

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

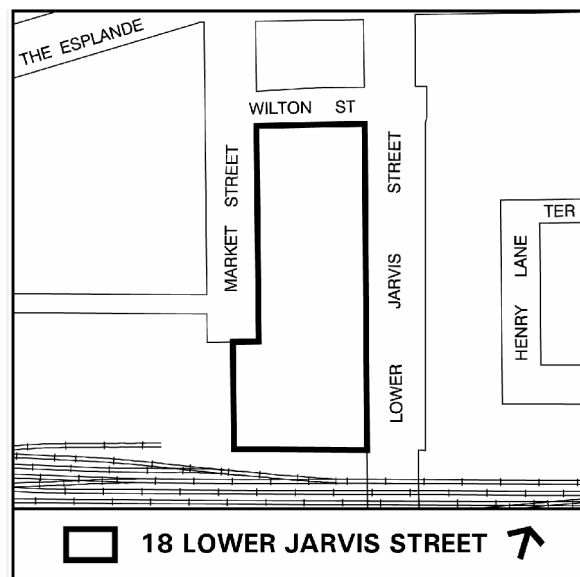
<b>Date:</b>	April 17, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	File No. 07 228805 STE 28 OZ, OMB Files Nos: PL 060607 and PL071015

**SUMMARY**

The applicant has appealed the Zoning By-law amendment application to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the time allotted by the Planning Act. A pre-hearing has been scheduled for May 20, 2008. A full hearing date has not been set.

The application before the OMB is to permit the redevelopment of a parking lot. The application appealed to the Board proposes a mixed-use development consisting of a 46-storey residential tower including an 8-storey podium. The proposal includes 451 dwelling units, 3,073 square metres of retail/commercial gross floor area, and 483 above-grade parking spaces. In total, 55,558 square metres of gross floor area and a density of 9.6 times the lot area was proposed.

The applicant recently submitted revised plans for circulation and comment for a mixed-use development consisting of a 33-storey residential tower including an 8-storey podium. The proposal includes 456 dwelling units, 2,684 square metres of retail/commercial gross floor area, and 376



above-grade parking spaces. In total, 56,854 square metres of gross floor area and a density of 9.8 times the lot area is now proposed. The revised proposal reflects some of the comments received by staff and community members. Appropriate agencies and City are evaluating this revised submission. Staff are continuing to work with the applicant in an effort to resolve outstanding technical and design related issues. This revised proposal is supportable, in principle, subject to revisions.

The purpose of this report is to seek Council's direction on the appeal to the OMB.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that City Council:**

1. authorize the City Solicitor and necessary City staff to attend at the Ontario Municipal Board pre-hearing in support of the revised 33-storey proposal, in principle, subject to recommendations below;
2. require the applicant to revise the application to resolve outstanding technical issues, including, but not limited to, the applicant:
  - a) providing funding, to the satisfaction of the Chief Planner and Executive Director, for a peer review of the soil to clarify and confirm that the provision of below-grade parking is problematic and not recommended for soil contamination reasons; and
  - b) providing a revised wind study to the satisfaction of the Chief Planner and Executive Director;
3. require the applicant to revise the application to address the following design-related issues and comments from circulation including, but not limited to, the applicant:
  - a) shifting the 7th floor amenity space and 7th and 8th floor residential space along Lower Jarvis Street east so that the cantilever is removed and this floor is setback a minimum of 3 metres from the property line;
  - b) increasing the setback for the 7th and 8th floor residential space along Wilton Street from 3 metres to a minimum of 6 metres;
  - c) providing continuous weather protection with a minimum depth of 3 metres along Lower Jarvis Street, Wilton Street and Market Street;
  - d) increasing the proportion of residential units in the podium facing Jarvis Street by reducing the number of commercial and/or residential parking spaces;
  - e) providing family-sized units with 3 bedrooms or more and/or knock out panels and/or drywall and metal stud demizing walls between units.

4. request the applicant to continue to work with staff towards settlement.
5. authorize the City Solicitor to request the OMB to withhold its Order approving the Zoning By-law amendment until:
  - a) Section 37 benefits have been determined and agreed to;
  - b) the Zoning By-law amendment is prepared to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director of City Planning Division; and
  - c) the owner has entered into a Site Plan Agreement under Section 114 of the City of Toronto Act to the satisfaction of the Chief Planner and Executive Director of City Planning Division.
6. authorize the City Solicitor and City staff to take such necessary steps to implement the foregoing.

### **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.

City Council adopted the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines at its meeting of July 19, 20, 21 and July 26, 2005. The property is located in this study area. The guidelines set out planning and urban design objectives for enhancement of areas of special character and historic buildings and how they are viewed, and improvement and enhancement of public realm areas such as parks, plazas, and sidewalks.

Council identified the St. Lawrence Heritage Conservation District Study Area on September 28-30, 2005 for an area with similar boundaries to the Community Improvement Project Area (roughly bounded by Yonge Street, King Street East, George Street, and the railway tracks). The Study Area for the Heritage Conservation District has been termed "Phase 1", as it is possible that other areas in the neighbourhood will be designated and studied in the future.

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.

In April 2006, Council approved the Design Review Panel pilot project. The St. Lawrence area was included in the area subject to the panel's review of development applications. The application is located in the St. Lawrence area.

On June 6, 2007 the applicant submitted the rezoning application for a mixed-use development consisting of a 46-storey residential tower including an 8-storey podium.

In December 2007, City Council approved a motion that requested the Director, Community Planning, Toronto and East York District, in consultation with the St. Lawrence Neighbourhood Association, York Quay Neighbourhood Association, and WATERFRONToronto, to report to the Toronto and East York Community Council in 2008 on the development of a Pedestrian Promenade Plan for Jarvis Street between Front Street East and Queens Quay.

City Council adopted the new Community Improvement Plan policies for the St. Lawrence Neighbourhood Community Improvement Project Area at its meeting on January 29 and 30, 2008. The policies form a Public Realm Strategy for the southwest quadrant of the St. Lawrence Neighbourhood.

## **OMB Appeal**

On November 5, 2007, the City Clerk's Office received notification that the applicant appealed the application to the Ontario Municipal Board on the following grounds: Pursuant to subsection 34(11) of the Planning Act, the City of Toronto has failed to make a decision on the applicant's Zoning By-law Amendment application within 120 days after the application was received.

The OMB has consolidated the minor variance application and consent application for the Shoppers Drug Mart store with the appeal for the Zoning By-law Amendment application for the proposed residential development.

## **ISSUE BACKGROUND**

### **Earlier Proposal appealed to the Ontario Municipal Board (June 2007 submission)**

The June 2007 application before the Board is for a mixed use development consisting of 451 dwelling units and approximately 3,073 square metres of at-grade retail area. The retail area includes at least one large retail space larger than 1,500 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 June 2007 proposed development podium fills the site and is approximately 26 metres tall (8 storeys). The ground floor would include retail uses fronting onto Lower

Jarvis Street and Wilton Street, and a residential lobby on Market Street. An internalized service lane would bisect the site extending between Lower Jarvis Street and Market Street at grade and contain loading spaces and 14 parking spaces. The second floor of the podium would include residential bicycle parking and storage. Parking was located on levels 3 to 6 of the podium. Residential units appeared on levels 4 to 6 facing Market Street and Wilton Street. Levels 7 and 8 contained residential units and two above-grade courtyards that would provide outdoor residential amenity space.

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

The gross floor area of the proposed development would be 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	2,612.6	0.45
Above-grade residential parking	11,152.2	1.93
Above-grade non-residential parking	3,952.2	0.69
Total	55,558.0	9.63

The June 2007 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.

### **Revised Proposal submitted in March 2008**

The revised application is for a mixed use development consisting of 456 dwelling units and approximately 2,684 square metres of at-grade retail area. The retail area includes at least one large retail space intended to accommodate a Shoppers Drug Mart store and a smaller retail unit. Parking for the development is proposed above grade, with 316 parking spaces for residents and 60 commercial/residential visitor spaces. No underground parking is proposed.

The podium of the March 2008 proposed development occupies most of the site and is 19.5 metres high (7 storeys) to 28 metres (8 storeys) high. The ground floor includes retail uses fronting onto Lower Jarvis Street, Wilton Street and Market Street, and a residential lobby on Market Street. An internalized service lane bisects the site extending between Lower Jarvis Street and Market Street at grade and contains loading spaces and 10 parking spaces. There would be a 3-metre wide walkway connecting these two streets. The second floor of the podium includes open-to-below retail area and storage.

Parking is located on levels 3 to 6 of the podium. Residential units appear on levels 3 to 6 facing Jarvis Street, Market Street and Wilton Street.

The parking would be masked from exterior view by residential units on the north part of the site. Levels 7 and 8 contain residential units and 2 above-grade courtyards that provide outdoor residential amenity space. The podium massing is proposed to be broken up by providing terraces on the 7th floor abutting Wilton Street and at the north west corner of the site along Market Lane. The 7th and 8th floor would be setback approximately 3 metres along Wilton Street and Market Lane. The façade of these two floors would be treated differently than the lower floors of the podium. These floors would cantilever out 2.38 metres along Lower Jarvis Street. The 7th floor amenity space at the south end of the site would also cantilever out 2.38 metres along Lower Jarvis Street.

The proposed tower is located in the southwest corner of the site. The tower’s dimensions are approximately 20 metres by 52 metres, excluding balconies, resulting in a typical floor plate size of 1,000 square metres. Residential units occupy all floors of the tower. The total height of the proposed tower is approximately 109 metres (33 storeys and 103 metres plus a 6-metre mechanical penthouse).

The gross floor area of the proposed development is 56,854 square metres, resulting in a density of approximately 9.8 times the area of the lot. The gross floor area of the March 2008 proposal is broken down in the table below:

	Gross Floor Area (square metres)	Density
Residential gfa, excluding parking	36,870	6.39
Non-residential gfa, excluding parking	2,684.0	0.46
Above-grade residential parking	11,744.6	2.03
Above-grade non-residential parking	Not known	Not known
Total	56,854.0	9.88

## Site and Surrounding Area

The site is a large property (approximately 5,770 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 6-storey mixed use building that includes residential units, retail, St. Michael Separate School, and the 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 have reviewed 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.

### **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 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 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 for the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines 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 give guidance to the development industry in the preparation of development concepts for sites in the area.

### **Community Improvement Plan**

At its meeting of January 29 and 30, 2007, City Council adopted Community Improvement Plan for St. Lawrence. The site is located within this area and streetscape improvements abutting the area are recommended in this document.

### **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 3 times the area of the lot, whereas the proposal is for a density of approximately 9.8. 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 times the area of the lot).

The proposal also requires an amendment because the proposed height of 103 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 56,854 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**

Since the appeal, the applicant has submitted a revised proposal reflecting some of the comments received from staff and community members. Appropriate agencies and the City are evaluating this revised submission.

Staff are continuing to work with the applicant in an effort to resolve outstanding technical issues and community concerns.

## **Community Engagement**

A community consultation meeting on the proposal was held on September 24, 2007. Approximately 80 people attended the meeting. Concerns were expressed about the overall design of the proposal; height of the tower; shadow impacts; a point tower not being in keeping with the character of the St. Lawrence neighbourhood; large unit count; traffic impact; safety concerns about pedestrians crossing Jarvis Street between the railway and The Esplanade; lack of arcades; unattractive vehicle access points; soil contamination that may migrate off site; wind impact; the podium being too large and out of context; school capacity; an excess of parking for residential and commercial uses; and the “baby box” retail format not being appropriate for the neighbourhood. These concerns were discussed at the meeting and are referenced in this report.

## **Land Use and Built Form**

The property is designated Mixed Use Area on Map 18 of the Official Plan. It is anticipated that Mixed Use Areas will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. Not all Mixed Use Areas will experience the same scale or intensity of development. The highest buildings and greatest intensity will typically occur Downtown. Development criteria in Mixed Use Areas are set out in Section 4.5 of the Official Plan and include the following:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights;
- take advantage of nearby transit services;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;

- provide good site access and circulation and an adequate supply of parking for residents and visitors; and
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

In addition to the Mixed Use Area development criteria and the desire to promote good design on its own merits, the Plan also emphasizes the manner in which the building and site fit within the context of the neighbourhood and City (Section 3.1.2 of the Official Plan). This is to be achieved in a number of ways including locating buildings parallel to the street with a consistent front yard set back, locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk, and by providing ground floor uses that have view into and, where possible, access to adjacent streets, parks and open spaces.

The proposed mixed use building is in keeping with the Mixed Use area designation. City Planning staff met with the applicant recently to review further refinements to improve setbacks and stepbacks for the building, and improve the separation distances from adjacent properties. The applicant has agreed to these changes.

The density of the development is 9.8 times the lot area which is in keeping with other sites on the edge of the St. Lawrence area abutting the Financial District and/or railway corridor such as 40 The Esplanade (10.7 times the lot area).

### **Height and Massing**

The proposed height of the condominium building is 33 storeys which is in keeping with the towers at the edge of the St. Lawrence neighbourhood. No. 25 The Esplanade is 96.8 metres tall and 33 storeys and the west tower under construction at 40 The Esplanade is 32 storeys and approximately 96 metres. These towers abut the railway corridor.

The tower floor plate at approximately 1,000 square metres is larger than the tall buildings' design guideline maximum of 743. The tower would be articulated by undulating and curving balconies. The tower would be at the south limit of the property abutting the railway corridor and would be setback at least 25 metres from other residential buildings in the St. Lawrence neighbourhood.

The terraced podium height proposed by the applicant ranges from 19.5 metres to 28 metres high. The tall buildings' guidelines recommend that a street width to podium wall height ratio be no higher than 1:1. A podium of this height is appropriate along Lower Jarvis Street. The podium height would be less than the residential building to the west, higher than the peak of St. Lawrence Market to the north (22.3 metres), and higher than the residential building east of Jarvis Street.

The lower 6 floors of the podium would be setback 2.38 metres along the Jarvis Street right-of-way to provide a 5.4-metre wide pedestrian promenade style sidewalk. The podium would also be articulated at various levels along the street lines and would have a change in building finishing, which serves to reduce the building mass when viewed from the streets. A 44-degree angular plane exists along Lower Jarvis Street. Staff do not

support the 2.38 metre overhang of the 7th and 8th floors along Jarvis Street as this massing extends above the angular plane. A setback of 3 metres is recommended.

The St. Lawrence Neighbourhood Focused Area Urban Design Guidelines also have a setback of 8.2 metres above 20 metres along Wilton Street and Market Street property lines. The applicant has met the intent of this massing along Market Street by proposing a setback of approximately 3 metres on the 7th floor (at a height of 19.4 metres) Staff require a setback of at least 6 metres along Wilton Street, whereas 3 metres is proposed. A greater setback will protect the future Crombie Park extension to the north from shadow and provide a better urban design interface for the park.

The St. Lawrence Neighbourhood Focused Area Urban Design Guidelines require continuous weather protection along Wilton Street and Lower Jarvis Street with a minimum recommended depth of 3 metres. The applicant is proposing weather protection along Market Street. Staff are working with the applicant to improve the level of weather protection in this important pedestrian priority area abutting St. Lawrence market. Staff recommend that continuous weather protection with a minimum depth of 3 metres be provided along Lower Jarvis Street, Wilton Street and Market Street.

Podium details will be secured by the Section 37 agreement and by detailed podium drawings consisting of 1:50 elevation plans to be submitted during the continuing site plan review process.

## **Shadow**

The applicant has submitted shadow plans. Staff are particularly interested in protecting the sunlight on the future Crombie Park extension bordered by Lower Jarvis Street, Market Street, Wilton Street and The Esplanade. In the Official Plan, Policy 3 in 3.2.3, Parks & Open Spaces states “The effects of development from adjacent properties, including additional shadows, noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility.”

The St. Lawrence Neighbourhood Focused Area Urban Design Guidelines identify this area as sensitive to building shadows. The sidewalk on the north side of The Esplanade between Scott Street and Lower Jarvis Street is identified as sensitive to building shadows. The shadow on the private courtyard for the residential buildings to the west was evaluated.

In general, the resulting shadow impacts are acceptable and would satisfy the applicable Official Plan policies in Section 3.1.2.

## **Wind Analysis**

The applicant submitted a wind study with the June 2007 application. Staff have not been provided a revised wind study to reflect the current proposal.

## **Number of Residential Units and Mix of Units**

The number of dwelling units proposed is supportable given the Official Plan policies to encourage living downtown. The applicant proposes 60% of the dwelling units as studio

or 1-bedroom and 40% as 2-bedroom. The development would likely attract families given the proximity schools, recreation centres, open space, daycares, shopping, transit and entertainment. Many of the buildings in St. Lawrence have three and four-bedroom units. Discussions with developers marketing other residential condominiums in the vicinity of the development have verified the trend for larger units. The applicant has been encouraged to provide additional larger units in order to attract more families and has advised that they will. Knock out panels between units are another way to provide family sized units. The housing mix will be secured in the Zoning By-law amendment.

### **Residential Amenity Space**

The Zoning By-law 438-86, as amended, requires 928 square metres each of shared indoor and outdoor amenity space (two square metres per unit). The proposal includes indoor residential amenity space of 949 square metres and exterior amenity space of 720 square metres. The proposed shared indoor and outdoor amenity space is located on the seventh floor. Staff are generally satisfied with the amenity space.

### **Buffering to the Railway**

The applicant proposes a safety wall along the railway. The applicant's proposal meets the railway's requirement for a 30-metre setback to the railway. Detailed comments on the revised submission have not been received.

### **Access**

Access to the parking facility is proposed via a two-way driveway extending south of the internalized east-west driveway through the middle of the site. The proposed access is generally acceptable.

### **Streetscaping and Pedestrian Amenity**

There are no sidewalks abutting the site on Market Lane and Wilton Street. The proposal would provide sidewalks in these locations. The St. Lawrence Neighbourhood Focused Area Urban Design Guidelines depict Lower Jarvis Street north of the railway as a gateway area. The Lower Jarvis Street frontage is a potential area for public art to implement the gateway. The three street frontages are shown as promenades. Market Street and Lower Jarvis Street abutting the site at the railway are shown as terminus public art opportunities. A pedestrian mid-block connection is shown through the site extending from the lane north of the Toronto Parking Authority garage to Lower Jarvis Street. The applicant proposes to implement this mid-block connection. The built form framework shows Wilton Street and Lower Jarvis Street as highly animated street frontage and low rise at street edge. The proposed retail units would implement this guideline. Staff will work with the applicant to implement these guidelines at the time of Site Plan Approval application review.

### **Cycling Infrastructure**

The applicant proposes to provide the number of required residential parking spaces in accordance with the zoning: 160 bicycle parking for residents and 40 for visitors. The bicycle parking for residents would be in secure rooms on the ground and second floor. The site is well served by the Martin Goodman Trail, Queens Quay, Shuter Street and

Sherbourne Street bicycle lanes. The Council approved Bike Plan designates Richmond Street, Adelaide Street, Simcoe Street and Bremner Boulevard for bicycle lanes. Bike lanes have been proposed for Wellington Street, Front Street, Lower Bay Street and Lower Yonge Street, and a bike path on the north side of Lake Shore Boulevard.

## **Parking**

A total of 374 on-site parking spaces, including 316 spaces for the use of residents and 60 spaces for the use of residential visitors/commercial space are proposed to serve the development. Residential parking is provided at a rate slightly higher than the Zoning By-law requirement but below the residential condominium guidelines. All of the parking is above grade. Both the Zoning By-law and St. Lawrence Neighbourhood Focused Area Urban Design Guidelines discourage above grade parking. The applicant proposes to mask most of the parking with residential units along Lower Jarvis Street, Wilton Street and Market Street. The extent to which the parking is screened will be discussed further by staff and the design review panel.

The applicant has submitted a soil study. Due to the contamination on this former industrial site, the applicant's consultant does not recommend below grade excavation for parking. The St. Lawrence Neighbourhood Association has expressed concerns and requests that no above grade parking be permitted.

The applicant has agreed to pay for a third party peer review of the soil study. The review will assist staff in determining if below grade parking is feasible.

Staff have encouraged the applicant to provide a car share program. Parking, especially the amount and extent of above grade parking, is subject to further commenting on the recently circulated revised plans.

## **Loading and Solid Waste**

One loading space is proposed via a driveway through the building at the south limit of the property. There are two loading spaces proposed which are accessed via a driveway through the building through the middle of the property. The proposed loading is generally acceptable.

## **Servicing**

The applicant has satisfied Technical Services staff that the existing municipal infrastructure has adequate capacity to support the development proposal in terms of storm and sanitary drainage. The costs of any municipal service up-grades if required to support the development will be borne by the applicant.

## **Toronto Green Development Standards**

The Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto.

The Green Development Standard contains basic performance targets by which development may be measured to determine its effective relative sustainability in Toronto (plus an additional 7 which are conditionally applicable). The GDS has a further 28 performance targets that enhance a development's sustainability factor. The GDS checklist submitted by the applicant indicates that the proposed development is intended to meet or exceed 30 basic performance targets and achieve 12 enhanced targets. Some of the targets proposed to be met include:

- the primary entrance of the proposed building is within 200 metres of a transit stop and direct integration with existing pedestrian routes;
- shared use parking spaces; and
- green roof installed with at least 50% coverage of the roof.

### **Zoning By-law Amendment**

The applicant has requested a settlement report with a draft Zoning By-law amendment for the Ontario Municipal Board. Due to comments on the revised application not being available, the preparation of a draft Zoning By-law amendment is premature.

Staff recommend that Council authorize the City Solicitor to request that the OMB to withhold its Order approving the Zoning By-law amendment until:

- a Zoning By-law amendment is prepared to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director of City Planning Division; and
- the owner has entered into a Site Plan Agreement under Section 114 of the City of Toronto Act to the satisfaction of the Chief Planner and Executive Director of City Planning Division.

### **Section 37 Community Benefits**

Pursuant to Section 37 of the Planning Act, the increase in height and density needs to be evaluated in relation to the public benefits achieved, including the provision of public art. Discussion on the potential community benefits with the local Councillor, applicant and community has not progressed due to the built form not being finalized. The process will be informed by the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines and the Community Improvement Plan for St. Lawrence. Potential community benefits are the improvement of the railway underpass (bird caging, lighting and art), funding for Crombie Park, and streetscaping on Lower Jarvis Street not abutting the site.

### **Design Review Panel**

The site is within the pilot project area for the City's Design Review Panel Pilot Project. The application will be reviewed at the April 24, 2008 Design Review Panel meeting.

## **Development Charges**

It is estimated that the development charges for this project will be approximately \$2,611,000. The actual charge is assessed and collected upon issuance of the building permit.

## **CONCLUSION**

City Planning is supportive of the proposal, in principle, subject to the resolution of outstanding technical issues and design-related revisions, and clarification of the soil concerns related to the provision of parking and appropriate Section 37 benefits.

It is City Planning staff's opinion that given the site's location in the downtown, the site is an appropriate location for residential intensification, which is well served by municipal infrastructure including public transit.

Since the appeal, the applicant has submitted a revised proposal (March 2008) reflecting some of the comments received from City staff. Appropriate agencies and City Divisions are currently evaluating the revised submission. City staff are continuing to work with the applicant in an effort to resolve as many of the outstanding issues as possible prior to the OMB pre-hearing scheduled for May 20, 2008.

## **CONTACT**

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## **SIGNATURE**

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Community Planning, Toronto and East York District

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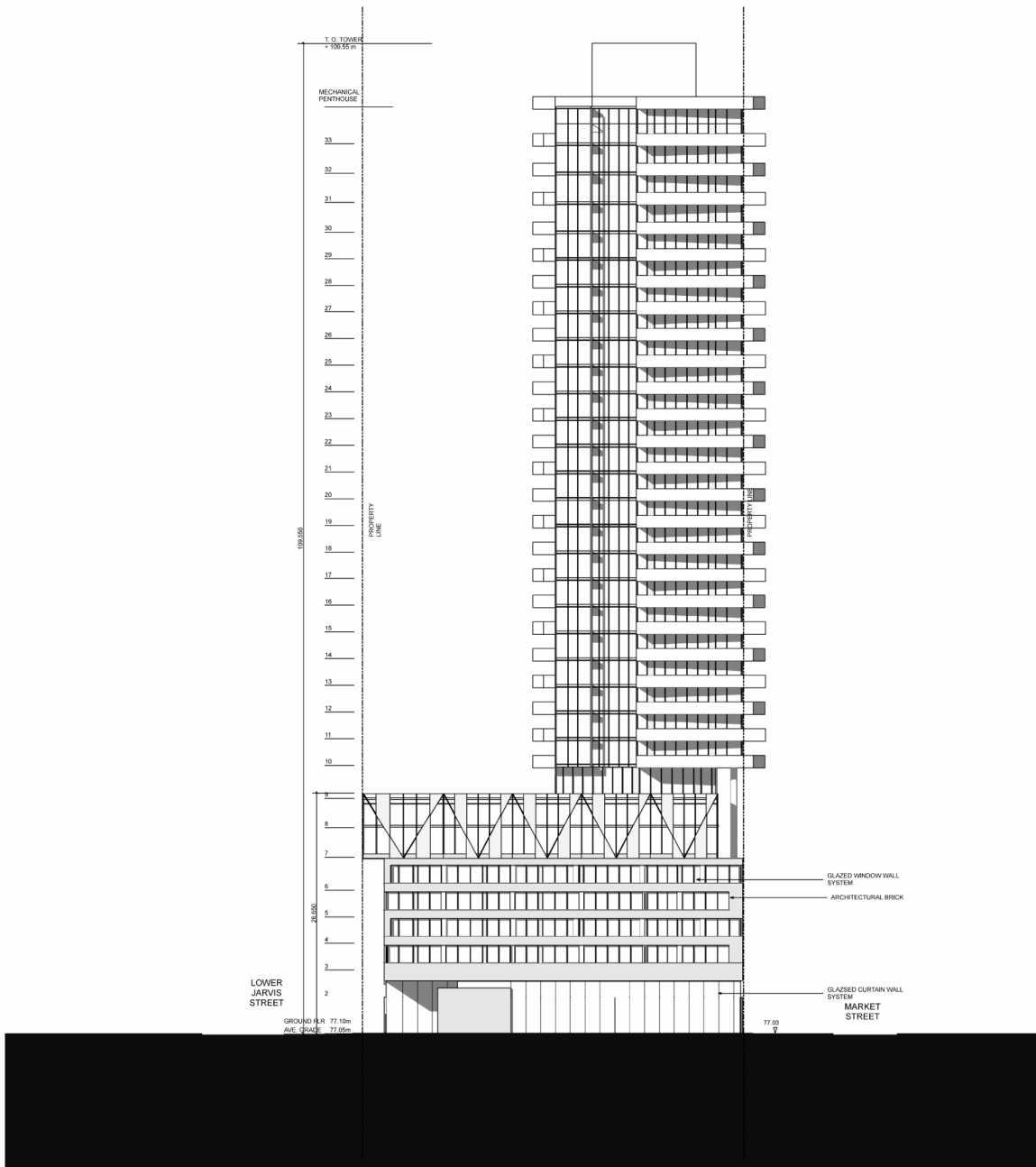
## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: East Elevation  
Attachment 4: South Elevation  
Attachment 5: West Elevation  
Attachment 6: Zoning By-law Excerpt  
Attachment 7: Application Data Sheet – March 2008 Submission  
Attachment 8: Application Data Sheet – June 2007 Submission / Appealed to the OMB





## Attachment 2: North Elevations



### North Elevation

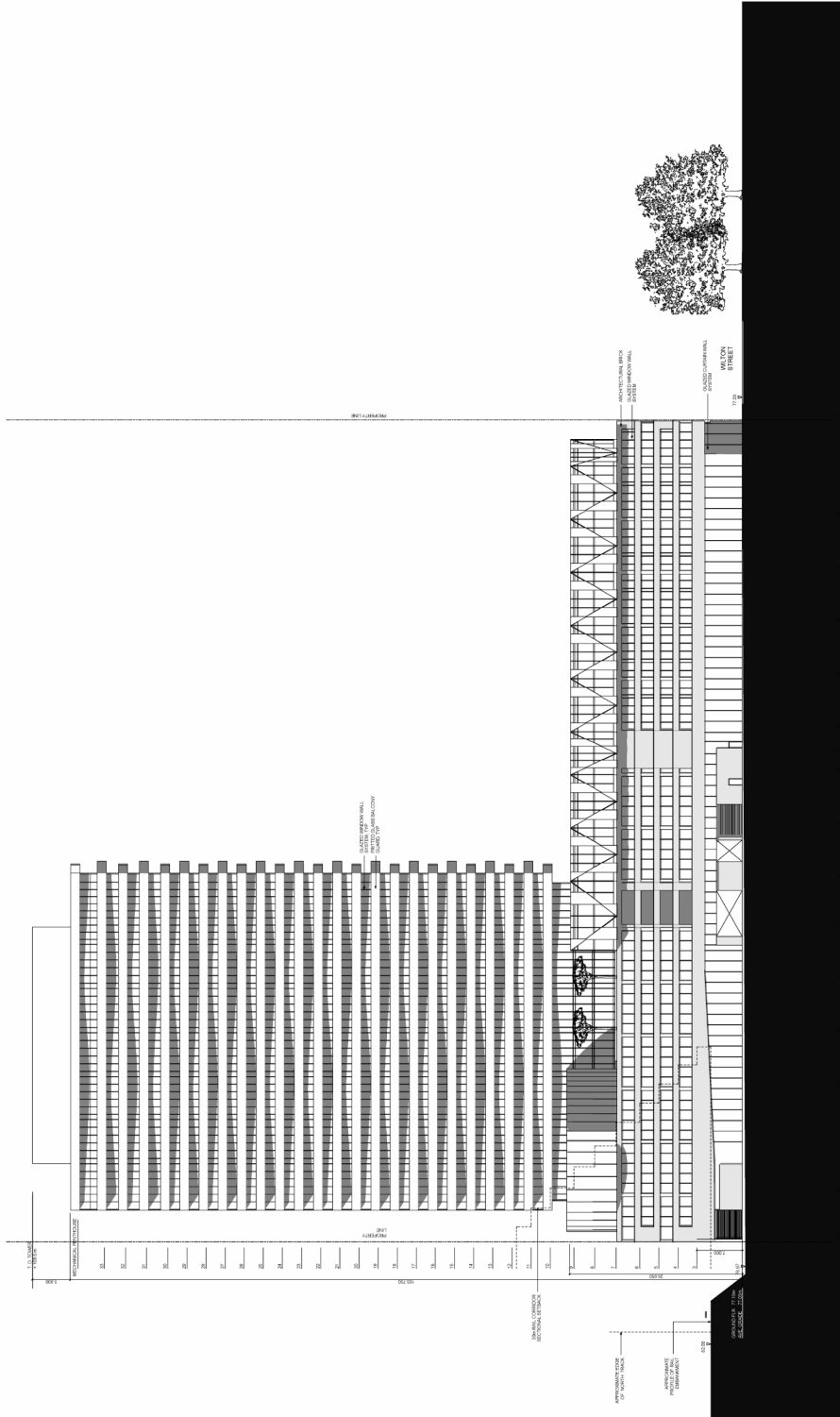
Applicant's Submitted Drawing

Not to Scale  
03/18/08

### 18 Lower Jarvis Street

File # 07\_228805

**Attachment 3: East Elevation**



**18 Lower Jarvis Street**

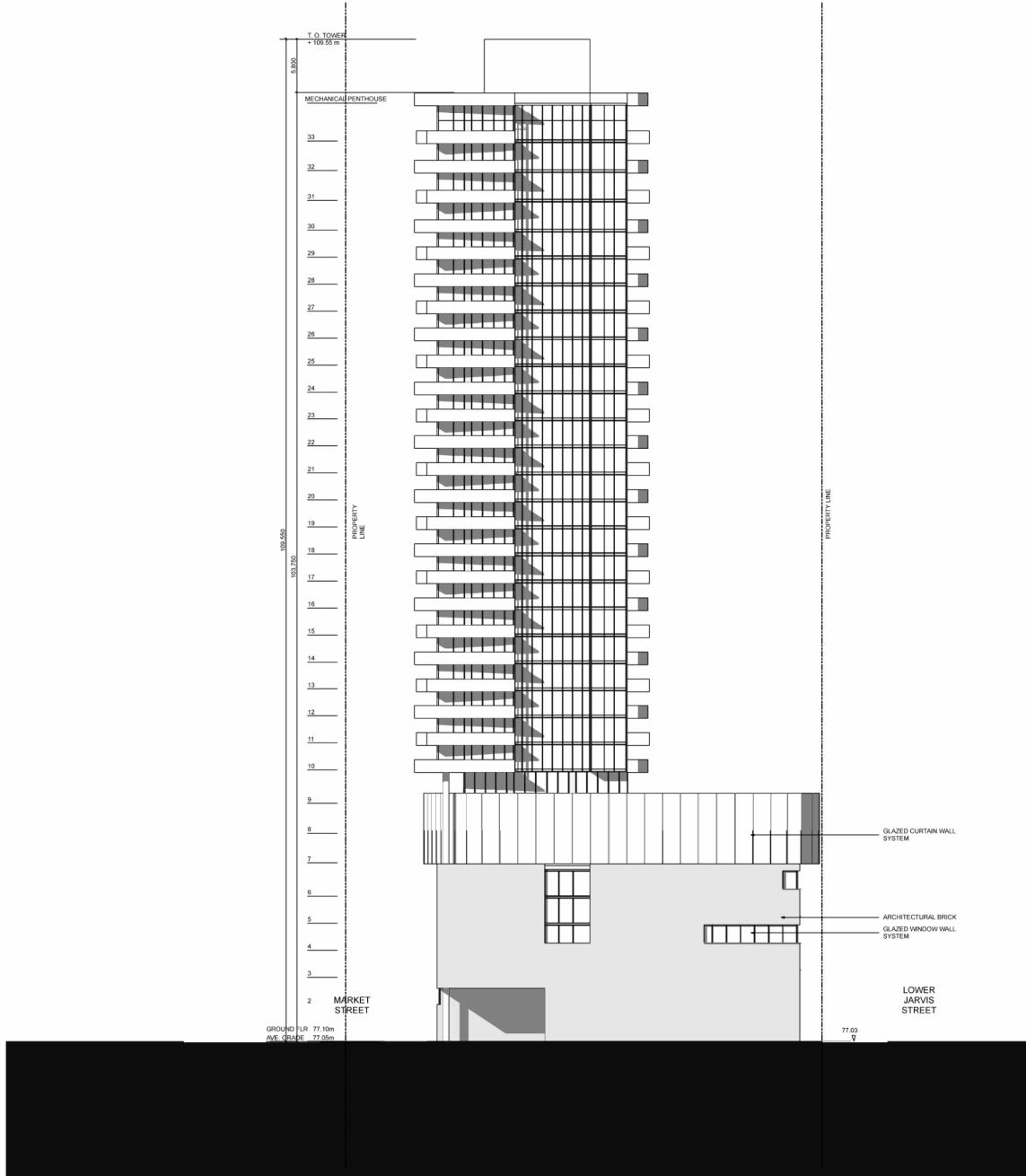
File # 07\_228805

**East Elevation**

Applicant's Submitted Drawing

Not to Scale  
03/18/08

# Attachment 4: South Elevation



## South Elevation

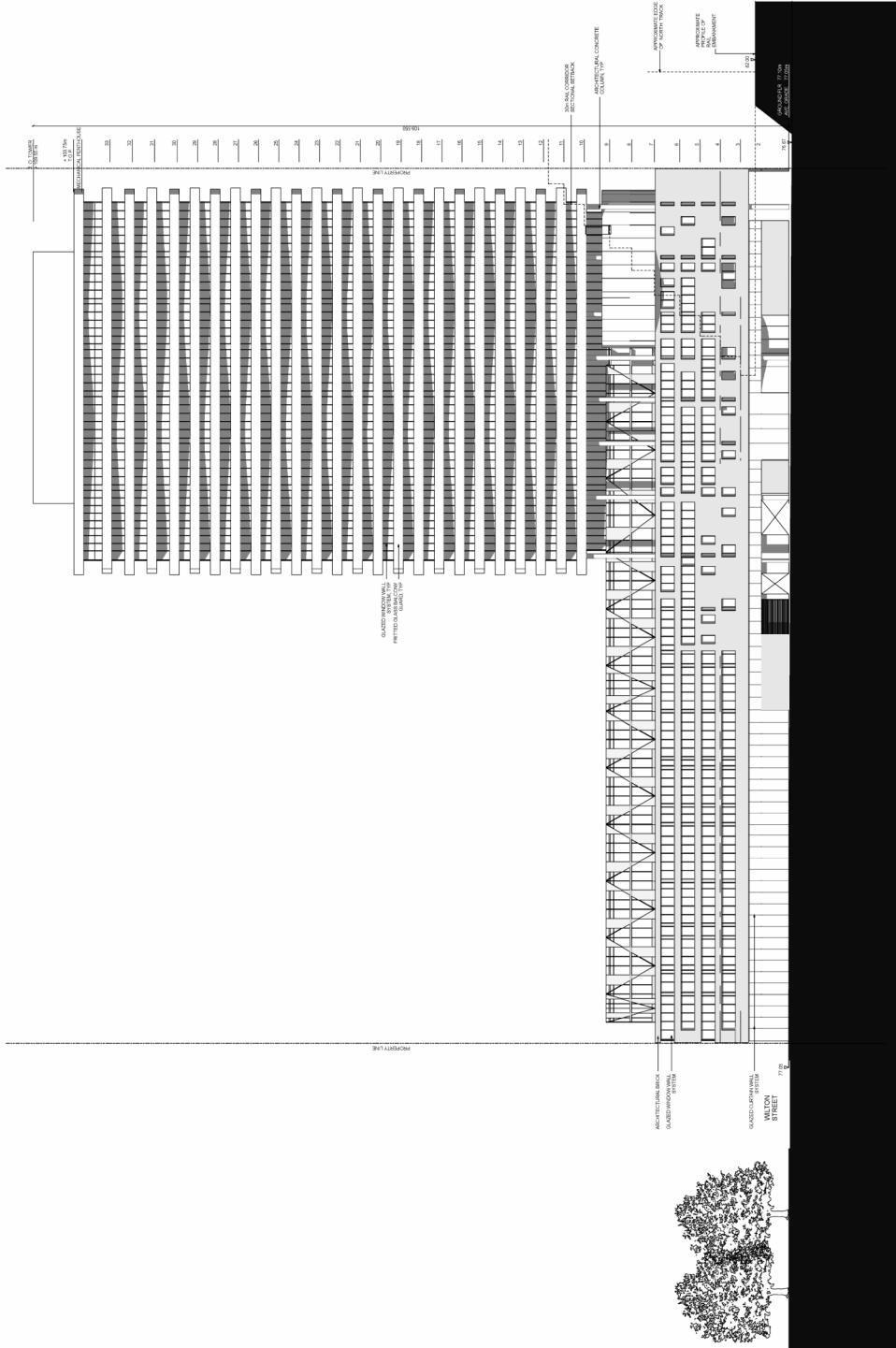
Applicant's Submitted Drawing

Not to Scale  
03/18/08

## 18 Lower Jarvis Street

File # 07\_228805

# Attachment 5: West Elevation



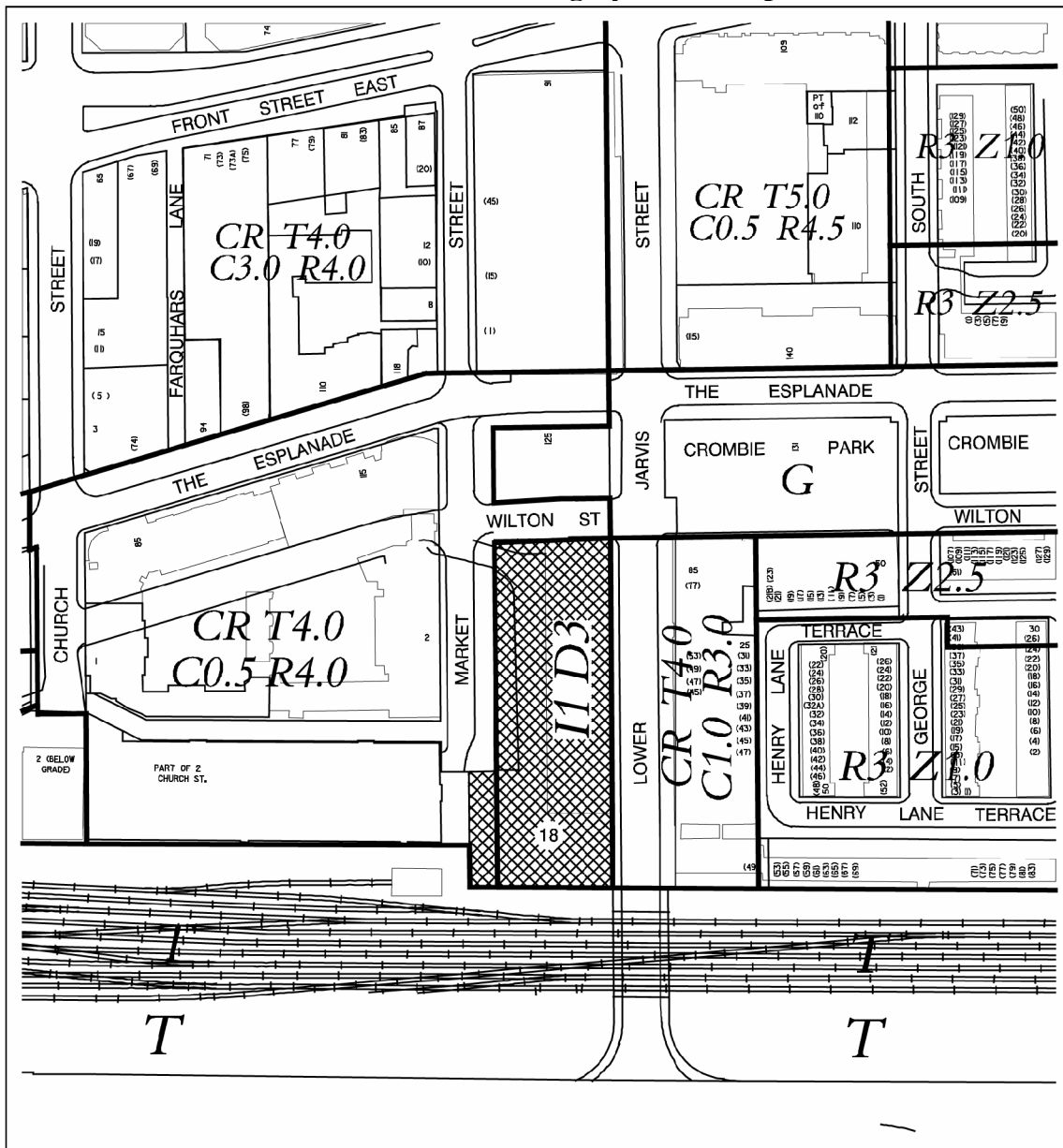
18 Lower Jarvis Street

West Elevation  
 Applicant's Submitted Drawing

Not to Scale  
 03/19/08

File # 07\_228805

Attachment 6: Zoning By-law Excerpt



**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

## Attachment 7: Data Sheet – March 2008 Submission

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

Municipal Address: 18 LOWER JARVIS ST  
 Location Description: PL 5A LTS 22 & 23 CLOSED MARKET ST PT \*\*GRID S2810  
 Project Description: New Mixed-Use Building 33-Storeys With 464 Dwelling Units And Retail At Grade

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Context Development Inc.			Michael Gross Realty

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	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:	N
Height Limit (m):	17	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	5,766.1	Height:	Storeys:	33
Frontage (m):	42.15		Metres:	109 (103 + 6 mech)
Depth (m):	127.42			
Total Ground Floor Area (sq. m):	4,416			Total
Total Residential GFA (sq. m):	36,870		Parking Spaces:	376
Total Non-Residential GFA (sq. m):	14,429		Loading Docks	3
Total GFA (sq. m):	56,854			
Lot Coverage Ratio (%):	76.6			
Floor Space Index:	9.86			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	18
1 Bedroom:	255
2 Bedroom:	183
3 + Bedroom:	0
Total Units:	456

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	36,870	0
Retail GFA (sq. m):	2,684	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	11,745	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	Al Rezoski, Senior Planner, Downtown Section, <a href="mailto:arezosk@toronto.ca">arezosk@toronto.ca</a>
	<b>TELEPHONE:</b>	(416) 392-0481

## Attachment 8: Data Sheet – June 2007 Submission / Appealed to the OMB

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

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
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

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	Al Rezoski, Senior Planner, Downtown Section, <a href="mailto:arezosk@toronto.ca">arezosk@toronto.ca</a>
	<b>TELEPHONE:</b>	(416) 392-0481