



Planning & Urban Design Rationale

**561 Jarvis Street and
102-120 Earl Place**
City of Toronto

Prepared For
Jarvis & Earl Inc.

July 2022



Job Number
22125

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This Planning and Urban Design Rationale report has been prepared in support of an application by Jarvis & Earl Inc. to amend the City of Toronto Official Plan, the Downtown Secondary Plan (OPA 406) and City-wide Zoning By-law 569-2013, as amended, in order to permit a mixed-use redevelopment of a 1,862 square metre site located at the northeast corner of Jarvis Street and Earl Place, municipally known as 561 Jarvis Street and 102-120 Earl Place.





1

Introduction



Figure 1 - Location Map

This Planning and Urban Design Rationale report has been prepared in support of an application by Jarvis & Earl Inc. to amend the City of Toronto Official Plan, the Downtown Secondary Plan (OPA 406) and City-wide Zoning By-law 569-2013, as amended, in order to permit a mixed-use redevelopment of a 1,862 square metre site located at the northeast corner of Jarvis Street and Earl Place, municipally known as 561 Jarvis Street and 102-120 Earl Place (the "subject site"). The subject site is located in the North St. James Town neighbourhood in Downtown Toronto (see **Figure 1** – Location Map).

The proposal will provide for a 58-storey mixed-use building with a podium that varies in height from 4-storeys to 9-storeys and a 49-storey residential tower above. The proposed development would have a total gross floor area of approximately 43,306 square metres and a total residential unit count of approximately 690 units, including 31 rental replacement units.

From a land use planning perspective, the proposal is consistent with the Provincial Policy Statement and conforms with the Growth Plan for the Greater Golden Horseshoe, the City of Toronto Official Plan and the Downtown Secondary Plan (OPA 406), all of which promote the intensification of underutilized sites within built-up urban areas, particularly in locations which are well served by existing municipal infrastructure, including higher order public transit. In this regard, the subject site is located within the Downtown Toronto urban growth centre, and is within an area that would meet the definition of a major transit station area under the Growth Plan, given that it is within approximately 450 metres walking distance of the Sherbourne Subway Station (an approximate 8-minute walk), approximately 500 metres walking distance of the Wellesley Subway Station (an approximate 8-minute walk) and approximately 650 metres walking distance of the Bloor-Yonge Subway Station (an approximate 9-minute walk).

From a built form and urban design perspective the proposed development will result in an improved public realm and high quality landscaping along both Jarvis Street and Earl Place, will complement the existing context and appropriately frame the surrounding streets with a design which adequately limits light, view and privacy impacts on surrounding streets and properties.

For the foregoing reasons, it is our opinion that the proposed development represents good land use planning and urban design and reflects an opportunity to provide new residential and retail uses to a neighbourhood that is well served by existing public transit, supporting the complete community objectives for Downtown Toronto. The proposed building has been designed to mitigate unacceptable built form impacts and add an architecturally distinct tower to the skyline. As such, we recommend approval of the Official Plan and Rezoning applications.



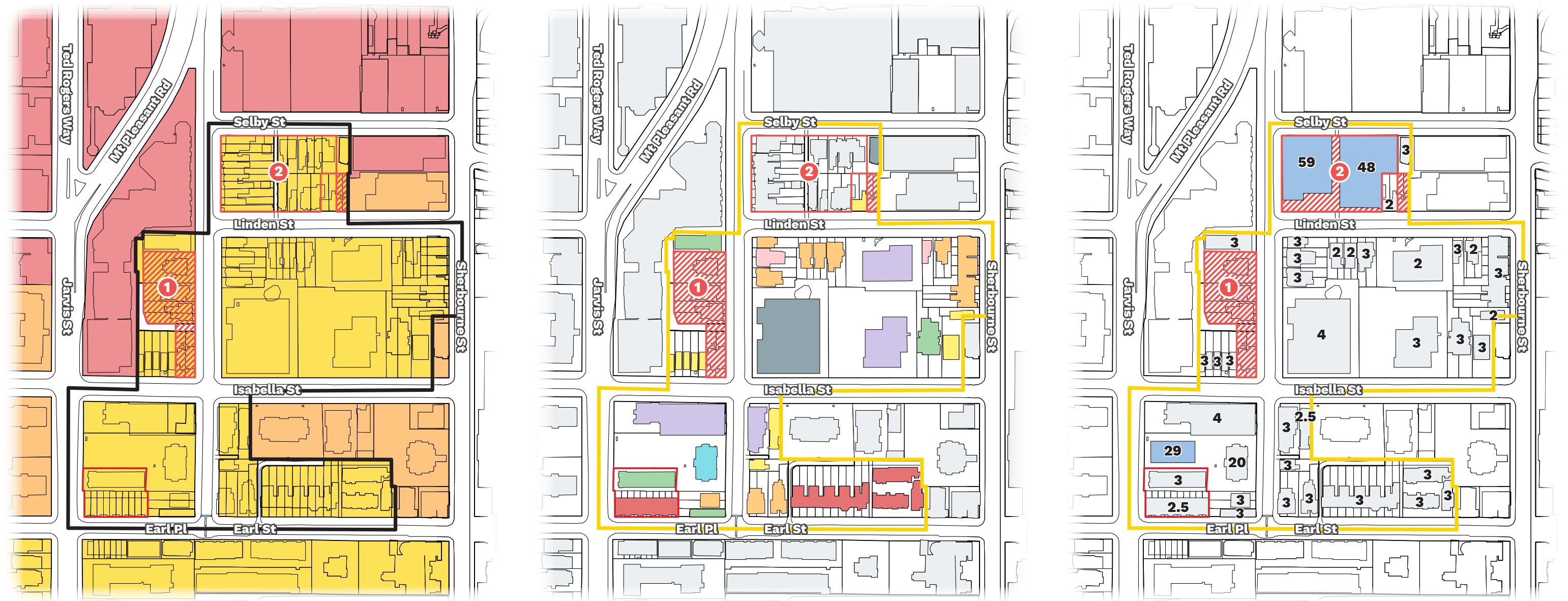
Site & Surroundings

2.1 Subject Site

The subject site is located at the northeast corner of Jarvis Street and Earl Place, in the North St. James Town neighbourhood in Downtown Toronto (see **Figures 2 and 3**). The subject site is generally rectangular in shape with an area of approximately 1,862 square metres, and as a corner site, has a frontage of approximately 36.35 metres onto Jarvis Street and an approximate 47.75 metre frontage onto Earl Place. The subject site is an assembly of eleven (11) properties, and is municipally known as 561 Jarvis Street and 102 – 120 Earl Place.



Figure 2 - Aerial Image (Surrounding Context)



Legend

- Subject Site
- Neighbourhood Study Boundary
- Owned by Rogers Communications Inc.
- Proposed to be redesignated to *Mixed Use Areas*
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas

Legend

- Subject Site
- Neighbourhood Study Boundary
- Owned by Rogers Communications Inc.
- Proposed to be redesignated to *Mixed Use Areas*
- Single Detached
- Semi Detached
- Townhouse / Row house
- Low-Rise Apartment
- High-Rise Apartment
- Institutional
- Commercial / Hospitality
- Office

Legend

- Subject Site
- Neighbourhood Study Boundary
- Owned by Rogers Communications Inc.
- Proposed to be redesignated to *Mixed Use Areas*
- # Heights in Storeys
- # Proposed Tower

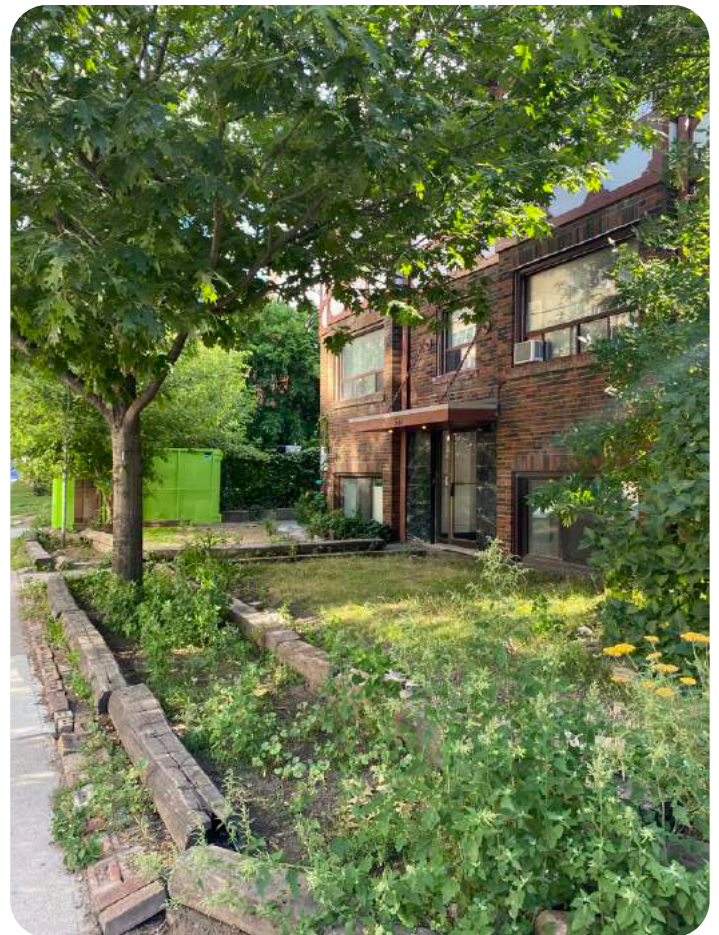
Figure 3 - Subject Site, properties identified

The property at 561 Jarvis Street is currently occupied by a 2½-storey Tudor-style residential apartment building. The existing building is oriented east-west with frontage onto Jarvis Street, and a small access driveway along the northern portion of the building. The existing building occupies the majority of the subject site, and is currently set back between approximately 2.75 and 3.22 metres from the northern property line, approximately 0.88 metres from the eastern property line and a minimum set back of 3.03 metres from the southern property line. To the Jarvis Street property line, the existing building provides for an approximate 4.7 metre landscaped setback, which contains a number of mature trees and a landscaped lawn.

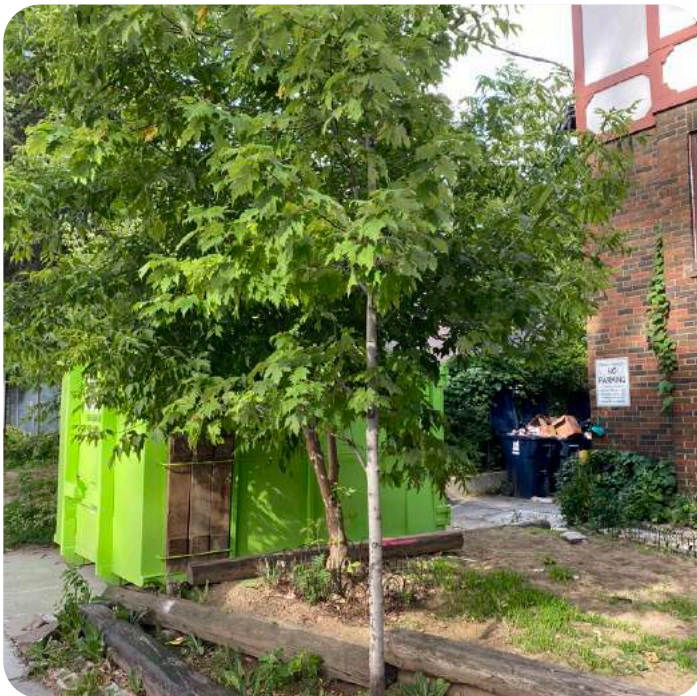
With respect to the residential nature of the building, there are a total of 29 rental dwelling units in the building, of which all were occupied at the time this report was written. The units are a mix of bachelor and one-bedroom units. The building does not contain balconies and does not provide for any shared indoor and/or outdoor amenity for the tenants. In terms of parking, one space is provided on the property, which is typically used for storage or temporary maintenance vehicles.



561 Jarvis Street (the subject site), looking northeast



561 Jarvis Street (the subject site), front yard condition



561 Jarvis Street (the subject site), access driveway



102 - 120 Earl Place (the subject site), looking northeast

South of 561 Jarvis Street, at the northeast corner of Jarvis Street and Earl Place is a row of 3½-storey freehold townhouses constructed in 2002, municipally known as 102 – 120 Earl Place. Each unit can be accessed via a main entrance, and a secondary entrance below grade. Nine of the townhouses are currently owner-occupied (102, 104, 108 - 120 Earl Place), while 106 Earl Place, is a rental unit and is currently leased to two residential tenants. Details regarding the rental dwelling units on the subject site is provided in the Housing Issues Report, which has been included as **Appendix A** to this report.

In terms of private amenity and parking, each unit is provided an outdoor terrace in the rear above the parking entrances. The outdoor terraces currently face the neighbouring building at 561 Jarvis Street. Access to the private interior garages is from Jarvis Street via an east-west oriented driveway.



Driveway of 102 - 120 Earl Place (the subject site), looking west



Parking garages and amenity terraces at 102 - 120 Earl Place (the subject site)

2.2 Area Context

The subject site is located in the North St. James Town neighbourhood of Downtown Toronto. The greater North St. James Town neighbourhood is bounded by Bloor Street to the north, Parliament Street to the east, Wellesley Street to the south and Jarvis Street to the west. The neighbourhood is a diverse and dense part of the City Toronto within the city's downtown core and with excellent transit access.

The neighbourhood consists of a wide mix of built form typologies, ranging from high density mid-century tower-in-the-park developments in the southeastern part of the neighbourhood to high density commercial and mixed-use developments along Bloor Street East, interspersed with to low-scale residential neighbourhood areas and institutional uses, mainly concentrated in the southwestern portion of the neighbourhood. Examples of institutional uses in the area around the subject site include the Elementary Teachers Federation of Ontario (ETFO) headquarters, Monsignor Fraser College and Casey House.



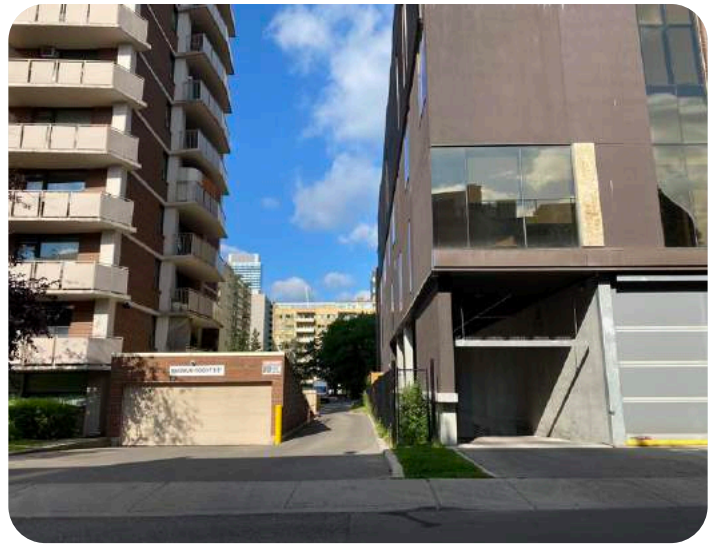
Elementary Teachers Federation of Ontario (ETFO) headquarters (136 Isabella Street)



Monsignor Fraser College, Linden Street building

2.3 Immediate Surroundings

North of the subject site, extending the width of the block between Jarvis Street and Huntley Street, is a 20-storey apartment building and surface parking lot (10 Huntley Street). The apartment building is located in the easterly portion of the property, fronting onto Huntly Street, while the remaining portion of the property is occupied largely by a surface parking lot. On the south of the building, abutting 561 Jarvis Street and 6-8 Huntley Street, is a landscaped outdoor amenity space. While there is pedestrian access to the parking lot from Jarvis Street, the primary vehicular entrance to the property is from Huntley Street. The existing apartment building has projecting balconies on all faces of the building.



10 Huntley Street driveway entrance



10 Huntley Street, Jarvis Street frontage



10 Huntley Street, looking southwest

In November 2021, a development application was filed with the City of Toronto for an infill residential building on the lands. The application contemplates a new 29-storey building in the portion of the property currently occupied by surface parking. The existing building would remain, and alterations would be made to the underground parking garage to accommodate the new infill building. The proposed infill building would have an overall height of 90.3 metres (plus 7.0 metre mechanical penthouse) and provides for a 25 metre separation distance to the existing apartment building on the lands. To the south, the proposed podium will be setback 0.7 metres to the shared property line, and the tower provides for an approximate 5.0 metre setback to the shared property line. A new curb cut and vehicular driveway will be introduced to Jarvis Street, on the north side of the proposed infill building. Projecting balconies are proposed on all building faces. The application is under review by City Staff.

North of 10 Huntley Street, on the north end of the city block bound to the north by Isabella Street is Casey House (119 Isabella Street), a speciality hospital that provides care to people with and at risk of HIV. Existing on the lands today is a recently restored Victorian-era house with a newly constructed 4-storey addition. The portion of the lands known as 119 Isabella Street have been listed on the City's Heritage Register whereas the Victorian-era house on the westerly portion of the property, fronting onto Jarvis Street, has been designated heritage in accordance with Part IV of the *Ontario Heritage Act*. There is a landscaped lawn between the heritage house and Jarvis Street that is open to the public during limited hours. Vehicular and servicing areas are located within the building. An underground garage ramp and access to servicing areas is from Huntley Street.



Casey House (119 Isabella Street), southeast corner of Isabella Street and Jarvis Street



Recent addition (119 Isabella Street), southwest corner of Isabella Street and Huntley Street

North of Casey House, at the northwest corner of Isabella Street and Huntley Street are low rise residential dwellings (112 – 124 Isabella Street) and the southern portion of the Rogers Communications head office (1 Mount Pleasant Road) and other low-rise residential uses including the townhomes associated with the head office.



Northwest corner of Isabella Street and Huntley Street



Rogers Communications head office, northeast corner of Isabella Street and Huntley Street



112 – 124 Isabella Street

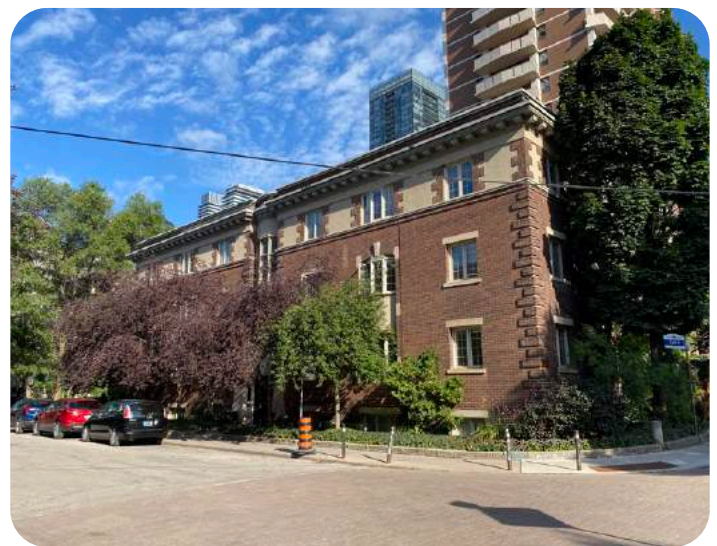


Rogers Communications head office

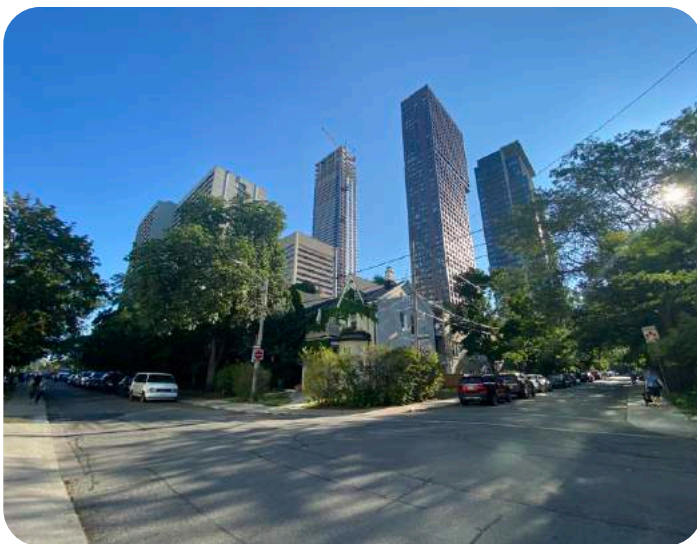
At the northeast corner of Isabella Street and Huntley Street, uses within this block include low rise residential uses, the Elementary Teachers Federation of Ontario office (136 Isabella Street), Monsignor Fraser College Alternative Isabella Campus (146 Isabella Street and 25 Linden Street), and the Isabella Hotel on Sherbourne Street (555 Sherbourne Street). Further north are a number of existing and recently constructed residential and office buildings (77 Huntley Street, 365 Bloor Street East, 395 Bloor Street East (under construction), 25 Selby Street (The Selby) and 28 Linden Street).

In October 2019, a development application was filed with the City of Toronto for the lands occupying the western portion of the block bound by Huntley Street to the west, Linden Street to the south, Selby Street to the north, and Sherbourne Street to the east (47, 49, 51, 53, 55, 57, 59, 61, 63 and 65 Huntley Street, 1, 3, 5, 7, 9 and 11 Selby Street and 8, 12, 16, 18, 24 and 26 Linden Street). The application contemplates the redevelopment of the 0.5 hectare site with a comprehensive mixed-use development containing fine-grained retail, an enhanced public realm, a new public park, community and day care uses as well as residential and commercial uses. The development will be comprised of two towers, 59-storeys (194.3 metres, including mechanical) and 48-storeys (162.0 metres, including mechanical) in height, as well as a detached 3-storey daycare building fronting onto Linden Street. The towers will be located on the west and east sides of the existing laneway, which will be maintained in the development. A total gross floor area of 77,266 square metres is proposed, resulting in a density of 15.35. The application is currently under review by City Staff.

Immediately east of the subject site, at the northwest corner of Earl Place and Huntley Street is 2 Earl Place, a 3½-storey rental apartment building known as the “Earl Apartments”. The property is quite narrow, with a depth of approximately 6.3 metres, and frontage of approximately 37.2 onto Earl Place. The building is largely built to the north, south and east property lines, but is setback approximately 9.1 metres from the shared property line to the west. Within this setback are 2 to 3 surface parking spaces and garbage storage. There are no private balconies or amenity provided for the building, but there are external fire escapes located on the westerly building face. In September 1994, the building was listed heritage on the City’s Heritage Register.



2 Earl Place



Northeast corner of Huntley Street and Linden Street (buildings in the background, from left to right: 77 Huntley Street, 365 Bloor Street East, 395 Bloor Street East (under construction), 25 Selby Street and 28 Linden Street)



2 Earl Place, westerly side yard condition and surface parking spaces

North of the listed apartment building are two semi-detached residential dwellings (6 & 8 Huntley Street). They are each 2 ½ storeys in height and contain private amenity terraces in the rear. Detached garages are located in the westerly portion of the properties, and are accessed via the driveway associated with 102–120 Earl Place (the subject site). The rear garages are set back approximately 5.75 metres from the mutual property line.

East of Huntley Street, along Earl Street, on the north side are two semi-detached residential dwellings (2-8 Earl Street) and on the south side of Earl Street, two blocks of 2½-storey townhouses (7-19 and 23-37 Earl Street). The two blocks have been listed on the City's Heritage Register.



6-8 Earl Street



6 & 8 Huntley Street



7-19 Earl Street, looking southwest

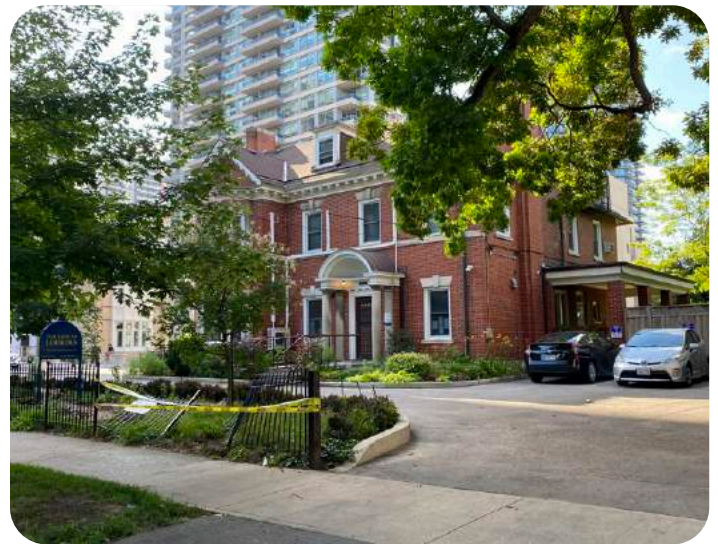


2-4 Earl Street



23-37 Earl Street, looking southeast

Further east along Earl Street are a number of low-rise residential dwellings, including several properties that are listed on the City's Heritage Register. Listed properties include, 10-28 Earl Street and the office associated with Our Lady of Lourdes Parish (41 Earl Street). At the northwest and southwest corners of Earl Street and Sherbourne Street are two, 5-storey apartment buildings (40 and 50 Earl Street) and Our Lady of Lourdes Parish (520 Sherbourne Street). The building at 40 Earl Street has been listed as heritage and the Parish has been designated heritage in accordance with Part IV of the *Ontario Heritage Act*.



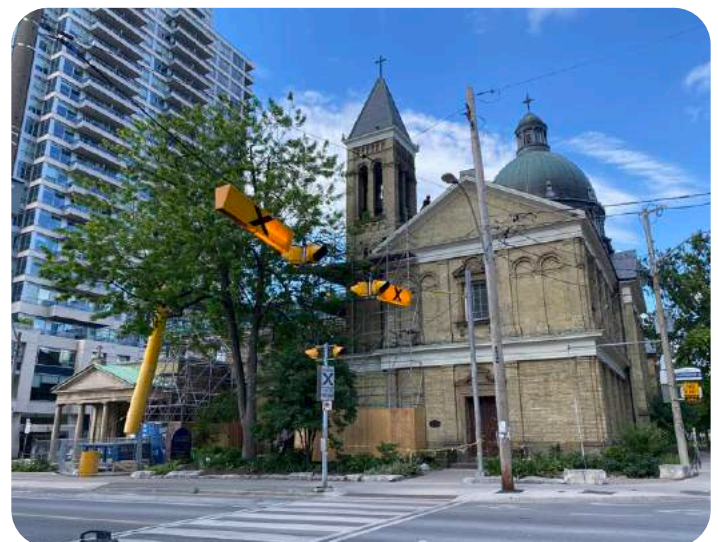
Office associated with Our Lady of Lourdes Parish (41 Earl Street)



50 Earl Street



40 Earl Street



Our Lady of Lourdes Parish (520 Sherbourne Street)



10 – 28 Earl Street

East of Sherbourne Street are a number of tall residential buildings within the St. James Town neighbourhood.

South of the subject site, at the southeast corner of Jarvis Street and Earl Place is a block of 3-storey townhouses (101–117 Earl Place). The townhouses have at-grade inset garages and are generally built to the property line. Surface paving and shrubs occupy the boulevard setbacks. East of the townhouse block is a 3-storey apartment building (125 Earl Street), which has been listed on the City’s Heritage Register. East, at the terminus of Earl Place and Huntly Street is a 3-storey apartment building (135 Earl Place). The building has also been listed on the City’s Heritage Register.

Further south is a 3-storey building (545 Jarvis Street), currently used as The Princess Margaret Cancer Centre Lodge and a 3-storey condominium building (539 Jarvis Street, The Jarvis Mansions). Further south towards Wellesley Street is a surface parking lot (529 Jarvis Street), and two heritage designated houses (519 Jarvis Street and 515 Jarvis Street) as well as a gas station (505 Jarvis Street, Petro-Canada) at the northeast corner of Jarvis Street and Wellesley Street. Further south along Jarvis Street are a mix of residential and institutional uses, including Jarvis Collegiate Institute and Allen Gardens.



101–117 Earl Place



125 Earl Street



135 Earl Place

West of the subject site, at the northwest corner of Jarvis Street and Gloucester Street is an 11-storey slab rental apartment building (100 Gloucester Street), oriented perpendicular to Jarvis Street. To the north, the building frames an open green space shared with the adjacent 11-storey rental apartment building at the southwest corner of Jarvis Street and Isabella Street (105 Isabella Street). Both buildings include balconies on all building faces, including those that front onto Jarvis Street. The central green space is largely covered in soft landscaping, with the exception of an underground garage entrance and pedestrian pathways.



100 Gloucester Street



105 Isabella Street



Central green space between 100 Gloucester Street and 105 Isabella Street

Further north, at the northwest corner of Jarvis Street and Isabella Street is an 11-storey rental apartment building (550 Jarvis Street). West of the apartment building is a 4-storey building and a 2-storey listed house (96 and 94 Isabella Street). West of these buildings are two active development applications, recently filed in spring of this year. In May 2022, a development application was submitted to redevelop the lands at 90-94 Isabella Street with a new 69-storey residential building (222.1 metres, including mechanical), which will incorporate the existing building facades into the development. The proposal has a total gross floor area of 52,797 square metres and will contain 837 residential units. The proposed density of the development is 23.11 FSI. The properties at 90-92 Isabella Street are currently occupied by a 3-storey heritage designated properties.



550 Jarvis Street



96 Isabella Street



94 Isabella Street



90-92 Isabella Street

West of the proposal, at 88 Isabella Street, a development application was filed in April 2022 to redevelop the lands with a 62-storey (203.35 metres, including mechanical) residential tower. The development would require the demolition of the existing 14-storey rental building. The proposal contemplates a total of 751 units, of which 82 will be rental replacement. A total gross floor area of 45,324 square metres is proposed, resulting in a density of approximately 21.89.

North of 550 Jarvis Street, towards Bloor Street, are two mixed-use tall buildings at 49- and 44-storeys in height (101 Charles Street East and 110 Charles Street East), a 42-storey residential building (28 Ted Rogers Way) and a 20-storey residential building with retail uses at-grade (235 Bloor Street East).



88 Isabella Street



101 Charles Street East



110 Charles Street East



28 Ted Rogers Way



235 Bloor Street East

Southwest of the subject site, at the southwest corner of Jarvis Street and Gloucester Street are a number of 2½-storey residential dwellings (514, 512, 510 and 506 Jarvis Street) and former event venue (504 Jarvis Street). The buildings at 514 Jarvis Street and 504 Jarvis Street have been designated heritage in accordance with Part IV of the *Ontario Heritage Act*, whereas the remaining buildings are listed on the City's Heritage Register.

Further west of Jarvis Street, towards Church Street, are a mix of low-rise residential dwellings and apartment buildings ranging in heights between 8- and 20-stories. West of Church Street, towards Yonge Street, taller residential buildings have been recently constructed with heights approved up to 55-stories.

2.4 Transportation Context

Road Network

Jarvis Street is classified as a Major Arterial and extends south, generally from Bloor Street to Lake Shore Boulevard East. According to the City of Toronto Official Plan (Map 3), Jarvis Street has a planned right-of-way width of 23 metres. Jarvis Street is five-lanes wide, with two lanes dedicated to north and south bound traffic. The centre lane is used for either north or southbound use and alternates during the day. Parking is generally prohibited on Jarvis Street.

Earl Place is an east-west Collector Road that extends east from Jarvis Street to the southern terminus of Huntley Street. The intersection of Earl Place and Huntley Street is closed to vehicular traffic, with no exit to Sherbourne Street. East of Huntly Street, Earl Place turns into Earl Street and extends east towards Sherbourne Street. Earl Place has an existing right-of-way width of approximately 18 metres.



Intersection of Earl Place, Huntley Street and Earl Street

Public Transit Network

The subject site is well served by rapid transit, including three TTC Subway Stations within an 800 metre radius, as well as surface transit routes (see **Figure 4**). Approximately 650 metres northeast of the subject site, an approximate 8 minute walking distance, is the Sherbourne Subway Station, which is part of TTC Line 2 (Bloor-Danforth). Approximately 650 southwest of the subject site, an approximate 8 minute walking distance, is the Wellesley Subway Station, which is part of TTC Line 1 (Yonge-University-Spadina). Northwest of the subject site, approximately 750 metres or a 9 minute walking distance, is Bloor-Yonge Subway Station, which is an interchange station. Bloor-Yonge Station serves both Line 2 and Line 1 (Yonge-University-Spadina). The TTC is currently in the planning stages of the Bloor-Yonge Capacity Improvement project, which will see improvements to the Bloor-Yonge Station including expansion of existing platforms and creation of a new platform for Line 2 and infrastructure such as escalators and stairs, as well as utility upgrades, among others. According to the TTC website, online public consultation is expected in the fourth quarter of 2022, after Stage Gate 3, with major construction planned to begin in 2024.

With respect to surface transit, TTC Bus Route 75 (Sherbourne) operates along Sherbourne Street, east of the subject site. Further south, approximately 640 metres, is Carlton Street which is serviced by Streetcar Route 506.

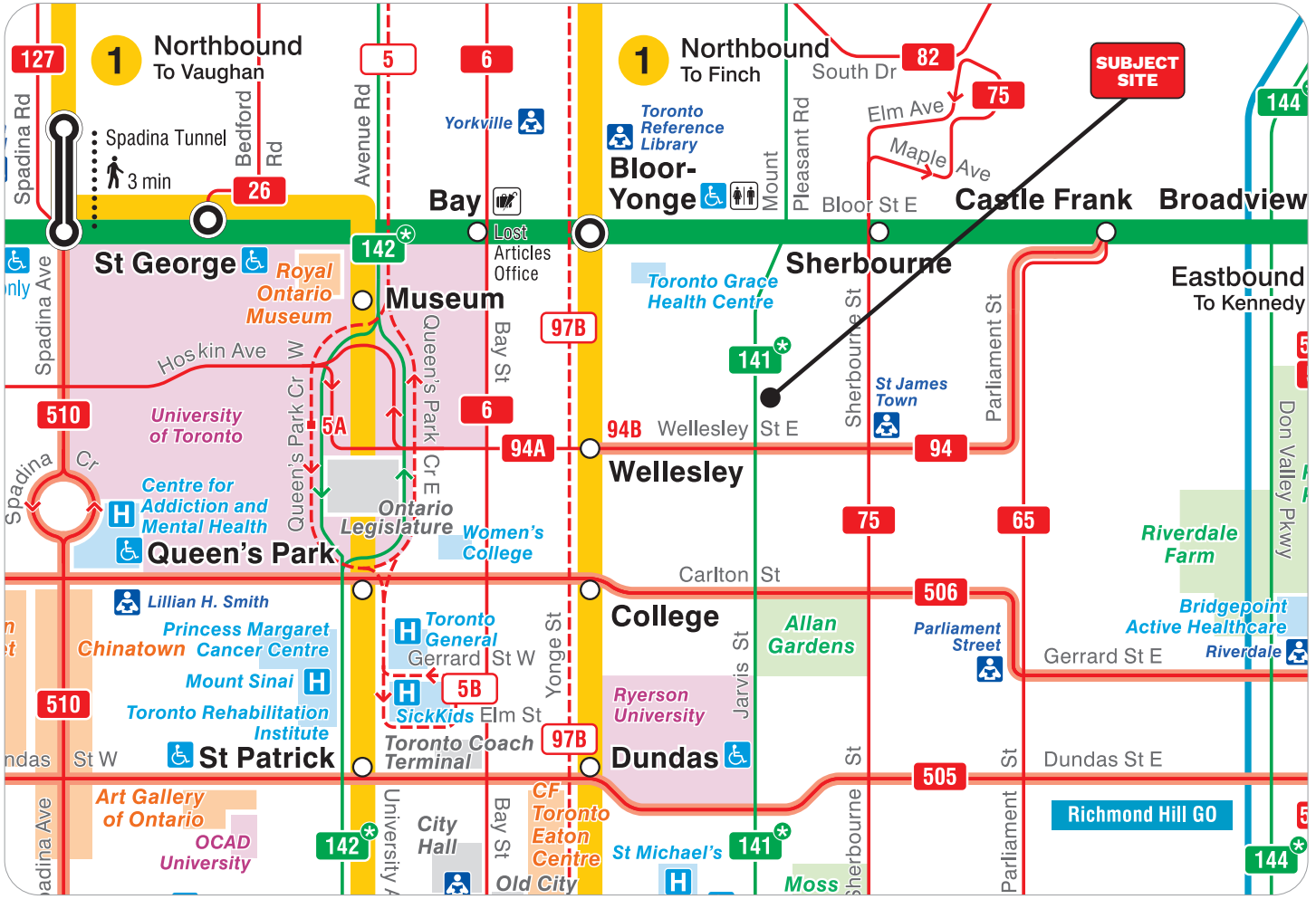


Figure 4 - TTC Transit Map



Proposal



3.1 Description of the Proposal

The proposal represents an opportunity to redevelop and intensify an underutilized site with an appropriately scaled, compact and transit-oriented residential/mixed-use development which appropriately leverages the subject site's location within the Downtown Toronto "urban growth centre" and three "protected major transit station areas" as well as its proximity to existing higher-order transit (Line 1 and Line 2).

The proposal will redevelop the subject site in a manner that is in keeping with the existing and emerging built form context, both within the East Downtown area more generally and within the established and emerging tall building context in the immediate vicinity of the subject site, introducing a high-quality tower to the Downtown skyline. Additionally, the proposal will introduce substantial public realm improvements and new residential units to the neighbourhood.



Figure 5 - Rendering View from Northwest (Provided by: Kirkor)

Development Concept

The proposal contemplates the redevelopment of the subject site with a contemporary podium-tower form building with a height of 58 storeys (192.9 metres, plus 6.0 metre mechanical penthouse). The mixed-use building will consist of a 4- to 9-storey pedestrian-scale podium element, topped with a well-articulated 49-storey tower element. The building will include 690 residential units (including 31 rental replacement units) in a mix of unit suite sizes, adding to the supply of housing in East Downtown and improving the diversity of housing options available in the immediate area. The proposed total gross floor area will be approximately 43,306.5 square metres, consisting of 43,152.16 square

metres of residential gross floor area and 154.34 square metres of retail gross floor area, resulting in a density equivalent to 23.25 times the area of the site. In addition, the building contains 2,822.22 square metres of residential amenity space, comprised of 2,224.44 square metres of interior amenity space and 597.78 square metres of outdoor amenity space. See **Figure 6**, Site Plan.

The existing 3-storey rental apartment building and 3-storey townhouse block on the subject site would be demolished to facilitate the proposed redevelopment.

A detailed description of the proposal is provided below.

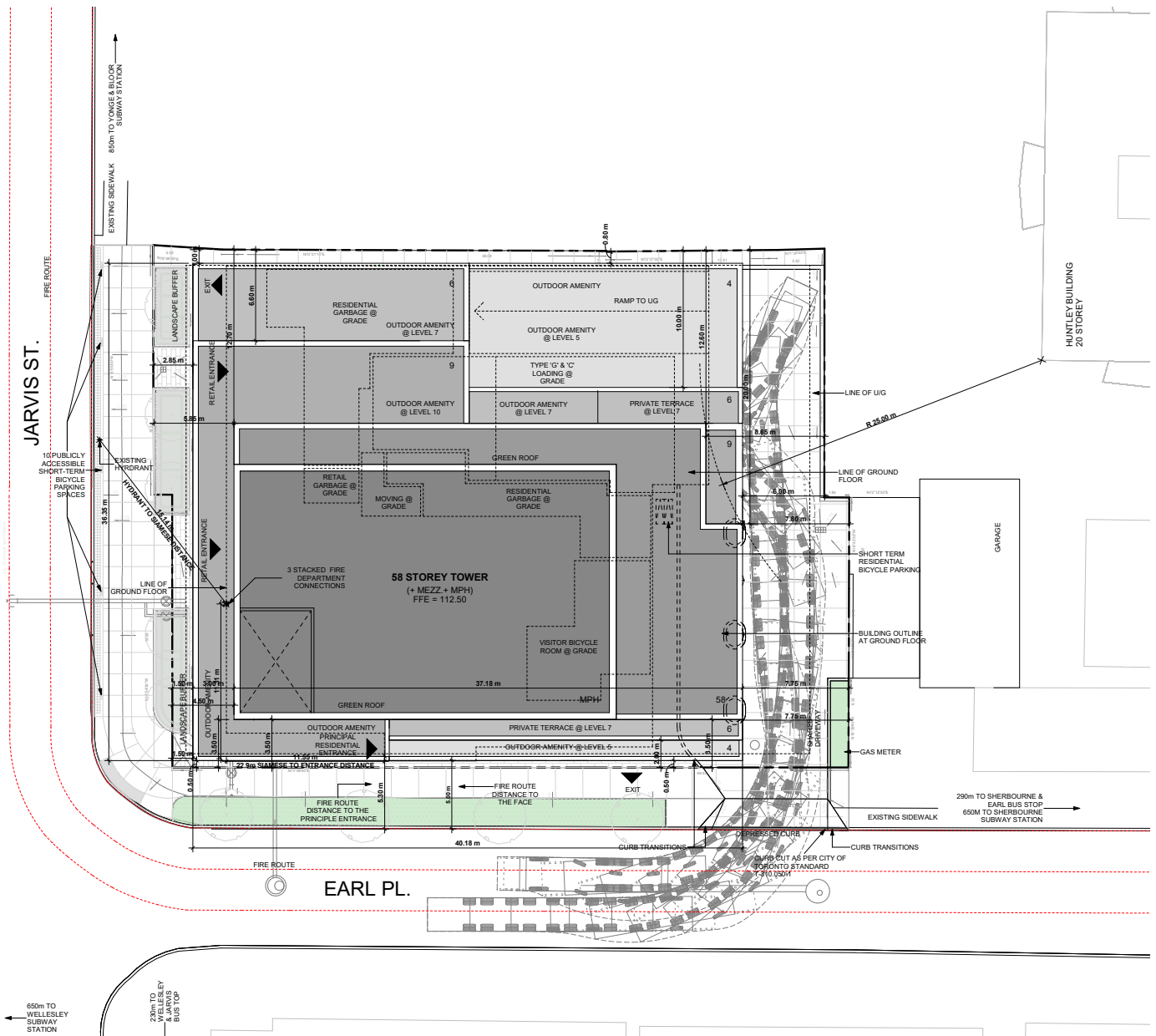


Figure 6 - Site Plan (Provided by: Kirkor)

Massing

The proposed building is well articulated, with setbacks and setbacks that are in keeping with the built form context in surrounding area and will result in appropriate built form relationships with the adjacent buildings within the block. The proposed building design respects the emerging and anticipated character of Jarvis Street and the broader urban structure of East Downtown.

Podium Element

The building incorporates a 4- to 9-storey podium element, which incorporates a contextually appropriate 5- to 9-storey streetwall, with a 5-storey rectangular lower podium elements and a 'T'-shaped 4-storey upper podium element above which contains taller elements of the podium towards the Jarvis Street frontage.

The west face of the podium element, along the Jarvis Street frontage, is set back between 3.95 metres and 5.3 metres from the west property line on the ground level, providing for an expanded pedestrian and landscaping zone between the property line and the west face of the building, and a 10.1-metre distance from the building face to the curb. A colonnade with 7 structural pillars is proposed within the setback creating a sheltered pedestrian zone. While the building face itself runs parallel to Jarvis Street, the differing setback is due to the irregular west property line of the subject site, which is 1.35 metres further west at the north end of the site than at the south end. This setback is carried up on the Mezzanine Level and Level 2 at the southern end of the west building face, while at the northern end the building incorporates a cantilever condition above the Mezzanine Level, extending 1.15 metres beyond the west extent of the inset Levels below, and resulting in a 1.5 metre-2.85 metre setback from the west property line. At Level 3, the southern end of the west building face also begins to cantilever, projecting out to match the extent at the north portion of the building face, and resulting in a 1.5 metre setback from the west property line. The absence of massing below creates a dramatic built form condition at the corner which addresses the intersection. The 1.5 metre – 2.85 metre setbacks are carried up the balance of the podium from Levels 3 through 9.

The north face of the podium element is set back 0.8 metres from the north property line at Level 1 and the Mezzanine Level with a blank wall condition. Above the Mezzanine Level, the north face of the building is set back 1.0 metre from the north property line on Levels 2 to 4. Glazing is proposed along the building face at the westernmost portion of the north building face (i.e., for one corner unit), while the balance of the building face is proposed to have inset balconies resulting in a 3.0 metre setback to the glazing of the units. At Levels 5 and 6, the western portion of the north building face continues to be set back 1.0 metre from the north property line; the eastern portion of this building face steps back by 9.0 metres above Level 4 to accommodate an outdoor amenity space on the northeast corner of the Level 4 roof, resulting in a 10.0 metre setback from the property line to the building at Levels 5 and 6. At Level 7, the western portion of the north building face steps back 5.6 metres from the north extent of Level 6, accommodating an outdoor amenity space on the roof of Level 6 and providing for a 6.6 metre setback from the property line to the building on Levels 7 through 9. The eastern portion of the building face at Level 7 steps back 2.6 metres from the north extent of the eastern portion of Level 6, accommodating an outdoor amenity terrace and a private terrace and providing for a 12.6 metre setback between the property line and the glazing on Levels 7 through 9.

The east face of the southern portion of the podium element is set back 14.25 metres from the east property line at the ground level, accommodating a pedestrian pathway, a vehicular access/egress driveway and pickup/drop-of areas. The east building face tapers eastward and is set back 8.4 metres from the east property line toward the north portion of the podium. At Level 2, the east building face cantilevers over the inset levels below, creating a sheltered pedestrian zone over the walkway and pick-up/drop-off area, and is set back between 6.0 metres and 7.75 metres from the east property line. While the building face itself is regularized and runs north-south, the varying setback is a result of the irregular configuration of the east property line, which is 1.75 metres further west at the northern portion of the site than the southern portion of the site. These setbacks are generally carried up on Levels 3 through 9.

The south face of the podium, along the Earl Place frontage, is set back 1.5 metres from the south property line at the eastern portion of the building face, 2.5 metres at the western portion of the building face and 0.5 metres in the centre of the south building face. The 2.5 metre setback appropriately opens up the building at-grade at the intersection of Jarvis Street and Earl Place while the 0.5 metre setback in the centre portion of the south building face creates a focus on the entrance to the residential lobby. The eastern portion of the south building face begins to cantilever at the Mezzanine Level, and is set back 0.5 metres from the south property line. The western and central portions of the south building face incorporate a cantilever condition at the Mezzanine Level and Level 2 using the cladding only (not the glazing itself) in order to achieve a unique angled façade which extends diagonally from the residential lobby entrance to the southwest corner of the building in a southeast to northwest direction, providing for a distinctive and landmark expression to address the intersection of Jarvis Street and Earl Place. At Levels 3 and 4, the building includes a consistent 0.5 metre setback from Earl Place across the entire south face. The western portion of the south building face continues to be set back 0.5 metres on Levels 5 to 9. A notch is introduced along the eastern portion of the south building face at Level 5 to accommodate an outdoor amenity terrace on the roof of Level 4, providing for a 2.0 metre setback at Levels 5 and 6. The eastern portion of the building steps back an additional 1.5 metres above Level 6 providing for a 3.5 metre setback from the property line at Levels 7 through 9.

Overall, the podium has been designed with various steps, both out and in, to promote visual interest, provide for weather protection and various rooftop outdoor amenity space, and differentiate it from the massing of the tower element. The 9-storey podium will have a metric height of 38.95 metres along Jarvis Street and at the corner of Jarvis Street and Earl Place, relating well to the right-of-way of the street and framing it at a good proportion and a pedestrian scale. A lower scale and terraced podium and streetwall condition are proposed along the other building faces to assist in providing transition to abutting uses.

Tower Element

Above the podium, the proposed 49-storey tower element rises up to an overall height of 58 storeys (192.89 metres to the top of the residential roof and 198.89 metres to the top of the mechanical penthouse). The tower generally has a rectangular east-west oriented floor plate, with notches, architectural elements and cladding patterns which provide for visual interest.

The tower begins at Level 10, which is proposed to be occupied by indoor amenity space contiguous to outdoor amenity space on the roof of Level 9. Level 10 functions as a reveal floor, intended to accentuate the visual break between the podium and the balance of the tower above through a 6.0 metre floor-to-ceiling height, a different fenestration pattern and glazing colour (relative to the balance of the tower), and a lack of projecting balconies and cladding elements.

Above the podium, the north face of the building steps back 6.0 metres, providing for a 12.7 metre setback from the north property line on Level 10. The west face of the building steps back 3.0 metres, providing for a setback that ranges from 4.5 to 5.85 metres from the west property line on Level 10 (which, as noted jogs 1.85 metres to the west at the north end of the site), creating a discernable break between the podium and tower element along Jarvis Street. The south face of the building steps back 3.0 metres, providing for a 3.5 metre setback from the south property line at Level 10, creating a visible break between the two building elements when viewed from Earl Place. The east face of the building generally maintains the setbacks of Level 9 of the podium element below at Level 10 (7.75 metres), however, an outdoor amenity space is introduced at the northeast corner of the Level 10 floorplate, on the roof of Level 9. The notch created by this amenity space results in an 8.65 metre setback from the west property line, and generally coincides with the 1.75 metre westward jog in the east property line.

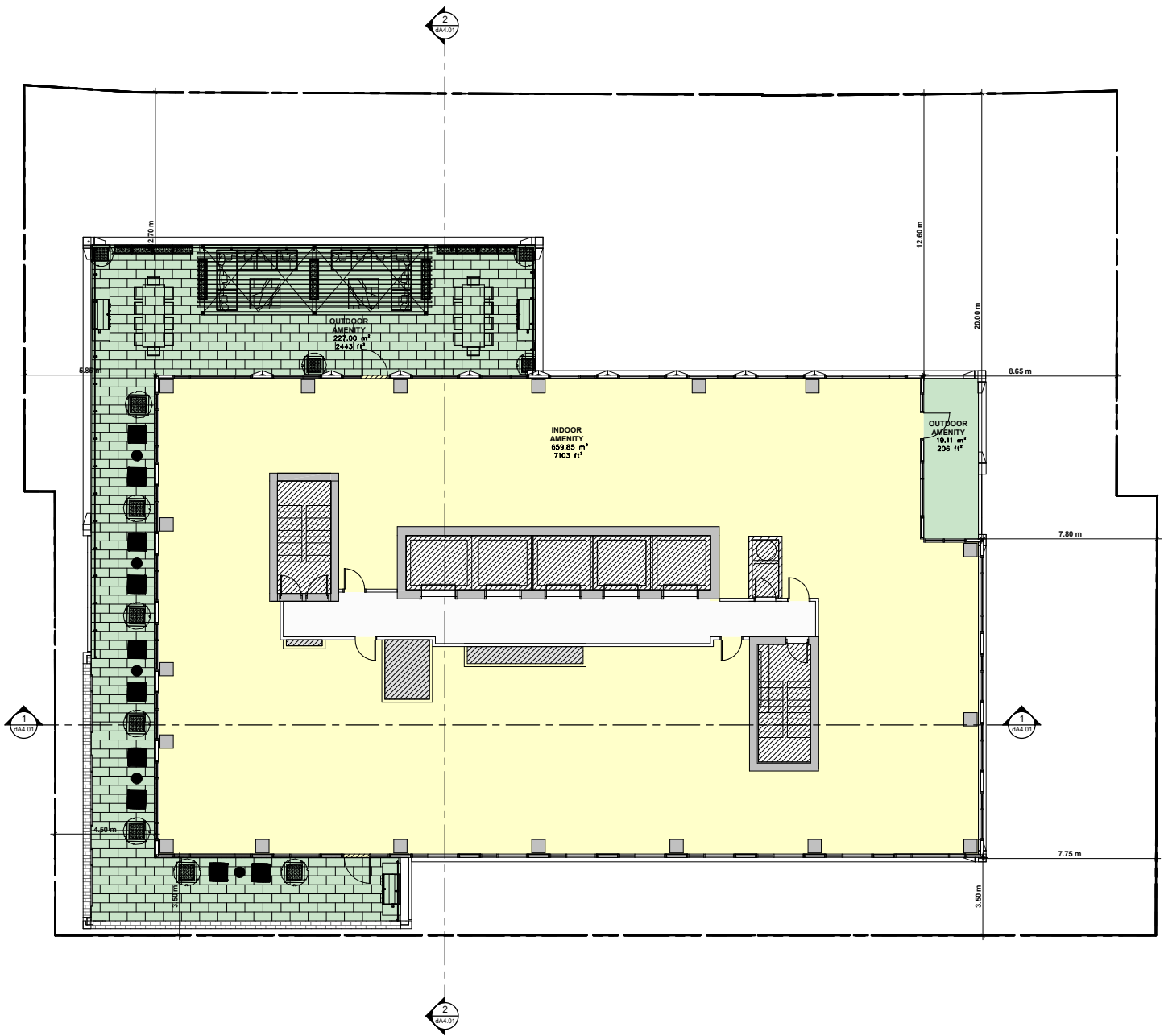


Figure 7 - Level 10 (Provided by: Kirkor)

Above Level 10, the typical tower floorplate on Levels 11 through 58 maintain the setbacks of the Level below providing for a generally rectangular tower (with the exception of the northeast corner which provides a notch as previously indicated). The north face of the building includes rows of triangularly shaped projecting balconies, arranged in an alternating pattern per floor, providing for a visually interesting and dynamic tower expression. The east, south, and west building faces do not include balconies. Above Level 58, the building's 6.0 metre-tall mechanical penthouse steps back 12.7 metres from the north face of the tower and maintains the setbacks of the east, west and south faces of the tower. The cladding patterns of the tower below are carried upwards on these three faces, integrating the penthouse into the tower, and the stepback along the north face provides for a visually interesting tower top.

The tower is oriented east-west and includes a typical floor plate size of 784 square metres on Levels 10 through 58 (gross construction area), representing a slender point-tower form. The typical tower envelope includes a north-south dimension of 21.6 metres and an east-west dimension of 37.2 metres, representing compatible and proportionately appropriate rectangular dimensions.

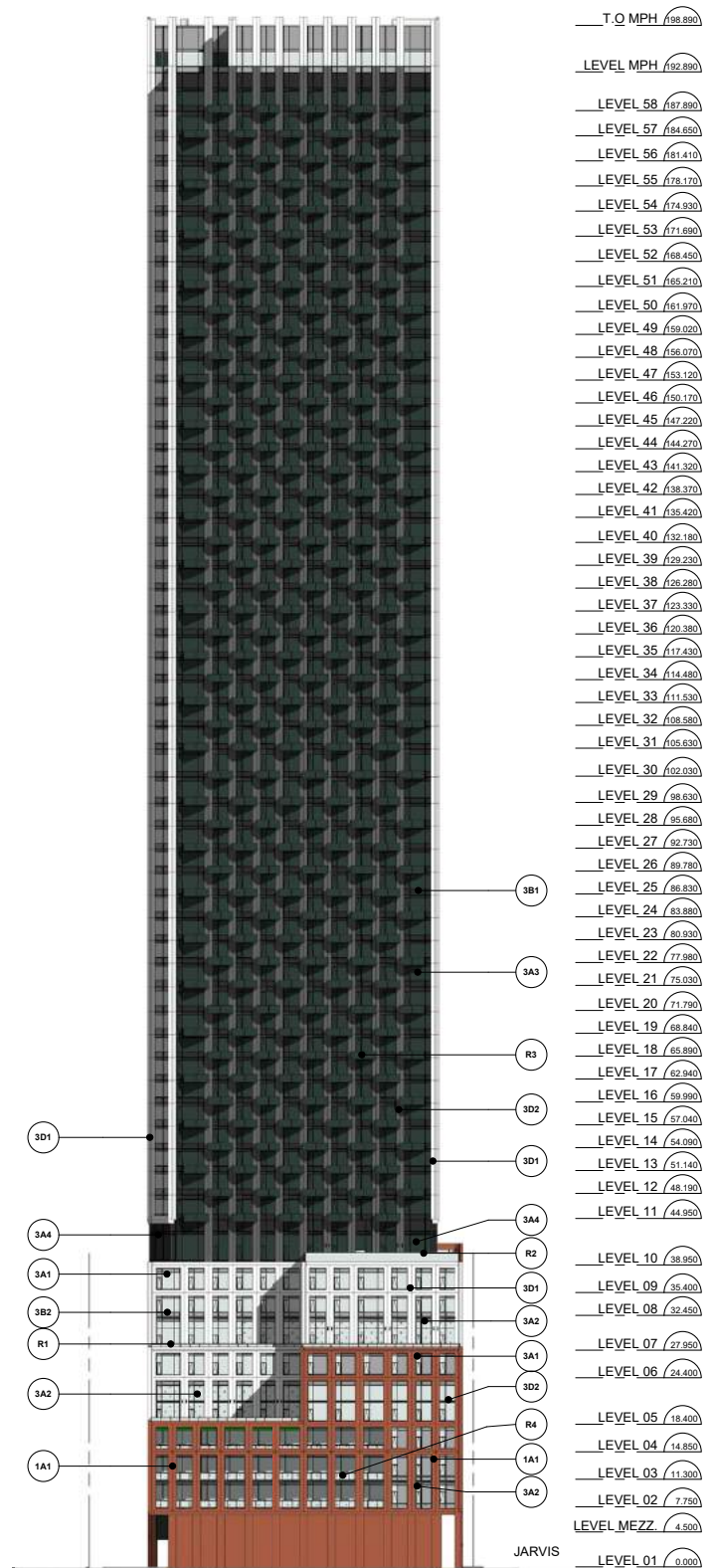


Figure 8 - North Elevation (Provided by: Kirkor)

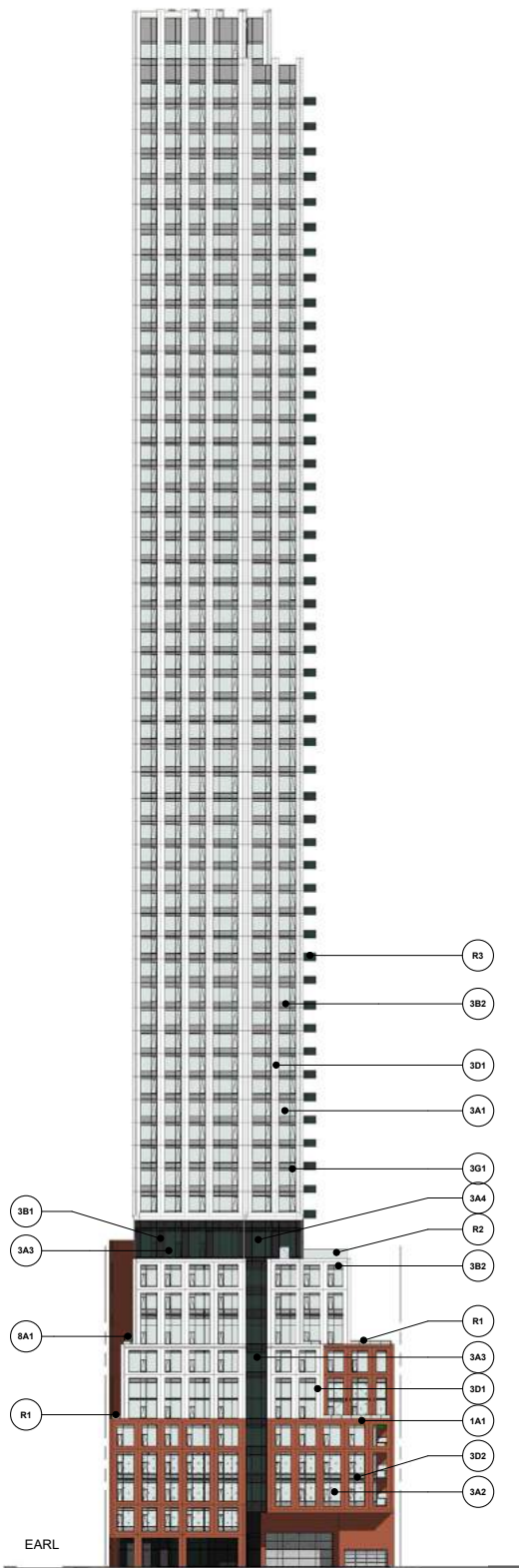


Figure 9 - East Elevation (Provided by: Kirkor)

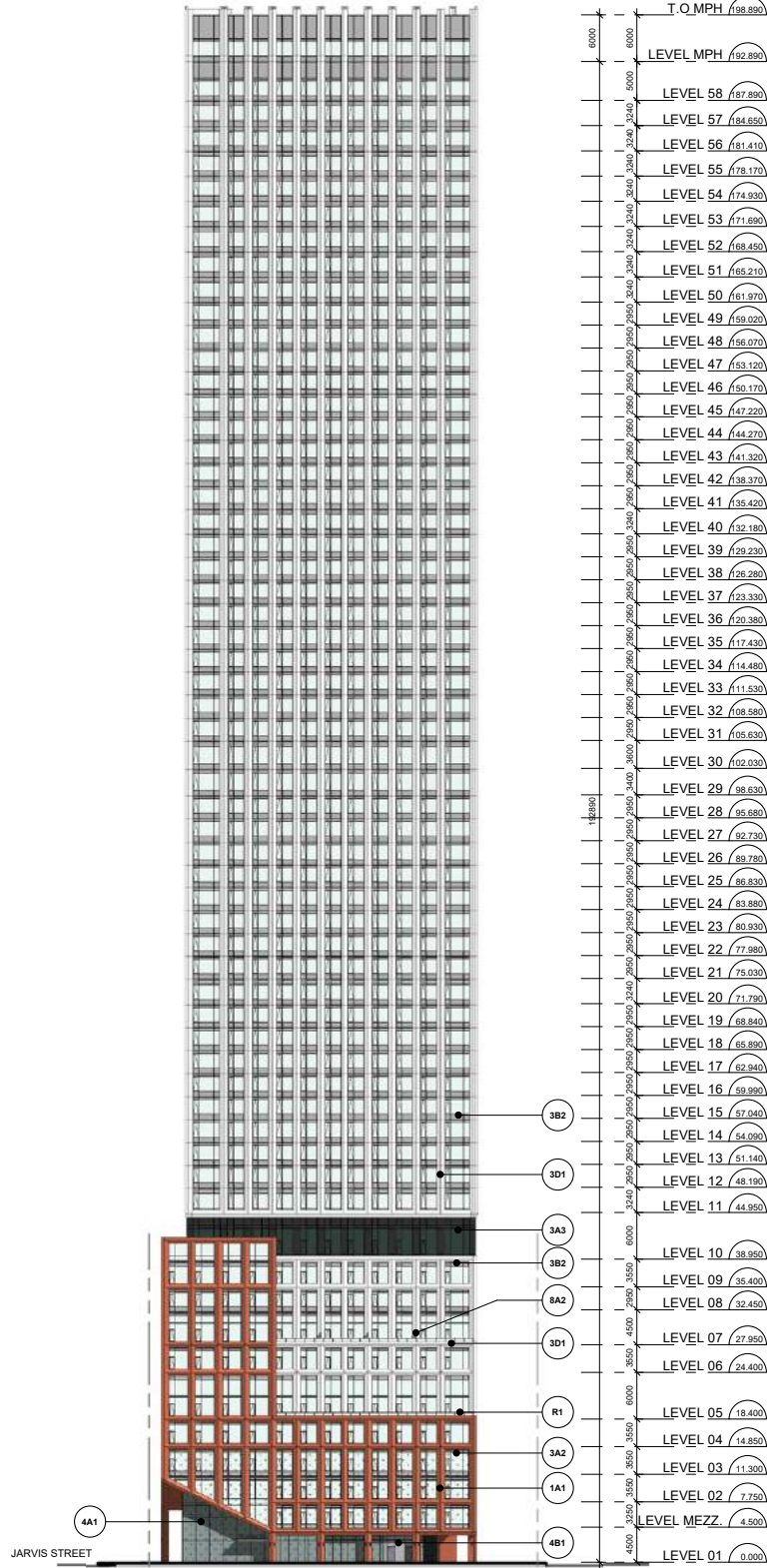


Figure 10 - South Elevation (Provided by: Kirkor)

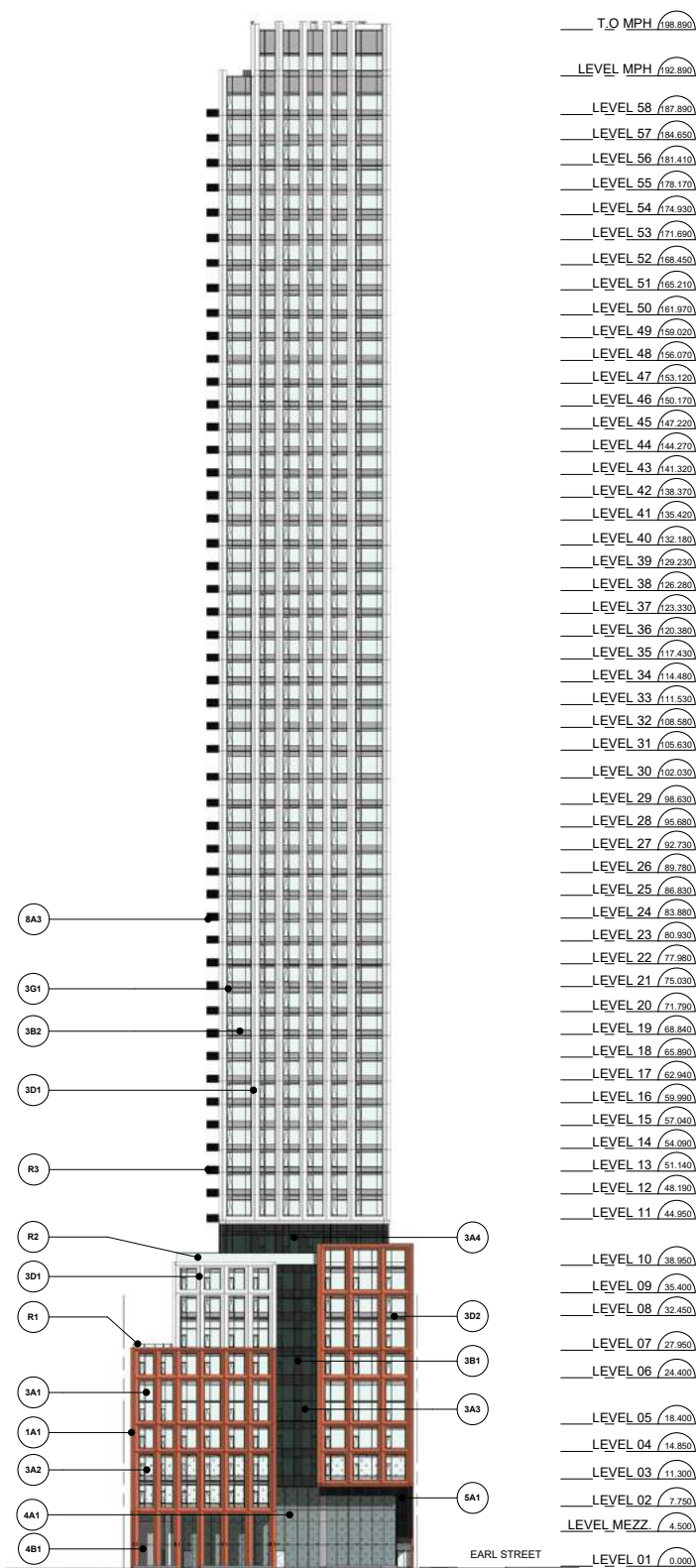


Figure 11 - West Elevation (Provided by: Kirkor)

Programming

In terms of programming, the ground floor of the building is proposed to include 154.43 square metres of retail space located along the Jarvis Street frontage, with pedestrian access from the Jarvis Street sidewalk. The retail space is intended to accommodate a number of smaller multiple retail units. The Mezzanine Level is open-to-below above the retail space, resulting in a floor-to-ceiling height of 7.75 metres, which has been designed to attract a range of commercial uses. The ground floor will also feature the residential lobby, occupying the central and east portions of the Earl Place frontages. A portion of the Mezzanine Level is open to the lobby below. A 109.16 square metre indoor amenity space is proposed to be located between the retail unit and the lobby, at the corner of Jarvis Street and Earl Place. The Mezzanine Level and Level 2 are open-to-below over this space, largely to accommodate the exterior landmark architectural element that addresses the intersection. This space is proposed to consist of lounge-type areas with a generous 11.3 metre floor-to-ceiling height proposed.

The balance of the ground floor, located within the interior portion of the building will include the mail room, short-term bicycle parking spaces and the moving room, as well as the building's five residential elevators which are arranged in one bank. North of these areas, the ground floor also includes loading and staging areas, the retail and residential garbage rooms, an internalized Type 'G' and Type 'C' loading space and a large staging area, as well as the internalized parking garage access/egress ramp.

Above the ground floor, the portion of the Mezzanine Level that is not open to the retail, residential lobby and servicing areas below will include mechanical rooms and bicycle parking spaces. Residential units begin at Level 2 and occupy the majority of the levels above. Levels 2 through 4 are proposed to predominantly include rental replacement units, with some interspersed market condominium units. Residential units above Level 4 are proposed to all be condominium in tenure. Indoor amenity space is proposed on Level 5, adjacent to two outdoor amenity spaces on the roof of Level 4, on Level 7, adjacent to two outdoor amenity spaces on the roof of Level 6, and on Level 10, adjacent to two outdoor amenity spaces on the roof of Level 9. The balance of the building will include residential units facing all directions, organized around an east-west hallway.

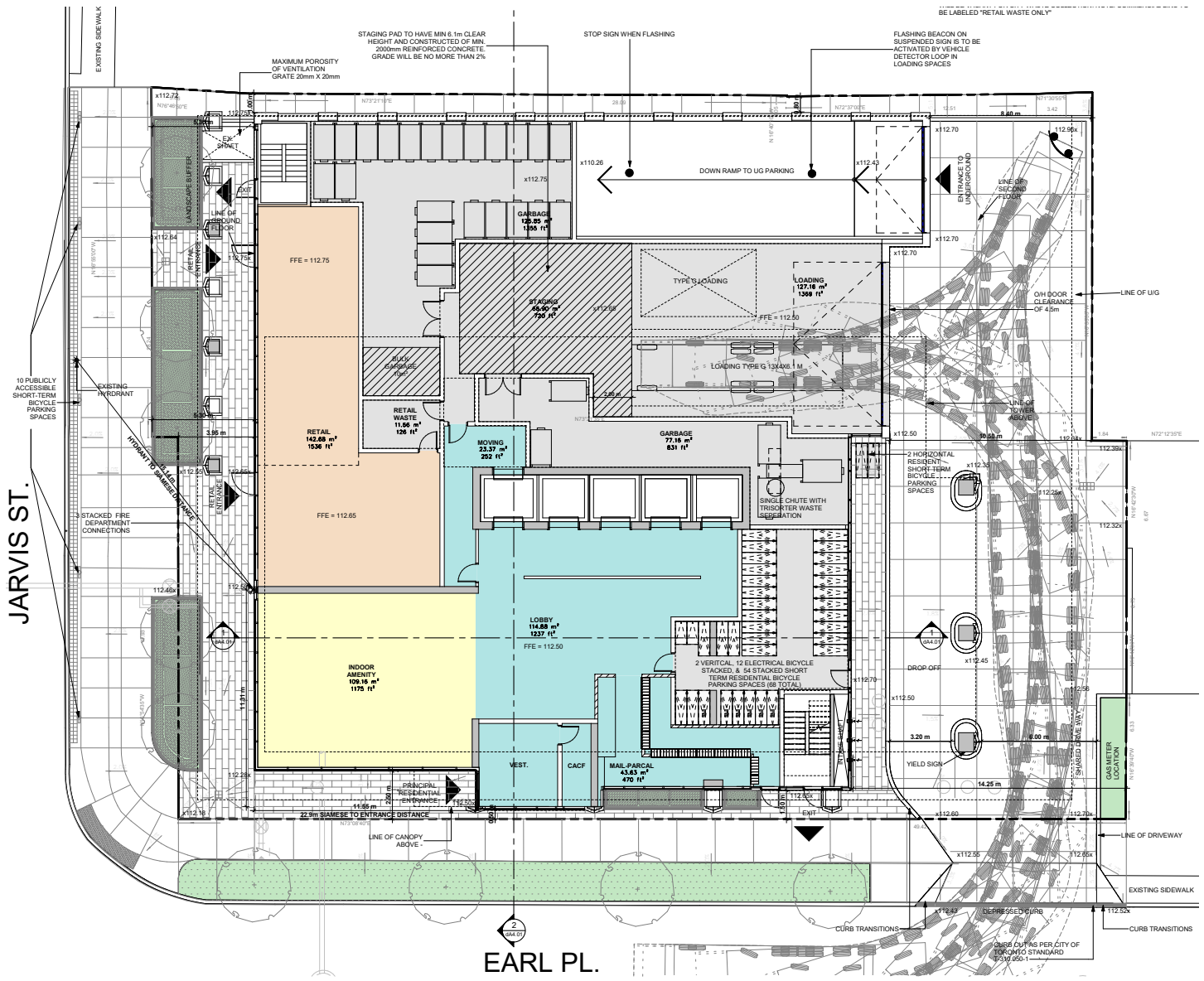


Figure 12 - Ground Floor Plan (Provided by: Kirkor)

Articulation and Materiality

The building incorporates high-quality and contemporary building materials that complement the surrounding context. As well, the building's articulation assists in creating two distinct elements, a human scale and detailed podium element and a distinctive and skyline defining tower element. The building's cladding and fenestration patterns assist in creating a rhythm in the façade on all building faces and breaking the massing up, all while providing for visual interest.

On the ground floor along both the Jarvis Street and Earl Street frontages, the building is proposed to incorporate a high degree of glazing to facilitate views to and from the public realm and compliment the active uses proposed along the frontages. The building façade begins to incorporate cladding at the Mezzanine Level, with the exception of the southwest corner of the building, where the cladding forms a unique architectural condition to frame the intersection, with an angled projecting façade and 11.3 metre-tall, glazed reveal feature. The podium's façade is primarily composed of a red brick with a varied inlay. Where the podium incorporates stepbacks (which vary in location from building face to building face), the cladding used is changed to match the cladding of the tower (discussed below), while keeping the fenestration patterns and cladding shapes and proportions of the podium. The use of dual materials, in tandem with very detailed rectangular and square cladding frames on all faces of the podium, assists in breaking up the massing and creating a rhythm in the façade. As well, the east and west elevations incorporate a vertical reveal extending up the podium where the brick cladding patterns on either side are broken, providing for additional interest; the reveal is further accentuated through the use of dark vision glass and dark grey spandrel glass. The balance of the podium glazing includes clear vision glass and light grey spandrel glass on a prefinished aluminium window wall.

The south, east and west faces of the tower element are clad with a window wall system consisting of white metal panels on a prefinished aluminum window wall which run vertically up the building faces forming linear bands between the glazing and creating a fine grain façade. Horizontally, these building faces include dark grey metal louvres within the window wall system which assist in dividing up the building levels. The window wall incorporates light grey spandrel glass and light grey vision glass. The north face of the tower element utilizes a differing expression from the balance of the tower and includes five rows of triangular projecting balconies arranged in an alternating pattern from floor to floor, which make the balconies appear to be arranged in a diagonal pattern. The window wall of the north face of the tower incorporates dark grey spandrel glass and vision glass. While this façade also includes white metal panels which run in vertical rows, the darker glass of the window wall tints this to a lighter grey hue.

Unit Mix and Amenity Space

The proposed development includes a total of 690 residential units, comprised of 659 condominium tenure units and 31 rental replacement units. The units feature a mix of residential unit suite sizes, including 44 studio units (6.3%), 451 one-bedroom units (65.4%), 136 two-bedroom units (19.7%), and 59 three-bedroom units (8.6%). The proposed dwelling units are provided in the base element and in the tower element, accommodating a range of consumer preferences and needs within a single building.

A total of 2,822.22 square metres of amenity space is proposed, including 2,224.44 square metres of indoor amenity space and 597.78 square metres of outdoor amenity space, representing a ratio of 4.09 square metres per unit. The indoor amenity space will be located throughout the proposed building, including on Level 1 (109.16 square metres), on Level 5 (1,109.54 square metres), on Level 7 (345.89 square metres) and on Level 10 (659.85 square metres). The outdoor amenity space will be located on the roof of Level 4 (218.49 square metres), on the roof of Level 6 (133.18 square metres) and on the roof of Level 9 (246.11 square metres). All three outdoor amenity spaces are located directly adjacent to, and are accessible from, the indoor amenity spaces on Levels 5, 7 and 10.

Access, Parking, Loading and Bicycle Parking

As noted, the subject site is well served by the municipal road network as a result of its frontage along Jarvis Street and Earl Place, both of which are well integrated within the area road network. Pedestrian access to the building's residential lobby is proposed from the municipal sidewalk along Earl Place, generally mid-building face. Additional pedestrian pathways are provided throughout the site. Vehicular access is proposed via Earl Place by way of a north-south driveway which runs along the east property line. The access/egress driveway will connect to the parking garage access/egress ramp, located internal to the building floorplate at the north end of Level 1, and to servicing areas also located internal to the building. The driveway is proposed to include a pick-up/drop-off lane and a pedestrian pathway.

As it relates to vehicular parking, the proposal's parking is proposed to be accommodated within a three level below-grade parking garage, accessed via the driveway which connects to Earl Place along the eastern property boundary. The proposed development will provide for a total of 74 parking spaces (consisting of 66 resident parking spaces and 8 residential/retail visitor parking spaces). The proposed parking provision represents a modest reduction from the parking requirements established by in Zoning By-law 569-2013, as amended. As set out in the Urban Transportation Considerations Report prepared by BA Group, the proposed parking provision is appropriate having regard for the emerging policy considerations, the subject site's urban context and supreme transit access.

In terms of loading, the proposal includes one Type "G" loading space and one Type "C" loading space, which meets the requirements of Zoning By-law 569-2013, as amended. The loading spaces are located at-grade, internalized within the building footprint and within close proximity to the moving room and the elevator core. The loading spaces are proposed to be accessed via the driveway which connects to Earl Place.

Finally, with respect to bicycle parking, the proposal will provide a total of 692 bicycle parking spaces, of which 622 spaces will be for residents, 70 spaces will be for residential visitors, and four will serve the retail unit. The provided spaces meet the requirements of Zoning By-law 569-2013, as amended. The spaces are proposed to be located on the P1 Level of the parking garage, at-grade within and outside the building, and on the Mezzanine Level.

3.2 Key Statistics

Site Area	1,863 square metres
Total Gross Floor Area Residential Gross Floor Area Retail Gross Floor Area	43,152.13 square metres 43,152.18 square metres 154.34 square metres
Density	23.25 FSI
Height (Top of the podium) Height (Top of the tower) Height (Top of the mechanical penthouse)	9 storeys (38.95 metres) 58 storeys (192.89 metres) 58 storeys (198.89 metres)
Total Units Studio 1-Bedroom 2-Bedroom 3-Bedroom	690 44 (6.3%) 451 (65.4%) 136 (19.7%) 59 (8.6%)
Total Residential Amenity Space Interior Residential Amenity Space Exterior Residential Amenity Space	2,822.22 square metres (4.09 m²/unit) 2,224.44 square metres 597.78 square metres
Total Bicycle Parking Long-Term Bicycle Parking Short-Term Bicycle Parking	692 622 70
Total Vehicular Parking Resident Vehicular Parking Visitor Vehicular Parking	74 66 8
Loading	One Type 'G' One Type 'C'

3.3 Required Approvals

The proposal requires an amendment to the Official Plan to redesignate the subject site from *Neighbourhoods* to *Mixed Use Areas* in order to permit the proposed residential/mixed-use development. A corresponding amendment to the Downtown Secondary Plan is required to add the subject site into the *Mixed Use Areas 2 – Intermediate* designation. The rationale for these redesignations is provided in Section 5.0 of this Report.

The proposal requires an amendment to new City-wide Zoning By-law 569-2013, as amended, in order to rezone the subject site to the Commercial Residential Zone, increase the permitted height and density and to revise other development standards as necessary to accommodate the proposal. In our experience, City Staff are no longer requiring amendments to the former

general zoning by-laws applying to sites within the Commercial Residential ('CR') zone category in Zoning By-law 569-2013, as amended. As the subject site will be rezoned to the CR zone category in the new City-wide By-law, it is our opinion that an amendment to the applicable former City of Toronto Zoning By-law 438-86 is not required.

As the proposal would result in the demolition of 31 existing rental units, a Rental Housing Demolition Application is also required to facilitate the redevelopment of this site, and is being submitted concurrently with the above noted applications.

Finally, a Site Plan Approval application is also required and is being submitted concurrently with the above noted applications.



Policy & Regulatory Context

4.1 Policy Overview

As set out below, the proposed development is supportive of numerous policy directions set out in the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Regional Transportation Plan, the City of Toronto Official Plan and the Downtown Secondary Plan, all of which promote the efficient use of land and infrastructure within built-up areas, and specifically in proximity to higher order public transit.

4.2 Provincial Policy Statement

On February 28, 2020, the Ministry of Municipal Affairs and Housing released the Provincial Policy Statement, 2020, which came into effect on May 1, 2020 (the “2020 PPS”).

The PPS provides policy direction on matters of Provincial interest related to land use planning and development. In accordance with Section 3(5) of the *Planning Act*, all decisions that affect a planning matter are required to be consistent with the PPS. In this regard, Policy 4.2 provides that the PPS “shall be read in its entirety and all relevant policies are to be applied to each situation”.

As compared with the 2014 PPS, the 2020 PPS includes an increased emphasis on transit-supportive development, encouraging an increase in the mix and supply of housing, protecting the environment and public safety, reducing barriers and costs for development and providing greater certainty, and supporting the economy and job creation.

Part IV of the PPS sets out the Province’s vision for Ontario, and promotes the wise management of land use change and efficient development patterns:

“Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They support the financial well-being of the

Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region.”

One of the key policy directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. To that end, Part V of the PPS contains a number of policies that promote intensification, redevelopment and compact built form, particularly in areas well served by public transit.

In particular, Policy 1.1.1 provides that healthy, liveable and safe communities are to be sustained by promoting efficient development and land use patterns; accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs; and promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs.

Policy 1.1.3.2 supports densities and a mix of land uses which efficiently use land, resources, infrastructure and public service facilities and which are transit-supportive, where transit is planned, exists or may be developed. Policy 1.1.3.3 directs planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment, where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities.

In addition, Policy 1.1.3.4 promotes appropriate development standards, which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

With respect to housing, Policy 1.4.3 requires provision to be made for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents by, among other matters, permitting and facilitating all types of residential intensification and redevelopment, promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation and transit, and requiring transit-supportive development and prioritizing intensification in proximity to transit, including corridors and stations.

The efficient use of infrastructure (particularly transit) is a key element of provincial policy (Section 1.6). Section 1.6.3 states that the use of existing infrastructure and public service facilities should be optimized, before consideration is given to developing new infrastructure and public service facilities. With respect to transportation systems, Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

Policy 1.7.1 of the PPS states that long-term prosperity should be supported through a number of initiatives including: encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and a range of housing options for a diverse workforce; optimizing the use of land, resources, infrastructure and public service facilities; maintaining and enhancing the vitality and viability of downtowns and mainstreets; encouraging a sense of place by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources.

With respect to energy conservation, air quality and climate change, Policy 1.8.1 directs planning authorities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions and preparing for the impacts of a changing climate through

land use and development patterns which: promote compact form and a structure of nodes and corridors; promote the use of active transportation and transit in and between residential, employment and other areas; and encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion.

With respect to cultural heritage, Policy 2.6.1 states that significant built heritage resources and significant cultural heritage resources shall be conserved. In this regard, Policy 2.6.3 states that planning authorities shall not permit development on adjacent lands to protected heritage property except where the proposed development has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. In this regard, the subject site is adjacent to a designated heritage property at 571 Jarvis Street, as well as listed properties at 119 Isabella Street and 2 Huntley Street. A Heritage Impact Assessment by Goldsmith Borgal & Company Ltd. Architects (GBCA) was prepared in support of the application in support of the proposed redevelopment.

While Policy 4.6 provides that the official plan is "the most important vehicle for implementation of this Provincial Policy Statement", it goes on to say that "the policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan". Accordingly, the above-noted PPS policies continue to be relevant and determinative.

For the reasons set out in Section 5.0 of this report, it is our opinion that the proposed development and, specifically, the requested Official Plan and Zoning By-law Amendments are consistent with the PPS, in particular, the policies relating to residential intensification and the efficient use of land and infrastructure.

4.3 Growth Plan (2020)

On May 16, 2019, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (the "2019 Growth Plan") came into full force and effect, replacing the 2017 Growth Plan for the Greater Golden Horseshoe (GGH). Under Section 7 of the *Places to Grow Act*, all decisions affecting a planning matter must conform with 2019 Growth Plan. Subsequently, on August 28, 2020, the 2019 Growth Plan was amended by Growth Plan Amendment No. 1.

Section 1.2.3 provides that the Growth Plan is to be read in its entirety and the relevant policies are to be applied to each situation.

The Guiding Principles, which are important for the successful realization of the Growth Plan, are set out in Section 1.2.1. Key principles relevant to the proposal include:

- supporting the achievement of complete communities¹ that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- prioritizing intensification and higher densities in strategic growth areas to make efficient of land and infrastructure and support transit viability; and
- supporting a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.

The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning and the need to optimize the use of the land supply and infrastructure. It includes objectives to support the development of a complete community and promotes transit-supportive development. Section 2.1 states that:

"To support the achievement of complete communities that are healthier, safer, and more equitable, choices about where and how growth occurs in the GGH need to be made carefully. Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing

intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields. Concentrating new development in these areas provides a focus for investments in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of housing options [...]"

Section 2.1 of the Growth Plan goes on to further emphasize the importance of optimizing land use in urban areas:

"This Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area."

The subject site is located within a "strategic growth area" as defined by the Growth Plan (i.e., a focus for accommodating intensification and higher-density mixed uses in a more compact built form). The Growth Plan defines "strategic growth areas" as those areas identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed-uses in a more compact built form. These include urban growth centres, major transit station areas and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas.

1 Complete Communities: Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

In this regard, the subject site is located within the Downtown Toronto “urban growth centre” (see **Figure 13** – Schedule 4 of the Growth Plan) and is within a “major transit station area” as defined by the Growth Plan. The Growth Plan defines a “major transit station area” as “the area including and around any existing or planned higher order transit station or stop within a settlement area [...] Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk”. Furthermore, “higher order transit” is defined as transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, including heavy rail (such as subways and inter-city rail), light rail and buses in dedicated rights-of-way.

In June 2020, the City Planning Division initiated the Growth Plan Conformity and Municipal Comprehensive Review which includes the delineation of approximately 180 potential Major Transit Station Areas (“MTSAs”) and protected Major Transit Station Areas (“PMTSAs”) to meet Provincial minimum intensification targets. In this regard, the subject site falls within the delineated boundaries of three PMTSAs, Sherbourne Station, Wellesley Station and Bloor-Yonge Station, which were identified by the City in draft Official Plan Amendment No. 524. In this respect, the subject site is located within walking distance of higher-order transit stations. The subject site is located approximately 450 metres from the Sherbourne subway station on Line 2 Bloor-Danforth, approximately 500 metres from the Wellesley subway station on Line 1 Yonge-University and approximately 650 metres from the Bloor-Yonge interchange subway station.



Figure 13 - Schedule 4 of the Growth Plan

Policy 2.2.1(2)(c) provides that, within settlement areas, growth will be focussed in delineated built-up areas, strategic growth areas, locations with existing or planned transit (with a priority on higher order transit where it exists or is planned), and areas with existing or planned public service facilities. Policy 2.2.1(3)(c) directs municipalities to undertake integrated planning to manage forecasted growth to the horizon of the Growth Plan, which will, among other things, provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form.

With respect to forecasted growth, Schedule 3 of the Growth Plan forecasts a population of 3,650,000 and 1,980,000 jobs for the City of Toronto by 2051. The 2016 Census data indicates that population growth in Toronto is continuing to fall short of the past and updated Growth Plan forecasts. The City's population growth from 2001 to the 2016 population of 2,822,902 (adjusted for net Census under coverage) represents only 73.2% of the growth that would be necessary on an annualized basis to achieve the population forecast of 3,650,000 by 2051.

Policy 2.2.1(4) states that applying the policies of the Growth Plan will support the achievement of complete communities that, among other things, feature a diverse mix of land uses including residential and employment uses, and convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to a range of transportation options, provide for a more compact built form and a vibrant public realm, mitigate and adapt to climate change impacts, and contribute to environmental sustainability.

Policy 2.2.2(3) requires municipalities to develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will, among other things, identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development, identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas, and ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities.

The Growth Plan includes a number of policies applying to "major transit station areas". In particular, Policy 2.2.4(1) requires that "priority transit corridors" shown on Schedule 5 will be identified in official plans and that planning will be prioritized for "major transit station areas" on "priority transit corridors", including "zoning in a manner that implements the policies of this Plan". In this regard, Schedule 5 identifies both Line 1 Yonge-University and Line 2 Bloor-Danforth subway lines as "existing higher order transit" (see **Figure 14** – Growth Plan Schedule 5).

Policy 2.2.3(1) states that urban growth centres will be planned to accommodate and support the transit network at the regional scale and to accommodate significant population and employment growth. In this regard, Policy 2.2.3(2) requires that each urban growth centre in the City of Toronto be planned to achieve a minimum density target of 400 residents and jobs combined per hectare by 2031 or earlier.

Policy 2.2.4(2) requires the City of Toronto to delineate the boundaries of major transit station areas on priority transit corridors or subway lines "in a transit-supportive manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station" (our emphasis).

Policy 2.2.4(3)(a) goes on to require that major transit station areas on subway lines be planned for a minimum density target of 200 residents and jobs combined per hectare. Policy 2.2.4(6) states that, within major transit station areas on priority transit corridors or on subway lines, land uses and built form that would adversely affect the achievement of the minimum density targets will be prohibited. In this regard, the Sherbourne PMTSA, the Wellesley PTMSA and the Bloor-Yonge PMTSA have proposed densities of 500, 1000 and 900 people and jobs per hectare, respectively.

Policy 2.2.4(6) states that, within major transit station areas on priority transit corridors or subway lines, land uses and built form that would adversely affect the achievement of the minimum density targets will be prohibited. Policy 2.2.4(9) provides that, within all major transit station areas, development will be supported, where appropriate, by: planning for a diverse mix of uses to support existing and planned transit service levels; providing alternative development standards, such as reduced parking standards; and prohibiting land uses and built forms that would adversely affect the achievement of transit-supportive densities.

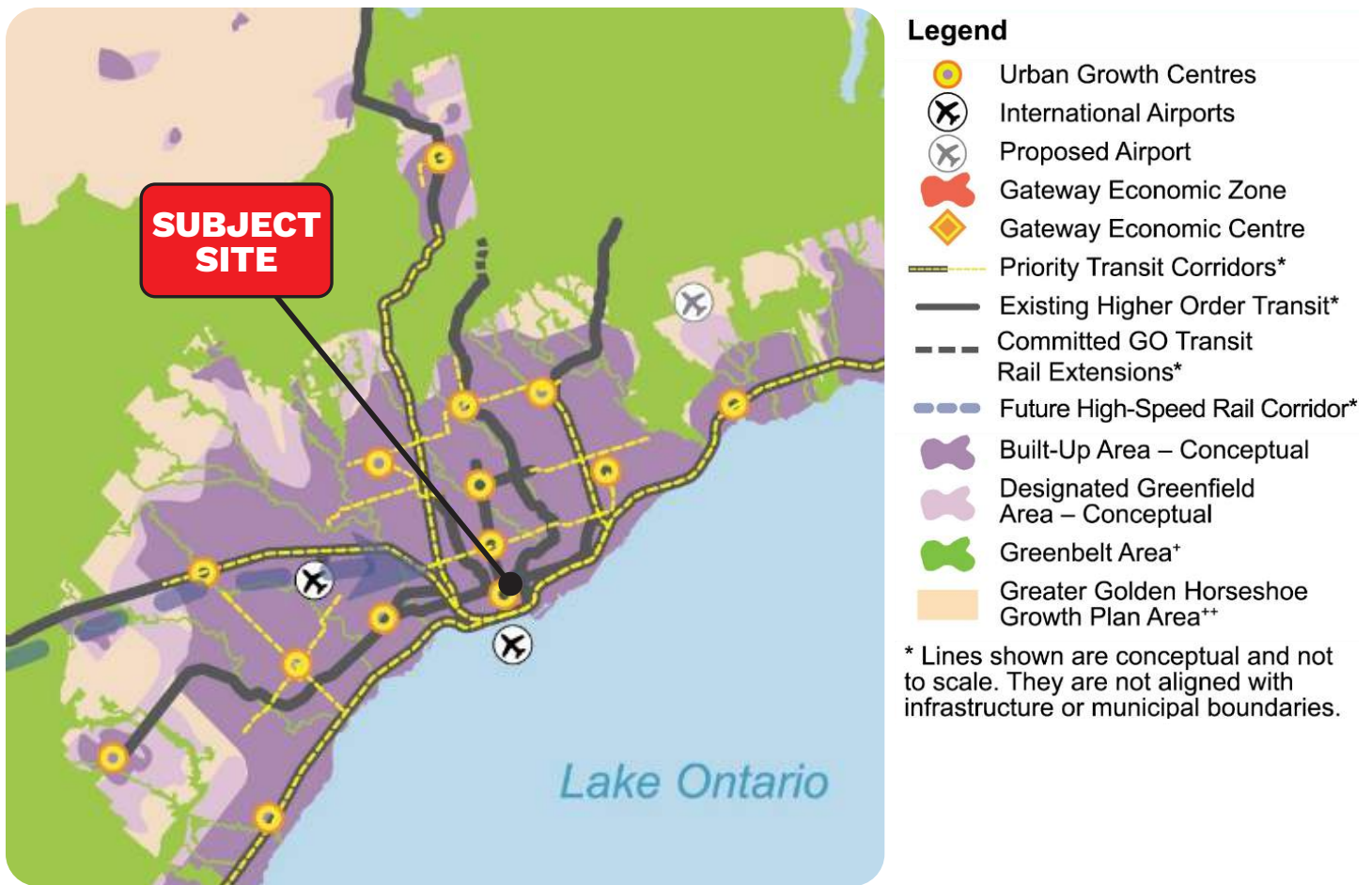


Figure 14 - Growth Plan Schedule 5

With respect to “frequent transit”, Policy 2.2.4(10) states that lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.

Section 2.2.6 deals with housing. Policy 2.2.6(1) requires municipalities to support housing choice through, among other matters, the achievement of minimum intensification and density targets in the Growth Plan by identifying a diverse range and mix of housing options and densities to meet projected needs of current and future residents, including establishing targets for affordable ownership housing and rental housing. Notwithstanding Policy 1.4.1 of the PPS, Policy 2.2.6(2) states that, in implementing Policy 2.2.6(1),

municipalities will support the achievement of complete communities by: planning to accommodate forecasted growth; planning to achieve the minimum intensification and density targets; considering the range and mix of housing options and densities of the existing housing stock; and planning to diversify the overall housing stock across the municipality.

Generally, the infrastructure policies set out in Chapter 3 place an emphasis on the need to integrate land use planning and investment in both infrastructure and transportation. The introductory text in Section 3.1 states that:

“The infrastructure framework in this Plan requires that municipalities undertake an integrated approach to land use planning, infrastructure investments, and environmental protection to achieve the outcomes of the Plan. Co-ordination of these different dimensions of planning allows municipalities to identify the most cost-effective options for sustainably accommodating forecasted growth to the horizon of this Plan to support the achievement of complete communities. It is estimated that over 30 per cent of infrastructure capital costs, and 15 per cent of operating costs, could be saved by moving from unmanaged growth to a more compact built form. This Plan is aligned with the Province’s approach to long-term infrastructure planning as enshrined in the Infrastructure for Jobs and Prosperity Act, 2015, which established mechanisms to encourage principled, evidence-based and strategic long-term infrastructure planning.”

Policies 3.2.3(1) and 3.2.3(2) state that public transit will be the first priority for transportation infrastructure planning and major transportation investments, and that decisions on transit planning and investment will be made according to a number of criteria including prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels, and increasing the capacity of existing transit systems to support strategic growth areas.

Policy 4.2.7(1) directs that “cultural heritage resources” will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas, while Policy 4.2.7(2) provides that municipalities will work with stakeholders in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.

With respect to climate change, Policy 4.2.10(1) provides that municipalities will develop policies in their official plans to identify actions that will include, among other things, supporting the achievement of complete communities as well as the minimum intensification and density targets in the Growth Plan, and reducing dependence on the automobile and supporting existing and planned transit and active transportation.

The timely implementation of the 2019 Growth Plan policies is seen as a key consideration in the Implementation section (Section 5). In this respect, Section 5.1 provides that:

“The timely implementation of this Plan relies on the strong leadership of upper- and single-tier municipalities to provide more specific planning direction for their respective jurisdictions through a municipal comprehensive review. While it may take some time before all official plans have been amended to conform with this Plan, the Planning Act requires that all decisions in respect of planning matters will conform with this Plan as of its effective date (subject to any legislative or regulatory provisions providing otherwise) ... Where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of the decision as it relates to the policies of this Plan which require comprehensive municipal implementation.” (Our emphasis.)

Policy 5.2.5(6) addresses targets and states that, in planning to achieve the minimum intensification and density targets in this Plan, municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high-quality public realm and compact built form.

For the reasons outlined in Section 5.0 of this report, it is our opinion that the proposed development and, specifically, the requested Official Plan and Zoning By-law Amendments, conform with the 2019 Growth Plan and, in particular, the policies that seek to optimize the use of land and infrastructure and to encourage growth and intensification in “strategic growth areas”, including “urban growth centres” and “major transit station areas”.

4.4 2041 Regional Transportation Plan

On March 8, 2018, Metrolinx adopted a new Regional Transportation Plan (the "2041 RTP") that builds on and replaces the previous RTP ("The Big Move"), adopted in 2008. The 2041 RTP goes beyond the Growth Plan and is intended to provide more detailed, integrated and multi-modal strategies and actions for the Greater Toronto and Hamilton Area's transportation systems. As a result, it uses the Growth Plan's previous planning horizon of 2041, which is ten years later than the 2031 horizon used in The Big Move.

The 2041 RTP provides a vision statement that "the GTHA will have a sustainable transportation system that is aligned with land use, and supports healthy and complete communities. The system will provide safe, convenient and reliable connections, and support a high quality of life, a prosperous and competitive economy, and a protected environment". In pursuit of this vision, the 2041 RTP outlines three goals:

- Strong Connections – connecting people to the places that make their lives better, such as homes, jobs, community services, parks and open spaces, recreation, and cultural activities;
- Complete Travel Experiences – designing an easy, safe, accessible, affordable and comfortable door-to-door travel experience that meets the diverse needs of travellers; and
- Sustainable and Healthy Communities – investing in transportation for today and for future generations by supporting land use intensification, climate resiliency and a low-carbon footprint, while leveraging innovation.

The 2041 RTP then sets out a path to achieve this vision and goals by establishing five strategies, each with different priority actions:

1. Strategy 1: Complete the delivery of current regional transit projects;
2. Strategy 2: Connect more of the region with frequent rapid transit;
3. Strategy 3: Optimize the transportation system;
4. Strategy 4: Integrate transportation and land use; and
5. Strategy 5: Prepare for an uncertain future.

Strategy 1 recommends completing regional transit projects that are now In Delivery or In Development, while also modifying some projects from *The Big Move* to reflect more up-to-date information. In this respect, the RTP emphasizes that the GO Regional Express Rail ("RER") program now underway represents a major focus of the Province's '*Moving Ontario Forward*' commitment. The RER program will transform the existing GO rail system from a commuter-focussed service into a two-way, all-day service on core segments of the network by 2025. This includes improvements to all seven GO rail corridors, with electrified service on core segments, running every 15 minutes or better all-day in both directions. By 2025, the RER program is planned to double GO train service during peak periods and quadruple service during off peak periods. Map 3 ("Existing and In Delivery Projects") identifies the planned expansion of GO service to Union Station, approximately 2.5 kilometres to the south of the subject site (see **Figure 15**).

Strategy 2 aims to implement a comprehensive and integrated Frequent Rapid Transit Network by 2041. This strategy proposes several additional BRT, LRT, Priority Bus, subway and RER projects, in addition to existing and planned projects to form an integrated network. Map 5 shows the Frequent Rapid Transit Network planned to be delivered by 2041 and identifies the existing Line 2 Bloor subway line, approximately 660 metres to the northwest of the subject site, for unspecified upgrades, and the "Bloor Yonge Station Capacity Enhancement" to the nearby Bloor-Yonge station (see **Figure 16**). It is our understanding that the TTC plans to implement signal upgrades, similar to the work currently underway on Line 1, in order to allow for improved subway frequencies on Line 2, although this is not specified in the RTP.

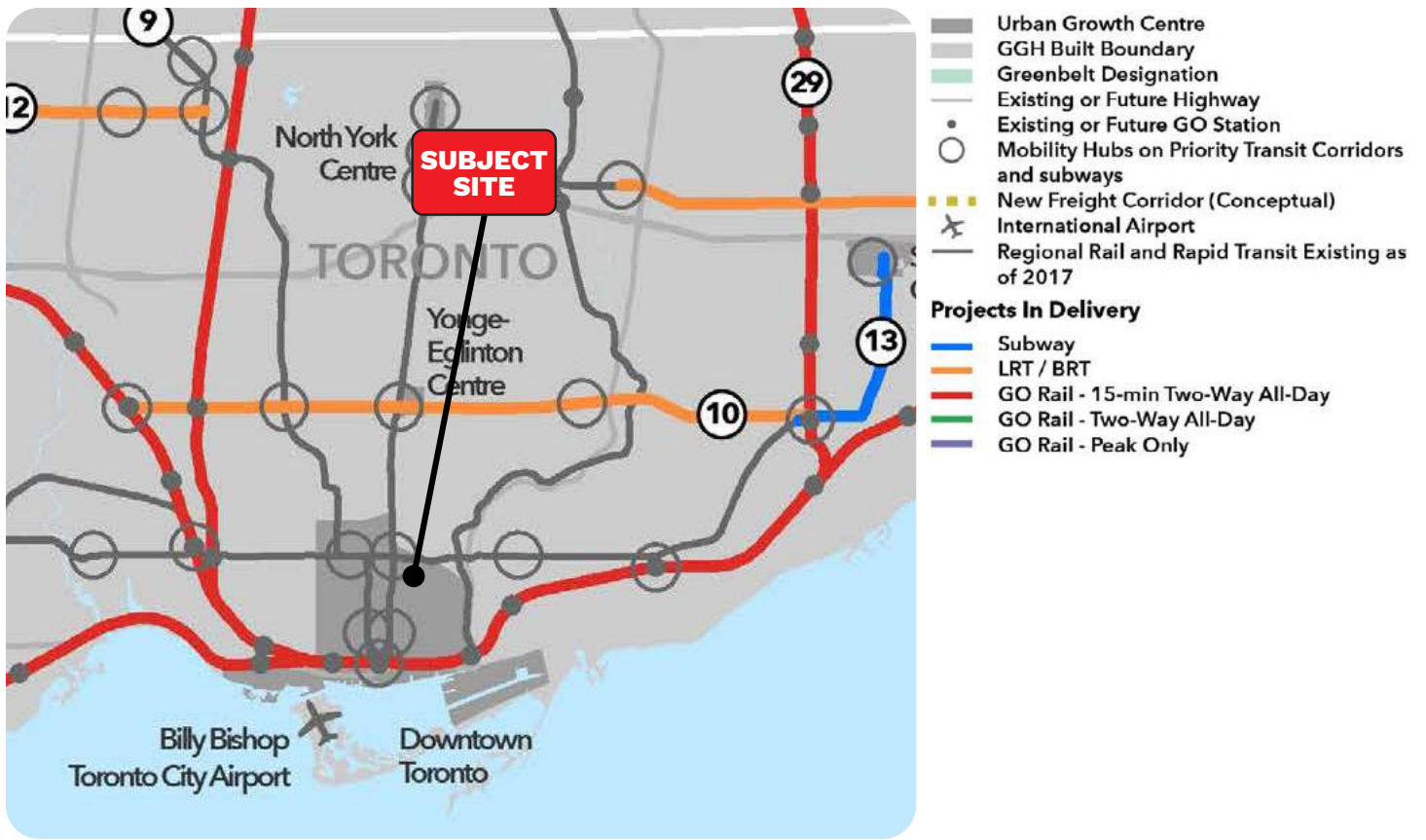


Figure 15 - 2041 Regional Transportation Plan Map 3: Existing and In Delivery regional rail and rapid transit projects

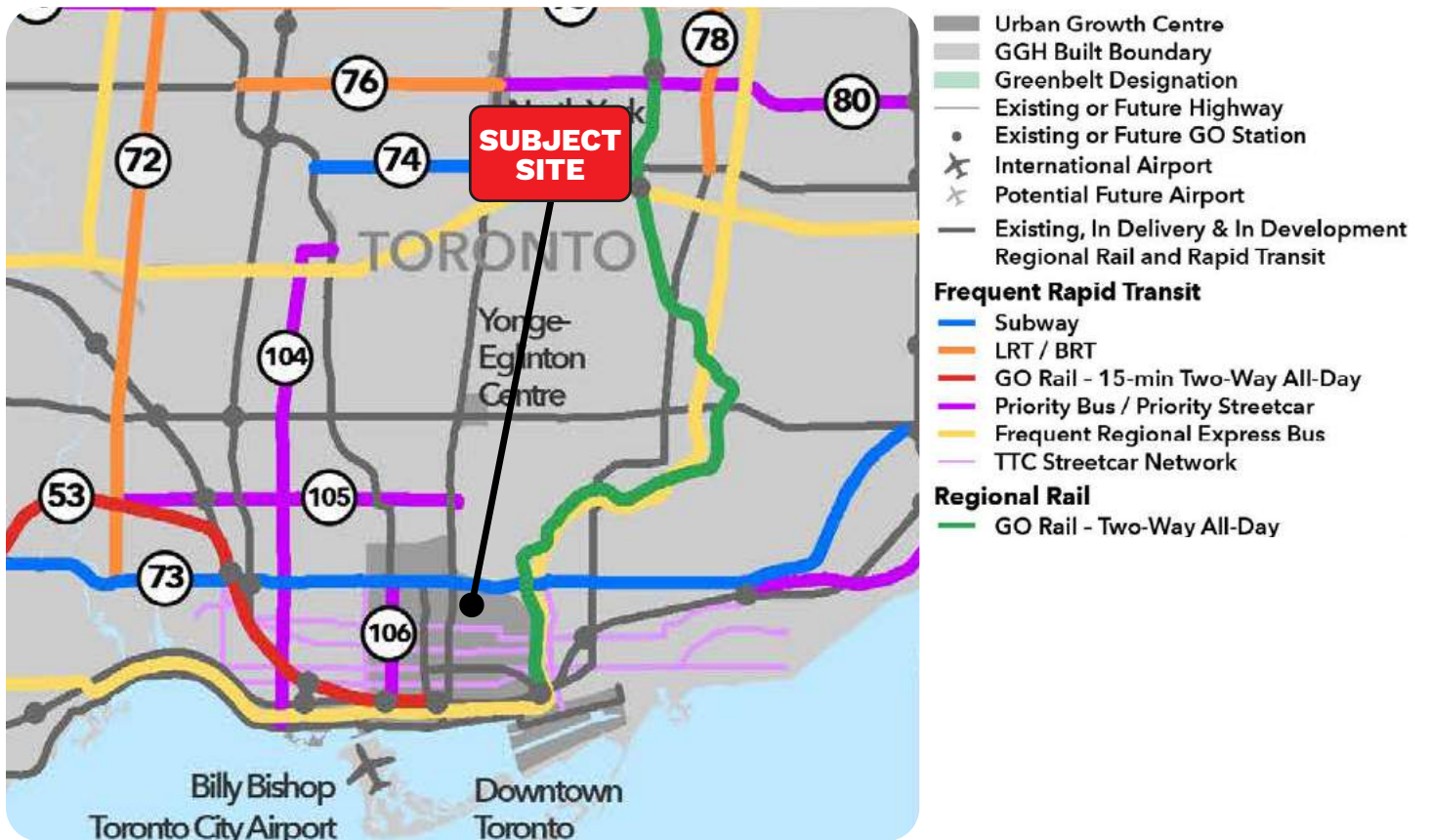


Figure 16 - 2041 Regional Transportation Plan Map 5: Frequent Rapid Transit Network

Strategy 3 seeks to optimize the transportation system by, among other things: advancing the integration of transit services and fares; expanding first- and last-mile choices at all transit stations, including improvements to pedestrian and cyclist access and facilities; and prioritizing transportation demand management (TDM) to support all new rapid transit services, transit station areas, and areas impacted by major construction and events.

Strategy 4 encourages the integration of transportation and land use and the creation of a system of connected Mobility Hubs, as introduced in the "Big Move". To achieve this, the RTP identifies several priority actions, including among others, to:

- make investment in transit projects contingent on transit-supportive planning being in place;
- focus development at major transit station areas along priority transit corridors identified in the Growth Plan;
- evaluate financial and policy-based incentives and disincentives to support transit-oriented development;
- plan and design communities, including development and redevelopment sites and public rights-of-way, to support the greatest possible shift in travel behaviour, particularly towards walking and cycling;
- develop and implement a Regional Cycling Network, creating new on- and off-road facilities that connect with high cycling potential to rapid transit stations and Urban Growth Centres, helping commuter cyclists traverse boundaries and physical barriers;
- embed transportation demand management (TDM) in land use planning and development; and
- rethink the future of parking.

The 2041 RTP recognizes that, to achieve the vision for the transportation system, investments and decisions must align with land use plans. As such, the 2041 RTP contains actions to better integrate transportation planning and land use, aiming to focus development at Mobility Hubs and "major transit station areas" along "priority transit corridors". The RTP recognizes that the close integration of transit stations with commercial, residential and office uses is an "essential" approach to station development or redevelopment. The RTP further notes that major transit station areas can be "prime opportunities for collaboration by public and private sectors to create transit-oriented developments that enhance transit service".

As part of Strategy 4, the RTP places emphasis on the creation of connected Mobility Hubs (major transit station areas at key intersection points on the frequent rapid transit network), considering them particularly significant because of their combination of existing or planned frequent rapid transit service with an elevated development potential.

The subject site forms part of the Yonge-Bloor Mobility Hub, which is served by two subway lines, Line 1 and Line 2 on Yonge Street and on Bloor Street, respectively. According to the Metrolinx Backgrounder on Mobility Hubs (2008), the Yonge-Bloor Mobility Hub is planned to service 42,000 boardings and alightings by 2031 and to have 110,000 residents and jobs within an 800 metre walking distance of the station.

The RTP states that, with the continued expansion of the region's Frequent Rapid Transit Network, Mobility Hubs present a vital opportunity to maximize the benefits of transit investments, establish a well-connected regional transit network and foster transit-oriented development through collaboration by public and private sectors. The RTP directs that the Mobility Hub Guidelines (2011) are a tool to address the existing and anticipated opportunities and challenges of integrating transportation and development functions at these important locations. The Mobility Hub Guidelines are addressed below.

Strategy 5 identifies the need to prepare for an uncertain future and address the need for all levels of government to work together to protect the public interest, while fostering innovation and partnerships that can create new or improved services. This includes, among other things: developing a regional framework for on-demand and shared mobility; co-ordinating across the region to build resilience to climate change; utilizing data to optimize infrastructure and improve services; and developing a region-wide plan for autonomous mobility.

Mobility Hub Guidelines

To assist in communicating the role and function of a mobility hub, Metrolinx prepared Mobility Hub Guidelines for the Greater Toronto and Hamilton Area (2011), to be used as a tool for all parties to address the existing and anticipated opportunities and challenges of integrating transportation and development functions at these important locations. The 2041 RTP indicates that the Mobility Hub Guidelines will be updated to reflect new provincial policy including updates to the Growth Plan. Metrolinx is currently consulting with the public via an online survey as part of the process to review and update the guidelines.

The current Mobility Hub Guidelines identify a number of zones around a mobility hub within which to consider transportation and land use decisions, including a primary zone within approximately 250 metres (a 2½-minute walk) of the station, a secondary zone within approximately 500 metres (a 5-minute walk) and a tertiary zone within 800 metres (a 10-minute walk). The subject site is approximately 660 metres from Bloor-Yonge Station, meaning it would fall within the Tertiary Zone.

The Mobility Hub Guidelines outline that the Tertiary Zone is the transition from the mobility hub to the broader area outside of the hub, and that direct and safe walking and cycling connections from this zone to the station are critical, although cycling and transit feeder services will play a larger role as walking distances increase. With respect to land use considerations for the Tertiary Zone, the guidelines state that the density and height of development should be stepped down gradually toward the periphery of the mobility hub.

The guidelines also include suggested density and mode share targets within mobility hubs. For hubs served by subways, transit-supportive densities of 250+ residents and jobs per hectare are suggested, with a suggested transit mode share of 40%.

Guideline 5.2 aims to focus and integrate increased and transit-supportive densities at and around transit stations to create a compact built form and a critical mass of activity, while ensuring appropriate transition to the surrounding community. In this regard, the guidelines state that:

“Mobility hubs... are to be planned to achieve increased residential and employment densities that support and ensure the viability of existing and planned transit service levels. Strategies to accommodate population and employment growth, by focussing intensification in the Primary and Secondary Zones, are critical in achieving higher densities in mobility than surrounding areas and an appropriate transition of built form to adjacent areas. In addition, density targets within mobility hubs should ideally exceed the policies in the Growth Plan pertaining to urban growth centres.” (Our emphasis.)

4.5 City of Toronto Official Plan

The Official Plan for the amalgamated City of Toronto was adopted on November 26, 2002 and was substantially approved by the Ontario Municipal Board on July 6, 2006. Numerous amendments to the Official Plan have subsequently been approved, including amendments arising out of the Official Plan Review initiated in 2011.

More recently, City Council adopted OPA 479, amending Section 3.1.1 (Public Realm) of the Official Plan, and OPA 480, amending Sections 3.1.2 (Built Form) and 3.1.3 (Built Form – Tall Buildings, which is to be retitled Built Form – Building Types). The OPAs were submitted to the Minister of Municipal Affairs and Housing for approval pursuant to Section 26 of the Planning Act and were approved on September 11, 2020. OPA 479 was approved by the Province without modification while OPA 480 was approved by the Province with one modification. The policy amendments, as introduced in OPAs 479 and 480 have been reflected below.

Policy 5.6(1) provides that the Plan should be read as a whole “to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making”. Policy 5.6(1.1), introduced by Official Plan Amendment No. 199, provides that the Plan is more than a set of individual policies and that “all appropriate policies are to be considered in each situation”, the goal being to “appropriately balance and reconcile a range of diverse objectives affecting land use planning in the City”.

Growth Management Policies

Chapter 2 (Shaping the City) outlines the City's growth management strategy. It recognizes that:

“Toronto’s future is one of growth, of rebuilding, of reurbanizing and of regenerating the City within an existing urban structure that is not easy to change. Population growth is needed to support economic growth and social development within the City and to contribute to a better future for the Greater Toronto Area (GTA). A healthier Toronto will grow from a successful strategy to attract more residents and more jobs to the City.”

To that end, Policy 2.1(3) provides that Toronto is forecast to accommodate 3.19 million residents and 1.66 million jobs by the year 2031. The marginal note regarding Toronto's growth prospects makes it clear that these figures are neither targets nor maximums; they are minimums:

“The Greater Toronto Area ... is forecast to grow by 2.7 million residents and 1.8 million jobs by the year 2031. The forecast allocates to Toronto 20 percent of the increase in population (537,000 additional residents) and 30 percent of the employment growth (544,000 additional jobs) ... This Plan takes the current GTA forecast as a minimum expectation, especially in terms of population growth. The policy framework found here prepares the City to realize this growth, or even more, depending on the success of this Plan in creating dynamic transit oriented mixed use centres and corridors.” (Our emphasis.)

Policy 2.1(1) provides that Toronto will work with neighbouring municipalities, the Province of Ontario and Metrolinx to address mutual challenges and to implement the Provincial framework for dealing with growth across the GTA which, among other things, focuses urban growth into a pattern of compact centres, mobility hubs, and corridors connected by a regional transportation system, featuring fast, frequent, direct, inter-regional transit service with integrated services and fares.

A non-policy sidebar in Section 2.2 outlines the role of Mobility Hubs in land use planning, stating:

“The Mobility Hub system is designed to reinforce the land use/transportation policies of the Province’s Growth Plan for the Greater Golden Horseshoe, particularly in terms of focusing development growth around major transit station areas.”

The growth management policies of the Official Plan direct growth to identified areas on Map 2, which include Centres, Avenues, Employment Areas and the Downtown and Central Waterfront, where transit services and other infrastructure are available. As illustrated on Map 2, the subject site is located within the *Downtown and Central Waterfront* (see **Figure 17**, Urban Structure – Map 2).

In Chapter 2, one of the key policy directions is Integrating land use and transportation (Section 2.2), based on the recognition that the integration of transportation and land use planning is critical to achieving the overall aim of increasing accessibility throughout the City. As amended by OPA 456, approved on June 9, 2021, the Plan states that:

“... future growth within Toronto will be steered to areas which are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Generally, the growth areas are locations where good transit capacity can be provided along frequent bus and streetcar routes and at higher-order transit stations. Areas that can best accommodate this growth are shown on Map 2: Downtown, including the Central Waterfront, the Centres, the Avenues and the Employment Areas. A vibrant mix of residential and employment growth is seen for the Downtown and the Centres...” (Our emphasis.)

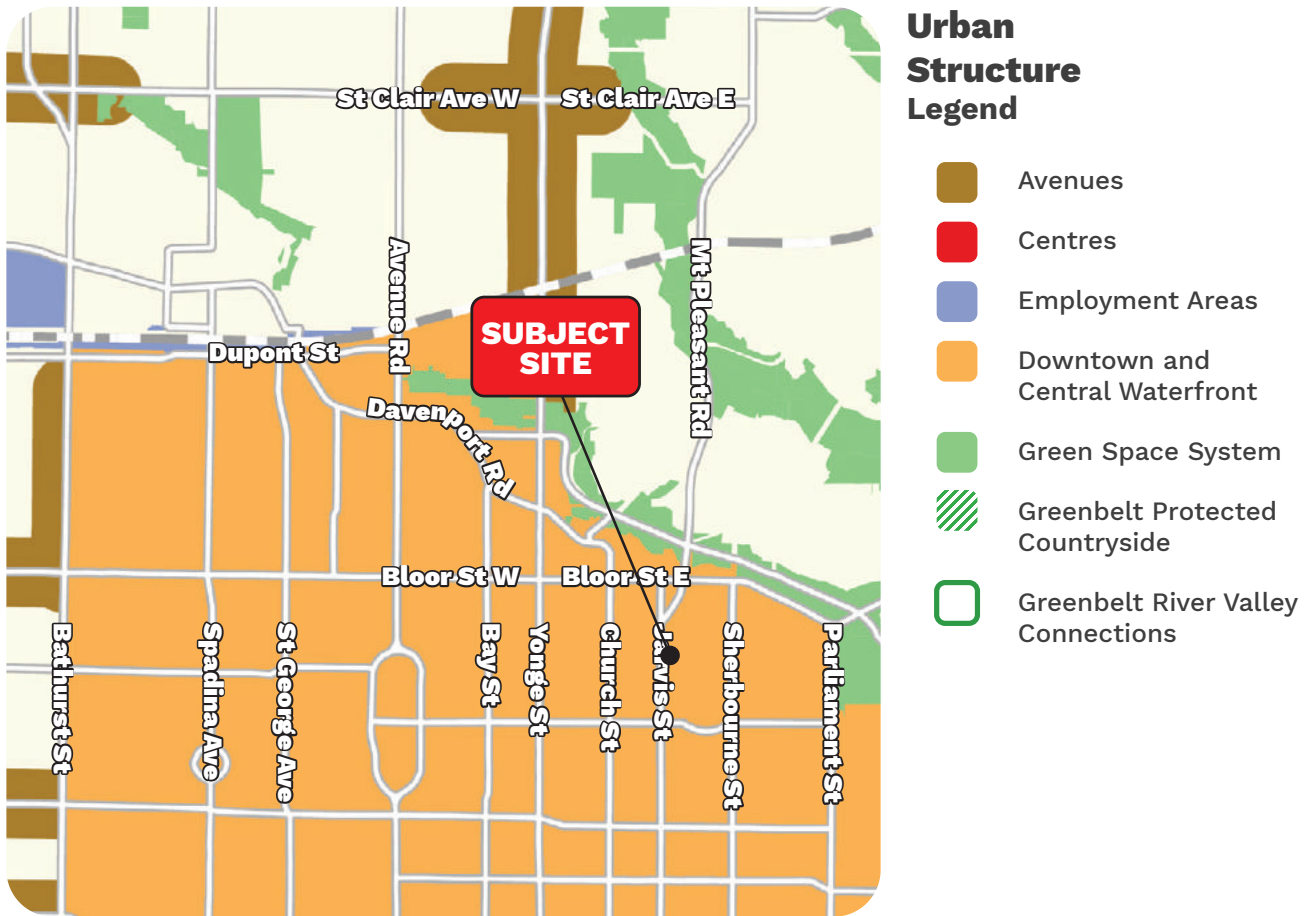


Figure 17 - Toronto Official Plan Map 2 - Urban Structure

Policy 2.2(2) provides that "growth will be directed to the Centres, Avenues, Employment Areas and the Downtown as shown on Map 2" and sets out series of objectives that can be met by this strategy, including:

- using municipal land, infrastructure and services efficiently;
- concentrating jobs and people in areas well served by surface transit and higher-order transit stations;
- promoting mixed use development to increase opportunities for living close to work and to encourage walking and cycling for local trips;
- offering opportunities for people of all means to be affordably housed;
- facilitating social interaction, public safety and cultural and economic activity;
- improving air quality and energy efficiency and reducing greenhouse gas emissions; and
- protecting neighbourhoods and green spaces from the effects of nearby development.

Under Section 2.2.1 ("Downtown: The Heart of Toronto"), the Plan recognizes that *Downtown*, with its recognizable skyline, is Toronto's image to the world and to itself. It is the oldest, most dense and most complex part of the urban landscape, with a rich variety of building forms and activities.

Policy 2.2.1(1) provides that the Downtown Toronto Urban Growth Centre will be planned to "optimize the public investment in higher order transit within the Centre" and thus should exceed the minimum combined gross density target of 400 residents and jobs per hectare set out in the Growth Plan (our emphasis).

The Plan also notes that mixed use is a key ingredient to the successful functioning of *Downtown* that creates "accessibility through proximity" and that every home built within the Downtown offsets the need for in-bound commuting each day. Policy 2.2.1(2) provides that "*Downtown* will continue to be shaped as the largest economic node in the city and the region" by accommodating development that "provides a full range of housing opportunities for *Downtown* workers and reduces the demand for in-bound commuting".

The Plan states that *Downtown* is seen as an attractive place to live and that new housing in the *Downtown* makes an important contribution to the economic health of the City. Policy 2.2.1(4) provides that the quality of the *Downtown* will be improved by, among other matters: supporting the development of complete communities; developing buildings that are shaped, scaled and designed to enhance liveability; and providing a diverse range and mix of housing options, including affordable housing, to accommodate the needs of all household sizes.

Policy 2.2.1(5) provides that the architectural and cultural heritage of *Downtown* will be preserved by designating buildings, districts and open spaces with heritage significance and by working with owners to restore and maintain historic buildings. Policy 2.2.1(6) states that design guidelines specific to districts of historic or distinct character will be developed and applied to ensure new development respects the context of such districts in terms of the development’s fit with existing streets, setbacks, heights and relationship to landmark buildings.

Section 2.4 “Bringing the City Together: A Progressive Agenda of Transportation Change” notes that:

“The transportation policies, maps and schedules of the Plan make provision for the protection and development of the City’s road, rapid transit and inter-regional rail networks. The Plan provides complementary policies to make more efficient use of this infrastructure and to increase opportunities for walking, cycling, and transit use and support the goal of reducing car dependency throughout the city... Reducing car dependency means being creative and flexible about how we manage urban growth. We have to plan in ‘next generation’ terms to make walking, cycling, and transit increasingly attractive alternatives to using the car and to move towards a more sustainable transportation system.”

In this regard, Map 4 (Higher Order Transit Corridors) and Map 5 (Enhanced Surface Transit Network) identify existing “TTC Subway and LRT Lines” along Bloor Street East (TTC Subway Line 2) and Yonge Street (TTC Subway Line 1) (see **Figures 18** and **19** Higher Order Transit Corridor and Surface Transit Priority Network).

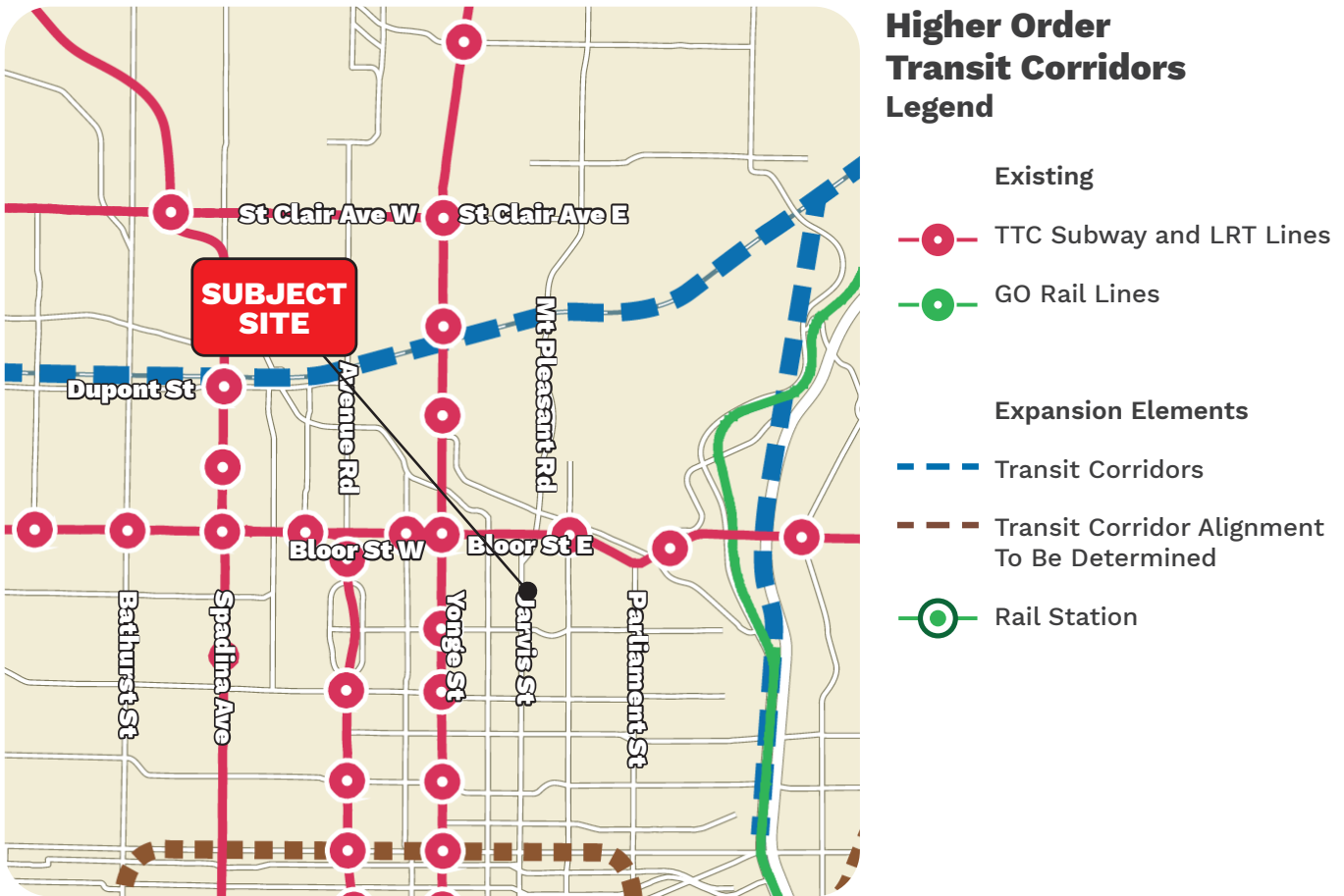
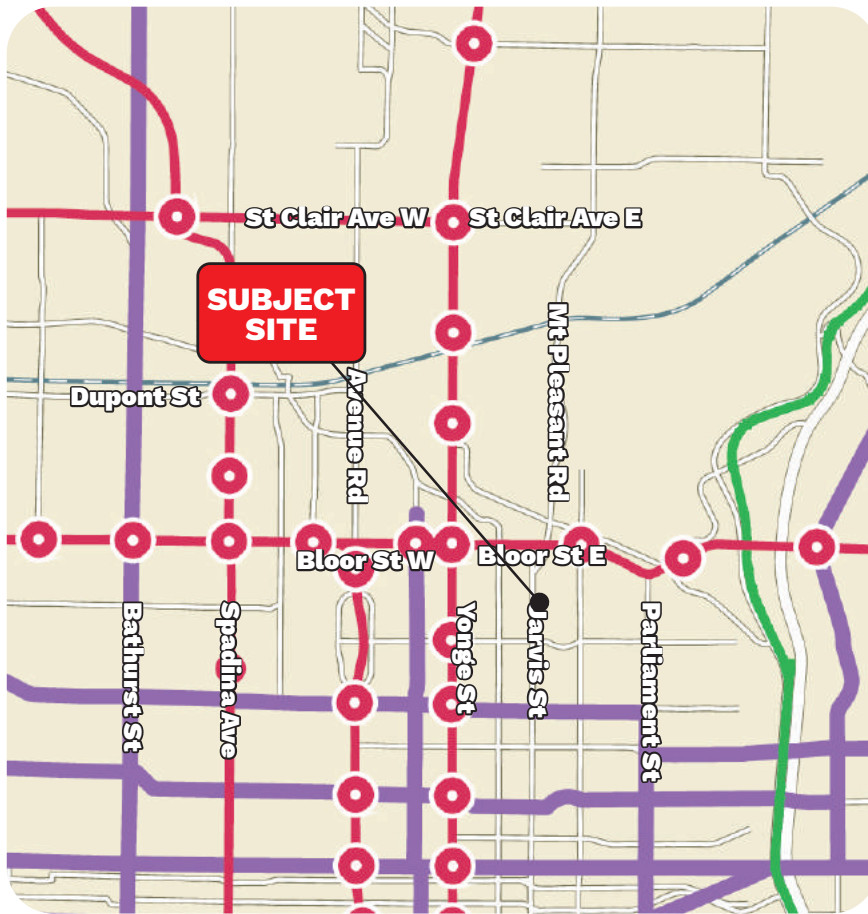


Figure 18 - Toronto Official Plan Map 4 - Higher Order Transit Network



Enhanced Surface Transit Network Legend

- Existing**
- TTC Subway and LRT Lines
- GO Rail Lines
- Expansion Elements**
- Transit Priority Segments

Figure 19 - Toronto Official Plan Map 5 - Enhanced Surface Transit Network

Following therefrom, Policy 2.4(4) states as follows:

“In targeted growth areas, planning for new development will be undertaken in the context of reducing auto dependency and the transportation demands and impacts of such new development assessed in terms of the broader social and environmental objectives of the Plan’s reurbanization strategy.”

Following therefrom, Policy 2.4(4) directs that planning for new development in targeted growth areas be undertaken in the context of reducing auto dependency and provides that the transportation demands and impacts of such new development will be assessed in terms of the broader social and environmental objective of the Plan’s reurbanization strategy. Policy 2.4(7) further provides that, for sites in areas that are

well serviced by transit including locations around rapid transit stations and along major transit routes, consideration will be given to establishing minimum density requirements (in addition to maximum density limits) and establishing minimum and maximum parking requirements.

Furthermore, Policy 2.4(9)(a) directs that better use will be made of off-street parking by “encouraging the shared use of parking and developing parking standards for mixed use developments which reflect the potential for shared parking among uses that have different peaking characteristics”.

Land Use Designation Policies

The subject site is currently designated *Neighbourhoods* on the Land Use Plan (Map 18). As described below, an Official Plan Amendment is being sought to redesignate the subject site from *Neighbourhoods* to *Mixed Use Areas*. As discussed in greater detail in Section 5.2 of this report, it is our opinion that the proposed redesignation will optimize the opportunity to intensify an underutilized site to support the achievement of a complete community. The section below describes the surrounding land use designations and the applicable policies of both the existing *Neighbourhoods* designation and the proposed *Mixed Use Areas* designation.

The lands surrounding the subject site, within the block bound by Earl Place, Jarvis Street, Huntley Street and Isabella Street, are also designated *Neighbourhoods*. Lands on the west side of Jarvis Street, opposite the subject site, are designated *Apartment Neighbourhoods* whereas properties further north on Jarvis Street, towards Bloor Street are designated *Mixed Use Areas*.

The Healthy Neighbourhoods policies in Section 2.3.1 provide that, by focusing most new residential development in the *Downtown*, the *Centres*, along the *Avenues*, and in other strategic locations, the shape and feel of neighbourhoods can be preserved. However, the explanatory text states that these neighbourhoods will not stay frozen in time and that some physical change will occur over time as “enhancements, additions and infill housing occurs on individual sites”. Policy 2.3.1(1) states that *Neighbourhoods* are considered to be physically stable areas and that developments within *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns.

Policy 4.1(1) states that *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys, as well as parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses.

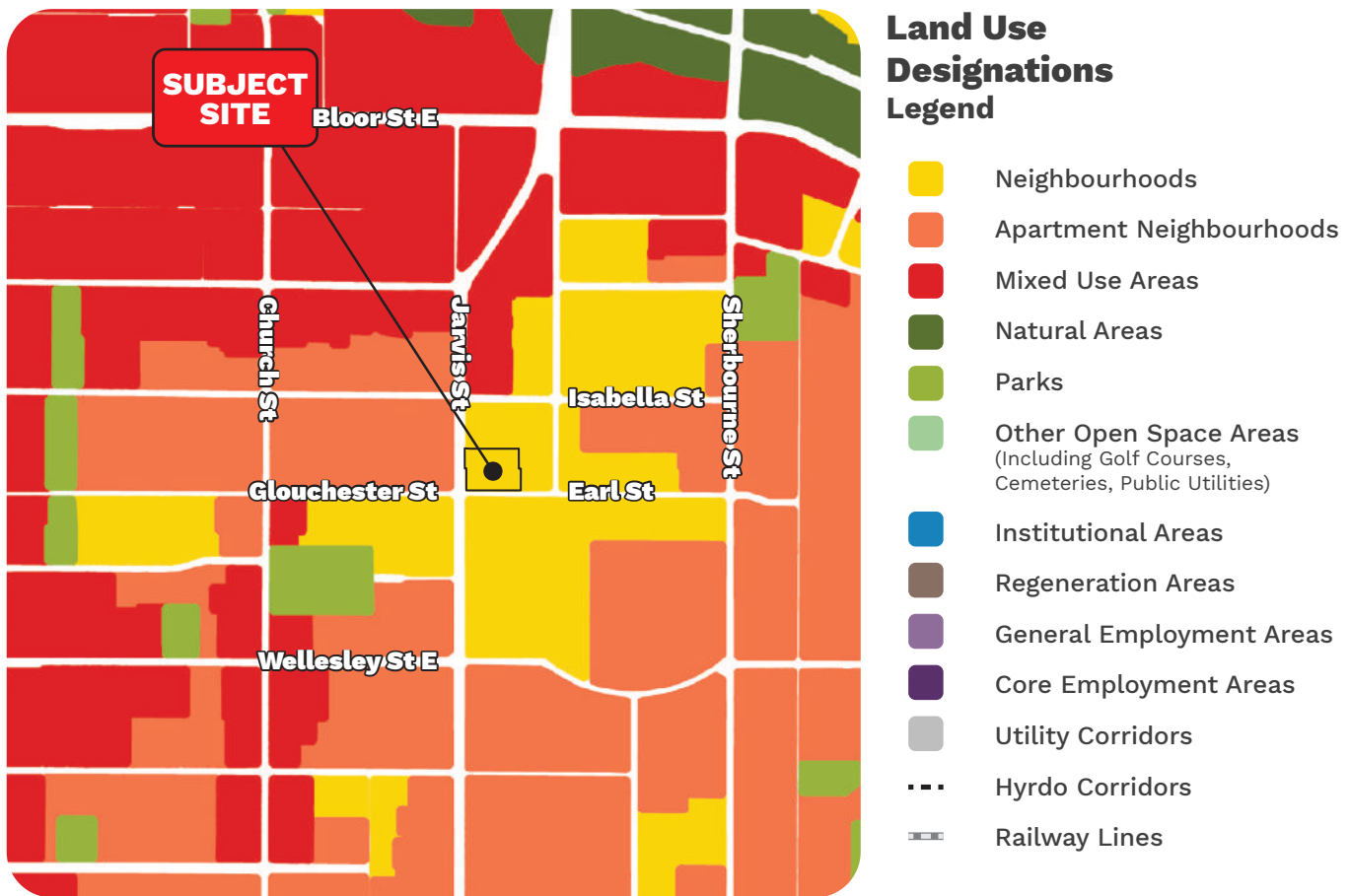


Figure 20 - Toronto Official Plan Map 18 - Land Use Map

Policy 4.1(5) states that development within established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including the following elements:

- patterns of streets, blocks and lanes, parks and public building sites;
- prevailing size and configuration of lots;
- prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- prevailing building type(s);
- prevailing location, design and elevations relative to the grade of driveways and garages;
- prevailing setbacks of buildings from the street or streets;
- prevailing setbacks of buildings from the street or streets;
- prevailing patterns of rear and side yard setbacks and landscaped open space;
- continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and
- conservation of heritage buildings, structures and landscapes.

The proposed *Mixed Use Areas* designation permits a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. The introductory text in Section 4.5 states that the intent of the designation is to achieve a multitude of planning objectives by combining a broad array of residential uses, offices, retail and services, institutions, entertainment, recreational, and cultural activities, and parks and open spaces. In particular, the intent is that:

“Torontonians will be able to live, work, and shop in the same area, or even the same building, giving people an opportunity to depend less on their cars, and create districts along transit routes that are animated, attractive and safe at all hours of the day and night.”

Policy 4.5(2) sets out a number of criteria for development within *Mixed Use Areas*, including:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- providing for new jobs and homes for Toronto’s growing population on underutilized lands in the *Downtown and Central Waterfront* and other lands designated *Mixed Use Areas*;

- locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locating and massing new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locating and massing new buildings to frame the edges of streets and parks with good proportion and maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- providing an attractive, comfortable and safe pedestrian environment;
- taking advantage of nearby transit services;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- providing indoor and outdoor recreation space for building residents.

Given the proximity to lands designated *Neighbourhoods* south of Linden Street, Policy 2.3.1(3) is relevant. It provides that developments within *Mixed Use Areas* adjacent to *Neighbourhoods* will:

- be compatible with those *Neighbourhoods*;
- provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan, through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- maintain adequate light and privacy for residents in those *Neighbourhoods*;
- orient and screen lighting and amenity areas so as to minimize impacts upon adjacent land in those *Neighbourhoods*;
- locate and screen service areas, any surface parking and access to underground and structured parking so as to minimize impacts on adjacent lands in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual, noise and odour impacts upon adjacent land in those *Neighbourhoods*; and
- attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Policy 2.3.1(4) provides that intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact. Where significant intensification of land adjacent to a *Neighbourhood* or *Apartment Neighbourhood* is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, area specific zoning by-law or area specific policy will be created in consultation with the local community following an *Avenue Study*, or area based study.

As well, given that the proposal involves an Official Plan Amendment, Policy 5.3.1(3) is relevant. It states that amendments to the Official Plan that are not consistent with its intent will be discouraged, and that Council must be satisfied that any development permitted under an Official Plan Amendment is compatible with its physical context and will not affect nearby *Neighbourhoods* or *Apartment Neighbourhoods* in "a manner contrary to the neighbourhood protection policies of this Plan". To that end, the policy states that, when considering a site specific amendment to the Official Plan, consideration shall be given as to whether the application should be evaluated within the immediate planning context or whether a broader review and possible area specific policy or general policy change are required.

The foregoing policy is addressed in Section 5.2 of this report.

Public Realm Policies

The Official Plan contains policies that emphasize the public realm as the fundamental organizing element of the city and its neighbourhoods, acknowledging its important role in supporting population and employment growth, health, liveability, social equity and overall quality of life. The public realm is a key shared asset that draws people together and creates strong social bonds at the neighbourhood, city and regional level.

Section 3.1.1 sets out policies applying to the public realm, including streets, parks, open spaces and public buildings. Policy 3.1.1(1) states that the public realm is comprised of all public and private spaces to which the public has access.

Policy 3.1.1(2) states that the public realm will, among other things, provide the organizing framework and setting for development; foster complete, well-connected walkable communities and employment areas that meet the daily needs of people and support a mix of activities; support active transportation and

public transit use; provide a comfortable, attractive and vibrant, safe and accessible setting for civic life and daily social interaction; contribute to the identify and physical character of the City and its neighbourhoods; provide opportunities for passive and active recreation; and be functional and fit within a larger network. Policy 3.1.1(3) provides that the City will seek opportunities to expand and enhance the public realm in order to support the needs of existing and future populations.

Policy 3.1.1(6) recognizes that City streets are significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities. New and existing City streets will incorporate a "Complete Streets" approach by balancing the needs, priorities and safety of all users and uses within the right-of-way, including pedestrians, cyclists and motorists, together with ensuring space for street furniture and green infrastructure; improving the quality and convenience of active transportation options; and serving as community destinations and public gathering places.

Policy 3.1.1(10) states that lanes provide an important function as off-street access for vehicles, parking and servicing. As part of the public realm, lanes will be public and opportunities for lane enhancements should be identified as part of the development approval process. Where appropriate, lanes should be designed with consideration for safe, accessible and comfortable pedestrian and cyclist movement.

Policy 3.1.1(13) states that the design of sidewalks and boulevards will provide safe, attractive, interesting and comfortable spaces for users of all ages and abilities through:

- the provision of well-designed and co-ordinated tree planting, landscaping, amenity spaces, setbacks, green infrastructure, pedestrian-scale lighting, street furnishings and decorative paving;
- the location and design of utilities within streets, within buildings or underground, in a manner that will minimize negative impacts on the natural pedestrian and visual environment and enable the planting and growth of trees to maturity; and
- the provision of unobstructed, direct and continuous paths of travel in all seasons with an appropriate width to serve existing and anticipated pedestrian volumes.

Policy 3.1.1(16) states that the preservation, long-term growth and increase in the amount of healthy trees will be a priority of all development.

Built Form Policies

The Official Plan recognizes the importance of good urban design, not just as an aesthetic overlay, but also as an essential ingredient of city-building. It demands high quality architecture, landscape architecture and urban design, both within the public realm and within the privately developed built form. The Plan recognizes that, as intensification occurs in the *Downtown* and elsewhere throughout the City, there is an extraordinary opportunity to build the next generation of development that will fit into, reinforce and strengthen the many diverse contexts and character areas of Toronto, enhancing liveability and quality of life for existing and new residents, workers and visitors.

Section 3.1.2 sets out principles that speak to the relationship between the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the design of built form and ensure each new building will promote and achieve the overall objectives of the Plan.

Policy 3.1.2(1) provides that development will be located and organized to fit with its existing and planned context and to frame and support adjacent streets, lanes, parks and open spaces. Relevant criteria include:

- generally locating buildings parallel to the street with consistent front yard setbacks;
- locating main building entrances on the prominent building facades so that they front onto a public street, park or open space, and are visible and directly accessible from a public street;
- providing ground floor uses, clear windows and entrances that allow views from, and where possible, access to, adjacent streets, parks and open spaces; and
- providing comfortable wind conditions and air circulation at the street and adjacent open space to preserve the utility and intended use of the public realm, including sitting and standing.

Policy 3.1.2(2) directs that development will provide accessible open space, where appropriate. On blocks that have access to direct sunlight and daylight, development will prioritize the provision of accessible open space in those locations.

Policy 3.1.2(3) directs that development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

Policy 3.1.2(4) requires development to locate and organize vehicle parking, vehicular access and ramps, loading, servicing, storage areas and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding properties by, among other things:

- using shared service areas where possible within development blocks including public lanes, shared private driveways and service courts;
- consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;
- integrating services and utility functions within buildings where appropriate;
- providing underground parking, where appropriate; and
- limiting new surface parking and vehicular access between the front face of a building and the public street or sidewalk.

Policy 3.1.2(5) directs that development will be located and massed to fit within the existing and planned context, define and frame the edge of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by: providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context; and stepping back building mass and reducing building footprints above the streetwall height.

Policy 3.1.2(6) requires development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm. In this regard, Policy 3.1.2(7) states that transition in scale will be provided within the development site and measured from shared and adjacent property lines.

Policy 3.1.2(8) provides that, where development includes, or is adjacent to, a park or open space, the building(s) should be designed to provide good transition in scale to the parks or open spaces to provide access to direct sunlight and daylight.

Policy 3.1.2(9) directs that the design of new building facades visible from the public realm will consider the scale, proportion, materiality and rhythm of the facade to:

- ensure fit with adjacent building facades;
- contribute to a pedestrian scale by providing a high quality of design on building floors adjacent to and visible from the public realm;
- break up long facades in a manner that respects and reinforces the existing and planned context; and
- ensure grade relationships that provide direct access and views into and from the public realm.

Policy 3.1.2(10) requires that development will promote civic life and provide amenity for pedestrians in the public realm to make areas adjacent to streets, parks and open spaces attractive, interesting, comfortable and functional by providing:

- improvements to adjacent boulevards and sidewalks including sustainable design elements, which may include landscaping, permeable paving materials and street furniture;
- co-ordinated landscape improvements in setbacks to enhance local character, fit with public streetscapes, and provide attractive, safe transitions between the private and public realms;
- weather protection such as canopies and awnings; and
- landscaped open space within the development site.

Policy 3.1.2(11) encourages new indoor and outdoor shared amenity spaces provided as part of multi-unit residential developments to be high quality, well designed, and consider the needs of residents of all ages and abilities over time and throughout the year. Policy 3.1.2(13) provides that outdoor amenity spaces should:

- be located at or above grade; have access to daylight and access to direct sunlight, where possible;
- provide comfortable wind, shadow and noise conditions;
- be located away from and physically separated from loading and servicing areas;
- have generous and well-designed landscaped areas to offer privacy and an attractive interface with the public realm;
- accommodate existing and mature tree growth; and
- promote use in all seasons.

Section 3.1.3 of the Official Plan recognizes that Toronto is a complex city built over many decades with a diversity of uses, block, lot and building type patterns. The Official Plan further notes that three scales of building types – Townhouse and Low-Rise Apartments, Mid-Rise, and Tall – for residential, office and mixed-use intensification have emerged in the recent period of development.

The Official Plan states that tall buildings are the most intensive form of growth and come with both opportunities and challenges. When the quality of architecture and site design is emphasized, tall buildings can become important city landmarks, help to make the city's structure visible, and contribute positively to the skyline. Tall buildings play a role in achieving residential and office growth ambitions across the city. Tall buildings should only be considered where they can fit into the existing or planned context, and where the site's size, configuration and context allow for the appropriate design criteria to be met.

Policy 3.1.3(8) adds that tall buildings should typically be designed to consist of three parts – a base, a tower and a top – carefully integrated into a single whole. For the base portion, Policy 3.1.3(9) provides that it should respect and reinforce good street proportion and pedestrian scale, and be lined with active, grade-related uses.

For the tower portion, Policy 3.1.3(10) directs that it should be designed to:

- reduce the physical and visual impacts of the tower onto the public realm;
- limit shadow impacts on the public realm and surrounding properties;
- maximize access to sunlight and open views of the sky from the public realm;
- limit and mitigate pedestrian level wind impacts; and
- provide access to daylight and protect privacy in interior spaces within the tower.

Policy 3.1.3(11) indicates that the objectives in Policy 3.1.3(10) should be achieved by:

- stepping back the tower from the base building;
- generally aligning the tower with, and parallel to, the street;
- limiting and shaping the size of tower floor plates above base buildings;
- providing appropriate separation distances from side and rear lot lines as well as other towers; and
- locating and shaping balconies to limit shadow impacts.

Policy 3.13(12) directs that the top portion of a tall building should be designed to: integrate roof top mechanical systems into the building design; contribute to the surrounding skyline identity and character; and avoid up-lighting and excessive lighting.

Heritage Policies

Heritage conservation policies are included in Section 3.1.5 of the Official Plan. The Plan recognizes that the protection, wise use and management of Toronto's cultural heritage will integrate the significant achievements of our people, their history, our landmarks and our neighbourhoods into a shared sense of place and belonging for its inhabitants.

Policy 3.1.5(3) states that heritage properties of cultural value or interest will be protected by being designated under the *Ontario Heritage Act* and/or included on the Heritage Register. Policy 3.1.5(5) provides that proposed development on or adjacent to a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained. Where a Heritage Impact Assessment is required in Schedule 3 of the Official Plan, it will describe and assess the potential impacts and mitigation strategies for the proposed alteration, development or public work.

In this respect, "adjacent" is defined as "those lands adjoining a property on the Heritage Register or lands that are directly across from and near to a property on the Heritage Register and separated by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, green space, park and/or easement, or an intersection of any of these; whose location has the potential to have an impact on a property on the heritage register; or as otherwise defined in a Heritage Conservation District Plan adopted by by-law". In this regard, the subject site is adjacent to a designated heritage property at 571 Jarvis Street, as well as listed properties at 119 Isabella Street, 2 Huntley Street and 125-135 Earl Place.

Policy 3.1.5(22) states that a Heritage Impact Assessment (HIA) will address all applicable heritage conservation policies of the Official Plan and will demonstrate conservation options and mitigation measures consistent with those policies. Policy 3.1.5(23) requires that an HIA evaluate the impact of a proposed alteration to a property on the Heritage Register, and/or to properties "adjacent" to a property on the Heritage Register.

Policy 3.1.5(24) provides that an HIA will be required for the proposed demolition of a property on the Heritage Register. Where demolition of a property adjacent to a property on the Heritage Register is proposed, the City may require a study on the implications of the demolition on the structural integrity of the property on the Heritage Register. Policy 3.1.5(26) requires that new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it.

Policy 3.1.5(27) provides that, where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of facades alone is discouraged.

In response to the foregoing policies, a Heritage Impact Assessment ("HIA") has been prepared by Goldsmith Borgal & Company Ltd. Architects (GBCA) in support of the proposed development.

Housing Policies

The Plan's housing policies support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods, to meet the current and future needs of residents (Policy 3.2.1(1)). A full range of housing includes:

"... ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, shared and/or congregate-living housing arrangements, supportive housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock."

Policy 3.2.1(2) provides that new housing supply will be encouraged through intensification and infill that is consistent with the Plan. In addition, Policy 3.2.1(3) provides that investment in new rental housing, particularly affordable rental housing, will be encouraged by all levels of government.

Policy 3.2.1(6) provides that new development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless: either all of the rental housing units have rents that exceed mid-range rents at the time of application; or in Council's opinion, the supply and

availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents; or the required planning approvals secure the following:

- at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship.

In addition, through Official Plan Amendment No. 453 (OPA 453), the City has proposed policies to address the loss of dwelling rooms. OPA 453 was adopted by the City on June 19, 2019; however, it has been appealed to the Ontario Land Tribunal and is not in force.

OPA 453 would introduce two new policies as part of Section 3.2.1. As adopted, Policy 3.2.1(11) would provide that new development in areas where dwelling rooms, such as those in rooming houses, are permitted that would have the effect of removing all or part of a private building or related group of buildings, and would result in the loss of six or more dwelling rooms will not be approved unless certain conditions are met, including:

- at least the same amount of residential gross floor area is replaced and maintained as dwelling rooms or rental bachelor units;
- any available replacement housing not occupied by returning tenants will be offered to eligible households, as approved by Council;
- for a period of at least 15 years, the rents for replacement dwelling rooms and replacement rental bachelor units will be similar to the dwelling room rents in effect at the time the development application is made; and
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy the replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship.

In addition, proposed Policy 3.2.1(12) provides that new development that would have the effect of removing all or part of a private building or related group of buildings, and would result in the loss of one or more rental

units or dwelling rooms will not be approved unless an acceptable tenant relocation and assistance plan is provided to lessen hardship for existing tenants.

The applicable housing policies are addressed in the Housing Issues Report (see Section 5.4 below).

Parks and Open Space Policies

Section 3.2.3 provides policies for the preservation and creation of parks and open spaces within the City of Toronto. Policy 3.2.3(3) states that The effects of development from adjacent properties, including additional shadows, noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility.

Policy 3.2.3(4) provides that all development will be subject to the dedication of 5 per cent of lands for parks purposes for residential development and 2 per cent for all other uses unless the alternative parkland dedication rate applies. The alternative parkland dedication rate is outlined in Policy 3.2.3(5).

Policy 3.2.3(6) states that the specific combination of land and/or cash-in-lieu of land will be determined by the City as part of the consideration of each specific proposal. In areas of low parkland provision (of which the subject site falls within), priority will be given to the creation or improvement of parkland that, wherever possible, is located in or accessible to the park planning area in which the development providing the required parkland contribution is located.

Policy 3.2.3(7) provides that where on-site parkland dedication is not feasible, an off-site parkland dedication that is accessible to the area where the development site is located may be substituted for an on-site dedication, provided that the off-site dedication is a good physical substitute for any on-site dedication; the value of the off-site dedication is equal to the value of the on-site dedication that would otherwise be required; and both the City and the applicant agree to the substitution.

Implementation Policies

Policy 5.3.2(1) provides that implementation plans, strategies and guidelines, while they express Council policy, are not part of the Plan unless the Plan has been specifically amended to include them and do not have the status of the policies of the Official Plan adopted under the Planning Act. This policy is relevant with respect to the interpretation and application of the guidelines addressed in Sections 4.11 to 4.13 below.

4.6 Downtown Secondary Plan

On July 27, 2018, the City of Toronto Council enacted By-law 1111-2018, adopting Official Plan Amendment 406 (OPA 406), which includes a new Downtown Secondary Plan (the "Downtown Plan") and associated amendments to Section 2.2.1 and Map 6 of the Official Plan. The City subsequently submitted OPA 406 to the Minister of Municipal Affairs and Housing for approval under Section 26 of the Planning Act. On June 5, 2019, the Minister issued a decision with respect to OPA 406, which included a number of significant modifications to the Downtown Secondary Plan and brought it into full force and effect. The relevant policies are identified below.

Complete Communities

Section 3 of the Downtown Plan outlines the goals for development within the Downtown area to create complete communities. Policy 3.1 states that walkable access to a complete range of amenities, services and infrastructure is encouraged to support complete communities, as provided for by this Plan. Policy 3.3 directs that new buildings will fit within their existing and planned context, conserve heritage attributes, expand and improve the public realm, create a comfortable microclimate, provide compatibility between differing scales of development and include indoor and outdoor amenities for both residents and workers.

Growth Management

Section 4.1 encourages growth within the *Downtown*, in particular on lands designated *Mixed Use Areas 2*, as well as lands designated *Mixed Use Areas 1*, *Mixed Use Areas 3*, *Regeneration Areas* and *Institutional Areas*. Furthermore, the highest density of development within the *Downtown* is to be directed to *Mixed Use Areas* in proximity to existing or planned transit stations. Other areas of *Downtown* will have more modest levels of growth, in keeping with the applicable policies.

Section 3 outlines the goals for development within the Downtown area to create complete communities. Policy 3.3 directs that new buildings will fit within their existing and planned context, conserve heritage attributes, expand and improve the public realm, create a comfortable microclimate, provide compatibility between differing scales of development and include indoor and outdoor amenities for both residents and workers.

Policy 3.5 states that the *Downtown* will be inclusive and affordable, with a range of housing that meets the requirements of a diverse population with varied needs, including accessible and supportive services for vulnerable populations, as provided for by this Plan.

Section 5 of the Downtown Plan includes policies that relate to linking growth and infrastructure, with the goal of achieving complete communities. Policy 5.1 states that development will support and contribute to the achievement of complete communities by providing for growth and through the provision of development charges under the *Development Charges Act, 1997* and/or as a community benefit under Section 37 of the *Planning Act*, as may be applicable.

Land Use

The subject site does not have a land use designation in the Downtown Secondary Plan. The land use designations on Map 41-3 apply only to lands designated *Mixed Use Areas* (i.e., *Mixed Use Areas 1*, *Mixed Use Areas 2*, *Mixed Use Areas 3* and *Mixed Use Areas 4*.)

For lands designated *Neighbourhoods* in the Official Plan, such as the subject site, Section 1.7 of the Secondary Plan states that the provisions of the Official Plan, which set out the policies applicable to *Neighbourhoods*, and development criteria within *Neighbourhoods*, will continue to apply to *Neighbourhoods* in the *Downtown* unless such policies are in conflict with an applicable Secondary Plan or Site and Area Specific Policy.

The introductory text states that *Mixed Use Areas* will:

"... absorb most of the anticipated increase in office, retail and service employment, as well as the majority of new housing Downtown over the coming decades. As the intensity of development on small, infill sites increases and buildings get taller, more specific land use policies for the Mixed Use Areas will ensure that new development occurs in a manner that fits with the existing and planned context. Areas and sites designated as Mixed Use Areas have varied characteristics and constraints, and thus, the specific scale and intensity of development will vary based on the local context... Large scale and/or tall buildings will be appropriate within specific areas Downtown and the permitted height, massing, scale and intensity of development will be informed by the local existing and planned context, including the location of existing and planned rapid transit stations."
(Our emphasis.)

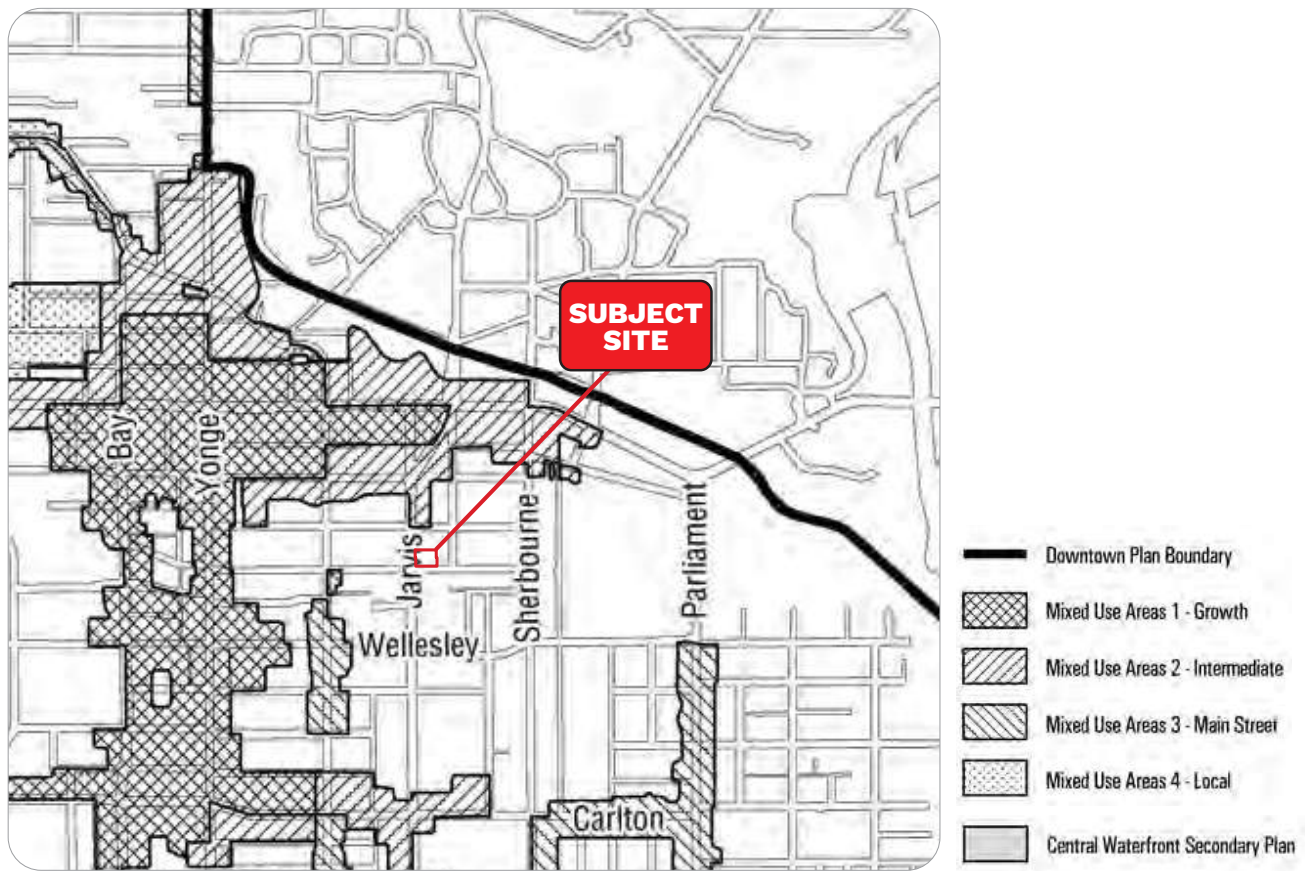


Figure 21 - Downtown Plan Map 41-3, Mixed Use Areas

Policy 6.18 provides that a wide range of commercial, residential and institutional land uses, and parks and open spaces, are permitted in the *Mixed Use Areas*. It goes on to say that the diverse mix of permitted uses within *Downtown Mixed Use Areas* will meet people’s needs for daily living and working (Policy 6.18.1), enable live-work proximities such that people can walk and cycle to their destinations, reducing the need for longer trips (Policy 6.18.2), and provide an urban form that will optimize infrastructure, particularly within 500-800 metres of existing or planned rapid transit stations (Policy 6.18.3).

Policy 6.19 provides that *Mixed Use Areas* will contain development of varying scales and intensities, based on the existing and planned context. Policy 6.20 provides that building heights, massing and scale of development will be compatible between each of the four *Mixed Use Areas*, with the most intense development located in *Mixed Use Areas 1* generally lessening through *Mixed Use Areas 2* and *Mixed Use Areas 3* to *Mixed Use Areas 4*.

Policy 6.22 provides that not all sites can accommodate the maximum scale of development anticipated in each of the *Mixed Use Areas* while also supporting the liveability of the development and the neighbourhood, while other sites may be able to accommodate more than the anticipated scale. Development will be required to address specific site characteristics, including lot width and depth, location on a block, on-site or adjacent heritage buildings, parks or open spaces, shadow impacts, and other sensitive adjacencies, potentially resulting in a lower-scale building.

With respect to *Mixed Use Areas 2* specifically, the introductory text states that:

“The existing character and planned context of Mixed Use Areas 2 will generally form an intermediate, transitional scale between the taller buildings anticipated on some sites in Mixed Use Areas 1 and the predominantly mid-rise character anticipated in Mixed Use Areas 3. Development in Mixed Use Areas 2 may be of a scale and typology that is unique and responds to the existing and planned character of those areas. This intermediate or “in-between” scale of development will respond to unique built form contexts”.

Policy 6.25 provides that development within *Mixed Use Areas 2* will include building typologies that respond to their site context, including mid-rise and some tall buildings, while Policy 6.26 states that the scale and massing of buildings will be compatible with the existing and planned context of the neighbourhood, including the prevailing heights, massing, scale, density and building type. Policy 6.27 encourages development in *Mixed Use Areas 2* to provide for a diverse range of uses, including retail, service, office, institutional and residential uses.

In addition to the foregoing, Policy 6.21 recognizes that building heights, massing and scale consistent with *Mixed Use Areas 1* policies may be permitted within areas which are designated *Mixed Use Areas 2*, where such development is in proximity to an existing or planned rapid transit station, provided that the materials in support of an application therefor includes the consideration of the matters identified in Policy 6.37.

With respect to development in proximity to existing and planned rapid transit stations as shown on Map 41-4, Policy 6.34 provides that development in such areas will prioritize mixed-use development, and that these areas will be planned to accommodate higher density development to optimize the return on investment and increase the efficiency and viability of existing and planned transit service levels. As illustrated on Map 41-4, the Sherbourne subway station, which is located 430 metres northeast of the subject site, is identified as a rapid transit station.

Specifically, Policy 6.35 provides that lands within 500-800 metres of all existing or planned rapid transit stations within the *Downtown* will be planned to be transit-supportive and, where appropriate, to achieve multi-modal access to stations and connections to major trip generators. Development within such areas is to be supported, where appropriate, by:

- planning for a diverse mix of uses of sufficient intensity to optimize support for existing and planned transit service levels;
- fostering collaboration between public and private sectors;
- providing alternative development standards; and
- prohibiting built form that would adversely affect the optimization of transit infrastructure.

Policy 6.36 goes on to require that the highest density of development within the *Downtown* be directed to *Mixed Use Areas* in close proximity to existing or planned rapid transit stations.

Policy 6.37 provides that a study may be undertaken by the City that will result in a Site and Area Specific Policy (SASP) for lands within 500-800 metres of a planned rapid transit station for the purposes of implementing Policy 6.36, which will set out, among other matters, the appropriate land use mix, public realm improvements and priorities, contextually appropriate built form scale and type, and necessary infrastructure. However, Policy 6.38 provides that development may proceed in advance of a study referred to in Policy 6.37, provided that the supporting documentation in the application includes consideration of the matters identified in Policy 6.37.

Parks and Public Realm

Section 7 of the Downtown Plan addresses parks and the public realm. The introductory text notes that *Downtown's* variety of parks and *public realm* provides unique experiences and offers a range of necessary functions. Easy and equitable access to quality public spaces for recreation, passive use, active transportation and nature, promotes mental and physical health and contributes to social cohesion. *Downtown* is becoming a more dense urban environment, and improved and expanded public spaces must address the needs of an increasing intensity of residents, workers, students and visitors.

Policy 7.3 provides that the planning, design and development of parks and the public realm will be encouraged by a number of objectives, including: creating functional, interesting and engaging spaces that are connected, safe, comfortable, multi-functional and accommodate people of all ages and abilities year-round; encouraging public life through site-specific placemaking and pedestrian amenities that foster social interaction, including but not limited to seating, landscaping, active uses at grade, way-finding, public art and programming; creating a seamless relationship between streets, parks and other elements of the public realm; and providing new and improved pedestrian and cycling connections to and through parks and the public realm in and adjacent to Downtown through streetscape improvements, bridges, trails and bikeways.

Mobility

The Downtown Plan identifies the importance of creating a walkable *Downtown* and prioritizes the enhancement of the pedestrian experience as a key objective. In this regard, the mobility policies aim to making walking the first travel mode choice for trips throughout *Downtown* through enhancements to the pedestrian network, including wider sidewalks with adequate pedestrian clearways and streetscape enhancements. In particular, Policy 8.4.1 provides that pedestrian and public realm improvements will improve pedestrian safety, comfort and accessibility, especially for the most vulnerable, and Policies 8.4.4 and 8.4.5 directs that improvements will improve pedestrian wayfinding and create vibrant public spaces that encourage public life.

With respect to parking and curbside management, Policy 8.27 provides that development will generally be required to limit and/or consolidate vehicle access points and will be encouraged to provide facilities for passenger pick-up/drop-off, loading and parking in off-street locations and/or within building footprints, in order to free up on-street curbside and public realm space and improve safety of pedestrians and cyclists. Policy 8.29 adds that pick-ups and drop-offs, loading and parking activity shall be encouraged off-street wherever reasonable and practical to free up curbside space.

Built Form

The Downtown Plan includes a number of built form policies in Section 9. The introductory text to Section 9 recognizes that mid-rise and tall buildings will be the prevailing form of growth *Downtown*. These buildings are to be recognized as vertical communities that are part of a larger existing and planned context. Policy 9.1 provides that development will be encouraged to:

- enhance the liveability of the building's surroundings;
- contribute to liveability by reasonably limiting uncomfortable wind conditions and providing access to sunlight, natural light, openness and sky view; expanding and improving the public realm; maintaining adequate privacy; providing high-quality amenity spaces; and conserving heritage;
- demonstrate design excellence of the building and surrounding public realm;
- demonstrate a high standard of heritage conservation; and
- include high-quality, durable materials and sustainable and resilient building practices.

Policy 9.2 provides that the City may request, as a community benefit, provisions for an improved and expanded public realm including but not limited to widened sidewalks and walkways, parks and open spaces, POPS, street trees and other landscaping, street furniture, public art, landscaped open spaces, patios, retail displays, access to transit and transit shelters, cycling amenities and pedestrian weather protection.

Policy 9.3 adds that Zoning By-laws may provide for building setbacks from street lines that do not reduce the density or unreasonably reduce the utility of the site, where necessary for the achievement of a contextually appropriate streetscape. Policy 9.4 states that development in *Mixed Use Areas* will be encouraged to include setbacks that will allow for optimal tree planting and landscaping conditions, provide adequate space for tree infrastructure and adhere to the City's tree planting standards, and be designed to allow for access to utilities or other below-grade services, as a community benefit.

Policy 9.5 provides that the City may request, as a community benefit, the conveyance of an easement over a development site within 6 metres from the closest public street curb, or such greater or lesser distance as may result from the considerations set out in Policies 9.6 and 9.7. Policy 9.6 specifically provides that a lesser amount may be appropriate where:

- a strong, legible, historic character of street-oriented buildings exists;
- a property on the Heritage Register exists on-site;
- the prevailing pattern consists of buildings with lesser setbacks; or
- where otherwise acceptable.

Policy 9.8 provides that base buildings will generally be designed to achieve the following design objectives:

- relate to the scale and proportion of adjacent streets, parks and open spaces;
- fit compatibly within the existing and planned context of neighbouring streetwall heights;
- relate to the height, scale and built form character of the existing context of both streets when located on a corner lot;
- animate and promote the use of adjacent streets, parks and open spaces by such means as providing active uses at grade;

- incorporate appropriate glazing;
- encourage tree planting, where appropriate; and
- include high-quality materials and design elements that fit with neighbouring buildings and contribute to a pedestrian scale.

Policy 9.9 provides that development will generally provide a transition from the base building to relate to adjacent properties with a lower-scale planned context, as may be required to achieve the objectives of the Plan. As well, Policy 9.10 directs that development on sites that include or are adjacent to properties on the Heritage Register will include base buildings that are “compatible with the streetwall height, articulation proportion, materiality and alignment thereof”.

Policies 9.11 through 9.16 relate to physical determinants of intensity and scale. Policy 9.11 directs that, although existing and approved buildings form part of the existing and planned context, the siting, massing, height and design of a building on one site will not necessarily be a precedent for development on an adjacent or nearby site.

Policy 9.13 states that tall building floor plates should be designed to adequately limit shadow impacts of the tower on the public realm and neighbouring properties and maintain adequate sky view from the public realm. To that end, Policy 9.15 provides that, in a tall building, a storey which contains residential units but does not form part of a base building will generally have a maximum floor plate size of 750 square metres above the base building. The policy further indicates that increases to the 750 square metre floorplate size may be appropriate where the impacts of a larger floorplate, including shadow, sky view and wind, are addressed.

With respect to shadow impact, Policy 9.17 provides that development will seek to “adequately limit” shadows on sidewalks, parks, open spaces, natural areas and institutional open spaces “as necessary to preserve their utility”, while Policy 9.18 requires development to adequately limit “net-new shadow” as measured from March 21st to September 21st from 10:18 a.m. to 4:18 p.m. on the parks and open spaces indicated on Map 41-13. In this regard, there are no sun protected parks in the immediate vicinity of the site; the closest is Barbara Hall Park (to the southeast) (see **Figure 22**).

With respect to wind impact, Policy 9.20 provides that buildings will be sited, massed and designed to mitigate and reasonably limit wind impacts on the public realm, including streets and sidewalks, parks and open spaces and POPS, having regard for the use of such areas. Policy 9.21 requires development to address microclimatic conditions for people on adjacent streets and sidewalks, parks and open spaces by adequately limiting shadow and uncomfortable wind conditions, as necessary to preserve their utility, which may be achieved through: reducing the floor plates of tall building elements above the base building; reducing the overall height and scale of buildings; and re-orienting, reducing the size of and/or setting back tall building elements on the site.

The Downtown Plan recognizes that *Downtown* includes many built form scales and types. The built form policies aim to respect the character of areas by ensuring that the massing of development responds to surrounding areas, including adjacent and nearby buildings. Policy 9.22 provides that development may be required to provide built form transition where necessary to create a more liveable environment in the public realm, while defining and distinguishing areas of different character, intensity and planned contexts. Policy 9.23 states that transition in scale can be achieved by “geometric relationships and design methods in different combinations including angular planes, stepping height limits, location and orientation of the building, the use of setbacks and step-backs of building mass, separation distances, as well as other means to achieve compatibility”.

Policy 9.24 further provides that development will be required to demonstrate transition in scale when it is:

- adjacent and nearby to lands that have a planned context that does not anticipate tall buildings, including but not limited to *Neighbourhoods, Mixed Use Areas 3* and *Mixed Use Areas 4*;
- adjacent to a property on the Heritage Register or a Heritage Conservation District; and/or
- adjacent to existing or planned parks and open spaces.

In this regard, the subject is adjacent to lands designated *Neighbourhoods* to the north, east and south, as well as properties on the heritage register at 2 Huntley, 125 and 135 Earl Place.

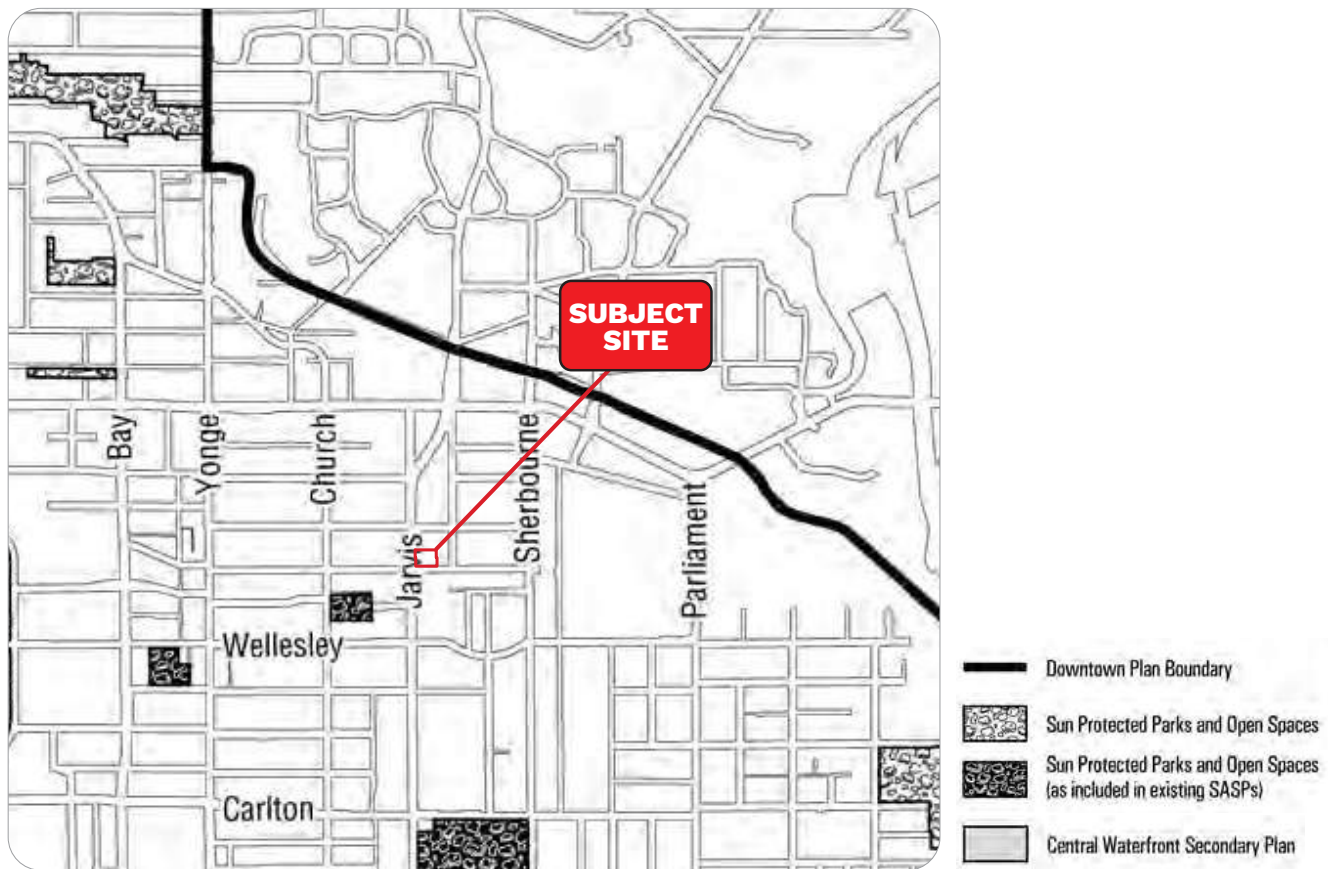


Figure 22 - Downtown Plan Map 41-13, Sun Protected Parks and Open Spaces

Policy 9.25 addresses built form adjacencies, providing that a review may be required to determine if any transition to the planned context is required to achieve compatibility. Potential transition measures include: for tall to low-rise adjacencies, the application of a separation distance, stepping down of heights and an angular plane, and informed by the City’s Tall Building Design Guidelines; for tall to mid-rise adjacencies, the application of a separation distance and noticeable stepping down of height; and for tall to tall adjacencies, the application of separation distance, tower orientation, and, as appropriate, stepping down of heights.

Policy 9.26 further instructs that transitions may be required between development and adjacent streets, parks or open spaces to provide access to sunlight and sky views as well as establish a human scale. Where such transition is necessary, tall building developments may achieve the transition to parks and open spaces and streets through appropriate setbacks and stepbacks. Policy 9.27 adds that, where transition is desirable to achieve compatibility, it will generally be provided within the development site.

With respect to amenity space, Policy 9.30 provides that amenity will be located at or above grade, in highly visible and accessible locations for the building’s inhabitants, designed and built with high-quality and durable materials, and designed to provide elements and programming that respond to a variety of users. Policy 9.31 provides that outdoor amenity spaces will be sited and designed to maximize sky views and sunlight in the space, to generally ensure wind conditions that are suitable for comfortably sitting and standing, and to include trees and other landscaping, where appropriate. Policies 9.32 and 9.33 provide that indoor amenity space will be provided in appropriately scaled rooms, should generally have access to sunlight and will be encouraged to be located directly adjacent and connected to outdoor amenity space.

Community Services and Facilities

The Downtown Plan notes that community service facilities provide a foundation for a diverse range of programs and services that support communities, contribute to quality of life and act as neighbourhood focal points where people gather, work, learn socialize and access services. Community services and facilities are essential to fostering complete communities. Policy 10.2 states that development will be encouraged to contribute to the delivery of community service facilities, as appropriate as a community benefit through new, expanded or retrofitted space for one or more community service facilities on-site.

Housing

The introductory text notes that the provision of housing to a wide range of residents that is affordable, secure, of an appropriate size, and located to meet the needs of people throughout their life cycle is essential to the creation of complete communities.

Policy 11.1 provides that, in order to achieve a balanced mix of unit types and sizes and support the creation of housing suitable for families, development containing more than 80 new residential units will include:

- a minimum of 15% of the total number of units as two-bedroom units;
- a minimum of 10% of the total number of units as three-bedroom units; and
- an additional 15% of the total number of units as a combination of two- and three-bedroom units, or units that can be converted to 2 and 3 bedroom units through the use of accessible or adaptable design measures.

Implementation

Policy 14.1 provides that implementation plans, strategies and guidelines will be adopted to advance the vision, goals and policies of the Downtown Plan. These implementation plans, strategies and guidelines, while they express Council policy, are not part of the Plan unless the Plan has been specifically amended to include them, in whole or in part, and do not have the status of policies in the Downtown Plan.

In our opinion, and for the reasons set out in Sections 5.2 and 5.3 of this report, the proposed development would conform with the requested *Mixed Use Areas 2* designation in the Downtown Secondary Plan and, in particular, the policies relating to land use, public realm and built form. Section 5.2 of this report further details the rationale for the redesignation of the subject site to *Mixed Use Areas 2* in the Downtown Secondary Plan.

4.7 Official Plan Amendment No. 352

On November 9, 2016, as part of the TOcore study which ultimately led to the Downtown Plan, City Council adopted Official Plan Amendment No. 352 (OPA 352), which introduces Site and Area Specific Policy 517 (SASP 517) applying to the Downtown area, generally bounded by Bathurst Street, Lake Ontario, the Don River, Rosedale Valley Road and the CPR tracks.

Concurrently, City Council enacted By-law 1106-2016 to amend By-law 438-86 with respect to tall building setbacks in the "Toronto Downtown" area in order to implement OPA 352. A companion by-law, By-law No.1107-2016, was enacted on the same date to amend By-law 569-2013. OPA 352, as well as By-laws 1106-2016 and 1107-2016, were appealed to the LPAT by numerous parties.

On November 25, 2020 and February 2, 2021, City Council approved modifications to OPA 352 and the Zoning By-laws in order to resolve the appeals. On March 15, 2021, the LPAT held a Settlement Hearing to consider the modified instruments, and a Decision was issued on May 28, 2021, approving modified versions of OPA 352, By-law 1106-2016 and 1107-2016.

The purpose of SASP 517 is to provide direction for Downtown tall building development with respect to setbacks from the building face of the tower to adjacent lot lines and an adequate separation distance between towers. These directions are intended to ensure that individual tall buildings on a site and the cumulative effect of multiple tall buildings within a block contribute to building strong healthy communities by fitting in with the existing and/or planned context.

SASP 517 provides that the Zoning By-law will contain minimum numerical standards with respect to tall building setbacks from property lines and separation distances between towers on the same site (see Section 4.9 below). Relief from these standards may be permitted through rezoning or minor variance provided that appropriate space between towers will:

- provide a high-quality, comfortable public realm;
- consider development potential, where appropriate, of other sites within the block;
- appropriately limit shadow impacts on the public realm and surrounding properties;
- provide appropriate access to natural light and protect privacy for occupants of tall buildings;

- provide appropriate pedestrian-level views of the sky between towers as experienced from adjacent streets, parks and open spaces; and
- appropriately limit and mitigate the impacts of uncomfortable wind conditions on streets, parks, open spaces and surrounding properties.

In the review of minor variance or rezoning applications, the existing and planned context of a site will be considered, including but not limited to the following considerations:

- the use of the proposed tall building and adjacent properties;
- the physical relationship between tall buildings, including the extent to which the buildings can be located, oriented and designed to mitigate impacts; and/or
- development potential, where appropriate, of other sites within the block, including agreements, such as limiting distance agreements, heritage easement agreements, or air rights agreements, between landowners and the City.

In addition, SASP 517 sets out the following directions:

- not every site can accommodate a tall building;
- where a block is comprised of multiple small sites, a comprehensive block planning process may be used to locate and design tall buildings to meet the intent of this SASP; and
- the policies in this SASP are not intended to apply to mid-rise buildings and may be applied to other tall building typologies that differ from the tower-base form, where appropriate.

Downtown Tall Building Setback By-laws

By-laws 1106-2016 and 1107-2016 were enacted concurrently with OPA 352, amending By-law 438-86 and By-law 569-2013, respectively, to introduce regulations regarding tower setbacks in the Downtown area. The amended By-laws included the following changes to By-laws 1106-2016 and 1107-2016:

- clarification that tall buildings are those buildings taller than 36 metres;
- exemptions for tall buildings in an Institutional Zone or Q district (Institutional Zone in 438-86); and,
- additional area-specific and site-specific exemptions.

By-law 1106-2016 amended Section 12(2) of By-law 438-86 while By-law 1107-2016 amended Section 600.10 of By-law 569-2013. The amended sections now require that every building with a height greater than 36.0 metres is to provide building setbacks, above a height of 24.0 metres of:

- 3.0 metres from a lot line abutting a street and 12.5 metres from the centre line of that abutting street;
- 12.5 metres from the centre line of an abutting lane; and,
- 12.5 metres from a lot line not abutting a street or lane.

In addition, they require that a 25.0 metre separation be provided between buildings or portions of buildings 36.0 metres in height, for the portions of those buildings above 24.0 metres in height, on the same lot.

In our opinion, the proposed meets the intent of SASP 517, however, requires relief from the implementing by-laws for tower setbacks. In our opinion such relief is appropriate given that the proposed development provides for a high-quality, comfortable public realm, and has appropriately limited shadow, wind and view impacts. Moreover, the facing conditions have been thoughtfully considered and examined through a Block Context Plan, which has been submitted in support of the proposed development.

4.8 Official Plan Amendment No. 557

The City of Toronto adopted an inclusionary zoning ("IZ") policy on November 12, 2021 through the enactment of OPA 557 and Zoning By-law 941-2021. Inclusionary Zoning will take effect as of September 18, 2022 or the date of approval of the Official Plan Amendment designating the applicable Protected Major Transit Station Area, whichever is later. It will not apply to complete applications submitted prior to that date.

The purpose and effect of OPA 557 and Zoning By-law 941-2021 is to introduce new requirements for inclusionary zoning pursuant to Sections 16(5) and 35.2 of the *Planning Act*, allowing the City to require new residential development to include affordable housing units. Through OPA 557, several sections of the OP were amended including Sections 3.2.1 (Housing) and 5.1 (Managing Growth And Change: The Planning Toolbox). Furthermore, Map 37 (Inclusionary Zoning Market Areas) was added to illustrate different areas within the City where different IZ rates apply.

On Map 37, the subject site is located within Inclusionary Zoning Market Area 1 (see **Figure 23**). In this regard, new OP policy 3.2.1(13) provides that, new development within IZ Market Area 1 identified on Map 37 (containing residential units and subject to an inclusionary zoning by-law, outlined in Section 5.1.8 of the OP) will not be approved unless:

- if a condominium development is proposed, a minimum of 10 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 7 percent of the total new residential gross floor area shall be secured as affordable rental housing; or
- if a purpose-built rental development is proposed, there is no minimum requirement for affordable rental housing.

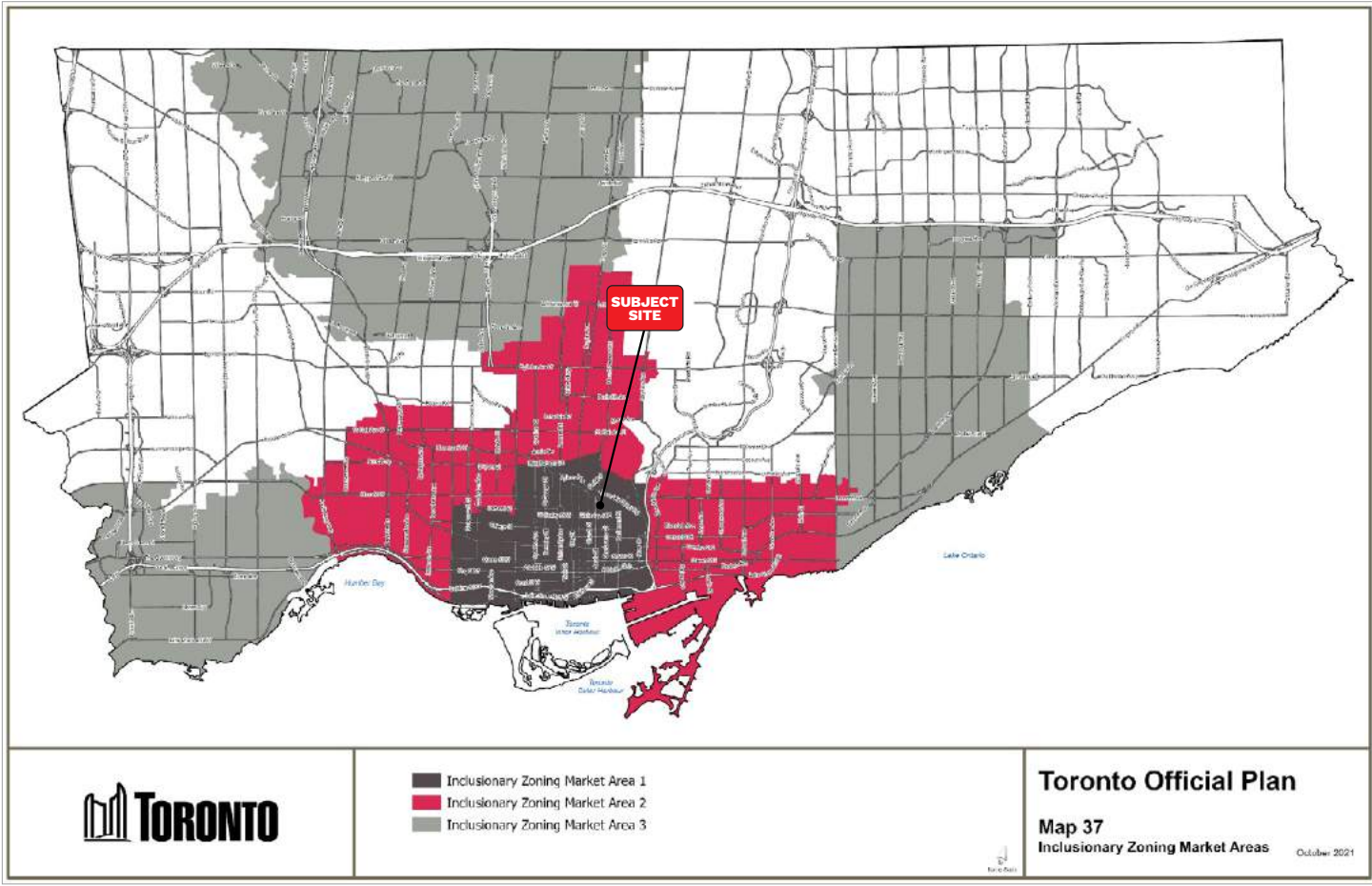


Figure 23 - Map 37 Inclusionary Zoning Market Areas

4.9 Official Plan Amendment No. 524

On February 2, 2022, City Council adopted Official Plan Amendment No. 524, which included the delineation of 16 Protected Major Transit Station Areas (PMTSAs) within the Downtown Secondary Plan area. OPA 524 also included new interpretation policies and guidance in the Official Plan to implement PMTSAs and Major Transit Station Areas. The subject site is within the delineated

boundaries of the Sherbourne Station PMTSA, the Wellesley Station PMTSA and the Bloor-Yonge PMTSA, as illustrated in **Figures 24, 25** and **26** below.

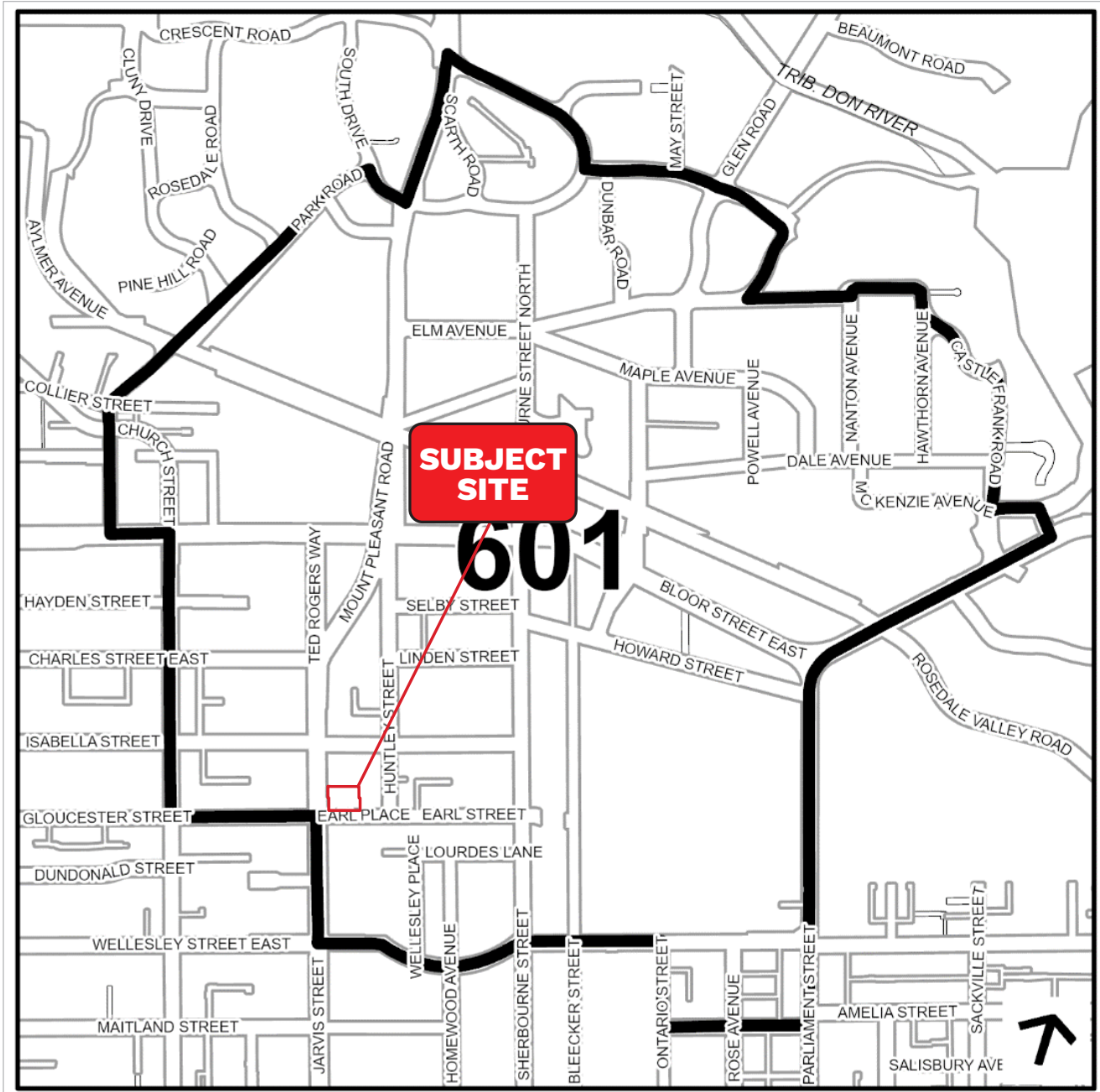


Figure 24 - Sherbourne Protected Major Transit Station Area

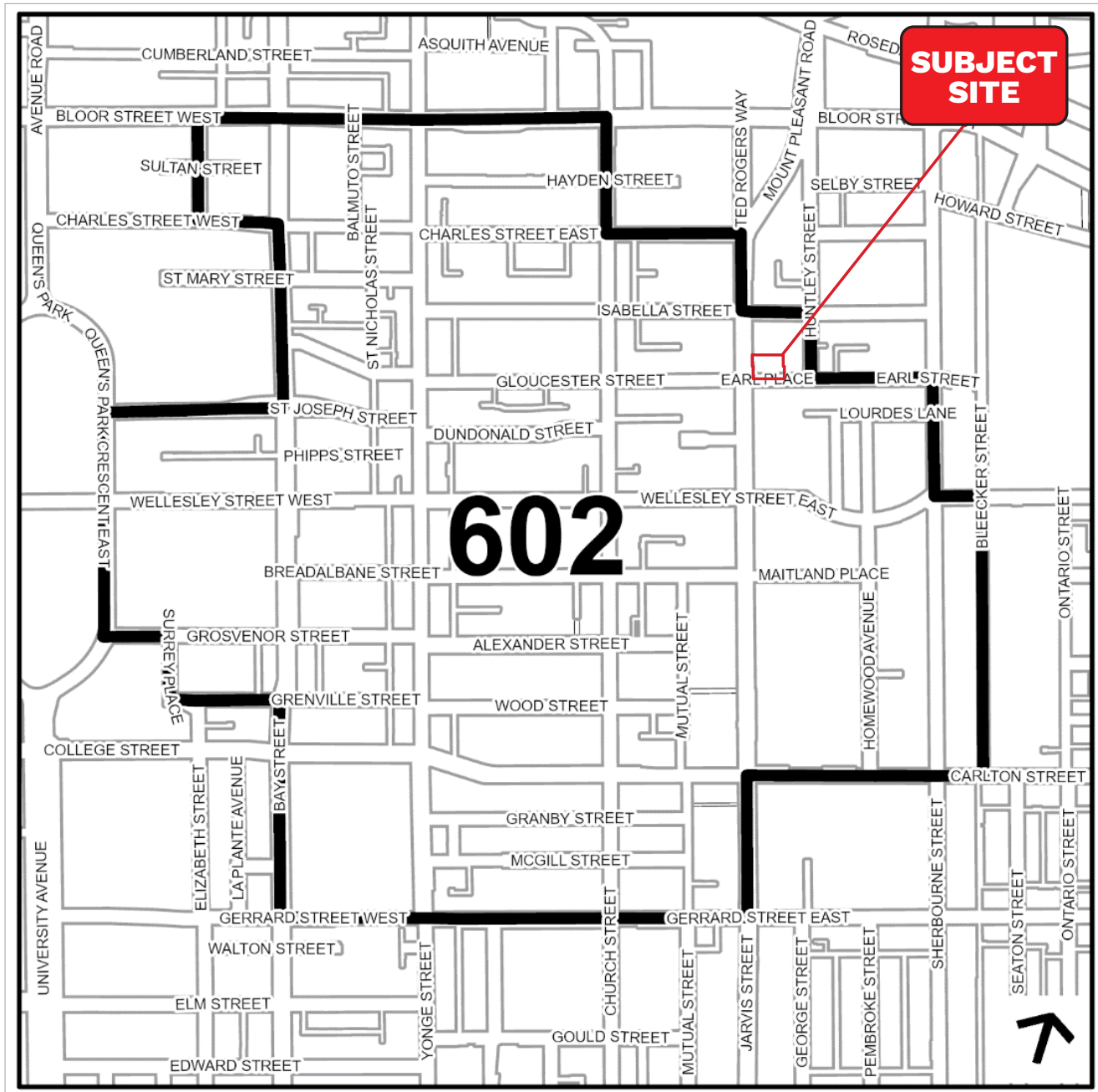


Figure 25 - Wellesley Protected Major Transit Station Area

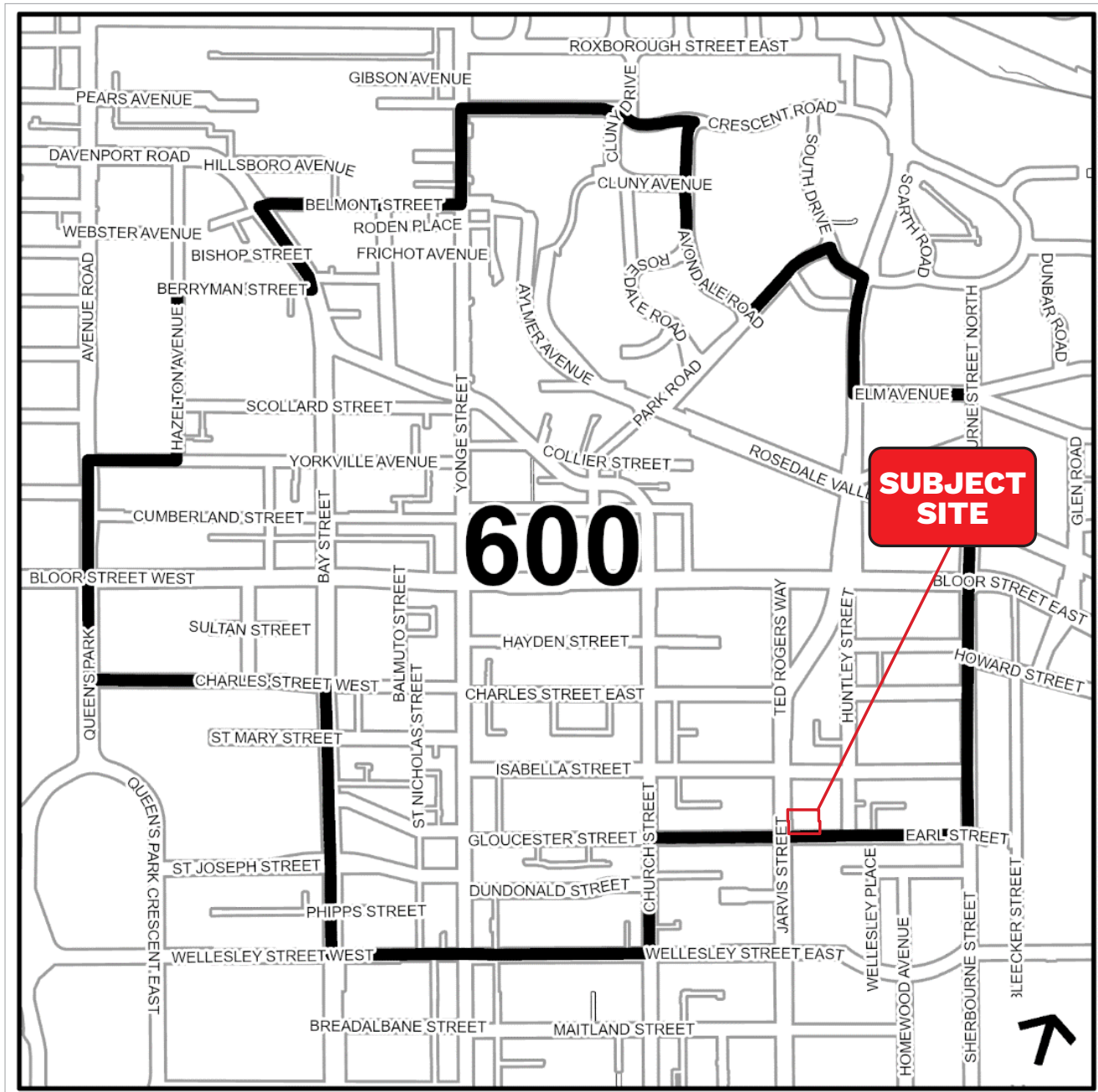


Figure 26 - Bloor-Yonge Protected Major Transit Station Area

SASP 597 proposes an overall minimum population and employment target of 500 residents and jobs combined per hectare for the Sherbourne Station PMTSA, 1,000 residents and jobs combined per hectare for the Wellesley Station PMTSA and 900 residents and jobs combined per hectare for the Bloor-Yonge Station PMTSA. It also specifies minimum density requirements

for individual properties and areas and, in this regard, SASP 597 would set a minimum required density of 1.0 FSI for the subject site in all three PMTSAs, as illustrated in **Figures 27, 28 and 29** below.

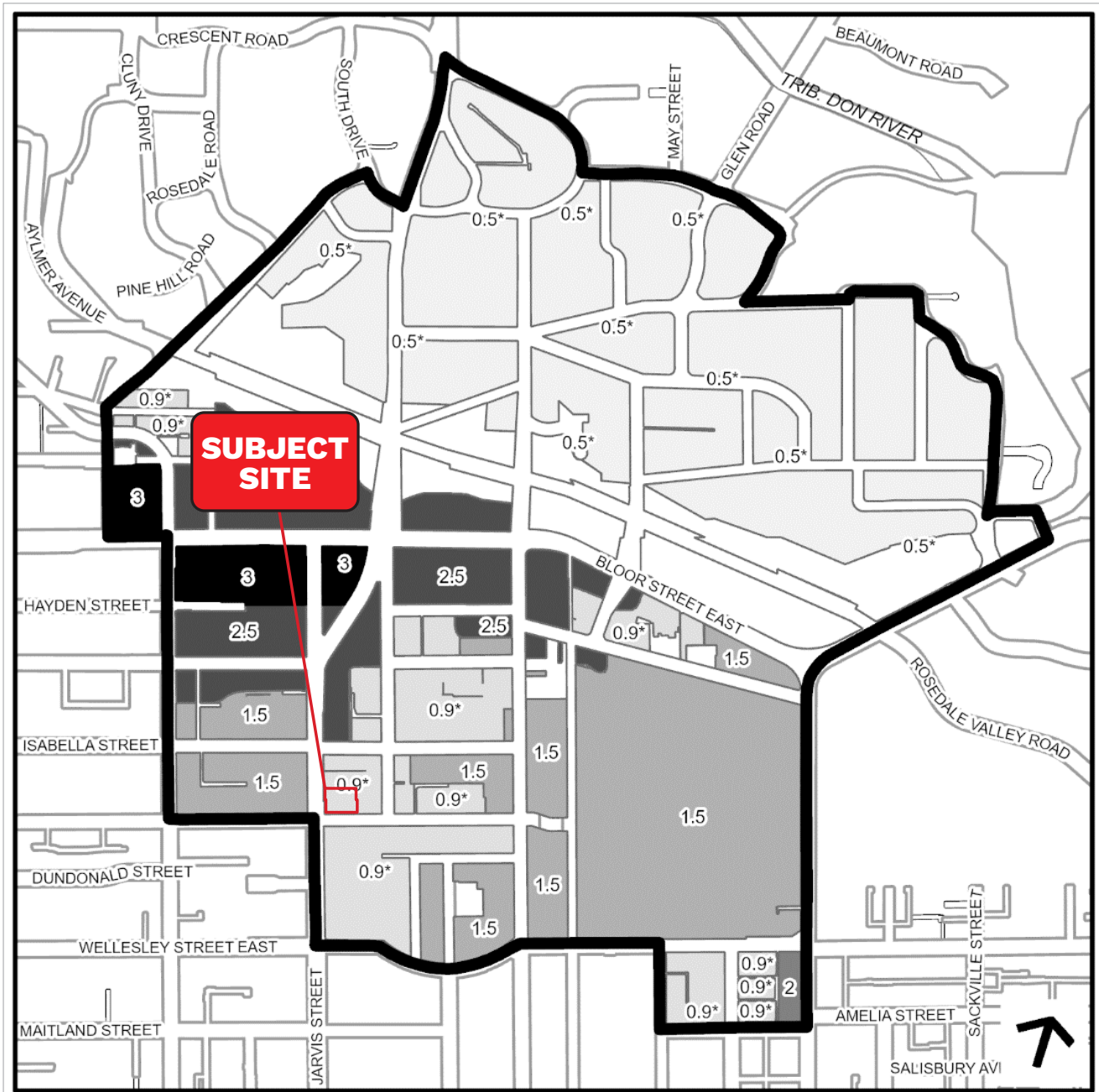


Figure 27 - Minimum Densities, Sherbourne Protected Major Transit Station Area

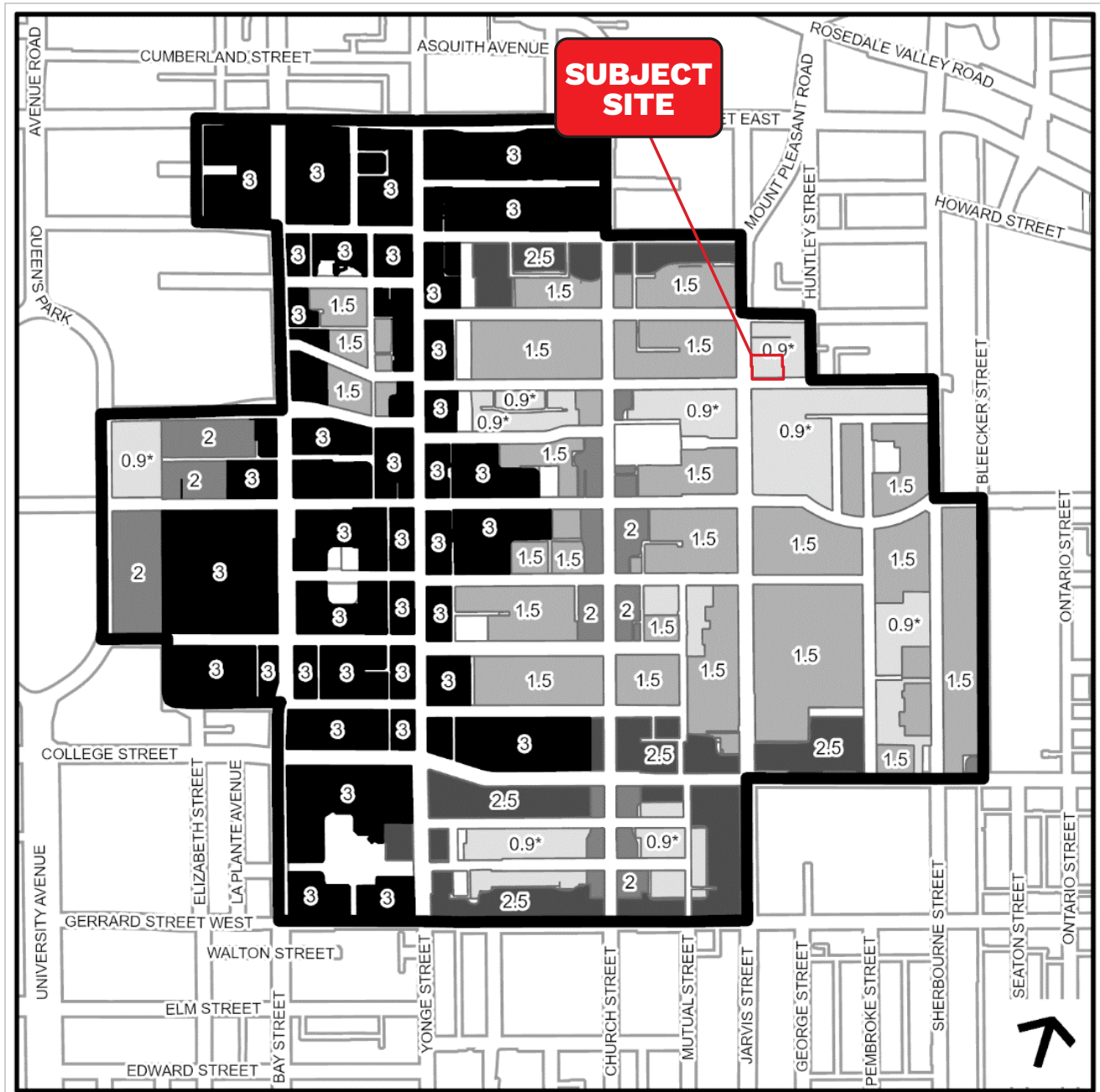


Figure 28 - Minimum Densities, Wellesley Protected Major Transit Station Area

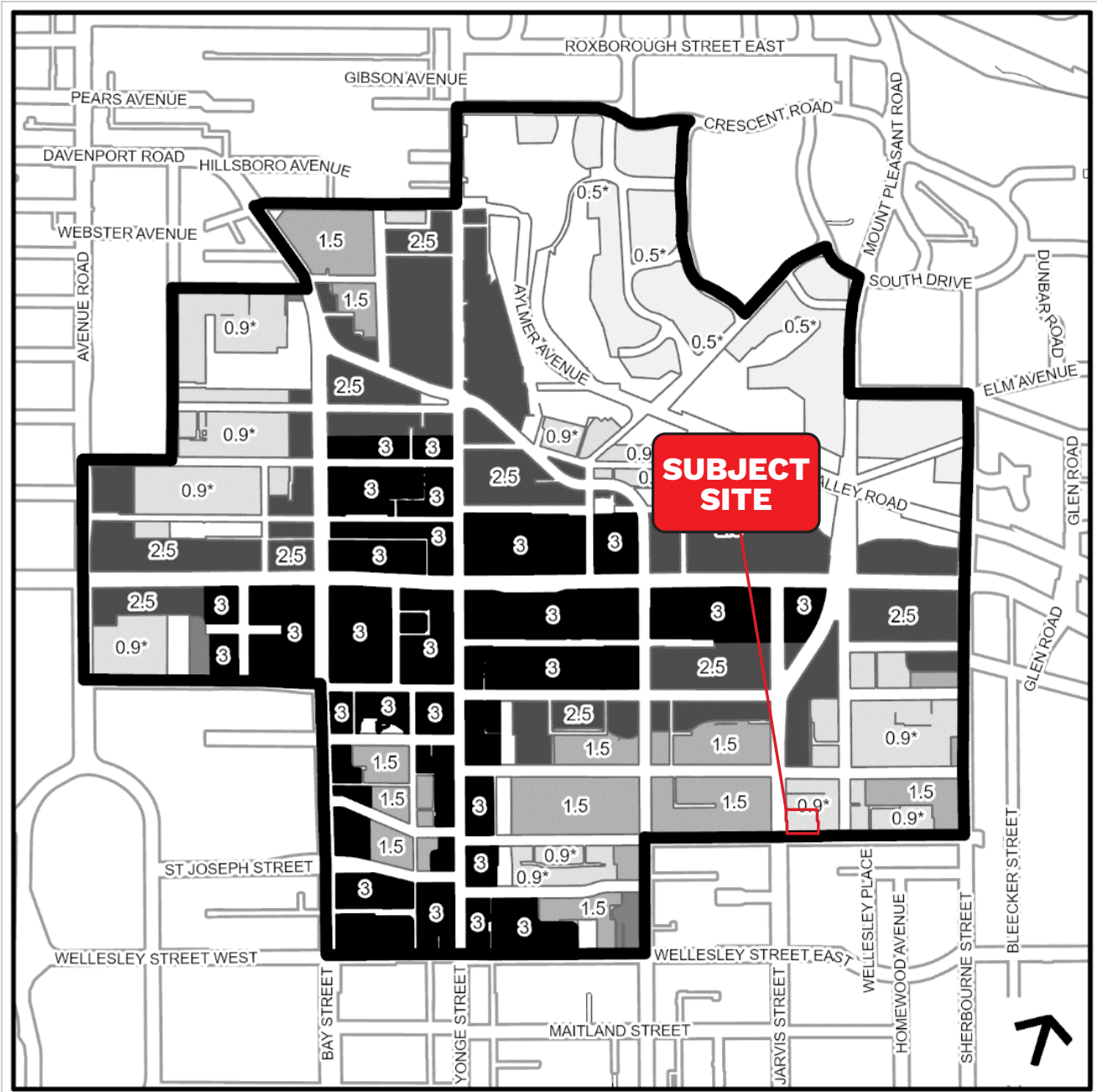


Figure 29 - Minimum Densities, Bloor-Yonge Protected Major Transit Station Area

4.10 Zoning By-law

The in-force Zoning By-law applying to the subject site is City-wide Zoning By-law 569-2013, as amended, of the City of Toronto. By-law 569-2013 was enacted by City Council on May 9, 2013. It was appealed to the Ontario Municipal Board in its entirety; however, substantial portions of the by-law have now been approved by the LPAT/OLT and are in full force and effect. For portions of the by-law that have not yet been approved, By-law 438-86, as amended, of the former City of Toronto remains in force.

The 561 Jarvis Street portion subject site is zoned R (d2.0) (x644) by By-law 569-2013, with a maximum height of 18.0 metres. The Earl Place portion of the subject site is also zoned R (d2.0) (x504) by By-law 569-2013, with a maximum height of 18.0 metres. Subject. The subject site also falls within Policy Area 1 (see **Figure 30 and 31**).

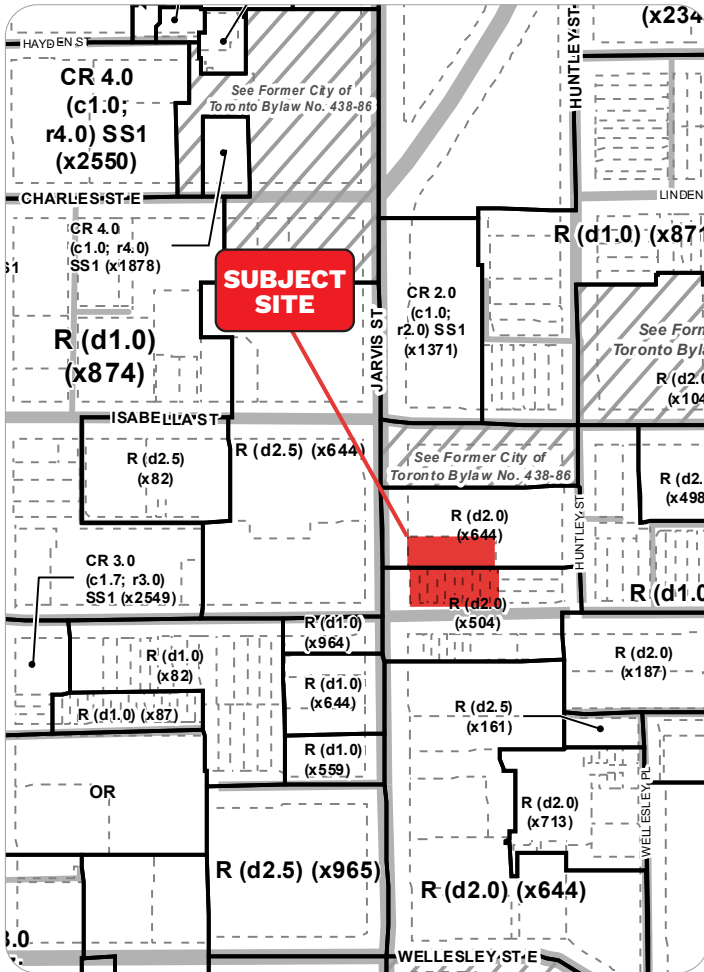


Figure 30 - By-law 569-2013 - Zoning

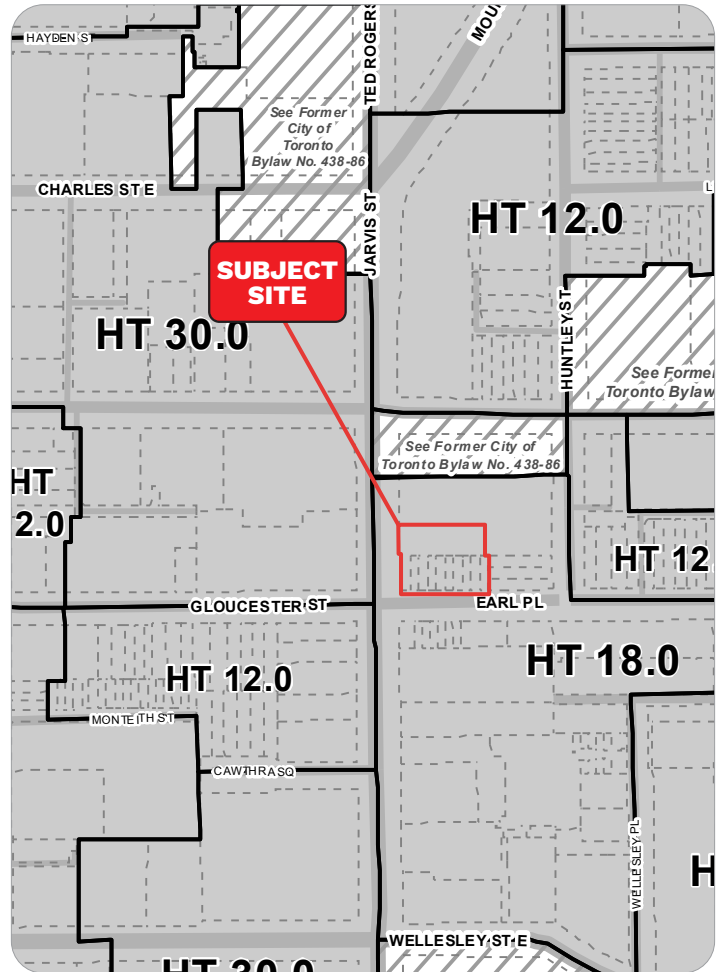


Figure 31 - By-law 569-2013 - Heights

Downtown Tall Building Setback By-laws

The Residential ('R') zone permits a wide range of residential building types, including apartment buildings and townhouses, as well as detached and semi-detached dwellings, duplexes and triplexes, with a maximum density of 2.0 FSI. As well, the R zone permits a number of uses, subject to conditions, including retail stores (on the ground floor of a building, up to a maximum size of 70 square metres), rooming houses, tourist homes, places of worship, libraries, community centres and day nurseries.

Exception R 644 provides that a 6.0 metre front yard setback is required and states that the lands must comply with exception 900.2.10(4) and also that Section 12(1) 434 of the former City of Toronto Zoning By-law 438-86 continues to prevail.

Section 900.2.10(4) provides that Exception R 4 applies, which in turn provides that Exception R 7 applies and that Section 12(1) 232 of the former City of Toronto Zoning By-law 438-86 continues to prevail. Exception R 7 permits nursing homes, retirement homes and religious residences, subject to conditions. Section 12(1) 232 permits the continued use of buildings or structures for commercial purposes provided that the commercial uses were permitted on the lot on February 25, 1975 and the building or structure was lawfully used for such purposes on January 31, 1976.

Section 12(1) 434 permits a bed and breakfast establishment and specifies parking requirements for such use.

Exception R 504 states that the lands must comply with exception 900.2.10(4) and also that Section 12(1) 434 of the former City of Toronto Zoning By-law 438-86 continues to prevail, both of which are outlined above.

As mentioned in Section 3 above, the proposed application contemplates rezoning the subject site from the R zone to the Commercial Residential ('CR') zone.

By-laws 1106-2016 and 1107-2016 were enacted concurrently with OPA 352, amending By-law 438-86 and By-law 569-2013, respectively, to introduce regulations regarding tower setbacks in the *Downtown* area. As amended by the LPAT on May 28, 2021, the by-laws include the following relevant provisions:

- every building with a height of greater than 36 metres shall be no closer than:
 - 3.0 metres to a lot line abutting a street that is a public highway and 12.5 metres to the centre line of that street for the portions of the building that collectively enclose the entirety of a storey higher than 24 metres above grade;
 - 12.5 metres to the centre line of an abutting public lane for the portions of the building that collectively enclose the entirety of a storey higher than 24 metres above grade; and
 - 12.5 metres to a lot line having no abutting street or public lane for the portions of the building that collectively enclose the entirety of a storey higher than 24 metres above grade;
- every building with a height of greater than 36 metres shall be no closer than 25 metres to each building with a height greater than 36 metres on the same lot for the portions of the buildings that collectively enclose the entirety of a storey higher than 24 metres above grade;
- if a line projected at a right angle from a main wall of a building with a height of greater than 36 metres intercepts another main wall of the same building, those main walls shall be separated by a minimum of 25.0 metres for the portions of the buildings that collectively enclose the entirety of a storey higher than 24 metres above grade;
- window projections, exterior stairs and access ramps are not permitted to encroach into the required setbacks or separation distances; and
- elements which are permitted to project into the required separation distances include balconies, canopies and awnings, exterior cladding, architectural features, eaves and mechanical equipment (each with a specified maximum projection).

4.11 Tall Building Guidelines

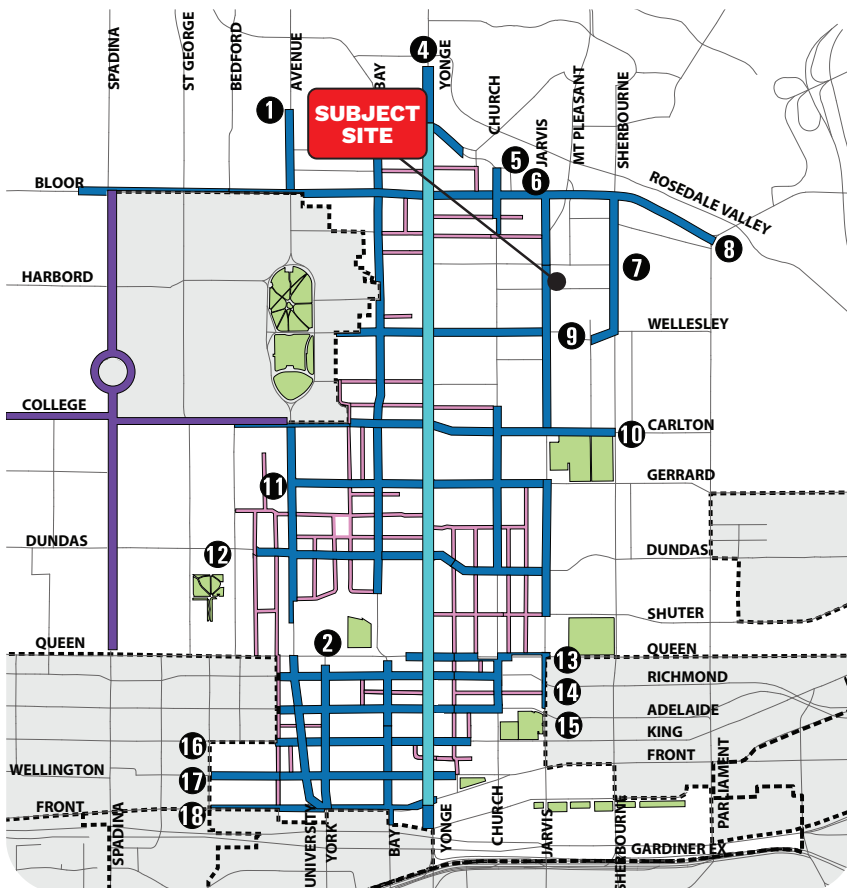
On May 7, 2013, City Council adopted the City-Wide Tall Building Design Guidelines (March 2013), which updated and replaced the "Design Criteria for the Review of Tall Building Proposals" (2006) and consolidated the Downtown Tall Building Guidelines, which were originally adopted by Council in July 2012.

As a result, all Downtown Guidelines with city-wide applicability have been integrated into the revised guidelines. Location-specific aspects of the Downtown Tall Building Guidelines (particularly the Downtown Vision and Tall Building Typologies) remain in effect as a consolidated, companion document known as "Downtown Tall Buildings: Vision and Supplementary Design Guidelines".

The City-Wide Tall Building Design Guidelines are to be used in conjunction with these supplementary guidelines to evaluate all tall building development proposals falling within the *Downtown* study area boundary. The document specifically notes that the guidelines are "intended to provide a degree of certainty and clarity of common interpretation, however, as guidelines, they should be afforded some flexibility in application, particularly when looked at cumulatively".

The City-Wide Tall Building Design Guidelines include sections related to site context, site organization, tall building massing and pedestrian realm. Among other matters, the Guidelines recommend that tower floor plates be limited to 750 square metres and that tall building towers be set back 12.5 metres from side and rear property lines and provide a separation distance of 25 metres between towers on the same site. A minimum tower stepback of 3.0 metres is specified above the face of the base building, including balconies.

Within the Downtown Tall Building Guidelines, Jarvis Street adjacent to the subject site are identified as a High Street (see **Figure 32**, Downtown Tall Building Guidelines Map 1 - High Streets Map). High Streets are those parts of major Downtown streets along which tall buildings are considered to be an appropriate form of development. Earl Place is not identified as a High Street, reflecting the current *Neighbourhoods* designation.



High Streets Map Legend

- High Streets
- Secondary High Streets
- Signature Parks
- Secondary Plan Areas
- Yonge Street Special Character Street
- Special Studies Streets

- | | |
|---------------------------------|----------------------------|
| 1. University Ave / Avenue Road | 10. College/Carlton Street |
| 2. York Street | 11. Gerrard Street |
| 3. Bay Street | 12. Dundas Street |
| 4. Yonge Street | 13. Queen Street |
| 5. Church Street | 14. Richmond Street |
| 6. Jarvis Street | 15. Adelaide Street |
| 7. Sherbourne Street | 16. King Street |
| 8. Bloor Street | 17. Wellington Street |
| 9. Wellesley Street | 18. Front Street |

Figure 32 - Downtown Tall Building Guidelines Map 1, High Streets Map

The Downtown Vision Height Map (see **Figure 33**, Downtown Tall Building Guidelines Map 2 – Downtown Vision Height Map) sets out height range categories applying to High Streets throughout the Downtown that reinforce the existing structure of Downtown’s skyline and built form context. Heights are expressed in metres and in storeys. Map 2 identifies a building height range of 47 metres to 77 metres (15 storeys to 25 storeys) along Jarvis Street.

The building typology identified for Jarvis Street on Map 3 – High Streets Typologies Map is a Landscape Setback Form (see **Figure 34**, Downtown Tall Building Guidelines Map 3 – High Streets Typologies Map). The Landscape Setback Form is generally characterized by tall buildings that are set back from the front property lines with a landscaped buffer between the buildings and the public right-of-way.

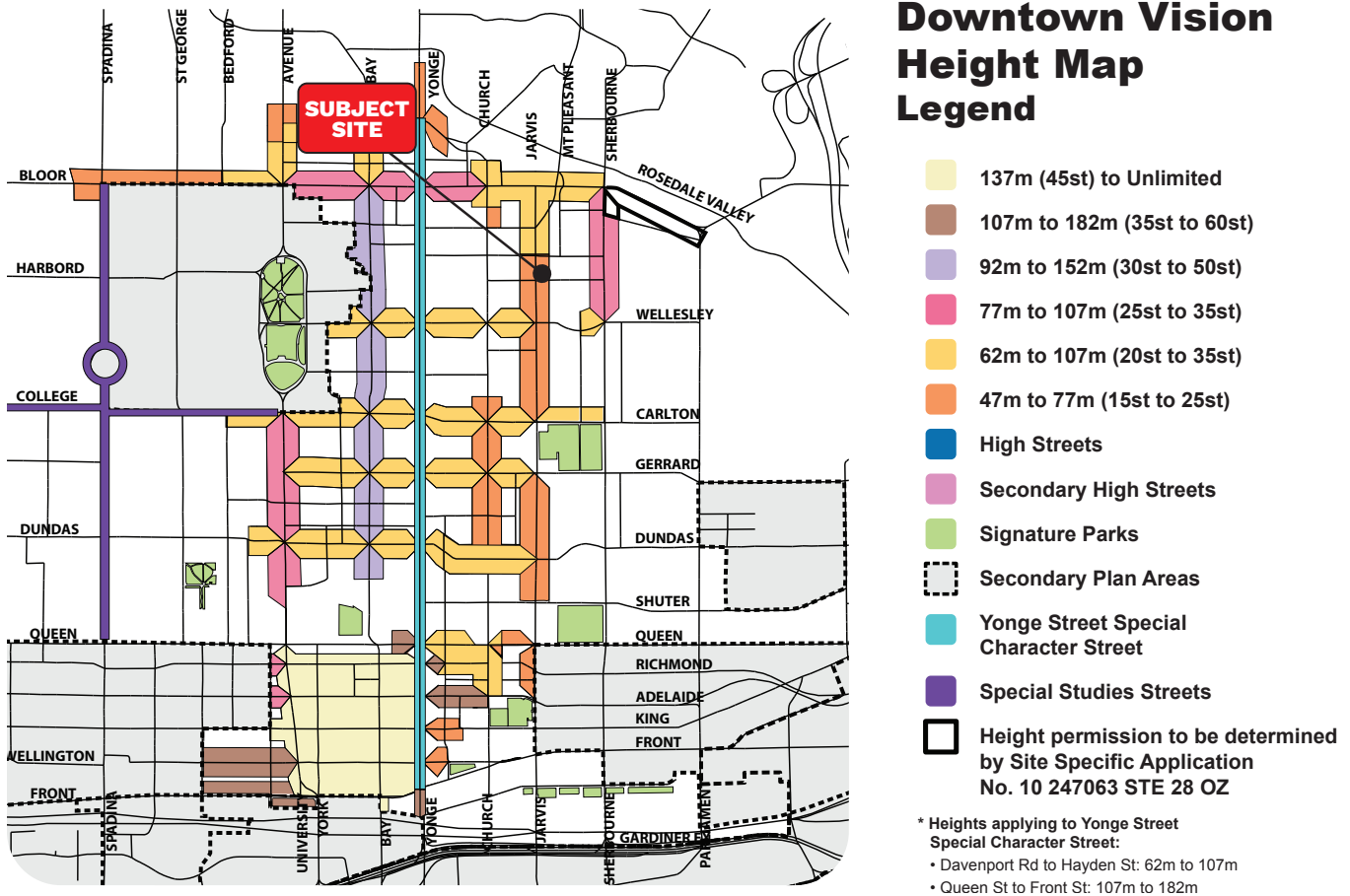
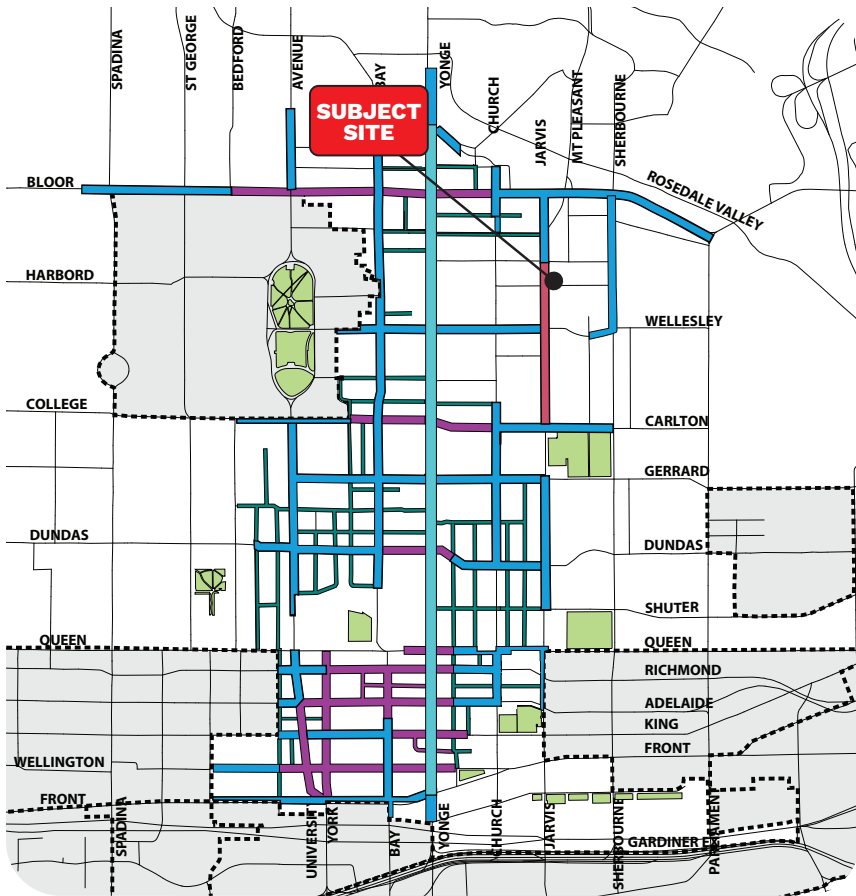


Figure 33 - Downtown Tall Building Guidelines Map 2, Downtown Vision Height Map

Supplementary Design Guideline #1 provides that, when a tall building abuts a lower scale neighbourhood area, the tower portion of the tall building should be set back at least 20 metres, excluding balconies, from any such abutting property lines and the portion of the base building immediately adjacent to the lower scale area should be designed to be no higher than the height of adjacent buildings, transitioning into a higher base as the distance from the area increases.

The proposed development is evaluated with respect to the Tall Building Design Guidelines and the Downtown Tall Building Design Guidelines in Section 5.6 of this report.



High Streets Typologies Map Legend

- High Streets**
- Tower - Base Form
- Canyon Form
- Landscaped Setback Form
- Secondary High Streets**
- Canyon Form
- Tower - Base Form or Residential Landscaped Setback Form
- Secondary Plan Areas
- Yonge Street Special Character Street
- Special Studies Streets

* Typologies applying to Yonge Street Special Character Street:

- Davenport Rd to Yorkville Ave: Tower - Base Form
- Cumberland St to Hayden St: Tower - Base Form
- Queen St to Front Street: Canyon Form



Figure 34 - Downtown Tall Building Guidelines Map 3, High Streets Typologies Map

4.12 Growing Up Guidelines: Planning for Children in New Vertical Communities

In 2015, the City of Toronto initiated a study entitled *Growing Up: Planning for Children in New Vertical Communities* and produced draft guidelines to direct how new development can better function for larger households. A staff report summarizing the study process and draft guidelines was adopted by Planning and Growth Management Committee on May 31, 2017, and the report and recommendations were considered by City Council at its meeting on July 4, 2017 and adopted without amendments. On July 28, 2020 a final recommendation report was presented to City Council, and the updated Growing Up Guidelines were adopted.

The intent of the Guidelines is to provide for a better integration of family supportive design into the planning of new multi-unit residential developments. The Guidelines are organized at three scales, based on the recognition that each scale contributes positively to how a family experiences living in a vertical community:

- **The Neighbourhood Scale:** At the neighbourhood scale, the Guidelines focus on children's experiences in the city, promoting independent mobility, access to parks, schools and community facilities.
- **The Building Scale:** At the building scale, the Guidelines seek to increase the number of larger units, encourage the design of functional and flexible amenity and common spaces, and promoting flexible building design for changing unit layouts.
- **The Unit Scale:** At the unit scale, the Guidelines focus on the size and functionality of spaces to ensure dwelling units can accommodate a family's daily needs. Considerations include providing sufficient room for families to gather and share meals, as well as bedrooms that can comfortably accommodate more than one child.

The primary objectives of the Guidelines include:

- to ensure a diversity of housing types and sizes to support not only households with children, but also a variety of households of at all different life stages;
- to maintain liveability and quality of vertical communities over the long-term; and
- to plan public realm and community amenities from the perspective of a child.

The use of the term "large units" in the Guidelines refers to two- and three-bedroom units that comply with the design parameters set out in the Guidelines. Large units are intended to meet the needs of households with children, as well as multi-generational families, seniors, and groups of students and/or adults who live together. The guidelines seek to achieve a minimum of 25% two- and three-bedroom units, comprised of 15% two-bedroom units and 10% three-bedroom units.

Section 2.0 of the Guidelines focuses on the design of new buildings. Topics covered in this section include building configuration, typology, design and construction, circulation areas and shared spaces, as well as storage and utility needs. Section 3.0 provides guidelines specific to unit design.

4.13 Pet-Friendly Design Guidelines

The Pet-Friendly Design Guidelines were developed in 2019, through a collaborative process involving consultation and engagement with a broad range of stakeholders. The purpose of the document is to guide new developments in a direction that is supportive of a growing pet population. The document is intended to complement other City initiatives to create and design high-quality pet friendly amenities in private development, including the building, private internal and external open spaces, and living spaces.

The Guidelines apply city-wide to all new multi-unit residential buildings that are required to provide amenity space as a condition of their development approval. As guidelines, they are intended to provide direction and guidance, but should be afforded some flexibility in application, and balanced against broad city building objectives.

Similar to the Growing Up Guidelines, the Pet Friendly Guidelines are structured at three scales: the neighbourhood, the building and the dwelling unit. At the neighbourhood scale, the guidelines encourage new developments to support their on-site pet population with amenities and spaces to meet their needs and reduce the burden on public parks and open spaces, especially in dense neighbourhoods characterized by multi-unit, high-rise buildings where parks and green spaces are heavily used.

At the building scale, the guidelines provide direction as to the types, sizes and general configuration of amenity spaces for pets, and specify how shared spaces, green spaces, building systems and the public realm can be designed to support pets, their owners, and other residents of multi-unit buildings in high-density neighbourhoods. The types of dedicated amenities that could be provided to support pets and their owners include pet relief areas, off-leash areas, pet wash stations and POPS. The guidelines direct that the appropriate size and range of pet amenities in a proposed building be closely considered together with the allocation and configuration of other amenities and also be determined in conjunction with an assessment of current and future anticipated usage, existing and future demographics, and existing neighbourhood facilities.

Finally, the unit scale looks at choices in materials, unit layout, indoor space, outdoor patio space and storage that can enhance a pet's environment and meet day-to-day needs.

A photograph of two women in a professional setting, possibly a meeting or collaborative work environment. They are looking down at a document or screen. The image is overlaid with a semi-transparent blue filter. A large white circle containing the number '5' is positioned on the left side of the image.

5

Planning & Urban Design Analysis

5.1 Intensification

Residential/mixed-use intensification on the subject site is appropriate and desirable, and is supportive of policy directions articulated in the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Metrolinx Regional Transportation Plan, the City of Toronto Official Plan and the Downtown Secondary Plan, all of which promote intensification on sites which are well served by municipal infrastructure, particularly higher order transit. In this regard, the proposed development has been designed to be transit-supportive and pedestrian-oriented.

The subject site is located within the *Downtown*, which is identified as an urban growth centre. The Growth Plan directs that "urban growth centres" will be planned to accommodate significant population and employment growth and will be planned to achieve, by 2031 or earlier, a minimum density target of 400 residents and jobs combined per hectare.

As well, the subject site is located in an area that is very well served by existing frequent transit and existing higher-order transit. In this regard, the subject site forms part of a "major transit station area" as defined by the 2019 Growth Plan, being located within a 500 metre to 800 metre radius distance of three subway stations. Specifically, the subject site is located approximately 450 metres from the Sherbourne Subway Station, approximately 500 metres from the Wellesley Subway Station and approximately 600 metres from the Bloor-Yonge Subway Station. The subject site is also located in proximity to the 94 Wellesley and 506 College streetcar/LRT routes, which operate at headways which meet the definition of frequent transit as defined by the 2019 Growth Plan, with the nearest stops being located at Wellesley Street East and Jarvis Street (for Route 94) and at Carlton Street and Jarvis Street (for Route 506).

The Growth Plan directs that the boundaries of "major transit station areas" are to be delineated in a transit-supportive manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station. As noted in Section 4.9 above, the City of Toronto recently delineated the boundaries of several "Protected Major Transit Station Areas" ("PMTSA's") in the Downtown through Official Plan Amendment 524 ("OPA 524). At the time this report was written, OPA 524 had not yet received final approval from the Minister of Municipal Affairs and Housing. The subject site falls within the boundaries of the Sherbourne, Bloor-Yonge and Wellesley PMTSAs, all of which apply a minimum density target of 1.0 FSI to the subject, and prescribe minimum population and employment targets of 500, 900 and 1,000 residents and jobs combined per hectare, respectively.

Accordingly, the subject site is within a "strategic growth area" as defined by the Growth Plan. Strategic growth areas are intended to be a focus for accommodating intensification and higher-density residential uses in a more compact built form, and "include urban growth centres, major transit station areas and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields" (our emphasis). In our opinion, the proposed intensification of the subject is appropriate and has been achieved in a compact built form.

From an Official Plan perspective, strong policy support is expressed for new housing in the *Downtown*, intended to minimize in-bound commuting and expand the range of housing opportunities. Policy 2.2.1(1) provides that the Downtown Toronto Urban Growth Centre will be planned to "optimize the public investment in higher order transit within the Centre" and thus should exceed the minimum combined gross density target of 400 residents and jobs per hectare set out in the Growth Plan. As well, the Official Plan encourages "a full range of housing opportunities" in the *Downtown*. Furthermore, the Official Plan provides that lands within the *Mixed Use Areas* designation, as proposed by the requested Official Plan Amendment application, will absorb most of the anticipated new housing stock as well as the increase in retail, office and service employment in Toronto in the coming decades.

Policy 2.4(8) provides for intensified development with minimum density requirements and limits on parking on sites such as the subject site which are served by higher-order transit stations. However, given the Official Plan was drafted prior to the effective date of the Growth Plan, the Official Plan policies do not fully recognize and give effect to the current Provincial policy directions supporting nodal intensification in proximity to transit stations.

The Downtown Secondary Plan does not provide specific direction with respect to *Neighborhoods* designated lands, such as the subject site, however, Policy 6.34 of the Plan provides that development in proximity to existing and planned rapid transit stations will prioritize mixed-use development and will be planned to accommodate higher density development to optimize the return on investment and increase the efficiency and viability of existing and planned transit service levels. Policy 6.3.5 of the Downtown Secondary Plan goes on to provide that lands within 500-800 metres of all existing or planned rapid transit stations within the *Downtown* will be planned to be transit supportive.

Residential intensification on the subject site can take advantage of and provide population support to the wide range of shops, services, restaurants, recreational facilities and cultural facilities available within the *Downtown*, including the mixed-use corridors along Jarvis Street, Wellesley Street East, Sherbourne Street and Bloor Street East, interspersed theatres and other entertainment facilities.

Additionally, the proximity of the subject site to significant employment opportunities and urban amenities in the Financial District and the Bloor-Yonge Node will foster a strong live-work relationship, reducing the need for inbound commuting and aiding the ongoing transformation of the area into a complete community. Furthermore, residential intensification on the subject site will be well situated proximate to existing and planned community services and facilities within the area, regionally renowned entertainment venues and cultural and performing arts facilities within the *Downtown*. The location of the subject site relative to these employment, recreational, retail and entertainment uses also means that walking and cycling are viable alternative modes of transportation.

The introduction of new housing and retail uses will help support economic development and competitiveness by integrating uses within a mixed use building, in proximity to transit, and creating a lively and active development with 'round-the-clock' uses. Further, intensification will support transit ridership, assist in reinforcing the role of the *Downtown* as a desirable area for living, working and shopping and contribute to the achievement of population and job forecasts for the City as set out in the Growth Plan and the Official Plan.

In our opinion, the current use of the subject site for a low-rise residential uses represents an underutilization of land and infrastructure within the *Downtown Toronto* urban growth centre and three adopted PMTSAs. Residential/mixed-use intensification on the subject site will more efficiently utilize and optimize the use of land and infrastructure by providing new housing, jobs and retail opportunities in a transit-supportive, mixed-use and compact built form, directly supporting the policy directions of the PPS, Growth Plan, Official Plan and *Downtown Secondary Plan*, which seek to integrate land use and transportation planning in identified intensification areas within complete communities.

The redevelopment of the subject site for an intensified form of development is part of a desirable reinvestment and revitalization process, which is anticipated and supported by the *Downtown Secondary Plan* and the Official Plan's policies for *Mixed Use Areas*, which is the designation being sought. It is our opinion that the mix of new uses and housing and the substantive public realm improvements contemplated by the proposal will significantly contribute to this prominent corner of Jarvis Street and Earl Place and the community more broadly.

The optimization of density on the subject site is consistent with both good planning practice and overarching Provincial and City policy direction, subject to achieving appropriate built form relationships.

Within the explanatory text in Section 2.1 of the Official Plan, it is noted that, by making better use of existing urban infrastructure and services before introducing new ones on the urban fringe, reurbanization helps to reduce demands on nature and improves the liveability of the urban region by: reducing the pace at which the countryside is urbanized; preserving high quality agricultural lands; reducing reliance on the private automobile; reducing greenhouse gas emissions; and reducing consumption of non-renewable resources.

5.2 Land Use

In our opinion, the proposed high-density residential uses and grade related retail is appropriate and desirable from a land use planning perspective. The proposal will establish transit-supportive intensification that replaces and improves existing rental housing stock, while providing a net increase of housing options that are conveniently located to numerous amenities and major transit stations.

Accordingly, it is our opinion that the requested redesignation of the subject site to *Mixed Use Areas* in the Official Plan is appropriate and desirable from a land use policy perspective. In summary, the planning rationale for the requested redesignation includes the following:

- It will facilitate transit-supportive intensification in the form of new housing options including rental replacement units in the *Downtown* which are in proximity to three protected major transit station areas that have been identified by the City of Toronto (Sherbourne, Bloor-Yonge and Wellesley);

- The redesignation and associated built form will be compatible with existing uses on the current block, and proposed built form, notably the existing 20-storey apartment at 10 Huntley Street;
- It will reflect the trend of corridor development fronting major arterial roads which has been seen across Toronto, particularly in the Downtown, and which is aligned with development of existing tall buildings along the Jarvis corridor; and
- Given the existing variation of land uses and mixed composition of the block, the redesignation to *Mixed Use Areas* will not detract from adjacent *Neighbourhoods* that will continue to exist in a *Downtown* context.

The following sections address each of these reasons in turn.

- As set out in Section 5.1 above, intensification of the site is desirable in policy and land use terms. The existing *Neighbourhoods* designation and R (d2.0) (x644) and R (d2.0) (x504) zoning do not optimize the use of land and infrastructure, contrary to the overarching policy directions set out in the PPS and the Growth Plan, and would permit only a minimal amount of intensification on the subject site.

In this regard, the subject site currently provides housing for only 40 households (31 rental units and 9 owner-occupied units). The existing 4-storey height in the *Neighbourhoods* designation, paired with the 12.0 metre height limit in the zoning by-law and the maximum 2.0 FSI density, would allow only modest additional density (i.e., approximately 53 units in total (assuming a density of 2.0 FSI with an average of unit size of 70 square metres)).

By comparison, the proposed development would establish approximately 690 residential units, which represents more than 13 times the estimated number of units permitted by the existing Official Plan and zoning by-law and more than 17 times the number of existing residential units on the subject site today.

- The proposed redesignation of the subject site to *Mixed Use Areas* is logical in that the Jarvis Street corridor is characterized by a mixed use land pattern containing modern tall buildings, office complexes, institutional uses and older slab apartment buildings. It is noted that the subject site is adjacent to a concentration of lands designated *Apartment Neighbourhoods* which are reflective of increasing infill buildings or complete redevelopment proposals to allow for reimagined tall buildings and cohesive

urban blocks. In this regard, the apartment buildings to the west of the subject site, on the opposite side of Jarvis Street, at 105 and 108 Isabella Street and 100 Gloucester Street, are likely to undergo future infill proposals which would support increased heights along the Jarvis Street corridor. Moreover, the Rogers Communications campus to the north of Isabella Street, which is designated *Mixed Use Areas*, is anticipated to redevelop over the short- to medium term to likely facilitate tall buildings with heights in excess or comparable to the existing towers at Charles Street East and Mount Pleasant Road (X1 and X2 Condos).

- The current *Neighbourhoods* designation applying to the subject site and broader block reflects a varied built form consisting of a semi-detached dwelling, a 3-storey townhouse block, a 4-storey walk up apartment, a 20-storey apartment building and an institutional facility. It is understood that the *Neighbourhoods* designation in this case does not necessarily apply to a singular type of built form, but rather a diverse mix of buildings which have evolved over time. It is in this context that the proposed redesignation to *Mixed Use Areas* must be considered.

Policy 5.3.1(3) of the Official Plan sets out specific considerations to be addressed when considering Official Plan Amendments, such as the proposed redesignation from *Neighbourhoods* to *Mixed Use Areas*, specifically:

- Official Plan Amendments that are not consistent with the general intent of the Official Plan will be discouraged;
- Any development permitted pursuant to the Official Plan Amendment will be "compatible with its physical context"; and
- Any development permitted pursuant to the Official Plan Amendment "will not affect nearby *Neighbourhoods* or *Apartment Neighbourhoods* in a manner contrary to the neighbourhood protection policies of this Plan."

As well, the policy notes that, in the consideration of a site-specific Official Plan Amendment, at the earliest point in the process, the planning review will examine whether the application should be considered within the immediate planning context or whether a broader review and possible area specific policy or general policy change are appropriate.

The analysis set out below addresses each of these considerations in turn.

- In our opinion, the proposed Official Plan Amendment is consistent with the general intent of the Official Plan. From a high-level policy perspective, the Official Plan promotes growth and intensification throughout the City and, in particular, within the *Downtown* in order to achieve a variety of planning objectives (as summarized in Section 5.1 above). While specific “neighbourhood protection” policies apply to the subject site given its current *Neighbourhoods* designation, the Official Plan recognizes that there is a need to balance and reconcile these policy directions (see below).
- In our opinion, the proposed development permitted pursuant to the Official Plan Amendment will be “compatible with its physical context”. In this regard, the subject site is located immediately adjacent to an existing tall building (20-storeys) to the east and a proposed tall building to the north. Moreover, tall buildings exist within the immediate block as well as the broader Jarvis Street corridor; notably at the intersection of Charles Street East and Mount Pleasant Road and are anticipated within adjacent *Apartment Neighbourhoods* in future. Within the site itself, the new development will be compatible with the walk up apartment lining Earl Place to the east and accommodate appropriate building separation distances and setbacks to allow for future development opportunities to the north and mitigate built form impacts on the tall building to the east.
- In our opinion, the proposed development permitted pursuant to the Official Plan Amendment will not impact nearby *Neighbourhoods* or *Apartment Neighbourhoods* in a manner contrary to the “neighbourhood protection” policies of the Official Plan given the site’s *Downtown* context. As previously stated, the existing neighbourhood character has evolved over time to accommodate a diverse mix of buildings with no single defining built form. As a result of this varied character, it is our opinion that a tall building would not detract from the character of the existing block, nor adjacent lands. Where the proposed development interfaces with *Neighbourhoods* to the north, east and south, the podium of the building will relate to the walk up apartment along Earl Place through a combination of stepbacks and materiality, and appropriate setbacks and facing conditions to the north and south have been considered in their context and will not impact the *Neighbourhoods* in a negative manner.

Where the subject site’s proposed *Mixed Use Areas* designation interfaces with a proposed *Apartment Neighbourhoods* designation to the north (in the development application for 10 Huntley Street), the development will provide for appropriate separation and setbacks between tall building elements. Moreover, the proposal only directly interface with lower scale neighbourhood typologies on the east of the property which includes the semi-detached dwelling (which is currently owned by our client) and the 4-storey walk up apartment along Earl Place, as mentioned above.

It is also important to acknowledge that development of tall buildings on corner sites that consist of a major road frontage and more localized road (i.e., >20 metres) is common throughout the *Downtown*. For example, within the Upper Jarvis Area, the following tall buildings are representative of this major and minor road site context; The Selby (25 Selby Street), X2 Condos (101 and 110 Charles Street East), The Verve (120 Homewood Avenue), and The 500 Condos & Lofts (500 Sherbourne Street). Another example further to the southwest is Axis Condos at 85 Wood Street.

Based on the foregoing, the proposal conforms with the “neighbourhood protection” policies in Section 2.3.1 of the Official Plan, which require consideration of compatibility, transition, maintenance of adequate light and privacy, minimizing impacts from lighting, amenity areas and service areas and attenuating traffic and parking impacts. These potential built form impacts are addressed in detail in Section 5.4 below.

Finally, it is our opinion that a broader review or general policy change is not required. A Site and Area Specific Policy (SASP) is proposed for the subject site, such a policy could be introduced if considered desirable.

The proposed redesignation applies to the southwest corner of the broader block which is bounded by Jarvis Street, Earl Place, Huntley Street and Isabella Street. The redesignation would support the existing mixed use composition of the block and reflect the tall building context to the immediate east at 10 Huntley Street as well as taller buildings further north within *Mixed Use Areas* surrounding the intersection of Charles Street East and Mount Pleasant Road. Accordingly, a broader study is not required.

As noted above, the Official Plan recognizes that there may at times be a need to balance and reconcile potentially conflicting policy directions. Policy 5.6(1) (1.1) directs that Official Plan policies should not be read in isolation or to the exclusion of other relevant policies in the Plan and goes on to say that the goal of the Official Plan is to “appropriately balance and reconcile a range of diverse objectives affecting land use planning in the City”.

In this case, the 4-storey height limit applicable to the *Neighbourhoods* designation effectively precludes meaningful intensification. To the extent that a choice must be made between intensification and “neighbourhood protection”, it is our opinion that the overall policy framework, principles of good planning and the public interest all clearly support intensification. The direction to optimize the use of land and infrastructure within the *Downtown* and, specifically, in immediate proximity to higher-order transit stations is clear and is critically important. As noted above, the subject site has the capability to accommodate much-needed new housing options for approximately 690 households, an increase above the 40 households existing or the 53 households achievable under the as-of-right zoning. In this context, the failure to approve the requested Official Plan Amendment would negatively impact the provision of housing supply in the City.

In terms of its social character, the proposed development seeks to maintain and significantly improve the elements of the existing housing stock through the rental replacement strategy, albeit with a different built form (see Section 5.4 below).

Given these considerations, the proposed redesignation on the subject site in this case needs to be distinguished from other circumstances where the *Downtown* neighbourhoods in question are larger and represent a more contiguous low-rise built form character (such as *Rosedale* and *Cabbagetown*). While it may be appropriate in those circumstances to conclude that the balance between intensification and neighbourhood protection would tilt toward neighbourhood protection, the neighbourhoods in those instances are qualitatively and quantitatively very different than the subject site, which comprises only a portion of a small city block along an arterial road, and one which already contains a varied built form context.

Where there may be a concern regarding the issue of precedent in the event that the requested Official Plan Amendment were to be approved, it is our opinion that “precedent” is not a policy test that is established by the PPS, the Growth Plan or the Official Plan. In fact, the word “precedent” is not used in either the PPS or the Growth Plan and is only used in a limited way in the Official Plan (i.e., solely in the policies addressing Avenue segment studies).

Moreover, the focus on precedent has a tendency to detract from a focus on the planning merits of each specific application. No two applications are the same and accordingly, the approval of one application does not serve as a precedent that will lead to the approval of another application. As noted in Policy 9.11 of the *Downtown Secondary Plan*,

“Although existing and approved buildings form part of the existing and planned context, the siting, massing, height and design of a building on one site will not necessarily be a precedent for development on an adjacent or nearby site.”

With respect to the proposed redesignation from *Neighbourhoods* to *Mixed Use Areas*, it is our opinion that it will not lead to the approval of applications to redesignate other lands designated *Neighbourhoods* within the *Downtown*. In this respect, there are numerous other *Neighbourhoods* designations that are similarly within 800 metres of higher-order transit with adjacent *Mixed Use Areas* designations, including the following:

1. Collier-Park-Asquith
2. Dundonald-Gloucester
3. Granby-McGill
4. Henry-McCaul
5. D’Arcy-McCaul
6. Kensington
7. Grange-Huron
8. Wolseley-Carr-Ryerson.

While some of these *Neighbourhoods* have similarities to the subject site, others are larger areas or areas with a more significant concentration of heritage buildings. Some (i.e., Dundonald-Gloucester) are subject to area specific Official Plan policies that explicitly provide for the maintenance of the existing low-rise character, while others (i.e., Kensington) are included within approved or proposed Heritage Conservation Districts. Given these differences, any application to redesignate these *Neighbourhoods* to permit a more intensive form of development would require evaluation on its individual merits. As a result, it is our opinion that approval of the requested redesignation of the subject site will not create a precedent that would undermine the policy framework applying to these other areas.

5.3 Height, Massing and Density

In our opinion, and as noted in Section 5.1 above, the subject site is an appropriate location for residential/mixed-use intensification in land use policy terms. From a built form perspective, it is our opinion that the subject site is a contextually appropriate location for a tall building, and that the subject proposal is in keeping with the anticipated locations for tall buildings as set out in Section 3.1.3 of the Official Plan, given:

- Its location within the *Downtown*, an “urban growth centre”, as delineated in the Official Plan;
- Its location within 3 Council adopted “protected major transit station areas” and its location within 450 metres of Sherbourne Station (Line 2), within 650 metres of Yonge-Bloor Station (Line 1 and 2), and 500 metres of Wellesley Station (Line 1);
- Its proximity to a variety of surface transit options, including frequent streetcar service and numerous frequent bus routes;
- Its location at the corner of two streets, including Jarvis Street – a Major Arterial Roadway – where the Downtown Tall Building Guidelines already envision high-rise development;
- Its ability to achieve appropriate setbacks and separation distances, and its corner position within the block;
- Its proximity to – and compatibility and fit with – existing, proposed and anticipated tall buildings in the East Downtown area and the Downtown more broadly;
- Its lack of built form impacts on parks and open spaces and *Neighbourhoods* designated lands, having regard for the nature of the *Neighbourhoods* designated lands in the immediate vicinity of the subject site.

With respect to the broad urban structure, the subject site is located in the East Downtown in proximity to a number of built, under construction, approved and proposed tall buildings. In this respect, a number of buildings, with heights as tall as 56 storeys have been approved or are under construction in the surrounding area and buildings with heights up to 69 storeys have been proposed and are under review by City Staff, including the following:

- Existing Buildings: 592 Sherbourne Street (50 Storeys), 99 Charles Street East (49 storeys), 590 Jarvis Street (44 storeys), 28 Ted Rogers Way (42 storeys), and 561 Sherbourne Street (43 storeys);
- Under Construction Buildings: 387 Bloor Street (55 storeys), St. James Town North Block 1 (53 storeys), St James Town Block 3 (46 and 38 storeys), and 70 Charles Street East (47 storeys, proposed to be increased to 50 storeys);
- Approved Buildings: 625 Church Street (56 storeys) and 591 Sherbourne Street (51 storeys); and
- Proposed Buildings: 90 Isabella Street (69 storeys), 88 Isabella Street (62 storeys), and the Huntley/Selby Block (59 and 48 storeys).

In our opinion, the proposed building will fit harmoniously within this broad urban structure and positively contribute to the emerging pattern and distribution of heights in the East Downtown; in this respect, the immediate vicinity and the broader East Downtown area exemplifies a variable tall building pattern. Throughout this area, there are recently approved tall buildings and older slab-style and ‘tower-in-the-park’ style buildings that are adjacent to low-rise residential uses in detached and semi-detached dwellings, townhouses, low-form apartment buildings and mid-rise buildings. This demonstrates a tight urban condition where building types of different typologies and scales are located within immediate proximity to one another, and where building relationships are characterized by unconventional transitions in height and scale. This is a result of a number of factors including the urban context and the various policy contexts and best practices in place during different periods of development, among others. As well, new tall buildings have been approved on or adjacent to existing “tower in the park” apartment buildings within the broader area with building heights that are significantly taller (in storeys) than the existing apartment buildings. A few examples of both of these conditions include:

- The recently approved 56-storey building at 625 Church Street is immediately adjacent to a 9-storey building along Charles Street and a 9-storey building along Hayden Street;
- The 20-storey slab-style building at 10 Huntley Street (within the subject block) is immediately adjacent to a 2-storey semi-detached dwelling (also within the subject block) and is located in proximity to other low-form uses;
- The under construction 55-storey building at 387 Bloor Street is immediately adjacent to a 16-storey residential condominium building along Bloor Street West;

- The 50-storey building at 592 Sherbourne Street is located immediately adjacent to a block of low-form residential uses including townhouse dwellings, semi-detached dwellings. This building is also located immediately north of a 32-storey building at 28 Linden Street, which is also located west of the low-form block;
- The 12- to 16-storey south block of the Rogers Communications Inc. headquarters campus is located immediately adjacent to low-form residential uses including townhouse dwellings, semi-detached dwellings and low-rise apartments;
- The 43-storey building at 561 Sherbourne Street is immediately adjacent to an existing 28-storey building to the north and two 30-storey buildings to the south; and
- The under construction 46- and 38-storey buildings in Block 3 of the St. James Town North Development (Via Bloor) are adjacent to a 15-storey building on the south side of Howard Street.

At 58 storeys, the proposed development would fit within the already established variable height pattern of the surrounding area, where buildings of different heights are located in close proximity to one another and co-exist without incorporating the overly rigid applications of transition in scale that are sought in less urban and more uniform contexts. Within this variable context, the proposed 58-storey building fits in with the 20-storey building at 10 Huntley Street, the lower-form buildings to the west and to the south, across Earl Place, and with the 11-storey apartment building to the west, across Jarvis Street as well as the adjacent 20-storey building at 10 Huntley Street.

While the proposed building is taller than nearby tall buildings on the west side of Jarvis Street, including the 44-storey (137 metre) building at 590 Jarvis Street ("X Condos") and 49-storey (161.1 metre) building at 99 Charles Street East ("X2 Condos"), similar to other instances within the East Downtown where the heights of more recently approved or constructed buildings vary from heights in the immediate vicinity, the height of the proposed development responds to a policy framework and contextual considerations which have evolved since the time X1 Condos and X2 Condos went through the development review process. X1 Condos, at 44 storeys, was approved by Council in 2005 and by the Ontario

Municipal Board in 2006, prior to the introduction of the Growth Plan for the Greater Golden Horseshoe (2006) or subsequent versions of this plan in 2017 and 2019. As well, the development proceeded by way of an amendment to the Official Plan of the former City of Toronto, which prescribed a height limit of 30 metres and a density limit of 4 FSI. While X2 Condos was approved at 44 storeys in 2008 (later increased to 49 storeys), after the introduction of the Growth Plan and under the new City of Toronto Official Plan, it still predates the latest updates to these policy documents.

Since the approval of X1 Condos and X2 Condos, the policy direction regarding the need to better integrate land use planning and transportation investments and the need to direct growth to, and optimize the use of land and infrastructure in, areas well served by frequent and higher order public transit has continued to be strengthened. From a contextual perspective, there have been a number of more recent development applications and approvals in the area since X1 Condos and X2 Condos which have uplifted the overall pattern and distribution of heights in the area, including the recently approved 57-storey (194 metre) building at 625 Church Street, the 55-storey (185.9 metre) building under construction at 387 Bloor Street, the proposed 62 storey (203.3) building at 88 Isabella Street, the proposed 69 storey (221.1) building at 90 Isabella Street and the proposed 59 and 48 storey (194.4 and 162.0) buildings in the Huntley/ Linden/Shelby block. The greater heights proposed and approved are in response to these more recent policy directives.

Interpreting the "fit" of the proposal's height in a manner which requires it to remain similar to the heights of X1 Condos, X2 Condos or 10 Huntley Street, notwithstanding that such heights would be considered less than optimal were they to be brought forward under the current policy framework, is not consistent with good planning practice. If these buildings were approved by Council in the late 2000's with heights over 40 storeys prior to full effect being given to the current "intensification first" policy framework, greater heights and densities are warranted having regard for the updated policy considerations.

With respect to the emerging and anticipated context, as noted above there are a number of approved and under construction buildings with heights in the mid-to high 50-storey range and a number of proposed buildings with heights ranging up to 69 storeys. While the west side of Jarvis Street does not include any newer tall buildings in the immediate vicinity, as it relates to the anticipated context to the north, on the west side of Jarvis Street, it is our opinion that the Rogers Communications Inc. headquarter campus (the "Rogers Lands") will also redevelop with very tall buildings in the fullness of time, based on a number of contextual and policy considerations, as well as the very large and prominent nature of the campus.

In our review of development applications along Bloor Street East in proximity to the subject site, the scale of development has been informed by two broader urban structure considerations (in addition to varying site-specific factors), the first being Site and Area Specific Policy 211 ("SASP 211") and the second being built form impacts on the Rosedale Ravine System and the upscale *Neighbourhoods* designated lands to the north. SASP 211 sets out policies regarding the overall context and urban structure of the area, and provides that the tallest buildings are to be located in the 'Height Peak' area in the vicinity of the intersection of Bloor Street and Yonge Street (which includes approved buildings heights up to 85 storeys in height), and that building heights will step down from the intersection within the Mixed Use Area in descending ridges of height along a number of streets identified as 'Height Ridges', including Bloor Street East. Height and density permissions are generally to diminish the further one gets from the 'Height Peak' at Yonge Street and Bloor Street. The Rosedale Ravine System runs northwest-to-southeast, north of Bloor Street East, with the distance from the ravine to the street increasing towards the west; in their review of development applications in proximity to the ravine, the City has sought to adequately limit shadow impacts on the system.

In this regard, the 55-storey building under construction at 387 Bloor Street East (approved at 52 storeys and later increased through a Committee of Adjustment Application) is located east of the Rogers Lands, at the edge of the Bloor Street Height Ridge. The final Request for Directions Report for 387 Bloor Street noted that:

"The intent of these local policies and guidelines is to direct the tallest buildings around the Yonge and Bloor Streets intersection, known as the 'Height Peak'. The 'Height Ridge' provides a transition in scale with lesser height and physical scale than the 'Height Peak', and in a form compatible with adjacent areas. The site is located in the 'Height Ridge', east of the 'Height Peak'. The proposed height of 52 storeys (167.3 metres) provides adequate transition from the approved and built building heights of the 'Height Peak' area and maintains the intent of the area policies within the "Height Ridge." We note that at the time this project was approved, the tallest approved building within the height peak was 76 storeys (now 85 storeys).

As well, 387 Bloor Street East is located closer to the Rosedale Ravine System than the Rogers Lands. As noted, the distance from the ravine system to Bloor Street East increases in an east-to-west manner. Additionally, the intervening tall buildings on the north side of Bloor Street East opposite the Rogers Lands (18, 23 and 28 storeys) are taller than the intervening tall buildings opposite 387 Bloor Street East (17 and 18 storeys) and create their own shadows which may reduce the incremental shadow impacts of any potential very tall buildings on the Rogers Lands.

Based on the foregoing considerations, it is our opinion that building heights on the Rogers Lands, which are located closer to the height peak and more spatially separated and buffered from the Rosedale Ravine System than 387 Bloor Street East, may accommodate multiple very tall buildings, with heights that may step down to the south towards a range in the mid-to-high 60-storey range at the southern end of the campus. Within this context, the proposed 58-storey building on the subject site would fit harmoniously within the anticipated pattern of development along Jarvis Street, between Earl Place and Bloor Street East.

As noted in Section 4.11 above, the Downtown Tall Building Vision and Supplementary Design Guidelines identifies the segment of Jarvis Street between Carlton Street and Bloor Street as a High Street, and shows the subject site and other abutting sites along Jarvis as a location for tall buildings in the range of 15 to 25 storeys (47 to 77 metres, excluding mechanical penthouses), notwithstanding the underlying *Neighbourhoods* designation of the Official Plan. While the proposed height of 58 storeys is taller than the Guidelines recommend, they are guidelines only, and are not intended to provide strict height maximums.

As well, it should be noted that although the Downtown Tall Building Vision and Supplementary Design Guidelines provide guidance on determining appropriate heights, the height vision outlined in the document has been superseded by reality. In this respect, in the immediate area surrounding the subject site, and throughout the Downtown more generally, recently built and approved buildings exceed the Downtown height vision indicated on Map 2 while still meeting the objectives and intent of the Official Plan and the Tall Building Design Guidelines. A recent example, among numerous others, is at 625 Church Street where a 56-storey (194-metre) building was approved-in-principle by the Ontario Land Tribunal, notwithstanding that the Downtown Tall Building Guidelines also recommend 15 to 25 storeys on that site.

Finally, from an impact perspective, we note that the proposed height will result in no unacceptable built form impacts with respect to light, view or privacy impacts, shadow impacts or wind impacts on nearby parks and open spaces (including the Rosedale Ravine System) or on *Neighborhoods*-designated lands. While some shadow impact on *Neighborhoods* to the northeast and east is anticipated, it is important to note that the area designated *Neighborhoods* is located in a very urban context and represents a diverse area in terms of its form and function, as set out in Section 5.2 of this Report.

With respect to massing, the proposed podium/point-tower form building would fit harmoniously with the built form context in the surrounding area. The development will contain two distinct but compatible built form elements, a 4- to 9-storey base element that will define Jarvis Street and Earl Place at an appropriate scale and respect the existing context in the area, and a 49-storey tower element that is appropriately sized and located in relation to the subject site. The proposed development will represent a high-quality architectural addition to the East Downtown skyline.

The 4- to 9-storey base building will be oriented parallel to Jarvis Street and Earl Place, with active ground floor uses which animate the street, representing an improvement from the existing buildings on the subject site, which are oriented east-west and feature little relationship with Jarvis Street, and include visible servicing and garbage areas at-grade.

The base building will be set back between 3.95 metres and 5.3 metres from the west property line on Level 1 (as a result of the irregular property line) and will be set back 9.85 metres from the Jarvis Street curb, providing for a generous pedestrian and landscape zone between the building and the street. The large setback is accommodated by an inset condition at Level 1, the Mezzanine Level, and at the southern portion of the building, at Level 2. To support the cantilever, a colonnade comprised of seven structural pillars is proposed at the northern portion of the inset building face, creating a sheltered pedestrian zone. Within the setback, along Jarvis Street, a widened sidewalk/paved zone with a minimum width of 3.7 metres is proposed. The ground plane is proposed to be activated through the introduction of five new street trees within a series of landscape strips between the widened sidewalk zone and the colonnade/building face.

The base building will be set back between 0.5 metres and 2.5 metres from the south property line. The building massing includes a larger setback at the corner of Jarvis Street and Earl Place to open up to the intersection as well as a smaller setback at the entrance to the residential lobby in order to visually insinuate this as the main entrance to the building and provide a clear focal point along Earl Place. The larger setback at the corner also draws attention to the base building's distinctive architectural feature, where the cladding is proposed to be angled to address the intersection and provide a very tall floor-to-ceiling height with a high degree of glazing.

The proposal contemplates converting a portion of the traveled section of Earl Place (currently street parking) into part of the pedestrian realm, introducing a landscaped boulevard and four new street trees along the frontage, as well as a widened sidewalk. The building will be setback a minimum of 4.9 metres from the new Earl Place curb line, representing a generous pedestrian zone, particularly relative to what currently exists - which is a narrow sidewalk flanked by the traveled portion of the roadway to the south and sets of stairs associated with the townhouse dwellings to the north.

The base building's height ranges from 4 storeys to 9 storeys and has been strategically organized to have regard for the existing and planned context of adjacent sites, and to direct the greater height elements to key frontages and the lower height elements in proximity to lower form uses. The base building includes a 9-storey mass along the central and southern portions of the Jarvis Street frontage and the westernmost

portion of the Earl Place frontage in order to address the approximately 24-metre-wide street as well as the intersection. Along the balance of the Earl Place and Jarvis Street frontages, as well as along the north face of the building, the 9-storey element of the podium is generally internalized within the podium envelope, and its scale and impact are mitigated through the use of stepbacks at the lower levels, which present a lower-scale interface with abutting streets and properties.

In this respect, the central and eastern portions of the Earl Place frontage include a 4-storey streetwall, with a stepback at Level 5 and an additional stepback above at Level 7. The north portion of the Jarvis Street elevation includes a 6-storey streetwall with a stepback at Level 7. The western portion of the north face of the podium includes a 6-storey interface with the site to the north, with Levels 7 through 9 stepped back; the eastern portion of the north podium face includes a 4-storey interface with the sites to the north and east with a stepback above at Level 5 and an additional stepback at Level 7. While the east face of the building does not step back to the west, it is still well chamfered by way of the stepbacks along the north and south building faces which result in it narrowing towards the upper podium levels. In our opinion, a westward stepback is less critical given the spatial separation between the podium building and the east property line and the nature of the abutting uses.

The tower element begins at Level 10 and is oriented east-west above the 'T'-shaped upper podium element. The tower is generally rectangular in shape, with a notched northeast corner to provide for variation and visual interest. Above the base element, the tower steps back 3 metres from the west and south faces of the podium, providing for a discernable break between the podium and tower elements when viewed from both Jarvis Street and Earl Place. The stepbacks, in addition to the podium setback and stepbacks also assists in internalizing the tower within the site. The tower does not stepback from the eastern portion of the Earl Place podium face, however, this is a result of stepbacks already being incorporated at the lower levels as described above. The tower element steps back 6.1 metres from the north face of the podium at Level 9, which is already set back 6.6 metres from the north property line, providing for a minimum 12.6 metre tower setback from the north property line, in line with the Tall Building Guidelines and the Downtown Tall Building Setback By-laws. No stepback is proposed along the east elevation. In our opinion, a stepback above the east face

of the base building is less critical given the nature of the adjacent uses and the spatial separation provided by the access/egress driveway and walkway; this is discussed in Section 5.4 below.

The typical tower floorplate size is 784 square metres (gross construction area), with an east-west dimension of 37.18 metres and a north-south dimension of 21.65 metres, representing a slender rectangular point-tower form. While the floorplate represents a modestly larger floorplate than the 750 square metre floor plate recommended by the Tall Building Design Guidelines, the Downtown Secondary Plan provides that, while the tower component of buildings will generally have a maximum floor plate size of 750 square metres, increases to the 750 square metre floorplate size may be appropriate where the impacts of the larger floor plate, including but not limited to shadow, sky view and wind, can be addressed.

In our opinion, the larger tower floor plate is appropriate given the size and configuration of the site, the location of the tower within the site itself, and the corner location of the site within the block, and based on the analysis of built form impacts (shadow, sky view and wind) as further discussed in Section 5.4 below. The tower floor plate is also very well-articulated, which assists in reducing the visual bulk of the building and providing a fine grain and visually interesting façade.

As set out in Section 3 of this Report, both the base element and the tower element provide for a dynamic expression through stepbacks, varied cladding materials, colours, patterns and frame shapes, varied fenestration patterns and the use of both clear and spandrel glazing and dark grey and light grey window-walls, and a unique architectural feature at the corner. Additionally, a stepped back mechanical penthouse provides for distinctive tower top.

In our opinion, the proposed density of 23.25 FSI is appropriate and desirable. First, it is important and appropriate from a land use perspective to optimize the use of land and infrastructure on the site given its location within the Downtown urban growth centre and its location within major transit station areas that have been delineated around three subway stations including Yonge-Bloor Subway Station (interchange), Wellesley Subway Station (Line 1), and Sherbourne Subway Station (Line 2).

Second, it is noted that neither the Official Plan nor the Downtown Secondary Plan generally include density limitations and specifically do not in the case of the subject site. The Official Plan provides that land use designations are generalized, leaving it to the Zoning By-law to "prescribe the precise numerical figures and land use permissions that will reflect the tremendous variety of communities across the City." Accordingly, it is reasonable to establish an appropriate density for the subject site based on specific built form design, context and urban structure considerations, rather than on the basis of density numbers.

While OPA 524 has not yet been approved by the Minister, the proposed density is consistent with the minimum density targets set out for station areas. In all three Site and Area Specific Policies, the subject site is planned to have a minimum density of 0.9 FSI, which has been satisfied

5.4 Built Form Impacts

While the subject site is designated *Neighborhoods* in the Official Plan, in light of the proposed redesignation to *Mixed Use Areas*, this Report will analyze the proposal's conformity with the Official Plan's development criteria applying to the *Mixed Use Areas* designation, which have a particular focus on potential built form impacts on adjacent lower-scale *Neighborhoods*. In particular, Policy 4.5.2(c) requires buildings to be located and massed to provide a transition through appropriate setbacks and/or a stepping down of heights towards lower scale *Neighborhoods*, while Policy 4.5.2(d) requires buildings to be located and massed to adequately limit shadow impacts on adjacent *Neighborhoods*.

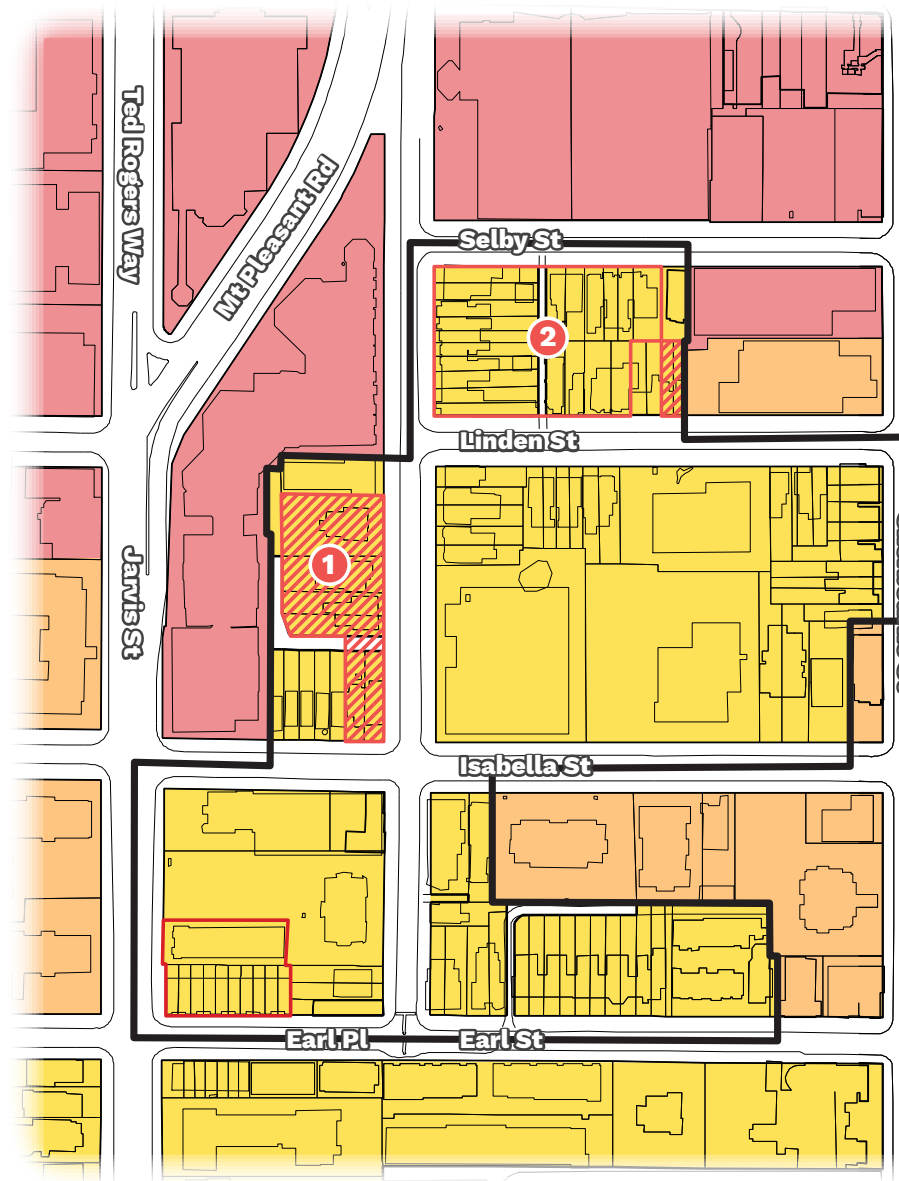
In this respect, the subject site is located within a block currently designated *Neighborhoods* and immediately abuts *Neighborhoods* designated lands to the north, east and south. As well, the block to the east (bound by Huntley Street, Isabella Street, Sherbourne Street and Earl Place), includes *Neighborhoods* designated properties along Earl Street and Huntley Street, with the balance of the block designated *Apartment Neighborhoods*. The block to the north includes *Neighborhoods* designated lands immediately east and south of the Rogers Lands. Northeast of the subject site, the majority of the block bound by Huntley Street, Isabella Street, Sherbourne Street and Linden Street, and half of the block north of this (bound by Huntley Street,

Isabella Street, Sherbourne Street and Linden Street), is also designated *Neighborhoods*. Finally, to the south, lands on the south side of Earl Street are designated *Neighborhoods*.

The proposed tall building is not unlike other tall buildings in the area, It is located on a street which anticipates tall buildings in the Downtown, where tall buildings already exist, and coexist with low rise built forms of all types. As set out in Section 5.3, above, the area includes a variable height context with recently approved tall buildings and older slab-style and 'tower-in-the-park' style buildings that are adjacent to low-rise residential uses in detached and semi-detached dwellings, townhouses, low-form apartment buildings and mid-rise buildings, representing a tight urban condition where building types of different typologies and scales are located in close proximity to one another and co-exist notwithstanding the use of unconventional transitions in height and scale. The portion of this area that is designated *Neighborhoods* is located in a very urban context - in the Downtown core, in proximity to a number of tall buildings and excellent frequent and higher order transit service.

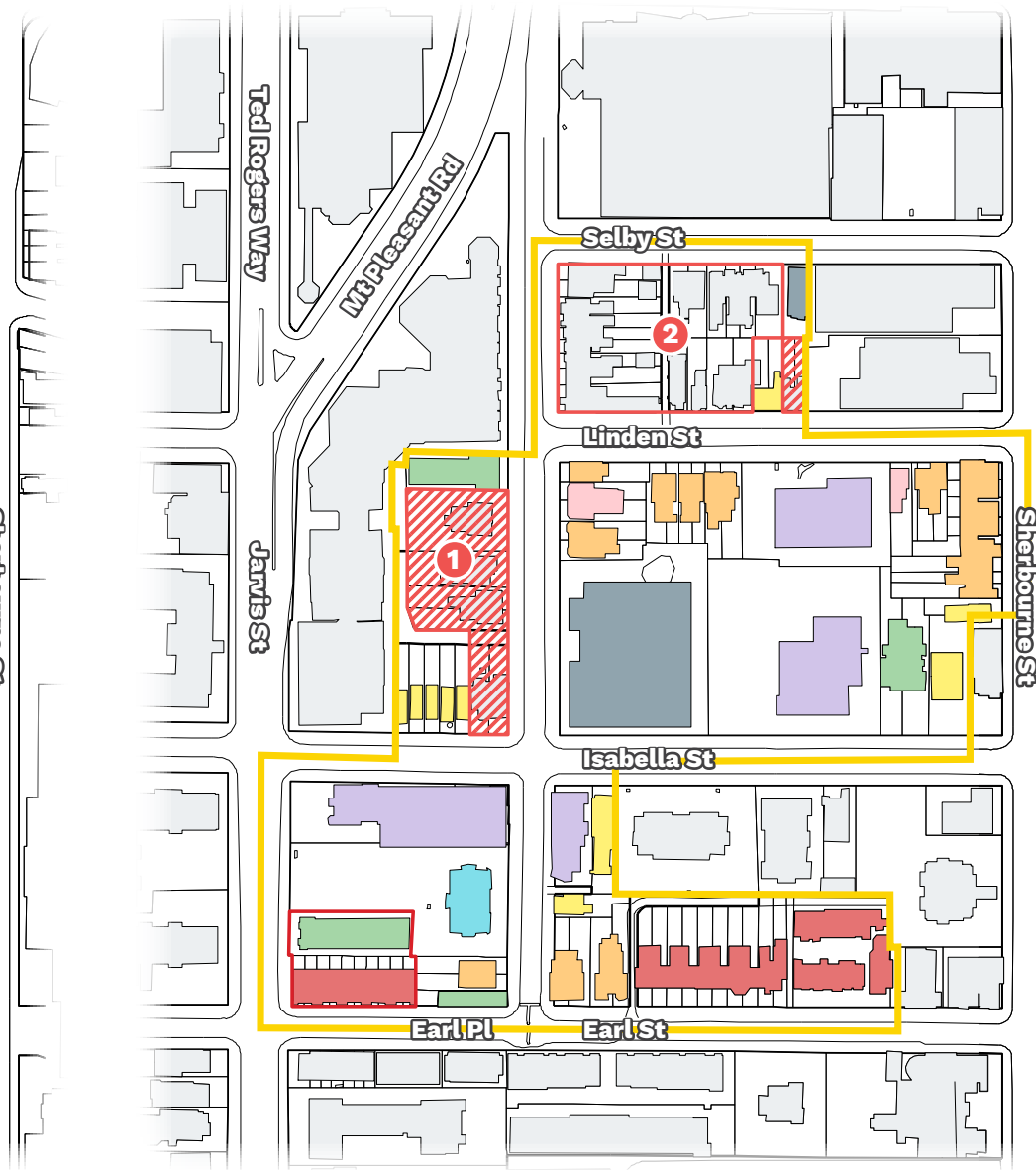
As such, when assessing the appropriateness of the proposed development and in reviewing the built form impacts of the proposed development on *Neighborhoods* designated lands, it is important to recognize the broader surrounding area and its variable existing and emerging structure, and to acknowledge both the urban context in which the *Neighborhood* is located and the varied form and function of the *Neighborhood* itself.

As discussed in Section 2 of this Report, this area contains a mix of building types and housing forms, including single-detached, semi-detached, and rowhouse dwellings, low-rise and high-rise apartment buildings, schools, office buildings, and institutional uses. **Figure 35** illustrates the varied nature of the *Neighborhoods* designated lands, both within the block and in the adjacent blocks.



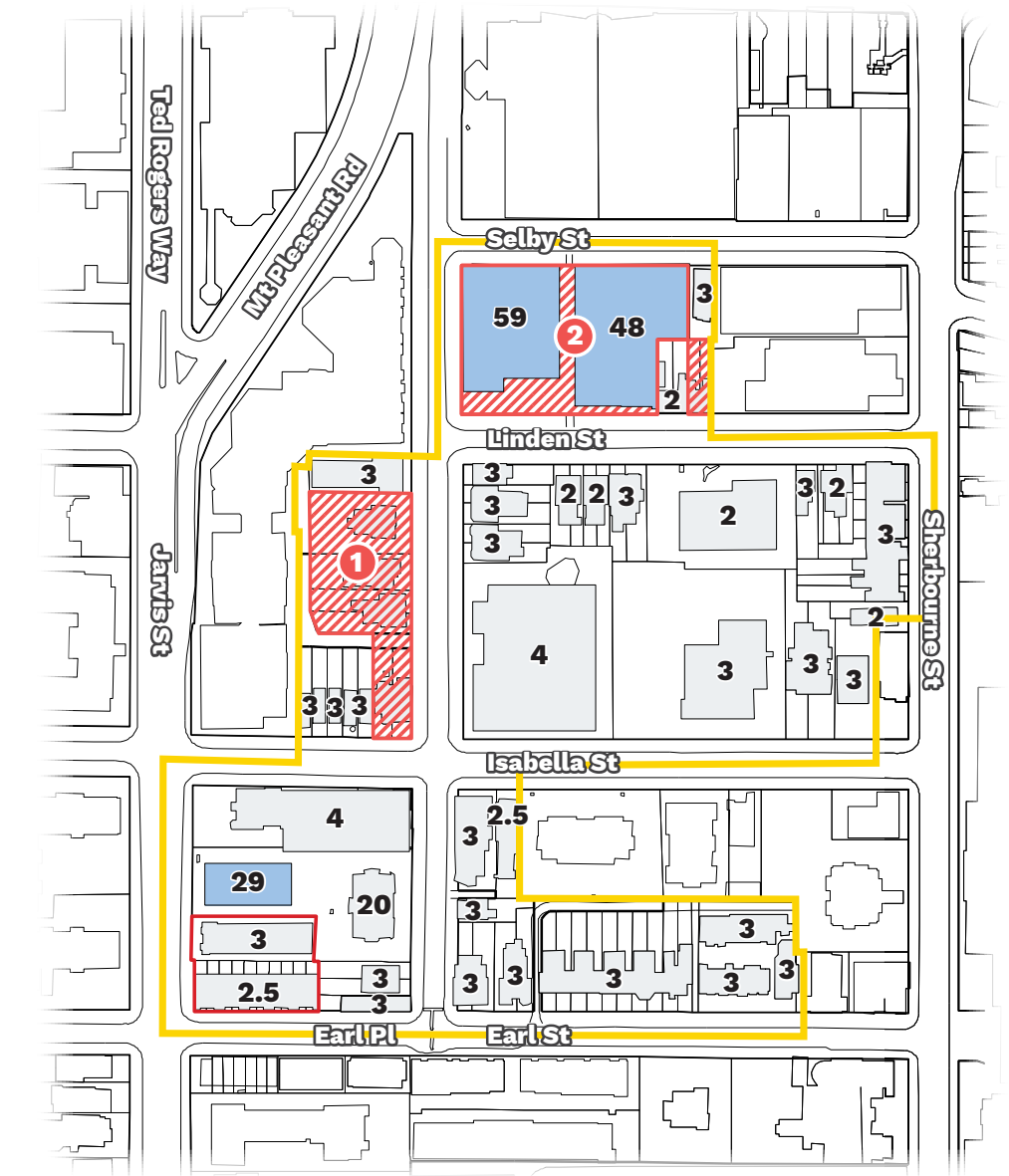
Legend

- Subject Site
- Neighbourhood Study Boundary
- Owned by Rogers Communications Inc.
- Proposed to be redesignated to Mixed Use Areas
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas



Legend

- Subject Site
- Neighbourhood Study Boundary
- Owned by Rogers Communications Inc.
- Proposed to be redesignated to Mixed Use Areas
- Single Detached
- Semi Detached
- Townhouse / Row house
- Low-Rise Apartment
- High-Rise Apartment
- Institutional
- Commercial / Hospitality
- Office



Legend

- Subject Site
- Neighbourhood Study Boundary
- Owned by Rogers Communications Inc.
- Proposed to be redesignated to Mixed Use Areas
- # Heights in Storeys
- # Proposed Tower

Figure 35 - Block Analysis

The subject block includes a semi-detached dwelling, a 3-storey walk up apartment building, a 20-storey apartment building and a 4-storey institutional facility (Casey House). The site occupied by the 20-storey building is also subject to an application seeking a 27-storey infill building and a redesignation to *Apartment Neighbourhoods*. The *Neighbourhoods* designated lands within the block to the east include single and semi-detached dwellings along Earl Place, a single-detached dwelling along Huntley Street, as well as an institutional building, associated with Casey House, along Isabella Street; the balance of this block is designated *Apartment Neighbourhoods* and includes apartment buildings ranging in height of up to 14 storeys.

The *Neighbourhoods* designated lands within the block to the north include 5 single-detached dwellings along Isabella Street (flanked by the Rogers Building to the west), and two semi-detached dwellings, one single-detached dwelling and one low-rise apartment building along Huntley Street (flanked by the Rogers Building to the north and west). It is our understanding that all of the *Neighbourhoods* designated lands within this block, but for the single-detached dwellings along Isabella Street and the walk-up apartment building along Huntley Street, are owned by Rogers Communications Inc., and therefore it is logical to presuppose that they would be included in any eventual redevelopment of the campus.

The *Neighbourhoods* designated lands within the block to the northeast include a 4-storey office building containing the headquarters of the Elementary Teachers Federation of Ontario and two single detached mansions along Isabella Street (one of which has been converted for multi-residential purposes). Three semi-detached dwellings (one of which is a guesthouse/hotel) are along Huntley Street, and six semi-detached dwellings are located along Linden Street. As well, a considerable portion of the block is occupied by two alternative/adult school buildings and an associated parking lot (Monsignor Fraser College). The majority of the *Neighbourhoods* designated lands within the Huntley Street/Linden Street/Selby Street block have been consolidated and are the subject of development applications seeking to redesignate the lands to *Mixed Use Areas* and accommodate a high-rise, mixed-use development.

With the foregoing in mind, it is evident that, notwithstanding the underlying '*Neighbourhoods*' designation, the lands to the north, northeast and east (where adequately limited built form impacts are anticipated to be generated by the proposal) are distinct from a typical *Neighbourhood* in terms of form and function, and incorporates a variety of building types, scales, uses, and densities. It is important to acknowledge this when assessing potential built form impacts of the proposed building.

Light, View, Privacy

Light, View and Privacy (LVP) impacts are generally dealt with through a combination of spatial separation, orientation and mitigating measures between buildings.

The accepted standard for LVP impacts is based on the underlying zoning in Zoning By-law 569-2013, which specifies that, where the main wall of a building has windows or openings, the main wall must be set back at least 5.5 metres from a side lot line that is not adjacent to a street or a lane. For tower elements, By-laws 1106-2016 and 1107-2016 (the Downtown Tall Building Setback By-laws) require a tower setback of 12.5 metres from side and rear property lines, measured to the external walls of the building (i.e. balconies are permitted within the setback zone). From the front, a 3.0 metre setback is required to the tower element, as well as a 12.5 metre setback from the centreline of an abutting street or lane. The foregoing tower setback requirements apply to the portions of a building above 24.0 metres in height if the building is 36.0 metres in height or greater.

Within the context of the parameters outlined above, the siting of the building elements, both above and below, a height of 24 metres would result in contextually appropriate setbacks and separation distances, and would meet the intent of the relevant LVP standards, although they would require amendments to the foregoing bylaws.

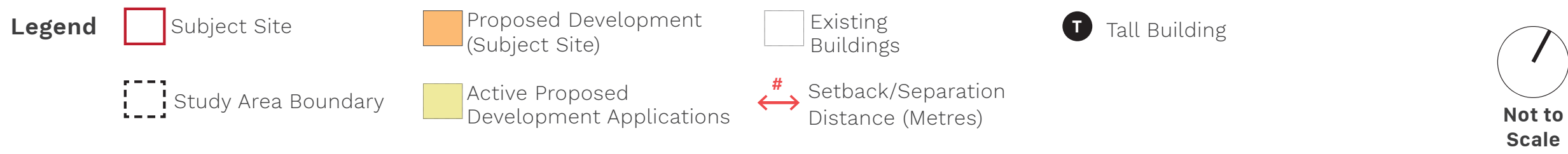
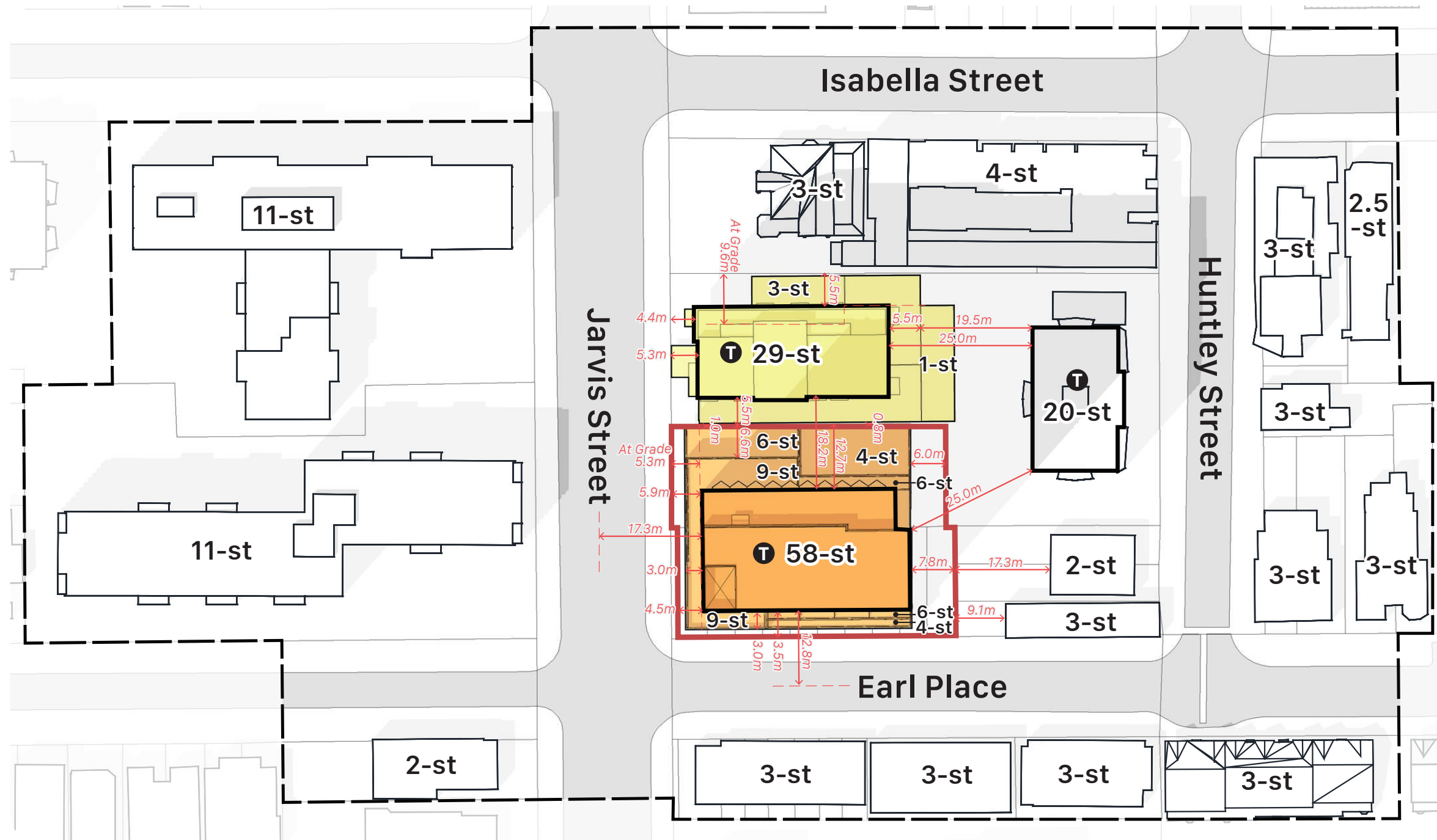


Figure 36 - Proposed Separation Distances

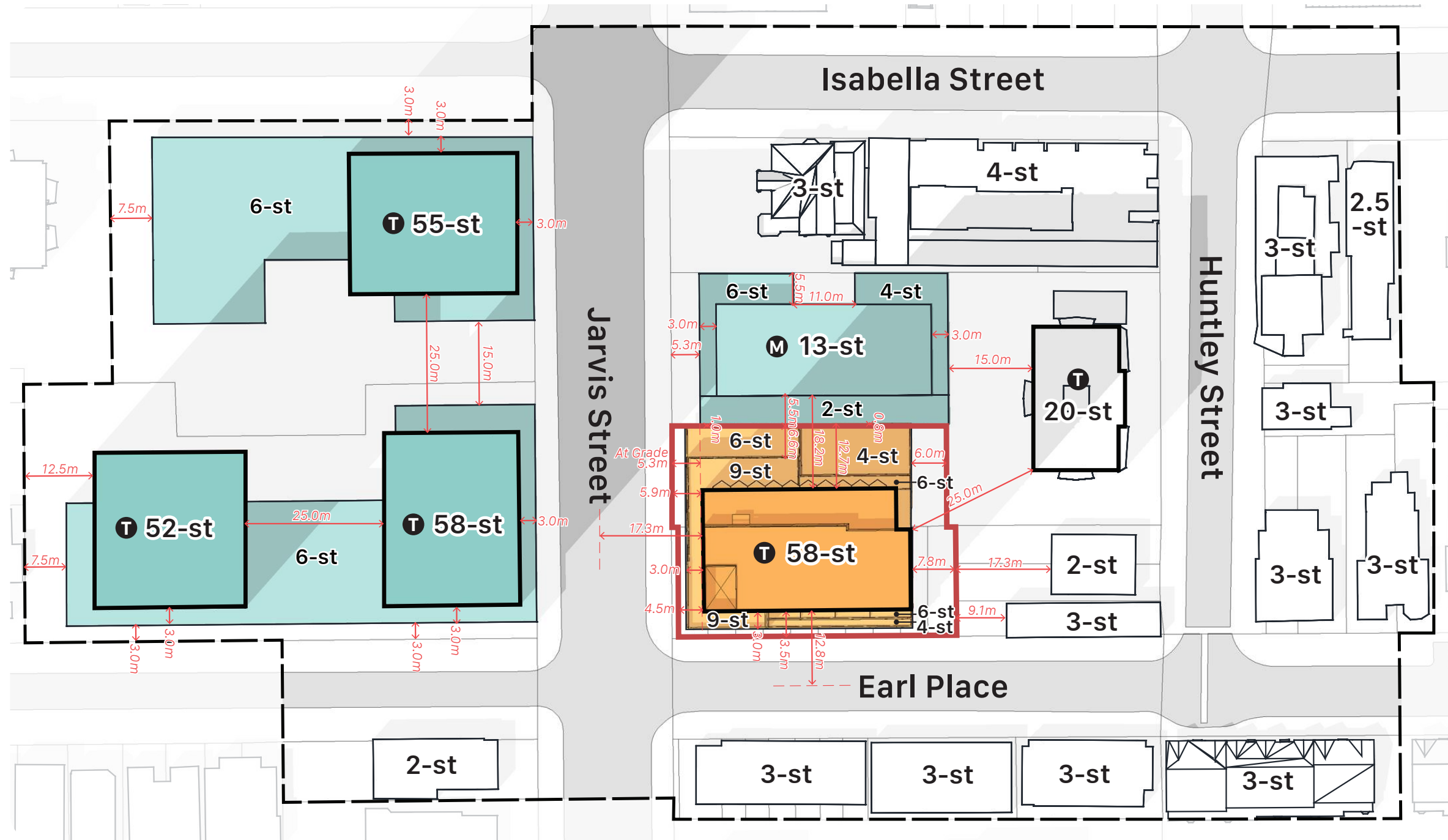


Figure 37 - Proposed Separation Distances (Alternative Massing for 10 Huntley Street)

To the **west**, all of the units within the base building facing Jarvis Street will have an adequate separation distance condition by virtue of the Jarvis Street right-of-way (24 metres). The building is set back a minimum of 1.5 metres from the west property line on Levels 2 through 9. Above the base building, the tower element steps back 3 metres, meeting the intent of the Downtown Tall Building Setback By-laws. The tower element will be set back between 4.5 and 5.85 metres from the west property line and would exceed a 12.5 metre set back to the centreline of Jarvis Street (17.3 metres). Interfacing with the subject site to the east is an 11 storey apartment building at 100 Gloucester Street, which is set back a minimum of 4 metres from Jarvis Street. As a result, the proposed units facing west would have a minimum 29.5-metre separation distance from east facing units in 100 Gloucester Street, increasing to 32.5 on Levels 10 and 11 of the tower element.

As set out in the Block Context Plan prepared by Bousfields Inc., it is our opinion that 100 Gloucester Street may redevelop with a podium- point-tower form in the fullness of time. As demonstrated in the Block Context Plan, an appropriate separation distance would be achieved between the proposed building and any future building on that site. Relief will be required from the Downtown Tall Building Setback By-laws given that the podium element has a height of 38.95 metres and provides the 3 metre tower step back at this height, rather than at or below the first storey which exceeds a height of 24 metres, as required by the By-laws. In our opinion, the proposed condition satisfies the applicable criteria set out in SASP 517 and is appropriate and desirable given the wide right-of-way of Jarvis Street, the ability to address the intersection of Jarvis Street and Earl Place, and the lack of unacceptable built form impacts on the public realm.

To the **south**, all of the units within the base building facing Earl Place will have an adequate separation distance condition by virtue of the Earl Place right-of-way (18 metres). The base building is set back a minimum of 0.5 metres from this property line on Levels 2 to 9. Above the base building, the tower element steps back 3 metres, meeting the intent of the Downtown Tall Building Setback By-laws. The tower element will be set back 3.5 metres from the south property line and would achieve a 12.5 metre set back to the centreline of Earl Place (12.8 metres). Interfacing with the subject site to the south are *Neighbourhoods* designated low-form buildings at 101-125 Earl Place, which are generally built near to their north property line. As a result, the proposed

units facing south would have a minimum 18.5-metre separation distance from north facing units in 101-125 Earl Place on Level 2 of the base building; the balance of the base building and the tower element will not have a direct facing condition with buildings to the south.

Similarly, relief will be required from the Downtown Tall Building Setback By-laws given that the podium element has a height of 38.95 metres and provides the 3 metre tower step back at this height (at the westernmost portion of this frontage), rather than at or below the first storey which exceeds a height of 24 metres, as required by the By-laws. In our opinion, the proposed condition satisfies the applicable criteria set out in SASP 517 and is appropriate and desirable given the ability to address the intersection of Jarvis Street and Earl Place, and the lack of unacceptable built form impacts on the public realm.

To the **east**, all of the east facing units within the base building will be set back between 6 metres and 7.8 metres from the east property line. As noted, the varied set back is a result of the irregular east property line, which jogs from east to west toward the north end of the subject site. The tower element maintains similar setbacks, however, it incorporates a notch at the northeast corner of the tower floorplate, generally corresponding with the location of the westward jog of the property line, resulting in set back of 7.8 metres to 8.65 metres from the east property line. Interfacing with the subject site to the east are four *Neighbourhoods* designated properties which are developed with a 3-storey walk-up apartment building (2 Huntley Street) a 2-storey semi-detached dwelling (6-8 Huntley Street) and a 20 storey apartment building (10 Huntley Street).

Abutting 2-8 Huntley Street, the proposed building is set back 7.8 metres from the interfacing property line. The west face of 2 Huntley Street, which includes a number of windows, is set back approximately 9.1 metres from the interfacing property line. As a result, the proposed units facing east would have a minimum separation distance of 16.3 metres from west facing units in 2 Huntley Street on Level 2. The balance of the building is located above the height of the 2 Huntley Street building and will not have a direct interface. 6-8 Huntley Street is set back 17.3 metres from the interfacing property line and includes an intervening garage structure within the rear yard, between the dwelling and the subject site. As a result, the proposed units facing east would have a minimum 25.1 metre separation distance from west facing units in 2 Huntley Street on Level 2. Similarly, the balance of the building would not have a direct interface.

Abutting 10 Huntley Street, the base building is set back a minimum of 6 metres and the tower element introduces the notch at the northeast corner, providing for an 8.65-metre setback. The base building has been strategically organized to respond to the existing 20-storey building on the 10 Huntley Street property. In this respect, where the base building features a direct interface with existing building, it incorporates a 4-storey height, with the taller base elements stepped back to be located south of the extent of the Huntley building and avoid a direct facing condition. The west face of 10 Huntley Street, which includes a number of windows is set back approximately 15 metres from the interfacing property line. As a result, the proposed units facing east would have a minimum 21 metre separation distance from west facing units in 10 Huntley Street on Levels 2 through 4. The balance of the base building, as a result of stepbacks along the north elevation at the northeast corner of the subject site would not have a direct interface. Similarly, the proposed tower element has been located south of the 10 Huntley Street building to avoid a direct interface. The two towers are diagonally separated by a minimum of 25 metres.

Relief will be required from the Downtown Tall Building Setback By-laws given that the tower element is set back less than 12.5 metres from the east property line. In our opinion, a reduced setback is appropriate to the four properties to the east. 10 Huntley Street is already developed with a 20-storey tower, and cannot reasonably fit an additional tower within the southeast quadrant of that property. The proposed tower element has been sited to be laterally offset from the 10 Huntley Street tower to avoid a direct interface and to achieve a minimum 25 metre separation distance from any portion of the building, maintaining both privacy and overlook as well as skyview. In this regard, the required relief from the 12.5 metre setback specified in the Downtown Tall Building Setback By-laws is in accordance with the considerations set out in SASP 517, notably "the development potential, where appropriate, of other sites within the block" and "the physical relationship between tall buildings, including the extent to which the buildings can be located, oriented and designed to mitigate impacts".

2-8 Huntley Street have a combined lot area of approximately 720 square metres; given this constrained site area, it would be difficult to provide an appropriate tower setback to both the proposed tower on the subject site (even if the subject tower was set back 12.5 metres) and the existing tower at 10 Huntley Street to the north, while still achieving a feasible tower floorplate. Moreover, and notwithstanding the foregoing, Jarvis & Earl Inc. has acquired the properties at 6 and 8 Huntley Street, and – as discussed with Staff – intends to pursue a potential offsite parkland dedication on these parcels. Jarvis & Earl Inc. remains amenable to advancing this arrangement through the development review process. In this respect, only 2 Huntley Street would remain, and is too small to redevelop with a tower on its own. In this regard, the required relief from the 12.5 metre setback specified in the Downtown Tall Building Setback By-laws is in accordance with the considerations set out in SASP 517, notably "the development potential, where appropriate, of other sites within the block".

To the **north**, units on Levels 2 through 6 of the base building facing north will be set back between 1.0 and 3.0 metres from the north property line. The 1.0 metre set back will impact one unit on each of Levels 2, 3, 4 and two units on Level 6 (for a total of five units). These units are all corner units and will benefit from a second view corridor facing west or east. While the balance of the building face is also set back 1.0 metre from the property line, this portion includes 2.0-metre-deep inset balconies, providing for a 3.0 metre setback from the north property line to the glazing on Levels 2, 3, and 4. While the proposed north facing units on Levels 2 to 6 do not provide a 5.5 metre set back to the north property line, it is our opinion this condition is appropriate as the units incorporate a high degree of spandrel glazing with minimal vision glazing to assist in mitigating overview and privacy concerns. Above Level 6 on the west portion of the north building face, north facing units are set back a minimum of 6.6 metres from the north property line; above Level 4 on the east portion of the north building face, units are set back a minimum of 10 metres from the north property line. The tower element is set back a minimum of 12.6 metres from the north property line, meeting the intent of the Downtown Tall Building Setback By-laws.

Interfacing with the subject site to the north is the parking lot of 10 Huntley Street; the north facing units in the proposed podium and tower building would not interface with any south facing residential units on the balance of the block to the north. Notwithstanding the foregoing, a development application has been filed for the 10 Huntley Street parking lot which contemplates a 29-storey tower-and-base form building. As it relates to the interfacing property line, the 10 Huntley Street base building proposes a 0.7-metre setback with a blank wall on Level 1-3; the tower of the proposed building is proposed to begin at Level 4 and would be set back 5.5 metres from the property line on Levels 4 to 29, resulting in facing distances and setbacks which are deficient when assessed against City Standards.

As illustrated in the Block Context Plan prepared by Bousfields Inc., it is our opinion that the parking lot of 10 Huntley Street, as currently configured, is not a tower site, and would more appropriately develop with a mid-rise building. The 10 Huntley Street parking lot is located mid-block and includes a narrow 27.3-metre north-south dimension, and in this respect, it would be difficult for the site to accommodate a functional tower floorplate while providing appropriate tower setbacks to both its north and south property lines. The submitted proposal for the 10 Huntley parking lot includes significantly deficient tower setbacks to both the north and south property lines (5.5 metres as opposed to 12.5 metres), and still results in a relatively smaller 568.38 square metre floorplate and a relatively shallow 16.3-metre north-south dimension. Were the full 12.5 metre separation distances sought, 25 metres of the 27.3 metre long site would be needed for tower setbacks. In contrast, the subject site occupies a corner position within the block and is able to provide a 12.5 metre tower setback to the north property line and the centrelines of the adjacent streets, while also maintaining a 25 metre separation distance to the existing 20-storey apartment building on the 10 Huntley Street site; it does so while still achieving a reasonably sized and functional floorplate. Moreover, it is our understanding that Jarvis & Earl Inc. and the landowner of 10 Huntley Street are in consultation with one another regarding their respective applications with intention to ensure future facing conditions are acceptable.

As demonstrated in the Block Context Plan, prepared by Bousfields Inc., a 13-storey mid-rise building may be accommodated on the 10 Huntley Street parking lot, while generally meeting the guidelines for this building typology. Such a building could be set back 5.5 metres from the interfacing property line, resulting in an 18.2 metre distance between the tower element on the subject site and the uppermost levels of this mid-rise.

Shadow Impacts

In order to assess the shadow impacts of the proposed development, a Sun/Shadow Study was prepared by Kirkor Architects demonstrating shadow impacts on March/September 21st for each hour between 9:18 a.m. and 6:18 p.m. In this regard, the Official Plan provides that towers should be designed to limit shadow impacts on the public realm and surrounding properties (Policy 3.1.3(10)(b)). The policies specific to *Mixed Use Areas* provide that new buildings will adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes (Policy 4.5(2)(d)). The Downtown Secondary Plan also contains policies regarding shadows, directing that development will seek to "adequately limit" shadows on sidewalks, parks, open spaces, natural areas, and institutional open spaces as necessary to preserve their utility (Policy 9.17). Policy 9.18, which addresses sun protected parks and open spaces is not applicable, inasmuch as there are no such parks or open spaces in proximity to the proposed development.

The shadow study demonstrates that, on March 21st/ September 21st, there will be net new shadowing on *Neighbourhoods* designated lands at all assessed times. The shadow generated by the proposed building moves in a clockwise direction from northwest to northeast to east throughout the day in a quick and sweeping motion.

At 9:18 a.m., the proposal would cast a very minor net new shadow on 10 Huntley Street, along the Jarvis Street frontage of the site. While this property is designated *Neighbourhoods*, the impacted portion is currently used as a large surface parking lot servicing the existing 20-storey building the site, and is also the subject of an active development application seeking to permit a 29-storey building. At 10:18 a.m., the net new shadow would impact more of the parking lot and a portion of the front yard of Casey House. Casey House, while also designated *Neighbourhoods* is an institutional building. Later into the morning and early afternoon, the net new shadow continues to move northeast in a clockwise manner, moving across the 10 Huntley parking lot and the Cassey House front yard at 11:18 a.m., and 12:18 p.m. The net new shadow begins to fall on the front of the Cassey House building by 11:18 a.m.

At 1:18 p.m., the shadow cast impacts the *Neighbourhoods* designated properties to the north of the subject block, impacting 5 single-detached dwellings along Isabella Street and low-form buildings on the west side of Huntley Street. As noted previously, the majority of these properties are owned by Rogers Communications Inc., and are anticipated to redevelop in the fullness of time. As well, at 1:18 p.m., the shadow generally moves off the front yard of Casey House and impacts more of the building itself, as well as the central and eastern portions of the 10 Huntley Street parking lot. The incremental shadow cast continues to move northeast through the afternoon, and generally moves off of the *Neighbourhoods* designated block to the north by 2:18 p.m., but for a very minor shadow that impacts the front yard of the 3-storey Rogers owned dwelling at 124 Isabella Street. At 2:18 p.m., the shadow moves into the *Neighbourhoods designated* block to the northeast and impacts the 4-storey ETFO office building. A very minor incremental shadow is also cast on the parking lot of Monsignor Fraser College at this time.

The net-new shadow moves off the 4-storey ETFO headquarters and the majority of the main Cassey House building by 3:18 p.m., and moves onto the southern portion of the Monsignor Fraser College site and impacts the southern school building itself. In our opinion, the minor shadow impact on the alternative and adult school site is "adequately limited" as the impacted outdoor areas of the school site are generally used for parking, rather than for recreation purposes, and given the shadow quickly moves off of the school lands by 4:18 p.m. At 3:18 p.m., the shadow also impacts a 3-storey mansion style dwelling at 164 Isabella Street used for multiple residential purposes as well a house form building associated with Cassey House located at the southeast corner of Isabella Street and Huntley Street (123 Isabella Street). By 4:18 p.m., the incremental shadow moves completely off of Casey House and off the block to the northeast, and moves onto the *Neighbourhoods* designated block to the immediate east. The proposal will cast an incremental shadow on the rear yards two semi-detached dwellings buildings at 2-8 Earl Street and a laneway located to the rear of 10-24 Earl Street.

The block to the east already experiences significant shadowing during the late afternoon and early evening and the proposed development creates only minor net new shadow impacts on the area and does not significantly reduce access to sunlight. By 5:18 p.m., the incremental shadow cast by the proposal impacts the rear yards of a number of dwellings on the north side of Earl Street, but quickly moves off of these properties by 6:18 p.m. At 6:18 p.m., the incremental shadow cast by the proposed building would have a minor impact the front yards of a few properties on the north and south sides of Earl Street as well as a parking lot and buildings associated with a place of worship on the south side of Earl Street (Our Lady of Lourdes Parish).

With respect to streets and open spaces, the proposed building will not cast any net new shadow on sun protected parks or open spaces, and would adequately limit shadows on sidewalks and other open spaces as necessary to preserve their utility. The shadow study demonstrates that, at the spring and fall equinoxes, net new shadows would fall primarily on the Jarvis Street right-of-way northwest of the subject site in the morning, and would move quickly in an eastward direction across Isabella Street through the early afternoon. At 4:18 and 5:18, net new shadows cast by the proposed tower would move south across Sherbourne Street and would impact Earl Street at 6:18 p.m.

In all periods, there are no significant impacts on designated *Neighbourhoods* areas and only minimal additional shadows on sidewalks, parks, open spaces, natural areas and institutional open spaces. The majority of the impact would occur on the 10 Huntley Street parking lot (which is proposed to be redeveloped) and on Casey House (which is non-residential in use). As well, should the parking lot of 10 Huntley Street be redeveloped with a mid-rise or tall building, it is likely that the shadow of that building would also impact Casey House and, at certain times, the *Neighborhoods* designated blocks to the north and northeast.

In our opinion, the impacts described above on such areas would be "adequately limited", in accordance with the applicable Official Plan policies and there would be no negative impacts on their utility, having regard for the nature of the *Neighbourhoods* designated lands as described above, the urban context of the area, the existing shadows cast by other tall buildings in the area, and the fast-moving nature of the shadow.

Wind Impacts

A wind-tunnel based Pedestrian Level Wind Study was prepared by RWDI Consulting Engineers and Scientists in support of the application. The report notes that existing wind conditions are comfortable for the intended pedestrian use on and around the subject site throughout the year. The report concludes that, with the addition of the proposed development, grade level wind speeds are predicted to remain comfortable for intended pedestrian uses throughout the year, and in particular around the building entrances and the adjacent sidewalks. With respect to the outdoor amenity spaces, the report notes that in the spring, summer and fall, wind conditions on the Level 5, 7 and 10 outdoor amenity areas are suitable for passive pedestrian use, with the exception of the northwest corner of the Level 10 outdoor amenity space.

5.5 Urban Design

From an urban design perspective, it is our opinion that the proposed development is appropriate and desirable and will fit harmoniously within its existing and planned context. The proposed tower will result in a high-quality development that is well-designed and in a compact urban development form. The development will provide a distinctive, high-quality addition to the skyline, while also providing improvements to the streetscape along both Jarvis Street and Earl Place. The use of glazing on the ground floor will provide direct access and views into and from the public realm and the building setbacks will include new landscaping to create a comfortable and active pedestrian environment, and allow for the uses of the building to spill into the public realm.

At an urban scale, the proposed height, size and siting of the tower will result in an appropriate addition to the existing context, which is fluid and varied, and will provide appropriate tower separation distances to the existing buildings surrounding and adjacent to the subject site. The slender design of the tower, with a 784 square metre floorplate, and provision of appropriate setbacks limits shadow, sky view and privacy impacts on the adjacent buildings and neighbourhoods.

In our opinion, the proposed development is appropriate and desirable in urban design terms and generally conforms with the applicable urban design policies in the Toronto Official Plan (including Policies 3.1.2(1), 3.1.2(2), 3.1.2(3), 3.1.2(4), 3.1.2(5), 3.1.2(6), 3.1.2(7), 3.1.2(9), 3.1.2(10), 3.1.2(11), 3.1.2(13), 3.1.3(9), 3.1.3(10), 3.1.3(11), 3.1.3(12) and the Downtown Secondary Plan. In particular, the proposed development has been designed to:

- locate the podium base building to be parallel to both Jarvis Street and Earl Place, and to generally align with the setback of the existing walk up apartment building to the east;
- locate entrances to the building in predominant locations so that they are clearly visible and with direct access from public sidewalks and street frontages;
- create a visual connection between the ground floor uses of the building and the public realm through the use of glazing and window walls;
- provide co-ordinated landscape improvements along the Jarvis Street and Earl Place frontages by providing new landscaped areas;
- recess the ground floor of the podium base building to create a visual break in the Jarvis Street streetwall;
- provide tower setbacks between the tower and the podium base building to minimize the visual impact of the tower and create distinct building elements;
- include distinctive architectural materials and characteristics to distinguish the podium base building from the tower element;
- locate and orient the tower appropriately in relation to the podium building and surrounding buildings to minimize shadow impacts;
- decrease the size of the floor plate in the upper levels of the building to reduce the perceived mass of the tower;
- integrate the roof-top amenity area and mechanical systems into the design of the building;
- provide an architecturally distinct building that will contribute to the skyline;
- locate servicing, loading and vehicular parking away from the public realm to minimize their visual impact;
- screen service areas, ramps and garbage storage from the public realm by internalizing these functions within the development;
- provide all parking underground;
- provide safe and direct pedestrian routes to main building entrances; and
- provide indoor and outdoor amenity space for residents, including private balconies where appropriate.

Tall Building Design Guidelines

In our opinion, the design of the proposed development is generally in keeping with the applicable guidelines set out in the City-wide Tall Building Design Guidelines, as set out below.

Guideline 1.3 – Fit and Transition in Scale: Ensure tall buildings fit within the existing or planned context and provide an appropriate transition in scale down to lower-scaled buildings, parks and open space.

- The proposed 58-storey building will fit within the existing and planned built form context through its siting and the provision of setbacks and architectural treatment.

Guideline 1.4 – Sunlight and Sky View: Locate and design tall buildings to protect access to sunlight and sky view within the surrounding context of streets, parks, public and private open space, and other shadow sensitive areas.

- Sunlight and sky view are assessed in Section 5.4 above.

Guideline 2.1 – Building Placement: Locate the base of tall buildings to frame the edges of streets, parks and open space, to fit harmoniously with the existing context, and to provide opportunities for high-quality landscaped open space on-site. On corner sites, respond to the setback pattern and alignment of neighbouring buildings on both streets.

- The base building is oriented parallel to both Jarvis Street and Earl Place and will frame the streets with good proportion. As it is a corner site, the base building has been designed to fit within the existing built form context and setbacks along both streets.

Guideline 2.2 – Building Address and Entrances: Organize tall buildings to use existing or new public streets for address and building entrances. Ensure primary building entrances front onto public streets, are well defined, clearly visible and universally accessible from the adjacent public sidewalk.

- The proposed development will establish an attractive and inviting pedestrian environment along both street frontages. At-grade entrances to the retail units are located along the Jarvis Street frontage and the lobby entrance at-grade is located along Earl Place. All entrances will be clearly visible and directly accessible from the public sidewalk.

Guideline 2.3 – Site Servicing, Access and Parking: Locate “back-of-house” activities, such as loading, servicing, utilities and vehicle parking underground or within the building mass, away from the public realm and public view.

- All servicing areas have been integrated within the ground level of the base building away from the public realm and public view. Access to the “back-of-house” activities will be from a shared driveway, which runs along the easterly boundary of the site.

Guideline 2.5 – Private Open Space: Provide a range of high-quality, comfortable and shared outdoor amenity space throughout the tall building site.

- Approximately 578.67 square metres of shared outdoor amenity space is proposed on the terraces of Levels 5, 7 and 10, which is intended to residents of the development. Based on the proposed number of residential units, approximately 0.85 square metres of outdoor space per unit is provided.

Guideline 3.1.1 – Base Building Scale and Height: Design the base building to fit harmoniously within the existing context of the neighbouring building heights at the street and to respect the scale and proportion of adjacent streets, parks and public or private open spaces.

- The base building, which ranges in height along Jarvis Street from 6 to 9 storeys and from 4 to 9 storeys along Earl Place has been designed to fit within the existing built form context, providing the lowest heights along Earl Place and at the northeast corner of the subject site to respond appropriately to its adjacencies.

Guideline 3.1.2 – Street Animation: Line the base building with active, grade-related uses to promote a safe and animated public realm.

- The base building is proposed to be lined with active street-related uses including the retail units, the residential lobby and an indoor amenity area to activate and animate the public realm. Along both frontages, improvements to the public realm will be made through the incorporation of new paving and landscape elements.

Guideline 3.1.3 – First Floor Height: Provide a minimum first floor height of 4.5 metres, measured floor-to-floor from average grade.

- The proposed first floor height is a minimum of 4.5 metres, in keeping with the guideline.

***Guideline 3.1.4 – Façade Articulation and Transparency:** Articulate the base building with high-quality materials and design elements that fit with neighbouring buildings and contribute to a pedestrian scale. Provide clear, unobstructed views into and out from ground floor uses facing the public realm.*

- The base building has been designed with a variety of high-quality materials that are complementary to the existing adjacent buildings. The base building element provides glazing to allow for views into the retail units, residential lobby and amenity area from the public realm.

***Guideline 3.1.5 – Public-Private Transition:** Design the base building and adjacent setback to promote an appropriate level of visual and physical access and overlook reflecting the nature of building use at-grade.*

- The base building has been designed to provide a visual connection between the at-grade lobby, retail units, amenity area and the public realm, through the use of glazing of the ground floor.

***Guideline 3.2.1 – Floor Plate Size and Shape:** Limit the tower floor plate to 750 square metres or less per floor, including all built area within the building, but excluding balconies.*

- The floor plate size of the tower element, at 784 square metres (gross construction area), meets the general guideline of 750 square to mitigate shadow, overlook and privacy impact. See Section 5.4 for more detail.

***Guideline 3.2.2 – Tower Placement:** Place towers away from streets, parks, open space and neighbouring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm.*

- The proposed tower will provide appropriate separation from parks, open spaces, as well as the adjacent low-rise residential properties. See Section 5.4 above for more details.

***Guideline 3.2.3 – Tower Separation:** Set back tall building towers 12.5 metres or more from the side and rear property lines or the centre line of an abutting lane. Provide separation distance between towers on the same site of 25 metres or more, measured from the exterior walls of the buildings, excluding balconies.*

- The siting of the proposed tower will not preclude the redevelopment of adjacent properties. Setbacks from the side and rear property line have been provided. See Section 5.4 above.

***Guideline 3.2.4 – Tower Orientation and Articulation:** Organize and articulate tall building towers to promote design excellence, innovation, and sustainability.*

- The tower design has been designed in an east-west manner and will add an architecturally distinct residential building to the skyline.

***Guideline 3.2.5 – Balconies:** Design balconies to maximize usability, comfort, and building performance, while minimizing negative impacts on the building mass, public realm, and natural environment.*

- Projecting balconies have been strategically located on the northern facades, and have been designed to maximize usability and comfort, while being sensitive to the impact on the proposed building mass and overlook conditions to the adjacent buildings.

***Guideline 3.3 – Tower Top:** Design the top of tall buildings to make an appropriate contribution to the quality and character of the city skyline. Balance the use of decorative lighting with energy efficiency objectives, the protection of migratory birds and the management of artificial sky glow.*

- The mechanical penthouse will be incorporated into the tower design and will be treated with complementary and co-ordinated materials.

***Guideline 4.1 – Streetscape and Landscape Design:** Provide high-quality, sustainable streetscape and landscape design between the tall building and adjacent streets, parks and open space.*

- The base building will provide for generous sidewalk conditions that will result in ample room for landscaping including unit pavers, various plantings and significant new plantings. The proposed development will incorporate retail units, the residential lobby and indoor amenity area at grade which will animate the public realm and create a strong presence with direct access from the public sidewalk, with significant glazing on the street façades, promoting a high-quality streetscape.

***Guideline 4.2 – Sidewalk Zone:** Provide adequate space between the front of the building and adjacent street curbs to safely and comfortably accommodate pedestrian movement, streetscape elements and activities related to the uses at grade.*

- The base building provides for a sidewalk zone that will safely and comfortably accommodate pedestrian movement. The building will provide setbacks that range from 3.9 to 5.3 metres on Jarvis Street and setbacks that range from 0.5 to 2.5 metres on Earl Place, which will result in a curb-to-building-face distance of approximately 10.1 metres on Jarvis Street and 5.1 and 7.1 metres on Earl Place.

Guideline 4.3 – Pedestrian Level Wind Effects: Locate, orient and design tall buildings to promote air circulation and natural ventilation, yet minimize adverse wind conditions on streets, parks and open space, at building entrances, and in public and private outdoor amenity areas.

- Wind effects are addressed in Section 5.4 above.

Guideline 4.4 – Pedestrian Weather Protection: Ensure weather protection elements, such as overhangs and canopies, are well integrated into building design, carefully designed and scaled to support the street, and positioned to maximize function and pedestrian comfort.

- This guideline has been addressed through the Pedestrian Level Wind Assessment prepared by RWDI (see Section 5.4 above).

5.5 Functional Servicing and Stormwater Management

A Functional Servicing and Stormwater Management Report was prepared by R.V Anderson Associates Limited in support of the proposed development. The report has been submitted under separate cover and provides detailed summaries of the studies undertaken by R.V Anderson Associates Limited with respect to water supply, sanitary drainage, and storm drainage.

The report concludes that the proposed development is feasible from municipal servicing and stormwater management perspectives and will address the requirements of the City of Toronto. The following conclusions were made:

- In accordance with the City Policy on foundation drainage, it is currently envisioned that there will be no long-term discharge of foundation drainage for the site and the underground structure will be constructed watertight.
- A peak water demand of 99.19 L/s has been estimated for the proposed development, and a hydrant flow test indicated the existing municipal watermain system has a capacity of 171.76 L/s, which is more than sufficient to support the proposed development.
- A sanitary sewer capacity analysis prepared for the site indicated that the existing municipal sewer system has sufficient capacity in the wet-weather and dry-weather events up to Jarvis Street. Downstream of Jarvis Street, the removal of storm flow from pre-development to post development, which was previously directed to the Jarvis Street combined sewer, will result in a net decrease to the City's combined sewer system.

- The implementation of rainwater harvesting for reuse through infiltration will serve to meet the City's water balance target and limit the total average annual runoff volume to 50% of the annual average rainfall. Effectively 99% of the proposed site receives a TSS efficiency removal rate of 80%. The clean nature of roof runoff and the filtered at grade surfaces will serve to meet the City's 80% TSS removal water quality requirement

5.6 Transportation Impact Study

A Transportation Impact Study was prepared by BA Group in support of the development proposal. The transportation report concludes that the proposed development is expected to have an acceptable impact on the transportation network in the study area. The following conclusions were made:

- The proposed parking supply is appropriate and is expected to accommodate the proposed development. The proposed parking supply falls within the minimum and maximum requirements specified as per Zoning By-law 89-2022. The reduced resident and visitor / retail parking supplies are appropriate based on evolving transportation context and policies, observed parking trends and demands, comparison of other parking Zoning By-law standards within the GTA, historical residential-based travel trends, availability of area off-site parking, and the TDM plan for the proposed development. Additionally, the total proposed bicycle parking supply meets the minimum requirements specified under Zoning By-law 569-2013 and TGS Version 4.0 for the new uses, and the total loading supply of four spaces, including 1 Type 'C' and 1 Type 'G' loading spaces located within the buildings at-grade, meets the minimum loading requirements of Zoning By-law 569-2013.
- The site is anticipated to generate between 340 and 365 trips during the weekday morning and afternoon peak hours, respectively. The site is anticipated to generate on the order of 50 and 60 new automobile trips. Active transportation volumes generated by the site are anticipated to have a minimal impact on the local area transportation network, and no upgrades are proposed. It is expected to generate between 110 and 115 pedestrian trips, 155 to 180 transit pedestrian trips, and 20 cycling trips during the weekday morning and afternoon peak hours, respectively.

- The intersection of Mount Pleasant Road – Jarvis Street / Isabella Street operates at overall v/c ratios of 0.60 or less during both peak hours under all scenarios analyzed. The intersection of Jarvis Street / Gloucester Street – Earl Place as well as Jarvis Street / Wellesley Street operate at overall v/c ratios of 0.59 or less and 0.67 or less, respectively, during both peak hours under all scenarios analyzed. Site related impacts to these intersections were found to be minimal or modest. All movements at unsignalized intersections operate at Level of Service (LOS) B or better during both peak hours under all scenarios analyzed
- The proposed location and massing of the development limits shadow impacts on adjacent buildings. Shadows have been identified for March/September 21 between 12:18am-14:18pm, covering a portion of 571 Jarvis Street - Wm. R. Johnston House (1875), a property Designated under Part IV of the Ontario Heritage Act. However, shadows will be transient, and heritage attributes of affected buildings will not be unduly impacted.
- The new podium level will present an opportunity to recreate a consistent street wall along Jarvis Street adjacent to contributing heritage properties. Furthermore, the variety in the base massing will help to mediate the difference of scale and form between 2-storey and 3-storey structures, existing mid-rise residential apartments, and surrounding proposed developments.
- The proposed development presents no destruction of heritage attributes or features and will not materially affect any significant views or vistas in the area. Existing adjacent heritage properties will retain legibility of scale and form along Earl Place and Jarvis Street. The existing uses have no associated cultural heritage value and will not be impacted by the proposed change to commercial/mixed use at grade.

5.7 Heritage Impact Assessment

A Heritage Impact Assessment was prepared by Goldsmith Borgal & Company Ltd. Architects to assess the impact of the proposed development on and adjacent to the properties on the subject site. The report concludes that the proposed development represents a reasonable and responsive balance to prevailing policies and does not impact nearby heritage properties. The following conclusions were made:

- The existing buildings on the subject site include 561 Jarvis Street (1928) and 120 Earl Place (2000). Neither building on the site is listed in the Toronto Heritage Register, nor Designated under Part IV or Part V of the Ontario Heritage Act. The proposed development is, however, adjacent to several designated and listed heritage properties.
- The location of the property at 561 Jarvis Street is not within a cluster of other similarly scaled modest apartment buildings along Earl Place, including the 'Earl Apartments' (1918), 'Glendale Mansions' (1923) and 'Merril Mansions'(1922) that form an ensemble of low-rise buildings that are more valuable by virtue of being close to each other. As such, the contextual value of 561 Jarvis Street is limited and not significant.
- 561 Jarvis Street was found to meet a minimal number of criteria used to determine heritage value under Ontario Regulation 9/06. The property was determined to have "Design or Physical Value" because it has a "rare, unique, representative, or early example of a style, type, expression, material or construction method." The apartment building at 561 Jarvis Street is a representative example of a Period Revival style (Tudor) that was applied to apartment buildings to provide a more palatable residential character.



Conclusion

The proposed redevelopment presents an opportunity to provide a thoughtfully designed mixed-use building which appropriately provides for intensification of an underutilized site, strategically located in proximity to three subway stations.

From a land use perspective, the proposal is supportive of numerous policy directions promoting intensification, particularly in locations which are well served by municipal infrastructure, including higher-order public transit. In this respect, the proposal will result in the redevelopment of a site within an urban growth centre and within three "major transit station areas" as defined by the Growth Plan. The proposal will create a desirable mixed-use development comprised of new residential units, including rental units and jobs.

From a built form and urban design perspective, the proposed development will result in an improved public realm along both street frontages with high quality landscaping and pedestrian connectivity. The proposed podium and the taller building elements appropriately frame the surrounding streets with a design which adequately limits light, view and privacy impacts on surrounding streets and properties.

In summary, it is our opinion that the proposal is an appropriate and desirable redevelopment of the site and represents good planning and urban design. Accordingly, we recommend approval of the requested Official Plan and Zoning By-law Amendment applications.

Appendix A

**Housing
Issues
Report**

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1

Introduction and Purpose

This Housing Issues Report has been prepared in support of an application by Jarvis & Earl Inc. (the "Owner") to amend the City of Toronto Official Plan, the Downtown Secondary Plan (OPA 406) and the City-wide Zoning By-law 569-2013, to facilitate the redevelopment of a 0.18-hectare site located at the northeast corner of Jarvis Street and Earl Place (see **Figure A1**). The lands subject to this application are municipally known as 561 Jarvis Street and 102-120 Earl Place (the "subject site").

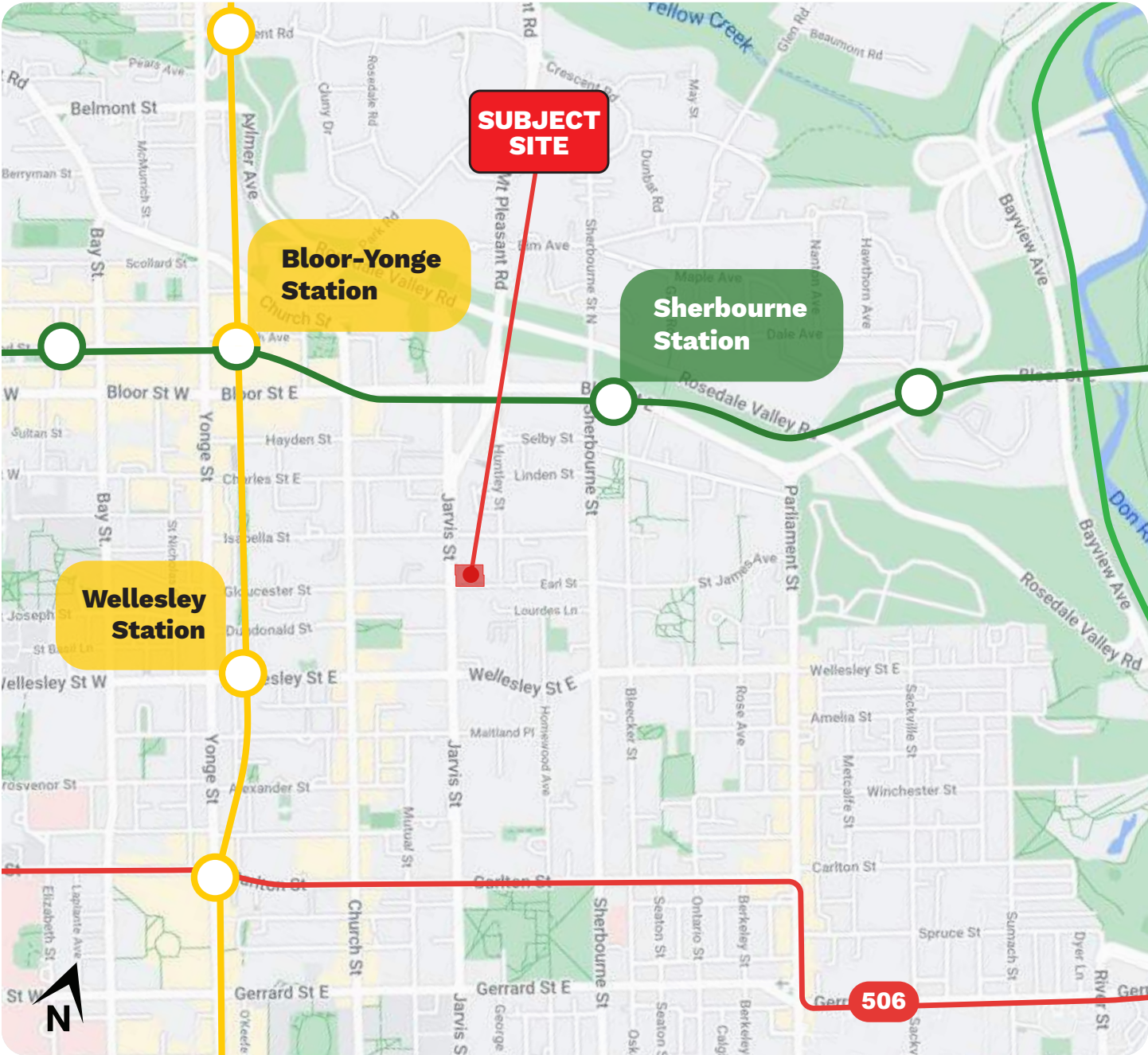


Figure A1 - Location Map

This Housing Issues Report provides an overview of the existing rental units located within the multiple buildings on the subject site and sets out the proposed rental replacement strategy.

The subject site is an assembly of 11 properties, which includes a 2^{1/5}-storey rectangular Tudor style building (561 Jarvis Street) and 10 3-storey freehold townhouses, which are located at the northeast corner of Jarvis Street and Earl place (102-120 Earl Place). At the time this Report was written, the subject site contained a total of 40 residential units, of which 31 were rental. More specifically, 561 Jarvis Street contains 29 rental units, of which five (5) are bachelor units and twenty four (24) are one-bedroom units. Within the townhouse block, one of the townhouses is functioning as a rental property (106 Earl Place), and the remaining nine townhouses are owner occupied. The rented townhouse has been sub-divided into two rental units, a lower level unit and an atypical upper level unit. The lower level unit is located in the basement and is one-bedroom in size. The upper level unit occupies the main and second floor, and contains three-bedrooms. The Owner retained Houssmax to conduct surveys of the rental units in order to provide an accurate assessment of the existing floor area.

The proposal contemplates the redevelopment of the subject site with a single residential tower with a proposed height of 58-storeys (192.8 metres excluding mechanical penthouse). The 49-storey residential tower would be situated above a 4- to 9-storey podium base, which will contain a mix of residential and at-grade retail uses. As part of the proposed development, the existing driveway access will be relocated to the southeast corner of the subject site off of Earl Place. A total of 690 new dwelling units are proposed, including 31 rental replacement units.

Section 111 of the *City of Toronto Act* provides the City of Toronto authority to protect rental apartments within its jurisdiction. In accordance with the provisions of Section 111, the City of Toronto prohibits the demolition and conversion of any rental housing (on properties that contain six or more rental units) unless a permit has been issued under Chapter 667 of the Municipal Code. Under Chapter 667 of the Municipal Code, a rental unit is defined as *"a dwelling unit used, or intended for use, for residential rental purposes, including a dwelling unit that has been used for residential rental purposes and is vacant"*. The Official Plan states that rental housing is defined as *"a building or related group of buildings containing one or more rented residential units, including vacant units that have been used for rented residential purposes"*.

The City of Toronto Official Plan (the "Official Plan") also contains relevant housing policies which apply to the proposed development. In particular, Policy 3.2.1(6) applies when six or more rental units are proposed to be removed as part of a new development.

On behalf of the Owner, we are pleased to submit this Housing Issues Report which addresses Section 111 of the *City of Toronto Act* and the Toronto Official Plan housing policies as they apply to the proposed redevelopment of the subject site. In our opinion, the proposed development, and the replacement of rental housing on the subject site, conforms with the relevant Provincial and Municipal policies governing housing in the City of Toronto.

2

Subject Site

The subject site is located at the northeast corner of Jarvis Street and Earl Place, in the North St. James Town Neighbourhood in downtown Toronto. The subject site is generally rectangular in shape with an area of approximately 1,862 square metres with frontage of approximately 36.35 metres on Jarvis Street and approximately 47.75 metre on Earl Place. The subject site is an assembly of eleven (11) properties, municipally known as 561 Jarvis Street and 102-120 Earl Place.

The property at 561 Jarvis Street is currently occupied by a 2^{1/2}-storey Tudor-style residential apartment building. The existing building is oriented east-west with frontage on Jarvis Street, with a small access driveway along the northern portion of the building.

With respect to the residential nature of the building, there are a total of 29 rental dwelling units in the building, all of which were occupied at the time this Report was written. The units are comprised of bachelor and one-bedroom units that are between 24.9 and 44.0 square metres (268 and 474 square feet) in size. The building does not contain balconies and does not provide for any shared indoor and/or outdoor amenity for the tenants. One parking space is provided on the property, and it is typically used for garbage storage or temporary maintenance and service vehicles.

South of 561 Jarvis Street, at the northeast corner of Jarvis Street and Earl Place, is a row of 3^{1/5}-storey freehold townhouses, constructed in 2002, municipally known as 102-20 Earl Place. Each unit can be accessed via a main entrance, and a secondary entrance below grade. In terms of private amenity and parking, each unit is provided an outdoor terrace in the rear above the parking entrances. The outdoor terraces currently face the neighbouring building at 561 Jarvis Street. Access to the private interior garages is from Jarvis Street. An approximate 3.0 metre wide driveway provides access to the private garages.

As mentioned above, the majority of the townhouse units are currently owner-occupied, specifically 102 Earl Place, 104 Earl Place and 108-120 Earl Place. 106 Earl Place is currently leased to two tenants. The upper level unit (167.2 square metres in size), which is atypical in size for a rental unit, contains three-bedrooms, and the lower level unit (44.1 square metres) contains one-bedroom. The parking space associated with 106 Earl Place is currently used by the upper level tenant. There is no shared laundry or amenity for the tenants in 106 Earl Place. A detailed description of the subject site and the immediate surroundings can be found in Section 2.0 of the Planning and Urban Design Rationale Report.

A summary of the 31 rental dwelling units and their typology is provided in **Table A1** below, while **Table A2** illustrates the existing rental areas by unit, and average unit sizes.

Table A1 - 561 Jarvis Street and 106 Earl Place, Unit Types and Status

Status	Bachelor	1-bedroom	2-bedroom	3-bedroom
Occupied	5	24	0	0
Vacant	0	1	0	1
Total	5	25	0	1

Table A2 - 561 Jarvis Street and 106 Earl Place, Existing Unit Sizes

	Bachelor	1-bedroom	2-bedroom	3-bedroom
Total Area	136.6 m ² (1,470 ft ²)	981.5 m ² (10,561 ft ²)	-	167.2 m ² (1,800 ft ²)
Average Unit Size	27.3 m ² (294 ft ²)	39.2 m ² (422 ft ²)	-	167.2 m ² (1,800 ft ²)
Total Rental Area	1,284.9 m² (13,831 ft²)			

A copy of the existing unit surveys will be submitted under a separate cover to City Staff.

3

Development Proposal

The development proposal seeks to demolish the existing buildings on the subject site, and construct a new 58-storey residential building with retail at-grade that has frontage on Jarvis Street. The development will have a total height of 192.8 metres, plus a 6.0 metre mechanical penthouse. The tower will be positioned above a 4- to 9-storey podium base building will range in height from 6 to 9 storeys along Jarvis Street (27.9 to 38.9 metres) and 5 storeys along Earl Place (18.4 metres).

Collectively, the proposal will have a total gross floor area ("GFA") of 43,306.5 square metres, resulting in an FSI of 23.25. A total of 690 new residential dwelling units are proposed which will be comprised of 44 studio dwelling units (6.3%), 451 one-bedroom units (65.3%), 136 two-bedroom units (19.7%) and 59 three-bedroom units (8.5%). Of the total residential units provided in the new development, a total of 31 units will be for the purpose of rental replacement.

The rental replacement units are proposed within the podium element of the building on Levels 2 and 3. A summary of the proposed units is provided in **Table A3** below, while **Tables A4** and **A5** provide a summary of the total square footage of rental area and average unit sizes. As illustrated below, the proposal contemplates a one-for-one replacement of the existing rental units at a size that is generally similar to what is on the subject site today, with the exception of the three-bedroom unit in 106 Earl Place. The existing three-bedroom unit will be replaced with a unit of the same type, but at a size that is less than what exists on the subject site today (a difference of approximately 87.9 square metres (946 square feet)). The 87.9 square metres of gross floor area will be redistributed amongst the replacement one-bedroom units to increase their size. As such, the development proposal will not result in any net loss of rental gross floor area. The proposed development will provide approximately 1,284.9 square metres (13,831 square feet) of rental gross floor area, which is consistent with what exists on the subject site today.

Table A3 - Existing and Proposed Unit Typology

Unit Type	Existing	Proposed
Bachelor	5	5
One-bedroom	25	25
Two-bedrooms	0	0
Three-bedrooms	1	1
Total Units	31	31

Table A4 - Existing and Proposed Unit Sizes

Unit Type	Existing Areas	Proposed Areas
Bachelor	136.6 m ² (1,470 ft ²)	168.7 m ² (1,816 ft ²)
One-bedroom	981.5 m ² (10,561 ft ²)	1,036.9 m ² (11,161 ft ²)
Two-bedrooms	-	-
Three-bedrooms	167.2 m ² (1,800 ft ²)	79.3 m ² (854 ft ²)
Total Rental Gross Floor Area	1,284.9 m² (13,831 ft²)	1,284.9 m² (13,831 ft²)

Table A5 - Existing and Proposed Average Unit Areas

Unit Type	Existing Average Unit Size	Proposed Average Unit Size
Bachelor	27.3 m ² (294 ft ²)	33.7 m ² (363.2 ft ²)
One-bedroom	39.2 m ² (422 ft ²)	41.5 m ² (446.4 ft ²)
Two-bedrooms	-	-
Three-bedrooms	167.2 m² (1,800 ft²)	79.3 m² (854 ft²)

With respect to residential amenity, the proposed development will provide for a total of 2,822.22 square metres of amenity space, comprised of 2,244.44 square metres of indoor amenity space and 597.78 square metres of outdoor amenity space. Tenants of the rental replacement units will have access to the indoor and outdoor amenity spaces.

Parking, loading and servicing will be concealed within the building and located on the ground floor and within an underground parking garage. A total of 74 parking spaces will be provided for the new development, one of which will be for the three-bedroom rental replacement unit.

A description of the proposed development has been provided in Section 3.0 of the Planning and Urban Design Rationale Report.

4

Policy Framework

This Housing Issues Report outlines the applicable housing policy that applies to the proposal. Further policy detail is included in Section 4.0 of the Planning and Urban Design Rationale.

4.1 Provincial Policy Framework

The 2020 Provincial Policy Statement (PPS) provides overall policy direction on matters of provincial interest relating to land use planning and development. The PPS is intended to promote efficient development and land use patterns to support strong communities, to protect the environment and public health and safety, and promote a strong economy. With respect to housing, Policy 1.4.3 of the PPS requires provision to be made for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents by permitting and facilitating all types of residential intensification and redevelopment, promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and supports the use of active transportation and transit in areas where it exists or is to be developed.

A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2019 (the "Growth Plan") came into force on May 16, 2019. All decisions made on or after this date in respect of the exercise of any authority that affects a planning matter will conform with the 2019 Growth Plan, subject to any legislative or regulatory provisions providing otherwise.

Policy 2.2.1(2)(c) of the Growth Plan outlines that the vast majority of growth will be directed to settlement areas and that, within settlement areas, growth will be focused in i) delineated built-up areas; ii) strategic growth areas; iii) locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and iv) areas with existing or planned public service facilities.

"Strategic growth areas" are defined by the Growth Plan as nodes, corridors, and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include, but are not limited to, urban growth centres, major transit station areas, other major opportunities that may include infill and redevelopment, as well as lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors. In this regard, the site is located in the *Downtown* which is identified as an Urban Growth Centre.

The Growth Plan defines a "major transit station area" as the area including and around any existing or planned higher order transit station or stop within a settlement area. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk. 'Higher order transit' is defined as "*transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit*". Higher order transit includes heavy rail (such as subways and inter-city rail), light rail and buses in dedicated rights-of-way. In this regard, the subject site is located within the Wellesley, Sherbourne and Bloor-Yonge MTSA as defined in Draft OPA 524.

Policy 2.2.1(3)(c) directs municipalities to undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will, inter alia, provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form.

Section 2.2.6 of the 2019 Growth Plan sets out housing policies. Policy 2.2.6(1) requires municipalities to support housing choice through the achievement of the minimum intensification and density targets in the Growth Plan by identifying a diverse range and mix of housing options and densities to meet projected needs of current and future residents. Notwithstanding Policy 1.4.1 of the PPS, Policy 2.2.6(2) states that, in implementing Policy 2.2.6(1), municipalities will support the achievement of complete communities by: planning to accommodate forecasted growth; planning to achieve the minimum intensification and density targets; considering the range and mix of housing options and densities of the existing housing stock; and planning to diversify the overall housing stock across the municipality. Furthermore, Policy 2.2.6(3) states that municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes to support the achievement of complete communities.

4.2 Municipal Policy Framework

Development projects in the City of Toronto that involve the demolition and conversion of rental housing are governed by a number of policies and regulations that dictate how rental housing stock and rights of the tenants are protected, maintained and secured.

The Toronto Official Plan contains policies for protecting rental housing and tenant rights. Through the Toronto Municipal Code (Section 667) and Section 111 of the City of Toronto Act, the City has formalized the Plan's criteria into a process that that landowners must follow when removing existing rental housing units. This process is referred to as the Rental Housing Demolition and Conversion Application (the "RHDC").

The RHDC application process reviews a development proposal as it relates to the impacts on existing units and tenants. The process reviews a proposal in terms of its consistency with City's objectives, protection of rental housing and tenant rights and results in the securement of rental replacement units and the tenant relocation strategy.

4.3 Toronto Official Plan

Land Use Policies

The subject site is designated *Neighbourhoods* as shown on Map 18 (*Land Use Plan*) of the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses consisting of lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. It is acknowledged that the neighborhoods designation applying to the subject site contains an eclectic mix of built forms including both townhouses, semi-detached dwellings, low-rise institutional buildings and a tall apartment building.

The lands to the north of the subject site are designated *Neighbourhoods* within the same City block while lands north of Isabella Street are designated *Mixed Use Area*. To the east of the site are designated *Neighbourhoods* and *Apartment Neighbourhoods* further east of Huntley Street. To the west of the site, across Jarvis Street, lands are designated *Apartment Neighbourhoods* and lands to the south of Earl Place are designated *Neighbourhoods*.

As discussed in further detail in the Planning and Urban Design Rationale Report, an Official Plan Amendment is being sought to redesignate the subject site from *Neighbourhoods* to *Mixed Use Areas*.

The *Mixed Use Areas* designation permits a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. The introductory text in Section 4.5 of the Official Plan states that the intent of the designation is to achieve a multitude of planning objectives by combining a broad array of residential uses, offices, retail and services, institutions, entertainment, recreational, and cultural activities, and parks and open spaces. In particular, the intent is that:

"Torontonians will be able to live, work, and shop in the same area, or even the same building, giving people an opportunity to depend less on their cars, and create districts along transit routes that are animated, attractive and safe at all hours of the day and night."

Policy 4.5(2) sets out a number of criteria for development within *Mixed Use Areas*, including:

- creating a balance of high quality commercial, residential, institutional, and open space uses that reduces automobile dependency and meets the needs of the local community;
- providing for new jobs and homes for Toronto's growing population on underutilized lands in the Downtown and Central Waterfront, Centres, Avenues and other lands designated Mixed Use Areas;
- locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale Neighbourhoods;
- locating and massing new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes;
- locating and massing new buildings to frame the edges of streets and parks with good proportion and maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- providing an attractive, comfortable and safe pedestrian environment;
- providing access to schools, parks, community centres, libraries and childcare centres;
- taking advantage of nearby transit services;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- providing indoor and outdoor recreation space for building residents;
- providing opportunities for energy conservation, reductions in peak demand, resilience to power disruptions and local integrated energy solutions that incorporate renewable energy sources, district energy, combined heat and power or energy storage; and
- providing opportunities for green infrastructure such as tree planting, stormwater management systems and green roofs.

Housing Policies

Section 3.2.1 of the Official Plan, as amended, contains the applicable housing policies. Policy 3.2.1(1) provides that a full range of housing in terms of form, tenure and affordability will be provided to meet the current and future needs of residents.

Policy 3.2.1(2) indicates that the existing housing stock will be maintained, improved and replenished and that the City will encourage the renovation and retrofitting of older residential apartment buildings. The Plan further notes that new housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

Policy 3.2.1(3) provides that investment in new rental housing, particularly affordable rental housing, will be encouraged by a coordinated effort from all levels of government through implementation of a range of strategies. In accordance with the Official Plan definitions, 'rental housing' is defined as,

"...a building or related group of buildings containing one or more rented residential units, including vacant units that have been used for rented residential purposes, and units that are being or have last been used for rented residential purposes in equity co-operative or co-ownership housing, but does not include condominium-registered or life-lease units".

Policy 3.2.1(6) provides conditions of approval for new development that would remove all or part of a private building or related group of buildings and would result in the loss of six or more rental housing units. This policy states that new development that would result in the loss of six or more rental housing units will not be approved unless:

- All of the rental housing units have rents that exceed 'Mid-range' rents at the time of the application; or
- in cases where planning approvals other than site plan are sought, the following are secured:
 - The replacement and maintenance of at least the same number, size and type of rental housing units, with rents similar to those in effect at the time the redevelopment application is made;
 - for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
 - an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternate accommodation at similar rents, and other assistance to lessen hardship.

The existing 31 rental dwelling units on the subject site today will be replaced in the new development. As discussed in detail in Section 5 below, it is our opinion that the proposed development conforms to the applicable Official Plan housing policies.

4.4 Relevant Planning Process and Applications

In our opinion, the proposed development conforms with both provincial and municipal policies that direct residential intensification to the Downtown urban growth centre, as well as sites within delineated major transit station areas. As mentioned above, the subject site falls within the boundaries of three proposed Protected Major Transit Station Areas (PMTSAs), as defined by the City of Toronto through Draft OPA 524.

As it relates to land use, an Official Plan Amendment is required to redesignate the lands from *Neighbourhoods* to *Mixed Use Areas*, as discussed in more detail in the Planning and Urban Design Rationale Report. The proposed development will also require an amendment to the Downtown Secondary Plan to designate the lands *Mixed Use Areas 2 – Intermediate*. With respect to the housing policies set out in the Official Plan and the Downtown Secondary Plan, it is our opinion that the proposed development conforms with the relevant housing policies.

The proposal will require an amendment to the City-wide Zoning By-law 569-2013, as amended. A site-specific Zoning By-law Amendment is required in order to increase the permitted height and density, and to revise other development standards such as parking to accommodate the proposal.

The subject proposal also requires a Rental Housing Demolition and Conversion application under Section 111 of the City of Toronto Act. This application has been submitted concurrently to the City.

5

Analysis & Opinion

5.1 Analysis of Rental Replacement

The proposal is supportive of the policy directions set out in the Provincial Policy Statement 2020, the Growth Plan for the Greater Golden Horseshoe (2019) and the City of Toronto Official Plan. The proposed development will provide a range of housing types through intensification of an underutilized site within the Downtown Urban Growth Centre that is well served by three existing higher-order transit stations.

The proposed development is in keeping with Section 3.2.1 of the Official Plan. In accordance with Policy 3.2.1(1) the proposal contributes to a full range of housing in terms of both form and tenure as it will introduce new residential units to the subject site while replacing 31 existing rental units. In conformity with Policy 3.2.1(2), the proposal ensures that the existing housing stock will be maintained, and the overall housing stock will be replenished and increased through intensification on the site. Furthermore, the proposed development will add a significant number of high-quality units to the City's rental housing stock in a walkable neighbourhood with convenient transit accessibility and community amenities. The proposal provides a range of unit types and sizes, as discussed in Section 3 of this Report, and is further expanded upon in the Planning and Urban Design Rationale. Further analysis on the proposal's conformity with Policy 3.2.1(6) is set out below.

5.2 Analysis of Unit Affordability

Policy 3.2.1(6)(a) requires the provision of rental replacement units in instances where new development is proposed that would result in the loss of six or more existing rental units unless all the rents at the time of application exceed "mid-range rents".

Section 3.2.1 of the Official Plan defines "affordable rents" as housing where the total monthly shelter cost (gross monthly rent including utilities such as heat, hydro and hot water – but excluding parking and cable television charges) is at or below one times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation. "Mid-range rents" are defined as the total monthly shelter costs which exceed Affordable rents but fall below one and one-half times the average City of Toronto rent, by unit type, as reported annually by Canada Mortgage and Housing Corporation. "High-end rent" is housing above this threshold.

The applicable 2022 Affordable Rent Thresholds by relevant unit type are included in **Table A6** below.

Table A6 - 2022 Affordable Rent Thresholds

Unit Type	Affordable	Mid-Range	High-End
Studio	\$ 1,225	\$ 1,226 – 1,837	>\$1,837
1-bedroom apartment	\$ 1,446	\$ 1,447 – 2,168	>\$2,168
2-bedroom apartment	\$ 1,703	\$ 1,704 – 2,554	>\$2,554
3-bedroom apartment	\$ 1,953	\$ 1,954 – 2,929	>\$2,929

Gross Monthly Rent

The affordability analysis conducted for the subject site will be provided as a separate, confidential submission. The current unit affordability analysis is provided under a separate cover and is based on the July 2022 rent rolls. In accordance with the Official Plan policies, the gross monthly rent analyzed for this report includes utility costs, and excludes extra amenities such as paid parking, cable, etc.

Utilities are included in the rents for the tenants at 561 Jarvis Street and the one-bedroom lower level unit at 106 Earl Place. The three-bedroom upper level unit at 106 Earl Place pays separately for gas and hydro, and water is included in the rent and paid by the Owner. At the time this report was written, the Owner was not able to obtain sample hydro bills for the three-bedroom tenant at 106 Earl Place. Therefore, for the purpose of this analysis, a hydro charge of \$68 has been estimated based on the City of Toronto 2022 Affordable Housing Utility Allowances.

With respect to parking at 561 Jarvis Street and 106 Earl Place, currently no parking spaces are provided to the tenants. Additional amenities such as internet have not been added to the gross monthly rent, and these are paid separately by the tenants.

Analysis of Unit Affordability

Based on our analysis of the information provided, a summary of the affordability of the existing rental units is set out in **Table A7** below. Of the 31 rental units, 23 are considered affordable and 8 units are considered high-end. As such, the Owner is proposing to replace all 31 rental units as part of the redevelopment of the subject site in accordance with Policy 3.2.1(6)(a).

Table A7 - Summary of Rents of Units

Unit Type	Affordable Rent	Mid-Range Rent	High End Units
Bachelor	5	0	0
1-bedroom	18	0	7
2-bedrooms	0	0	0
3-bedrooms	0	0	1
TOTAL	23	0	8

Through the Section 111 Agreement, it is the Owners intent to secure these replacement units for 20 years, and maintain them at similar rent levels in a range of unit types that is similar to that of the existing rental units for 10 years. Any replacement unit vacated and re-rented within the 10 years of the date of initial occupancy would have an initial rent equal to the greater of the last rent charged for that unit or the then-current rent threshold.

Furthermore, Policy 3.2.1(6)(b) establishes certain requirements in terms of rents for the occupied rental unit. It requires the rent for the replacement unit to be "similar to those in effect at the time the redevelopment application is made" and that, for a period of at least 10 years, the rents to be increased annually "by no more than the Provincial Rent Increase Guideline or a similar guideline as Council may approved from time to time" and a one-time increase of 4% for new construction.

5.3 Analysis of Unit Number, Size and Type

Pursuant to Policy 3.2.1(6)(b)(i), the rental replacement policies require the replacement of the existing rental units with “at least the same number, size and type” of rental housing units. With respect to this requirement, it is observed that there is no definition of either ‘size’ or ‘type’. However, based on a full reading of the Official Plan and an understanding of how the policy has been applied in the past, the terms should be understood as follows:

‘Size’ refers to the actual square footage of the units, but with reasonable allowances to take into consideration modern design efficiencies.

‘Type’ refers to the number of bedrooms, rather than to building form.

In accordance with Official Plan Policy 3.2.1(6)(b)(i), the Owner is proposing to replace all 31 rental units in the new development. The proposed replacement units for the 31 rental units will generally be the of the same size as the existing units, with the exception of the three-bedroom rental unit located at 106 Earl Place (see **Table A8**).

The 31 units will be demolished and reconstructed in the podium of the new building. The average size of the replacement bachelor units will be 33.7 square metres (363.2 square feet) compared to the current 27.3 square metres (294 square feet). The average size of the one-bedroom replacement units will be 41.5 square metres (446.4 square feet) compared to the current 39.2 square metres (422 square feet). The average size of the new

With respect to existing three-bedroom unit, which is approximately 167.2 square metres (1,800 square feet) in size, it is proposed to be replaced in the new building with a unit of the same type, but at a smaller unit size. The three-bedroom rental replacement unit has a proposed area of 79.3 square metres (854 square feet). As mentioned in Section 3 above, the additional gross floor area of 87.9 square metres (946 square feet) will be redistributed amongst the one-bedroom replacement units to provide for more spacious and suitable unit sizes. A technical amendment to the Official Plan will be required to permit the replacement of the exiting three-bedroom unit with new three-bedroom unit that is smaller in size.

Table A8 - Comparison of Existing and Proposed Rental Replacement Units (Size & Type)

Unit Type	Existing Units to be Demolished			Proposed Replacement Units		
	No. of Units	Total Areas	Average Unit Size	No. of Units	Total Areas	Average Unit Size
Bachelor	5	136.6 m ² (1,470 ft ²)	27.3 m ² (294 ft ²)	5	168.7 m ² (1,816 ft ²)	33.7 m ² (363.2 ft ²)
1-bedroom	25	981.5 m ² (10,561 ft ²)	39.2 m ² (422 ft ²)	25	1,036.9 m ² (11,161 ft ²)	41.5 m ² (446.4 ft ²)
2-bedrooms	-	-	-	-	-	-
3-bedrooms	1	167.2 m ² (1,800 ft ²)	167.2 m ² (1,800 ft ²)	1	79.3 m ² (854 ft ²)	79.3 m ² (854 ft ²)
TOTAL	31			31		

The total rental gross floor area onsite today amounts to approximately 1,284.9 square metres (13,831 square feet). Based on calculations for replacement unit sizes, the proposed development will include a one-hundred percent rental replacement gross floor area of 1,284.9 square metres (13,831 square feet). Through the redevelopment of the subject site, there will be no net loss of rental gross floor area.

The overall increase in unit sizes can be attributed to more functional layouts of living spaces, as well as the redistribution of floor area from the three-bedroom unit to the one-bedroom replacement units in the new development, as discussed in Section 3 above. In addition, through the redevelopment of the subject site, returning tenants will have access to new indoor and outdoor common amenity spaces, in-suite laundry facilities, more modern appliances and finishes. In addition, tenants would have access to bicycle parking spaces. These facilities will represent an overall improvement in comparison to the amenity spaces currently available to existing tenants.

As mentioned previously, the rental replacement units will be located within the podium element of the proposed development. While the gross floor area of the for the rental replacement units has been assigned, the internal layouts and floor plans have yet to be finalized. However, the proposed unit orientation is considered to be suitable as market rate condominium units will utilize similar sizes and orientations. Moreover, the rental replacement units are not confined to one location but rather are dispersed through the floorplate. As the application progresses, the proposed floor layouts will be further refined based on City feedback as necessary.

As a result, it is our opinion that the proposed rental replacement proposal meets the requirements set out in Section 111 of the City of Toronto Act and Chapter 667 of the Municipal Code, as well as the intent of the housing policies set out in the Official Plan, specifically Policy 3.2.1.6(b).

5.4 Tenant Relocation and Assistance Plan

Policy 3.2.1(6)(b)(iii) requires an acceptable tenant relocation and assistance plan, addressing the right to return to occupy one of the replacement units at "*similar rents*", the provision of alternative accommodation at "*similar rents*" and "*other assistance to lessen hardship*". No specific terms are set out for the tenant relocation and assistance plan at this point in time. It is understood that these terms are intended to be negotiated on a development-by-development basis.

The *Residential Tenancies Act, 2006* requires that, if notice of termination of a tenancy is given for the purpose of termination where the landlord requires possession of the rental unit in order to demolish it, the date of termination shall be at least 120 days from the day on which the notice is given. If a tenancy is terminated for the purpose of the demolition, the Act requires that the landlord shall either:

- compensate a tenant in an amount equal to three (3) months' rent; or
- offer the tenant another rental unit acceptable to the tenant.

The Owner anticipates that a tenant relocation and assistance plan be negotiated with the City. Elements of the tenant relocation and assistance plan could include:

- an extended tenant notice period beyond the existing Residential Tenancies Act, 2006 requirement;
- a construction management and phasing plan;
- a communications strategy, including notification to the existing tenant of project milestones and contact information for project management and construction questions/concerns;
- tenant relocation assistance, including a right to return to a replacement rental unit;
- tenant compensation, including additional compensation to tenants who choose to find new housing on their own; and
- additional assistance for special needs tenants.

It is our opinion that the rental replacement proposal presented within this Housing Issues Report conforms with

6

Conclusion

housing policies of the Official Plan, specifically Policy 3.2.1(6). In this regard, the development proposes to replace all 31 existing rental units as well as the total rental gross floor area existing on the subject site today. The existing rental units will be replaced with units that are of the same type and size, with the exception of the three-bedroom unit currently located in 106 Earl Place. While the replacement three-bedroom unit is smaller than what exists on the subject site today, the remaining gross floor area will be distributed amongst the one-bedroom units to achieve units that have more functional layouts. As discussed in this Report, a technical amendment to the Official Plan is required to permit the replacement of the existing three-bedroom unit with a smaller, three-bedroom unit.

With respect to rental gross floor area, the proposed development will provide for one-hundred percent replacement within the podium element of the new building. Returning tenants will have access to amenities such as modern appliances, in suite laundry as well as access to building amenities.

The proposed development will maintain the City's rental housing stock, and will add a significant number of high-quality units to the City's rental housing stock in a walkable neighbourhood with convenient transit accessibility and community amenities.

Based on the foregoing, it is our opinion that the Rental Housing Demolition and Conversion application is in accordance with Chapter 667 of the Municipal Code and, accordingly, should be approved.

Appendix B

**Community
Services &
Facilities
Study**

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Community Services and Facilities Study

A detailed study of the community services and facilities in the Downtown was undertaken as part of the TOCore study. Through this study, the Downtown Community Services and Facilities Strategy ("Downtown CS&F Strategy") was prepared in 2018. The Downtown CS&F Strategy examines the needs of the Downtown, identifies community space and facility needs, and sets priorities to support growth by sector and by geography.

A scoped Community Services and Facilities Study was prepared in support of the proposed development, in line with the standard scope-of-work for CS&F Studies for sites within the Downtown, and includes information regarding school pupil and childcare yields anticipated to be generated by the subject proposal, as well as a discussion of the Downtown CS&F Strategy as it relates to the proposal and how the application would contribute to the achievement of a complete community.

1.1 Downtown Community Services & Facilities Strategy

The Downtown Community Services and Facilities Strategy (2018) is one of five Infrastructure Strategies intended to implement the 25-year vision, goals, and policies of the Downtown Secondary Plan. The Downtown CS&F Strategy estimates population and employment growth and identifies growth-related community space and facility needs in child care centres, libraries, schools, recreation facilities, and human services organizations. The Downtown CS&F Strategy identifies the following six key strategic directions:

- Reinvesting in and maximizing use of public assets through retrofits, expansions, and improvements;
- Developing partnership/co-location opportunities with City Divisions, agencies, and boards and community-based organizations;
- Identifying innovative and integrated service delivery models to address CS&F needs;
- Ensuring that new space/facilities keep pace with growth over a 25-year time horizon;
- Prioritizing space/facility opportunities through collaboration with sector partners; and
- Setting the foundation of future partnerships through the establishment of new partnership tables to share information and to explore space/facility opportunities.

The Downtown CS&F strategy identified several key growth-related trends within the Downtown Area. Over the past decade, an abundant amount of population growth in Downtown has occurred along the waterfront and up the Bay Street corridor within Waterfront West and King-Spadina. The 2016 Downtown population of 238,000 people is estimated to grow to between 403,000 and 421,000 people if active and under review residential units are fully occupied. This significant change in population growth will have substantial impacts on community service providers, including schools, childcare centres, recreation centres, libraries, and human service organizations.

The subject site is located in the North St. James Town neighbourhood, as defined by the Toronto Neighbourhood Profiles and within the St. James Town neighbourhood boundary in the Downtown CS&F Strategy. According to the Strategy, the St. James Town neighbourhood has witnessed limited population change between 2006 and 2016. Map 2 of the Strategy classified St. James Town as a neighbourhood with low population growth (0% to 50%), however, to the immediate west, the Church-Yonge neighbourhood is anticipated to experience high growth (101% to 150%).

The Downtown CS&F Strategy identifies a wide variety of human services within the boundary of the Downtown, as well as the planned and proposed facilities for each service sector (i.e., schools, children's services, libraries, community recreation, and human services). The majority of planned and proposed additions to the community services and facilities inventory in Downtown are planned along Lower Yonge, East Bayfront, and North Keating. The Strategy has proposed limited changes to and/or additions of community services or facilities in the vicinity of the subject site. However, a \$20 million project for the new 25,000 square foot Wellesley CRC indoor pool was funded by the PFR 10-year capital plan and completed in June 2019.

1.2 Proposed Community Services & Facilities

One of the goals of the Downtown Plan is the achievement of complete communities that are inclusive, accessible, and affordable for people of all ages, incomes, and abilities. The proposed development will contribute to the achievement of a complete community through the redevelopment of the subject site with a variety of new facilities and improvements, including small-scale retail, rental replacement units, and various amenity spaces.

Small-Scale Retail Space

The proposal contemplates the redevelopment of the subject site with a new mixed-use/residential development. On the ground floor, the proposed building will provide a 142.68 square metre retail unit fronting onto Jarvis Street. The addition of retail space at grade will contribute to the achievement of a complete community by providing convenient access to shopping and employment opportunities that reduce the need for long-distance commuting and encourage travel by transit, walking and cycling. Likewise, in accordance with Policy 3.1.1(2) of the Official Plan, the development will *"foster complete, well-connected walkable communities and employment areas that meet the daily needs of people and support a mix of activities, and support active transportation and public transit use."* In sum, the proposed development will contribute to the creation of a complete community by providing individuals at all ages and life stages with more options for living, working, and shopping.

Indoor and Outdoor Amenity Spaces

The indoor and outdoor amenity spaces provided within the proposed development will support the liveability of a vertical community and provide extended living spaces for gathering and community building. In accordance with Policy 9.30 of the Downtown Secondary Plan, the proposed outdoor and indoor amenity spaces on Levels 1, 5, 7, and 10 will be designed to provide year-round programming and elements to a variety of users of all ages and abilities, including but not limited to seniors, families, and children. The development will support the achievement of complete communities that meet the needs of all individuals, while also contributing to Toronto's system of amenity spaces.

Rental Replacement Units

The proposal contemplates a 58-storey residential building consisting of 690 units, including 31 rental replacement units. In accordance with Policy 11.5 of the Downtown Secondary Plan, the proposed development will replace and maintain at least the same amount of residential gross floor area as rental housing and for a period of at least 10 years, the rents for replacement housing will be similar to those in effect at the time the development application was made. The proposed development provides for 100% rental replacement, introducing a mix of unit types and sizes in the neighbourhood, and preventing the unnecessary displacement of residents.

Overall, the proposal will contribute to the achievement of a complete community through the redevelopment of the subject site with a variety of new facilities and/or facility improvements. It will support the creation of a complete community in which people of all ages and at all stages of the family life cycle can live, work, and play.

1.3 Childcare Enrollment and School Pupil Yields

As the subject site is located on the east side of Jarvis Street, which serves as the neighbourhood boundary between the North St. James Town and the Church-Wellesley neighbourhoods, both neighbourhood areas were considered when evaluating the capacities, enrollments, and utilization rates of the daycare facilities. Therefore, the study area for the purpose of this Scoped CS&F Study is defined by Bloor Street East to the north, Parliament Street to the east, Wellesley and Carlton Streets to the south, and Yonge Street to the west.

Child Care Enrollment

The following child care facilities were identified within the study area. Existing capacities as well as enrollment and vacancy numbers are outlined in **Table B1** below.

Table B1 - Child Care Service Enrollment in the Study Area

Facility	Fee Subsidy Available	Enrolment/Vacancy	Infant (0-18 Months)	Toddler (18 Months to 2.5 Years)	Pre-School (2.5 to 5 years)	Kindergarten (4 to 6 years)	School Age (6 to 12 Years)	Total
Church Street School Day Care Service Inc. 83 Alexander Street	Yes	Vacancy		10	16	52	75	153
Ryerson Early Learning Centre (Ryerson University) 350 Victoria Street	Yes	Vacancy		15	32			47
Community Matters After School Program 675 Ontario Street	-	-	-	-	-	-	-	-
George Brown - Rose Avenue Child Care Centre 675 Ontario Street	Yes	Vacancy	10	10	24	52	60	156
The Neighbourhood Group Community Services Our Lady of Lourdes 444 Sherbourne Street	Yes	Vacancy				52	90	142
Wellesley Early Learning Centre – EarlsCourt Creche CDI 495 Sherbourne Street, 2 nd Floor	Yes	At Capacity	10	20	32			62
Winchester Site Day Care (Central Neighbourhood House) 15 Prospect Street	Yes	Vacancy			24	13	15	52
Total								612

*Quality Ratings and Vacancy Information are not available for this centre. This child care centre does not have a service agreement with the City of Toronto and therefore it is not assessed by the City for quality standards and vacancy information is not collected.

It is estimated that the proposed 690 units will generate demand for approximately 50 child care spaces. This is based on a residential population increase of 1,311 people (690 units multiplied by 1.9, the average household size in the North St. James Town Neighbourhood), of which 12.4% would be children (aged 0-14), using the proportion of children from the 2016 Neighbourhood Profile. The projected number of children is then multiplied by the women's labour force participation rate in the Toronto CMA, which was reported at 61.7% during the most recent census. A further multiplier of 50 percent is used to approximate the number of children needing care at a childcare centre as some children may be enrolled at private day care facilities or utilize another childcare arrangement. This is the level of service standard set out by the City's Children's Services Division and is consistently applied to development applications.

The projected number of children generated from the proposed development who will require childcare (50 children) may be able to be fully accommodated by the existing facilities within the Study Area, subject to age and care requirements. It should be noted that, following discussions with childcare providers, enrollments are lower due to the ongoing COVID-19 pandemic which has opened more vacancies. The childcare facilities in the Study Area should be able to accommodate the projected number of children from the proposal who will require childcare.

The number of available childcare spaces, and/or the capacities of the centres, that have been reported in this CS&F review may change by the time the development has been approved and constructed. Further, there may be additional private home-based childcare services offered in the area that would not be captured by this analysis. In addition to the projected yields and capacities of existing child care centres in this neighbourhood, child care needs will be informed by the City of Toronto Children's Services identification of priority child care areas.

School Pupil Yields

Table B2 lists the addresses, capacities, enrollments, and utilization rates of Toronto Catholic District School Board (TCDSB) and Toronto District School Board (TDSB) elementary and secondary schools that serve the subject site. Please note that TDSB and TCDSB have developed their own methodologies for identifying schools located within the vicinity of proposed developments, and thus, the catchment area of this section may differ slightly from the study area described above and utilized throughout the child care section. Schools that are found in the North St. James Town and Church-Wellesley neighbourhoods, but outside of TDSB and TCDSB's study areas, may be excluded from **Table B2**.

Table B2 - TDSB and TCDSB Capacities and Enrolment (2021-2022)

School	Address	Capacity	Full-Time Enrollment (2021-2022)	Utilization Rate
Catholic Elementary Schools				
Our Lady of Lourdes (JK-8)	444 Sherbourne Street	692	539	77.9%
Catholic Secondary Schools				
St. Mary Catholic Academy (9-12, Mixed Gender)	66 Dufferin Park Avenue	714	768	107.6%
St. Patrick Catholic Secondary School (9-12, Mixed Gender)	49 Felstead Avenue	1,152	858	74.5%
St. Joseph's College School (9-12, Female Only)	74 Wellesley Street West	714	755	105.7%
Neil McNeil High School (9-12, Male Gender)	127 Victoria Park Avenue	648	855	131.9%
Public Elementary Schools				
Rose Avenue Junior Public School (JK – Grade 6)	675 Ontario Street	758	623	82%
Winchester Junior and Senior Public School (JK – Grade 8)	15 Prospect Street	571	449	79%
Public Secondary Schools				
Jarvis Collegiate Institute (Grade 9 – 12)	495 Jarvis Street	999	616	62%

Table B2 provides an overview of the five (5) TCDSB secondary and elementary schools identified to be within the catchment area, including Our Lady of Lourdes, St. Mary Catholic Academy, St. Patrick Catholic Secondary School, St. Joseph's College School, and Neil McNeil High School.

Our Lady of Lourdes is the only catholic elementary school within the study area, and it has a utilization rate of 77.9%. Conversely, St. Mary Catholic Academy, St. Patrick Catholic Secondary School, St. Joseph's College School, and Neil McNeil High School are the four mixed and single gender Catholic secondary schools that service the subject site, and have utilization rates of 107.6%, 74.5%, 105.7% and 131.9%, respectively. The pupil yields provided by TCDSB staff indicate that there are approximately 11 elementary students and four (4) secondary students projected as a result of the proposed development. These students may be accommodated at Our Lady of Lourdes and at St. Patrick Catholic Secondary School.

The Toronto District School Board (TDSB) identified multiple schools within the catchment area, including Rose Avenue Junior Public School, Winchester Junior and Senior Public School, and Jarvis Collegiate Institute. Both elementary schools, Rose Avenue Junior Public School and Winchester Junior and Senior Public School, are under capacity with utilization rates of 82% and 79%, respectively, whereas the secondary school in the area, Jarvis Collegiate Institute, is at 62% capacity. The pupil yields provided by TDSB staff indicate that there are approximately 7 elementary students and 7 secondary students projected as a result of the proposed development. TDSB notes that the application is located in a community experiencing residential intensification and population growth that is presenting accommodation challenges at local schools. While limited capacity currently exists at the local schools, these schools may have insufficient capacity to accommodate new students once the development is occupied.

It is important to note that it has not been determined if potential students from this development will attend the schools listed in **Table B2** and whether they will choose Public or Catholic schools. This level of detail will be considered later in the application review process, when the TDSB and TCDSB determine where prospective students will attend school. As such, the TDSB and TCDSB may accommodate students outside of the area until adequate funding or spaces become available. Furthermore, it is also important to consider that schools' statistics change year by year due to a variety of factors such as affordability, tenancy, unit size and availability/proximity to commercial and community amenities, and that by the time the proposed development is fully realized, the overcapacity issues may be resolved. Monitoring of these numbers will be important as specific details of the proposed development are finalized and as other developments in the area build out.

The TDSB is currently undertaking a comprehensive review of secondary schools, with the primary objectives being to ensure that all students have equitable access to programs or opportunities, reduce excess capacity, and to 'rightsize' TDSB's network of secondary schools. The current review may result in the closure of some TDSB secondary schools or changes to some of the current secondary school boundaries. The Secondary Program Review Final Report was approved by the TDSB Board of Trustees in November 2020 and completion of Phase 1 of the Review is anticipated for June 2024.

The TDSB is also undertaking a study to explore the potential redirection of residential development within the attendance area of Rose Avenue Jr. PS to address accommodation pressures on a constrained site. Furthermore, the TDSB has identified a study in 2022-2023 to explore a review with Oakwood CI, Jarvis CI, Forest Hill CI, York Memorial CI, Humberside CI, North Toronto CI and Bloor CI to address declining enrolment and underutilization at Oakwood CI.

In addition, the proposed development is located within the catchment area of two Conseil Scolaire Viamonde schools, including École élémentaire Gabrielle-Roy and Collège français. The school board does not publicly share enrolment numbers and utilization rates. However, based on the unit types and counts, the board noted that it has capacity to accommodate future growth at the above-mentioned schools.

