

N. Jane Pepino, C.M., Q.C., LL.D.  
Direct: 416.865.7727  
E-mail: [jpepino@airdberlis.com](mailto:jpepino@airdberlis.com)

July 15, 2019

BY EMAIL

Our File #142276

Mayor and Members of City Council  
City of Toronto  
100 Queen Street West  
Toronto ON  
M5H 2N2

Attn: Ulli Watkiss, City Clerk

Dear Ms. Watkiss:

**Re: 56 Yonge Street, 21 Melinda Street, 18 to 30 Wellington Street West, 187 to  
199 Bay Street and 25 King Street West – Zoning Amendment Application  
Final Report  
Item TE7.16  
Application Number: 17 277715 STE 28 OZ**

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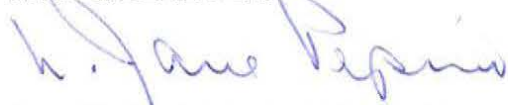
We act on behalf of Kanji Investment Corp. c/o Sutter Hill Developments, the owner of the property municipally known as 48 Yonge Street. Attached to this correspondence is a communication we provided to Toronto and East York Community Council for its meeting of June 25, 2019. In our correspondence we identified certain preliminary concerns with respect to the proposed redevelopment on the Commerce Court property. Our comments were not responded to and Community Council has recommended approval of the project. We understand that it will be considered by City Council at its meeting commencing July 16, 2019.

Attached to this letter is a memorandum prepared by Bousfields Inc. expanding upon our client's concerns regarding the proposed redevelopment of the Commerce Court property and, in particular, its impacts on our client's lands at 48 Yonge Street. We would urge the members of City Council not to adopt the recommendations of Community Council or enact the requested Zoning By-law amendment until our client's concerns have been addressed.

Thank you very much.

Yours truly,

AIRD & BERLIS LLP



N. Jane Pepino, C.M., Q.C., LL.D.

cc: Client  
encl.  
36622878.1

**AIRD BERLIS**

N. Jane Pepino  
Direct: 416.865.7727  
E-mail: [jpepino@airdberlis.com](mailto:jpepino@airdberlis.com)

June 24, 2019

Our File No.: 142276

BY EMAIL

Attn: Ellen Devlin  
Toronto and East York Community Council  
2<sup>nd</sup> Floor, West Tower, City Hall  
Toronto, ON  
M5H 2N2  
[teycc@toronto.ca](mailto:teycc@toronto.ca)

Dear Chair and Members of Toronto and East York Community Council:

**Re: 56 Yonge Street, 21 Melinda Street, 18 to 30 Wellington Street West, 187 to  
199 Bay Street and 25 King Street West – Zoning Amendment Application  
Final Report  
Item TE7.16  
Application Number: 17 277715 STE 28 OZ**

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Aird & Berlis LLP represents Kanji Investment Corp., the owner of the property municipally known as 48 Yonge Street. 48 Yonge is currently occupied by a 12-storey commercial building with frontage on both the west side of Yonge Street and the north side of Wellington Street West. 48 Yonge backs onto a substandard City-owned public lane which extends from Melinda Street to Wellington Street West and separates the Commerce Court lands from 48, 56 and 60 Yonge Street. 48 Yonge enjoys the same Mixed Use designation as the Commerce Court property and our client intends to pursue the necessary applications to achieve a significant mixed-use intensification in this ideal location.

We are writing in response to the Final Report and draft zoning by-law (which at the time of this letter was still not available for review) to be dealt with at the June 25, 2019 meeting of Toronto and East York Community Council.

Our client has substantial concerns regarding the proposed Commerce Court redevelopment. To proceed with this single application represents a lost opportunity to plan and intensify this important block on a comprehensive basis. Furthermore, any approval will negatively impact redevelopment opportunities for the intensification of 48 Yonge.

The Commerce Court site is located immediately to the west of our client's site at 48 Yonge and is separated from 48 Yonge by a substandard City-owned public lane having an approximate width of only 3.0m. Potential windows on the east wall of the proposed Commerce Court in such close proximity to 48 Yonge will lead to privacy concerns. In addition, given the permitted intensification of 48 & 60 Yonge under the recently approved OPA 406, the City should take the opportunity presented by the Commerce Court application to consider widening the substandard public lane that separates Commerce Court from the properties on Yonge Street as part of this process.

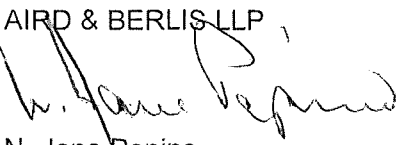
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Although we assume that this Toronto and East York Community Council meeting is intended to be the statutory public hearing for the proposed zoning by-law amendment, the Final Report was only made available to the public very recently, and the draft zoning by-law is not yet available.

We would urge the members of Community Council not to endorse this application in its present form and to direct staff to report back after consulting with all the owners on the east side of the lane between Melinda and Wellington Streets and considering the comments herein.

Yours truly,

AIRD & BERLIS LLP



N. Jane Pepino

NJP/mm

cc: Client  
36455510.3

AIRD BERLIS



# BOUSFIELDS INC.

## MEMORANDUM

To: N. Jane Pepino, Aird & Berlis LLP Project No.: 17P793

From: Tony Volpentesta & Michelle Tiger Date: 2019.07.15

**Re: 56 Yonge Street, 21 Melinda Street, 18 to 30 Wellington Street West, 187 to 199 Bay Street and 25 King Street West  
Application Number: 17 277715 STE 28 OZ**

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### **1.0 Purpose**

This Memorandum is intended to provide our planning opinion on the concerns raised by Kanji Investments Corp., the owner of the property municipally known as 48 Yonge Street, further to the letter to Toronto and East York Community Council dated June 24, 2019 regarding the above captioned redevelopment.

In preparation of this, we have reviewed the applicable regulatory context with regard to the above-captioned redevelopment. In particular we have reviewed the 2014 Provincial Policy Statement (the "PPS"), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the "Growth Plan"), the 2041 Metrolinx Regional Transportation Plan for the Greater Toronto and Hamilton Area (the "RTP"), and Official Plan Amendment No. 406, as approved by the Minister of Municipal Affairs and Housing ("OPA 406") which would be the applicable policy document for future redevelopment.

We are satisfied that neither the subject property nor affected properties are located within a "Protected Major Transit Station Area" (Protected MTSA). As well neither OPA 406 or its predecessor contains a minimum number of residents and jobs collectively that are planned to be accommodated within the area.

### **2.0 Background**

Quadreal Property Group (the "Applicant"), has applied for the redevelopment of the lands municipally known as 56 Yonge Street, 21 Melinda Street, 18 to 30 Wellington Street West, 187 to 199 Bay Street and 25 King Street West (the "Redevelopment Site"). The Redevelopment Site currently consists of the Commerce Court complex including a 34-Storey office building ("Commerce Court North"), a 57-storey office building ("Commerce Court West"), a 6-storey office building ("Commerce Court



South”) and a 13-storey office building (“Commerce Court East”) together with Hotel Mossop (now Hotel Victoria) a building which is east of the lane forming the easterly edge of the Commerce Court as identified on the map below. The applicant’s property assembly has created a set of circumstances that includes a property that breaches beyond the Commerce Court property and now includes lands with frontage along Yonge Street. The failure of the City to undertake a comprehensive planning review does not properly consider the implications of the two remaining buildings on the overall block.

Our client’s property is located at the northwest corner of Wellington Street West and Yonge Street and is municipally known as 48 Yonge Street (the “Property”). The Property has frontage of approximately 27 metres on Yonge Street to the east, 33.5 metres on Wellington Street West to the south and 27 metres on a substandard public laneway to the west, which lane extends from Melinda Street to Wellington Street West. The site is square and has a total area of approximately 912 square metres and therefore, could be considered a redevelopment site for a mixed-use tower in accordance with the provisions of OPA 406. The Property is currently occupied by a 12-storey office building that is generally built to all property lines with windows on both the east and west walls (see Map 1: Context Map below).



**Map 1: Context Map**

### **3.0 Review of Policy and Regulatory Context**

We would, at the outset, put on record the fact that the draft site-specific Zoning By-law for the Redevelopment Site was not made available at the time that the City of Toronto Planning Department Final Report dated June 18, 2019, was tabled at Toronto and East York Community Council on June 25, 2019. The Final Report explicitly contemplates the provision of draft Zoning By-laws that would amend By-law 438-86 and By-law 569-2013. Even to date, no draft By-laws have been publicly available, thereby limiting our review and detailed analysis of the proposed redevelopment and the controls and standards proposed to apply to it. In any event, it is our opinion that it is premature to introduce an implementing Zoning By-law in the absence of the comprehensive review outlined in this Memorandum.

It is patent that the Applicant's proposal is complex in nature and affects an important city block that extends to Yonge Street given the inclusion of the Hotel Victoria as part of the overall land assembly. It is affecting not only an important city block, which is the issue of non-comprehensive planning but is viewed by our client as directly and detrimentally impacting its property directly abutting to the south and to the east. There should be adequate time afforded to the public, to affected land owners, and to council to carefully review the draft implementing Zoning By-law. Given that no draft Zoning By-law has been available for review, we reserve the right to comment on the form and function of the implementing site-specific Zoning By-law and its conformity with the Official Plan and consistency with provincial policy.

The Official Plan, as amended by OPA 406 which applies to 48 and 60 Yonge Street on a go forward basis, and the existing Official Plan designation remains *Mixed-Use Areas 1* which is where growth including residential growth is encouraged within the downtown.

As outlined in further detail below, we have concluded that the proposed redevelopment would not be consistent with the PPS and would not conform with the Growth Plan, the RTP, the City's Official Plan and specifically OPA 406.

### **3.1 Applicable policies with respect to Comprehensive Planning.**

OPA 406 as approved by the Minister of Municipal Affairs and Housing on June 5, 2019 includes significant changes to the nature of land uses allowed for lands located within the Financial District. OPA 406, as approved by the Minister allows residential uses whereas prior to ministerial approval, OPA 406 restricted additional density above as-of-right density to office and/or non-residential GFA. The version of OPA 406 as adopted by City Council on July 27, 2018 was in place during most of the time the application was processed and reviewed following the submission of the original



application on December 20, 2017. This represents a significant change in circumstances that, in our opinion, would have a significant impact on the evaluation of redevelopment prospects for the lands located within the entire development block and specifically those on the east of the lane fronting onto Yonge Street.

### ***Provincial Policy Statement***

With respect to the PPS, we highlight the following sections related to comprehensive planning with which this proposal is not consistent:

#### **1.1.1 Managing and Directing Land use to Achieve Efficient and Resilient Development and Land Use Patterns:**

##### **1.1.1 Healthy, liveable and safe communities are sustained by:**

- a. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b. accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c. avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d. avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;

**Opinion:** Efficient development would include the prevention of the wasteful use of a particular resource. That resource would be land in this case. In this context, the absence of a comprehensive Block Plan for the block bounded by Yonge Street to the east, Wellington Street West to the south, Bay Street to the west and King Street West to the north means the City cannot ensure efficient development and land use patterns for those lands abutting, affected by, but not included in the development proposal. Therefore, it is our opinion that the Applicant's proposed development is contrary not only to the above noted policies of the PPS but also the Growth Plan and particularly those regarding MTSA's.

The City of Toronto typically requires full block analyses to evaluate development on a large city block, especially in circumstances where the development site is located within the downtown urban growth centre and in proximity to a higher order transit station. In our opinion, the process followed by the City in this matter does not constitute comprehensive planning in a way that; (i) optimizes the potential use of all

properties within the block, including our client's Property and, (ii) does not sterilize or restrict development rights of other properties on the block, particularly in light of the fact that the extension of this development through to Yonge Street by virtue of inclusion of the Hotel Victoria site has left remnant parcels in the block. This is contrary to Section 1.1.1 of the PPS.

It is our opinion that the Applicant should have satisfied the City and adjacent landowners by way of a Block Plan, which would identify the appropriate location for additional towers, separation distances and setbacks within the block and particularly the block south of Melinda, east of the lane and bounded by Yonge Street on the east and Wellington on the south, to establish that the proposed development did not sterilize properties within the block from meeting the minimum provincial growth targets. In the absence of such evidence being provided, the By-laws cannot be consistent with the PPS.

#### 1.2.1 Coordination

A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:

- a. managing and/or promoting growth and development;
- b. economic development strategies;
- c. managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
- d. infrastructure, electricity generation facilities and transmission and distribution systems, multimodal transportation systems, public service facilities and waste management systems;
- e. ecosystem, shoreline, watershed, and Great Lakes related issues;
- f. natural and human-made hazards;
- g. population, housing and employment projections, based on regional market areas; and
- h. addressing housing needs in accordance with provincial policy statements such as the Ontario Housing Policy Statement.

Opinion: It is our opinion that the Applicant's failure to undertake a Block Plan is the result of the City's failure to require a Block Plan as part of the Applicant's complete rezoning application. In doing so, the City failed to adopt an integrated, coordinated and comprehensive approach to Planning, which is contrary to Section 1.2.1 of the PPS.



#### 4.0 Implementation and Interpretation

- 4.1 This Provincial Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after April 30, 2014.
- 4.4 This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.
- 4.7 The Official Plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through Official Plans.

Official Plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official Plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official Plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their Official Plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an Official Plan.

- 4.8 Zoning and development permit by-laws are important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their Official Plans and this Provincial Policy Statement.

Opinion: The PPS recognizes that the Official Plan provides the tool to evaluate the comprehensive development of a large and prominent city block within the downtown core, and particularly to avoid leaving remnant parcels such as the case here.

The Official Plan in turn has the goal of planning comprehensively and would therefore require that the Property and surroundings be planned on a block basis to ensure that an appropriate framework for development intensification has been established and to avoid any development related conflicts or adverse impacts.

The City of Toronto has explicitly recognized the importance of coordinated planning in a comprehensive manner by putting in place the draft terms of reference for Block Context Plans. Inexplicably, for reasons not identified in the Planning Staff Report dated June 18, 2019, the City failed to do so in this case.

It is our opinion that the City of Toronto failed to apply Section 4 of the PPS when evaluating the Applicant's redevelopment proposal. Therefore, the evaluation of the Applicant's proposal is not consistent with Section 4 of the PPS.

### ***A Place to Grow: Growth Plan for the Greater Golden Horseshoe***

With respect to the Growth Plan, the following sections are of relevance:

#### **3.2.1 Integrated Planning**

- (1) Infrastructure planning, land use planning, and infrastructure investment will be co-ordinated to implement this Plan.
- (2) Planning for new or expanded infrastructure will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental planning and financial planning, and will be supported by relevant studies and should involve:
  - a. Leveraging infrastructure investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;
  - b. Providing sufficient infrastructure capacity in strategic growth areas;
  - c. Identifying the full life cycle cost of infrastructure and developing options to pay for these costs over the long-term; and
  - d. Considering the impacts of a changing climate.

*Opinion:* Section 3.2.1(1) of the Growth Plan requires that Infrastructure Planning and Land use planning be coordinated to implement the Growth Plan. It is our opinion that the absence of comprehensive planning on a Block Plan basis in this large and important area in the heart of the financial district does not conform to the Growth Plan since the required level of coordination has not been fully provided.

#### **5.2.3 Co-ordination**

- (1) A co-ordinated approach will be taken to implement this Plan, in particular for issues that cross municipal boundaries, both between Provincial ministries and agencies, and by the Province in its dealings with municipalities, local boards, and other related planning agencies.



- (2) Upper-tier municipalities, in consultation with lower-tier municipalities, will, through a *municipal comprehensive review*, provide policy direction to implement this Plan.

Opinion: It is our opinion that the Applicant's failure to undertake a Block Plan is the result of the City's failure to require a Block Plan as part of the Applicant's complete rezoning application. In doing so, the City failed to adopt an integrated, coordinated and comprehensive approach to Planning, which is contrary to Section 5.2.3 of the Growth Plan.

Therefore, the actions of the City of Toronto in not either undertaking or requiring a Block Context Plan and including the two stranded properties remaining in the block fronting on Yonge Street in its deliberations and assessment of the Applicant's proposal demonstrates that the City has not met Section 3.1.2 of the Growth Plan. The failure to consider impact on existing and future development on 48 and 60 Yonge Street therefore does not conform with the Growth Plan.

#### **City of Toronto Official Plan**

The Mixed-Use Areas designation is recognized as one of the areas intended to absorb most of the planned intensification for the City of Toronto. Section 4.3 of the Official Plan provides specific development criteria to be addressed in assessing development in this designation. By not ensuring that the entire development block has been fully assessed, the goal of the Official Plan in directing growth to the downtown and in this location may not be fully optimized because a Block Context Plan has not been used as an essential tool in looking at the block holistically.

#### **Block Context Plan**

In order to appropriately address the requirements of the Official Plan and the provincial directives requiring comprehensive planning, the City of Toronto has developed a comprehensive document that provides guidance and terms of reference dealing with supporting studies that are required in considering development applications. That document is known as the City of Toronto Development Guide (the "Development Guide") and includes specific draft terms of reference for a Block Context Plan. As noted in the Development Guide, a Block Context Plan "is a study prepared in cooperation with landowners that shows how the physical form of the proposed development fits within the existing and planned context and conforms with the policies of the Official Plan and implementation tools including site specific and other guidelines."



One specific circumstance where a Block Context Plan would be required, as noted in the terms of reference, includes “sites where the development potential on adjacent properties may be impacted by or could be integrated into the proposed site.” It is my opinion that this very circumstance is present in considering both 48 and 60 Yonge Street. The Block Context Plan “rationale”, as provided for in the terms of reference, includes the requirement to provide “a conceptual and comprehensive idea of development on the block and a framework to evaluate proposed development.”

It is our opinion that the absence of a Block Context Plan compromises the City’s ability to plan comprehensively for all affected lands including all of those fronting on Yonge Street abutting the development proposal. No steps have been taken to ensure that development is coordinated with adjacent landowners in a way which does not constrain or sterilize intensification of the remaining sites within the block, being 48 and 60 Yonge Street.

Based on our review of the Property and surrounding area, and the submission materials by the applicant, it is our opinion that an appropriate boundary for the purpose of a Block Context plan would be Bay Street to the West, King Street West to the north, Yonge Street to the east and Wellington Street West to the south. It is noteworthy that the overall development site has already breached the north-south lane that separates the applicant’s lands from 48 and 60 Yonge Street by including the Hotel Victoria lands and therefore, the overall area of influence already extends to Yonge Street. This further reinforces the importance and necessity of having a proper Block Plan include the stranded parcels at 48 and 60 Yonge Street in any and all comprehensive planning considerations.

We would also highlight a number of additional matters that would be impacted as a result of the lack of an overall block context plan including; widening of the substandard lane to the east of the development proposal and to the west of 48 and 60 Yonge Street, potential coordination of parking and loading with Quadreal, pedestrian enhancements and connections, privacy treatments and overlook, especially on east facing windows.

### **3.2 Applicable policies with respect to Intensification**

#### ***Provincial Policy Statement***

There is considerable policy direction supporting intensification in general and intensification within major transit station areas and within the downtown core in particular. With respect to the PPS, we highlight the following sections related to Intensification with which this proposal is not consistent:

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

Opinion: it is our opinion that the City of Toronto has not adequately identified locations that promote opportunities for intensification by neglecting to include the stranded parcels at 48 and 60 Yonge Street in any and all comprehensive planning considerations including concerns such as servicing sufficiency, parking and loading, pedestrian enhancements and pedestrian connections, therefore not conforming with Policy 1.1.3.3 of the PPS.

1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.

Opinion: Neither the Official Plan that was in force at the time of submission of the application, nor OPA 406, provide for the minimum population and employment growth targets for the area surrounding King subway station on TTC Line 1. It is our opinion that in order to be consistent with the PPS, Growth Plan and the RTP, the Official Plan, and specifically OPA 406, should have identified an appropriate area around King station and assigned minimum population and employment targets based on local conditions. To be consistent with provincial targets in turn, those targets must be shown to be reflected in the By-laws regulating the development proposal.

***A Place to Grow: Growth Plan for the Greater Golden Horseshoe***

With respect to the Growth Plan, we highlight the following sections related to Intensification with which this proposal is not consistent:

One of the primary goals of the Growth Plan is to support the achievement of complete communities and establishes minimum intensification and density targets that recognize the diversity of communities across the GGH. Some larger urban centres, such as Toronto, have already met some of the minimum targets established in this Plan, while other communities are growing and intensifying at a different pace that reflects their local context.



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 grey fields. 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. This Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building.

2.2.2 All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- a. identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- b. identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
- c. encourage intensification generally throughout the delineated built-up area;
- d. ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- e. prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- f. be implemented through Official Plan policies and designations, updated zoning and other supporting documents.

2.2.5 (3) For the purpose of implementing the minimum intensification and density targets in this Plan, upper- and single-tier municipalities will, through a municipal comprehensive review, delineate the following in their Official Plans, where applicable:

- a. delineated built-up areas;
- b. urban growth centres;
- c. major transit station areas;
- d. other strategic growth areas for which a minimum density target will be established; and
- e. excess lands.

*Opinion:* It is our opinion that in order to be consistent with the Growth Plan, the City of Toronto should have identified an appropriate area around King station and assigned minimum population and employment targets based on local conditions. To be consistent with provincial targets in turn, those targets must be shown to be reflected in the By-laws regulating the development proposal. It is our opinion, therefore, that the process undertaken in reviewing the development proposal runs contrary to the



stated goal of the Growth Plan as it enforces minimum density targets that do not conform in this redevelopment.

#### **2041 Regional Transportation Plan**

There is considerable policy direction supporting intensification in general and intensification within major transit station areas in particular. We would highlight the following sections of the RTP as being relevant:

The 2041 RTP will help achieve the Province's objectives for land use intensification. It incorporates the forecasts and policy directions of The *Growth Plan* which sets a strong policy framework for where and how to grow and requires that municipalities plan for intensification. Its implementation requires that municipalities and the private sector work towards the same goal. Ultimately, municipal policies and market forces jointly determine where growth is distributed.

The RTP acknowledges the importance of focusing development at mobility hubs and MTSA's. Specifically, Section 4.3 requires the creation of coordinated plans for station areas that catalyze desired land uses and support transit investments. The lack of a comprehensive plan for the block compromises the City's ability to develop a coordinated plan for the entire MTSA surrounding King station. Catalyzing desired land uses at a density sufficient to support and use transit investment should include all lands within an MTSA. It is our opinion, therefore, that the process undertaken in reviewing the development proposal runs contrary to the stated goal of the RTP, the RTP reinforces minimum density targets contained in the Growth Plan and therefore would also not conform in this regard.

#### **4.0 Conclusion**

The policy led planning system in Ontario as prescribed by the PPS, the Growth Plan and other Provincial Plans, including the RTP, are tied to the overarching planning objective of coordinated and comprehensive planning in recognition of the fact that land use planning decisions are based on a comprehensive planning approach rather than piecemeal approach. The provision of a Block Plan would be a specific way of ensuring coordinated and comprehensive planning takes place. In this specific circumstance it is our opinion that the City should have required that such a framework be established.

Even more important, the PPS, Growth Plan and the RTP direct municipalities to intensify in a coordinated manner and therefore there is an existing obligation that municipalities undertake sufficient analysis to ensure that redevelopment opportunities are optimized and that future development potential within MTSA's is neither

constrained nor entirely sterilized, as is the likely result in the present case. The emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, that focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area. OPA 406 as approved, allows residential uses whereas prior to ministerial approval, OPA 406 restricted additional density above as-of-right density to office and/or non-residential GFA. Therefore, a lack of properly planned intensification in an important city block will impact the prosperity of the block by not only sterilizing future development potential on the remaining parcels but also by raising concerns such as privacy and overlook, servicing sufficiency, coordinated parking and loading, pedestrian enhancements and connections and safety.

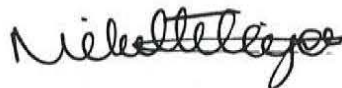
It is our opinion that in order be consistent with the applicable policy framework, the City of Toronto should have identified an appropriate area around King station and assigned minimum population and employment targets based on local conditions. To be consistent with provincial targets in turn, those targets must be shown to be reflected in the By-laws regulating the development proposal. it is our opinion that it is premature to introduce an implementing Zoning By-law in the absence of the comprehensive review outlined in this Memorandum. We therefore conclude that the Proposed Development is not consistent with the PPS and does not conform with the Growth Plan and the RTP the City's Official Plan and OPA 406.

Yours very truly,

**Bousfields Inc.**



Tony Volpentesta MCIP, RPP



Michelle Tiger BURPL