

**319, 321 and 323 Jarvis Street - Zoning Amendment
Application - Preliminary Report**

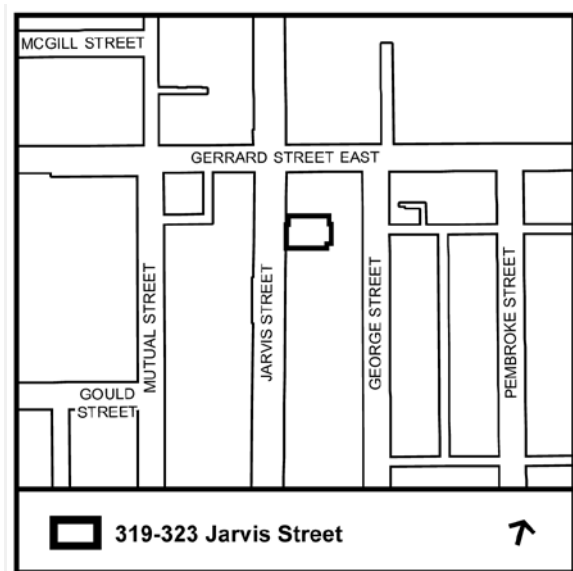
Date:	April 3, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	17 116378 STE 27 OZ

SUMMARY

This application proposes to amend the Zoning By-law for the lands at 319, 321 and 323 Jarvis Street to permit the construction of a 50-storey building (164.9 metres including mechanical penthouse) mixed use building. The development is comprised of retail uses at grade and 506 residential units above. A total gross floor area of 35, 385 square metres is proposed comprised of 35, 316 square metres residential uses and 69 square metres of retail and service space.

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

A community consultation meeting to be scheduled by staff in consultation with the Ward Councillor is intended to be held in the second quarter of 2017. A Final Report and statutory public meeting under the Planning Act to consider this application is targeted for the first quarter of 2018. This target assumes the applicant will provide all required information in a timely manner and address the issues raised in this report.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 319, 321 and 323 Jarvis Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. The applicant working with staff and the community, be requested to address the issues outlined in this report to achieve revisions to the proposal.
4. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Pre-application Consultation

A pre-application consultation was held January 9, 2017 during which time the applicant presented a 50-storey tower proposal. Staff identified serious concerns with the proposed height and the resultant shadows on Allan Gardens. Staff also identified tower setbacks as a potential issue. Despite these concerns, the application was submitted as a 50-storey tower.

ISSUE BACKGROUND

Proposal

This application proposes to amend the Zoning By-law for the lands at 319, 321 and 323 Jarvis Street to permit the construction of a 50-storey building (164.9 metres including mechanical penthouse) mixed use building. The development is comprised of retail uses at grade and 506 residential units above. A total gross floor area of 35,385 square metres is proposed comprised of 35,316 square metres residential uses and 69 square metres of retail and service space. The floor space index for the proposal is 30.9 times the area of the lands.

The proposed building would have a 3-storey base including a mezzanine on the ground floor (see Attachments 2 and 3: Elevations). The 69 square metre retail space is proposed halfway along west elevation with direct access to Jarvis Street. Located to the south of the retail unit is the residential vestibule which leads to the main lobby. Also proposed on the ground floor is a waste storage room at the rear of the building and a Type G loading space behind the retail space. A total of 1,012 square metres of indoor

amenity space and 1,012 square metres of outdoor amenity spaces are proposed on the second to fourth floor of the building (see Attachment 1: Site Plan).

Vehicular access for the development is proposed at the northwest corner of the site, leading to the Type G loading space, the staging area and the underground parking ramp. No surface parking is proposed. All proposed vehicular parking spaces would be located within a 3-level underground garage and all bicycle spaces would be located on the ground floor mezzanine. A total of 47 vehicular parking spaces and 507 bicycle parking spaces are proposed.

Site and Surrounding Area

The subject site is located on the east side of Jarvis, approximately 60 metres south of Gerrard Street East. The site is approximately 1,143 square metres and has a frontage of 29.34 metres on Jarvis Street. There is a 3-storey commercial building located at 319 and 321 Jarvis which is occupied by a hotel. On the 323 Jarvis property is a 3.5-storey mixed use building now vacant, which was previously a retail space with two rental units above. The site is generally flat with limited vegetation.

Surrounding uses:

- North:** To the immediate north of the subject site is a 3.5-storey townhouse development at 325 Jarvis Street, and 390 George Street. North of the townhouse development, at the southeast corner of Jarvis Street and Gerrard Street East is a 3-storey hotel building. At the northeast corner of Jarvis Street and Gerrard Street East is the Jarvis Street Baptist Church and the Toronto Baptist Seminary and College, a 2-storey stucco building. The church building is designated under Part IV of the Ontario Heritage Act. The seminary building is also designated under Part IV of the Ontario Heritage Act. North of the seminary buildings is the Allan Gardens Park and Conservatory which is also designated under Part IV of the Ontario Heritage Act. The park also contains other amenities including an off-leash dog area and fenced-in playground.
- South:** To the immediate south is the Ontario Court of Justice at 311 Jarvis Street, a 2-storey building which occupies a large portion of the block. South of the Court building are several heritage row houses and a 10-storey rental building beyond that.
- East:** Immediately east of the site is a 3-storey detached dwelling at 339 George Street and a two, 3-storey semi-detached dwellings at 376-374 George Street.
- West:** Immediately west of the site is Jarvis Street. On the west side of Jarvis Street is a mix of institutional and residential buildings ranging in height from 6 to 15 storeys.

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. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

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

Official Plan

The subject site is designated *Mixed Use Areas* on Map 18 - Land Use Plan. The *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. The Official Plan states 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." However, not all *Mixed Use Areas* will experience the same scale or intensity of development. The policies of *Mixed Use Areas* require new development to provide a transition between areas of different development intensity and scale.

Policy 4.5.2 of the Plan contains a number of criteria for development in *Mixed Use Areas* that refer to locating and massing new buildings to provide a transition between areas of different development intensity and scale while limiting impacts on neighbouring streets, parks, open spaces and properties. The development criteria contained in the *Mixed Use Areas* policies are also supplemented by development criteria outlined in the Built Form policies in Section 3.1.2 and 3.1.3 of the Official Plan.

Chapter 1 of the Official Plan states that the Plan must be read as a whole. Section 3.1.5 of the Official Plan also contains policies on the preservation of heritage properties. Although the buildings on the site are not designated or listed on the City's Heritage Register, the site is in close proximity to other designated properties including Allan Gardens. Policy 3.1.5.4 states that Properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and as adopted by Council. Additionally, Official Plan policies in Section 3.2.3 speaks to the need to maintaining and

enhancing Toronto's parks and open spaces and requires that effects of development from adjacent properties including shadows and wind for example be minimized to preserve the utility of the parks and open spaces.

Official Plan Amendment 82 – Downtown East Planning Study

The site is subject to Official Plan Amendment 82 – Downtown East Planning Study which was adopted by City Council March 31, 2015 and subsequently appealed to the Ontario Municipal Board. The applicants have not appealed OPA 82 as relates to the site, however they have site specific appeal to OPA 82 in relation to 175-191 Dundas Street East.

The purpose of OPA 82 is to set the framework for new growth and development in the area while protecting those areas that should continue to remain stable. Future growth in this area is expected to be sensitive to the area's character ensuring that new development further strengthens the area's distinct vibrant character. Generally, heritage resources are to be maintained and improved, public realm is to be enhanced, and additional height and density are to be located in appropriate locations to mitigate shadowing, wind impact, skyview, separation distance and helicopter flight paths.

OPA 82 identifies the development site as tall building site within the Hazelburn Character Area. The subject site is identified as Block 1 on Map 4. With a particularly wide Jarvis Street right-of-way, the Hazelburn character area is an appropriate place for Tall Buildings subject to development being sensitive to neighbouring uses and having regard to the Tall Building guidelines. OPA 82 would permit the proposal as a tall building without meeting the tower setbacks cited above, given that the surrounding properties are not identified as tall building sites.

OPA 82 Policy 3.5 also states that there be no net new shadows on Allan Gardens as measured on March 21 and September 21 from 10:00 am. to 6:00 pm. Additionally, Policy 3.6 states that no net new shadows are permitted on conservatory buildings in Allan Gardens or any significant permanent structures that exist or are planned at the time of the development application, as measured on March 21, September 21, June 21 and December 21 at all times of the day. Additionally, Policy 3.14 requires a separation distance between towers of 25 metres or greater measured from the exterior wall, excluding balconies.

TOcore: Planning Downtown

TOcore: Planning Downtown is a three-year, inter-divisional study, led by City Planning. Building on Downtown's existing planning framework, TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

The new Secondary Plan will update the Downtown planning framework to shape future growth and link growth to the provision of needed infrastructure investments to achieve

the city-building vision and policies of Toronto's Official Plan. A series of infrastructure strategies for office, transportation, parks and public realm, community services and facilities, and energy are in development as part of this review, along with a water infrastructure assessment.

City Council adopted the TOcore Proposals Report on December 15, 2016. The Proposals Report provides a vision for Downtown to 2041, five guiding principles and 128 policy directions that will inform the development of the Downtown Secondary Plan. The accompanying staff report also provides updates on the Phase 2 public consultations, population growth projections for Downtown and the status of infrastructure strategies underway that will support the implementation of the new Downtown Secondary Plan. A draft Secondary Plan will be presented to City Council in Q3 2017.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 metre in height.

The TOcore website is www.toronto.ca/tocore.

Zoning

The subject property is zoned Commercial Residential (CR T3.5, C2.0, R2.0) in Zoning By-law 438-86, as amended with a building height permission of 30 metres. The CR zone permits a wide range of uses including apartment buildings and other dwelling forms, parks, community centres, etc. and a range of commercial retail uses.

On May 9, 2013 Toronto City Council enacted City-wide Zoning By-law No. 569-2013, currently under appeal to the Ontario Municipal Board. By-law 569-2013 zones the site Commercial Residential – CR3.5 (c2.0; r2.0) SS2 (x1253) with a maximum building height permission of 30 metres. Similar to Zoning By-law 438-86, as amended, the permitted uses under the CR zone include residential, institutional and commercial retail uses.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 metre in height.

Site Plan Control

The site is subject to site plan control, however an application has not yet been submitted.

City-Wide 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 they fit within their context and minimize their local impacts. Map 2 Downtown Vision Height Map identifies this portion of Jarvis Street as being appropriate for 15 to 25-storey buildings. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

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 where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals.

Supplementary Design Guideline #2 speaks to the need to locate and design tall buildings to not cast new net shadows on "Signature Parks/Open Spaces" including the Allan Gardens between 10:00 am and 4:00 pm on September 21.

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

Tree Preservation

The application is subject to the provisions of City of Toronto By-laws which provide for the protection of trees situated on both private and City property. An Arborist Report was submitted with the Application. The report proposes the removal of 12 trees in total. Two of the trees are located on the subject site and another two are located on the property line. The remaining 8 trees are located on the adjacent property and permission from the property owner is required prior to removal. The Arborist Report has been circulated to Urban Forestry for review.

Reasons for the Application

A Zoning By-law Amendment is also required to permit the proposed development. Relief to the by-law is required to permit the proposed building height and also to develop appropriate development standards.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale
- Transportation Impact Study
- Community Services and Facilities Report
- Qualitative Pedestrian Level Wind Study
- Toronto Green Standards Checklist
- Shadow Study
- Stormwater Management Report
- Preliminary Geohydrology Assessment
- Functional Servicing Report
- Arborist Report
- Preliminary Geotechnical Report
- Housing Issues Report

A notification of Complete Application was issued on March 16, 2017, indicating that that the application was deemed complete as of February 17, 2017.

Issues to be Resolved

The application has been circulated to City Divisions and public agencies for comment.

Planning staff do not support this application in its current form as it constitutes overdevelopment of the site. Primary concern relates to the proposed height and density which does not achieve Official Plan policies. The building's height is excessive and impacts negatively on the surrounding neighbourhood, particularly Allan Gardens. While the site is identified as a tall building site in OPA 82, the OPA also emphasizes that tall buildings should be constructed in a manner that is sensitive to neighbouring uses and responds more fully to applicable planning policies.

Further review of the application and a public consultation process are recommended to assist in the determination of the nature and extent of changes to the application that would be required. Planning staff would require the resolution of the issues listed below:

- Conformity with all applicable Official Plan Policies, including in particular the *Mixed Use Areas* Development Criteria, Built Form policies, Heritage policies and *Parks and Open Space* policies;
- Conformity with OPA 82 and OPA 352 particularly with respect to shadowing on Allan Gardens and tower setbacks;
- Appropriateness of the proposed height and density of development;

- Conformity with the Tall Buildings Design Guidelines;
- Access to sunlight, views, privacy and evaluation of pedestrian level wind conditions;
- Appropriate transition to neighbouring lands including appropriate setbacks and stepbacks;
- Fit of the proposed development within its existing and planned context;
- Adequacy of existing infrastructure to support the proposed residential density;
- Adequacy of community services and facilities to accommodate the residents of the proposed development;
- Site design with respect to the relationship between vehicular access/circulation, loading, pedestrian circulation and connection to the proposed landscape areas and the public realm;
- Transportation impacts arising from the development;
- Provision of appropriate indoor and outdoor amenity space;
- Provisions for larger residential dwelling units suitable for a broader range of households, including families with children to support a full range of housing;
- Tree preservation on or adjacent to the subject property;
- Review of the TGS Checklist for compliance with the Tier 1 performance standards; and
- Impact on the Allen Gardens Park and Conservatory as discussed in the report;

Section 37

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant an increase in height and/or density for a development that is greater than the Zoning By-law would otherwise permit in return for community benefits. Should staff consider the project to be good planning and recommend it for approval, the details of an appropriate Section 37 contribution would be negotiated with the applicant during the review of the application and through consultation with the Ward Councillor.

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

Conclusion

This proposal is not supportable in its current form. The proposal does not meet the tower setbacks necessary to meet Policy 3.15 of Official Plan Amendment 82, the Tall Buildings Guidelines and Official Plan Amendment 352. OPA 82 would permit the proposal as a tall building without meeting the tower setbacks cited above, given that the surrounding properties are not identified as tall building sites. However, OPA 82 also states that any new tall buildings should not cast any new net shadows above as-of-right approvals on Allan Gardens. Staff encourages the applicant to resubmit the application with significant height reductions in order that a new proposed tall building meets the intent of the shadow policies of OPA 82. In addition, since this proposal relies on the tower separation provisions of OPA 82 and could not otherwise meet appropriate tower separation distances, OPA 82 should come into force and effect prior to any municipal approval of a tower on this site.

CONTACT

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SIGNATURE

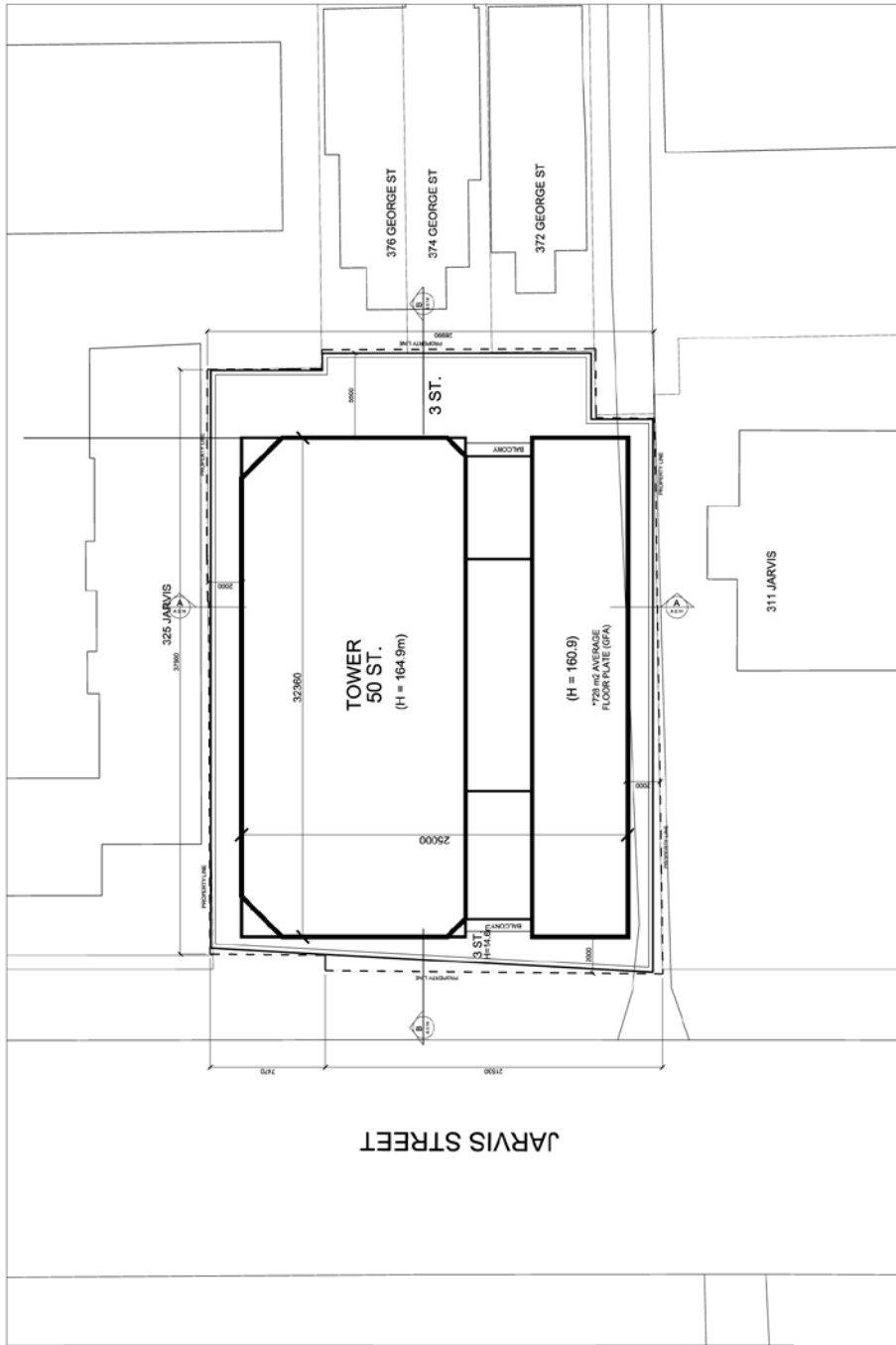
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North and Elevations
Attachment 3: West and South Elevations
Attachment 4: Official Plan
Attachment 5: Zoning
Attachment 6: Application Data Sheet

Attachment 1: Site Plan



319-323 Jarvis Street

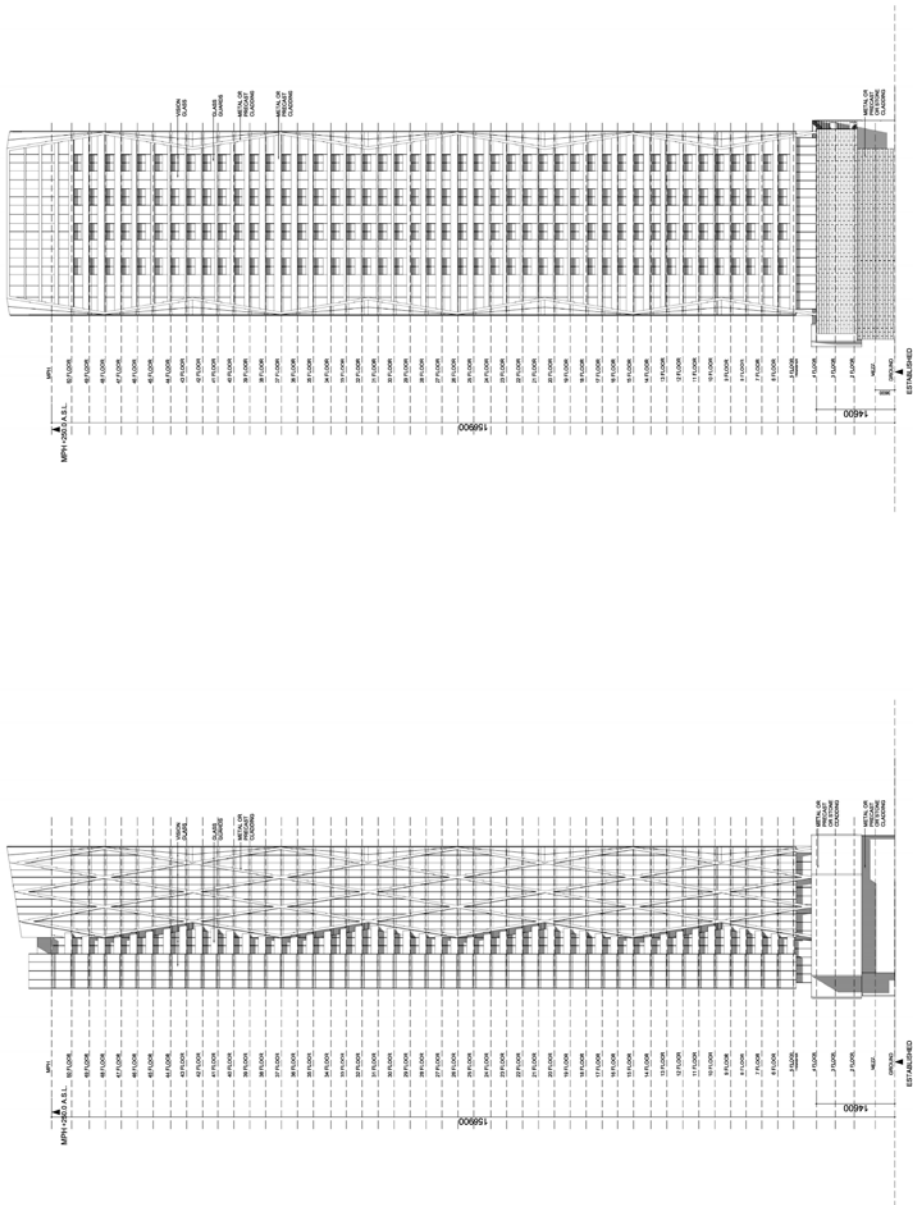
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Site Plan

Applicant's Submitted Drawing

Not to Scale
03/14/2017

Attachment 2: North and East Elevations



319-323 Jarvis Street

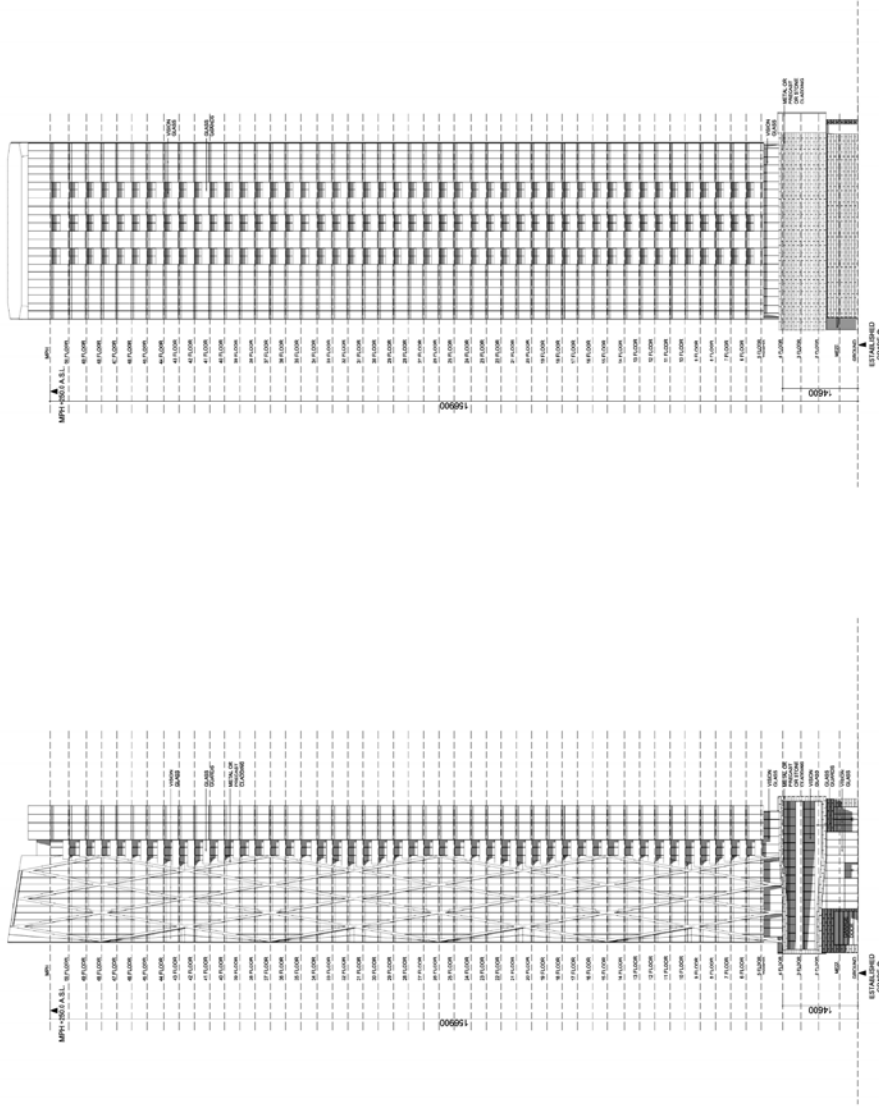
North & East Elevations

Applicant's Submitted Drawing

Not to Scale
03/14/2017

File # 17 116378 STE 02

Attachment 3: South and West Elevations



319-323 Jarvis Street

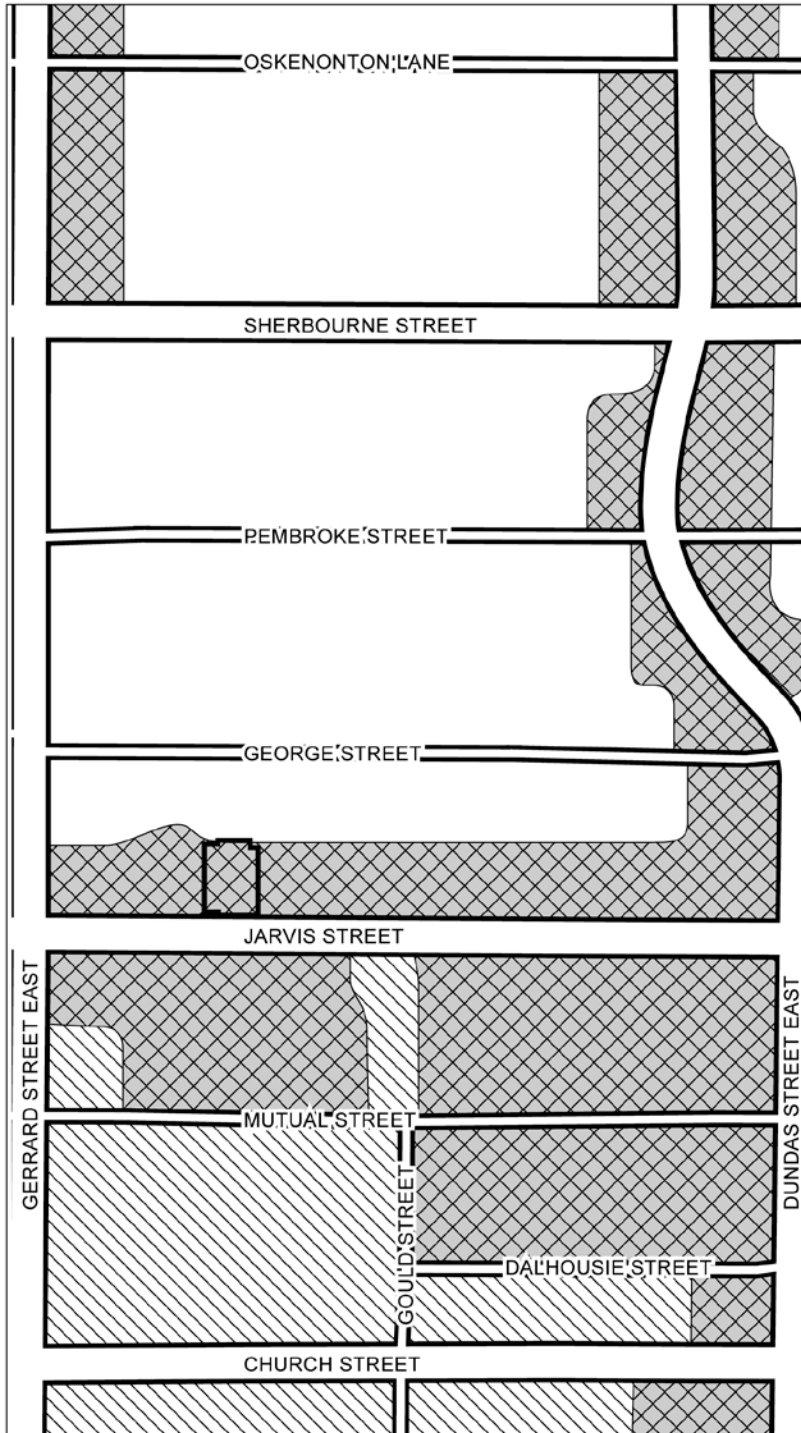
South & West Elevations

Applicant's Submitted Drawing

Not to Scale
03/14/2017

File # 17 116378 STE 02

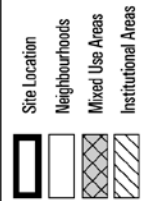
Attachment 4: Official Plan



319-323 Jarvis Street

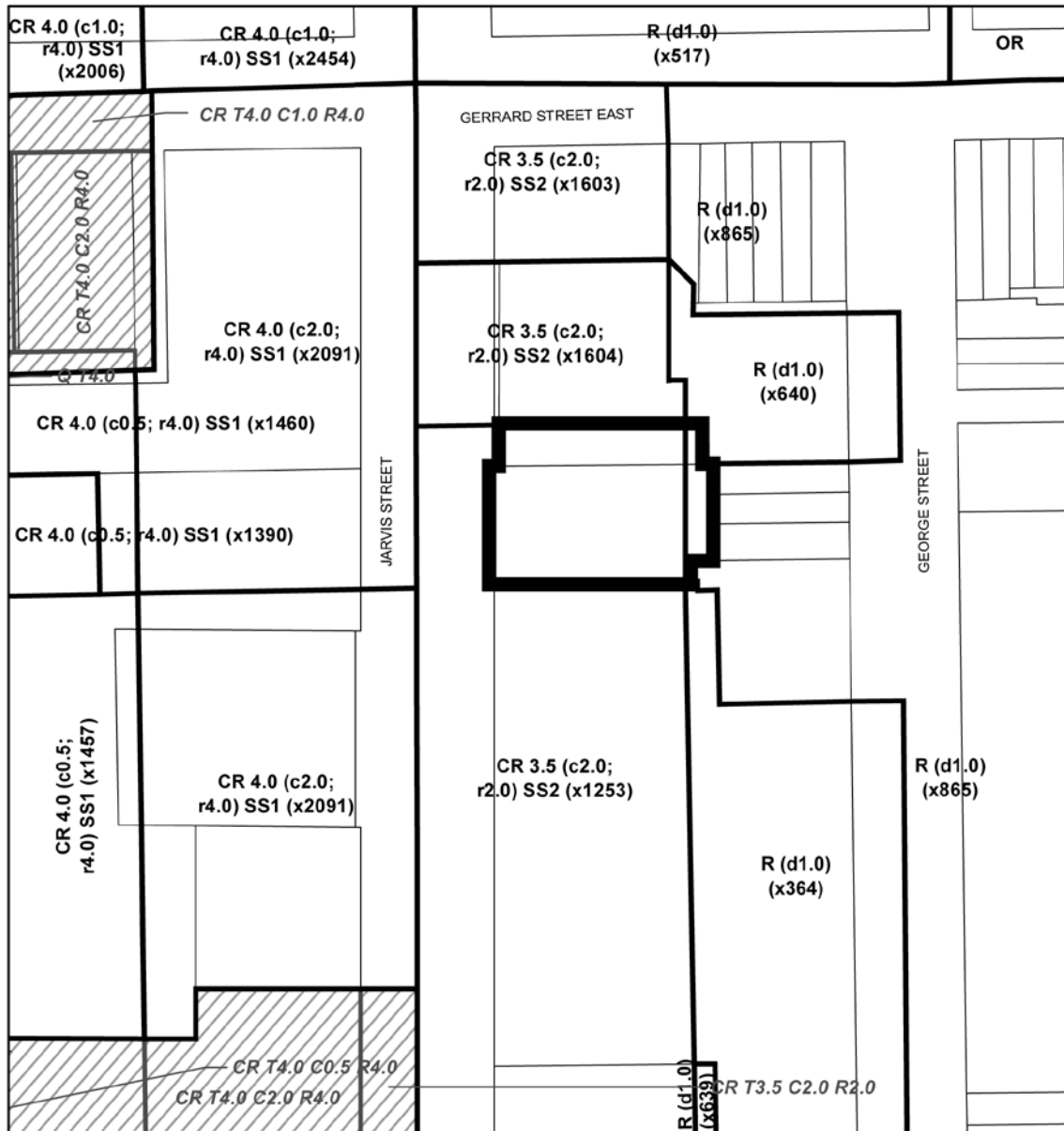
Toronto
Extract from Official Plan

File # 17 116378 STE 27



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Attachment 5: Zoning



Zoning By-Law No. 569-2013

319-323 Jarvis Street

File # 17 116378 STE 27 OZ

- Location of Application
- R** Residential **CR** Commercial Residential
- OR** Open Space Recreation

- See Former City of Toronto By-Law No. 438-86
- CR** Mixed-Use District
- Q** Mixed-Use District

Not to Scale
 Extracted: 03/14/2017

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	17 116378 STE 27 OZ
Details	Rezoning, Standard	Application Date:	February 13, 2017
Municipal Address:	319 JARVIS ST		
Location Description:	PLAN D278 PCL A PT RP63R1664 PARTS 1 2 6 **GRID S2712		
Project Description:	Application to amend the Zoning By-law to permit redevelopment of the lands known municipally as 319, 321, and 323 Jarvis Street for a 50-storey mixed-use building with retail uses at grade: 506 dwelling units, 69 sq. m. retail, 35,316 sq. m of RGFA.		

Applicant:	Agent:	Architect:	Owner:
GOODMANS LLP			OCEAN PARK HOTELS INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SS2 (x1253)
Zoning:	CR 3.5 (c 2.0; r2.0)	Historical Status:	
Height Limit (m):	30	Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	1143	Height:	Storeys:	50	
Frontage (m):	29.34		Metres:	156.9	
Depth (m):	40.53				
Total Ground Floor Area (sq. m):	1031				Total
Total Residential GFA (sq. m):	35247		Parking Spaces:	47	
Total Non-Residential GFA (sq. m):	69		Loading Docks	1	
Total GFA (sq. m):	35316				
Lot Coverage Ratio (%):	90.2				
Floor Space Index:	30.9				

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	322
2 Bedroom:	133
3 + Bedroom:	51
Total Units:	506

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	35247	0	0
Retail GFA (sq. m):	69	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT:	PLANNER NAME:	Derek Waltho, Senior Planner
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