

May 3, 2024

VIA email teycc@toronto.ca

City Clerk
Toronto East York Community Council
100 Queen Street West
Toronto, ON M5H 2N2

Attention Cathrine Regan

Chair Moise and Members of the Committee:

Re: 639-653 Yonge Street Application 22 204279 STE 13 OZ
Re: 10-12 Isabella Street - The Artful Dodger - Letter Requesting Deferral
Re: Public Meeting May 7, 2024

Please be advised that we are the solicitors for 1192922 Ontario Ltd the owner of 10-12 Isabella Street. 10-12 Isabella is located north of Isabella Street, west of Biscuit Lane and east and south of the development site at 639-653 Yonge Street. The existing building at 10-12 Isabella is a heritage building built in 1879 and listed in May of 2023 in the Toronto Heritage Register.

The 3 principals of 1192922 Ontario Ltd are in their late 60's early 70's and have owned the property at 10-12 Isabella since 1998. The property represents their major asset. Two of the partners in 10-12 Isabella have owned and operated a well-known pub there called The Artful Dodger since 1989, over 35 years, with most of the pub's staff having been employed there 10-20 years.

The proposed changes to the *Planning Act* in Bill 185 introduced by the Ford Government will if adopted remove any possibility of third party appeals of official plan and zoning bylaw amendments. More astonishingly the Bill proposes to retroactively dismiss any such appeals if brought, upon the legislation receiving Royal Assent.

In light of these proposed legislative changes our client determined they would retain experts and provide their conclusions to this Committee as it may be the only opportunity available to provide this information in a public forum.

To that end they have obtained reports from the following experts in the indicated areas of expertise all of which are located in the Planning Statement of Gary Davidson which I am attaching to this correspondence:

1. Gary Davidson – Land Use Planner – MCIP, RPP, FCIP and PLE;
2. Angus Laurie – Urban Design – MSc in City Design – LSE;

Suite 510, 121 King St. W., P.O. Box 105, Toronto, ON M5H 3T9

T: 416 601 1800
F: 416 601 1818

3. Heritage Architect/Planner – Chris Borgal – B.Arch., OAA, FRAIC and CAHP

The findings and conclusions of these reports are compelling and support the deferral of this application by the Committee to enable a review by City Staff and redesign of the project at 639-653 Yonge Street to achieve the density sought by the proponent while protecting for the future development and intensification of 10-12 Isabella Street.

I will summarise the conclusions of the reports:

1. Urban Design Conclusion

“In my opinion, the proposed development for 639-653 Yonge Street does not represent good urban design as it does not meet guidelines for tower floor plate size, tall building setbacks, and tall building placement on site. The proposed development does not have appropriate regard to the Tall Building Guidelines due to its failure to adequately adapt to the context. Further, the 76-storey blank wall and a zero-lot line condition discussed above do not represent an appropriate transition in scale from the site to neighbouring properties, and result in a form that does not fit within the current or planned context. Finally, the imposing scale with no setback would negatively impact 10-12 Isabella in terms of the quality of indoor and outdoor space, and likely reduce the development potential and property value.”

2. Heritage Architect Conclusion

“However, related to heritage, there appears to have been absolutely no acknowledgement of the 10 Isabella site.”

3. Planning Conclusions

The proposal is premature. At the level of detailed land use and urban design, the proposal has numerous short comings.

- (i) It fails to consider the context of the site and the site’s relationship to surrounding properties.
- (ii) Its design does meet the policies of ‘Toronto’s Tall Building Design Guidelines.
- (iii) The proposal severely limits the ability of the property at 10-12 Isabella to develop in accordance with the policies of the Toronto Official Plan and in conformity with the Toronto Zoning By-law.

- (iv) The heritage qualities of 10-12 Isabella are not considered.
- (v) The proposal and the proposed conditions do not address the policies at both the provincial and municipal level to provide affordable housing.
- (vi) It reduces on-site amenity space considerably for all future residents.

We respectfully submit the only fair way to proceed in light of the pending approval of Bill 185 is to either:

1. Defer the Application to obtain City staff review and comment on the expert reports provided with this letter with recommendations to address the concerns raised therein or
2. Make no decision giving the Applicant the right to appeal the non decision to the OLT while allowing my client to be a party to, and participate in, the ultimate hearing process.

Please list the undersigned as a speaker attending in person before the Committee on May 7 and ensure the Committee is provided with a copy of this correspondence and attachment.

I would request the author and 1192922 Ontario Ltd. both be given written notice of adoption of any official plan amendment and notice of passing of any zoning bylaw amendment made pursuant to this application.

Kindly acknowledge receipt of this correspondence in writing.

Yours very truly,



A. Milliken Heisey, K.C.
AMH/lg
Encl.

cc. 1192922 Ontario Ltd
10-12 Isabella Street
Toronto, ON M4Y 1N1

cc. Abraham.Plunkett-Latimer@toronto.ca

PLANNING STATEMENT
Toronto and East York Community Council
Public Meeting
May 7, 2024

Applicant: Kingsett Capital
Subject: Application of Official Plan Amendment, zoning by-law amendment and site plan review
Purpose: To permit the redevelopment of the Property with a 76-storey mixed-use building
Address: 639-653 Yonge Street
Municipality: City of Toronto
File Number: 22204279STE13OZ

-
1. I have been retained the owners of 10 and 12 Isabella Street to prepare a planning statement regarding the proposed development of a 76-storey mixed use building at 639-653 Yonge Street and assess the impact on the existing building on 10-12 Isabella and the future development potential of this property. This planning statement considers:
 - i. *Purpose.*
 - ii. *Orderly Development*
 - iii. *Site Concerns*
 - iv. *Impact on 10-12 Isabella*
 - v. *Development Potential at 10-12 Isabella*
 - vi. *Heritage Assessment*
 - vii. *City Planning Staff Report*
 - viii. *Summary of Main Points*
 2. I am a professional planner and a full member of the Canadian Institute of Planners (CIP) and the Ontario Professional Planners Institute (OPPI) and hold the designations of Registered Professional Planner (RPP) with OPPI and Fellow of the Canadian Institute of Planners (FCIP). I am a member of the Association of Ontario Land Economists and hold the designation of PLE (Professional Land Economist).
 3. I have considerable experience with formulating official plans, zoning by-laws and their amendments from over 30 years as a municipal planning director .

4. I have been the president of both the Canadian Institute of Planners and the Ontario Professional Planners Institute. I have taught planning at several Canadian Universities
5. My CV is attached as Appendix A.

PURPOSE

6. The purpose of this memo is to outline the various “strategic elements” that, from a land use planning perspective, influence the development concerns and opportunities that exist for 10-12 Isabella Street as the result of a proposed development at 639-653 Yonge Street and 12A Isabella Street.

ORDERLY DEVELOPMENT

7. From a land use planning perspective, the property of 10-12 Isabella Street should be included in the design and development of the surrounding lands. Below I have outlined the salient aspects of why this is the best outcome, based on the relevant planning documents and sound land use planning principles.
8. The relevant planning instruments that apply to future development of the general area and to the proposed development – the Ontario Planning Act, the Provincial Policy Statement, the Growth Plan, the Toronto Official Plan and The Toronto Downtown Plan – all speak to both “orderly development and complete communities”. Development of this area of Yonge Street needs to reflect these policies.
9. The planning report from Bousfield (October 2, 2023) notes that the “planning context” includes 10-12 Isabella Street.
10. The Toronto Official Plan (TOP) and The Downtown Plan include 10-12 Isabella Street in the “Mixed Use Areas 1 – Growth”. The TOP and Downtown Plan anticipate that 10-12 Isabella Street will be developed at a high density, similar to the surrounding tall buildings. Any aspect of the proposed development that limits the potential development of 10-12 Isabella Street would contravene the TOP and The Downtown Plan.
11. A sound land use planning approach would include 10-12 Isabella Street in the proposed development and in its design to meet the planning policies of the applicable Provincial planning instruments and, more specifically, the policies of the TOP, including the detailed policies of the Downtown plan.

12. The developers of 639 – 653 Yonge Street will no doubt note that Toronto has a “housing crisis” and that they are proposing to provide many new units. The media and government are full of print and speeches on the “housing crisis”. The following quote is from Toronto’s CAO.

The City of Toronto uses a continuum for its housing and shelter requirements - *emergency shelters, transitional housing, supportive housing, community housing, affordable housing and market housing*. Most of Toronto’s “housing crisis” is an affordability problem.”

13. The proposed development does not indicate that it will include any affordable or supportive housing. It is completely market housing.

SITE CONCERNS

14. There are numerous site concerns with the proposed development. They all stem from two critical factors and require various amendments, as the proposed development does not meet the provisions of the TOP, The Downtown Plan and Toronto Zoning Bylaw (TZBL). Either the site is too small, or the proposed development is too large.

15. In fact, even the Bousfield planning report (October 2, 2023) in discussing amenity space on Page 9, notes that the site is too small to meet TZBL requirements.

16. Some of the site issues relate to:

- i. *Amenity areas*
- ii. *Height of the building. The proposal is a third taller than the highest in the Study Area shown by Bousfield – 75 stories for the proposal and 57 stories for the next tallest building*
- iii. *Angular plane*
- iv. *Shadows*
- v. *Intrusion of balconies facing Yonge Street*
- vi. *Unit size*
- vii. Built form policies in The Downtown Plan

17. The consultant’s report uses two weak arguments to justify these difficulties, “some TOP provisions are not approved” and “this is what the market wants”.

18. The obvious solution is to either enlarge the site (include 10-12 Isabella Street) or reduce the scale of the proposal.

IMPACT ON 10-12 ISABELLA STREET

19. The proposed development surrounds the 10-12 Isabella Street property on the west and north side.
20. Based on the architectural drawing provided by AS+GG, dated September 22, 2023, it appears that there is an assumption that the 10-12 Isabella Street property will not be developed above its existing height. On floors above the fourth storey on the south and east facing elevations:
- there are balconies shown for the proposed development.
 - As noted, The Downtown Plan would allow a tall building on the 10-12 Isabella Street property. If or when that occurs, parts of the proposed development, and their residential units, that face south, and east would face a tower wall. It is likely that any tall building on the 10-12 Isabella Street property would be opposed by the neighbouring property, even though it conforms with The Downtown Plan.
 - The proposed development seeks to pre-empt the development of the 10-12 Isabella Street property above its existing height by attempting to freeze it in its current form.

DEVELOPMENT POTENTIAL – 10-12 ISABELLA STREET

21. To assess the proposed development at 639 – 653 Yonge Street and illustrate the development potential at 10-12 Isabella Street, SRM Architects + Urban Designers reviewed the proposed development and provided development options for 10-12 Isabella.
22. The detailed assessment is attached as Appendix B.
23. The assessment looked at several aspects of the proposed development at 639 – 653 Yonge Street and found four issues of non-conformity with Toronto's official plan policies and urban design guidelines. These issues are:
- Issue 1 Base Building Scale and Height.*
 - Issue 2 Floor Plate Size.*
 - Issue 3 Tower Placement.*
 - Issue 4 Separation Distance.*
24. Based on a review of these issues the assessment indicates:
- “While the proposed height and massing generally fits within the policy context for the Site. The built form, as proposed, does not meet the city of Toronto’s Tall Building Design Guidelines, and therefore is not compatible with the existing context. The proposal would also negatively impact the quality of the interior and exterior space and limit the future development potential of 10-12 Isabella Street. With some changes to the built form,*

including increased tower set-backs, many of these negative impacts could be mitigated.”

25. The assessment by SRM Architects + Urban Designers proposes how these negative impacts and conformity issues can be addressed. These are found on Pages 5-9 of the assessment. The present a design approach that can satisfy the development proposal at 639-653 Yonge Street while protecting the development potential of 10-12 Isabella Street as envisaged in the Toronto Official Plan.

26. The author of the SRM Architects + Urban Designers assessment concludes:

“In my opinion, the proposed development for 639-653 Yonge Street does not represent good urban design as it does not meet guidelines for tower floor plate size, tall building setbacks, and tall building placement on site. The proposed development does not have appropriate regard to the Tall Building Guidelines due to its failure to adequately adapt to the context. Further, the 76-storey blank wall and a zero-lot line condition discussed above do not represent an appropriate transition in scale from the site to neighbouring properties, and result in a form that does not fit within the current or planned context. Finally, the imposing scale with no setback would negatively impact 10-12 Isabella in terms of the quality of indoor and outdoor space, and likely reduce the development potential and property value.”

For these reasons, it is my opinion that the application as currently formed should be refused and a new proposal should be developed that takes the context into consideration.”

HERITAGE CONCERNS

27. The development site is part of the proposed Yonge Street Heritage Conservation District (HDC). The Conservation District is under appeal.

28. The 10-12 Isabella Street property is listed in the Heritage Registry (May 2023).

29. A heritage assessment was carried out by CBCA (Goldsmith Borgal and Company Ltd. Architects). A copy of this report is attached as Appendix C.

30. The main conclusion of this assessment is:

“However, related to heritage, there appears to have been absolutely no acknowledgement of the 10 Isabella site.”

CITY PLANNING STAFF REPORT

31. On April 19, 2024, Community Planning file a “Decision Report”.

32. The report “green lights” both the proposed Official Plan amendment and the Zoning By-law amendment, subject to several conditions

33. The report indicates that the proposed development conforms with various Provincial policies and plans. There is one noticeable omission. All the Provincial planning instruments when addressing housing make direct reference to the need for “affordable housing”. The Toronto Official Plan has similar concerns for the provision of affordable housing, both for purchase and rental. The staff report makes no reference to the fact that the proposed development does not provide any affordable housing. Nor are any of the proposed conditions related to the provision of affordable housing. The reference to Section 37 benefits (Condition 5) does not reference affordable housing.

34. There is no mention or discussion on the impact the proposal will have on the development potential of adjacent properties, such as 10-12 Isabella Street.

35. The Staff Report references the Tall Building Design Guidelines. However, there is no discussion of the issues of non-conformity as outlined in Paragraphs 20-25 of this Assessment and the detailed analysis of SRM Architects + Urban Designers, as provided in Appendix B.

36. The Staff Report notes that there is a deficiency of amenity space within the proposed development. There is no explanation why amenity space should be reduced from the zoning requirement (By-law 569-2013) of 3.88 square metres to 2.80 square meters. This is a considerable reduction that will affect all future residents for the life of the building yet is passed over without comment.

SUMMARY OF MAIN POINTS

37. The proposed development generally conforms with various planning instruments, in that it adds to Toronto’s housing stock. This is at a macro-level. However, at a micro-level, the level of detailed land use and urban design, it has numerous short comings.

- i. It fails to consider the context of the site and the site’s relationship to surrounding properties.
- ii. Its design does meet the policies of ‘Toronto’s Tall Building Design Guidelines.

- iii. The proposal severely limits the ability of the property at 10-12 Isabella to develop in accordance with the policies of the Toronto Official Plan and in conformity with the Toronto Zoning By-law.
- iv. The heritage qualities of 10-12 Isabella are not considered.
- v. The proposal and the proposed conditions do not address the policies at both the provincial and municipal level to provide affordable housing.
- vi. It reduces on-site amenity space considerably for all future residents.

38. The proposal, as presented, is premature. This report has presented possible site and building design options that would resolve the issues raised.

RECOMMENDATION

39. It is recommended that the Toronto and East York Community Council defer a decision to allow for an appropriate design of the site to be developed and appropriate planning instruments developed.

With Respect,



Dr. Gary Davidson, FCIP, RPP, PLE
President,
The Davidson Group



**APPENDIX A
CV
DR. GARY DAVIDSON**

Dr. Gary Davidson, President

The Davidson Group Inc.

Dr. Gary Davidson is a Fellow of the Canadian Institute of Planners (FCIP), a Registered Professional Planner (RPP) with the Ontario Professional Planners Institute and a Professional Land Economist (PLE) with considerable experience dating from the 1970s. His experience ranges across municipal government, provincial government, private consulting, and university teaching. This experience stretches across numerous aspects of community life including land use planning, governance, community planning, climate change adaptation planning, tourism, waste management, community involvement, strategic planning, and local economic development. Gary's experience spans local, national and international assignments.

As noted, Dr. Davidson's experience is varied across many aspects of planning. Since the appeal at 478 Huron primarily references comprehensive land use planning issues, this CV focuses on Dr. Davidson's land use planning experience. A full CV is available on request.

Dr. Davidson's comprehensive land use planning experience commenced in the 1970's as the Director of Planning for the County of Huron. In that capacity he undertook and supervised numerous official plans, zoning by-laws, subdivision plans, consents and minor variances. Following his leaving Huron County in 2002 and establishing The Davidson Group Inc., a planning consulting firm, Dr. Davidson has continued to be active in comprehensive land use planning, among other aspects of planning and community development.

Dr. Davidson has served as a professional witness on numerous occasions in front of the OMB, LPAT and TLAB and has been qualified to give opinion evidence on matters of comprehensive land use planning.

RELEVANT LAND USE PLANNING EXPERIENCE

In addition to the 30 continuous years of land use planning experience in Huron County, the following projects demonstrate a continuing experience in land use planning, mainly in Toronto and urban areas in Ontario.

Review of proposed OPA and ZBLA for a residential tower development located at 639-653 Yonge Street, Toronto (2024)

Harbord Village Residents Association (HVRA) acted as an expert witness for a TLAB hearing at 62 Croft Street., Toronto (2024)

Annex Residents Association (ARA) - acted as an expert witness for a TLAB hearing at 300 Bloor Street West., Toronto (2023-24)

Palmerston Area Residents Association (PARA) - acted as an expert witness for a TLAB hearing at 400 Euclid Ave., Toronto (2022-23)

Harbord Village Residents Association (City of Toronto) – Planning Expert on several local planning decisions (2017 – 2021) including land use planning advice, submissions to the then LPAT, planning research and mediation services. Project locations: 112 Harbord, 132 Harbord, 346 Clinton and 100 Wilcox.

City of Toronto– 312 Church Street. Land use planning advice (2015 – 2016)

City of Toronto - Toronto Ward Boundary Review. Consultant. (2014 - 2016)

Ontario Ministry of Infrastructure - Internal Discussion Paper on Ontario's Land Use Planning System. Consultant. (2013)

City of Toronto– 1960 Queen Street East. (2013) Provided planning advice and mediation approach to a local residents group on a proposal to construct an apartment building and conformity with the Beaches Commercial – Residential Strip planning policies.

City of Toronto– King Street Restaurant Row. (2012–2013) Provided planning advice on a proposal to construct a 39-storey condominium tower and appeared as a witness at the then OMB.

City of Toronto – 245 College. (2012–2013) Provided planning advice on a proposal to construct a student residence.

City of Hamilton – Planning expert retained by the citizen’s group “Hamiltonians for Progressive Development (HPD) to oppose the City of Hamilton’s proposal to extend the City’s urban boundary. Also, provided expert testimony at the OMB hearing.

City of Markham - Public Meetings re Markham’s new Official Plan. Facilitator. (2012)

Mayfield Park Community Association (Guelph) - Proposed Development at 716 Gordon Street, including OMB Hearing. Consultant. (2011–2012)

Howitt Park Residents Association (Guelph) - OMB Mediation re Silvercreek Development Proposal. Consultant. (2008 – 2010)

City of Ottawa - Development Proposal for the Village of Manotick, including OMB Hearing. Consultant. (2007)

City of London - Conflict Resolution Workshops for Municipal Officials. Workshop Co-leader. (2007)

City of Hamilton - Conflict Resolution Workshops for Municipal Officials. Workshop Co-leader. (2004 – 2006)

TEACHING EXPERIENCE

Dr. Davidson has taught land use planning at the University Level:

2015	Sessional Lecturer, University of Toronto, Department of Planning
2007-2008	Co-Instructor, Conflict Resolution Workshops in the Cities of Hamilton and London
2003-2008	Co-Instructor, Conflict Resolution Workshop, University of Toronto, Department of Planning
1999-2006	Co-Instructor, Professional Practice Workshops, University of Guelph, School of Planning
1985-2002	Adjunct Professor, University of Waterloo, Department of Regional Planning
1983-1992	Adjunct Professor, University of Guelph, School of Planning
1979-1980	Adjunct Professor, University of Western Ontario, Department of Geography

PROFESSIONAL BACKGROUND

2002-present	President, The Davidson Group Inc.
1971-2002	Director, Department of Planning & Development, Huron County
1990-1993	Policy Advisor, Ontario Minister of Agriculture, Food and Rural Affairs, (secondment)
1992-1993	Special Policy Advisor, Ontario Inter-ministerial Committee on Community Development (secondment)
1967-1971	Coordinator of Regional Planning, Department of Municipal Affairs, Province of Nova Scotia

PROFESSIONAL AFFILIATIONS

Fellow, Canadian Institute of Planners (FCIP)
Member, Ontario Professional Planners Institute (RPP)
Member, Association of Ontario Land Economists (PLE)
Senior Associate, Canadian Urban Institute
Member, Urban Land Institute

EDUCATION

Ph.D. Political Science (Public Administration), University of Western Ontario
M.A. Geography, (Planning Program), University of Waterloo
B.A. Geography, University of Toronto

OFFICES HELD

President of the Canadian Institute of Planners (CIP) 1987-1988
President of the Ontario Professional Planners Institute (OPPI) 2005-2007

April 2024

APPENDIX B

URBAN DESIGN ASSESSMENT

ANGUS LAURIE

URBAN DESIGN ASSESSMENT: ANGUS LAURIE

639-653 Yonge Street, Toronto

Applicant:	Kingsett Captial
Subject:	Application for official plan amendment, zoning by-law amendment, and site plan review
Purpose:	To permit the redevelopment of the Property with a 76-storey mixed use mixed-use building
Property Address:	639-653 Yonge Street
Municipality:	City of Toronto
Municipality File No.:	22204279STE13OZ

Prepared on behalf of
1192922 Ontario Ltd, 10 – 12 Isabella Street
April 26, 2024

Background

The Development Site and Context

The development site is located at 639-653 Yonge Street (the “Subject Site”) at the northeast corner of Yonge Street and Isabella Street. To the east of the Subject Site is 10-12 Isabella Street, which includes a 1879 heritage building, registered for its Second Empire architectural style, and contextual importance.

The Subject Site, along with 10-12 Isabella are located within the OP Downtown Growth Area, and within the Downtown Plan’s Mixed-Use Areas 1 where the most intense development is expected and planned for Toronto.

The proposed development at 639 – 653 Yonge is a 76-storey building with a 0 lot-line condition with the private lane to the east side property line, and a zero-lot line condition to the rear property line of 10-12 Isabella Street. This results in a 2.8m building separation between the proposed tower and the building on 10-12 Isabella to the west, and a 7.7m setback between the 76-storey tower and the rear façade of the building on 10-12 Isabella.

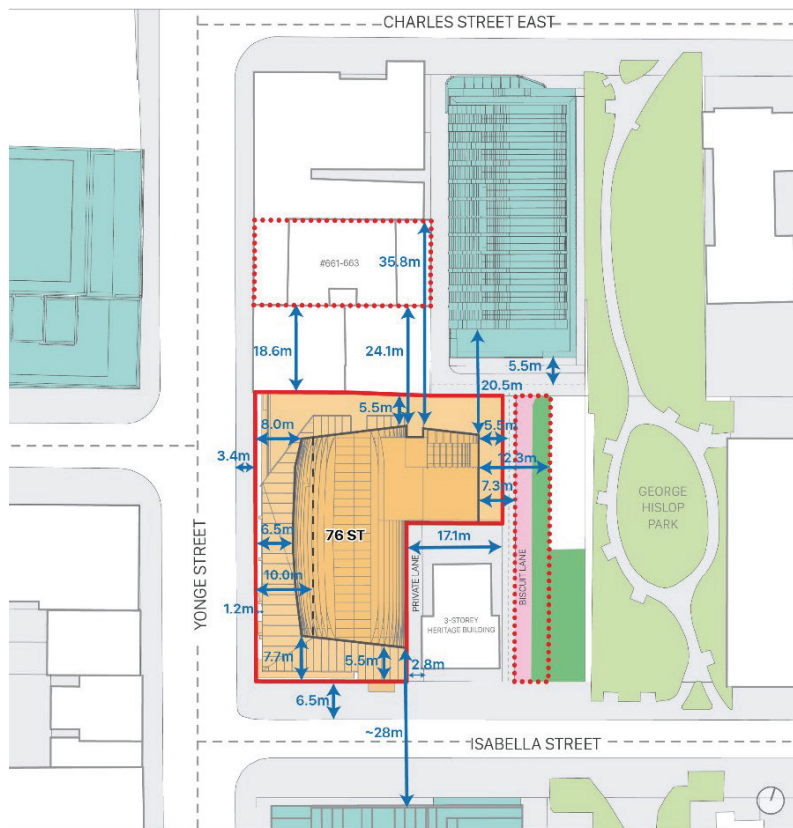


Figure 1: 639-653 Yonge Street Block Plan, Source: Bousfield Inc.



200-279 King Street
West
Kitchener ON N2G 1B1

39 Advance Road
Toronto ON M8Z 2S6
T: 905.891.0691

srmarchitects.ca

Background

The Development Site and Context

The development site is located at 639-653 Yonge Street (the “Subject Site”) at the northeast corner of Yonge Street and Isabella Street. To the east of the Subject Site is 10-12 Isabella Street, which includes a 1879 heritage building, registered for its Second Empire architectural style, and contextual importance.

The Subject Site, along with 10-12 Isabella are located within the OP Downtown Growth Area, and within the Downtown Plan’s Mixed-Use Areas 1 where the most intense development is expected and planned for Toronto.

The proposed development at 639 – 653 Yonge is a 76-storey building with a 0 lot-line condition with the private lane to the east side property line, and a zero-lot line condition to the rear property line of 10-12 Isabella Street. This results in a 2.8m building separation between the proposed tower and the building on 10-12 Isabella to the west, and a 7.7m setback between the 76-storey tower and the rear façade of the building on 10-12 Isabella.

Issue 1 Base Building Scale and Height

3.1.1 of the City of Toronto Tall Building Guidelines states “*Design the base building to fit harmoniously within the existing context of neighbouring building heights... For sites where the adjacent context is lower-scale and not anticipated to change, provide a transition in the base building height down to the lower-scale neighbours. Match at least a portion of the base immediately adjacent to the lower-scaled context with the scale and height of neighbouring buildings.*”

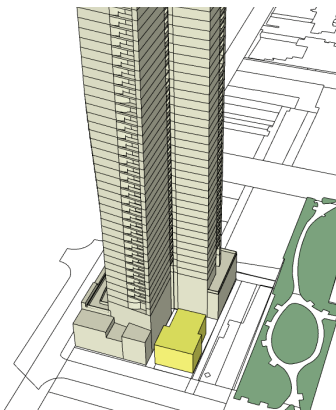


Figure 2: Proposal for 639-653 Yonge Street next to heritage property on 10 – 12 Isabella.



200-279 King Street
West
Kitchener ON N2G 1B1

39 Advance Road
Toronto ON M8Z 2S6
T: 905.891.0691

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Given the finer grain uses adjacent to the site, the lack of a tower setback along the east property line abutting the private lane, and to the rear of 10-12 Isabella Street would result in a 76-storey vertical wall directly abutting the Site's property line. In my opinion, the project should only build to a midrise height along these property lines, and step back the tower to protect adjacent uses and to better fit in with the surrounding context.

Issue 2 Floor Plate Size

3.2.1 of the Tall Building Design Guidelines states that new developments should, "limit the tower floor plate to 750 square metres or less per floor." According to the architectural plans submitted for the Zoning Bylaw Application, the tower floorplate as proposed measures 842m², well above the maximum recommended floorplate. The proposal for 639-653 Yonge Street could be improved by reducing its floor plate by added tower step backs from the private lane and from 10-12 Isabella.

Issue 3 Tower Placement

3.2.2 of the Tall Buildings Design Guidelines states that towers should be placed *"away from streets, parks, open space, and neighbouring properties to reduce visual and physical impacts of the tower."* In the proposal for 639 - 653 Yonge Street, the tower is not placed away from neighbouring properties, rather, it has a 76-storey vertical wall directly to the rear of 10 – 12 Isabella Street. This would result in 2, 76 storey blank walls overlooking Isabella Street. This condition could be improved by creating a tower setback above a midrise condition, which would allow windows, and more architectural detail on those 2 facades.

Issue 4 Separation Distances:

3.2.3 of the Tall Buildings Design Guidelines states that developments should "setback tall building towers **12.5 metres or greater from the side and rear property lines or centre line of an abutting lane...** On small sites, apply the recommended minimum tower setbacks and step backs to determine the resultant floor plate size and feasibility of the site dimensions to accommodate a tall building." For towers with floor plates over 750m², the guidelines suggest larger setbacks from lot lines to reduce visual impact. The proposal for 639-653 Yonge Street includes an oversized floorplate with no setback from the rear property line of 10-12 Isabella, and a 1.4m setback from the centre line of the neighbouring lane. This would negatively affect the property of 10-12 Isabella Street.

Options

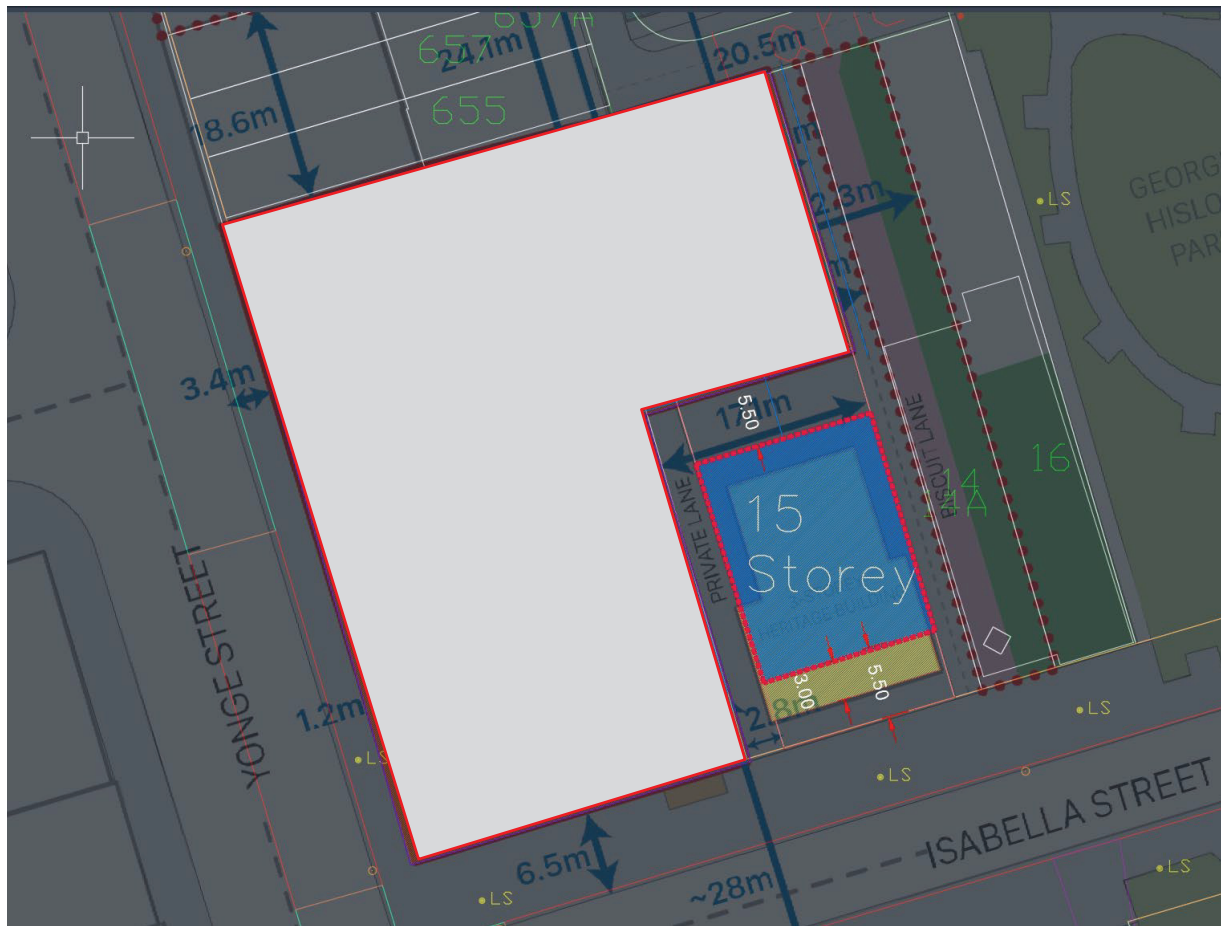


Figure 3: Potential Development on 10-12 Isabella (shown in Blue), retaining heritage façade (in yellow).

As part of this assessment, I have evaluated the potential for development on 10-12 Isabella, looking at urban design guidelines and best practice within my area of expertise.

In my opinion, the site could hold a potential development of approximately 15 Storeys. This is inline with other precedents in downtown Toronto where buildings over 11 storeys have been considered mid-rise and allowed to meet 0m side property line setbacks based on Toronto's Mid-rise performance Standard 8A, which states "midrise buildings should be built to the side property lines to create continuous facades." A rear setback of 5.5m would respect minimum distancing requirements for a midrise building in a downtown context.

The proposal would meet exemptions for garbage and loading onsite as the lot is smaller than 1,000m², and would have fewer than 60 residential units. Given these exemptions, a building on this site could have loading and garbage collection directly from Isabella street.

Given the shallow depth of the property, units would meet natural lighting requirements from only the front and rear facades. To respect the character of the existing heritage building on 10-12 Isabella, the front façade of the midrise portion of the building could be recessed 4.5m from the heritage façade on the 3rd and 4th floors, and 3m for floors 5 through 14.



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It is important to note that other developments have been approved which achieve either tall, or midrise buildings on narrow properties, over heritage buildings within the Downtown Plan area. Approved developments for 906 Yonge Street and 422 Wellington Street achieve narrow residential buildings over heritage facades and represent precedents for 10-12 Isabella.

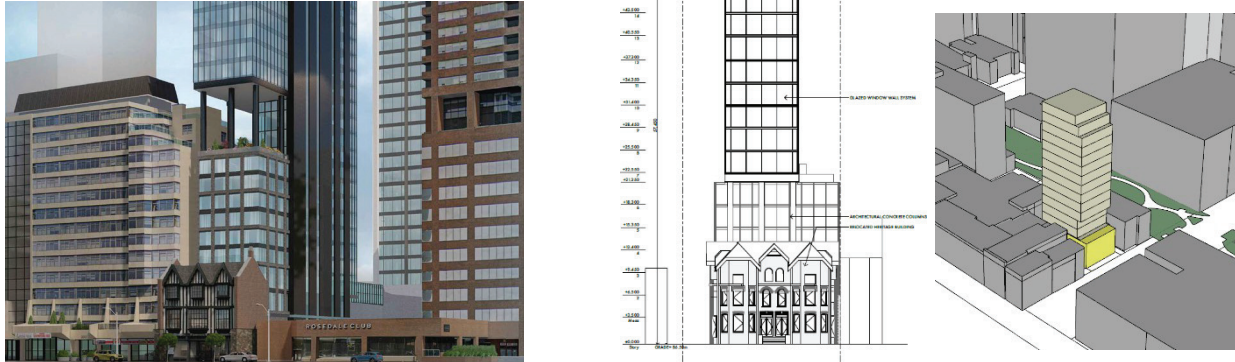
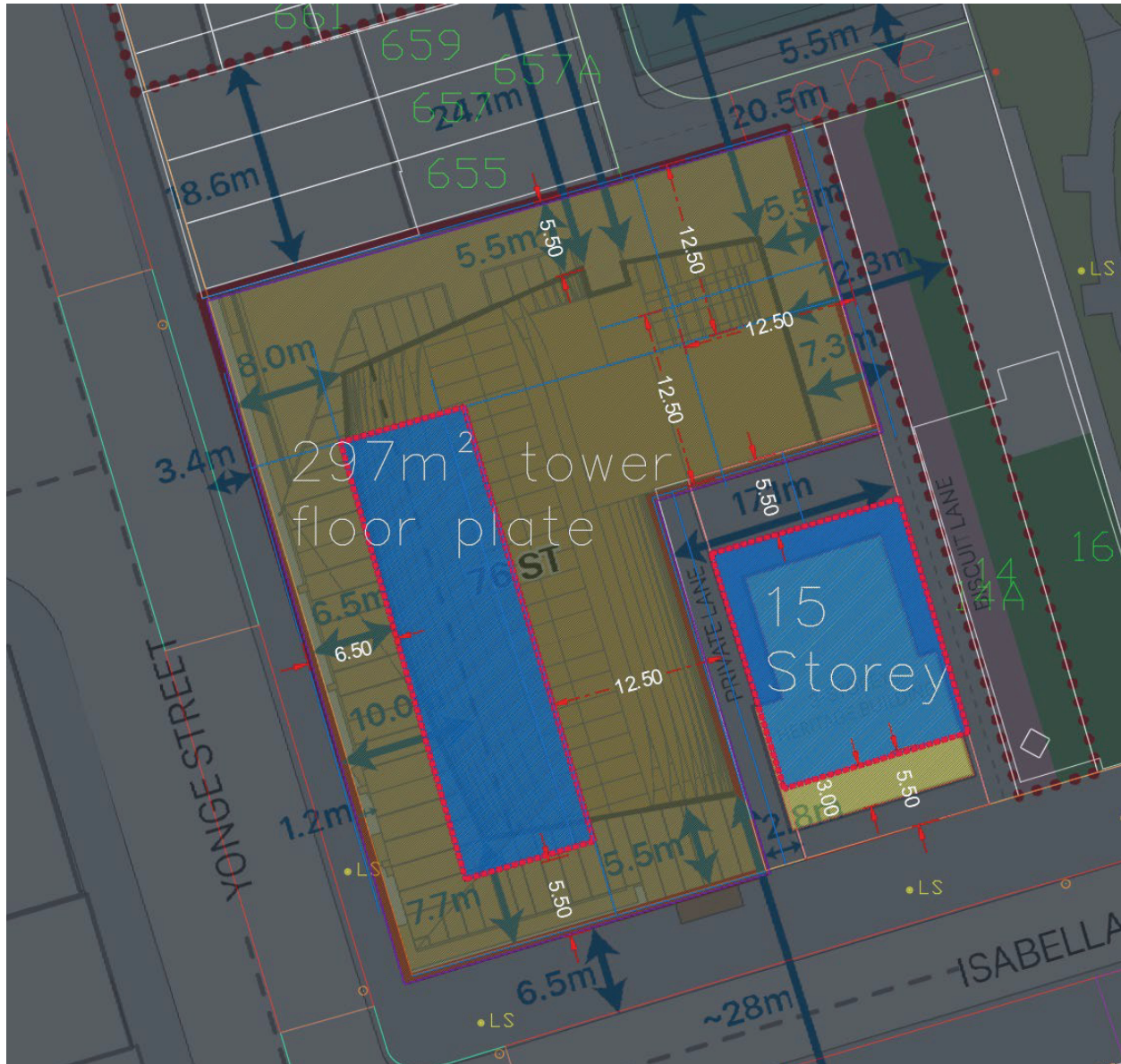


Figure 4: Approved developments for 906 Yonge St (l) and 422-424 Wellington St (m). Massing concept for a 15-storey development on 10-12 Isabella St (r)



↗ + *

srmarchitects.ca

The above block plan represents an alternative layout for 639-653 Yonge Street that could mitigate some of the negative impacts relating to the scale and form of the existing proposal, fitting in better with the surrounding context.

This proposal includes a low-rise portion fronting Yonge Street that aligns with the historic scale of Yonge Street shops, a mid-rise podium of 15 storeys with a zero lot line condition to the side and rear property lines, and a tall building setback 5.5m from the side and rear property lines. The proposal would achieve approximately a 784m² tower floor plate, exceeding the maximum recommended residential floorplate according to city design guidelines. This proposal would also be more compatible with existing and future mid-rise development along Isabella and allow more light and a better transition in scale between midrise and tall building forms, mitigating negative impacts of the development on neighbouring properties.

Conclusion

In my opinion, the proposed development for 639-653 Yonge Street does not represent good urban design as it does not meet guidelines for tower floor plate size, tall building setbacks, and tall building placement on site. The proposed development does not have appropriate regard to the Tall Building Guidelines due to its failure to adequately adapt to the context. Further, the 76-storey blank wall and a zero-lot line condition discussed above do not represent an appropriate transition in scale from the site to neighbouring properties, and result in a form that does not fit within the current or planned context. Finally, the imposing scale with no setback would negatively impact 10-12 Isabella in terms of the quality of indoor and outdoor space, and likely reduce the development potential and property value.

For these reasons, it is my opinion that the application as currently formed should be refused and a new proposal should be developed that takes the context into consideration.

Respectfully,

A handwritten signature in dark ink, appearing to read 'A. Laurie', with a stylized, flowing script.

Angus Laurie

April 27, 2024

APPENDIX C
HERITGE ASSESSMENT
GBCA ARCHITECTS

8 February 2024

Papazian | Heisey | Myers,
Barristers & Solicitors/Avocats
Standard Life Centre,
Suite 510, 121 King St. W.,
P.O. Box/C.P. 105,
Toronto, ON, M5H 3T9

Attn: A.Milliken Heisey K.C.

Re: 10 Isabella Street, Toronto

Letter of Opinion

Dear Sir

Per your request, I have completed a review of the proposed design of a new tower of 76 storeys located at the corner of Isabella and Yonge Streets in Toronto to offer an opinion related to its potential impact on the property at 10 Isabella Street.

My Understanding of the Site

10 Isabella is located just east of Yonge Street in the City of Toronto. The building is a three storey second empire style structure set back slightly from the street line in its immediate vicinity. The building includes both 10 and 12 Isabella Street and will be referred to herein as 10 Isabella for convenience. The site was listed in the Toronto Heritage Register on 10, 11, and 12 May 2023.

The proposed development will back on both the north (rear) of the subject property and the west of the the property. The proposed development is situated without a setback on the property lines common to the west and north of the 10 Isabella property.

Review of Toronto Official Plan 3.6.1 - Heritage

It is useful to examine Part 3.1.6 of the Toronto Official Plan (consolidated) which outlines the requirements for amendments or changes to heritage sites or sites adjacent to such sites. It lists a total of 53 policies that pertain to heritage conservation city-wide. These policies are evaluated against the proposed development:

- Policies 1 to 3 deal with the establishment of the process of listing or designating heritage properties by the municipality and the maintenance of a Heritage Register and are not directly relevant to the current matter. However, based on recent legislation, the City will be obliged to designate the property under Part IV of the Ontario Heritage Act or de-list it as a result of the expiry of the listing period. For the purposes of this present analysis I have take the position that the listing stands. In practice, the City has treated listed heritage buildings in a manner similar to designated sites in terms of the application of policies and guidelines.
- Policy 4 states that “Properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and as adopted by Council.” Which is consistent with what I say above in that the approach is the same as for designated buildings (which are also on the Register).
- Policy 5 states that “Proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property’s cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City. Where a Heritage Impact Assessment is required in Schedule 3 of the Official Plan, it will describe and assess the potential impacts and mitigation strategies for the proposed alteration, development or public work.”
- Policies 6 and 7 deal with adaptive re-use and alterations to properties on the Heritage Register. As no adaptive re-use is proposed, these policies are not considered.
- Policies 8 and 9 deal with City owned properties on the Heritage Register. These policies are not relevant to the present situation.
- Policies 10 to 12 deal with management of heritage by the City and direct the City to do certain tasks towards the conservation of heritage properties and enforcement of policies. These policies are not relevant to the present situation.
- Policy 13 deals with development of protocols related to First Nations’ sites by the City. As the above is the responsibility of the municipality, these policies are not applicable to the development.
- Policy 14 states: “Potential and existing properties of cultural heritage value or interest, including cultural heritage landscapes and Heritage Conservation Districts, will be identified and included in area planning studies and plans with recommendations for further study, evaluation and conservation.” This is primarily a planning matter. However, construction of the development immediately adjacent to the heritage property

as proposed does not appear to take into account the heritage building despite an HIA that states otherwise. While setbacks are present behind the heritage buildings on the development site, the proposed plans appear to create a sheer wall immediately to the west and north of 10 Isabella on the property line. This is at odds with typical requirements of the City to include a podium of modulated proportions and setbacks to acknowledge the height and mass of the heritage building. These types of approaches are taken both from a heritage review perspective as well as the Tall Buildings Guidelines and appear to have been ignored. Indeed, 10 Isabella is not even rendered in the elevation drawings which essentially means this listed heritage site has been written out of the equation.

- Policies 15 to 17 speak to raising heritage awareness, including the development of neighbourhood initiatives and commemoration of lost heritage sites. As this is the responsibility of the municipality, these policies are not applicable to this situation.
- Policies 18 to 21 deal with various incentives that may be provided for the maintenance and conservation of heritage properties. As these are the responsibility of the municipality, these policies are not applicable to the discussion.
- Policies 22 to 25 discuss the requirements for HIAs, and Conservation Plans, when required, in development applications to evaluate the impacts on heritage resources on or adjacent to a site and to determine how a heritage resource will be conserved. I am assuming an HIA was prepared for the proposed development to satisfy this requirement but it is not in my materials for review.
- Policy 26 states: "New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it." In my opinion, this policy is not at all satisfied by the proposed development due to the comments above - the proposed tower is a few metres from the heritage building with no relief from setbacks or setbacks.
- Policy 27 states: "Where it is supported by the cultural heritage values and attributes of property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of facades alone is discouraged." As we are dealing in this case with adjacency with no changes to 10 Isabella the clause does not apply.
- Policy 28 states: "The owner of a designated heritage property will be encouraged to enter into a Heritage Easement Agreement where the City considers additional protection beyond designation desirable due to the location, proposed alteration, and/or the nature of that property." As of the date of this Witness Statement no buildings on the subject property are designated under Part IV or Part V of the Ontario Heritage Act.

- Policy 29 deals with the relocation of heritage properties and does not apply.
- Policies 30 to 33 deal with Heritage Conservation Districts and do not apply.
- Policies 34 to 42 deal with archaeological resources and do not apply in this instance.
- Policies 43 deal with cultural heritage landscapes. A cultural heritage landscape can be defined as a Heritage Conservation District and the site is not within such a District.
- Policies 44, to 46 deal with identified views to heritage properties. The development site is not in a location to compromise significant views of heritage properties.
- Policies 47 to 53 deal with Heritage Places of Worship. These policies are not relevant to this application.

Planning rationale

The planning rationale discusses heritage but only as it relates to the development property. There is no discussion on the impact of the development related to 10 Isabella.

- The proposal is for approximately 76 storeys.
- The rationale discusses planned context which will prevail but does this planned context allow significant harm to the side streets which intersect with Yonge and how is this to be mitigated. It would be my opinion that the proposed development was not anticipated within an idea of planned context particularly with respect to 10 Isabella. The planned context appears to deal primarily with Yonge Street only.
- In terms of setback, the planning rationale does not discuss setbacks adjacent 10 Isabella - there are none.
- Response of the HIA prepared for the project to City comments appear only to address the development but nothing related to 10 Isabella.

Perception of the Potential Tower

From the 10 Isabella site, there will be only vertical walls at the north and west property lines. A question (which is related to planning) is how do they propose maintenance or access to these facades as such work will inevitably overhang the 10 Isabella property. Regardless, the visual impact on 10 Isabella will be profound with no acknowledgement of its historical context and scale.

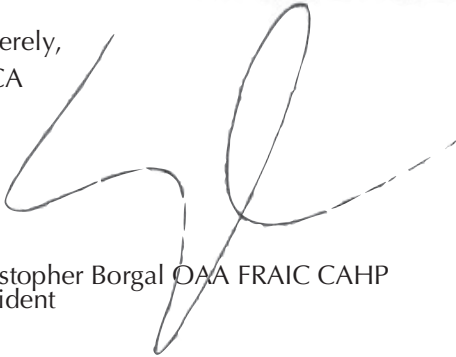
Preliminary Opinion

I have had discussions with Gary Davidson on this matter and we determined that many of the potential issues are related more to planning than heritage. However, related to heritage, there appears to have been absolutely no acknowledgement of the 10 Isabella site.

I trust this is the information you require at this time. Please do not hesitate to contact me for further information.

Yours Sincerely:

Sincerely,
GBCA

A handwritten signature in black ink, appearing to be 'CB', with a large loop and a trailing line.

Christopher Borgal OAA FRAIC CAHP
President

Cc. Dr. Gary Davidson FCIP, RPP
The Davidson Group Inc.
6 Euphemia Street
Bayfield, Ontario, Canada. N0M 1G0