulating: (1) those of its policies that were scoped out of any appeal and are in

effect by operation of law pursuant to s. 17(30) of the *Planning Act*; (2) those of its policies to be considered in a Phase 1 settlement hearing scheduled to begin on November 18, 2016; and (3) those of its policies deferred to a Phase 2 hearing yet to be scheduled.

- b. Attachment 2 is a chart identifying the modifications to OPA 183 agreed to by the Phase 1 Parties and the subject of the June 21, 2016 Phase 1 settlement hearing.
 - c. Attachment 3 is a corresponding schedule identifying the provisions of OPA 183 released to come into effect with no modifications as agreed to by the Phase 1 Parties.
 - d. Attachment 4 is a corresponding schedule identifying the provisions of OPA 183 released to come into effect with modifications or technical corrections as agreed to by the Phase 1 Parties.
 - e. Attachment 5 is a copy of the fully executed Minutes of Settlement between the City of Toronto, the Bay Cloverhill Community Association, Church Wellesley Neighbourhood Association and KingSett Capital Inc. ("KingSett"), dated June 17, 2016 (the "Minutes of Settlement").
3. The portions of OPA 183 that were under appeal but have been released with no modification required, identified in and appended to this Order as Attachment 3, come into effect as an operation of law pursuant to s. 17(30) of the *Planning Act*, and will be confirmed when the Board Secretary notifies the City Clerk as stipulated in that same subsection.

4. The appeal of the Phase 1 policies of OPA 183 by KingSett is made site-specific and engages contested policies of Phase 1 of OPA 183 as it relates to the Phase 1 hearing only to the extent of:
 - a. The property known municipally as 480-494 Yonge Street, with such appeal remaining alive only to facilitate the completion of a settlement of the current zoning by-law application for 480-494 Yonge Street as contemplated in the Minutes of Settlement; and
 - b. The property known municipally as 475 Yonge Street.
5. The Board may be spoken to in the event some other matter should arise in the implementation of this Order.

"M. Carter-Whitney"

M. CARTER-WHITNEY
MEMBER

If there is an attachment referred to in this document,
please visit www.elfto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elfto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

TO JANUARY 26, 2016 ONTARIO MUNICIPAL BOARD DECISION
As Updated to reflect June 21, 2016 Ontario Municipal Board Settlement Hearing Decision

Authority: Toronto and East York Community Council Item 26.14,
as adopted by City of Toronto Council on October 8, 9, 10 and 11, 2013

CITY OF TORONTO

BY-LAW No. 1507-2013

To adopt Amendment No. 183 to the Official Plan of the City of Toronto respecting the North Downtown Yonge Site and Area Specific Policy Area generally between the north side of College/Carlton Streets, the south side of Charles Street, the west side of Bay Street and the east side of Church Street.

Whereas authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

Whereas the Council for the City of Toronto, at its meeting on October 8, 9, 10 and 11, 2013, determined to amend the Official Plan for the City of Toronto adopted by By-law No. 1082-2002; and

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

The Council of the City of Toronto enacts:

1. The attached Amendment No. 183 to the City of Toronto Official Plan is adopted pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.
2. This is Official Plan Amendment No. 183.

Enacted and passed on November 15, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

* This document is subject to the site specific appeals and Ontario Municipal Board Order dated December 30, 2015

Document includes highlighting to identify the following in keeping with the Ontario Municipal Board Prehearings of November 5 and 6, 2015 and January 7, 2016:

Provisions that are in full force and effect – Highlighted in Green

Provisions subject to Phase I Hearing – Highlighted in Pink

Provisions subject to Phase II Hearing – Highlighted in Blue

Also included are amendments to Section 2.4, 6.1 and 6.3 as directed by City of Toronto City Council decision MM10.16 November 4, 2015.

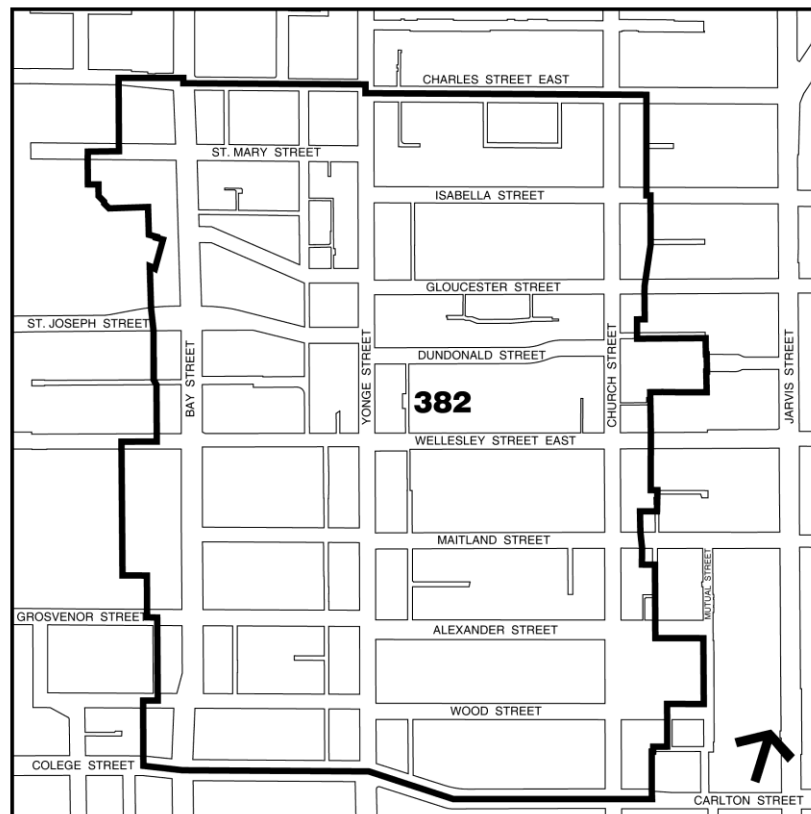
AMENDMENT NO. 183 TO THE OFFICIAL PLAN North Downtown Yonge Site and Area Specific Policy

SCHEDULE "C"

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

1. Chapter 7, Site and Area Specific Policies, is amended by deleting Site and Area Specific Policy 155 and by adding the following Site and Area Specific Policy 382:

"382. North Downtown Yonge Site and Area Specific Policy, located generally between the south side of College/Carlton Streets, the south side of Charles Street, the west side of Bay Street and the east side of Church Street;



North Downtown Yonge Site and Area Specific Policy

The lands shown on the above plan, which for reference are also shown on Map 1 - Character Areas and on Map 2 - Open Space Network and Height Areas, each found at the end of this Site and Area Specific Policy, are subject to the following policies:

1. GOALS

This North Downtown Yonge Site and Area Specific Policy is intended to guide and shape development/redevelopment and private and public investment within the North Downtown Yonge Area by:

- 1.1 Identifying suitable levels of growth for each of the special Character Areas that form part of the overall area.
- 1.2 Establishing compatible development/redevelopment and built form policies for these sub-areas and, where appropriate, for the area as a whole.
- 1.3 Providing direction for parks, open space, private and public realm investment opportunities and priorities for the area.
- 1.4 Reinforcing the importance and value of protecting and enhancing the heritage context within which this area is situated.
- 1.5 Creating a sense of place for the North Downtown Yonge Area by having policies in place which help to identify the area as a unique and evolving mixed use community that accommodates both local level and non-local (regional and international) needs.

2. OBJECTIVES

- 2.1 Provide policies which reinforce the importance of Yonge Street as Toronto's iconic main street and accommodate development/redevelopment where appropriate.
- 2.2 Identify areas with growth potential and areas of limited growth, providing appropriate transitions in scale down to lower-scaled Character Areas, heritage properties, and parks and open space.
- 2.3 Enhance and improve the connectivity between the Character Areas and the streets and corridors located within the North Downtown Yonge Area, including Bay Street, Yonge Street, Church Street, Wellesley Street, and College and Carlton Streets.
- 2.4 Conserve and maintain the integrity of the strong heritage fabric throughout this area and with particular reference to the Yonge Street, St. Nicholas, Dundonald/Gloucester and Church Street Village Character Areas. *** Policy 2.4 has been amended by City of Toronto City Council Decision 2015 MM10.16, November 4, 2015**
- 2.5 Identify "priority" retail streets within the area and line these streets with active, grade-related uses which promote a safe and animated pedestrian environment.
- 2.6 Utilize, where appropriate, a narrow rhythm of multiple retail frontages along these retail streets that have been architecturally articulated through materials, numerous entrances, display windows, continuous canopies and signage.
- 2.7 Respect and complement the scale, character, form and setting of heritage properties along the street, including the historic streetwall scale of Yonge Street.

- 2.8 Further to the policies of Section 3.2.1 of the Official Plan, the production of a mix of residential types, unit sizes, and tenures, including family sized units, will be encouraged within the North Downtown Yonge Area. *Modified as per OMB Decision June 21, 2016
- 2.9 Expand and improve existing parks and the open space network and create new parks and open space connections as opportunities arise through development/redevelopment.
- 2.10 Protect access to sunlight and sky view within the surrounding context of streets, parks, public and private open space.
- 2.11 Provide for public realm improvements as part of development/redevelopment, including opportunities for expanded sidewalk widths, mid-block access, well designed promenades, gateways, and public transit access points. *Modified as per OMB Decision June 21, 2016
- 2.12 Encourage design excellence and high quality architectural design through the effective use of resources, high-quality materials, innovative, sustainable and universally accessible building design for development/redevelopment, public realm improvements and parks and open space design.
- 2.13 Reinforce and support transit use throughout the North Downtown Yonge Area.

3. LAND USE POLICIES

Any development/redevelopment of a site in the North Downtown Yonge Area is to conform with the policies of the Official Plan, including those policies applicable to the land use designation of the site except where they are modified by area specific policies.

*Modified as per OMB Decision June 21, 2016

Development/redevelopment policies have been addressed in two ways in this North Downtown Yonge Site and Area Specific Policy. Firstly, specific policies have been developed for individual sub-areas within the North Downtown Yonge Area identified as Character Areas. Secondly, policies have been identified that apply to the North Downtown Yonge Area as a whole.

4. DEVELOPMENT POLICIES

A. Character Area Policies

The Character Areas, as set out below, each have particular land use functions and building typologies representing diverse scales and heights. They consist of the following Character Areas, which have also been identified in Map 1, Character Areas, found at the end of these policies:

Bay Street Character Area	St. Nicholas Character Area
Yonge Street Character Area	Isabella Character Area

Gloucester/Dundonald Character Area Wellesley Wood Character Area
 College/Carlton Street Character Area Church Street Village Character Area

Development/redevelopment will respond to these functions and characters, with built form and public realm solutions appropriate within the given Character Area as more fully described in Section 5 and as shown on Map 2, Open Space Network and Height Areas, found at the end of these policies.

B. Area Wide Policies

Policies relating to heritage, views, built form, parks and open space, and the public realm as they apply to individual or all the Character Areas, are found in Section 6 of this North Downtown Yonge Site and Area Specific Policy.

C. Urban Design Guidelines

The evaluation of development/redevelopment and public realm improvements within the Character Areas, and the Area Wide Policies as noted in Section 6, will be informed by:

*Modified as per OMB Decision June 21, 2016

- a) the North Downtown Yonge Urban Design Guidelines adopted by Council in July of 2013 and as further revised in September 2013, and such further revisions as Council may adopt from time to time;
- b) the city-wide Tall Buildings Design Guidelines and Downtown Tall Building Vision and Supplementary Design Guidelines, adopted by Council in May of 2013, and such further revisions as Council may adopt from time to time;
- c) the Bloor Yorkville/North Midtown Urban Design Guidelines, adopted by Council in June of 2004, as may be revised by Council from time to time for development/redevelopment on lands fronting onto the south side of Charles Street East, generally located one block west of Bay Street to one block east of Church Street, and including the Bay Street and Isabella Character Areas; and
- d) other applicable policies and guidelines adopted by Council that may apply, including such further revisions thereto as Council may adopt from time to time.

but such guidelines are not part of the Official Plan and do not have the status of policies in this North Downtown Yonge Site and Area Specific Policy adopted under the Planning Act. *Modified as per OMB Decision June 21, 2016

5. CHARACTER AREA POLICIES

5.1 Bay Street Character Area

The Bay Street Character Area is a mature and largely built out area defined by a mix of uses including residential, office, institutional and commercial. Bay Street functions as an important spine through the city's downtown area transitioning between different uses and building heights and scale, and as a multi-modal transportation corridor. Growth is anticipated within the Bay Street Character Area in areas designated as *Mixed Use Areas*, save and except for the sub-area within the Bay Street Character Area designated as *Apartment Neighbourhoods* in the Official Plan. The *Apartment Neighbourhoods* area within the Bay Street Character Area is considered to be a stable area with limited low-rise infill potential.

The area on the west side of Bay Street designated as an *Institutional* area in the Official Plan will continue to be guided by the University of Toronto Secondary Plan. Best efforts will be made, however, to incorporate the public realm policies contained in this Official Plan amendment for those *Institutional* lands fronting onto Bay Street in order to establish a cohesive public realm plan along both sides of the Bay Street frontage.

Policies:

- 5.1.1 Development/redevelopment within the Bay Street Character Area will be located and massed to minimize shadow impacts throughout the day on adjacent *Apartment Neighbourhoods* lands, during all seasons of the year.
- 5.1.2 Development/redevelopment in the *Mixed Use Areas* portions of the Bay Street Character Area will provide an appropriate transition in scale and height to lower-scaled development in the *Apartment Neighbourhoods* area located within the adjacent St. Nicholas Character Area.
- 5.1.3 The only development/redevelopment permitted in the *Apartment Neighbourhoods* designated areas of the Bay Street Character Area will be sensitive low-rise infill that:
 - a) respects and reinforces the general physical character, pattern, scale, massing, setbacks and heritage value of the area;
 - b) maintains the prevailing patterns of landscaped open space; and
 - c) makes best efforts to preserve and enhance existing private amenity space.

5.2 St. Nicholas Character Area

The St. Nicholas Character Area is designated *Apartment Neighbourhoods* in the Official Plan. It is considered a physically stable area primarily made up of residential uses in lower scale buildings such as detached dwellings, semi-detached dwellings, townhouses as well as interspersed walk-up apartments all ranging in height from 2 to 4 storeys. The area is also interspersed with minor commercial uses which add to its character. Significant growth and intensification are not intended within the St. Nicholas Character Area; however, sensitive low scale infill development/redevelopment that respects and reinforces the general physical character, pattern, scale, massing setbacks and heritage

value of the St. Nicholas Character Area, may be permitted. The St. Nicholas Character Area will also be protected from new net shadow impacts caused by development/redevelopment in adjacent Character Areas, such as the Bay Street Character Area.

Policies:

5.2.1 Where a more intensive form of development/redevelopment than the prevailing building types has been approved within or adjacent to the St. Nicholas Character Area, it will not be considered to be the prevailing building type in the assessment of development proposals in the St. Nicholas Character Area.

5.2.2 All development/redevelopment within the Bay Street Character Area will be located and massed so as to minimize new net shadow impacts on the St. Nicholas Character Area at all times of the day and for all seasons of the year.

5.2.3 Development/redevelopment must provide an appropriate transition in scale and height between more intensive forms of development/redevelopment in the adjacent Character Areas, such as the Bay Street Character Area, down to the lower-scaled development of the St. Nicholas Character Area.

5.3 Yonge Street Character Area

Yonge Street is Toronto's main street. It has played many roles in the development of the city. Today it is a vibrant commercial corridor attracting local residents, workers and visitors to the city and commuters passing through. The Yonge Street Character Area plays a role in connecting and providing an identity to the Character Areas located east and west of it.

The Yonge Street Character Area is designated *Mixed Use Areas* in the Official Plan from Charles Street to Grenville Street and Wood Street along both sides of Yonge Street with an area designated *Parks* along the easterly boundary of the area between Charles Street East and Dundonald Street. The Yonge Street Character Area abuts areas designated *Apartment Neighbourhoods* to the east and west as well as an area designated *Neighbourhoods* between Gloucester and Dundonald Streets to the east.

Throughout the Yonge Street Character Area, existing buildings lining Yonge Street display a rhythm of narrow retail frontages that reference the street's historic character. Much of Yonge Street in the Official Plan amendment area between College/Carlton Streets and Charles Street is characterized by a predominantly low-rise main street building typology with a prevailing street wall height of 2 to 4 storeys, retail frontages of around 5 metres in width and shallow lot depths of approximately 18, 25 or 30 metres. The core area is in the centre of the Yonge Street Character Area between Charles Street and Grosvenor Street on the west side of Yonge Street and Charles Street and mid-block between Alexander Street and Maitland Street on the east side of Yonge Street.

Both the north and south edges of this area are comprised of transitional height areas rising to height peaks as follows:

- i) Height Peak Area - located between the intersection of Yonge Street and College/Carlton Street (see Section 5.8 College/Carlton Street Character Area) and Grenville Street and Wood Street, as shown on Map 2, Open Space Network and Height Areas, found at the end of these policies;
- ii) Height Transition Area - located between Grenville Street and Wood Street and Grosvenor Street on the west side of Yonge Street and mid-block between Alexander Street and Maitland Street on the east side of Yonge Street, as shown on Map 2, Open Space Network and Height Areas, found at the end of these policies.

The continued success and unity of the Yonge Street Character Area, and areas to the east and west, will continue to lie in how development and redevelopment in the core, transition and peak areas responds to its historic main street context, reinforcing a pedestrian friendly micro-climate and retail uses along the street.

While tall buildings are generally not appropriate throughout this Character Area due to the prevalence of heritage properties and the existing low-rise built form character, exceptions will be recognized, where lot size, depth, specific location and context characteristics (such as heritage values) are able to accommodate a tall building and its servicing and parking requirements.

Policies:

5.3.1 Development/redevelopment must create a consistent street wall along Yonge Street to a maximum height of 18 metres or 4 storeys.

5.3.2 Development/redevelopment must require store frontage widths at grade along Yonge Street to be consistent with the average width of at grade retail that is currently found within 2 blocks to the north and south of a given site along either side of Yonge Street in the North Downtown Yonge Area.

5.3.3 It is the objective of Council for development/redevelopment to provide building setbacks to secure a sidewalk zone (measured curb to building face) of at least 6 metres wide, or greater where established by the existing context or at corners, transit nodes, PATH access points, or other locations with similar pedestrian use. The sidewalk zone may consist entirely of public property or a combination of public and private property.

*Modified as per OMB Decision June 21, 2016 in keeping with 5.8.3

5.3.4 Development/redevelopment must provide, where commercial uses are planned at grade, building setbacks to secure a sidewalk zone on private property to support adequate space for cafe patios, outdoor displays and other marketing activities.

5.3.5 As the linear park system to the east of Yonge Street between Charles Street East and

Dundonald Street is utilized by the community during all hours of the day, development/redevelopment, within or immediately adjacent to the Yonge Street Character Area, must demonstrate as part of the development application review process that best efforts have been made to not cast any new net shadow on these linear parks during the day for all seasons of the year.

5.3.6 Development/redevelopment must have:

- a) a minimum setback of 20 metres from the Yonge Street frontage property line to the tower portion of any tall building development, where heritage properties are present on site; and
- b) a minimum setback of 10 metres from the Yonge Street frontage property line to the tower portion of any tall building development, where there are no on-site heritage properties.

5.3.7 Development/redevelopment must have the tower portion of any tall building development set back a minimum of 20 metres (excluding balconies) from property lines that abut a lower scale Character Area, including any area designated *Neighbourhoods* in the Official Plan.

5.3.8 The maximum height within areas identified as "Height Transition Area" in the Yonge Street Character Area, as shown on Map 2, Open Space Network and Height Areas, found at the end of these policies, will be in the range of 45 storeys or 170 metres in height. Applications for these maximum heights will not be approved if the following potential height impacts have not been satisfactorily addressed through the development/redevelopment application review:

- a) the potential impacts on heritage properties located on or adjacent to the development site;
- b) the potential impacts on sunlight in parks and open spaces adjacent to the development site;
- c) the potential impacts on views of prominent and heritage properties, structures and landscapes on or adjacent to the development site; and
- d) the potential impacts on the site(s) ability to accommodate satisfactory separation and setback distance requirements.

5.3.9 Any development/redevelopment within the "Height Core Area" of the Yonge Street Character Area, as shown on Map 2, Open Space Network and Height Areas, found at the end of these policies, will conserve, maintain and enhance the existing character, cultural heritage values, attributes and scale of the existing heritage properties and their context. The maximum height within the "Height Core Area" of the Yonge Street Character Area will be in the range of 4 storeys or 18 metres. Buildings higher than 18 metres may only be permitted if:

- a) no part of the building is located above the angular plane drawn from the Yonge Street lot line, commencing at a height of 18 metres above the street level, and then angling upwards at an angle of 75 degrees away from Yonge Street over the site; and
- b) where the site contains a heritage property, the heritage property can be retained in its entirety and appropriately incorporated into the development/redevelopment, in keeping with Section 6 of the North Downtown Yonge Site and Area Specific Policy.

5.4 Isabella Character Area

The Isabella Character Area is designated in the Official Plan as *Mixed Use Areas* along the south side of Charles Street East including one site on Isabella Street and *Apartment Neighbourhoods* for the remainder of the area to Gloucester Street. The area along Charles Street East, designated *Mixed Use Areas*, will continue to experience growth and change while the area to the south has remained relatively stable. Significant growth and intensification are not intended for the area south of the properties fronting on Charles Street East to Gloucester Street; however, sensitive low scale infill development that respects and reinforces the general physical character, pattern, scale, massing setbacks and height of this portion of the Isabella Character Area may be permitted.

Policies:

- 5.4.1 All development /redevelopment within the Yonge Street Character Area will be located and massed so as to minimize new net shadow impacts on the Isabella Character Area at all times of the day and for all seasons of the year.
- 5.4.2 Where a more intense form of development/redevelopment than the prevailing building types has been approved within or adjacent to the Isabella Character Area, it will not be considered to be the prevailing building type in the assessment of development/redevelopment proposals in the Isabella Character Area.
- 5.4.3 Development/redevelopment must provide an appropriate transition in scale and height between more intensive forms of development/redevelopment in the Isabella Character Area down to the lower-scaled development/redevelopment of the Gloucester/Dundonald Character Area.
- 5.4.4 The only development/redevelopment permitted within the *Mixed Use Areas* of Isabella Street and the *Apartment Neighbourhoods* designated areas of this Character Area, will be sensitive low-rise infill that:
 - a) respects and reinforces the general physical character, pattern, scale, massing, setbacks and heritage value of this Character Area;
 - b) maintains the prevailing patterns of landscaped open space; and

- c) makes best efforts to preserve and enhance existing private amenity space.

5.5 Gloucester/Dundonald Character Area

The Gloucester/Dundonald Character Area is designated *Neighbourhoods* in the Official Plan between Gloucester Street and Dundonald Street. On the south side of Dundonald Street there is one site designated as *Mixed Use Areas* with the remainder of the south side of the street designated as *Apartment Neighbourhoods* in the Official Plan. This Character Area is bounded on the north by *Apartment Neighbourhoods* and on the south by areas designated *Mixed Use Areas*, *Parks* and *Apartment Neighbourhoods*. Immediately adjacent to the west is the south portion of the linear park system over the Yonge Street subway, designated as *Parks*.

The Gloucester/Dundonald Character Area is a stable area with low-rise residential being the predominant building type. Significant growth and intensification are not intended within this Character Area; however, sensitive low scale infill development that respects and reinforces the general physical character, pattern, scale, massing setbacks and heritage value of this Character Area, may be permitted.

Policies:

- 5.5.1 Where a more intense form of development/redevelopment than the prevailing building types has been approved within or adjacent to the Gloucester/Dundonald Character Area, it will not be considered to be the prevailing building type in the assessment of development/redevelopment proposals in the Gloucester/Dundonald Character Area.
- 5.5.2 The Gloucester/Dundonald Character Area will be protected from new net shadow impacts resulting from development/redevelopment in the adjacent Character Areas. All development/redevelopment within the Yonge Street Character Area, the Wellesley/Wood Character Area and the Church Street Village Character Area will be located and massed so as to minimize new net shadow impacts on the Gloucester/Dundonald Character Area at all times of the day and for all seasons of the year.
- 5.5.3 Development/redevelopment must provide an appropriate transition in scale and height between more intensive forms of development/redevelopment in the adjacent Character Areas down to the lower-scaled development/redevelopment of the Gloucester/Dundonald Character Area.

5.6 Wellesley Wood Character Area

The Wellesley Wood Character Area is designated *Apartment Neighbourhoods* in the Official Plan from north to south partly from Dundonald Street to Maitland Street then fully from Maitland Street to Wood Street. This part of the Character Area is a primarily stable area consisting of "tower in the park" apartment buildings. This *Apartment Neighbourhoods* area provides a transition to the low-rise *Neighbourhoods* area to the

north and the *Mixed Use Areas* to the east (Church Street Character Area), south (College/Carlton Street Character Area) and west both within and outside of this Character Area.

The Wellesley Wood Character Area is also designated *Mixed Use Areas* from Dundonald Street to Maitland Street on the west side of the Character Area that extends east along Wellesley Street. Wellesley Street along the north and south side contains a mix of uses including residential, office and retail. It is also the location of a transit node at the Wellesley subway station. This portion of the Character Area may be appropriate for limited infill growth subject to the development policies noted below.

Policies:

5.6.1 Development /redevelopment within the Wellesley Wood Character Area will be located and massed so as to minimize new net shadow impacts on adjacent lower-rise areas designated *Neighbourhoods* and *Apartment Neighbourhoods* at all times of the day and for all seasons of the year.

5.6.2 The only development/redevelopment permitted within the *Apartment Neighbourhoods* designated areas of this Character Area, will be sensitive low-rise infill that:

- a) respects and reinforces the general physical character, pattern, scale, massing, setbacks and heritage value of the area;
- b) maintains the prevailing patterns of landscaped open space; and
- c) makes best efforts to preserve and enhance existing private amenity space.

5.6.3 Development/redevelopment must provide an appropriate transition in scale and height between designated *Mixed Use Areas* where there is more intensive forms of development/redevelopment and lower-scaled development in areas designated *Apartment Neighbourhoods* within this Character Area and in areas designated *Neighbourhoods* in the adjacent Character Areas.

5.7 Church Street Village Character Area

The heart of the Church Street Village, located between Dundonald Street and Alexander Street to the south, is designated as *Mixed Use Areas*. The remainder of this Character Area is a mix of areas designated *Apartment Neighbourhoods* along and in and around Church Street with several pockets of areas designated as *Neighbourhoods*.

Within the Church Street Village Character Area, Church Street has evolved into the village hub of the LGBTQ communities. The village atmosphere provides a welcoming and eclectic environment with a range of uses that provide for both the local community and tourist activity. Church Street Village is the central location of the annual Pride Week celebrations, the largest event of its kind in North America. The hub of the Church

Street Village is the 519 Community Centre, which is a heritage designated property surrounded by parkland and is designated *Parks*.

The Church Street Village Character Area is regarded as a stable area that should experience limited growth, both along Church Street and in the residential areas abutting and surrounding it.

Development and redevelopment should reinforce the core village area as a low to mid-rise pedestrian oriented main street with street related retail uses and narrow retail frontages subject to angular provisions for portions of this Character Area.

The 519 Church Street community hub and the surrounding park should be protected from new net shadow impacts of development and redevelopment. Opportunities to expand the parkland should be explored as part of any ongoing development approvals in the area. The Church Street Public School site, located within this Character Area, and considered to have valuable publically accessible open space, should also be protected from the new net shadow impacts of development and redevelopment.

The area south of Wood Street has been identified as an area suitable for tall building development/redevelopment within a height range of 47 metres to 77m (15 storeys to 25 storeys) in the Supplementary Downtown Tall Buildings Vision and Design Guidelines. The height for development/redevelopment will be considered provided that these factors are taken into account: the impact of development/redevelopment on sunlight in adjacent parks and open spaces; setback requirements to lower scale areas; and building frontage along "Priority Retail Streets".

Policies:

5.7.1 The only development/redevelopment permitted within the *Mixed Use Areas* and *Apartment Neighbourhoods* designated areas of this Character Area will be sensitive low-scale infill that:

- a) respects and reinforces the general physical character, pattern, scale, massing, setbacks and heritage value of this Character Area;
- b) maintains the prevailing patterns of landscaped open space;
- c) respects and reinforces the preservation and enhancement of existing private amenity space; and
- d) respects and reinforces the fine grain retail at grade (where permitted) and the low-rise scale of existing development.

5.7.2 Development/redevelopment located within this Character Area between Wood Street and Charles Street East must ensure that no part of any building is located above the angular plane drawn from the Church Street lot line, commencing at a height of 16 metres

above the street level, and then angling upwards at an angle of 44 degrees away from Church Street over the site.

5.7.3 Development/redevelopment within the Church Street Village Character Area will be located and massed so as to minimize new net shadow impacts on areas designated *Neighbourhoods*.

5.7.4 Development/redevelopment will cast no new net shadow on the parkland forming part of 519 Church Street community hub for a period of 6 hours generally between the hours of 10:00 AM and 4:00 PM on March 21st and September 21st.

5.7.5 Development/redevelopment must make best efforts as part of the development application review process to not cast new net shadow on the Church Street Public School site throughout the day for all seasons of the year.

5.7.6 Development/redevelopment must require store frontage widths at grade along Church Street to be consistent with the average width of at grade retail that is currently found within 2 blocks to the north and south of a given site along either side of Church Street in the North Downtown Yonge Area.

5.8 College/Carlton Street Character Area

College/Carlton Street and the area around it is designated as a *Mixed Use Areas* in the Official Plan. The College/Carlton Street Character Area is a mature area with a diverse mix of office, residential, retail and institutional uses. This area is a key transportation link that is serviced by the College subway station and inter-connecting east/west and north/south streetcar and bus connections. The area includes a number of designated heritage buildings:

- i) "College Park" located on the south west corner of Yonge Street and College Street which today contains a mix of retail, office, institutional and residential uses;
- ii) the newly renovated "Maple Leaf Gardens" located at the north west corner of Church Street and Carlton Street, which contains retail and recreational/institutional uses; and
- iii) "Oddfellows' Hall" which contains a range of commercial uses and is located at the north-west intersection of College and Yonge Streets.

Higher intensity development/redevelopment is anticipated for portions of the College/Carlton Street Character Area. The intersection of Yonge Street and College Street is identified as a "Height Peak Area" in the North Downtown Yonge Urban Design Guidelines.

Policies:

5.8.1 The maximum height within areas identified as "Height Peak Area" in the College/Carlton Street Character Area, as shown on Map 2, Open Space Network and Height Areas, found at the end of these policies, will be in the range of 55 storeys or 190 metres in height. Development/redevelopment applications for these maximum heights in the Height Peak Area may only be considered for approval if the following potential impacts of height have been satisfactorily addressed, as part of the development/redevelopment application review process:

- a) the potential impacts on heritage properties located on or adjacent to the development site;
- b) the potential impacts on sunlight in parks and open spaces in proximity to the development site; and
- c) the potential impacts on views of prominent and heritage properties, structures and landscapes on or adjacent to the development site.

5.8.2 Development/redevelopment must provide an appropriate transition in scale and height between more intensive forms of development and redevelopment in the College/Carlton Street Character Area down to the lower-scaled development in the Wellesley Wood Character Area and Church Street Village Character Area.

5.8.3 It is the objective of Council for development/redevelopment to provide building setbacks to secure a sidewalk zone (measured curb to building face) of at least 6 metres wide, or greater where established by the existing context or at corners, transit nodes, PATH access points, or other locations with similar pedestrian use. The sidewalk zone may consist entirely of public property or a combination of public and private property.

*Modified as per OMB Decision June 21, 2016

5.8.4 It is the objective of Council where commercial uses are planned at grade for development/redevelopment to provide building setbacks to secure a sidewalk zone on private property to support adequate space for cafe patios, outdoor displays and other marketing activities.

*Modified as per OMB Decision June 21, 2016

5.8.5 Development/redevelopment must have:

- a) a minimum setback of 20 metres from the Yonge Street frontage property line to the tower portion of any tall building development where heritage properties are present on site; and
- b) a minimum setback of 10 metres from the Yonge Street frontage property line to the tower portion of any tall building development where there is no on-site heritage.

5.8.6 The maximum height for the area located along the south of Wood Street for properties fronting onto Church Street within the Church Street Village Character Area will be in the range of 47 metres to 77 metres (15 storeys to 25 storeys).

5.8.7 Development/redevelopment applications for these maximum heights may only be considered for approval if the following potential impacts of height have been satisfactorily addressed, as part of the development/redevelopment application review process:

- a) the potential impacts on heritage properties located on or adjacent to the development site;
- b) the potential impacts on sunlight in parks and open spaces adjacent to the development site;
- c) the potential impacts on views of prominent and heritage properties, structures and landscapes on or adjacent to the development site; and
- d) the potential impacts on the given site(s) accommodating satisfactory separation and setback distance requirements.

5.8.8 Development/redevelopment must require store frontage widths at grade along Yonge Street and Church Street to be consistent with the average width of at grade retail that is currently found within 2 blocks to the north and south of a given site along either side of Yonge Street or Church Street in the North Downtown Yonge Area.

6. AREA WIDE POLICIES

The evaluation of development/redevelopment and public realm improvements within the Character Areas, and the Area Wide Policies as noted in this Section 6, will be further informed by the North Downtown Yonge Urban Design Guidelines adopted by Council in June of 2013, with revisions adopted by Council in October 2013, and such further revisions as may be adopted by Council from time to time and by the city-wide Tall Buildings Design Guidelines and Supplementary Downtown Tall Buildings Vision and Design Guidelines, adopted by Council in May of 2013, and such further revisions as may be adopted by Council from time to time, but such guidelines are not part of the Official Plan and do not have the status of policies in this North Downtown Yonge Site and Area Specific Policy adopted under the Planning Act. * Modified as per OMB Decision June 21, 2016

6.1 Heritage

The North Downtown Yonge Site and Area Specific Policy has a strong heritage fabric throughout all of its Character Areas with the largest number of heritage properties being located along Yonge Street.

Heritage properties, buildings, or landscapes within the North Downtown Yonge Site and Area Specific Policy area have been either listed or designated on the City of Toronto Heritage Register (City of Toronto Inventory of Heritage Properties) or identified as

potential heritage properties to be protected under the *Ontario Heritage Act* at a future time.

Historic Yonge Street Heritage Conservation Study Area

The area in and around Yonge Street from College/Carlton Streets north to Davenport Road, has also been identified as a potential Heritage Conservation District (HCD). A study process is currently underway to determine if a Heritage Conservation District Plan (HCD) will be warranted for this area.

Policies: *Policies 6.1.1 to 6.1.7 have been amended by City of Toronto City Council Decision 2015 MM10.16, November 4, 2015

- 6.1.1 A Cultural Heritage Evaluation Report (CHER) will be required for development applications that affect potential heritage properties within the North Downtown Yonge Area. Potential heritage properties are identified on Figure 2 of the North Downtown Yonge Urban Design Guidelines.

Cultural Heritage Evaluation Reports will include research, advice from qualified persons, community input and evaluation against criteria O.Reg 9/06 and 10/06.

6.2 Park and Open Space

The parks and open space system is a fundamental element to providing recreational opportunities and spaces for social activity. The North Downtown Yonge Area has been identified as a park deficient area according to city standards. The existing park space consists of a small linear public park system east of Yonge Street running north-south over the Yonge subway line. In addition to the linear park system, there are several small dispersed park blocks that are poorly connected to pedestrian pathways, sidewalks, buildings and to the overall parks network. The open space system consists primarily of privately owned publicly accessible open space (including courtyards, forecourts and squares), school yards and publicly accessible green roofs.

There are several opportunities to increase the amount of public park land and privately owned publically accessible open space. However, the priority within the North Downtown Yonge Area will be to: expand existing parkland wherever possible so as to create larger more viable parcels; provide more parkland through dedication and acquisition; and, create linkages between parks and open spaces.

The parks and open space system will be comprised of a hierarchy of spaces that include existing and potential parks and open spaces such as plaza courtyards, forecourts, and squares as shown on Map 2, Open Space Network and Height Areas, found at the end of these policies. The parks and open space system will be linked by a continuous system of easy to access and easy to use accessible open space linkages that will also reflect the area's heritage character.

Policies:

Modified as Agreed to by Phase 1 Parties at June 21, 2016 OMB Settlement Hearing – Confidential and Without Prejudice

- 6.2.1 It is the objective of Council to create new parks and open space wherever possible through innovative parkland acquisition and through privately owned publically accessible open space.
- 6.2.2 It is the objective of Council to encourage the assembly of land for park purposes through on-site and/or off-site parkland dedication as part of the development/redevelopment application review process.
- 6.2.3 It is the objective of Council to provide accessible, high quality, barrier free and well designed parks, plazas and open spaces.
- 6.2.4 It is the objective of Council to provide new parkland, as opportunities arise, within the North Downtown Yonge Area, including:
- a) the creation of a parkette generally under 0.5 hectares in size, as part of the redevelopment of the Toronto Parking Authority lot at 15 Wellesley Street East;
 - b) the expansion of Norman Jewison Park to the west through the transfer of land from the Toronto Parking Authority;
 - c) the creation of a neighbourhood park generally over 0.5 hectare in size at 11 Wellesley Street West to be located on the south side of Wellesley Street West, west of Yonge Street; and
 - d) the expansion of Breadalbane Park on the north side of Breadalbane Street.
- 6.2.5 For the area west of Yonge Street and north of Wellesley Street West, it is the objective of Council to provide opportunities for on-site dedications and new and improved publically accessible open space as part of the development/redevelopment application review process.
- 6.2.6 For the area east of Yonge Street, between Charles Street East and Carlton Street, it is the objective of Council to expand the existing parks network through off-site and on-site dedications and/or acquisitions that form part of the development/redevelopment application review process.
- 6.2.7 It is the objective of Council to create opportunities for greening and additional park and open space linkages through the creation and addition of plaza forecourts, tree plantings, green or enhanced streetscapes, and boulevard parking reclamations.
- 6.2.8 It is the objective of Council to protect sunlight in parks by mitigating or eliminating shadow impacts of development and redevelopment on parks and open spaces.
- 6.2.9 It is the objective of Council to ensure that development/redevelopment will not cast any new net shadow on Opera Place Park between 12 Noon and 2:00 p.m. on March 21st and September 21st and will not cast any new net shadow on the new public park identified

on Map 2 and located between Wellesley Street West, St. Luke Lane, Breadalbane Street and Bay Street, for a period of 6 hours generally between the hours of 10:00 a.m. to 4:00 p.m. on March 21st and September 21st. * Modified as per OMB Decision June 21, 2016

6.2.10 It is the objective of Council, to provide linkages and strong physical connections between the linear parks and to create or improve existing pedestrian connections to existing parks and open space as well as to potential parks and open space and in particular: * Modified as per OMB Decision June 21, 2016

- a) the linear park system east of Yonge Street that extends between Charles Street East and Dundonald Street; and
- b) the potential open space at 15 Wellesley Street East, Alexander Park, the potential parkland at 11 Wellesley Street West, and Cawthra Park.

6.3 The Public Realm

The public realm is comprised of streets, parks, civic buildings and other publicly owned and publically accessible land that give an area its sense of place. The quality, attractiveness and character of the public realm relates directly to the quality of the surrounding development including public art, private courtyards, plazas, development setbacks, walkways, patios, accessible rooftops and overall building design.

The following public realm policy objectives will guide development review and public realm planning as appropriate.

Policies:

6.3.1 It is the objective of Council to enhance streetscape design through tree plantings, paving materials, street furniture, landscape planters, decorative pedestrian scale street lighting and public art.

6.3.2 It is the objective of Council to expand and improve public spaces through enhanced streetscape design, tree planting, street furniture, pavement treatment, well-designed and barrier-free sidewalks or other paths of travel.

6.3.3 It is the objective of Council to enhance the design of the rights-of-way of the Yonge Street and Church Street to improve pedestrian comfort, safety and utility.

6.3.4 It is the objective of Council to review development/redevelopment applications in terms of achieving the following public laneway improvements: * Modified as per OMB Decision June 21, 2016

- a) a minimum laneway width of 6 metres;

- b) additional setbacks, in order to better accommodate north-south pedestrian connections and movement through the area; * Modified as per OMB Decision June 21, 2016
- c) raised or well demarcated and barrier-free paths of travel along the laneways where appropriate to improve pedestrian safety and movement; and * Modified as per OMB Decision June 21, 2016
- d) re-surfacing of laneways with brick pavers or other materials, where appropriate, to complement the heritage character of the area.

6.3.5 It is the objective of Council to encourage at-grade commercial uses where appropriate along the following public laneways in the area: St. Vincent Lane; St. Luke Lane; Reverend Porter Lane; Gloucester Lane; and, Maitland Terrace. * Modified as per OMB Decision June 21, 2016

6.3.6 It is the objective of Council to create an enhanced public realm and support pedestrian movement by expanding the sidewalk width, mid-block access, well designed promenades and potential new mid-block connections.

6.3.7 It is the objective of Council to design and locate public realm elements within a given Character Area to have consideration for interconnectivity with adjacent Character Areas and with the surrounding neighbourhoods.

6.3.8 It is the objective of Council to integrate lighting, furniture, paving and landscaping on private lands with those on public lands.

6.3.9 It is the objective of Council to incorporate forecourts and sidewalks for street activities, sidewalk cafes and spill-out retail.

6.3.10 It is the objective of Council to expand and improve pedestrian and cycling linkages.
*Modified as per OMB Decision June 21, 2016

6.3.11 It is the objective of Council to plan and design the public realm to encourage walking, cycling, transit use, and car sharing as means to reduce the use of private automobiles.

6.3.12 It is the objective of Council to encourage opportunities for additional transit access locations and for internalizing new subway access locations into buildings to address increasing population and employment in the area, while ensuring that internalized subway entries do not negatively impact heritage properties.

6.3.13 It is the objective of Council to widen the setbacks on east-west streets to secure a sidewalk zone (measured curb to building face) of at least 6 metres wide. *Modified as per OMB Decision June 21, 2016

6.3.14 It is the objective of Council to create gateways into Character Areas that accentuate entry points through distinctive architectural design, façade treatment, special landscape,

plazas and open spaces and public art installations.

6.3.15 It is the objective of Council to terminate view corridors with distinct architectural design and landscape design and public art installations.

6.3.16 It is the objective of Council that views of the following properties on the heritage register will be conserved, consistent with the view protection policies of Sections 3.1.1 and 3.1.5 of the Official Plan. Public and private development will preserve views to these heritage properties as follows:

a) **College Park [H], 444 Yonge Street**

College Park can be viewed from several vantage points within the Yonge Street corridor. The entirety of its east facing facade can be viewed from the north-east corner of Yonge Street and Wood Street. The entire north facing facade can be viewed from College Street and the north-east corner of Bay Street. Both facades can be viewed together from the north-east corner of Yonge Street and Carlton Street.

b) **OddFellows' Hall [H], 2 College Street and 450 Yonge Street**

The Oddfellows' Hall located on the north-west corner of Yonge Street and College Street can be viewed from several vantage points in the Yonge Street and College/Carlton Street corridor. The east facing facade and towers of the property can be viewed from the north-east corner of Alexander Street and Yonge Street, as well as from the south-east corner of Carlton Street and Yonge Street. The property can be seen in its entirety from the south-east corner of Yonge Street and Carlton Street as well as from the sidewalk on the south side of Carlton Street in front of the drive way entrance to 25 Carlton Street.

c) **Masonic Hall [H], 601-613 Yonge Street, 2 Gloucester Street**

The Masonic Hall at the north-east corner of Yonge Street and Gloucester Street can be viewed in its entirety looking north from the north-west corner of Yonge Street and St. Joseph Street. The prominent tower and west facing facade can be viewed from Irwin Avenue and St. Nicholas Lane as well as Cottage Lane. Its southern facade and corner tower can also be seen from the south side of Gloucester Street when viewed from the northern entry to James Canning Park.

d) **Clock Tower [H], 484 Yonge Street**

The fire hall clock tower on the west side of Yonge Street, located mid-block between Grenville Street and Grosvenor Street can be viewed from the corners of Grosvenor Street and Yonge Street as well as the corners of Grenville Street and Yonge Street. The tower is also a prominent view from the west side of Yonge Street between the south side of College/Carlton Street and north side of Charles Street.

6.4 Urban Design

Revitalization within the North Downtown Yonge Site and Area Specific Policy is expected to occur through redevelopment, renewal and infill. Together with the policies of the North Downtown Yonge Site and Area Specific Policy, the evaluation of development/redevelopment will be informed by the North Downtown Yonge Urban Design Guidelines, the Tall Building Design Guidelines and the Downtown Tall Buildings Vision and Supplementary Design Guidelines. *Modified as per OMB Decision June 21, 2016

Policies:

- 6.4.1 Development/redevelopment will have a high standard of design, be appropriately scaled, relate positively to the existing and planned context and contribute to enhancing the surrounding public realm.
- 6.4.2 Development/redevelopment will provide for a transition from higher building forms to adjacent lower scale areas to fit to its surroundings with setbacks, stepbacks, height restrictions, angular planes, appropriate floorplate areas and façade articulation being used to achieve appropriate transition in scale.
- 6.4.3 The portion of the base building of a tall building immediately adjacent to the lower scale area will generally be no higher than the height of the adjacent buildings, transitioning into a higher base as the distance from the lower scale area increases.
- 6.4.4 Where a tall building is proposed close to a lower scale area residential area, the tower portion of the tall building will be set back a minimum of 20 metres, excluding balconies, from any such abutting property line.
- 6.4.5 The tower portions of tall building development will have floor plate sizes and tower separation distances that protect access to sunlight, sky view and privacy as more fully identified in the Tall Buildings Design Guidelines and Downtown Tall Buildings Vision and Supplementary Design Guidelines.
- 6.4.6 Above grade parking is not permitted except where a property is located directly above the Yonge subway line and it is demonstrated that it is not possible to construct below grade parking because of the subway. Above grade parking will be lined with residential units, offices, retail, institutional or indoor recreational uses on exterior walls so that the above grade parking is not visible.
- 6.4.7 Tall buildings will not generally be permitted on:
- a) sites that are not able to meet the separation, stepback and setback distance requirements of the North Downtown Yonge Urban Design Guidelines, the Tall

Buildings Design Guidelines and Downtown Tall Buildings Vision and Supplementary Design Guidelines; and

- b) have an existing or planned context which does not contemplate tall buildings as a suitable form of development.

6.5 Incentives

The policies of Section 5.1.1 of the Official Plan regarding Section 37 of the *Planning Act* will apply to the North Downtown Yonge Site and Area Specific Policy, with the additional following policy direction.

In determining community benefits the following will be considered priorities, although others may also be secured, as appropriate, and should be considered in the context of the policies of the Official Plan and the North Downtown Yonge Site and Area Specific Policy, and the North Downtown Yonge Urban Design Guidelines: *Modified by OMB Decision June 21, 2016

- i) improvements and expansions to local parks;
- ii) establishment of new or expansions to existing non-profit community services and facilities, including community service program space;
- iii) non-profit childcare facilities;
- iv) improvements to local library facilities;
- v) affordable housing;
- vi) public art; and
- vii) improvements to public transit and PATH system connections.

6.6 Interpretation

6.6.1 This North Downtown Yonge Site and Area Specific Policy should be read as a whole and with the policies of the Official Plan to understand its comprehensive and integrative intent as a policy framework for decision making.

6.6.2 This North Downtown Yonge Site and Area Specific Policy has its policies under the heading of "Policies". Additional text has been provided in addition to the "Policies" to provide context and background and to assist in better understanding the intent of the Area Specific policies.

6.6.3 Where the policies of this North Downtown Yonge Site and Area Specific Policy state "in the range of" in relationship to "Height Peak" and "Height Transition" areas in the Yonge Street Character Area and the College/Carlton Character Area, this reference to

range is intended to not exceed 3 storeys or 10 metres (rooftop mechanicals included) above the Height stated in the given policies.

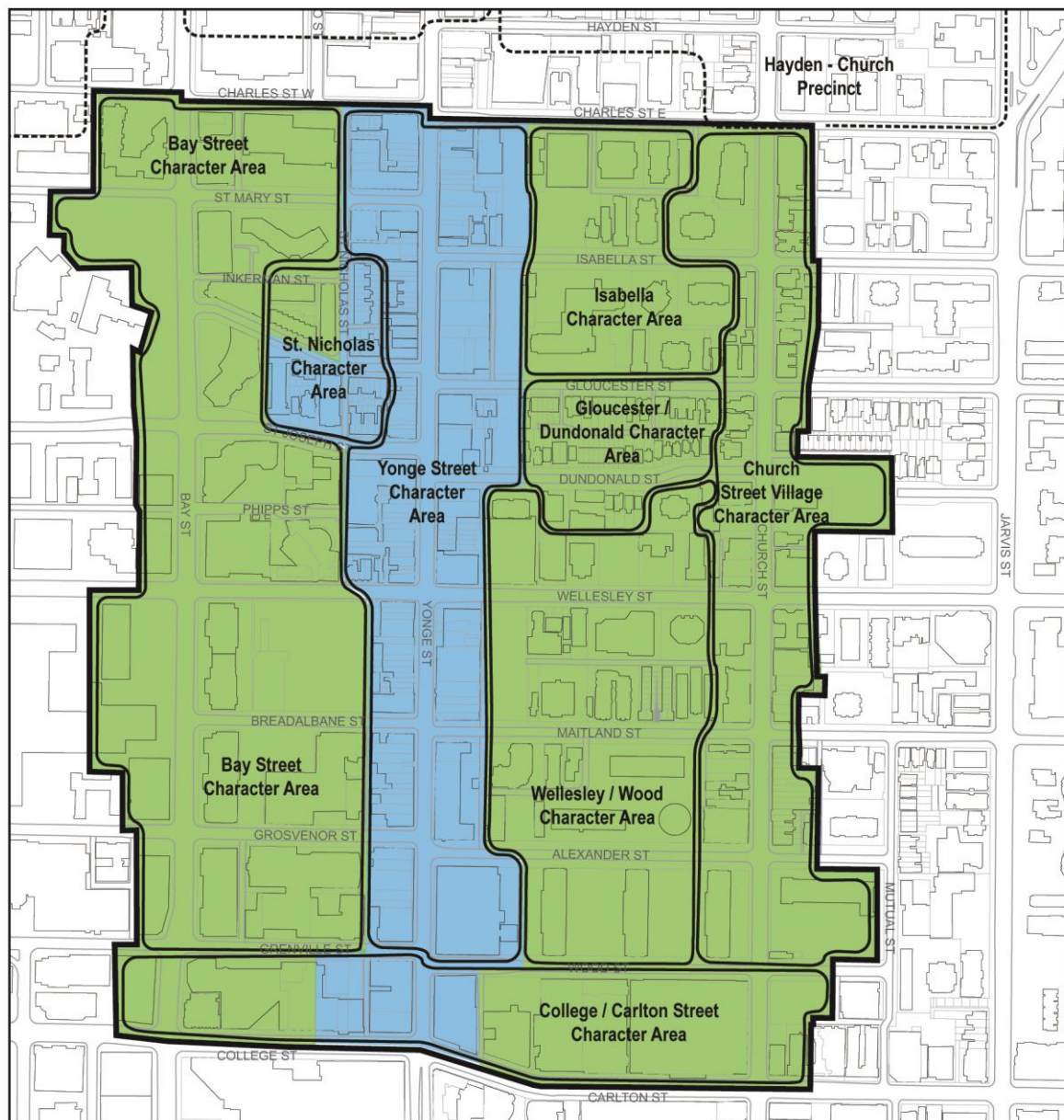
6.6.4.1 Where the policies of this North Downtown Yonge Site and Area Specific Policy state that development/redevelopment should be located and massed so as to "minimize shadow impacts" or "minimize new net shadow impacts" either within the character area or on an adjacent lower rise area, this is intended to mean that:

- a) shadow should be adequately reduced or limited on lower rise areas and *Neighbourhoods* to preserve the utility of their open spaces, whether these be private or public; and
- b) in reference to shadow on specific parks, shadow should be adequately reduced, minimized or eliminated to preserve the utility of the given park for those periods of time and seasons when the park is most heavily used by the public.

6.6.4.2 For the purposes of the policies of this North Downtown Yonge Site and Area Specific Policy "new net shadow" means shadow cast by a proposed development/redevelopment in excess of the shadow already cast on December 31, 2015 by existing and approved buildings and structures as well as buildings and structures permitted on December 31, 2015 by the existing in-force Zoning By-law. *Modified as per OMB Decision June 21, 2016

6.6.5 Where the policies of this North Downtown Yonge Site and Area Specific Policy state that development/redevelopment within or immediately adjacent to an area should demonstrate that "best efforts have been made to not cast any new net shadow" this is intended to mean that recognized planning tools and performance standards have been employed to analyze the impact of new development/redevelopment on creating shadow, through the completion of sun-shadow studies, massing studies, building orientation and location studies and floor plate size analysis. The sun-shadow study analysis should include specific time periods and seasons during which it has been determined that shadowing should be avoided in the context of a given Character Area and/or specific park.

6.6.6 The policies of the Official Plan apply to the North Downtown Yonge Site and Area Specific Policy area, save and except in the case of any conflict with the Official Plan, in which case the North Downtown Yonge Site and Area Specific Policies prevail.



TORONTO City Planning
Official Plan Amendment #183
Map 1: Character Areas

North Downtown Yonge
Planning Framework Study

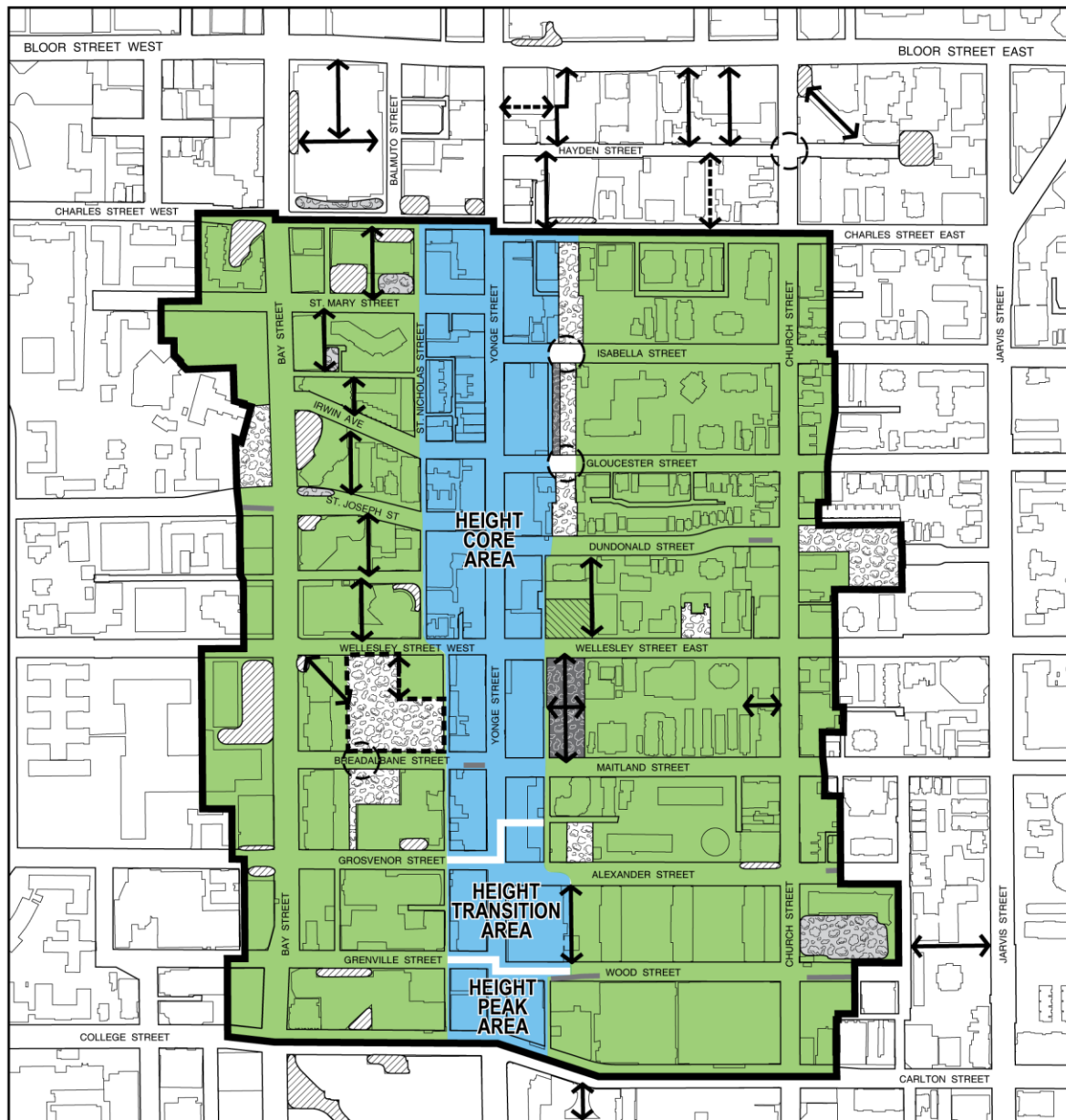
File # 11 247686

— Character Areas

Revised to remove the lands known as 81 Wellesley Street East in the year 2015 and to identify that the area in blue is the boundary of the Historic Yonge Street Heritage Conservation District Study area as affirmed by the Toronto Preservation Board at its meeting of July 28, 2015



Not to Scale
 11/13/2013



Official Plan Amendment #183
Map 2: Open Space Network and Height Areas

North Downtown Yonge
Planning Framework Study

File # 11 247686



Not to Scale
 11/12/2013

Revised to remove the lands known as 81 Wellesley Street East in the year 2015. The area in blue is the boundary of the Yonge Street Character Area.

2. Map 29, Site and Area Specific Policies, to the City of Toronto Official Plan is revised by removing Site and Area Specific Policy 155 and by identifying the lands as shown on Schedule "A" as Site and Area Specific Policy 382.

Attachment 2

Confidential and Without Prejudice

Phase I Hearing: Recommended Modifications to OPA 183

Agreed to through mediation by BILD and the Associations and Recommended by the Chief Planner and City Solicitor

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

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

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

AREA WIDE POLICIES	
<p>6. AREA WIDE POLICIES</p> <p>The Area Wide Policies detailed below will be further informed by the North Downtown Yonge Urban Design Guidelines adopted by Council in June of 2013, with revisions adopted by Council in October 2013, and such further revisions as may be adopted by Council from time to time and by the city-wide Tall Buildings Design Guidelines and Supplementary Downtown Tall Buildings Vision and Design Guidelines, adopted by Council in May of 2013, and such further revisions as may be adopted by Council from time to time.</p>	<p>6. AREA WIDE POLICIES</p> <p><u>The evaluation of development/redevelopment and public realm improvements within the Character Areas, and the Area Wide Policies as noted in this Section 6, will be further informed by the North Downtown Yonge Urban Design Guidelines adopted by Council in June of 2013, with revisions adopted by Council in October 2013, and such further revisions as may be adopted by Council from time to time and by the city-wide Tall Buildings Design Guidelines and Supplementary Downtown Tall Buildings Vision and Design Guidelines, adopted by Council in May of 2013, and such further revisions as may be adopted by Council from time to time, but such guidelines are not part of the Official Plan and do not have the status of policies in this North Downtown Yonge Site and Area Specific Policy adopted under the Planning Act <u>but such guidelines are not part of the Official Plan and do not have the status of policies in this North Downtown Yonge Site and Area Specific Policy adopted under the Planning Act.</u></u></p>
PARK AND OPEN SPACE	
<p>6.2.9</p> <p>It is the objective of Council to ensure that development/redevelopment will not cast any new net shadow on Opera Place Park Street between 12 Noon and 2:00 PM on March and September 21st, and should the opportunity arise to expand Breadalbane Park, for a period of 6 hours generally between the hours of 10:00 AM and 4:00 PM on March 21st and September 21st.</p>	<p>6.2.9</p> <p>It is the objective of Council to ensure that development/redevelopment will not cast any new net shadow on Opera Place Park between 12 Noon and 2:00 p.m. on March 21st and September 21st, <u>and will not cast any new net shadow on the new public park identified on Map 2 and located between Wellesley Street West, St. Luke Lane, Breadalbane Street and Bay Street, and should the opportunity arise to expand Breadalbane Park,</u> for a period of 6 hours generally between the hours of 10:00 a.m. to 4:00 p.m. on March 21st and September 21st.</p>
<p>6.2.10</p> <p>It is the objective of Council, as part of development/redevelopment application review process, to provide linkages and strong physical connections between the linear parks and to create or improve existing pedestrian connections to existing parks and open space as well as to potential parks and open space and in particular:</p> <ul style="list-style-type: none"> a) the linear park system east of Yonge Street that extends between Charles Street East and Dundonald Street; and b) the potential open space at 15 Wellesley Street East, Alexander Park, the potential parkland at 11 Wellesley Street West, and Cawthra Park. <p>**THIS POLICY IS IN FORCE. HOWEVER, THE MODIFICATION</p>	<p>6.2.10</p> <p>It is the objective of Council, as part of development/redevelopment application review process, to provide linkages and strong physical connections between the linear parks and to create or improve existing pedestrian connections to existing parks and open space as well as to potential parks and open space and in particular:</p> <ul style="list-style-type: none"> a) the linear park system east of Yonge Street that extends between Charles Street East and Dundonald Street; and b) the potential open space at 15 Wellesley Street East, Alexander Park, the potential parkland at 11 Wellesley Street West, and Cawthra Park.

REQUESTED BY BILD (SHOWN UNDERLINED IN THE RIGHT COLUMN) IS RECOMMENDED AS IT BETTER REFLECTS THE POLICY INTENT	
THE PUBLIC REALM	
<p>6.3.4 It is the objective of Council to review development/redevelopment applications in terms of achieving the following public laneway improvements objectives as part of the development application review process:</p> <ul style="list-style-type: none"> a) a minimum laneway width of 6 metres; b) additional setbacks, where possible as part of the development application review process, in order to better accommodate north-south pedestrian connections and movement through the area; c) raised or well demarcated and barrier-free paths of travel along the laneways to improve pedestrian safety and movement; and d) re-surfacing of laneways with brick pavers or other materials, where appropriate, to complement the heritage character of the area. 	<p>6.3.4 It is the objective of Council to review development/redevelopment applications in terms of achieving the following public laneway improvements objectives as part of the development application review process:</p> <ul style="list-style-type: none"> a) a minimum laneway width of 6 metres; b) additional setbacks, where possible as part of the development application review process, in order to better accommodate north-south pedestrian connections and movement through the area; c) raised or well demarcated and barrier-free paths of travel along the laneways <u>where appropriate</u> to improve pedestrian safety and movement; and d) re-surfacing of laneways with brick pavers or other materials, where appropriate, to complement the heritage character of the area.
<p>6.3.5 It is the objective of Council to encourage at-grade commercial uses along the following public laneways in the area: St. Vincent Lane; St. Luke Lane; Reverend Porter Lane; Gloucester Lane; and, Maitland Terrace.</p>	<p>6.3.5 It is the objective of Council to encourage at-grade commercial uses <u>where appropriate</u> along the following public laneways in the area: St. Vincent Lane; St. Luke Lane; Reverend Porter Lane; Gloucester Lane; and, Maitland Terrace.</p>
<p>6.3.6 It is the objective of Council to create an enhanced the public realm and support pedestrian movement by expanding the sidewalk width, mid-block access, well designed promenades and potential new mid-block connections.</p>	<p>6.3.6 It is the objective of Council to create an enhanced the public realm and support pedestrian movement by expanding the sidewalk width, mid-block access, well designed promenades and potential new mid-block connections.</p>
<p>6.3.10 It is the objective of Council to expand and improve pedestrian and cycling linkages as part of the development/redevelopment application review process.</p> <p>**THIS POLICY IS IN FORCE. HOWEVER, CONSISTENT WITH THE MODIFICATION IN 6.3.4 ABOVE, THE MODIFICATION REQUESTED BY BILD (SHOWN UNDERLINED IN THE RIGHT COLUMN) IS RECOMMENDED AS IT BETTER REFLECTS THE POLICY INTENT</p>	<p>6.3.10 It is the objective of Council to expand and improve pedestrian and cycling linkages as part of the development/redevelopment application review process.</p>
<p>6.3.13 It is the objective of Council to widen the setbacks on east-west streets as part</p>	<p>6.3.13 It is the objective of Council to widen the setbacks on east-west streets as part</p>

of the development/redevelopment application review process to widen sidewalks to a minimum width of 6 metres.	of the development/redevelopment application review process to secure a sidewalk zone (measured curb to building face) of at least 6 metres wide widen sidewalks to a minimum width of 6 metres
URBAN DESIGN	
<p>6.4</p> <p>Revitalization within the North Downtown Yonge Site and Area Specific Policy is expected to occur through redevelopment, renewal and infill. Together with the policies of the North Downtown Yonge Site and Area Specific Policy, new development will be further informed by the North Downtown Yonge Urban Design Guidelines, the Tall Building Design Guidelines and the Downtown Tall Buildings Vision and Supplementary Design Guidelines.</p>	<p>6.4</p> <p>Revitalization within the North Downtown Yonge Site and Area Specific Policy is expected to occur through redevelopment, renewal and infill. Together with the policies of the North Downtown Yonge Site and Area Specific Policy, new development the evaluation of development/redevelopment will be informed by the North Downtown Yonge Urban Design Guidelines, the Tall Building Design Guidelines and the Downtown Tall Buildings Vision and Supplementary Design Guidelines.</p>
INCENTIVES	
<p>6.5</p> <p>The policies of Section 5.1.1 of the Official Plan regarding Section 37 of the <i>Planning Act</i> will apply to the North Downtown Yonge Site and Area Specific Policy, with the additional following policy direction.</p> <p>In determining community benefits the following will be considered priorities, although others may also be secured, as appropriate, and should be considered in the context of the policies of the Official Plan, the North Downtown Yonge Site and Area Specific Policy and the North Downtown Yonge Urban Design Guidelines:</p>	<p>6.5</p> <p>The policies of Section 5.1.1 of the Official Plan regarding Section 37 of the <i>Planning Act</i> will apply to the North Downtown Yonge Site and Area Specific Policy, with the additional following policy direction.</p> <p>In determining community benefits the following will be considered priorities, although others may also be secured, as appropriate, and should be considered in the context of the policies of the Official Plan, <u>and</u> the North Downtown Yonge Site and Area Specific Policy and the North Downtown Yonge Urban Design Guidelines:</p>
INTERPRETATION	
<p>6.6.4</p> <p>Where the policies of this North Downtown Yonge Site and Area Specific Policy state that development/redevelopment should be located and massed so as to "minimize shadow impacts" or "minimize new net shadow impacts" either within the character area or on an adjacent lower rise area, this is intended to mean that:</p> <p>a) shadow should be adequately reduced or limited on lower rise areas and <i>Neighbourhoods</i> to preserve the utility of their open spaces, whether these be private or public; and</p> <p>b) in reference to shadow on specific parks, shadow should be adequately</p>	<p><u>6.6.4.1</u></p> <p><i>**Policy 6.6.4 has been renumbered to 6.6.4.1, the wording has not been changed and remains under appeal, in order to facilitate the insertion of a new policy 6.6.4.2 below:</i></p>

<p>reduced, minimized or eliminated to preserve the utility of the given park for those periods of time and seasons when the park is most heavily used by the public.</p>	
	<p>6.6.4.2 <u>For the purposes of the policies of this North Downtown Yonge Site and Area Specific Policy "new net shadow" means shadow cast by a proposed development/redevelopment in excess of the shadow already cast on December 31, 2015 by existing and approved buildings and structures as well as buildings and structures permitted on December 31, 2015 by the existing in-force Zoning By-law.</u></p>

ATTACHMENT 3

PROVISIONS OF OFFICIAL PLAN AMENDMENT 183 RELEASED TO COME INTO EFFECT WITH NO MODIFICATIONS

**Affidavit of Sarah Henstock
Ontario Municipal Board
Commission Des Affaires Municipales De L'Ontario
Case No.: PL131355
File No.: PL131355
Municipality: City of Toronto
June 21, 2016**

Those provisions of OPA 183 that were under appeal but have been released with no modification required include:

- 6.2.1, 6.2.7 (Park and Open Space);
- 6.3.9 (The Public Realm); and
- 6.6.1, 6.6.2, 6.4.3.

ATTACHMENT 4

PROVISIONS OF OFFICIAL PLAN AMENDMENT 183 RELEASED TO COME INTO EFFECT WITH MODIFICATIONS OR TECHNICAL CORRECTIONS

**Affidavit of Sarah Henstock
Ontario Municipal Board
Commission Des Affaires Municipales De L'Ontario
Case No.: PL131355
File No.: PL131355
Municipality: City of Toronto
June 21, 2016**

Those provisions of OPA 183 that were under appeal but have been released with modification include:

- 2.8, 2.11 (Objectives);
- 3 (Land Use Policies) ;
- 4C (Urban Design Guidelines), 6 (Area Wide Policies), 6.4 (Urban Design Guidelines);
- 5.8.3, 5.8.4 (College Carlton Character Area);
- 6.2.9, 6.2.10 (Park and Open Space);
- 6.3.4, 6.3.5, 6.3.10, 6.3.13 (The Public Realm); and
- 6.5 (Incentives).

Those provisions of OPA 183 that were under appeal but have been released with technical corrections include:

- 6.3.6 (The Public Realm).

MINUTES OF SETTLEMENT

WHEREAS the City of Toronto adopted OPA 183, being an amendment to the Official Plan of the City of Toronto including the North Downtown Yonge Site and Area Specific Policy 382 on October 8, 2013;

AND WHEREAS KingSett, and its subsidiaries, own lands within the OPA 183, area, including but not limited to lands known municipally as 480-494 Yonge Street and 475 Yonge Street;

AND WHEREAS OPA 183 was appealed by a number of parties, including KingSett, to the Ontario Municipal Board;

AND WHEREAS the Ontario Municipal Board, in a decision issued on January 26, 2016, directed the appeals of OPA 183 be heard in two phases with the Phase 1 appeals relating to matters of general application in OPA 183;

AND WHEREAS in that same decision, the Ontario Municipal Board granted Party status to the proceedings to the Bay Cloverhill Community Association and the Church Wellesley Neighbourhood Association (collectively, the "Community Associations");

AND WHEREAS the Ontario Municipal Board convened a mediation session in respect of the Phase 1 appeals to certain policies in OPA 183, including KingSett's appeal, which mediation was conducted on February 16 & 19, March 18 & 29 and April 18-20 & 27, 2016.

AND WHEREAS the City of Toronto, KingSett, and the Community Associations were all Parties to the mediation as it related to the KingSett appeal of Phase 1 policies and these parties reached a resolution of the KingSett appeal of the Phase 1 policies in a manner which addressed the City and the Community Associations' issues;

AND WHEREAS KingSett has provided a zoning schedule (attached as Schedule 1 to these Minutes) for the proposed development for the lands known municipally as 480-494 Yonge Street (Zoning By-law application file # 14 267350 STE 27 OZ) (the "Proposed Development") and, as such, there is certainty as to the proposed height and floor plates for the Proposed Development;

AND WHEREAS KingSett has provided a shadow study (attached as Schedule 2 to these Minutes) illustrating the incremental shadow on the park located at 11 Wellesley Street West (the "Park") from the Proposed Development at 480-494 Yonge Street and the incremental shadow on the Park is deemed acceptable to the City, KingSett and the Community Associations;

AND WHEREAS there is agreement that the shadow on the Park as shown in the April 27, 2016 shadow study is accurate;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements hereinafter expressed, the Parties hereby covenant and agree to and with each other as follows:

1. The settlement of the KingSett appeal of the Phase 1 issues as it relates to 480-494 Yonge Street is based on the zoning schedule attached as Schedule 1 to these Minutes, which Proposed Development results in the incremental shadow illustrated in the shadow study attached as Schedule 2 to these Minutes;
2. For greater certainty, the settlement of the KingSett appeal of the Phase 1 issues as it relates to 480-494 Yonge Street is based on the Proposed Development as reflected in Schedule 1 to these Minutes and the amount


of shadow cast on the Park as illustrated in Schedule 2 to these Minutes, and includes: a maximum 38 storey, 131 metre (including mechanical penthouse) building height; and the building setbacks, step backs and articulation, as shown in Schedule 1;

3. The shadow on the Park from the Proposed Development at 480–494 Yonge Street shown on Schedule 2 to these Minutes shall, upon the coming into force of the site specific by-law for 480-494 Yonge Street, form part of the background shadow already cast as of December 31, 2015 by existing and approved buildings and structures within the meaning of Policy 6.6.4.2 of OPA 183 specifically for the assessment of shadow on the Park in accordance with policies 6.2.9 and 6.6.4.2, as proposed to be amended by the City on March 15 and April 25, 2016 during the Ontario Municipal Board mediation session. For greater certainty, policies 6.2.9 and 6.6.4.2 as proposed to be amended by the City are set out in Schedule 3 to these Minutes;
4. There are remaining issues to be addressed by KingSett to the satisfaction of the City prior to the zoning by-law coming forward to City Council for consideration and/or prior to the City supporting any site specific appeal, including, but not limited to, s. 37 *Planning Act* contributions, approvals required under the *Ontario Heritage Act*, and the requirement for a Heritage Easement Agreement between the Owner and the City pursuant to s. 37 of the *Ontario Heritage Act*. These issues will be identified through a resubmission to the City and circulation to the commenting agencies and divisions including the Associations;
5. Notwithstanding these remaining issues, there shall be no substantive changes to the total gross floor area, building height or stepbacks as shown in Schedule 1 to these Minutes;
6. The settlement of the KingSett appeal of the Phase 1 issues as it relates to 480-494 Yonge Street is to be implemented either by: (1) site specific by-law(s) to be considered by the City Council; or (2) at the election of KingSett, via a site specific appeal of the rezoning application for 480-494 Yonge Street to the Ontario Municipal Board which appeal shall be consolidated with the Phase 1 hearing for OPA 183;
7. The Parties agree that the final form of any implementing by-law(s) for 480-494 Yonge Street shall be to the satisfaction of the Parties;
8. The Parties will work together to jointly support such settlement, including at an Ontario Municipal Board hearing if such should occur and to do so co-operatively to achieve the principles set forth in the Minutes of Settlement as outlined herein;
9. The Associations shall be meaningfully consulted by KingSett in the site plan process for 480-494 Yonge Street;
10. The Parties have entered into this settlement in good faith to resolve the KingSett appeal of Phase 1 of OPA 183 as it relates to 480-494 Yonge Street and specifically the issue of the incremental shadow permitted on the Park and policies 6.2.9 and 6.6.4.2;
11. The KingSett appeal of Phase 1 of OPA 183 will be scoped to a site specific appeal of those policies as they relate to 480-494 Yonge Street, with such appeal remaining alive only to facilitate the completion of a settlement of the current zoning by-law application for 480-494 Yonge Street as contemplated in these Minutes;
12. KingSett will not seek amendments or additional permissions for 480-494 Yonge Street, either through the OPA 183 appeals or any other process,

which would be contrary to these Minutes of Settlement or have the effect of increasing any incremental shadow on the Park;

13. Additionally, KingSett agrees to scope its remaining appeal of the Phase 1 policies to a site specific appeal of those policies only as they relate to lands known municipally as 475 Yonge Street;
14. The Parties agree that, in the event that KingSett appeals the site specific zoning by-law application and refers the site plan application for 475 Yonge Street to the Ontario Municipal Board and seeks consolidation of that appeal/referral with its scoped appeal of Phase 1 of OPA as it relates to 475 Yonge Street, such consolidation shall not constitute a breach of these Minutes;
15. KingSett will maintain a watching brief in the remaining Phase 1 mediation process so as to ensure language agreed to by the Parties is not amended or modified;
16. These Minutes of Settlement shall be binding on the Parties to these Minutes;
17. KingSett shall append the Minutes to any Agreement of Purchase and Sale for 480-494 Yonge Street;
18. The Parties acknowledge that none of the provisions of these Minutes of Settlement is intended to operate, nor shall have the effect of operating in any way to fetter City Council in the exercise of any of its legislative or quasi-judicial powers, including to oppose any rezoning or minor variance applications as may be filed by KingSett or its successors pursuant to Sections 34 and 45 of the *Planning Act*;
19. These Minutes may be executed in one or more counterparts, which together shall constitute a complete set of these Minutes, and executed counterparts may be delivered by e-mail or facsimile transmission; and
20. These Minutes of Settlement constitute a legally binding agreement which shall be governed by and construed in accordance with the laws of the Province of Ontario.

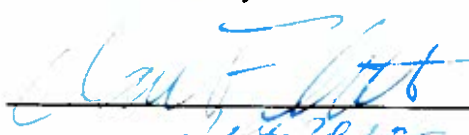
Dated this 17th day of June 2016.


KingSett Capital Inc.

by its solicitor Eileen Costello
AIRD & BERLIS LLP

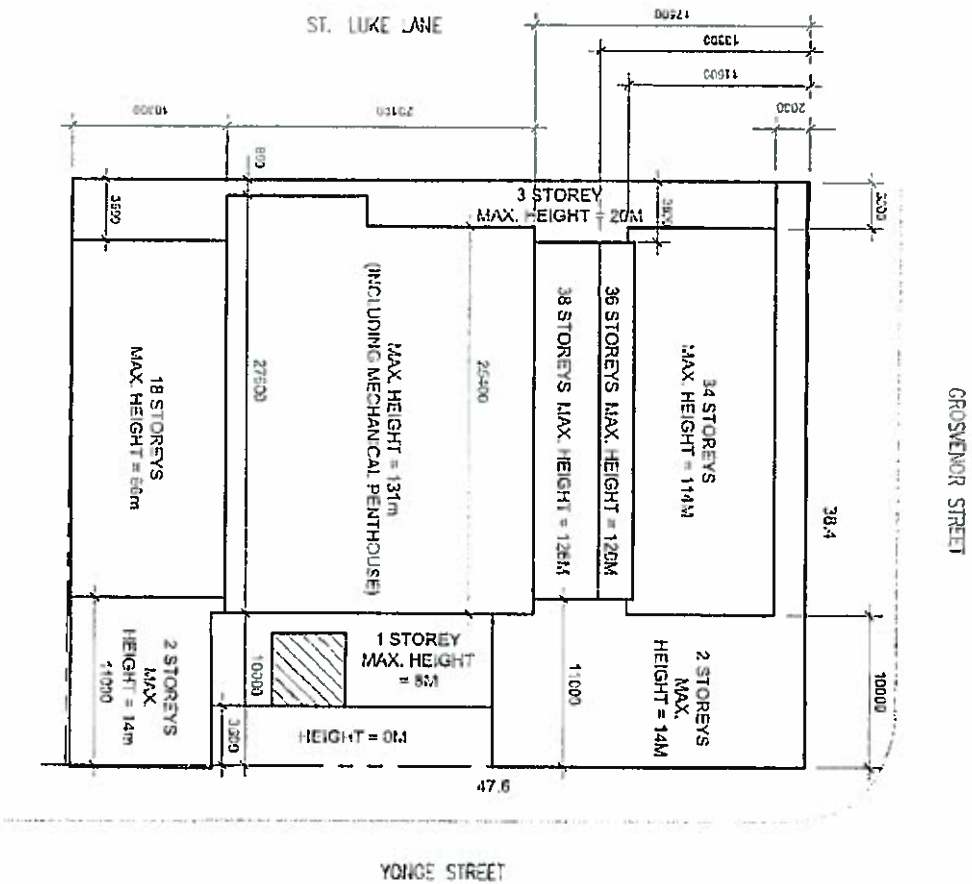

City of Toronto

by its solicitor Sharon Haniford


Bay Cloverhill Community Association and
Wellesley Neighbourhood Association

by their solicitor, Ian Flett

SCHEDULE 1 – ZONING



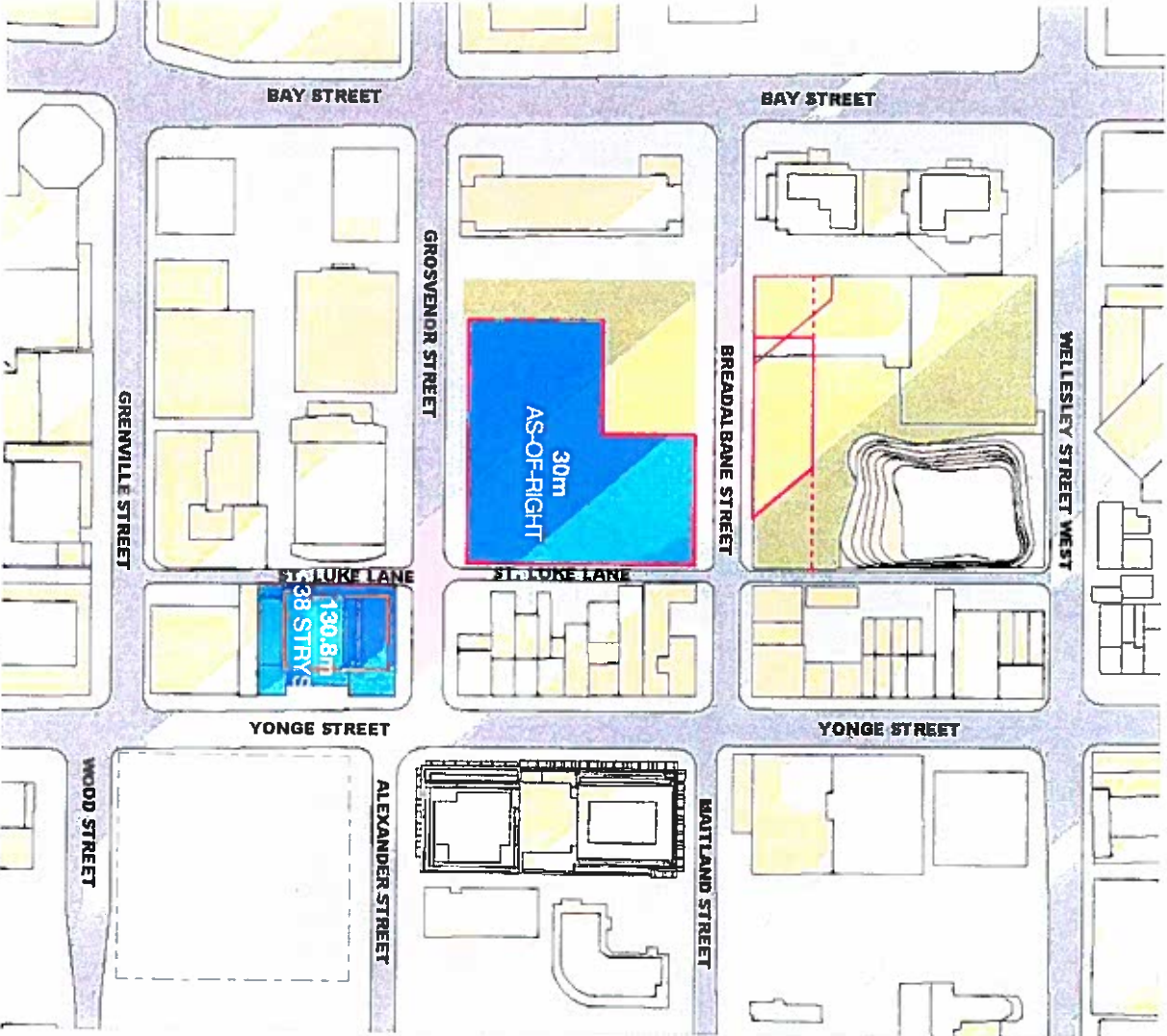
This schedule represents the built form used to model shadows on the new City Park. Some dimensions may change during the preparation of the re-submission and processing of the application by the City. Dimensional changes increasing shadows on the new City Park, are not permitted.

- EXISTING CLOCK TOWER
- PROPERTY LINE
- MAX. EXTENT OF BUILDING ENVELOPE (NOT INCLUDING BALCONIES)
- H = 0m
MAXIMUM BUILDING HEIGHT (IN METRES)
MEASURED FROM AVERAGE GRADE 104.00

480-494 Yonge Street

SCHEDULE 2 – SHADOW STUDY

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484 Yonge St. Original Massing - March 21 - 10:18 am

30m AS OF RIGHT
484 YONGE ST

Shadow Study

484 Yonge Street

Toronto, Ontario

Project No. 12099

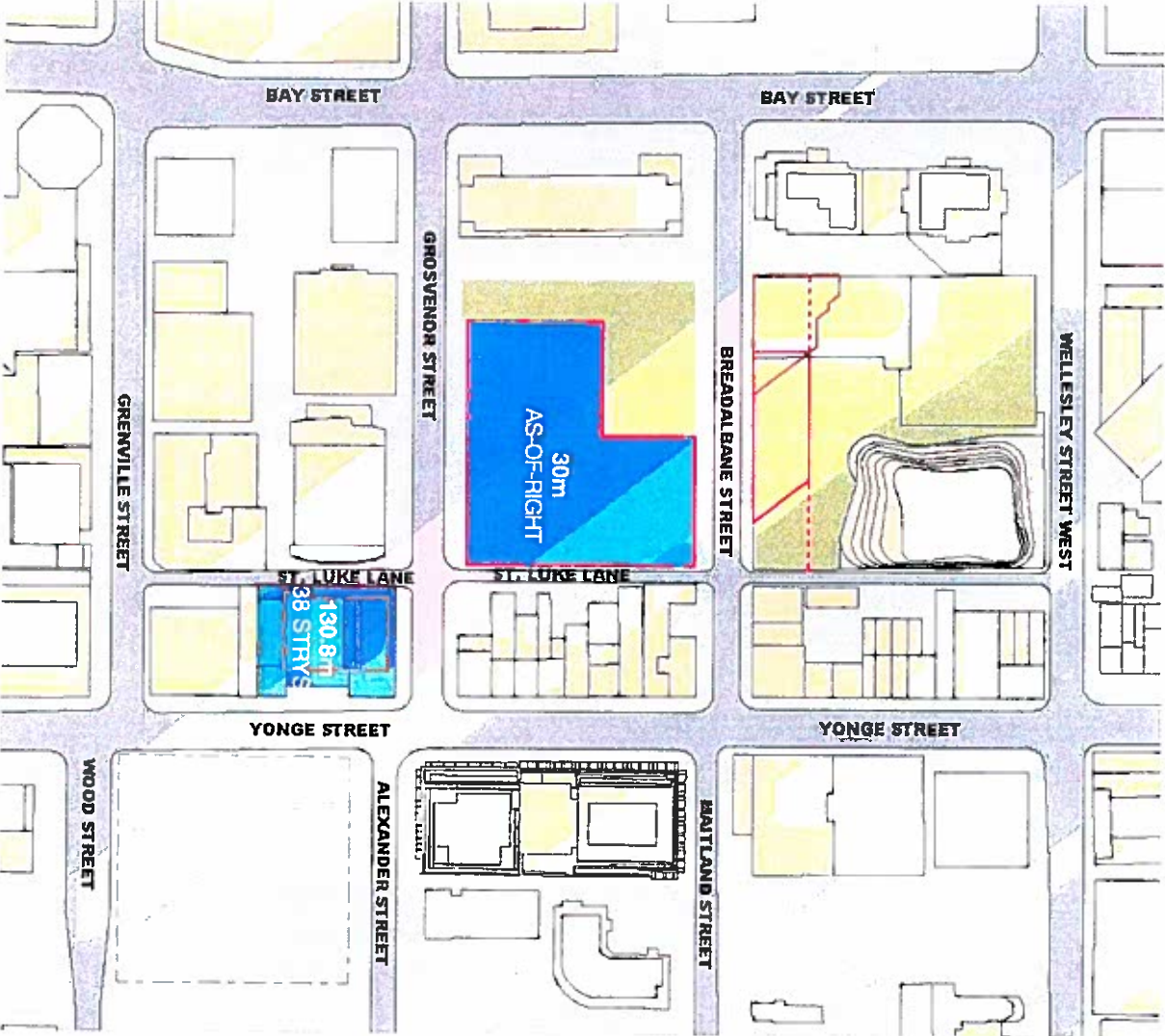
26 April 2016



Quadrangle Architects Limited
901 King Street West, Suite 701
Toronto, ON M5V 3H5

Source: City of Toronto's Digital Property Data Maps (PDM)





30m AS OF RIGHT
484 YONGE ST

Shadow Study

484 Yonge St Original Massing - March 21 - 10:30 am

Quadrangle



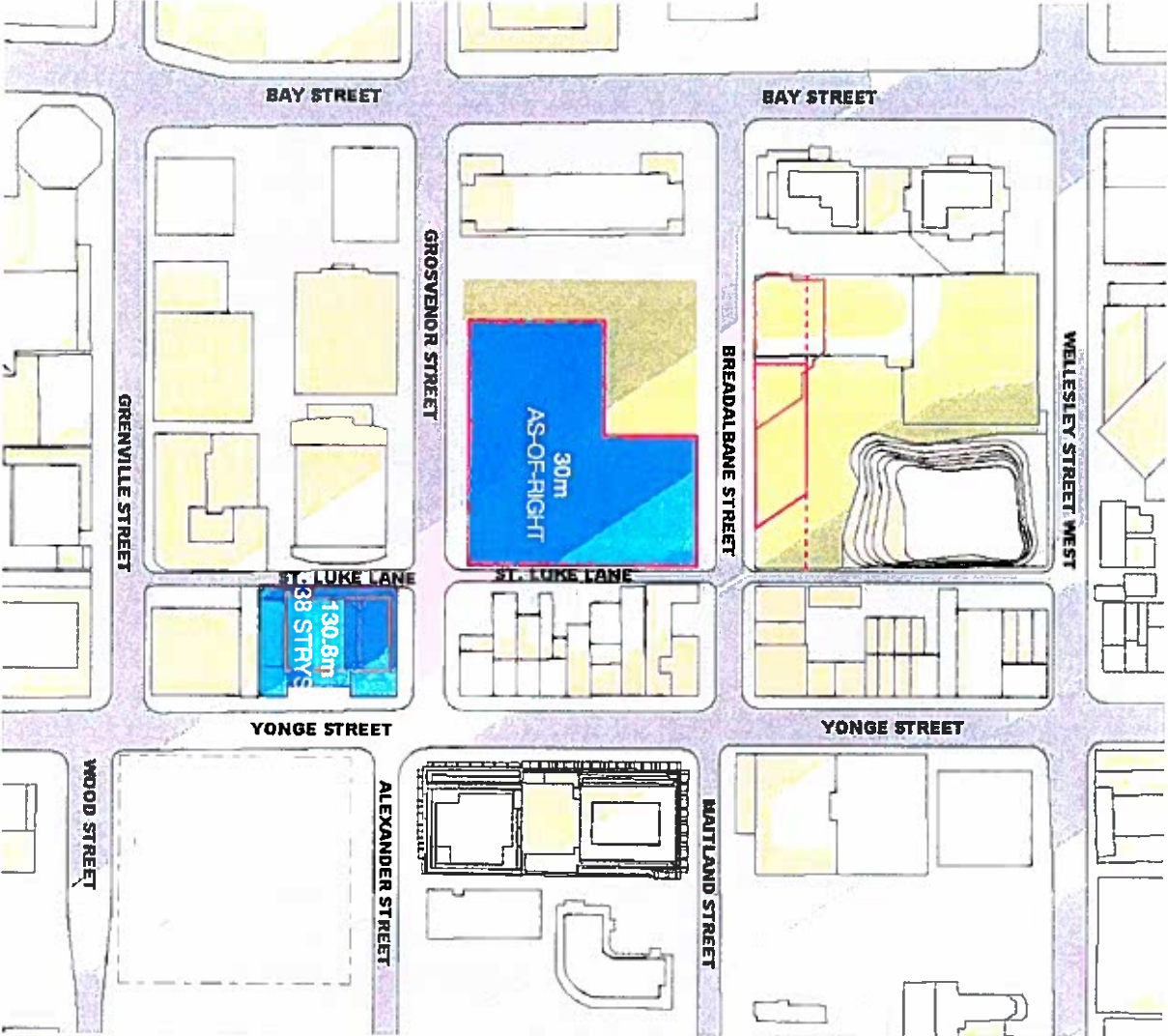
Quadrangle Architects Limited
901 King Street West, Suite 701
Toronto, ON M5V 3H5

484 Yonge Street

Toronto, Ontario
Project No. 12099
26 April 2016

Source: City of Toronto's Digital Property Data Maps (PDM)





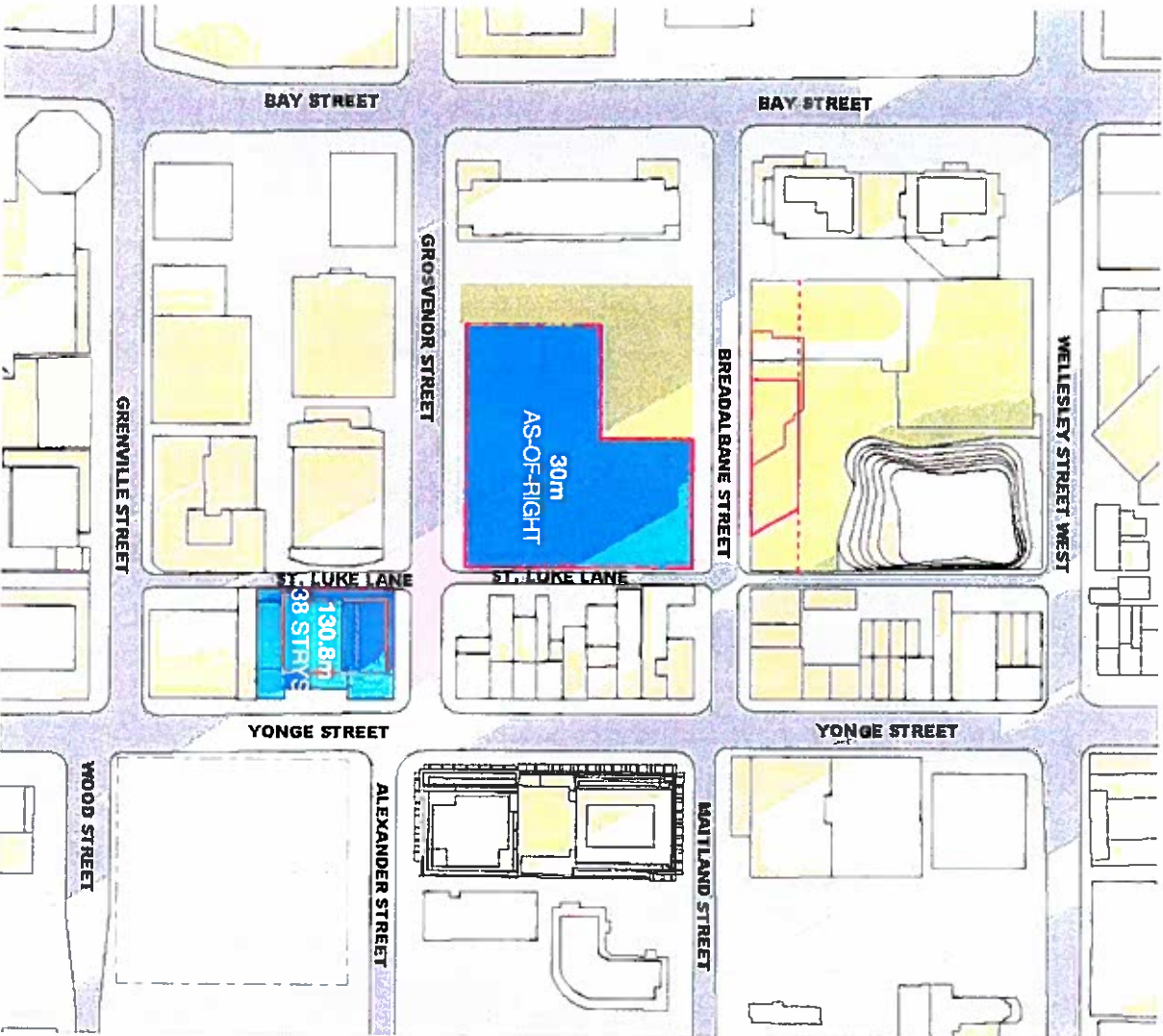
484 Yonge Street



Quadrangle Architects Limited
901 King Street West, Suite 701
Toronto, ON M5V 3H5

Toronto, Ontario
Project No. 12099
26 April 2016





484 Yonge St. Original Massing - March 21 - 11:00 am

30m AS OF RIGHT
484 YONGE ST

Shadow Study

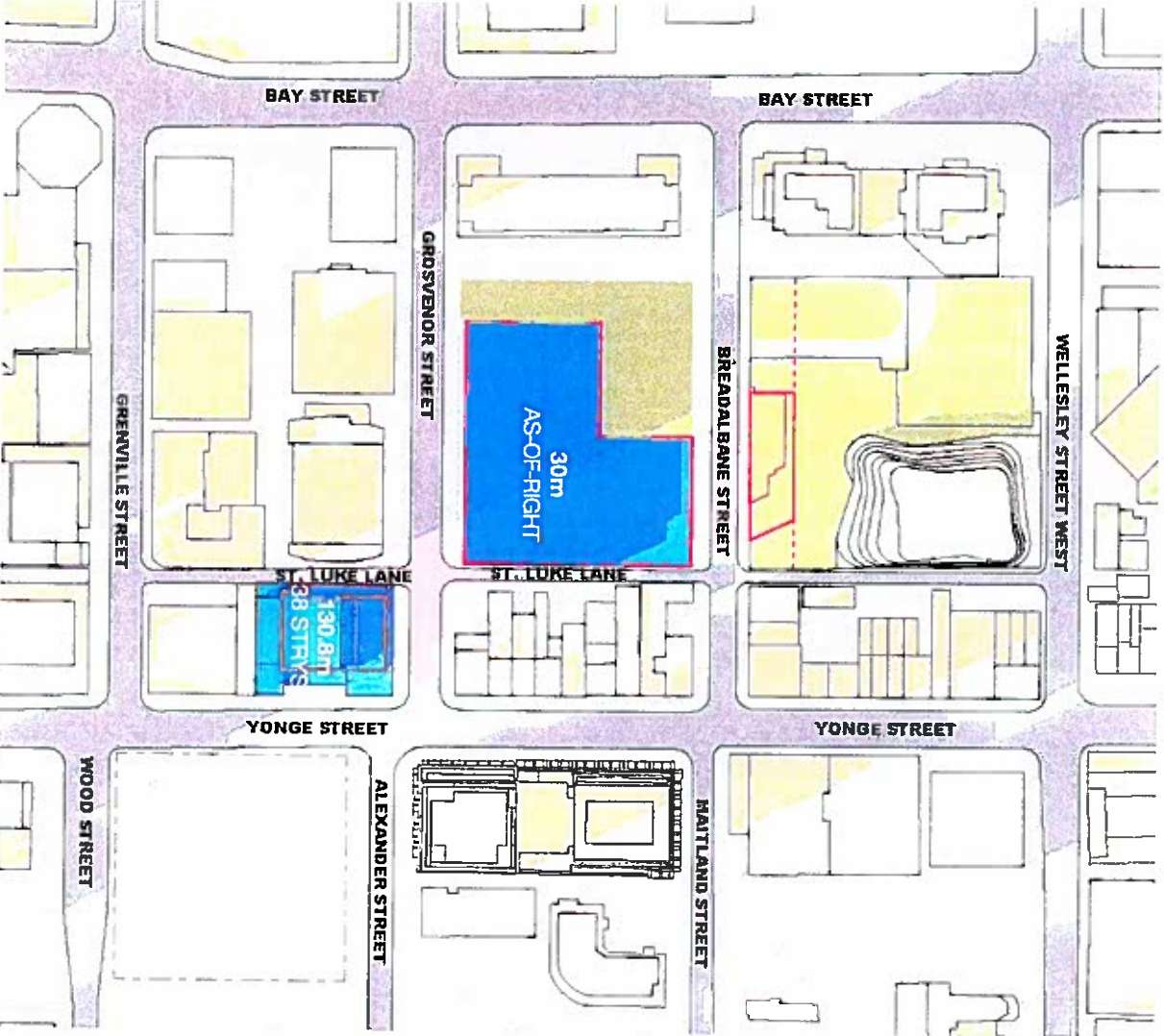
484 Yonge Street



Quadrangle Architects Limited
901 King Street West, Suite 701
Toronto, ON M5W 3H5

Toronto, Ontario
Project No. 12099
26 April 2016

Source: City of Toronto's Digital Property Data Maps (PDM)



484 Yonge St. Original Massing - March 21 - 11:18 am

30m AS OF RIGHT
484 YONGE ST

Shadow Study

484 Yonge Street

Toronto, Ontario

Project No. 12099

26 April 2016



Quadrangle Architects Limited
901 King Street West, Suite 701
Toronto, ON M5V 3K5



SCHEDULE 3 – OPA 183 POLICIES

6.2.9 It is the objective of Council to ensure that development/redevelopment will not cast any new net shadow on Opera Place Park between 12 Noon and 2:00 p.m. on March 21st and September 21st, and will not cast any new net shadow on the new public park identified on Map 2 and located between Wellesley Street West, St. Luke Lane, Breadalbane Street and Bay Street, for a period of 6 hours generally between the hours of 10:00 a.m. to 4:00 p.m. on March 21st and September 21st.

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