

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 30, 2021

CASE NO(S): PL200613

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

Applicant and Appellant: 6080 Yonge Street Developments Inc.
Subject: Request to amend the Official Plan - Failure of the City of Toronto to adopt the requested amendment

Existing Designation: "Mixed-Use Areas" and "Neighbourhood Areas"
Proposed Designated: Official Plan Amendment is required for the portion of the proposed building located within the "Neighbourhoods" designation, which includes the proposed driveway, a portion of the base-building and all the underground parking in order to permit the proposed development

Purpose: To permit the development of a 20-storey mixed-use residential building that frame the corner of Yonge Street and Homewood Avenue, then steps down to 7 storeys to the west, facing the residential neighbourhood and further stepping down to a 3-storey podium, for a total of 262 residential units

Property Address/Description: 6080 Yonge Street & 11 Homewood Avenue
Municipality: City of Toronto
Approval Authority File No.: 20 158233 NNY 18 OZ
LPAT Case No.: PL200613
LPAT File No.: PL200613
LPAT Case Name: 6080 Yonge Street Developments Inc. v. Toronto (City)

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

Applicant and Appellant: 6080 Yonge Street Developments Inc.
Subject: Application to amend Zoning By-law No. 7625 of the former City of North York and Zoning By-law No. 569-2013 of the City of Toronto - Neglect of the City of Toronto to make a decision

Existing Zoning: “General Commercial Zone (C1)” Exception 5, “One-Family Detached Dwelling Fourth Density Zone (R4)” under Zoning By-law No. 7625 of the former City of North York and “Commercial Residential: CR 1.0 (c1.0; r1.0) SS3 (x87)” and “Residential Detached: RD (f15.0; a550) (x5)” “Residential Detached: RD (f15.0; a550) (x71)” under Zoning By-law No. 569-2013 of the City of Toronto

Proposed Zoning: Site Specific (To be determined)

Purpose: To permit the development of a 20-storey mixed-use residential building that frame the corner of Yonge Street and Homewood Avenue, then steps down to 7 storeys to the west, facing the residential neighbourhood and further stepping down to a 3-storey podium, for a total of 262 residential units.

Property Address/Description: 6080 Yonge Street & 11 Homewood Avenue
Municipality: City of Toronto
Municipality File No.: 20 158233 NNY 18 OZ
LPAT Case No.: PL200613
LPAT File No.: PL200614

Heard: November 16, 2021 by Video Hearing (“VH”)

APPEARANCES:

Parties

6080 Yonge Street Developments
Inc. (“Applicant”/“Appellant”)

City of Toronto (“City”)

Counsel

Adrian Frank

Jessica Braun

MEMORANDUM OF ORAL DECISION DELIVERED BY WILLIAM R. MIDDLETON ON NOVEMBER 16, 2021 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] Pursuant to the first Case Management Conference held on April 22, 2021, this matter was set down for a hearing to commence for nine days starting **at 10 a.m.** on

Monday, January 10, 2022 (“Hearing”), to adjudicate the appeals by 6080 Yonge Street Developments Inc. (“Applicant”/“Appellant”) concerning the failure of the City of Toronto (“City”) to make a decision regarding the Appellant’s applications for Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) affecting a 3,375 square metre (“m²”) property (“Site”) at the southwest corner of Yonge Street and Homewood Avenue, in the North York area of the City.

[2] The Applicant initially proposed a 20-storey mixed use building at the site, stepping down to seven storeys to the west and south, and then to three storeys further west. Retail uses are proposed at grade at the intersection, along with 262 residential units above and to the west, including seven townhouse units at grade (“Proposal”).

[3] However, prior to the Hearing the Parties advised that they had reached a settlement of this appeal and have filed the requisite materials with the Tribunal for this settlement hearing, which was conducted on November 16, 2021 by VH.

[4] Counsel for the Parties noted that a settlement agreement was reached between the Parties in September, 2021 and that the City’s Council adopted the settlement by its decision dated October 1 and 4, 2021 (“Settlement”).

[5] In support of the Settlement, the Parties delivered, on consent, a Joint Document Book shortly before the VH which, among other items, contained a lengthy affidavit of Todd Trudelle sworn November 10, 2021 with Exhibits A to G appended thereto comprising 97 pages.

[6] Counsel for the Appellant called Mr. Trudelle to provide testimony at the VH. Mr. Trudelle is a registered professional planner in Ontario and has more than 30 years’ experience on a wide variety of projects including mixed use developments similar to the Proposal. On consent, he was qualified to provide expert opinion evidence to the Tribunal on land use planning matters.

[7] Mr. Trudelle testified that:

- (a) Ontario Land Tribunal (“OLT”) led mediation was subsequently pursued and this mediation took place on July 19 and 21, 2021. As a result of the mediation efforts of both the Applicant and the City, a settlement was reached regarding the built form, height, and density of the revised Proposal;
- (b) Following mediation, a without prejudice settlement offer dated September 17, 2021, was provided to the City with accompanying plans and a Traffic and Parking addendum letter, all of which were made public following the Council meeting of October 1, 2021;
- (c) On October 1, and 4, 2021, City Council considered a revised Request for Directions Report dated September 21, 2021. Council amended and subsequently adopted the recommendations set out in the Council decision;
- (d) The Site is located at the southwest corner of Yonge Street and Homewood Avenue in the City, comprised of approximately 3,375 m² (0.337 hectares/0.83 acres);
- (e) The purpose of the applications before the City are to amend the Official Plan by redesignating the portion of the subject site currently designated Neighbourhoods (11 Homewood Avenue) on Land Use Map 16 to a Mixed Use Area designation and also to amend former City of North York Zoning By-law No. 7625 and City of Toronto Zoning By-law No. 569-2013 to permit the proposed 14-storey mixed use building on the Site;
- (f) He had reviewed the proposal for conformity and consistency with the Provincial Policy Statement 2020 (“PPS”), the Growth Plan for the Greater Golden Horseshoe 2020 (“Growth Plan”), the City Official Plan (“City OP”), and Zoning By-law Nos. 7625 and 569-2013 as they apply to the subject proposal;

- (g) The Proposal is consistent with the PPS by providing for a compact built form and efficient and optimized use of services, provides for a mix of uses and unit types and sizes contributing to a complete community, and is transit supportive for both existing and future planned transit services. In view of the above, the Proposal is consistent with the applicable policies of the PPS;
- (h) The Site is in a Strategic Growth Area, on a higher order transit corridor. The height and density proposed is appropriately located and supports the policies of the Growth Plan. The Proposal is for a compact built form, contributing to the evolution of this existing community as a complete community. The proximity of this Site to transit, shops, services, entertainment, parks and community facilities, and dining facilities reinforce alternative modes of transportation such as transit, walking and cycling are viable options for a resident living on the subject site. In view of the above, the subject OPA and ZBA applications conform with the Growth Plan;
- (i) The City OP currently identifies the lands within the Avenues designation on Map 2 of the City OP. Land Use Map 16 identifies the Yonge Street portion of the Site within a Mixed Use Areas designation, which permits a broad mix of commercial, residential, parks and open space, institutional, live/work and utility uses. The 11 Homewood Avenue portion of the Site is located within the Neighbourhood Areas designation and a portion of the overall site is subject to Site and Area Specific Policy 60 ("SASP 60"), which permits commercial parking associated with a previous car dealership on the portion of the Site previously identified as 9 Homewood Avenue. The purpose of the OPA is to redesignate the 11 Homewood Avenue lands from Neighbourhoods to a Mixed Use Areas designation incorporating the entirety of the Subject Site within a Mixed Use Areas designation;
- (j) The policies for Mixed Use Areas promote the type of high density, mixed use, transit supportive development proposed on the Mixed Use Areas portion of the Site, which is conducive to the building height of the subject proposal and

suitably transitions down to the adjacent Neighbourhoods area after the redesignation of 11 Homewood Avenue to Mixed Use Area. The Site is across the street from an existing 20-storey apartment building that is also located within the Mixed Use Areas designation and is located on the east side of Yonge Street;

- (k) The application before the Tribunal is in conformity with the City OP;
- (l) The application represents good planning, and the redevelopment of the mixed use building is an appropriate use of the lands in consideration of the existing and planned context along Yonge Street for similar projects;
- (m) The Settlement provided for the following key provisions:
 - i. Revised development proposal from a 20-storey building to a 14-storey building as set out in the architectural plans prepared by Dialog dated September 14, 2021. The building fully complies with the 45-degree angular plane taken at a height of 80 percent of the right-of-way of Yonge Street. Further, the proposed density is 5.99 times the area of the lot;
 - ii. The approved residential parking rate would be 0.70 parking spaces per unit (including both visitor and resident spaces) for a total of 194 parking spaces, which includes four car-share spaces, 13 visitor parking spaces and nine retail parking spaces. The owner agrees to provide the travel demand management measures as specified by the City;
 - iii. In terms of s. 37 benefits, the Appellant to provide a payment of \$2.9 million payable prior to the issuance of an above grade building permit for this development. This Section 37 offer is conditional on a Final Order issuing for the OPA and ZBA prior to the City's adoption of a new Community Benefits Charge By-law pursuant to s. 37 of the *Planning Act*,

R.S.O. 1990, c. P.13 ("Act"), as amended and thereby, the Proposal being exempt from that new by-law;

- iv. In terms of parkland, the Appellant to work with City Parks, Forestry and Recreation in securing an acceptable off-site parkland dedication with any residual parkland amount to be addressed through a cash-in-lieu of parkland payment. If no acceptable off-site parkland dedication can be secured, the Appellant will satisfy its parkland obligations entirely through a cash-in-lieu of parkland payment; and,
- v. The Applicant agrees to work with City staff at Site Plan to resolve the following issues:
 - (1) Possible relocation of the transformer from Homewood Avenue setback to be within the building;
 - (2) Addition of 3 m wide canopies along Yonge and Homewood retail and main entrance;
 - (3) Further work on the treatment of the grade related patios along Homewood Avenue; and,
 - (4) Materiality and the placement of architectural features.
- vi. The draft OPA and ZBA's contemplated under the Settlement are appropriate, reasonable and represent good planning, are consistent with the PPS, conform to the Growth Plan and to the City's OP.

[8] Upon review of Mr. Trudelle's affidavit and his oral testimony, which was unchallenged, the Tribunal accepts his expert opinions as set out in paragraph [7] above and is satisfied that the draft OPA and ZBA's under the Parties' Settlement is consistent with the relevant provisions of the PPS; conforms with the Growth Plan; is in conformance with the City's OP; and meets the requirements of sections 1, 2 and subsection 34(11) of

the Act. The proposed OPA is appended as Attachment 1 hereto and the proposed ZBA's are appended as Attachments 2 and 3 hereto.

ORDERS

[9] **THE TRIBUNAL ORDERS** that:

1. The appeal of the proposed Official Plan Amendment is allowed in part, and the proposed Amendment to the City of Toronto Official Plan, a copy of which is provided as Attachment 1 hereto, is hereby approved in principle;
2. The appeals of the proposed Zoning By-law Amendments are allowed in part, and the proposed Zoning By-law Amendments to City of Toronto Zoning By-law No. 569-2013 and City of North York Zoning By-law No. 7625, copies of which is provided as Attachments 2 and 3 hereto (respectively), are hereby approved in principle;
3. The Tribunal shall withhold its final Order on the Official Plan and Zoning By-law Amendments pending written confirmation from the Parties of the following:
 - i. That the Parties have reached an agreement on the final form of the Official Plan Amendment;
 - ii. That the Parties have reached an agreement on the final form of the Zoning By-law Amendments;
 - iii. That the Parties have entered into an agreement pursuant to s. 37 of the *Planning Act*, to secure community benefits comprising a cash contribution of two million nine hundred thousand (\$2,900,000) dollars;
 - iv. That the Appellant has addressed outstanding comments identified in the memorandum dated August 28, 2020, from the Manager, Development

Engineering, Engineering and Construction Services, including an updated Functional Servicing and Stormwater Management Report, to the City's satisfaction; and,

- v. That the Appellant has designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, and Hydrogeological Assessment to support the development to the City's satisfaction.

[10] In the event that there are any issues arising out of the Tribunal's disposition or in connection with the satisfaction of the above conditions set out in paragraph [9] above, the Parties may request further assistance from the Tribunal.

"William R. Middleton"

WILLIAM R. MIDDLETON
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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

ATTACHMENT 1

Authority: Ontario Land Tribunal (OLT) Case No. PL200613

CITY OF TORONTO

BY-LAW No. ~2020

**To adopt Amendment No. ~ to the Official Plan for the City of Toronto
respecting the lands known municipally in the year 2021 as
6080 Yonge Street and 11 Homewood Avenue**

Whereas the Ontario Land Tribunal has approved amendments in a decision dated ____ in Case No. PL200613 to the City of Toronto Official Plan with respect to the lands known municipally as 6080 Yonge Street and 11 Homewood Avenue.

The Ontario Land Tribunal approves as follows:

1. The attached Amendment No. ~ to the Official Plan is hereby approved pursuant to the Planning Act, as amended.

DRAFT NOVEMBER 9, 2021

AMENDMENT NO. ~ TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2021 AS
6080 Yonge Street and 11 Homewood Avenue

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

1. Land Use Map 16 is amended to redesignate 11 Homewood Avenue from Neighbourhoods to Mixed Use Areas.

DRAFT NOVEMBER 9, 2021

ATTACHMENT 2

Authority: Ontario Land Tribunal, Decision dated ____ in Case No. PL200613

CITY OF TORONTO

BY-LAW XXXX-2021 (OLT)

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 6080 Yonge Street and 11 Homewood Avenue.

Whereas the Ontario Land Tribunal, by its Decision issued on [date] and Order issued on [date] in respect of Tribunal Case No. PL200613, approved amendments to the City of Toronto Zoning By-law No. 569-2013, as amended, with respect to lands municipally known in the year 2021 as 6080 Yonge Street and 11 Homewood Avenue; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990. c.P.13, as amended to pass this By-law; and

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

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

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out in Schedule A of this By-law; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law, which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Land Tribunal orders:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RAC (XXXXX), as shown on Diagram 1 attached to this By-law; and

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number [XXXX] so that it reads:
Exception RAC XXXX

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 6080 Yonge Street and 11 Homewood Avenue, if the requirements of by-law [Clerks to supply by-law ##] are complied with, a **building or structure** may be constructed in compliance with Regulations B to Q below;
- (B) The lot consists of those lands shown on Diagram 1 attached to By-law [Clerks to supply by-law ##];
- (C) Despite regulation 15.20.30.40(1), the permitted maximum **lot coverage** for all the buildings on the lands is 68 percent of the **lot area**;
- (D) Despite regulation 15.20.40.40(1), the total **gross floor area** of all **buildings and structures** must not exceed 20,300 square metres,
- (E) For the purposes of this Exception, **established grade** is the Canadian Geodetic Datum elevation of 190.55 metres;
- (F) Despite regulation 15.20.40.10(1), the **height** of any **building or structure** must not exceed the maximum height in metres and storeys specified by the numbers on Diagram 2 of By-law [Clerks to supply by-law ##];
- (G) Despite regulation 15.5.40.10(3) and (F) above, the following elements of a **building or structure** may project above the maximum **building** heights shown on Diagram 2 of By-law [Clerks to supply by-law ##]:
 - (i) mechanical penthouses, elevator overruns and associated enclosures, ornamental elements, parapets, trellises, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, vents, stacks, fences, wind or privacy screens, landscape elements (including green roofs), skylights, flues, access roof hatch, chimneys, structures on the roof used for outside or open air recreation, decorative or architectural features, ramp enclosures, heating, cooling or ventilating equipment or a fence, wall or structure enclosing such elements which may project above the height limits shown on Diagram 2.

- (H) Despite regulation 5.10.40.70(1) and Clause 15.20.40.70, a **building or structure** must be entirely located within the area delineated by heavy lines on Diagram 2 of By-law [Clerks to supply by-law ##];
- (I) Despite regulations 15.5.40.50(2), 15.5.40.60(1) and (3) and (H) above, the following are permitted to encroach into the required **building setbacks** shown on Diagram 2 of By-law [Clerks to supply by-law ##];
- (i) exterior stairways, cornices, canopies, waste storage and loading space enclosures, wheelchair ramps, balconies, lighting fixtures, awnings, ornamental elements, eaves, window sills, window washing equipment, balustrades, stairs, stair enclosures, , vents, terraces, decorative architectural features, bay windows, retaining walls, pilasters and sills, and porches and decks, either excavated or unexcavated, shall be permitted to project into the minimum setbacks which may project beyond the building envelope shown on Diagram 2.
- (J) Despite regulation 15.5.50.1 0(1) a minimum of 20% of the area of the lands must be for **landscaping**;
- (K) Regulation 15.5.100.1(2) does not apply;
- (L) Despite regulation 15.20.40.1(2), the maximum number of **dwelling units** on the lands shall not exceed 260;
- (M) Despite regulation 15.20.40.50, **amenity space** shall be provided as follows:
- (i) a minimum rate of 2.0 square metres of indoor **amenity space** per new apartment **dwelling unit**; and,
- (ii) a minimum rate of 2.0 square metres of outdoor **amenity space** per new apartment **dwelling unit**;
- (N) Despite regulation 200.5.10.1 and Table 200.5.10.1, **parking spaces** for **dwelling units** shall be provided and maintained as follows:
- (i) a minimum rate of 0.7 **parking spaces** per apartment dwelling unit for residents and visitors;
- (ii) a minimum of 1 parking space per 100 square metres for non-residential use.
- (O) **bicycle parking spaces** must be provided and maintained on the lands in accordance with the following:
- (i) a minimum of 0.68 long-term **bicycle parking spaces** for

- (ii) each dwelling unit; and,
a minimum of 0.07 short-term **bicycle parking spaces** for each dwelling unit;
- (P) regulations 200.15.1(4) and 200.15.1.5(1) with respect to the location of accessible **parking spaces** do not apply;
- (Q) Despite regulation 220.5.10.1(2), a minimum of one Type "G" **loading spaces** shall be provided on the lands;
5. Despite any existing or future consent, severance, partition or division of the **lot**, the provisions of this exception, apply to the lands, as identified on Diagram 1, as one **lot** as if no consent, severance, partition or division occurred.
6. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in **height** and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of By-law [Clerks to supply by-law xxxx](LPAT) in return for the provision by the owner, at the **owner's** expense of the facilities, services and matters set out in Schedule A and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
7. Where Schedule A of this By-law requires the **owner** to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on the satisfaction of the same
8. The **owner** shall not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

APPROVED BY THE OLT this __ day of ___, A.D. 202_.

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the development on the lands shown on Map 1 in this By-law and secured in an agreement under Section 37(3) of the *Planning Act* where the owner agrees as follows:

1. A cash contribution of \$2,900,000.00 towards capital facilities within the vicinity of the subject lands, to be paid prior to issuance of the first above grade building permit for any *building* on the *lot*. [Note: The allocation will be determined by the owner and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, and specified in the Section 37 Agreement].
2. The payment amount identified in Section 1. shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 agreement to the date of payment.
3. In the event the cash contribution referred to above has not been used for the intended purpose(s) within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose(s), provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.
4. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. The construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council at its meeting held October 27 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held December 5, 6, and 7, 2017 through the adoption of PG23.;
 - ii. The owner shall implement any required recommendations and/or mitigation measures from the accepted Environmental Noise and Vibration Assessment Report, wind study analysis, Traffic Impact Study, Traffic Demand Management Plan, Landscape Plan, Parking and Loading Study, through the Site Plan approval process for the Site, to the satisfaction of the Chief Planner and Executive Director, City Planning.

City of Toronto By-law No. xxx-20~

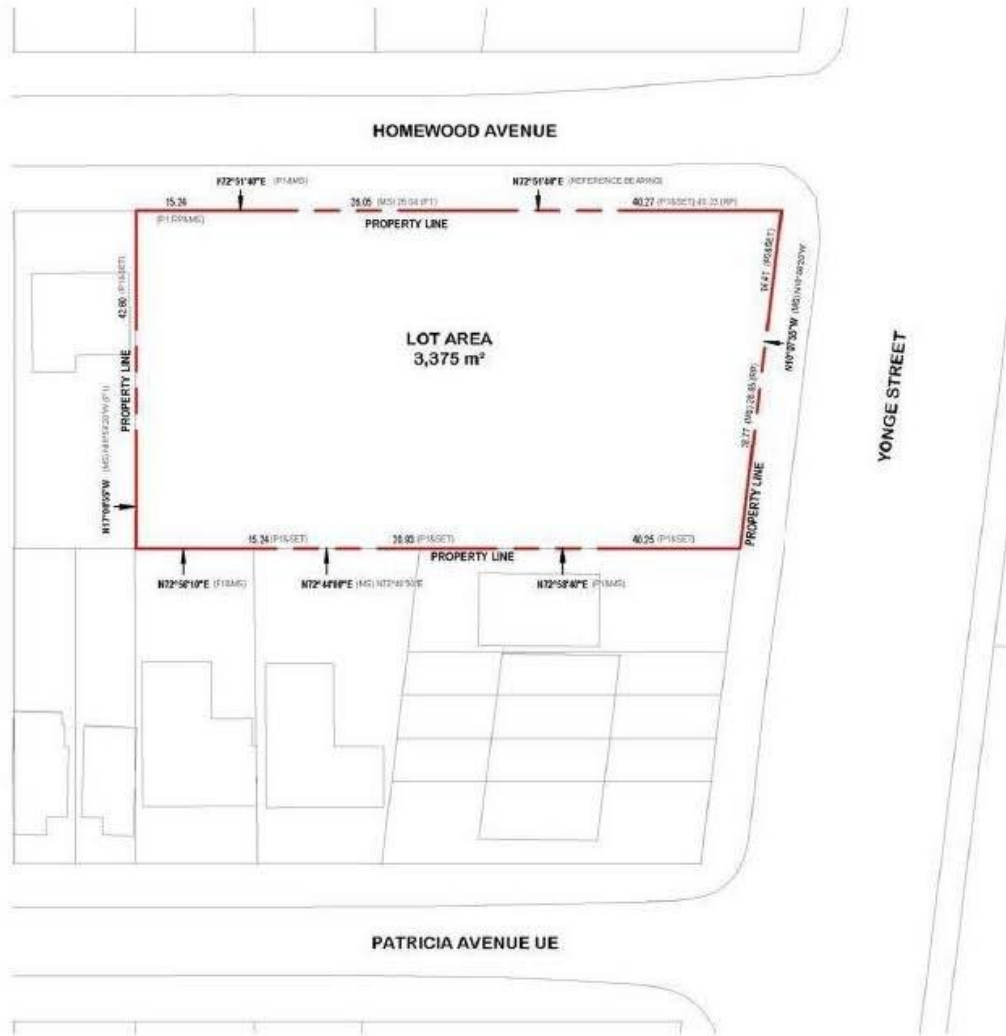


Diagram 1

Lots 1, 2, 3, 4 and 5, Registered Plan 2366
 Altimap Land Surveyors Inc
 Date: 06/16/2020
 Approved by:

File #TBD



APPLICANT SUBMITTED DIAGRAM - TO BE REPLACED WITH CITY GENERATED

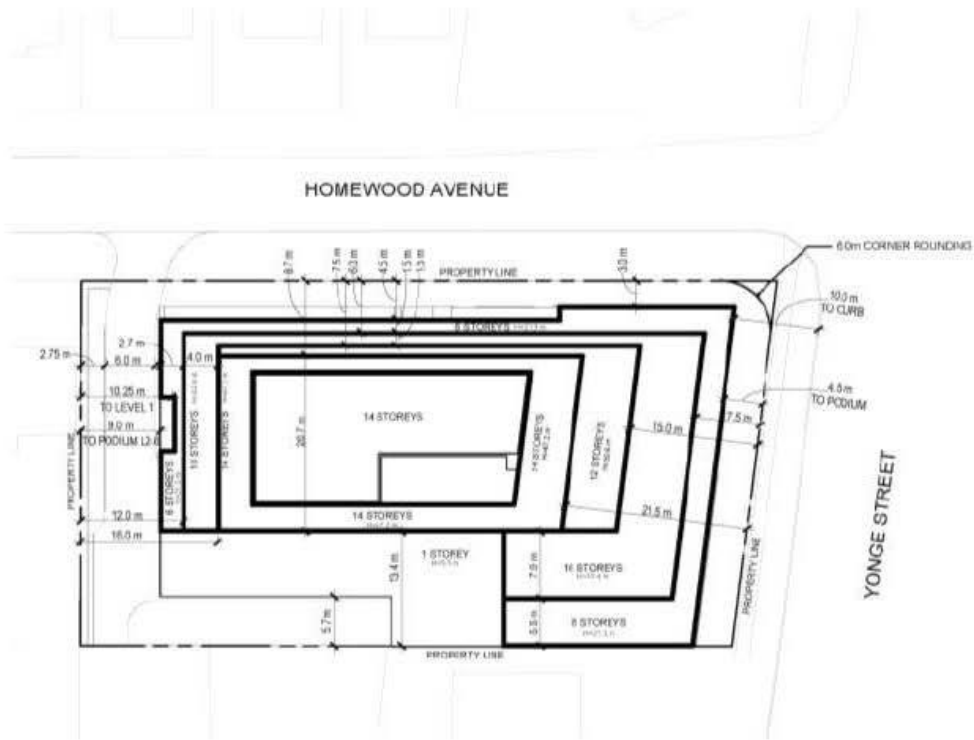


Diagram 2

Lots 1, 2, 3, 4 and 5, Registered Plan 2366
 Altimap Land Surveyors Inc.
 Date: 06/16/2020
 Approved by:

File # TBD



APPLICANT SUBMITTED DIAGRAM – TO BE REPLACED WITH CITY GENERATED

ATTACHMENT 3

Authority: Ontario Land Tribunal, Decision dated ____ in Case No. PL200613

CITY OF TORONTO

BY-LAW No. ____-2021

To amend Zoning By-law No. 7625 of the former City of North York, as amended, with respect to certain lands located on the west side of Yonge Street, municipally known as 6080 Yonge Street and 11 Homewood Avenue.

Whereas the Ontario Land Tribunal, by its Decision issued on [date] and Order issued on [date] in respect of Tribunal Case No. PL200613, approved amendments to the City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known in the year 2021 as 6080 Yonge Street and 11 Homewood Avenue; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990. c.P.13, as amended to pass this By-law; and

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

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

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out in Schedule A of this By-law; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law, which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Land Tribunal orders:

- 2 -

City of Toronto By-law No. _____ -2021 (OLT)

This By-law applies to the lands delineated by a heavy line and identified as 6080 Yonge Street and 11 Homewood Avenue as shown on Schedule "1" attached to and forming part of this By-law.

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedules "1" and "2" of this By-law.
2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

"64.20-A RM6(XXX)"

DEFINITIONS

BICYCLE PARKING

- (a) For the purpose of this exception, "bicycle room" shall mean a common indoor space, located below grade equipped with one or more bicycle racks or lockers for the purpose of parking and securing bicycles, including any corridors used exclusively for accessing said racks or lockers, but not intended for general storage use.
- (b) For the purpose of this exception, "bicycle parking space" shall mean a space with minimum vertical clearance of 1.9 m, minimum horizontal dimensions of 0.6 m by 1.2 m and maximum floor area of 2.0 sq. m, including any associated access corridor area, that is designed and equipped exclusively for the purpose of parking and securing one or more bicycles and is not located within a dwelling unit, balcony or commercial suite.

ESTABLISHED GRADE

- (c) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 190.70 metres.

GROSS SITE

- (d) For the purpose of this exception, "gross site" shall mean 6080 Yonge Street and 11 Homewood Avenue comprising an area of 3,375 sq. m inclusive of any future conveyances for road widenings and corner roundings.

GROSS FLOOR AREA

- (e) For the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor but excluding:
 - (a) parking, loading and bicycle parking below established grade;
 - (b) required loading spaces and required bicycle parking spaces at or above established grade;

- 3 -

City of Toronto By-law No. _____ -2021 (OLT)

- (c) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (d) shower and change facilities required by this By-law for required bicycle parking spaces; (e) indoor amenity space required by this By-law;
- (f) elevator shafts;
- (g) garbage shafts;
- (h) mechanical penthouse; and
- (i) exit stairwells in the building

MECHANICAL FLOOR AREA

(f) For the purpose of this exception, "mechanical floor area" shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, including but not limited to heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.

PERMITTED USES

g) The only permitted uses shall be as follows:

RESIDENTIAL

- apartment house dwellings
- multiple attached dwelling units
- accessory uses

NON-RESIDENTIAL

- commercial uses as per the C1 Zone of By-law 7625
- management office
- temporary sales office
- temporary construction office

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA

(h) Except as provided for in the following subsections, the maximum gross floor area permitted on the "gross site" shall be 20,300 sq. m.

BUILDING HEIGHT

(i) The building height, measured from established grade, shall not exceed the maximum heights in metres shown on Schedule "2" excluding mechanical penthouses, parapets and other architectural features

- 4 -

City of Toronto By-law No. _____ -2021 (OLT)

BUILDING ENVELOPE

(k) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule "2" except for canopies, driveway entrance and architectural features which may project beyond the building envelope. Maximum projections beyond the building envelope are permitted up to 2.1m on ground level, and maximum balcony projections are permitted up to 2.0 m.

NUMBER OF STOREYS

(l) The number of storeys shall not exceed the maximums shown on Schedule "2" excluding mechanical penthouses, stairwells to access the roof, and mezzanine spaces located between the ground and second floor levels. Maximum projection up to 3.5m for railings, parapets, garbage chute vent at roof, and window-washing equipment.

PARKING

(m) Parking spaces shall be provided in accordance with the following requirements:

- (i) residential parking including visitors: 0.7 parking spaces per dwelling unit
- (ii) non-residential parking: 1 parking space per each 100 square meters

A charge may be made for the use of residential parking spaces.

- (n) Notwithstanding provision 6A(3) electric vehicle infrastructure, including electric vehicle supply equipment, does not constitute an obstruction to a parking space.
- (o) Notwithstanding provision 6A(5)(a)(ii) an access driveway with a maximum width of 7.0m shall be permitted.

BICYCLE PARKING

- (p) Bicycle parking spaces shall be provided in accordance with the following requirements:
 - i. Long term - 0.68 bicycle parking spaces per residential dwelling unit
 - ii. Short term – 0.07 bicycle parking spaces per residential dwelling unit

LOADING

(q) A minimum of one (1) loading spaces shall be provided for the gross site with minimum dimensions of 13 metres x 4 metres with 4.2 meters of vertical clearance

OUTDOOR RECREATIONAL AMENITY AREA

(r) A minimum of 2.0 m² per dwelling unit of private outdoor recreational amenity area shall be provided.

- 5 -

City of Toronto By-law No. _____ -2021 (OLT)

INDOOR AMENITY AREA

(s) A minimum of 2.0 m² per dwelling unit of common indoor amenity area shall be provided.

YARD SETBACKS

(t) The minimum yard setbacks shall be as shown on Schedule "2".

PROVISIONS NOT APPLICABLE

(u) The provisions of Sections 6A(2), 6A(5), 6A(8), 6A(16), 15.6, 15.8 and 20-A do not apply.

SEVERANCE

(v) Notwithstanding any future severance, partition or division of the gross site shown on Schedules "1" and "2", the provisions of this By-law shall apply to the whole of the gross site as if no severance, partition or division occurred.

3. Section 64.20-A of By-law No. 7625, as amended, is further amended by adding Schedule "2" attached to this By-law.

4. Section 37 Provisions

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

APPROVED BY THE OLT this ___ day of ___, A.D. 202_.

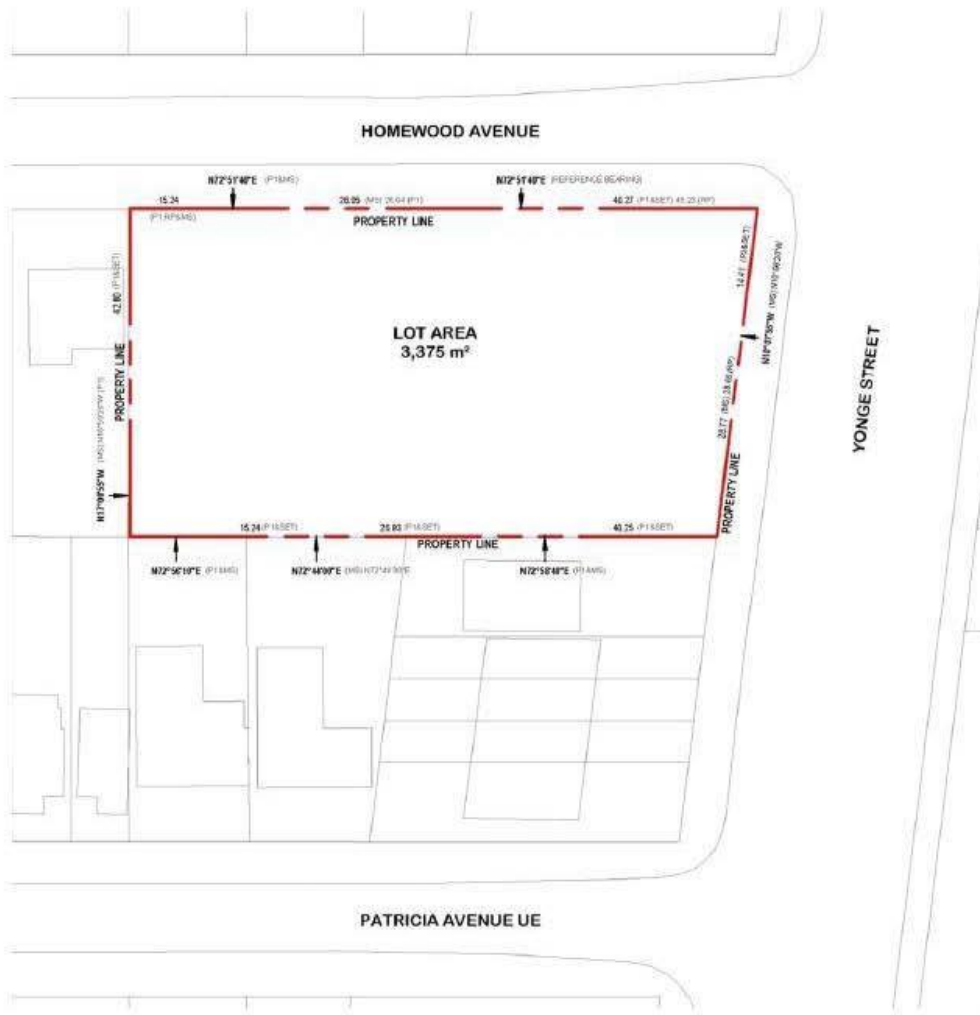
- 6 -

City of Toronto By-law No. _____ -2021 (OLT)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the development on the lands shown on Schedule "1" in this By-law and secured in an agreement under Section 37(3) of the *Planning Act* where the owner agrees as follows:

1. A cash contribution of \$2,900,000.00 towards capital facilities within the vicinity of the subject lands, to be paid prior to issuance of the first above grade building permit for any *building* on the *lot*. [Note: The allocation will be determined by the owner and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, and specified in the Section 37 Agreement].
2. The payment amount identified in Section 1. shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 agreement to the date of payment.
3. In the event the cash contribution referred to above has not been used for the intended purpose(s) within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose(s), provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.
4. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. The construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council at its meeting held October 27 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held December 5, 6, and 7, 2017 through the adoption of PG23.;
 - ii. The owner shall implement any required recommendations and/or mitigation measures from the accepted Environmental Noise and Vibration Assessment Report, wind study analysis, Traffic Impact Study, Traffic Demand Management Plan, Landscape Plan, Parking and Loading Study, through the Site Plan approval process for the Site, to the satisfaction of the Chief Planner and Executive Director, City Planning.

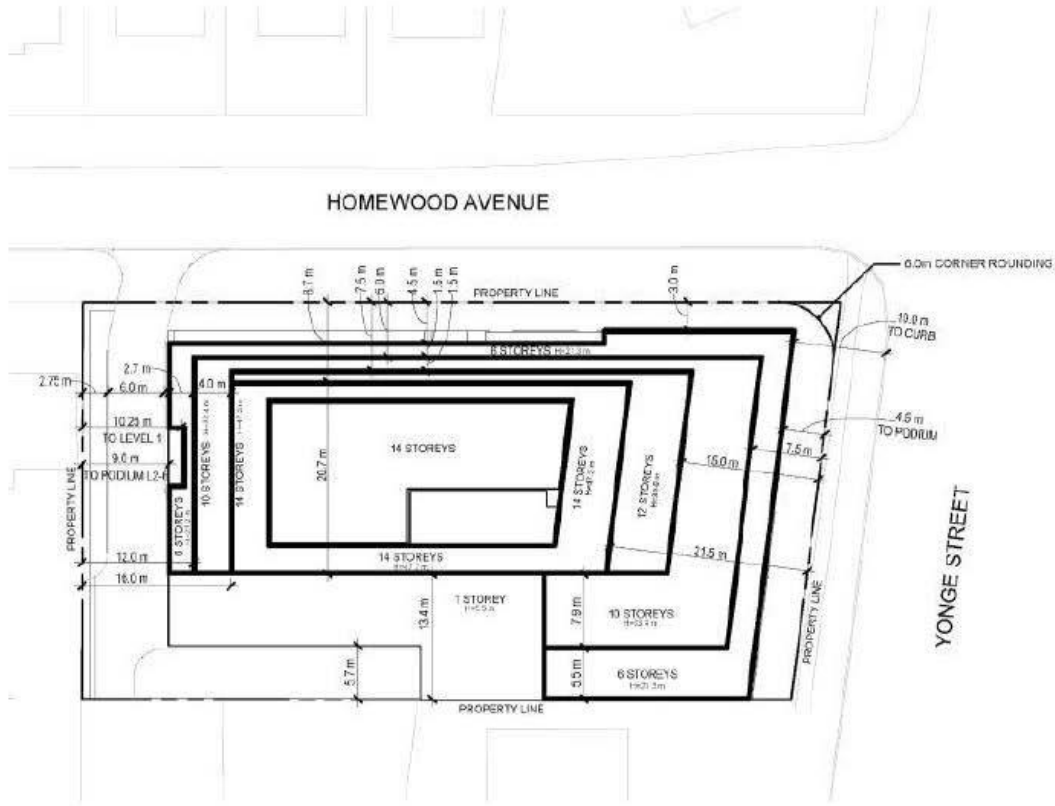


Schedule 1

Lots 1, 2, 3, 4 and 5, Registered Plan 2366
 Altimap Land Surveyors Inc.
 Date: 06/16/2020
 Approved by

File #TBD





Schedule 2

Lots 1, 2, 3, 4 and 5, Registered Plan 2366

File # TBD

Attimap Land Surveyors Inc.

Date: 06/16/2020

Approved by:

