

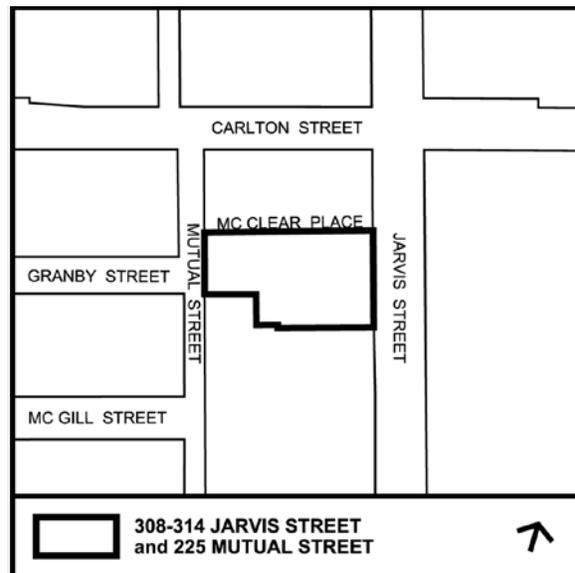
**308-314 Jarvis Street and 225 Mutual Street - Zoning
Amendment Application – Request for Directions
Report/Refusal Report**

Date:	May 22, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	12 110573 STE 27 OZ

SUMMARY

The applicant proposes to construct a 43-storey building consisting of a 9-storey base building and a 34-storey tower at 308-314 Jarvis Street and 225 Mutual Street. The proposal contains 470 units, 4 of which are townhouse units fronting onto Mutual Street. Five levels of underground parking are proposed. The heritage property (314 Jarvis Street) is designated under Part IV of the Ontario Heritage Act and is protected by a Heritage Easement Agreement. It is proposed that the existing heritage house be retained in situ with the rear addition removed.

The proposal represents over-development of the site and would have a negative impact on a significant heritage resource, Allan Gardens, which is a cultural heritage landscape that is designated under Part IV of the Ontario Heritage Act. The proposed building does not transition appropriately to the Neighbourhoods designation, creating unsupportable shadow, proximity and over look issues. Furthermore, the proposed tower, height and massing significantly shadows Allan Gardens which is located immediately across Jarvis Street from the site, leading to a reduction in the amount of sunlight access, reducing the long-term utility of the park space including impacting the



park's use as a horticultural conservatory and the conservatory greenhouse buildings themselves. Allan Gardens is a significant cultural resource as well as a designated "City-wide" park by the Parks, Forestry and Recreation Division. Allan Gardens was bequeathed to the City with the intent that it would serve as botanical and horticultural preserve for the legacy of the entire City. It has also evolved as an important local park with a new child play area and off-leash dog area. Any shadow on Allan Gardens must be evaluated not just for its singular effects on a narrow geography, but for its cumulative effects on the long-term viability of the entire park area for residents and tourists alike.

The proposed project, with its impacts on the adjacent neighbourhood and Allan Gardens is not good planning and is not in the public interest. It invites consideration of a new planned and build context which does not exist today and would set a negative precedent for future development that undermines the policies of the Provincial Policy Statement and the Official Plan, does not have regard to relevant matters of provincial interest and is not consistent with Council approved guidelines such as the Tall Building Design Guidelines which support the Official Plan. This report reviews and recommends refusal of the application to amend the Zoning By-law.

Since the September 11, 2012, deferral of a refusal report by Toronto and East York Community Council, Staff have exchanged correspondence with the applicant's solicitor and consulting team. On October 15, 2014, the applicant submitted a revised shadow study and requested that Staff respond by November 14, 2014 or they would appeal the application to the Ontario Municipal Board. Staff sent a letter dated November 10, 2014 in which the applicant was invited to submit a revised application that fulsomely addressed all of Planning Staff's concerns as outlined in their comments dated December 31, 2014. The applicant appealed its zoning by-law amendment application on January 9, 2015 to the Ontario Municipal Board due to Council's failure to make a decision within the time prescribed by the *Planning Act*. The first pre-hearing conference was held by the Board on May 5, 2015 at which it was agreed that a second pre-hearing conference would be held on September 30, 2015. The full hearing of the appeal has now been scheduled for 10 days commencing February 29, 2016.

This report recommends that the City Planning Division along with appropriate Staff and the City Solicitor appear at the Ontario Municipal Board in opposition to the proposed amendment to the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with appropriate staff to attend the Ontario Municipal Board hearing to oppose the applicant's appeal respecting the zoning by-law amendment application for 308-314 Jarvis Street and 225 Mutual Street (12 110573 STE 27 OZ) for reasons including the following:

- a. The proposal is not consistent with the Provincial Policy Statement, 2014 or the Growth Plan for the Greater Golden Horseshoe;
 - b. The proposal does not have regard to relevant matters of provincial interest set forth set forth in Section 2 of the Planning Act;
 - c. The proposal does not conform with and/or maintain the intent of the Official Plan;
 - d. The proposal is not consistent with Council-approved guidelines/policies including the Tall Building Design Guidelines;
 - e. The proposal comprises overdevelopment of the site;
 - f. The shadow impacts of the proposed development on Allan Gardens would have a negative impact on the heritage values of this significant cultural heritage landscape and insufficient justification has been provided for the level of impact that would result. The proposed development would constrain the future use and enjoyment of Allan Gardens.
2. City Council authorize City Planning, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be required by the Chief Planner and Executive Director, City Planning, should the proposal be approved in some form by the Ontario Municipal Board.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There are two Ontario Municipal Board decisions respecting portions of the site. The more recent, and larger of the two, being a minor variance appeal of September 2, 1994 for 308, 310 and 312 Jarvis Street and 225 Mutual Street, which allowed for an 18-storey (49.85 metres) building to be constructed on the easterly Jarvis Street portion, of the site with a block of six townhouses fronting on Mutual Street.

The Board decision states that the owner originally applied to the City for an as of right development of a seven storey residential building fronting onto Mutual Street and an eleven storey building fronting onto Jarvis Street. During the development review process, the City planners, in their effort to achieve the goals and objectives of the Area of Special Identity (McGill-Granby Neighbourhood) (brought into the City of Toronto Official Plan as Area Specific Policy 151), requested changes to the built form to allow a more complimentary treatment of the Mutual Street frontage. This was done through the introduction of townhouses and a shifting of the available density to Jarvis Street due to its status as a major arterial, allowing for a transition to the Area of Special Identity.

The McGill-Granby Neighbourhood Association (the Association) and Duration Investments Limited appealed the respective decisions of the Committee of Adjustment. The City did not participate in the hearing. The Board subsequently allowed the appeal by Duration Investments Limited, permitting the variances and dismissed the appeal by the Association. The development did not proceed.

The applicant recently applied to the Committee of Adjustment for a minor variance from the Zoning By-law (A0507/11TEY) to permit the use of a surface commercial parking lot operating illegally on a portion of the site. The Committee approved the variance at its meeting of April 4, 2012, subject to conditions. City Planning staff had recommended the Committee refuse the variance and at its meeting of April 10, 2012 City Council instructed the City Solicitor to appeal the Committee's decision to the Ontario Municipal Board. The appeal has not yet been heard by the Board.

In 2010, the applicant applied for a permit to demolish the former McClear Studios located at 225 Mutual Street (10 221752 DEM 00). The building was demolished prior to issuance of the permit; however, the demolition permit was subsequently issued.

At its meeting of May 15, 2012, Toronto and East York Community Council deferred consideration of the report from the Director, Community Planning, Toronto and East York District titled: "308-314 Jarvis Street and 225 Mutual Street - Zoning Amendment Application – Refusal Report" and dated March 28, 2012 to the September, 2012 meeting of Toronto and East York Community Council.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE16.5>

At the September 11, 2012 meeting of Toronto and East York Community Council, the same refusal report was brought forward by Staff for consideration. After the City Clerk's deadline had passed, the applicant submitted revised drawings for consideration by Planning Staff. The Director, Community Planning, Toronto and East York District, submitted a supplementary report recommending deferral of the application until Staff had evaluated the revised proposal.

ISSUE BACKGROUND

Proposal

The proposal is for a 43-storey residential condominium tower (44 storeys including mechanical) that consists of a 9-storey podium and a 34-storey tower. The overall height is 136.5 metres (including mechanical). The proposed 9-storey podium steps back from Jarvis Street at the fourth (6 metres), sixth (6 metres), eighth (3 metres) and tenth floors (6 metres) with four, 3-storey townhouses proposed for Mutual Street. The sidewalk along Jarvis Street is proposed to be 5 metres wide and 2 metres wide along Mutual Street. The applicant is not proposing continuous weather protection. Landscape improvements are proposed for Jarvis Street adjacent to the property. The proposed height of the ground floor is 4.5 metres.

The proposed tower has an approximate average floor plate of 780 square metres (Approximately 39 metres by 20 metres), with an east-west orientation. The tower is rectangular in shape, tapering somewhat towards the east. The proposed tower is setback approximately 12 metres from Mutual Street, 6 metres from the property line of the 2.5-storey townhouses to the south, 6 to 9 metres from the north side of McClear Place, 11 metres from the Primrose Hotel (111 Carlton Street) to the north of McClear Place, 27

metres from the Ramada Plaza Hotel (300 Jarvis Street) to the south and 33 metres from Jarvis Street.

The applicant is proposing that the project contain 470 residential dwelling units, comprised of: 291 one-bedroom units (62%); 132 two-bedroom units (28%); and 47 three-bedroom units (10%) which include the proposed townhouses on Mutual Street. Five levels of underground parking are proposed containing 314 vehicle and 500 bicycle parking spaces, with access and servicing to be provided from Jarvis Street. The applicant is proposing to supply 998 square metres of interior amenity space and 789 square metres of exterior amenity space, located within and on the podium respectively.

Category	First Submission January 27, 2012	Final Submission August 23, 2012
Site Area	3,211 m ²	3,211 m ²
Proposed Tower Setbacks		
Jarvis Street (east)	27 m	27 m
Mutual Street (west)	12 m	12 m
McClear Place (north)	2.5 m	2.5 m
South Property Line	6.4 m	6.4 m
Proposed Base Setback on Ground Floor		
Jarvis Street (east)	7 m (partially)	7 m (partially)
Mutual Street (west)	0 m	0 m
Tower Floorplate	Approx 780 m ²	Approx 780 m ²
Gross Floor Area		
Total Residential	44,904 m ²	39,095 m ²
Non-Residential	580 m ²	406 m ²
Total	47,191 m ²	41,778 m ²
Floor Space Index	14.70	13.01
Number of Units		
Bachelor	0	0
One-Bedroom	420 (71%)	291 (62%)
Two-Bedroom	163 (28%)	132 (28%)
Three-Bedroom	7 (1%)	47 (10%)
Total	590	470
Ground Floor Height	4.5 m	4.5 m
Sidewalk width Jarvis Street (4.8 m existing)	4.8 m	4.8 m
Sidewalk width Mutual Street (1.8 m existing)	1.8 m	1.8 m
Proposed Vehicular Parking (residential:visitor:non-residential)	354 (276:59:19)	314 (254:47:13)
Proposed Bicycle Parking (residential:visitor: retail)	607 (472:131:4)	500 (381:109:10)
Loading Spaces		
Description	1 Type G Loading Space	1 Type G Loading Space

Category	First Submission January 27, 2012	Final Submission August 23, 2012
Amenity Space		
Interior Residential	1,170 m ²	994 m ²
Exterior Residential	787 m ²	789 m ²
Total Amenity Space Provided	1,957 m ²	1,783 m ²
Building Height	157.5 m	136.5 m

Site and Surrounding Area

The site is located just south of the intersection of Carlton Street and Jarvis Street with the municipal address of 308-314 Jarvis Street and 225 Mutual Street. It is an irregularly shaped lot that contains a designated heritage property (the former Sheard Mansion at 314 Jarvis Street). The portion of the site comprising 314 Jarvis Street is the subject of a Heritage Easement Agreement with the City, pursuant to Section 37 of the *Ontario Heritage Act*. The site has frontage on Mutual Street being the former site of McClear Studios. With the exception of the heritage building, the rest of the site is vacant and has been illegally operating as a commercial parking lot.

North: To the north of the site is McClear Place. To the north of the lane is the Primrose Hotel (21-storeys) and low-rise (predominantly 3-storey) commercial and retail buildings including a listed heritage property at 93 Carlton Street.

East: To the east of the site is Jarvis Street and beyond is St. Andrew's Latvian Lutheran Church, a listed heritage property and Allan Gardens, which is designated under Part IV of the Ontario Heritage Act. Founded in 1858 and named after former Mayor George William Allan, Allan Gardens contains six greenhouses with local, tropical and desert plants in addition to the park itself (see Attachment 7 of this report).

South: Directly south of the site fronting on Mutual Street are townhouses designated *Neighbourhoods* in the Official Plan. Also south of the property is the Ramada Plaza Hotel (10 to 18-storeys) at 300 Jarvis Street. The former Frontenac Arms Hotel built in 1930 is designated under Part IV of the Ontario Heritage Act and protected by a Heritage Easement Agreement with the City. Further south and completing the block are three commercial buildings ranging from 1 to 3 storeys (280 and 288-290 Jarvis Street are listed heritage properties).

West: Directly to the west of the property is the McGill-Granby Neighbourhood which is designated *Neighbourhoods* in the Official Plan. It is comprised of mainly 2 to 3-storey townhouse and semi-detached dwellings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. The PPS recognizes that land use must be carefully managed to accommodate appropriate development.

Key policy objectives include: building strong, liveable and healthy communities; wise use and management of resources, including cultural heritage resources; and protecting public health and safety. The PPS recognizes that local context and character are important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. Relevant policies include:

Section 1.7 of the PPS states that Long-Term economic prosperity should be supported by, amongst other things, encouraging a sense of place, by promoting well-designed built form and cultural planning and by conserving features that help define character, including, built heritage resources and cultural heritage landscape. Section 2.0 of the PPS states that Ontario's long term prosperity, environmental health and social well being depend on conserving, amongst other matters, cultural heritage resources for their economic, environmental and social benefits. Section 2.6.1 of the PPS states that significant built heritage resources and significant cultural heritage landscapes shall be conserved, Section 2.6.3 further states that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. 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. Section 4.2.4 of the Growth Plan reads: "Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives: cultural heritage conservation, including conservation of cultural heritage." City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto's Official Plan contains a number of policies that affect the proposed development, including amongst other policies:

Chapter 2 – Shaping the City

Section 2.2.1 Downtown: The Heart of Toronto

The proposed development is located in the *Downtown* area as defined by Map 2 of the City of Toronto Official Plan. Section 2.2.1 outlines the policies for development within the *Downtown*. The downtown is where most of the growth in the City of Toronto is expected to occur.

The *Downtown* will continue to evolve as the premier employment area of the City of Toronto and provide a range of housing for those working in the area. The City will also explore opportunities to maintain and improve the public realm, promote an environment of creativity and innovation, support and enhance the specialty retail and entertainment districts, support business infrastructure and create business partnerships. Although much of the growth is expected to occur in the *Downtown*, not all of the *Downtown* is considered a growth area. The City of Toronto Official Plan states that: "while we anticipate and want *Downtown* to accommodate growth, this growth will not be spread uniformly across the whole of *Downtown*. In fact, there are many residential communities *Downtown* that will not experience much physical change at all, nor should they." Transportation within the *Downtown* is expected to be accommodated by transit. Priority will be given to transit improvements in the *Downtown* and transit vehicles will be given priority on streets within the *Downtown* particularly those with streetcars. A program of improvements will be implemented to enhance the pedestrian environment and efforts made to improve the safety of walking and cycling *Downtown*.

Section 2.3.1 Healthy Neighbourhoods

The proposed development is immediately adjacent to a designated *Neighbourhood* in the Official Plan. Section 2.3.1 of the Official Plan states that "the diversity of Toronto's neighbourhoods, in terms of scale, amenities, local culture, retail services and demographic makeup, offers a choice of communities to match every stage of life, neighbourhoods are where people connect and by focusing development into the centres and avenues we preserve the character of those neighbourhoods." Whether low-rise or apartment buildings, the policies in the plan are intended to apply equally to both. Policy 2.3.1.1 states that *Neighbourhoods* and *Apartment Neighbourhoods* are considered physically stable areas. Policy 2.3.1.2 states that Developments in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: "be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towers and setbacks from those *Neighbourhoods*, maintain adequate light and privacy for residents in those *Neighbourhoods*, and attenuate resulting traffic and parking impacts."

Policy 2.3.1.3 goes on to state that intensification of land adjacent to *Neighbourhoods* will be carefully controlled. The intent is that *Neighbourhoods* will be: "protected from negative impact".

Section 2.3.2 Toronto's Green Space System and Waterfront

Section 2.3.2 of the City of Toronto Official Plan recognizes that a vital component of Toronto's quality of life and health is the wonderful system of green space which is connected throughout the City. This system of green space includes natural features, such as the ravines and bluffs, but also parks cemeteries and other open spaces.

Policy 2.3.2.1 requires that actions be taken to improve, preserve and enhance Toronto's *Green Space System* specifically by, amongst other things: "restoring, creating and protecting a variety of landscapes".

Chapter 3 – Built Form

Section 3.1.3 Built Form – Tall Buildings

The applicant is proposing to construct a Tall Building. Policy 3.1.3 states that Tall Buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to speaking about specific built form characteristics, the policy states that proposals for Tall Buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Section 3.1.5 Heritage Resources

The site of the proposed development contains a designated heritage property under Part IV of the *Heritage Act* (314 Jarvis Street). Policy 3.1.5 of the Official Plan requires that significant heritage resources listed on the City of Toronto's Inventory of Heritage Properties be conserved. The site of the proposed development is directly across from Allan Gardens, separated only by Jarvis Street.

Section 3.2.3 Parks and Open Spaces

To the east of the proposed development is Allan Gardens. It is one of the Downtown's Major Open Spaces. Allan Gardens is considered both a "Signature Park" in the Tall Building Design Guidelines and a "City-wide Park" by Parks, Forestry and Recreation. Policy 3.2.3 of the Official Plan speaks to maintaining and enhancing Toronto's system of parks and open spaces and states that the effects of development from adjacent properties (shadows, wind, etc.) should be minimized to preserve their utility. It outlines a parkland acquisition strategy, grants authority to levy a parkland dedication or alternative cash-in-lieu and calls for the expansion of the existing network of parks and open spaces.

Chapter 4 – Land Use Designations

Section 4.5 Mixed Use Areas

The site of the proposed development is in an area designated *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. Development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale. Furthermore, development in *Mixed Use Areas* should be located and massed 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.

Development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environments; have access to schools, parks and community centres as well as libraries and childcare.

Development in *Mixed Use Areas* should also take advantage of nearby transit services; provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

Site and Area Specific Policy 151

This site is within the area defined by Site Specific Policy 151 in the City of Toronto Official Plan. Site Specific Policy 151 requires that the McGill Granby Area be conserved and its stability promoted by encouraging the preservation of house-form buildings and their continued use for housing. Development of new housing in *Mixed Use Areas* is encouraged, however, new buildings within the *Mixed Use Areas* will be designed to minimise the extent to which they overlook, overshadow, or block views from existing or committed house-form buildings. Furthermore, new vehicular access routes will be designed so as not to interfere with the use of private open space in adjacent houses.

Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

In policy 1 of Section 5.3.2 - Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas. "The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies specific Downtown streets that are most suitable for tall building development, establishes a height range along these streets and provides a set of supplementary Downtown specific design guidelines which address Downtown built form and context. The Downtown Vision and Supplementary Design Guidelines were used together with the city-wide Tall Building Design Guidelines in the evaluation of this

tall building proposal. The Downtown Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

The subject property is located on Jarvis Street and Mutual Street. Mutual Street is not identified as a Secondary High Street or High Street on Map 1. Jarvis Street is not designated as a High Street or Secondary High Street in this location. The High Street Designations were purposefully not placed on this section of Jarvis Street to protect Allan Gardens from adverse shadow impacts. Neither street is identified as a Priority Retail Street on Map 4.

Zoning

The proposed development site is zoned Commercial-Residential (CR T4.0), in former City of Toronto By-law 438-86, as amended. The maximum permitted height on the site is 30 metres with a maximum coverage of four times, with the CR zone permitting a wide range of residential and commercial uses.

There is a site specific permission for an 18-storey (49.85 metre) building to be constructed 308, 310 and 312 Jarvis Street with a block of six townhouses fronting on Mutual Street, which arose from a decision by the Committee of Adjustment in 1993, and subsequently was approved by the Ontario Municipal Board in 1994, after an appeal.

Site Plan Control

The application is subject to Site Plan Control. An application for Site Plan has not been submitted.

TOcore

On May 13, 2014, the Toronto and East York Community Council (TEYCC) considered a Staff Report regarding *TOcore: Planning Toronto's Downtown*, along with a related background document entitled *Trends and Issues in the Intensification of Downtown*.

Both reports are available at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=222101f2e9745410VgnVCM10000071d60f89RCRD>.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary infrastructure to remain a great place to live, work, learn and play. TOcore is in its initial 'taking stock' phase, which involves an analysis of existing conditions, growth trends and priority issues in the Downtown. The review of this application has been informed by the issues being considered under TOcore.

Reasons for Application

The applicant requires a Zoning By-law Amendment to permit the proposed development. The applicant is proposing a maximum height of 136.5 metres where 49.85 metres is permitted. Furthermore, the applicant is proposing a density of 13.01 times coverage where 4.0 is currently permitted. The applicant will also require relief from the parking standards and amenity space requirements contained within the by-law.

Community Consultation

A Community Consultation meeting was held on February 27, 2012 and attended by approximately 70 members of the community. With the exception of one person, the overwhelming response from the community was negative. At the meeting, a number of concerns were expressed about the proposed application. Concerns were expressed about the overall height of the project. Residents did not object to a taller building on the site, but felt that the 50-storey (proposed, at the time) building was unacceptable. Residents from the McGill-Granby Neighbourhood, especially those along Mutual Street expressed concerns about the lack of transition between the tower and the lower scale built form of Mutual Street. Residents were also concerned about the height, overlook and privacy issues that the proposed development would create for the neighbourhood.

Residents also expressed concern about the added traffic that would be created in McGill-Granby as a result of the proposed additional residential units as well as the routes that garbage and other servicing trucks would take to get to and from the new residential tower. Residents also expressed concern about the shadow impact of the proposed tower on both the McGill-Granby Neighbourhood and Allan Gardens. The applicant showed the community that there would be less shadow on Allan Gardens at 4.00 p.m. than the 18-storey, as-of-right building. Residents, however, responded that they use the park after 4.00 p.m. into the later afternoon and early evening and the shadow impacts for the 50-storey building will be more significant at those times.

City Staff have also received a number of communications by email and regular mail on this application. Again, with the exception of one communication, the response has been negative. The positive comment noted that the area is currently served by a surface parking lot and redevelopment would be welcome. Members of the community have expressed concern about the overall height of the project, the transition to the McGill-Granby Neighbourhood, shadow impacts on Allan Gardens, and traffic and servicing impacts on the Neighbourhood that would arise out of the proposed development.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Planning Act, Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* requires that municipal councils in carrying out their responsibilities under the Act shall have regard to matters of provincial interest such as are listed in the section. These include interests such as: (d) the conservation of features of significant architectural, cultural or historical interest; (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; (g) the minimization of waste; and, (h) the orderly development of safe and healthy communities.

The Provincial Policy Statement 2014 ("PPS, 2014") requires developments to conserve important heritage resources including those adjacent to proposed development. Staff do not believe that the proposed development adequately conserves the important heritage resource of Allan Gardens located across the street from the proposed development. Furthermore, the PPS, 2014 requires that, when Planning Authorities identify appropriate locations to promote opportunities for intensification, they take into account the existing building stock or area. The PPS, 2014 further states that the Official Plan is the most appropriate vehicle for implementing the PPS. The City of Toronto Official Plan policies take existing built form into account while accommodating appropriate intensification. General policies identified in the Official Plan require transition to lower scale built form as does Site and Area Specific Policy 151. As outlined below, the proposed built form does not meet the policies of the Official Plan and is not consistent with the policies of the PPS, 2014.

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) strives, among other things, to direct growth to areas of urban intensification. It also requires Municipalities to set clear targets for population and employment growth. The entire City of Toronto has been designated a growth area in the Growth Plan and has set population and employment growth targets as required by the Plan. It further requires municipalities to identify types and scales of development within intensification areas.

The City has set a Growth Plan population target of 3.08 million by 2031, which, at the time of adoption, would have required an increase of 17,000 people per year to accomplish. Currently the City is averaging an increase of 27,500 people per year and is well on its way to meeting its growth targets. Furthermore, the City has, through its Official Plan, identified the appropriate types and scales of development desirable within the City of Toronto. The scale of the proposed development is not required in order for the City to meet the growth targets forecast in the Growth Plan.

Land Use

The proposed development is located in the *Mixed Use Areas* of the Official Plan. The uses proposed for the project are residential and retail. This constitutes a mixed-use building and this type of use is permitted in the *Mixed Use Areas* in the Official Plan.

Built Form

Massing

There are certain elements of the proposed building that function well from a massing and built form perspective. The podium and its proposed terracing is a good gesture to Jarvis Street, and the town houses being proposed for Mutual Street are an appropriate continuation of the prevailing townhouse built form in the area. The principal concern with the massing is that there is too much Gross Floor Area proposed for the site and it is shaped into the proposed point tower. As outlined below, the tower at the proposed scale, as situated within the site and at the proposed height, does not meet Official Plan policies for *Mixed Use Areas*.

Height

Section 3.1.3 of the Official Plan requires that tall buildings relate to their existing and planned context. The proposed height of the building is 43 storeys or 135.5 metres (excluding mechanical). In the Council adopted Tall Building Design Guidelines ("the Guidelines") the proposed building is located on an area of Jarvis Street not designated as a High Street. This section of Jarvis Street was specifically not identified as a High Street in order to protect Allan Gardens from incremental shadow increases. There is no planned context for the proposed height. Furthermore, there is no built form context in the general area of the proposal for the proposed height. The Primrose Hotel is 21 storeys and the Ramada Plaza is 10 storeys. Looking to a broader context, there is the Radio City development which has heights of 25 and 30 storeys.

Transition

The Official Plan states that transition to lower scale *Neighbourhoods* is important to mitigate issues that may arise from approving taller buildings in the vicinity. Policy 2.3.1.2 states that Developments in *Mixed Use Areas, Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: "be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towers and setbacks from those *Neighbourhoods*, maintain adequate light and privacy for residents in those *Neighbourhoods*, and attenuate resulting traffic and parking impacts."

Policy 2.3.1.3 also states that intensification of land adjacent to *neighbourhoods* will be carefully controlled. The intent of the policy is that *Neighbourhoods* will be: "protected from negative impact". Furthermore, the City of Toronto Official Plan *Mixed Use Areas* policies require development to: "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 stepping down of heights, particularly towards lower scale *Neighbourhoods*." The proposed tower does not provide a gradual transition of scale and density to the McGill-Granby Neighbourhood. The tower is set back 6 metres to the property line and 7 metres to the building face of the townhouse built form to the south contained in the *Neighbourhood* designation without any stepping back to produce a transition of scale and density. If an angular plane were used to measure the transition, it would be an angular plane of 88 degrees which is almost the same as a straight line from the lower scale built form to the tower. For context, the mid-rise guidelines require an angular plane of 45 degrees to ensure an appropriate transition and that overlook and privacy concerns are addressed. Increasing the separation distance from 6 metres to 20 metres, as suggested by the Downtown Tall Building Guidelines, would improve the transition. The tower, as situated, does not transition to the lower scale built form.

Site and Area Specific Policy 151 of the City of Toronto Official Plan requires that any new development in *Mixed Use Areas* mitigate impacts on views and shadowing on the existing house-form buildings in the area. The 6 metre setback to the townhouses to the south and 12 metre setback to Mutual Street, combined with the proposed height, negatively impacts the existing house-form buildings and their respective private amenity

space as well as public realm. Furthermore, the lack of skyview diminishes the sense of transition to the lower scale built form.

Setbacks and Separation Distances

The podium of the development along Jarvis Street is well designed with step backs at the third (6 metres), fifth (6 metres), seventh (3 metres) and ninth storeys (6 metres). The building is also set back from the heritage building. While the podium expression is appropriate, the positioning and setbacks of the tower are not appropriate in their current form. The tower is setback only 6 metres from the property line of the 2.5 storey townhouses to the south of the property, and only 12 metres from Mutual Street. The 2.5 storey townhouses and the properties to the west of Mutual Street are designated *Neighbourhoods* in the Official Plan. The Consolidated Tall Building Guidelines call for a 20 metre setback to *Neighbourhoods* designated areas in the Official Plan.

The proposed tower is setback from the Ramada Plaza Hotel 27 metres, which is an appropriate separation distance for towers. On the north side, there is an 11 metre separation distance between the 21-storey Primrose Hotel and the proposed tower, although the tower is angled to mitigate this setback and off-set from the hotel. Of greater concern is the setback from the property line. The proposed tower is only set back between 6 metres and 9 metres, moving west to east, from the northern edge of McClear Place, which constrains any future development to the north of McClear Place and creates a very tightly packed tower environment that does not provide an appropriate amount of sky view.

The Council adopted Tall Building Design Guidelines recommends a minimum setback of 12.5 metres from a property line or centreline of a laneway. The setback as proposed from the laneway creates a problem for any future redevelopment of the properties to the north. It is unlikely that an appropriate separation distance could be achieved between the proposed development and any new project that could occur to the north. The 6-metre setback from the 2.5-storey townhouses to the south of the tower is insufficient and raises overlook and privacy concerns for those homeowners and the substantial private amenity space they currently enjoy in their rear yards. The 12-metre setback from Mutual Street is not sufficient to mitigate the same concerns for homes across the street on Granby Street, especially in light of the proposed height of the tower.

Heritage

The site contains the historic Sheard Mansion at 314 Jarvis Street, a designated building under Part IV of the Ontario Heritage Act that is subject to a Heritage Easement Agreement registered with the City in 1990. The initial 2012 application proposed moving the designated building. The applicant has since modified their proposal to maintain the building in place. This is a welcome change to the proposal. Heritage Preservation Services Staff have reviewed the Heritage Impact Statement, submitted by the applicant, and support its conclusions, in so far as they relate to the historic Sheard Mansion.

When a development application is received for lands designated under the *Ontario*

Heritage Act, the applicant is requested to demonstrate (via a Heritage Impact Assessment) how the proposed alterations conserve the values and attributes of the heritage property. In order to satisfy provincial and municipal policies and respond to internationally accepted conservation standards and principles, conserving the values and attributes of heritage properties must be done in such a way that their integrity is maintained.

Heritage staff advise that the shadow impacts by the development on Allan Gardens negatively impact the heritage attributes of the park and that the heritage attributes of Allan Gardens are not being conserved with the level of integrity required of significant heritage resources.

Allan Gardens has been identified and designated under Part IV of the *Ontario Heritage Act*. The impacts on Allan Gardens are significant. Allan Gardens was designated in part due to the fact that it is: "an urban park devoted to horticulture. Architecturally, Allan Gardens contains a collection of greenhouse buildings that illustrate the evolution of glass technology from the Edwardian era to the later 20th century.

The greenhouses and auxiliary buildings contribute to the use and evolution of the site and the property represents a significant open space in the City's core where buildings, both designed for and relocated to the site, support the cultivation of horticulture that is integral to the cultural heritage value of the designated property. Additional shadows on the greenhouse buildings will affect the level of natural light entering the structures, affecting the appreciation of these resources by residents and visitors and potentially having a deleterious effect on the horticultural resources.

This proposal does not conform to the Growth Plan for the Greater Golden Horseshoe because the proposed conservation strategy does not achieve a high degree of conservation for such significant heritage resources, particularly where it has been demonstrated that intensification is feasible on the site with limited impact on heritage resources.

Sun, Shadow, Wind

Shadow Impacts on Allan Gardens

Policies in the City of Toronto Official Plan for *Mixed Use Areas* require that new buildings be massed: "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." The built form policies of the Official Plan require that new development limit shadow effects on parks and open spaces so as to preserve their utility. As a practice, the city generally evaluates these conditions on the spring and autumn equinoxes (March 21 and September 21, respectively).

The applicant has conducted a shadow study for the proposed application and compared it with the as-of-right 18-storey building. The applicant has demonstrated that at 4:18 p.m. (on March 21 and September 21) their project has less shadow impact on the park

than the as-of-right building. However, at 5:18 p.m. and 6:18 p.m. the impacts on the park are significantly greater for the applicant's proposal than the as-of-right proposal. Areas that are currently shadow-free at those times would have new significant shadowing for virtually the entire length of the park, including the greenhouses. This constitutes an unacceptable impact on a major public space. As mentioned above, the plant conservatory buildings are an important aspect of a park that is used by the entire City of Toronto and is a prominent tourist destination. They are integral to the utility of the park. New shadow on the greenhouse conservatory buildings will diminish their utility and the aesthetic experience of the visitors to these buildings. Furthermore, new shadow on areas of the park that are currently un-programmed, would restrict their future use in a manner that may not be compatible with the important horticultural conservatory that Allan Gardens is meant to be. City Planning Staff are of the opinion that the proposed shadow impacts are unacceptable and do not conform with or maintain the intent of the policies of the Official Plan including those policies that speak to maintaining the utility of the park as well as protecting and enhancing the *Green Space System*.

Shadow Impacts on McGill-Granby Neighbourhood

The Official Plan requires that shadow impacts be limited on neighbourhoods particularly during the spring and fall equinoxes. The applicant's shadow study demonstrates that at 9:18 a.m. much of the shadow (although not all) will be off the McGill-Granby Neighbourhood. It is not clear from the applicant's shadow study what the effect would be earlier in the morning.

Pedestrian Level Wind Study

The applicant has submitted a Pedestrian Level Wind Study for the proposed application. There is not expected to be a meaningful adverse impact on walking conditions for either Jarvis Street or Mutual Street, although wind conditions will worsen significantly along McClear Place.

Pedestrian Amenity

No sidewalk widening or areas of continuous weather protection are proposed as part of the development. The consolidated Tall Building Guidelines recommend a minimum sidewalk width of 6 metres. The current proposal does not improve the pedestrian realm on either Jarvis Street or Mutual Street. There is enough room on the development site to set the building back in such a way that it could provide a 6 metre sidewalk on Jarvis Street.

Cycling Amenity

The applicant is currently proposing to oversupply the amount of resident and visitor bicycle parking. A total of 500 bicycle parking spaces are proposed.

Provision of Family Sized Units

The applicant is proposing to supply 47 three-bedroom units which make up approximately 10 % of the total supply. Staff routinely seek to secure 10% of all units as

three bedroom or greater to broaden the range of housing provided downtown. The proposed ratio achieves that objective.

Traffic Impact, Access, Parking and Servicing

Engineering and Construction Services Staff have reviewed the application. Staff have concerns about: the proposed reduction in parking; servicing scheme; and sanitary connection. They have requested: further revisions to the plans; that all parking be supplied as required by the by-law; and that an alternative servicing scenario be explored that does not involve the construction of a new six metre lane adjacent to McClear Place.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 470 residential units on a site with a net land area of 3,211 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.786 hectares or 244.9% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 318 square metres.

If the proposed development were to proceed, the applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for an on-site parkland dedication and the site as currently proposed would be encumbered with underground parking. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit.

Urban Forestry

The applicant proposes the removal of several trees on their property some of which do not qualify for protection under the City of Toronto's tree protection by-law. Six trees on the property do qualify for protection and the applicant is proposing to remove four of those trees. Urban Forestry agrees with the conclusions of the applicant's arborist generally, but has concerns with respect to the impact of the construction activities associated with the development as proposed on the crowns of tree nos. 54 and 56. Urban Forestry requires further information to determine if the protection measures proposed would be adequate. In the event the application is approved, this should be secured prior to approval of zoning.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with

financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS. Should the application be approved, the applicant will be required to submit a site plan that brings their proposal into compliance with these standards.

Section 37

Section 37 of the Planning Act allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site, Heritage Conservation District studies identified in the Official Plan; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and may relate to planning issues associated with the development (e.g. local shortage of parkland).

Following the submission of the development application, City staff determined it was not appropriate to discuss Section 37 until there was agreement on the height and density of the proposal. Such discussions were considered premature until staff had received a proposal that was deemed to be 'good planning'.

Conclusion

Staff have reviewed the revised application submitted by the applicant for 308-314 Jarvis Street and 225 Mutual Street on August 23, 2013. In response, City Planning submitted detailed comments dated February 7, 2013. These comments outlined the principle concerns with the project and requested a comprehensive resubmission that addressed those concerns. Subsequently, City Planning received correspondence from the applicant's planning consultant on March 27, 2013. The correspondence indicated that the applicant team believes the proposal conforms to the policies of the Official Plan and that no further built form modifications are required. City Planning responded to this letter on April 3, 2013 and to a subsequent correspondence by the applicant's planning consultant on June 6, 2013 and October 15, 2014.

The City Planning Division disagrees with the interpretation of the Official Plan's Policies as put forward by the applicant team. The City Planning Division had also requested revised drawings from the applicant team on numerous occasions with no such resubmission forthcoming. The efforts the applicant has made to reduce the heritage impacts are welcome and an improvement over the original submission. The policies in the Official Plan and Provincial Policy Statement are clear and the proposed application does not conform to the Official Plan.

There is an existing permission on a portion of the site for an 18-storey building, which is a Tall Building as defined by the Tall Building Design Guidelines. When this previously approved building is examined, Staff note that the building was optimally placed in order to maximize the transition to the low-scale neighbourhood and relate to its built form context. While the in force zoning permissions allows for a built form that does generate a shadow impact on Allan Gardens as well, however, it is confined to the western edge of the park and is smaller. The current tower is not ideally placed and is too tall to accomplish the same goals. Were the height of the tower reduced significantly and the tower placement changed, City Staff think an appropriate built form could be achieved. It is the opinion of City Planning that this application is not appropriate and does not constitute good planning. As a consequence, City Staff recommend that the application be refused.

CONTACT

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Tel. No. 416-392-0459
E-mail: gcescat@toronto.ca

SIGNATURE

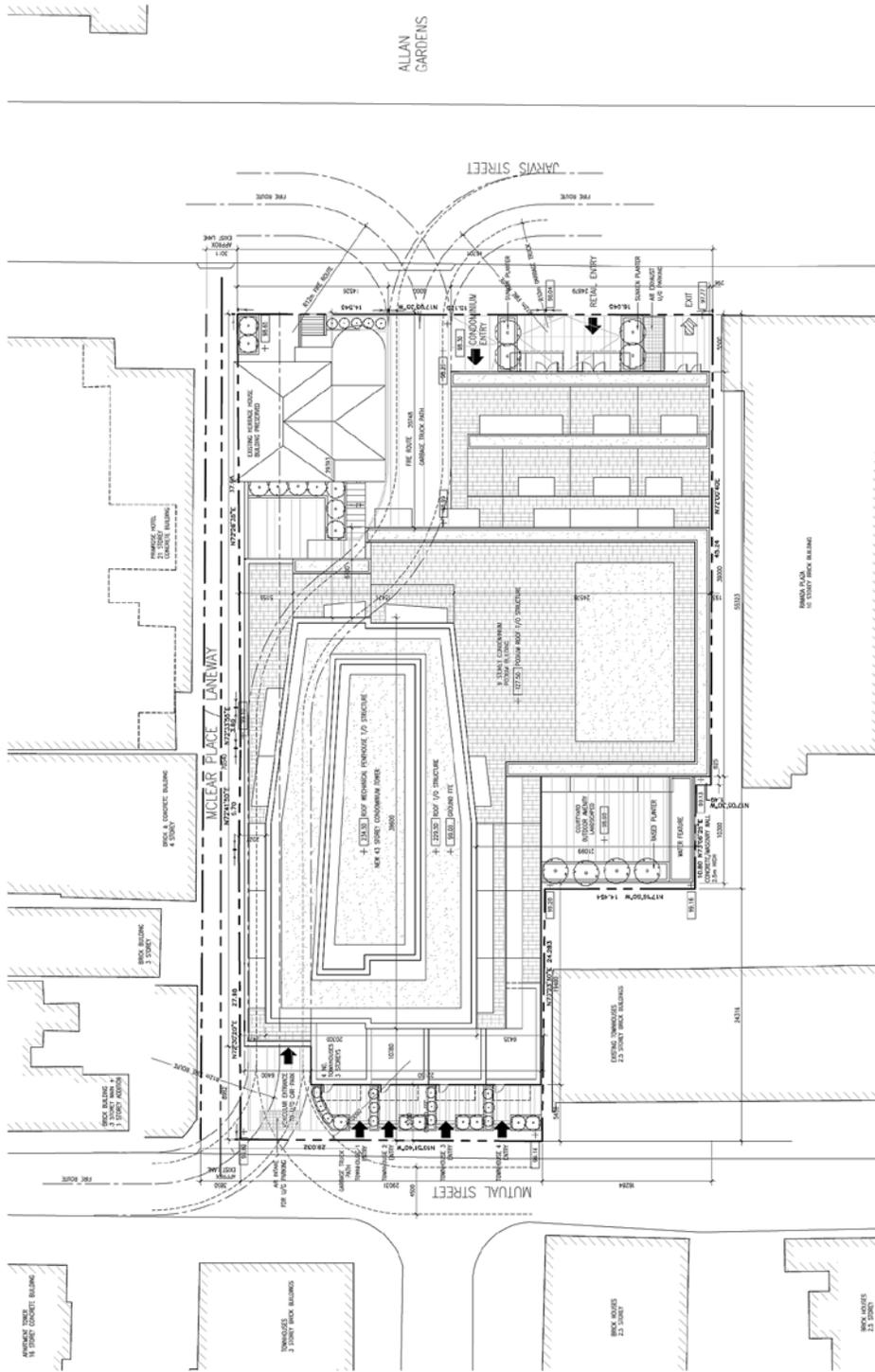
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Allan Gardens Revitalization Plan
Attachment 8: Application Data Sheet

Attachment 1: Site Plan

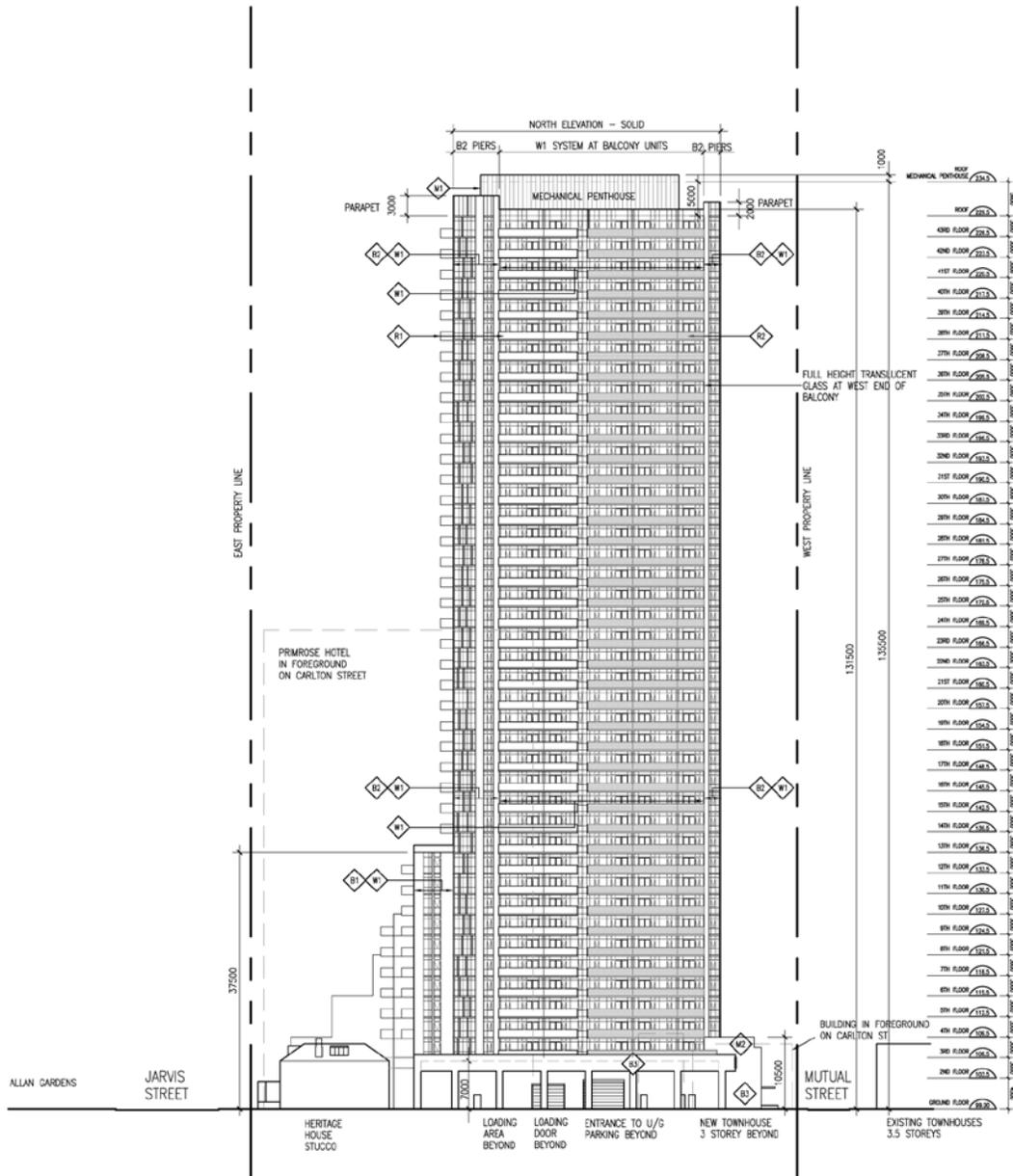


308-314 Jarvis Street and 225 Mutual Street

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 06/27/2013

File # 12 110573 0Z

Attachment 2: North Elevation



North Elevation

Elevations

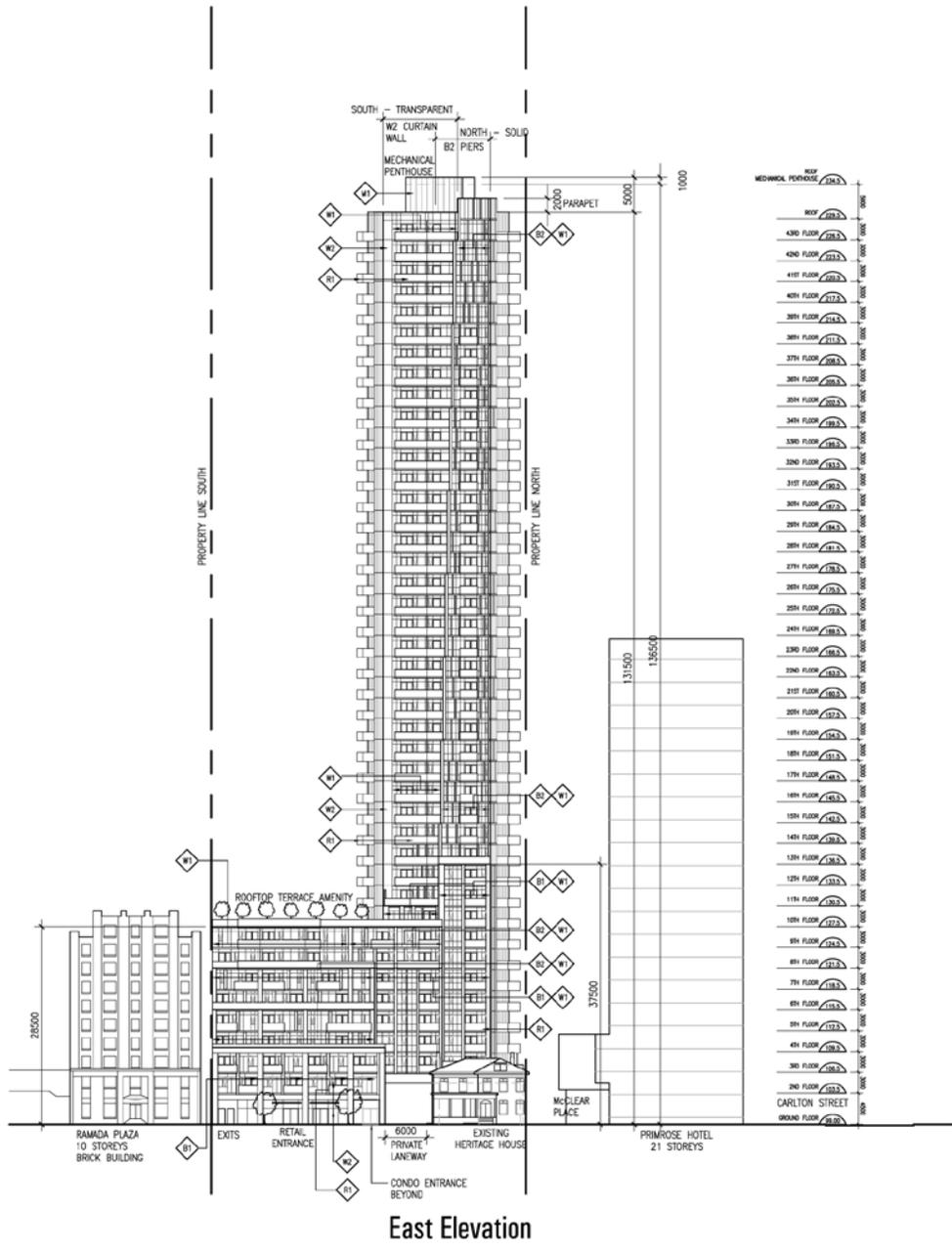
308-314 Jarvis Street and 225 Mutual Street

Applicant's Submitted Drawing

Not to Scale
08/27/2013

File # 12 110573 0Z

Attachment 3: East Elevation



East Elevation

Elevations

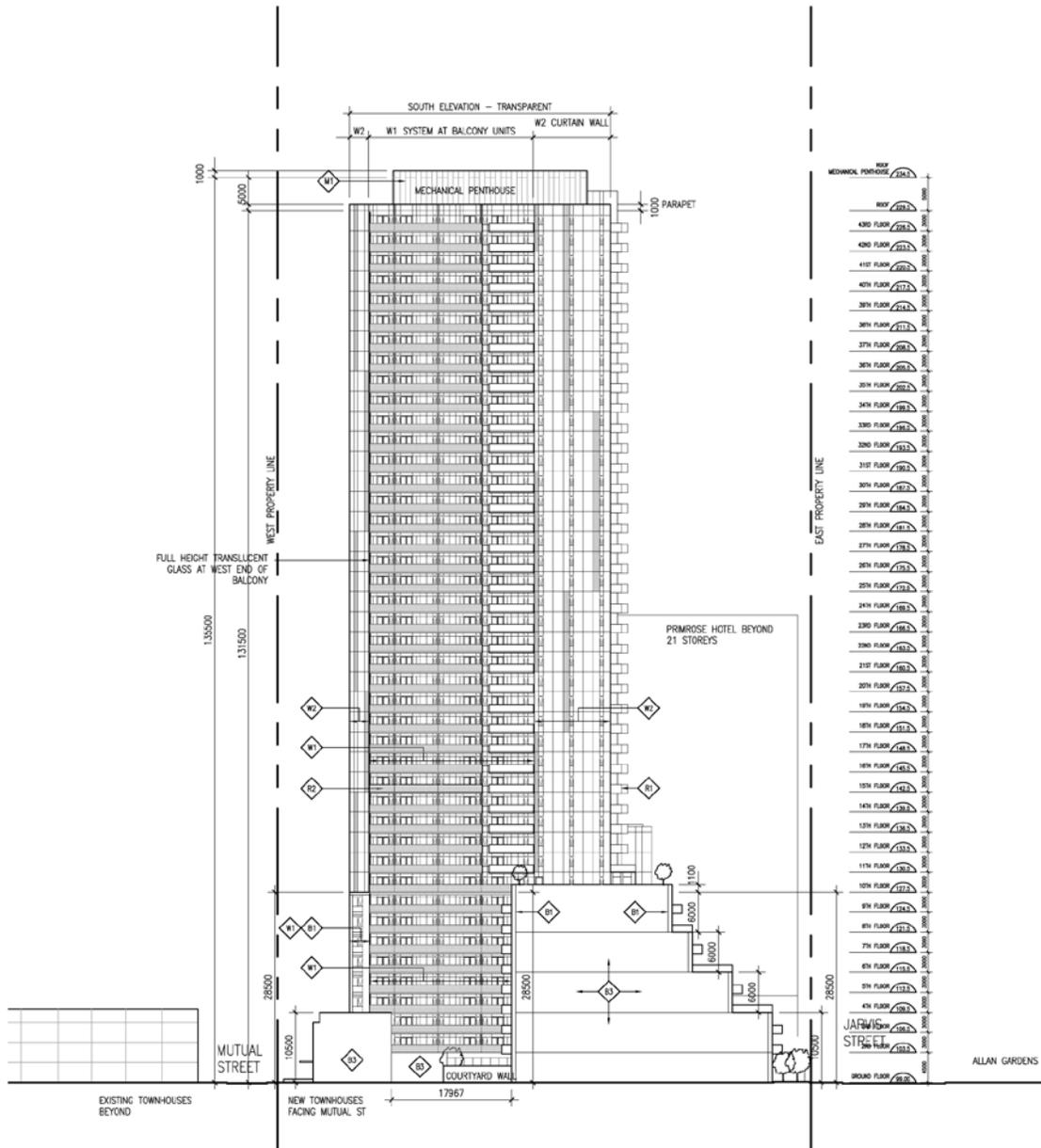
308-314 Jarvis Street and 225 Mutual Street

Applicant's Submitted Drawing

Not to Scale
06/27/2013

File # 12 110573 0Z

Attachment 4: South Elevation



South Elevation

Elevations

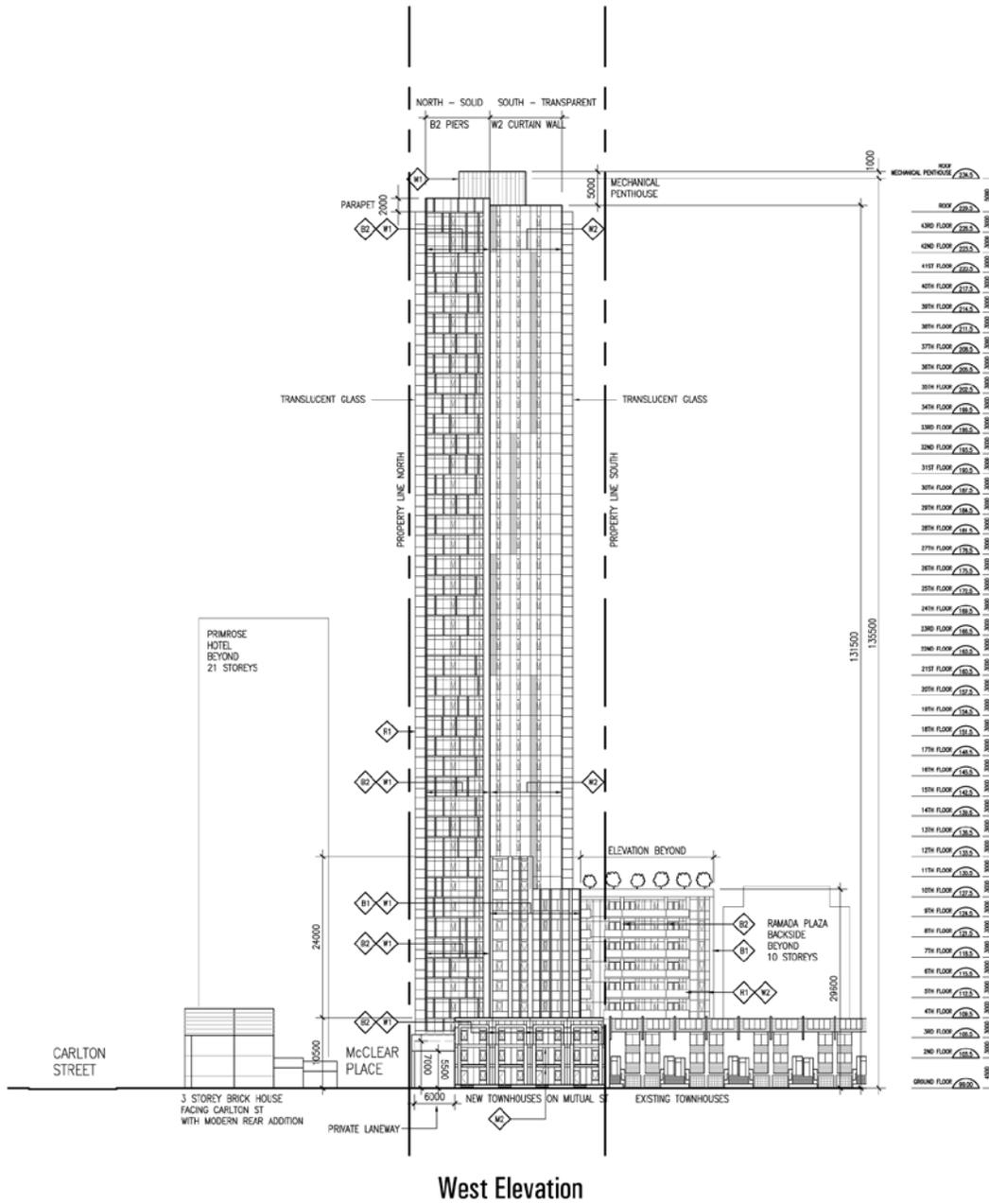
308-314 Jarvis Street and 225 Mutual Street

Applicant's Submitted Drawing

Not to Scale
06/27/2013

File # 12 110573 0Z

Attachment 5: West Elevation



Elevations

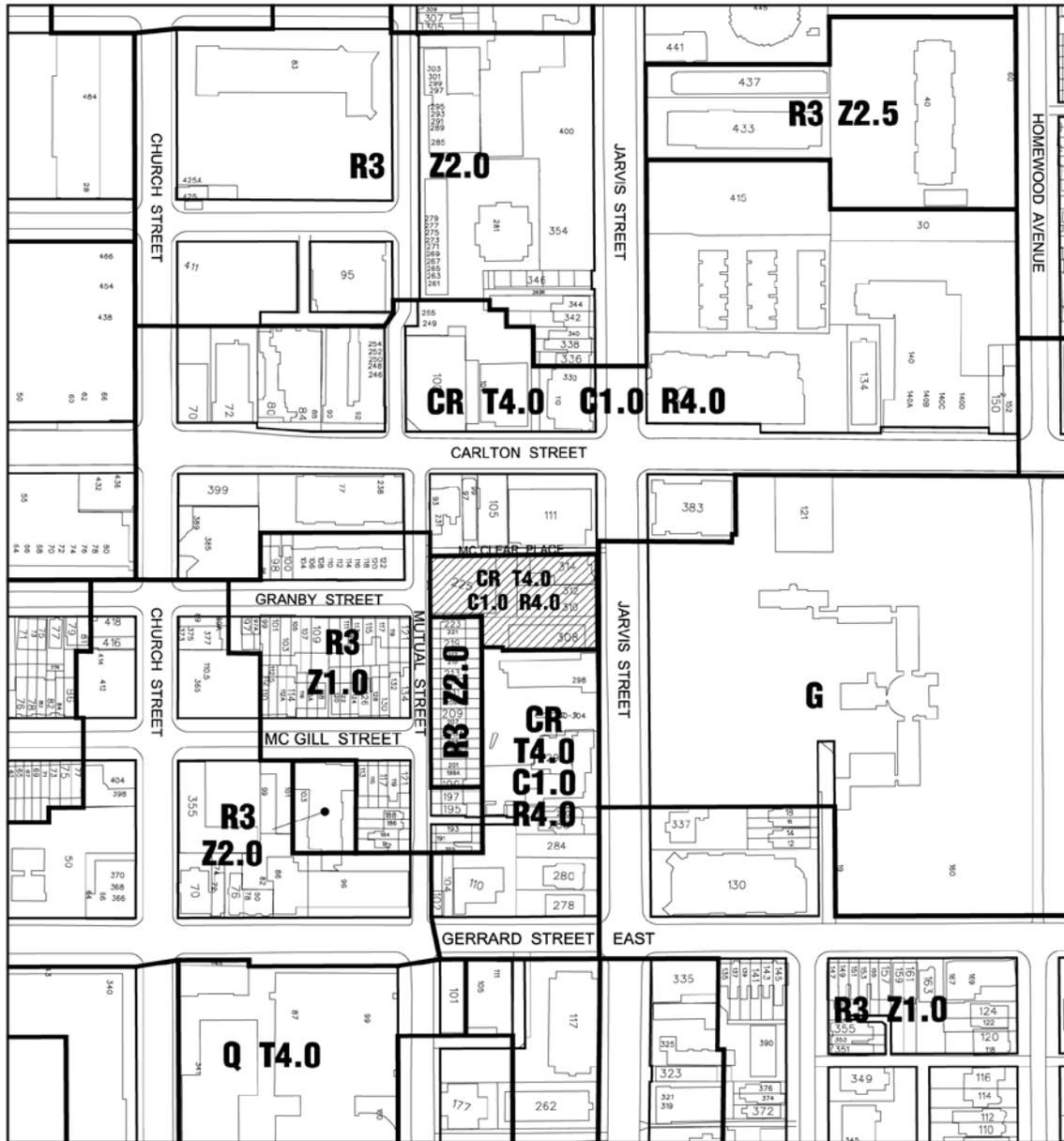
308-314 Jarvis Street and 225 Mutual Street

Applicant's Submitted Drawing

Not to Scale
06/27/2013

File # 12 110573 0Z

Attachment 6: Zoning



TORONTO City Planning
Zoning

308-314 Jarvis Street and 225 Mutual Street

File # 12 110573 0Z

- R3 Residential District
- CR Mixed-Use District
- Q Mixed-Use District
- G Parks District

↑
Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 02/23/2012

Attachment 7: Allan Gardens Revitalization Plan



Attachment 8: Application Data Sheet

Application Type Rezoning Application Number: 12 110573 STE 27 OZ
 Details Rezoning, Standard Application Date: January 23, 2012
 Municipal Address: 308-314 JARVIS STREET AND 225 MUTUAL STREET
 Location Description: CON 1 FB PARK PT LOT 6 **GRID S2712
 Project Description: Proposal to construct a 43-storey mixed-use building, inclusive of a 9-storey base building. The proposal contains 470 units, 4 of which are townhouse units fronting onto Mutual Street. Five levels of below grade parking are proposed, with the retention of the existing heritage home.

Applicant:	Agent:	Architect:	Owner:
Fraser Milner Casgrain, LLP 77 King Street West, Ste 400 Toronto-Dominion Centre Toronto, ON, M5K 0A1	Bousfields, Inc. 300 Church St., Ste 300 Toronto, ON M5E 1M2	Quadrangle Architects Ltd. 380 Wellington St. W. Toronto, ON M5V 1E3	Duration Investments Ltd. 1501 Woodbine Ave, Ste. B1-B2, Toronto, ON M4C 4H1

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision: No. 151
Zoning:	CR T4.0 C1.0 R4.0	Historical Status: Yes
Height Limit (m):	30	Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq. m):	3211	Height:	Storeys:	43
Frontage (m):	46		Metres:	135.5
Depth (m):	78.52			
Total Ground Floor Area (sq. m):	2301			Total
Total Residential GFA (sq. m):	39,095		Parking Spaces:	314
Total Non-Residential GFA (sq. m):	406		Loading Docks	1
Total GFA (sq. m):	41,778			
Lot Coverage Ratio (%):	71.7			
Floor Space Index:	13.01			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	39,095	0
Bachelor:	0	Retail GFA (sq. m):	406	0
1 Bedroom:	291 (62%)	Office GFA (sq. m):	0	0
2 Bedroom:	132 (28%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	47 (10%)	Institutional/Other GFA (sq. m):	2,277	0
Total Units:	470			

CONTACT:	PLANNER NAME:	Giulio Cescato, Planner
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	EMAIL:	gcescat@toronto.ca