

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: January 26, 2016

CASE NO(S): PL131355

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

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

PROCEEDING COMMENCED UNDER section 37 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28, as amended, and Rule 33 of the Board's Rules of Practice and Procedure

Request by:	The Bay Cloverhill Community Association Inc. (BCCA")
Request by:	The Church Wellesley Neighbourhood Association Inc. ("CWNA")
Request for:	Request for Party Status

Heard: January 7, 2016 in Toronto, Ontario

APPEARANCES:

Parties

Counsel

City of Toronto	S. Haniford and S. Bradley
Sebert Productions Limited	A. Pilkington
1734141 Ontario Limited	M. Domovich* (absent)
KingSett Capital Inc.	L. Dean
Aragon (Wellesley) Development (Ontario) Corporation	L. Dean
Stancorp Properties Inc.	L. Dean
RML 9 Isabella Street Limited and RML 625 Yonge Street Limited	A. Frank
The Catholic Children's Aid Society of Toronto	D. Baker and M. Mah (student-at-law)
Darlon Investments Corporation	D. Bronskill (absent)
Wood & Church Inc.	D. Bronskill (absent)
Building Industry and Land Development Association	J. Dawson and H. Kassam (student-at-law)
Plazacorp Properties Limited	J. Dawson for C. MacDougall (absent)
Wellesley Residences Corp.	J. Dawson for C. MacDougall (absent)
Tribute (Church Street) Limited	J. Dawson for C. MacDougall (absent)
Paul Lee	A. Heisey
Lifetime St. Mary Inc.	J. Smuskowitz

DECISION BY JAMES R. McKENZIE AND ORDER OF THE BOARD

[1] On December 30, 2015, the Board issued a memorandum of oral decision and order ("December 30 decision") memorialising a settlement between the parties to forestall a motion filed by the City of Toronto ("City") seeking an order from the Board directing the scoping of appeals of Official Plan Amendment No. 183 ("OPA 183") and a

phased hearing of those appeals. This decision follows a subsequent pre-hearing conference to complete the implementation of that settlement, and to deal with the residual issue of a motion for party status filed by two community groups having an interest in OPA 183.

SCOPING AND PHASING

[2] Readers are encouraged to read this section of the decision in conjunction with the December 30 decision.

[3] Appended to this decision as Attachment 1 is a color-coded version of OPA 183 (Exhibit M-1B) articulating: (1) those of its policies that have been scoped out of any appeal and are in effect by operation of law pursuant to s. 17(30) of the *Planning Act*; (2) those of its policies to be considered in a Phase 1 hearing scheduled to begin on April 18, 2016; and (3) those of its policies deferred to a Phase 2 hearing yet to be scheduled. Also appended to this decision as Attachment 2 is a corresponding schedule specifically identifying those policies of OPA 183 that will be the subject of the Phase 1 hearing. Attachments 1 and 2 complete the obligation set out in paragraph 5, bullet 2.b. of the December 30 decision.

[4] A two-day mediation session is scheduled for **Tuesday, February 16, 2016, and Friday, February 19, 2016**, to address those issues scheduled for the Phase 1 hearing, each day commencing at **10 a.m.** The mediation will be convened at:

**Ontario Municipal Board
655 Bay Street,
16th Floor
Toronto, ON**

[5] An email directing the preparation of mediation briefs will be sent to the parties by Sandra Chan, the Board's Case Coordinator having administrative carriage of this matter.

[6] Appended to this decision as Attachment 3 is a Procedural Order for the Phase 1 hearing. The Phase 1 parties are directed to finalise an Issues List for inclusion in the Procedural Order, concurrent with the submission of mediation briefs.

[7] Finally, at the request of the Building Industry and Land Development Association (“BILD”) that the panel chronicle one of its aspirations in the Phase 1 hearing, and with there being no objection from the other parties’ respective counsel, it is noted that BILD may seek to have additional language inserted into policies of OPA 183 now in effect. It offers this recognition based on Mr. Dawson’s submission that the goal underpinning this aspiration is not to change the intent of policies now in effect, and it leaves to the parties the responsibility for addressing, in the Phase 1 hearing, the correctness of any such action.

MOTION FOR PARTY STATUS

[8] The Bay Cloverhill Community Association Inc. (“BCCA”) and the Church Wellesley Neighbourhood Association Inc. (“CWNA”), (collectively, “the Associations”), each seek party status for the purposes of the Phase 1 hearing, without prejudice to a future determination of party status for the Phase 2 hearing. The CWNA currently enjoys participant status; the BCCA has no status at present. They have jointly filed the motion as their request is opposed by KingSett Capital Inc. (“KingSett”) and BILD. The City supports the Associations; it did not, however, participate in the motion.

[9] The statutory authority for the Board to add a party to an appeal is found in s. 17(44.1) and s. 17(44.2) of the *Planning Act*. The former provides, *inter alia*, that only a person who satisfies one of the conditions set out in the latter may be added as a party. Those conditions are: (1) that the person made oral submissions at a public meeting or written submissions to the council before the plan—OPA 183 in this case—was adopted; or, (2) that this Board is of the opinion that there are reasonable grounds to add the person as a party. These conditions, each independent of the other, constitute the test for assessing the Associations’ motion.

[10] The Board finds that the Associations, notwithstanding that they need only satisfy either of the conditions, satisfy both conditions, and the motion is accordingly allowed. Its analysis and reasons follow.

[11] With respect to the first condition, the public record establishes that Kathryn Holden, a representative of the BCCA, and Robert Fabian, a representative of the CWNA, each submitted written correspondence prior to OPA 183's adoption and spoke at a public meeting on September 10, 2013. Those facts, on their own, are sufficient to secure party status for each Association.

[12] Out of, presumably, an abundance of caution, Mr. Flett also proffered submissions relating to the second condition, and the Board will accordingly address those.

[13] The framework Mr. Flett adopted for his submissions on the second condition is that set out by then-Member (now Vice-Chair) Stefanko in *1137528 Ontario Ltd. v. Oakville (Town)* 66 O.M.B.R. 366. There, Mr. Stefanko identified six "obvious factors when considering the application of subsection 17(44.2)2." Of the six factors, Mr. Flett relied principally on three: direct interest; public interest; and prejudice. Each is taken up below.

i) Direct Interest

[14] KingSett and BILD submit that the Associations have not adequately articulated a direct interest and they point to the absence of any detailed issues accompanying the motion as evidence of this shortcoming.

[15] The Associations submit that they maintain a direct interest in the policies of OPA 183. The planning instrument applies to lands they identify with as their neighbourhood, and sets forth policies—which they support—regulating development on those lands. Through any hearing of the appeals, were those policies modified and approved in a

modified form, or not approved, the Associations believe that such changes could deleteriously impact their interests.

[16] The Board accepts the Associations' submission with respect to this factor and finds they have sufficiently articulated a direct interest in the policies of OPA 183 under appeal. The Phase 1 hearing will, regardless of its outcome, shape the planning context—and, by extension, the built environment—of their neighbourhood. It therefore finds their interest in OPA 183 to be reasonable in these circumstances.

ii) Public Interest

[17] KingSett maintains that the Associations' interests and the City's interests relating to the appealed policies of OPA 183 are synchronous, and further that the Associations have not differentiated their interests from the City's. As such, it submits that the City, as the custodian of the public interest, sufficiently speaks for the Associations, and that the inclusion of the Associations as parties will add no value to the Phase 1 hearing. BILD submits as an alternative to party status that the Associations be afforded an enhanced participant status that would enable them to call a limited case.

[18] The Associations submit that their inclusion as parties will introduce a unique perspective on the appealed matters that the City, were it to take on a *de facto* surrogate role as suggested, could never achieve. Moreover, they submit that the City's interests and their own do not perfectly synchronise, and that the City's obligation to a broader conceptualisation of the public interest means that a possibility exists that presently aligned interests could at some point diverge. Finally, the Associations submit that their commitment to proffer expert evidence—they have retained Michael Spaziani, a professional architect and urban designer recognised by the Board in many other cases—will augment that dimension of the public interest of the Board having the best evidence upon which to determine the matters before it.

[19] The public interest is not a monolithic concept; it is clearly multi-facted and multi-dimensional. It follows, therefore, that while the City is the first defender of the public interest, it is not necessarily its only defender. The Board finds the possibility that daylight could at some point emerge between the City's and the Associations' respective interests to be a reasonable ground upon which to grant the request for party status.

iii) Prejudice

[20] KingSett and BILD allege prejudice by the inclusion of the Associations as parties. They submit that the Associations will prolong the Phase 1 hearing, adding to their costs. BILD further submits that their rejection of enhanced participant status betrays a motivation to resist discipline directed to ensuring an efficient hearing. Taken together, it is felt that the Association's presence as parties and their assumed comportment will be an impediment to the Board's ability to ensure a just, expeditious, and cost-effective hearing.

[21] The Board is not persuaded by an assumption of bad faith. Nor is the Board persuaded that the Associations' inclusion as parties will deleteriously prejudice KingSett and BILD. It is natural and understandable that they wish to limit their opposition in litigation, but the Board finds that the greater prejudice would be visited upon the Associations were they denied party status.

[22] Finally, KingSett and BILD maintain that the Associations have not discharged the onus of demonstrating that they will not unduly impact the others currently with status in the Phase 1 hearing. They point to the fact that the Associations have not articulated a list of issues upon which to assess the implications of their inclusion as parties. The Board finds this assertion specious given that a comprehensive, draft issues list has not yet been generated. Moreover, commensurate with its rejection of an assumption of bad faith, the Board is confident that all parties will comport themselves in a manner consistent with determining the real issues in a just, most expeditious, and

cost-effective manner as prescribed by its *Rules of Practice and Procedure*, and offers the gentle reminder to the Phase 1 parties that it has the requisite powers and motivation to address shortcomings in that regard.

[23] In conclusion, the motion is allowed. It is ordered that the Bay Cloverhill Community Association Inc. and the Church Wellesley Neighbourhood Association Inc. are granted party status for the Phase 1 hearing only.

81 WELLESLEY STEET EAST

[24] The December 30 decision allowed a motion on consent ordering a modification to OPA 183 adjusting its boundary to remove 81 Wellesley Street East from its purview. Not being satisfied with that certainty, counsel for Aragon (Wellesley) Development (Ontario) Corporation (“Aragon”), the property’s owner, and the City sought even more precision and, subsequent to this prehearing conference, advanced a proposed modification to the December 30 decision and order. The Board concludes that the December 30 decision and order are explicit and implement the relief Aragon sought by its motion. Now that counsel have finally agreed to the configuration of schedules showing the removal of 81 Wellesley Street East from OPA 183, the Board will affirm the December 30 decision and order stipulating that OPA 183 is modified so as to remove 81 Wellesley Street East, as known in 2015, from Site and Area Specific Policy (“SASP”) No. 382. Now being available, those schedules—the SASP Plan boundary, Map 1: Character Areas; and, Map 2: Open Space Network and Height Areas—are appended to this decision as Attachments 4, 5, and 6, respectively.

“James R. McKenzie”

JAMES R. McKENZIE
VICE CHAIR

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

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
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ATTACHMENT 1

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

CITY OF TORONTO

BY-LAW No. 1507-2013

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

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

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

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

The Council of the City of Toronto enacts:

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

2. This is Official Plan Amendment No. 183;

Enacted and passed on November 15, 2013;

Francis Nunziata,
Speaker

Ulf S. Watkiss,
City Clerk

(Seal of the City)

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

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

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

Provisions subject to Phase I Hearing – Highlighted in Pink

Provisions subject to Phase II Hearing – Highlighted in Blue

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

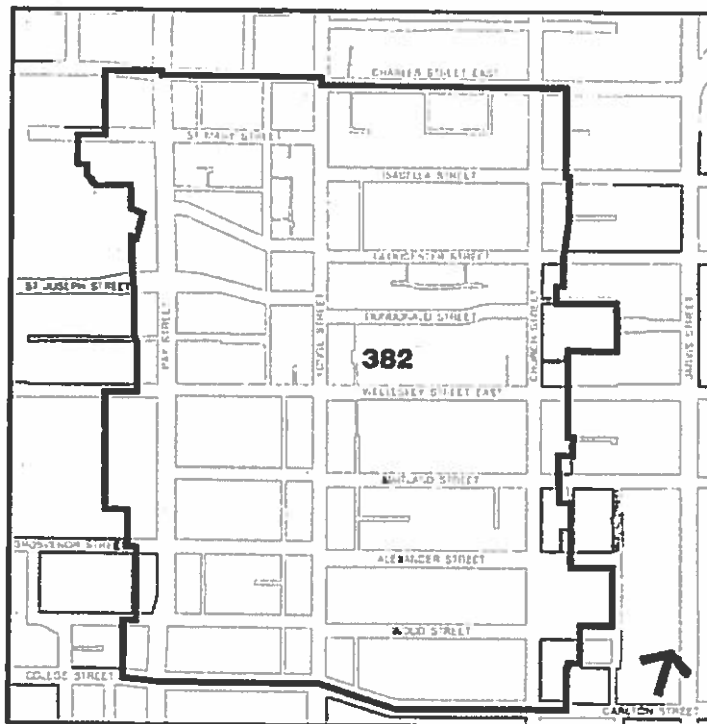
AMENDMENT NO. 183 TO THE OFFICIAL PLAN North Downtown Yonge Site and Area Specific Policy

SCHEDULE "C"

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

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

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



North Downtown Yonge Site and Area Specific Policy

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

1. GOALS

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

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

2. OBJECTIVES

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

City of Toronto By-law No. 1507-2013

- 2.8 Maintain the existing mix of housing types and tenures to provide for a full range of housing opportunities within the area, including family sized units and encourage the provision of a full range of housing types and tenure when development/redevelopment occurs.
- 2.9 Expand and improve existing parks and the open space network and create new parks and open space connections as opportunities arise through development/redevelopment.
- 2.10 Protect access to sunlight and sky view within the surrounding context of streets, parks, public and private open space.
- 2.11 Require public realm improvements as part of development/redevelopment, including opportunities for expanded sidewalk widths, mid-block access, well designed promenades, gateways, and public transit access points.
- 2.12 Encourage design excellence and high quality architectural design through the effective use of resources, high-quality materials, innovative, sustainable and universally accessible building design for development/redevelopment, public realm improvements and parks and open space design.
- 2.13 Reinforce and support transit use throughout the North Downtown Yonge Area.

3. LAND USE POLICIES

Development/redevelopment in the North Downtown Yonge Area will conform with the policies of the Official Plan and in particular the *Neighbourhoods and Apartments Neighbourhoods* land use policies, which limit growth in stable residential areas but provide for growth opportunities in areas designated as *Mixed Use Areas*. These and other Official Plan policies dealing with shaping Toronto and building a successful city will continue to apply, with some of these policies being further modified and enriched by this North Downtown Yonge Site and Area Specific Policy to address local context goals and objectives.

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

4. DEVELOPMENT POLICIES

A. Character Area Policies

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

Bay Street Character Area	St. Nicholas Character Area
Yonge Street Character Area	Isabella Character Area
Elfricaster/Dundas Character Area	Wellesley Wood Character Area
College/Castle Street Character Area	Church Street Village Character Area

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

B. Area Wide Policies

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

C. Urban Design Guidelines

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

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

5. CHARACTER AREA POLICIES

5.1 Bay Street Character Area

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

City of Toronto By-law No. 1507-2013

Apartment Neighbourhoods in the Official Plan. The *Apartment Neighbourhoods* area within the Bay Street Character Area is considered to be a stable area with limited low-rise infill potential.

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

Policies:

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

5.2 St. Nicholas Character Area

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

Policies:

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

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

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

5.3 Yonge Street Character Area

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

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

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

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

- D) Height Peak Area - located between the intersection of Yonge Street and College/Carlton Street (see Section 5.8 College/Carlton Street Character Area) and Grenville Street and Wood Street, as shown on Map 2, Open Space Network and Height Areas, found at the end of these policies.

- (f) **Height Transition Area** - located between Grenville Street and Wood Street and Grosvenor Street on the west side of Yonge Street and mid-block between Alexander Street and Maitland Street on the east side of Yonge Street, as shown on Map 2, Open Space Network and Height Areas, found at the end of these policies.

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

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

Policies:

- 5.3.1** Development/redevelopment must create a consistent street wall along Yonge Street to a maximum height of 18 metres or 4 storeys.
- 5.3.2** Development/redevelopment must require store frontage widths at grade along Yonge Street to be consistent with the average width of at grade retail that is currently found within 2 blocks to the north and south of a given site along either side of Yonge Street in the North Downtown Yonge Area.
- 5.3.3** Development/redevelopment must provide building setbacks to secure a sidewalk zone (measured curb to building face) at least 6 metres wide, or greater where established by the existing context or at corners, transit nodes, PATH access points, or other locations with significant pedestrian use. The sidewalk zone may be entirely public property or a combination of public and private property.
- 5.3.4** Development/redevelopment must provide, where commercial uses are planned at grade, building setbacks to secure a sidewalk zone on private property to support adequate space for cafe patios, outdoor displays and other marketing activities.
- 5.3.5** As the linear park system to the east of Yonge Street between Charles Street East and Dundonald Street is utilized by the community during all hours of the day, development/redevelopment, within or immediately adjacent to the Yonge Street Character Area, must demonstrate as part of the development application review process that best efforts have been made to not cast any new net shadow on these linear parks during the day for all seasons of the year.
- 5.3.6** Development/redevelopment must have:
- a) a minimum setback of 20 metres from the Yonge Street frontage property line to the tower portion of any tall building development, where heritage properties are

present on site; and

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

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

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

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

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

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

E.4 Isabella Character Area

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

Policies:

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

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

5.4.3 Development/redevelopment must provide an appropriate transition in scale and height between more intensive forms of development/redevelopment in the Isabella Character Area down to the lower-scaled development/redevelopment of the Gloucester/Dundas Character Area.

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

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

5.5 Gloucester/Dundas Character Area

The Gloucester/Dundas Character Area is designated *Neighbourhoods* in the Official Plan between Gloucester Street and Dundas Street. On the south side of Dundas Street there is one site designated as *Mixed Use Areas* with the remainder of the south side of the street designated as *Apartment Neighbourhoods* in the Official Plan. This Character Area is bounded on the north by *Apartment Neighbourhoods* and on the south by areas designated *Mixed Use Areas*, *Parks* and *Apartment Neighbourhoods*.

Immediately adjacent to the west is the south portion of the linear park system over the Yonge Street subway, designated as *Parks*.

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

Policies:

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

5.5.2 The Gloucester/Dundas Character Area will be protected from new net shadow impacts resulting from development/redevelopment in the adjacent Character Areas. All development/redevelopment within the Yonge Street Character Area, the Wellesley/Wood Character Area and the Church Street Village Character Area will be located and massed so as to minimize new net shadow impacts on the Gloucester/Dundas Character Area at all times of the day and for all seasons of the year.

5.5.3 Development/redevelopment must provide an appropriate transition in scale and height between more intensive forms of development/redevelopment in the adjacent Character Areas down to the lower-scaled development/redevelopment of the Gloucester/Dundas Character Area.

5.6 Wellesley Wood Character Area

The Wellesley Wood Character Area is designated *Apartment Neighbourhoods* in the Official Plan from north to south partly from Dundonald Street to Maitland Street then fully from Maitland Street to Wood Street. This part of the Character Area is a primarily stable area consisting of "lawn to the park" apartment buildings. This *Apartment Neighbourhoods* area provides a transition to the low-rise *Neighbourhoods* area to the north and the *Mixed Use Areas* to the east (Church Street Character Area), south (College/Carlton Street Character Area) and west both within and outside of this Character Area.

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

Policies:

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

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

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

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

5.7 Church Street Village Character Area

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

Within the Church Street Village Character Area, Church Street has evolved into the village hub of the L&B I Q communities. The village atmosphere provides a welcoming and eclectic environment with a range of uses that provide for both the local community and tourist activity. Church Street Village is the central location of the annual Pride Week celebrations, the largest event of its kind in North America. The hub of the Church Street Village is the 519 Community Centre, which is a heritage designated property surrounded by parkland and is designated *Parks*.

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

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

The 519 Church Street community hub and the surrounding park should be protected from new net shadow impacts of development and redevelopment. Opportunities to expand the parkland should be explored as part of any ongoing development approvals in

The area The Church Street Public School site, located within this Character Area, and considered to have valuable publicly accessible open space, should also be protected from the new net shadow impacts of development and redevelopment.

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

Policies:

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

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

6.7.2 Development/redevelopment located within this Character Area between Wood Street and Charles Street East must ensure that no part of any building is located above the angular plane drawn from the Church Street lot line, commencing at a height of 16 metres above the street level, and then angling upwards at an angle of 44 degrees away from Church Street over the site.

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

6.7.4 Development/redevelopment will cast no new net shadow on the parkland forming part of 510 Church Street community hub for a period of 6 hours generally between the hours of 10:00 AM and 4:00 PM on March 21st and September 21st.

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

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

5.8 College/Carlton Street Character Area

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

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

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

Policies:

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

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

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

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

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

5.8.5 Development/redevelopment must have:

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

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

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

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

5.8.8 Development/redevelopment must require store frontage widths at grade along Yonge

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

6. AREA WIDE POLICIES

The Area Wide Policies detailed below will be further informed by the North Downtown Yonge Urban Design Guidelines adopted by Council in June of 2013, with revisions adopted by Council in October 2013, and such further revisions as may be adopted by Council from time to time and by the city wide Tall Buildings Design Guidelines and Supplementary Downtown Tall Buildings Vision and Design Guidelines, adopted by Council in May of 2013, and such further revisions as may be adopted by Council from time to time.

6.1 Heritage

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

Heritage properties, buildings, or landscapes within the North Downtown Yonge Site and Area Specific Policy area have been either listed or designated on the City of Toronto Heritage Register (City of Toronto Inventory of Heritage Properties) or identified as potential heritage properties to be protected under the *Ontario Heritage Act* at a future time.

Historic Yonge Street Heritage Conservation Study Area

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

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

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

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

6.2 Park and Open Space

The parks and open space system is a fundamental element to providing recreational opportunities and spaces for social activity. The North Downtown Yonge Area has been

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

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

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

Policies:

- 6.2.1 It is the objective of Council to create new parks and open space wherever possible through innovative parkland acquisition and through privately owned publicly accessible open space.
- 6.2.2 It is the objective of Council to encourage the assembly of land for park purposes through on-site and/or off-site parkland dedication as part of the development/redevelopment application review process.
- 6.2.3 It is the objective of Council to provide accessible, high quality, barrier free and well designed parks, plazas and open spaces.
- 6.2.4 It is the objective of Council to provide new parkland, as opportunities arise, within the North Downtown Yonge Area, including:
- a) the creation of a parkette generally under 0.5 hectares in size, as part of the redevelopment of the Toronto Parking Authority lot at 15 Wellesley Street East;
 - b) the expansion of Norman Jewison Park to the west through the transfer of land from the Toronto Parking Authority;
 - c) the creation of a neighbourhood park generally over 0.5 hectare in size at 11 Wellesley Street West to be located on the south side of Wellesley Street West, west of Yonge Street; and
 - d) the expansion of Broadalbane Park on the north side of Broadalbane Street;

- 6.2.5 For the area west of Yonge Street and north of Wellesley Street West, it is the objective of Council to provide opportunities for on-site dedications and new, and improved publicly accessible open space as part of the development/redevelopment application review process.
- 6.2.6 For the area east of Yonge Street, between Charles Street East and Carlton Street, it is the objective of Council to expand the existing parks network through off-site and on-site dedications and/or acquisitions that form part of the development/redevelopment application review process.
- 6.2.7 It is the objective of Council to create opportunities for greening and additional park and open space linkages through the creation and addition of plaza footcours, tree plantings, green or enhanced streetscapes, and boulevard parking reclamations.
- 6.2.8 It is the objective of Council to protect sunlight in parks by mitigating or eliminating shadow impacts of development and redevelopment on parks and open spaces.
- 6.2.9 It is the objective of Council to ensure that development/redevelopment will not cast any new net shadow on Opera Place Park Street between 12 Noon and 2:00 PM on March and September 21st, and should the opportunity arise to expand Broadalbane Park, for a period of 6 hours generally between the hours of 10:00 AM and 4:00 PM on March 21st and September 21st.
- 6.2.10 It is the objective of Council, as part of development/redevelopment application review process, to provide linkages and strong physical connections between the linear parks and to create or improve existing pedestrian connections to existing parks and open space as well as to potential parks and open space and in particular:
- the linear park system east of Yonge Street that extends between Charles Street East and Dundonald Street; and
 - the potential open space at 15 Wellesley Street East, Alexander Park, the potential parkland at 111 Wellesley Street West, and Cawthra Park.

6.3 The Public Realm

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

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

Policies:

- 6.3.1 It is the objective of Council to enhance streetscape design through tree plantings, paving materials, street furniture, landscape planters, decorative pedestrian scale street lighting and public art.
- 6.3.2 It is the objective of Council to expand and improve public spaces through enhanced streetscape design, tree planting, street furniture, pavement treatment, well-designed and barrier-free sidewalks or other paths of travel.
- 6.3.3 It is the objective of Council to enhance the design of the rights-of-way of the Yonge Street and Church Street to improve pedestrian comfort, safety and utility.
- 6.3.4 It is the objective of Council to review development/redevelopment applications in terms of achieving the following public laneway improvement objectives as part of the development application review process:
- a) a minimum laneway width of 6 metres;
 - b) additional setbacks, where possible, as part of the development application review process, in order to better accommodate north-south pedestrian connections and movement through the area;
 - c) raised or well demarcated and barrier-free paths of travel along the laneways to improve pedestrian safety and movement; and
 - d) re-surfacing of laneways with brick pavers or other materials, where appropriate, to complement the heritage character of the area.
- 6.3.5 It is the objective of Council to encourage at-grade commercial uses along the following public laneways in the area: St. Vincent Lane; St. Luke Lane; Reverend Porter Lane; Cloutier Lane; and, Malind Terrace.
- 6.3.6 It is the objective of Council to create an enhanced public realm and support pedestrian movement by expanding the sidewalk width, mid-block access, well designed promenades and potential new mid-block connections.
- 6.3.7 It is the objective of Council to design and locate public realm elements within a given Character Area to have consideration for interconnectivity with adjacent Character Areas and with the surrounding neighbourhoods.
- 6.3.8 It is the objective of Council to integrate lighting, furniture, paving and landscaping on private lands with those on public lands.
- 6.3.9 It is the objective of Council to incorporate forecourts and sidewalks for street activities, sidewalk cafes and spill-out retail.
- 6.3.10 It is the objective of Council to expand and improve pedestrian and cycling linkages as part of the development/redevelopment application review process.

- 6.3.11 It is the objective of Council to plan and design the public realm to encourage walking, cycling, transit use, and car sharing as means to reduce the use of private automobiles.
- 6.3.12 It is the objective of Council to encourage opportunities for additional transit access locations and for internalizing new subway access locations into buildings to address increasing population and employment in the area, while ensuring that internalized subway entries do not negatively impact heritage properties.
- 6.3.13 It is the objective of Council to widen the setbacks on east-west streets as part of the development/redevelopment application review process to widen sidewalks to a minimum width of 6 metres.
- 6.3.14 It is the objective of Council to create gateways into Character Areas that accentuate entry points through distinctive architectural design, facade treatment, special landscape, plazas and open spaces and public art installations.
- 6.3.15 It is the objective of Council to terminate view corridors with distinct architectural design and landscape design and public art installations.
- 6.3.16 It is the objective of Council that views of the following properties on the Heritage Register will be conserved, consistent with the view protection policies of Sections 3.1.1 and 3.1.5 of the Official Plan. Public and private development will preserve views to these heritage properties as follows:
- a) **College Park Hall, 444 Yonge Street**
 College Park can be viewed from several vantage points within the Yonge Street corridor. The entirety of its east facing facade can be viewed from the north-east corner of Yonge Street and Wood Street. The entire north facing facade can be viewed from College Street and the north-east corner of Bay Street. Both facades can be viewed together from the north-east corner of Yonge Street and Carlton Street.
 - b) **Oddfellows' Hall, 22 College Street and 450 Yonge Street**
 The Oddfellows' Hall located on the north-west corner of Yonge Street and College Street can be viewed from several vantage points in the Yonge Street and College/Carlton Street corridor. The east facing facade and towers of the property can be viewed from the north-east corner of Alexander Street and Yonge Street as well as from the south-west corner of Carlton Street and Yonge Street. The property can be seen in its entirety from the south-east corner of Yonge Street and Carlton Street as well as from the sidewalk on the south side of Carlton Street in front of the driveway entrance to 25 Carlton Street.
 - c) **Masonic Hall, 601-613 Yonge Street, 2 Gloucester Street**
 The Masonic Hall at the north-east corner of Yonge Street and Gloucester Street can be viewed in its entirety looking north from the north-west corner of Yonge

Street and St. Joseph Street. The prominent tower and west facing facade can be viewed from Irwin Avenue and St. Nicholas Lane as well as Cottage Lane. Its southern facade and corner tower can also be seen from the south side of Gloucester Street when viewed from the northern entry to James Cumming Park.

(f) Clock Tower III, 484 Yonge Street

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

6.4 Urban Design

Revitalization within the North Downtown Yonge Site and Area Specific Policy is expected to occur through redevelopment, renewal and infill. Together with the policies of the North Downtown Yonge Site and Area Specific Policy, new development will be further influenced by the North Downtown Yonge Urban Design Guidelines, the Tall Building Design Guidelines and the Downtown Tall Buildings Vision and Supplementary Design Guidelines.

Policies:

- 6.4.1** Development/redevelopment will have a high standard of design, be appropriately scaled, relate positively to the existing and planned context and contribute to enhancing the surrounding public realm.
- 6.4.2** Development/redevelopment will provide for a transition from higher building forms to adjacent lower scale areas to fit to its surroundings with setbacks, stepbacks, height restrictions, angular planes, appropriate floorplate areas and facade articulation being used to achieve appropriate transition in scale.
- 6.4.3** The portion of the base building of a tall building immediately adjacent to the lower scale area will generally be no higher than the height of the adjacent buildings, transitioning into a higher base as the distance from the lower scale area increases.
- 6.4.4** Where a tall building is proposed close to a lower scale area residential area, the tower portion of the tall building will be set back a minimum of 20 metres, excluding balconies, from any such adjoining property line.
- 6.4.5** The tower portions of tall building development will have floor plate sizes and tower separation distances that protect access to sunlight, sky view and privacy as more fully identified in the Tall Buildings Design Guidelines and Downtown Tall Buildings Vision and Supplementary Design Guidelines.

6.4.6 Above grade parking is not permitted except where a property is located directly above the Yonge subway line and it is demonstrated that it is not possible to construct below grade parking because of the subway. Above-grade parking will be lined with residential units, offices, retail, institutional or indoor recreational uses on exterior walls so that the above grade parking is not visible.

6.4.7 Tall buildings will not generally be permitted on:

- i) sites that are not able to meet the separation, setback and setback distance requirements of the North Downtown Yonge Urban Design Guidelines, the Tall Buildings Design Guidelines and Downtown Tall Buildings Vision and Supplementary Design Guidelines; and
- ii) have an existing or planned context which does not contemplate tall buildings as a suitable form of development.

6.5 Incentives

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

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

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

6.6 Interpretation

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

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

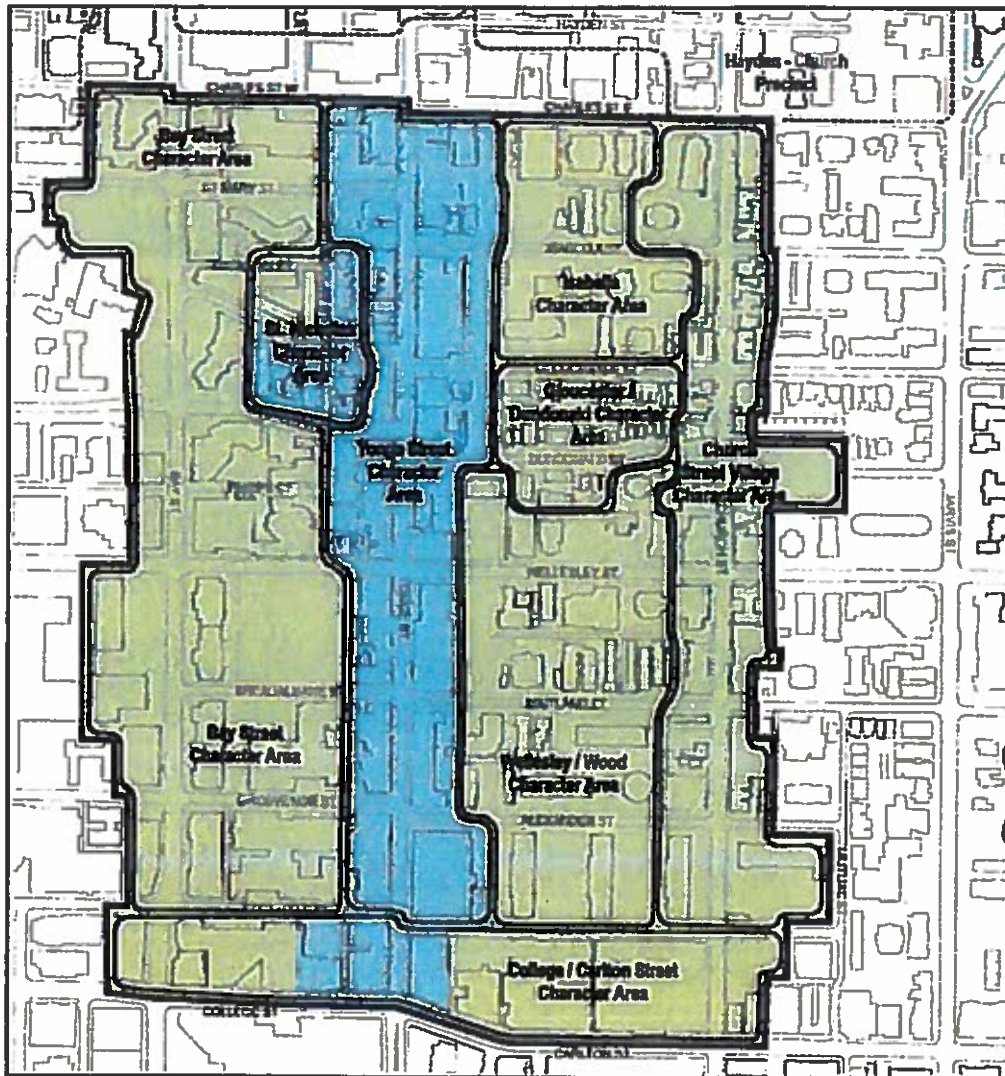
6.6.3 Where the policies of this North Downtown Yonge Site and Area Specific Policy state "in the range of" in relationship to "Height Peak" and "Height Transition" areas in the Yonge Street Character Area and the College/Carlton Character Area, this reference to range is intended to not exceed 3 storeys or 10 metres (roof/floor mechanicals included) above the Height stated in the given policies.

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

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

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

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



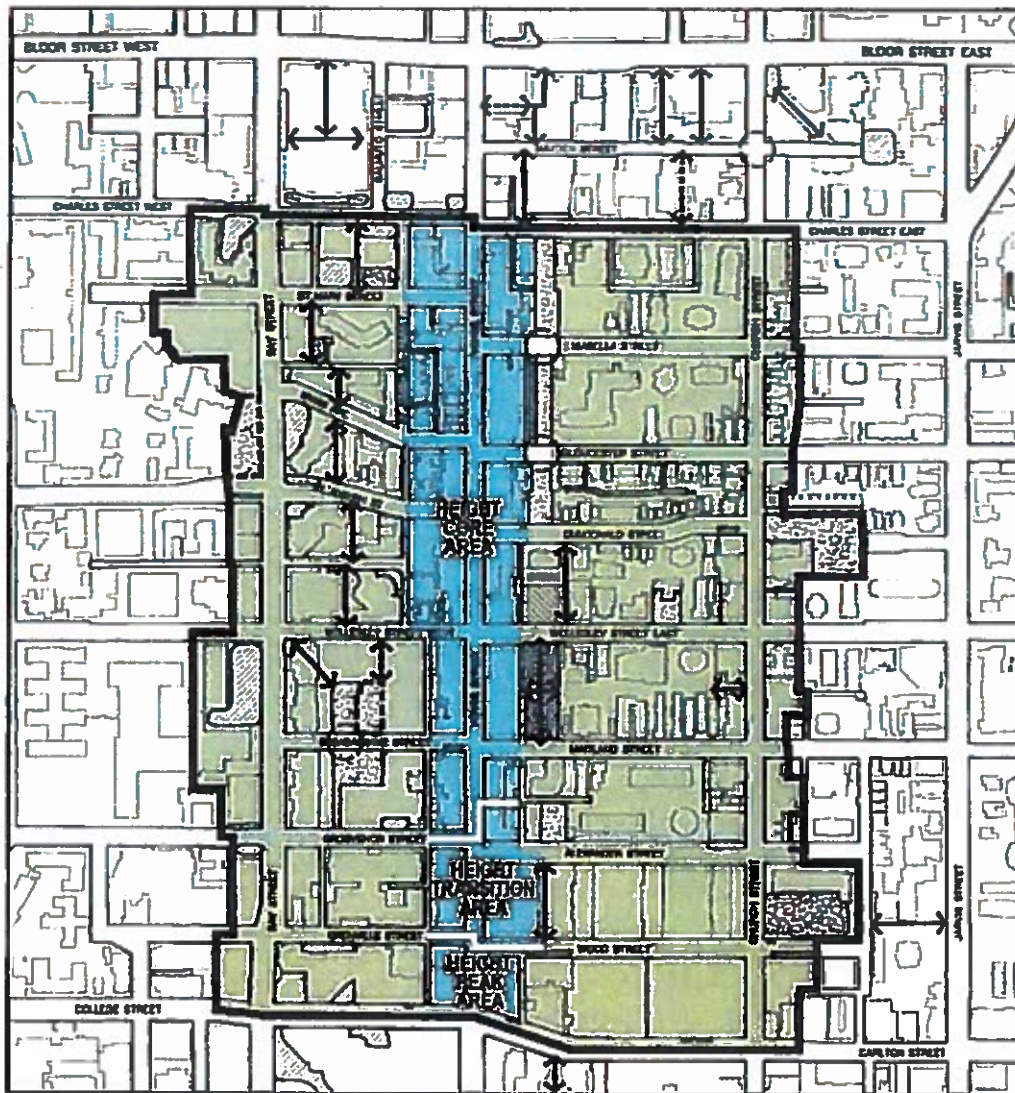
TORONTO City Planning
Official Plan Amendment #183
Map 1: Character Areas

North Downtown Yonge
Planning Framework Study
 File # 11 247686

— Character Areas

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

↑
 Not to Scale
 11/13/2013



Toronto City Planning

Official Plan Amendment #183

Map 2: Open Space Network and Height Areas

North Downtown Yonge
Planning Framework Study

File # 11 247686



Not to Scale
11/12/2013

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

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

PHASE I HEARING LIST OF TEXT AND POLICIES

Those provisions of OPA 183 proposed to be adjudicated in a Phase I hearing include:

1.1, 1.2;

2.2 except for "heritage properties", 2.8, 2.10, 2.11;

3 paragraph 1;

4C;

5.1.1, 5.1.2;

5.2 last sentence, 5.2.2, 5.2.3;

5.4.1, 5.4.3;

5.5.2, 5.5.3;

5.6.1, 5.6.3;

5.7 fifth paragraph first sentence and last sentence;

5.7.3, 5.7.5;

5.8.2, 5.8.3, 5.8.4, 5.8.6, 5.8.7 b) "and open spaces", c) and d);

6 first paragraph;

6.2.1, 6.2.8, 6.2.9;

6.3.4 a), b), c) and d), 6.3.5, 6.3.6, 6.3.13, 6.3.16 d);

6.4 first paragraph, 6.4.2, 6.4.3, 6.4.4, 6.4.5, 6.4.6, 6.4.7 a) and b);

6.5 second paragraph "and the North Downtown Yonge Urban Design Guidelines";

6.6.1, 6.6.2, 6.6.3, 6.6.4, 6.6.5

ATTACHMENT 3

PL131355

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

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

PHASE I HEARING [DRAFT] PROCEDURAL ORDER

THE BOARD ORDERS that:

1. The Board may vary or add to this Order at any time either on request or as it sees fit. It may amend this Order by an oral ruling or by another written Order.

Organization of the Hearing

2. The Phase I hearing will begin on April 18, 2016 at 10:00 a.m. at Ontario Municipal Board, 655 Bay Street, Suite 1500, Toronto, Ontario, M5G 1E5
3. The length of the Phase I hearing will be 20 days. The length of the hearing may be shortened as issues are resolved or settlement is achieved.
4. The Phase I Hearing shall address:
 - a. the North Downtown Yonge Site and Area Specific Policy lands with the exception of:
 - i. those lands consisting of the area subject to the Historic Yonge Street Heritage Conservation District Study Area, as affirmed by the Toronto Preservation Board at its meeting of July 28, 2015 (the "HCD Area"); and
 - ii. any lands subject to a deferred site specific appeal of OPA 183; and

- b. the text and policies of OPA 183 as set out in Attachment 1 to this Order and as more particularly identified in pink in Attachment 2 to this Order.
- 5. The contact details of the parties and participants are listed in Attachment 3 to this Order. The parties and participants to the hearing are listed in Attachment 4 to this Order. The Issues for the Phase I Hearing are set out in the Issues Lists attached as Attachment 5 to this Order. The list may be further scoped and modified on consent and with the Board's permission. Otherwise, there will be no changes to this list unless the Board permits and a Party who asks for changes may have costs awarded against it.
- 6. The order of evidence shall be as listed in Attachment 6 to this Order.

Requirements Before the Hearing

- 7. All parties and participants (or their representatives) shall provide a mailing address, email address, and telephone number to the Board and the other parties and participants. Any such person who retains a representative (legal counsel or agent) subsequent to the prehearing conference must advise the other parties and the Board of the representative's name, mailing address, email address and phone number.
- 8. A party who intends to call witnesses, whether by summons or not, shall provide to the Board and to the other parties, a list of the witnesses and the order in which they will be called. This list must be delivered on or before January 29, 2016. For expert witnesses, a party is to include a copy of the curriculum vitae and the area of expertise in which the witness is proposed to be qualified.
- 9. An expert witness shall prepare an expert witness statement that shall include: an acknowledgement of expert's duty form, the area(s) of expertise, any reports prepared by the expert, and any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section 12. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Board may refuse to hear the expert's testimony.
- 10. A participant must provide to the Board and the parties a participant statement as set out in section 12, or the participant may not give oral evidence at the hearing.
- 11. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence and his or her area of expertise, as in section 12.
- 12. Witness and expert witness statements shall be exchanged as follows:

- (a) On or before March 4, 2016, Building Industry and Land Development Association and KingSett Capital Inc. shall provide copies of their witness and expert witness statements to the City and any other Phase 1 party, together with the Board; and
- (b) On or before March 24, 2016, the City and any other Phase 1 party and participant shall provide copies of their witness and expert witness statements and participant statements to each of Building Industry and Land Development Association and KingSett Capital Inc., together with the Board.
13. The parties shall prepare a Joint Document Book to be filed with the Board on the first day of the hearing.
 14. On or before April 1, 2016, the parties shall provide copies of their visual evidence to all of the other parties. If a model is proposed to be used the Board must be notified before the hearing. All parties must have a reasonable opportunity to view it before the hearing.
 15. Building Industry and Land Development Association and KingSett Capital Inc. shall provide to all other parties any written response to any written evidence on or before April 7, 2016.
 16. A person wishing to change written evidence, including witness statements, must make a written motion to the Board in accordance with the Board's Rules [34 to 38].
 17. A party who provides the written evidence of a witness to the other parties must have that witness attend the hearing to give oral evidence, unless the Board and the parties are notified at least 7 days before the hearing that the written evidence is not part of their record.
 18. Documents may be delivered in person, by courier, by facsimile, by registered or certified mail, by email or otherwise as the Board may direct. The delivery of documents by fax and email shall be governed by the Board's Rules [26 – 31] on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
 19. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.

This Member is [not] seized.

So orders the Board.

ATTACHMENT 1
PHASE I HEARING LIST OF TEXT AND POLICIES

Those provisions of OPA 183 proposed to be adjudicated in a Phase I hearing include:

1.1, 1.2;
2.2 except for "heritage properties", 2.8, 2.10, 2.11;
3 paragraph 1;
4C;
5.1.1, 5.1.2;
5.2 last sentence, 5.2.2, 5.2.3;
5.4.1, 5.4.3;
5.5.2, 5.5.3;
5.6.1, 5.6.3;
5.7 fifth paragraph first sentence and last sentence;
5.7.3, 5.7.5;
5.8.2, 5.8.3, 5.8.4, 5.8.6, 5.8.7 b) "and open spaces", c) and d);
6 first paragraph;
6.2.1, 6.2.8, 6.2.9;
6.3.4 a), b), c) and d), 6.3.5, 6.3.6, 6.3.13, 6.3.16 d);
6.4 first paragraph, 6.4.2, 6.4.3, 6.4.4, 6.4.5, 6.4.6, 6.4.7 a) and b);
6.5 second paragraph "and the North Downtown Yonge Urban Design Guidelines";
6.6.1, 6.6.2, 6.6.3, 6.6.4, 6.6.5

- 5 -

PL131355

**ATTACHMENT 2- DETAILED COLOURED VERSION OF PHASE 1
TEXT AND POLICIES (highlighted in pink colour)**

[to be inserted]

ATTACHMENT 3
CONTACT DETAILS FOR PARTIES AND PARTICIPANTS

PARTIES:

PARTY	CONTACT DETAILS
City of Toronto	<p>Stephen Bradley, Legal Counsel Email: sbradley@toronto.ca Tel: 416 392 7790 Fax: 416 397 5624</p> <p>Sharon Haniford, Legal Counsel Email: shanifor@toronto.ca Tel: 416 392 6975 Fax: 416 397 5624</p> <p>Anna Kinastowski City Solicitor, City of Toronto City of Toronto Legal Services Division Station 1260, 26th Floor, Metro Hall 55 John Street Toronto, ON M5V 3C6</p>
Building Industry and Land Development Association ("BILD")	<p>John Dawson, Legal Counsel Email: jdawson@mccarthy.ca Tel: 416 601 8300 Fax: 416 868 0673</p> <p>McCarthy Tetrault LLP 66 Wellington Street West Suite 5300 Toronto, ON M5K 1E6</p>
KingSett Capital Inc.	<p>Eileen Costello, Legal Counsel Email: ecostello@airdberlis.com Tel: 416 865 4740 Fax: 416 863 1515</p> <p>Aird & Berlis LLP Barristers and Solicitors Brookfield Place, 181 Bay Street Suite 1800, Box 754</p>

PL131355

	Toronto, ON M5J 2T9
Bay Cloverhill Community Association Inc. and the Church Wellesley Neighbourhood Association Inc.	Ian Flett, Legal Counsel Email: iflett@gillespielaw.ca Tel: 416 703 7304 Fax: 416 703 9111 Eric K Gillespie Professional Corporation Barristers & Solicitors 10 King Street East, Suite 600 Toronto, ON M5C 1C3

PARTICIPANTS:

PARTICIPANTS	CONTACT DETAILS

ATTACHMENT 4 – PARTIES AND PARTICIPANTS

Parties:

City of Toronto

Building Industry and Land Development Association ("BILD")

KingSett Capital Inc.

Bay Cloverhill Community Association Inc. and the Church Wellesley Neighbourhood Association Inc.

Participants:

ATTACHMENT 5 - ISSUES LISTS

Phase I Hearing

NOTE: The identification of an issue on the Issues List does not constitute an acknowledgement by the Board or any party that said issue is either relevant or appropriate. The identification of an issue on this list by a party indicates that party's intent to lead evidence or argue that the issue is relevant to the proceeding for the purpose of fairly identifying to the other parties the case they need to meet. Accordingly, no party shall advance an issue not identified on the Issues List at the hearing without leave of the Board.

BILD:

KingSett Capital Inc.:

Bay Cloverhill Community Association Inc. and the Church Wellesley Neighbourhood Association Inc.:

ATTACHMENT 6

ORDER OF EVIDENCE -- Phase I Hearing

City of Toronto

Bay Cloverhill Community Association Inc. and the Church Wellesley
Neighbourhood Association Inc.

BILD

KingSett Capital Inc.

Reply Evidence, if any, City of Toronto

Purpose of the Procedural Order and Meaning of Terms

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not familiar with the hearing process you should prepare by obtaining the Guide to the Ontario Municipal Board, and the Board's Rules, from the Board Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-212-6349, or from the Board website at www.elfo.gov.on.ca.

The parties should discuss the draft Procedural Order before the prehearing conference and identify the issues and the process they propose the Board order following the prehearing. The Board will hear submissions about the content of the Procedural Order at the prehearing.

Meaning of terms used in the Procedural Order:

Party is an individual or corporation permitted by the Board to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person will become the party and assume the responsibilities of a party as set out in the Procedural Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party.

Participant is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Board on all or some of the issues in the hearing. At the hearing, a participant may be asked questions by the parties about their statements. Participants do not normally receive notice of a mediation or conference calls on procedural issues and cannot ask for costs, or review of a decision as parties can.

Written and Visual Evidence: **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing. If a model forms part of the evidence, photographs of the model shall also be filed.

Witness Statements:

A witness statement or a participant statement is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' or participant's position on those issues; and a list of reports that the witness or participant will rely on at the hearing.

An expert witness statement should include his or her (1) name and address, (2) qualifications, acknowledgement of the expert's duty, and specific area(s) of expertise, (3) a list of the issues to be addressed, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing.

The Procedural Order will set out when and how witness statements are to be exchanged.

Additional Information

Summons: A party may ask the Board to issue a summons. This request must be made before the time that the list of witnesses is provided to the Board and the parties. (See Rules 45 and 46 on the summons procedure.) An affidavit may be requested indicating how the witness' evidence is relevant to the hearing. If the Board is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

direct examination by the party presenting the witness;
direct examination by any party of similar interest, in the manner determined by the Board;
cross-examination by parties of opposite interest;
re-examination by the party presenting the witness; or
another order of examination mutually agreed among the parties or directed by the Board.

Role of Participants: Participants are identified at the start of a prehearing or at the start of a hearing. Participant statements should be filed with the Board and the parties in accordance with the direction set out in the Board's Procedural Order. If a participant does not attend the hearing and only files a written statement, the Board may not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file the material and do not attend.

ATTACHMENT TO THE RULES

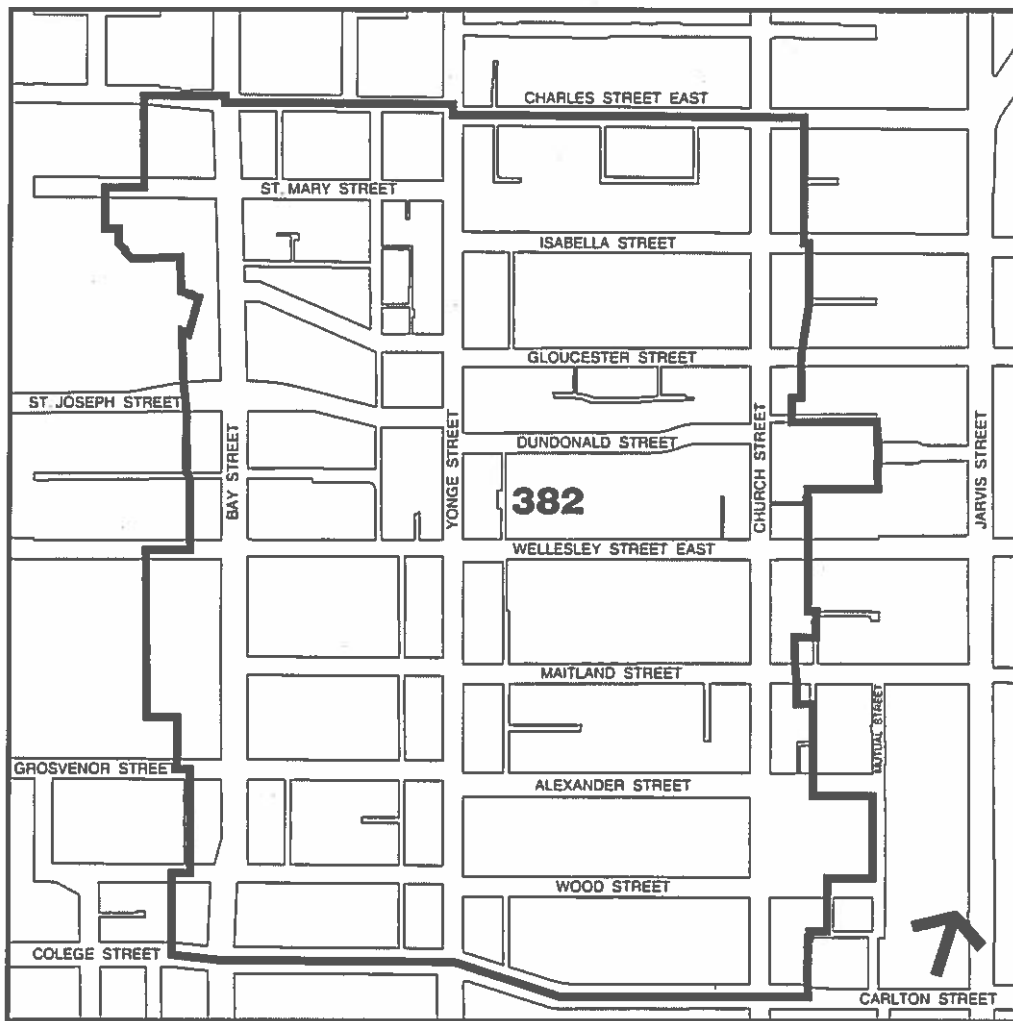
2. ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number	Municipality

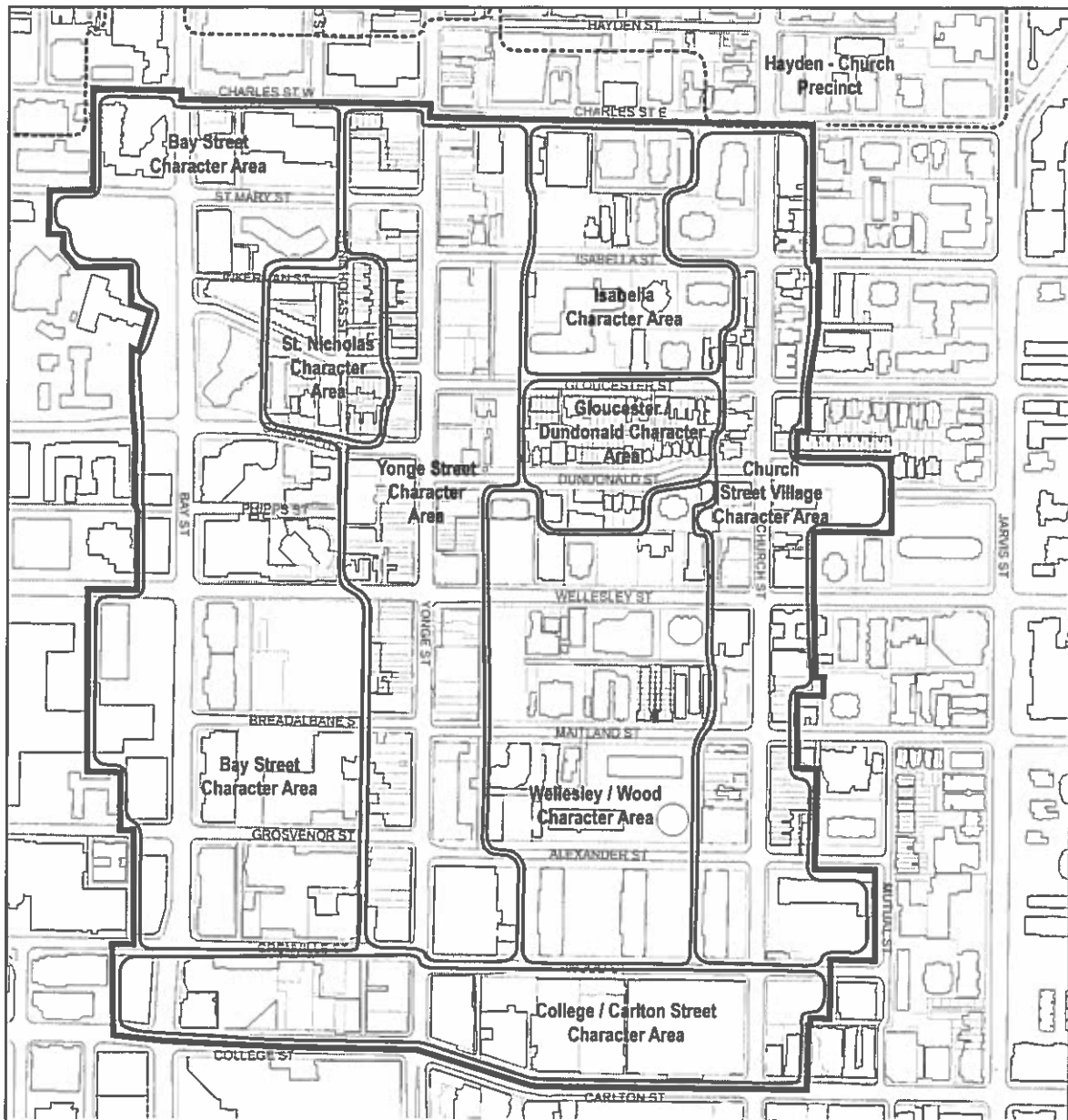
1. My name is.....(name)
I live at the(municipality)
in the.....(county or region)
in the(province)
2. I have been engaged by or on behalf of.....(name of party/parties) to provide evidence in relation to the above-noted Board proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the Board may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date.....
Signature

ATTACHMENT 4



ATTACHMENT 5



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

North Downtown Yonge
Planning Framework Study

File # 11 247686

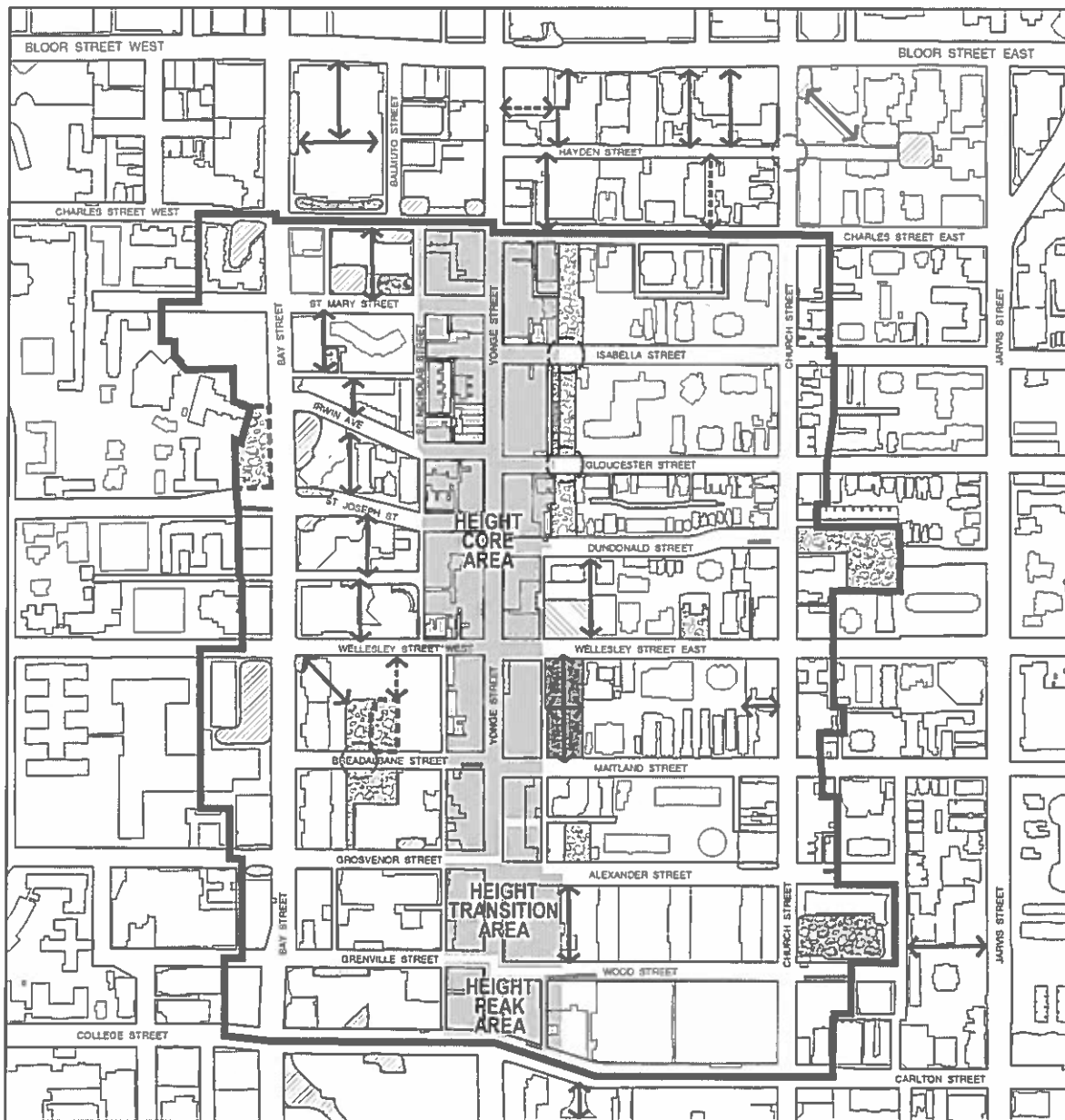
— Character Areas

Revised by Ontario Municipal Board Order to remove the lands known in 2015 as 81 Wellesley Street East



Not to Scale
 11/13/2013

ATTACHMENT 6



Toronto City Planning

Official Plan Amendment #183

Map 2: Open Space Network and Height Areas

North Downtown Yonge
Planning Framework Study

File # 11 247686



Not to Scale
11/12/2013

Revised by Ontario Municipal Board Order to remove the lands known in 2015 as 81 Wellesley Street East