

**18 Lower Jarvis Street
Zoning By-law Amendment Application
Preliminary Report**

Date:	August 17, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward No. 28 – Toronto Centre - Rosedale
Reference Number:	File No. 07 228805 STE 28 OZ

SUMMARY

This application was made after January 1, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

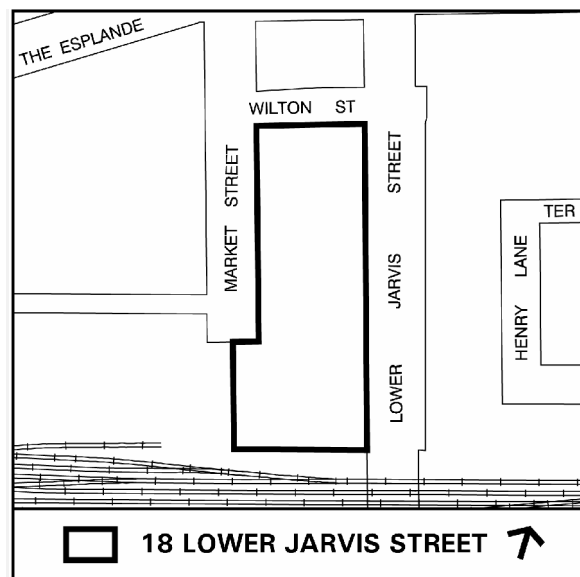
The application proposes a mixed-use development for 18 Lower Jarvis Street, consisting of a 46-storey residential tower and an eight-storey podium. The proposal includes 360 dwelling units, 2,995 square metres of retail/commercial gross floor area, and 483 above-grade parking spaces.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process.

RECOMMENDATIONS

The City Planning Division recommends that:

1. staff be directed to schedule a community consultation meeting together with the Ward Councillor; and



2. notice for the community consultation meeting be given to landowners and residents within 120 metres of the site; and

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1997, Council approved a rezoning application for the property and adopted By-law 97-640 which permits mixed use development on the site.

In 2005, the owner submitted a proposal for a 1,583 square metre stand-alone retail store (Shoppers Drug Mart) for the site. City Planning staff have not supported the proposal.

In June 2006, the Committee of Adjustment considered a request for minor variances to permit a stand-alone retail store and an application for consent to sever the portion of the site that would accommodate the proposed store. The Committee refused the applications. Gross Realty Group appealed the refusal to the Ontario Municipal Board. The OMB has adjourned a hearing on the appeals a number of times, as the owner has pursued the mixed-use proposal that is the subject of this report. The OMB has adjourned the hearing to February 2008.

In September 2005 Council identified the area which includes the site (roughly bounded by Yonge Street, King Street East, George Street, and the railway tracks) as a Heritage Conservation District Study Area.

ISSUE BACKGROUND

Proposal

The application is for a mixed use development consisting of 451 dwelling units and approximately 3000 square metres of at-grade retail area. The retail area includes at least one large retail space larger than 1500 square metres intended to accommodate a Shoppers Drug Mart store. Parking for the development is proposed above grade, with 359 parking spaces for residents and 124 commercial spaces. No underground parking is proposed.

The podium of the proposed development fills the site and is approximately 26 metres tall (8 storeys). The ground floor includes retail uses fronting onto Lower Jarvis Street and Wilton Street, and residential lobbies on Market Street. An internalized service lane bisects the site extending between Lower Jarvis Street and Market Street at grade and containing loading spaces and 14 parking spaces. The second floor of the podium includes residential bicycle parking and storage. Parking is located on levels 3 to 6 of the podium. Residential units appear on levels 4 to 6 facing Market Street and Wilton Street.

Levels 7 and 8 contain residential units and two above-grade court-yards that provide outdoor residential amenity space.

The proposed tower is located in the southwest corner of the site. The tower’s dimensions are approximately 21.5 x 33 metres, excluding balconies, resulting in a typical floor plate size of 711 square metres. Residential units occupy all floors of the tower. The total height of the proposed tower is approximately 145 metres (46 storeys plus a 6-metre mechanical penthouse).

The gross floor area of the proposed development is 55,558 square metres, resulting in a density of approximately 9.6 times the area of the lot. The gross floor area is broken down in the table below:

	Gross Floor Area (square metres)	Density
Residential GFA, excluding parking	37,840.5	6.56
Non-residential GFA, excluding parking	26,12.6	0.45
Above-grade residential parking	11,152.2	1.93
Above-grade non-residential parking	39,52.2	0.69
Total	55,558	9.63

The proposal divides the development into two phases. Phase 1 includes the northern portion of the site and the proposed large retail space. Phase 2 includes the southern portion of the site and the proposed tower. The purpose of the phasing is to accommodate a construction timeline that potentially completes the retail space earlier than the remainder of the development.

Site and Surrounding Area

The site is a large property (approximately 5770 square metres) located in the St. Lawrence Neighbourhood. The property is bounded by Lower Jarvis Street on the east, Wilton Street on the north, Market Street on the west and the rail corridor on the south. A surface parking lot currently occupies the site. The property has an industrial history and was last used for warehousing of machine parts.

The following land uses surround the site:

North: 125 Wilton Street is a surface parking lot operated by the Toronto Parking Authority. The property is designated Parks in the Official Plan and a new park will be constructed in the coming years. North of 125 Wilton Street is St. Lawrence Market, a major Toronto destination and one of the city’s most important heritage structures. The south end of St. Lawrence Market faces the site

South: Immediately south of the site are the CN rail corridor, the Gardiner Expressway, and Lake Shore Boulevard. The East Bayfront precinct of the Waterfront is south of this transportation corridor.

East: On the east side of Jarvis Street is David Crombie Park. There is also a six-storey mixed use building that includes residential units, retail, St. Michael Separate School, and Downtown Alternative School.

West: A mid-rise development of multi-residential buildings surrounding a central courtyard is located on the block immediately west of the site on the west side of Market Street. The development ranges up to 13 storeys in height. The site's west property line at the south end of the site abuts a parking garage owned and operated by the Toronto Parking Authority.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site falls within the Downtown and Central Waterfront as shown on the Urban Structure Map of the Official Plan.

The Official Plan designates the site Mixed Use Area. Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

The Official Plan is to be read in its entirety. Staff will consider the application with respect to the Plan's development criteria for Mixed Use Areas, as well as with respect to other relevant policies, such as those addressing the Downtown, built-form, and the natural environment, among others.

Zoning

The large majority of the site is zoned I1 D3, an industrial zone which permits a number of industrial uses, as well as other complementary non-residential uses, developed to a density of three times the area of the lot.

The southwest corner of the site is zoned CR T4.0 C0.5 R4.0, a mixed-use zone that permits a mix of commercial and residential uses developed to a density of 4.0 times the area of the lot, with the maximum commercial density of 0.5 times the area of the lot and the maximum residential density of 4.0 times the area of the lot.

The site is subject to a height limit of 17 metres and to a 44-degree angular plane projected over the property from Jarvis Street measured from 16 metres above the property line.

Site-specific By-law 97-640 permits mixed-use development on the site, including at-grade retail and up to 273 dwelling units, within a building envelope that permits heights ranging from 20 metres to 44 metres and a maximum gross floor area of 27,200 square metres.

Site Plan Control

The proposal will require Site Plan Approval; however, no application has been submitted.

Urban Design Guidelines

At its meeting of July 19-21 and July 26, 2005, City Council adopted Urban Design Guidelines for the St. Lawrence Neighbourhood Focused Area, which includes the site. The guidelines are intended to provide the tools for a coordinated and consistent response in the City's development review process for specific development applications and to give guidance to the development industry in the preparation of development concepts for sites in the area.

Reasons for the Application

The proposal requires an amendment to the Zoning By-law because a mixed development of commercial and residential uses is not permitted in an industrial zone. The I1 D3 zone permits industrial uses at densities up to three times the area of the lot, whereas the proposal is for a density of approximately 9.7. The proposal also exceeds the density permitted in the CR T4.0 C0.5 R4.0 zone in the southwest corner of the site (4.0 times the area of the lot).

The proposal also requires an amendment because the proposed height of 145 metres exceeds the 17 metre height limit and penetrates the 44 degree angular plane measured from 16 metres above the Lower Jarvis Street property line.

The proposal also does not comply with site-specific by-law 97-640, which permits mixed use development on the site on a site-specific basis, but at a maximum gross floor area of 27,200 square metres and in a prescribed built-form. The proposal is for a total gross floor area of 55,558 square metres in a built-form that does not fit within the building envelopes permitted by the site-specific by-law.

Building Division staff will provide a complete zoning review of the proposal identifying any other zoning provisions that the proposal does not comply with.

COMMENTS

Issues to be Resolved

Although the proposed land use is not permitted by the Zoning By-law, staff are confident that a mixed commercial-residential development is an appropriate and desirable use for the site. Council endorsed this land use on the site in 1997 through adoption of By-law 97-640.

The proposed built-form departs from previous Council approvals and raises significant issues. At this time, staff do not believe the proposal is supportable. Nonetheless, staff recommend continued processing of the application in order to examine potential revisions or development options for the site.

The review of the application will consider the following issues:

- the appropriateness of the proposed built-form, including the height of the tower and the massing of the podium;
- the penetration of the angular plane prescribed by the Zoning By-law;
- the density of the development and the ability of the site to accommodate the proposed density;
- the desirability of above-grade parking as a land use ;
- shadow impacts of the proposed development;
- wind impacts of the proposed development;
- the impact of the proposal on surrounding properties and on the future park at 125 The Esplanade and on St. Lawrence Market;
- the consistency of the proposal with the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines;
- whether the proposal adequately addresses safety of development adjacent to the rail corridor; and
- consideration of the increase in height and density in relation to the public benefits achieved, including the provision of public art, pursuant to Section 37 of the *Planning Act*.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Development Standard, adopted by City Council in July 2006.

The site is within the pilot project area for the City's Design Review Panel. Staff will determine an appropriate time to present the proposal to the Panel through the processing and review of the application.

CONTACT

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SIGNATURE

Gary Wright, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

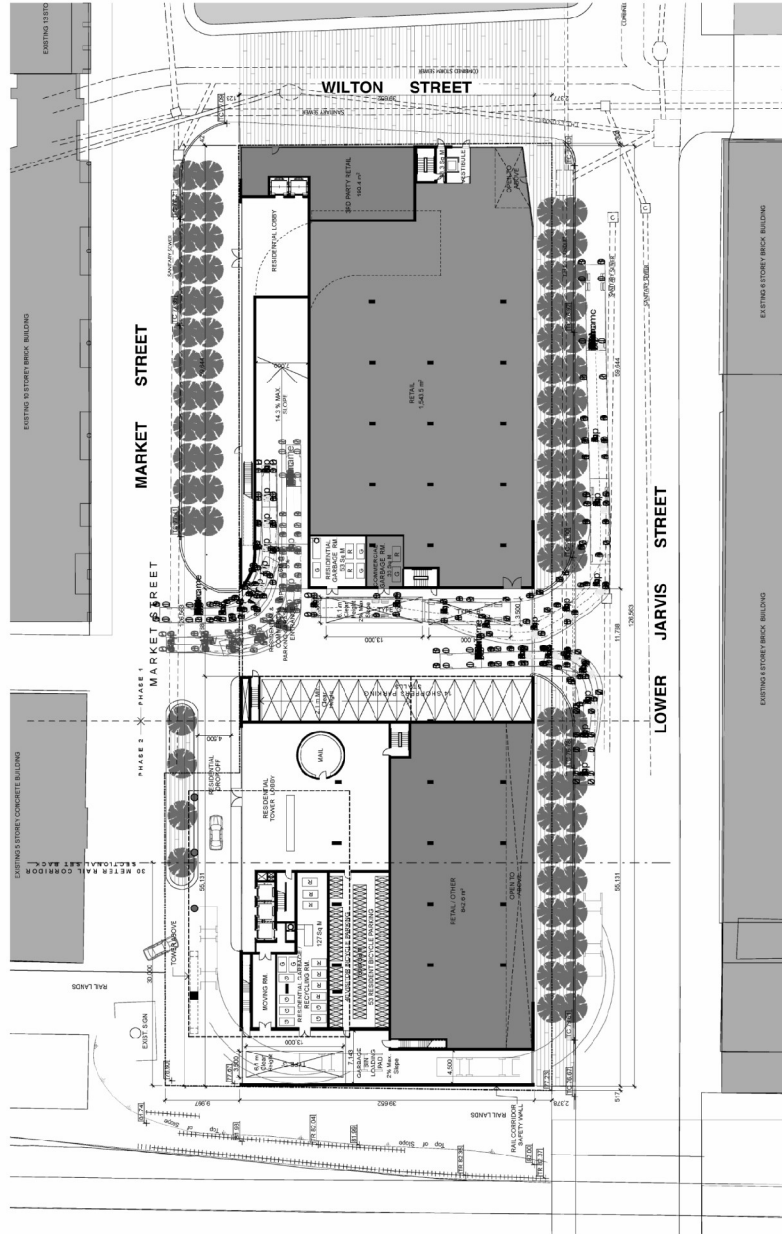
Attachment 2: North Elevation

Attachment 3: East Elevation

Attachment 4: Zoning

Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

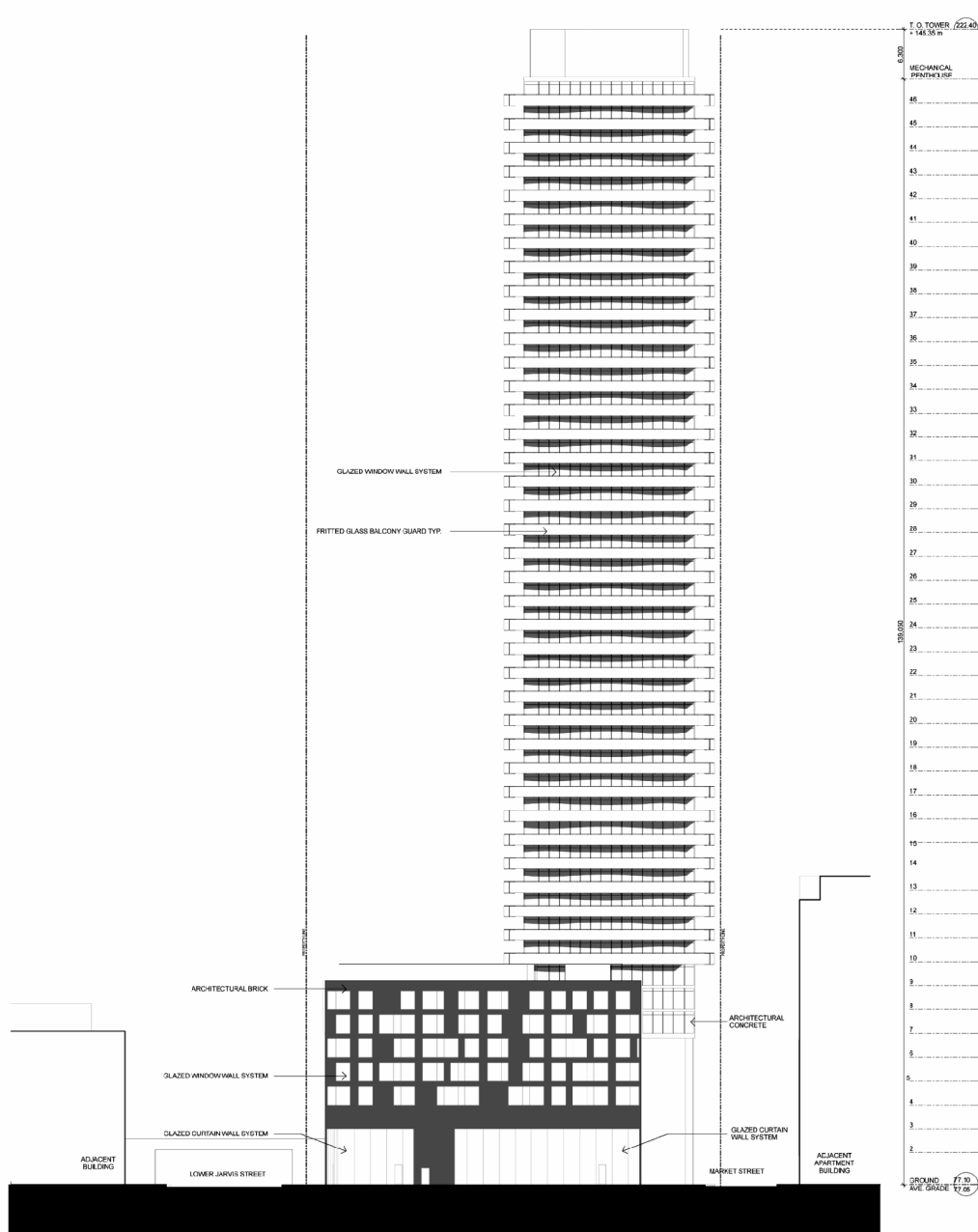
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Attachment 2: North Elevations



North Elevation

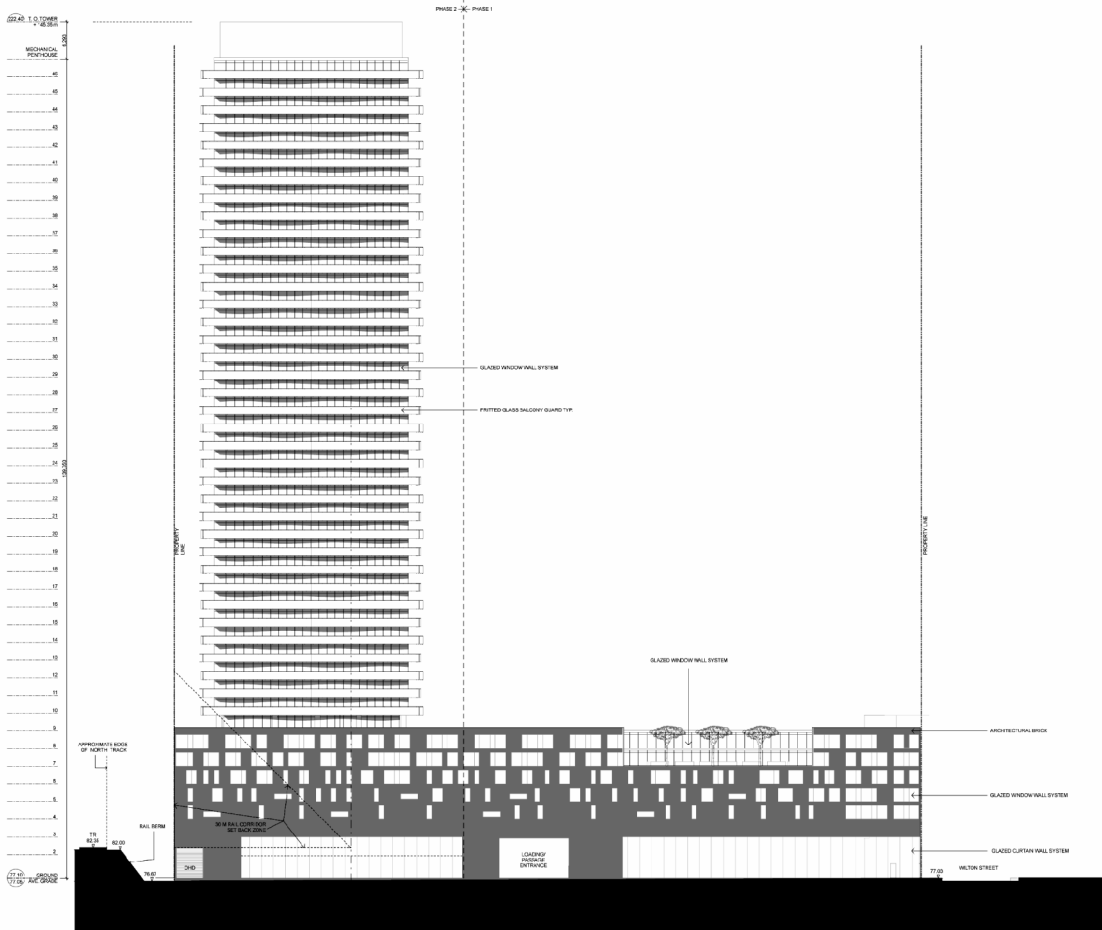
Applicant's Submitted Drawing

Not to Scale
07/27/07

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Attachment 3: East Elevation



East Elevation

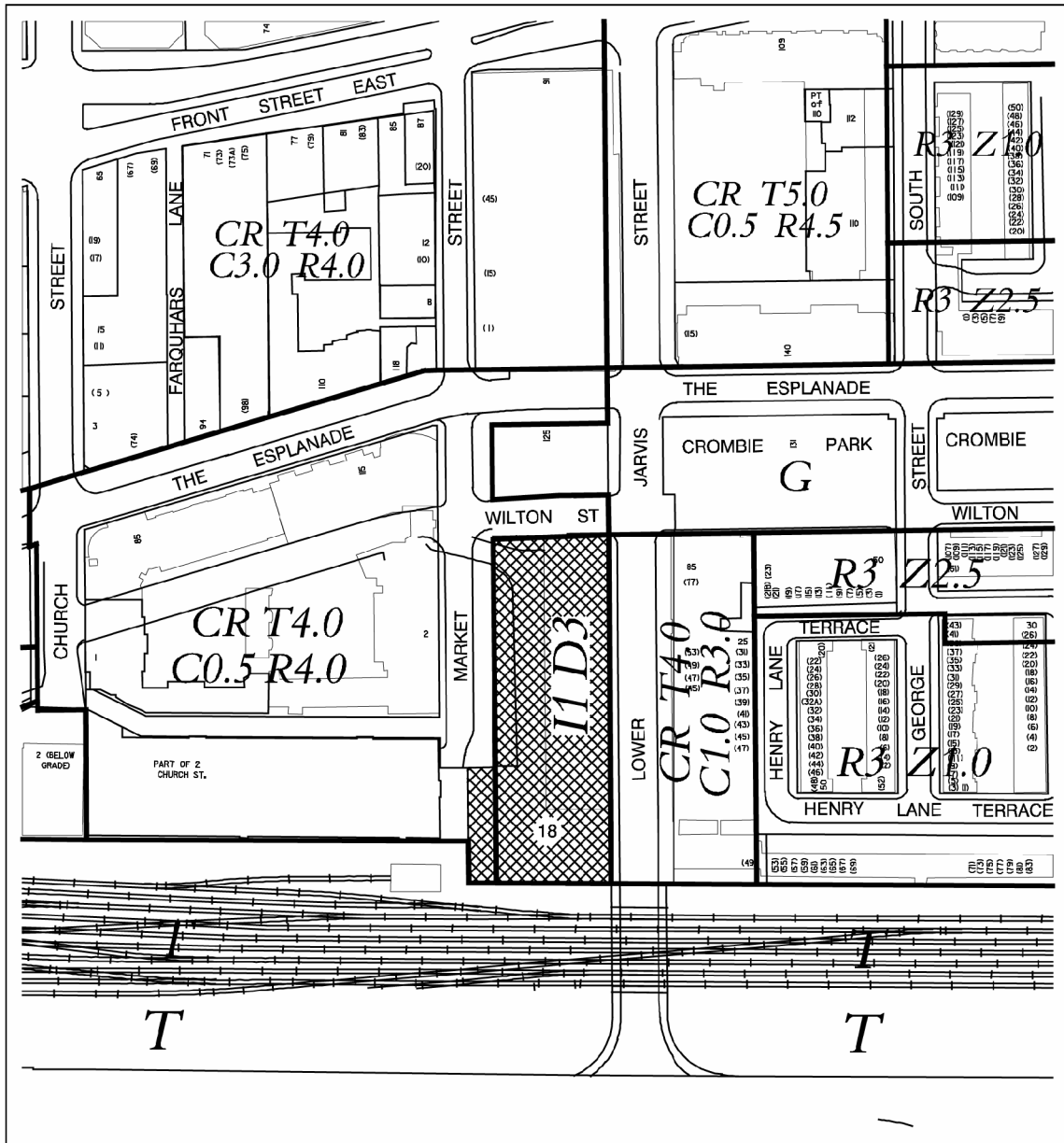
Applicant's Submitted Drawing

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Attachment 4: Zoning



TORONTO City Planning
Zoning

18 Lower Jarvis Street
File # 07_228805

- G Parks District
- R3 Residential District
- CR Mixed-Use District
- T Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/27/07 - DR

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	07 228805 STE 28 OZ
Details	Rezoning, Standard	Application Date:	June 6, 2007

Municipal Address: 18 LOWER JARVIS ST, TORONTO ON M5E 1N1
 Location Description: PL 5A LTS 22 & 23 CLOSED MARKET ST PT **GRID S2810
 Project Description: NEW MIXED-USE BUILDING 46-STOREYS WITH 451 DWELLING UNITS AND RETAIL AT GRADE

Applicant:	Agent:	Architect:	Owner:
CONTEXT DEVELOPMENT INC.			HAROLD GROSS REALTY

PLANNING CONTROLS

Official Plan Designation:	Site Specific Provision: 515-76, 576-76, 677-76, 24-77, 212-78, 478-78, 116-82, 97-640, 333-02
Zoning: CR T4.0 C0.5 R4.0, I1 D3	Historical Status:
Height Limit (m): 17	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	5766.1	Height:	Storeys:	46
Frontage (m):	42.15		Metres:	145.35
Depth (m):	127.42			
Total Ground Floor Area (sq. m):	4305.5			Total
Total Residential GFA (sq. m):	37840.5		Parking Spaces:	483
Total Non-Residential GFA (sq. m):	17717		Loading Docks	4
Total GFA (sq. m):	55557.5			
Lot Coverage Ratio (%):	75			
Floor Space Index:	9.63			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	45
1 Bedroom:	127
2 Bedroom:	239
3 + Bedroom:	40
Total Units:	451

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	37840.5	0
Retail GFA (sq. m):	2612.6	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	15104.4	0

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