

202 Jarvis Street and 160-166 Dundas Street East – Official Plan Amendment and Zoning Amendment Applications – Final Report

Date: November 16, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward 13 - Toronto Centre

Planning Application Number: *18 271373 STE 13 OZ*

SUMMARY

This application proposes to amend the Zoning By-law to permit a 44-storey institutional building (Ryerson University). The development would include 36,784 square metres of institutional space (predominantly classrooms and ancillary laboratories), a student residence including 589 units (dorms), 181 square metres of retail space and a public square in the form of a privately owned public accessible space (POPS) with a total gross floor area of 57,525 square metres at 202 Jarvis and 160-166 Dundas Street East. The proposed building would have a height of 173.7 metres including the mechanical penthouse. The proposal includes one below grade level for loading, bicycle parking and mechanical rooms.

The Official Plan Amendment (OPA) proposes to amend provisions in Official Plan Amendment 82 (OPA 82) to permit the proposed public square to be located on the south-west portion of the site (instead of the south-east). Additionally, the OPA would permit the proposed massing and setbacks whereas OPA 82 defines towers and has provisions related to the massing and setbacks for towers and podiums.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and conforms to the City's Official Plan.

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law. The proposed development is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the provision of a mixed use Institutional development including classroom space, a student residence as well as a

POPS and retail space. Staff worked with the applicant and the community to address and resolve massing issues as well as an appropriate size and location for the proposed POPS.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 202 Jarvis and 160-166 Dundas Street East substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 5 to this report. Before introducing the necessary Bills to Council for enactment, the draft Official Plan Amendment shall be in a form satisfactory to the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Building Official and Executive Director, Toronto Buildings.
2. City Council amend Zoning By-law 438-86 for the lands at 202 Jarvis and 160-166 Dundas Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report. Before introducing the necessary Bills to Council for enactment, the draft Zoning By-law shall be in a form satisfactory to Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Building Official and Executive Director, Toronto Building.
3. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 202 Jarvis and 160-166 Dundas Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report. Before introducing the necessary Bills to Council for enactment, the draft Zoning By-law shall be in a form satisfactory to Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Building Official and Executive Director, Toronto Building.
4. Before introducing the necessary Bills to Council for enactment, City Council direct that the owner be required to enter into an Agreement pursuant to Section 37 of the Planning Act, and any other necessary agreements, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, with such Agreement to be registered on title to the lands at 202 Jarvis and 160-166 Dundas Street East in a manner satisfactory to the City Solicitor.
5. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support the development of the site:
 - i. Prior to the issuance of the first building permit on the site, the owner shall provide confirmation from the Hospital for Sick Children, or their representative, that any temporary (including construction cranes or related construction machinery) and permanent structures are below or outside the protected flight path to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;

ii. Provide a revised Functional Servicing and Stormwater Management Report to demonstrate whether the existing municipal infrastructure is adequate to service the proposed development and to determine whether any upgrades may be required to the existing infrastructure to support the proposed development, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

iii. Secure the design and provision of financial securities for any improvements to the municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development;

iv. The owner shall construct and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an area of not less than 425 square metres at grade for use by the general public as privately owned publicly accessible space, (POPS) in the southwest corner of the site in a location generally identified in the Official Plan Amendment, with the location, configuration, use and design of the POPS to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor and secured in a site plan agreement with the City;

v. Prior to the earlier of any non-residential or residential use or occupancy on the site, the owner shall have completed construction of the POP'S referred to in iv. above and shall prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement in perpetuity in favour of the City over the privately-owned publicly accessible space (POPS), including rights of support as applicable, on such terms and conditions as are set out in the section 37 agreement, including provision for insurance and indemnification associated with public access easements; and

vi. That the owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate.

6. Prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the General Manager of Transportation Services, the Chief Building Official, in consultation with the Ward Councillor and the local community, and thereafter shall implement the plan during the course of construction. The Construction Management Plan must include, but is not

limited to, the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

Pre-application meetings were held on April 6, 2018 and May 28, 2018. The current application was submitted on December 21, 2018 and deemed complete as of January 21, 2019. A Preliminary Report on the applications was adopted by Toronto and East York Community Council on March 19, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area. Key issues identified at that time were: height and massing including the podium; location for the proposed POPS; tower floor plate size; shadowing and wind impacts; heritage adjacency issues and archaeological impacts; impacts to the right-of-way at the rear of 152 and 154 Dundas Street East; appropriate amenity space; and conformity with the flight path by-law.

The application that was initially submitted proposed a 40-storey (156 metres including the mechanical penthouse) institutional building (Ryerson University). The building would contain 31,468 square metres of institutional space and 575 square metres of retail space on the first 13 storeys and a 464 unit student residence above. A POPS would be provided on the south-west and west sides of the building. Loading would be provided in one below-grade level.

The Preliminary Report can be viewed here:

<https://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-130267.pdf>

Community consultation is summarized in the Comments section of this Report.

PROPOSAL

The applicant's revised proposal consists of a 44-storey (164.7 m excluding mechanical; 173.7 m including mechanical) institutional building. The development would be massed

in a tower podium form. The development would include institutional space (predominantly classrooms and ancillary laboratories) in the podium, a student residence in the tower, retail and common areas on the ground floor and a 425 m² public square (POPS) in the southwest corner of the site and contiguous open space on the west side of the site. The tower, would be located on the south-east portion of the site and would be stepped back from the podium edge. The 13-storey podium has stepbacks at the fourth, fifth and seventh levels. The proposed gross floor area would be 57,525 m² which equates to a Floor Space Index of 10.6 times the area of the lot under Zoning By-law 569-2013.

The ground floor would include the public (retail space) and semi-public uses (Learning Gallery) as well as the residence lobby and some classroom and bicycle parking. Additional bicycle parking spaces would be below grade as well as a loading area to service both the general campus and this specific building.

Other details of the proposal are shown in Table 1 below and in Attachment 1 and 8-13:

Table 1 – Summary of Application

Category	Proposed
Tower setbacks	
West to midpoint of Mutual	41 m
East to midpoint of Jarvis	19 m
North to property line	51 m
South to midpoint of Dundas	15 m
13-storey base setback to property line	
West	10 m (at its narrowest point*)
East	6 m
North	6 m
South	5 m
Pedestrian realm (building face to curb)	
Mutual Street	8 to 12 m
Dundas Street	6 m
Jarvis Street	6 to 8 m
Tower floorplate GCA (approximate)	770 m ²
Ground floor height	6.0 m
Vehicular parking	3
Bicycle parking	
Short Term	62
Long Term	221
Loading spaces	
Type B	3
Type C	3
Amenity space for on-site student residents (as distinct from general student body)	
Indoor	2960 m ²

Outdoor	none
Unit Mix	
One bedroom dorms	588
Two bedroom dorms	1
Total	589

* the west property line is not a straight property line as it goes around the adjacent 152-160 Dundas property which is not part of this application.

Site and Surrounding Area

The site is a corner lot with 81 m of frontage on Jarvis Street, 47.65 m on Mutual Street and 56.57 m on Dundas Street. The lot area is 5420 m². The site is presently vacant but is being used as an at-grade parking lot. On the west side of the site there is a right-of-way which is presently being used by 152-154 Dundas Street as a private driveway.

The surrounding uses are as follows:

North: 9-storey Ontario Government office building with frontage on both Jarvis and Mutual Streets.

South: 42-storey mixed use building (Pace Condos).

South-east: 50-storey mixed use building (Grid Condos).

South-west (on the same block): 3-storey mixed use building with a right-of-way access, for driveway purposes, located at 202 Jarvis (the subject site).

West: 12-storey mixed use building (Merchandise Building).

East: 50-storey mixed use building (Dundas Square Gardens).

Reasons for Application

The proposal requires an amendment to the Official Plan to permit the public square to be located on the south-west side of the site and to permit the proposed massing. The proposed massing being an institutional development adjacent to an existing office tower. The proposal also requires an amendment to the Zoning By-law for an increase in density and height along with changes required to setbacks, parking and amenity space provisions among other provisions.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted with the application:

- Arborist Report & Tree Protection Plan
- Archaeological Assessment
- Community Services & Facilities Study
- Draft Official Plan and Zoning By-law amendments
- Energy Strategy Modelling Report
- Geoenvironmental Investigation
- Hydrogeological Site Assessment
- Heritage Impact Assessment
- Noise and Vibration Feasibility Study
- Pedestrian Wind Study
- Planning Rationale & Urban Design Analysis
- Public Consultation Strategy
- Functional Servicing and Stormwater Management Report
- Shadow Study
- Toronto Green Standard Checklist
- Urban Transportation Considerations

These reports/studies can be viewed through the Application Information Centre (AIC) here: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Official Plan amendments and Zoning By-law standards.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; the adequate provision and distribution of educational, health, social, cultural and recreational facilities; the resolution of planning conflicts involving public and private interests; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient supply and provision of housing options to meet changing needs including affordable housing;
- ensuring opportunities for employment opportunities and job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs;
- conservation of significant built heritage resources;
- provision of public service facilities to serve the needs of new and existing residents in the area; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning.

The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans, or shall not conflict with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans, or shall not conflict with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan amends and replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. Since the Growth Plan (2020) has come into effect on August 28, 2020, all planning decisions are required to conform with it, on or after that date.. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan and Official Plan Amendments 82, 352, 406, 479 and 480 as follows:

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Chapter 2 – Shaping the City

Policy 2.2.1 Downtown: The Heart of Toronto

Policy 2.2.1 outlines the policies for development within the Downtown. The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. Although much of the growth is expected to occur in the Downtown, not all of the Downtown is considered a growth area. The 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."

Policy 2.2.1.3 c) and d) refers to the quality of the Downtown will be improved by enhancing existing parks and strengthening the range and quality of the social, health and community services located Downtown.

Policy 2.2.1.4 states that a full range of housing opportunities will be encouraged through residential intensification in the *Mixed Use Areas* of Downtown.

Chapter 3 – Building a Successful City

Policy 3.1.1 The Public Realm

Policy 3.1.1 provides direction to the importance of the public realm including streets, sidewalks, boulevards, open space areas, parks, and public buildings.

Policy 3.1.1.2 states that the public realm will provide the organizing framework and setting for development and foster complete, well-connected walkable communities and employment areas.

Policy 3.1.2 Built Form

Policy 3.1.2.1 states that development will be located and organized to fit within its existing and planned context.

Policy 3.1.2.4 requires new development to locate and organize vehicle parking, vehicular access and ramps, loading, servicing, storage areas and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding properties.

Policy 3.1.2.5 requires development be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm.

Policy 3.1.2.6 requires new development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm.

Policy 3.1.2.11 refers to new indoor and outdoor shared amenity spaces provided as part of multi-unit residential developments are encouraged to be high quality, well designed, and consider the needs of residents of all ages and abilities over time and throughout the year.

Policy 3.1.2.12 refers to non-residential development being encouraged to provide high-quality and well designed indoor and outdoor amenity space.

Policy 3.1.2.13 states that outdoor amenity spaces should be located at or above grade, have access to daylight, have access to direct sunlight, provide comfortable wind, shadow and noise conditions, be located away from and physically separated from loading and servicing areas, accommodate existing mature tree growth and propose uses in all seasons.

Policy 3.1.3 Built Form – Building Types

Policy 3.1.3.1 states a mix of building types is encouraged on sites that can accommodate more than one building.

Policy 3.1.3.4 Mid-rise buildings will be designed to a) have heights generally no greater than the width of the right-of-way that it fronts onto.

Policy 3.1.3.7 tall buildings are generally greater in height than the width of the adjacent right-of-way.

Policy 3.1.3.9 the base portion of tall buildings should a) respect and reinforce good street proportion and pedestrian scale and b) be lined with active, grade-related uses.

Policy 3.1.3.10 the tower portion of a tall building should be designed to a) reduce the physical and visual impacts of the tower onto the public realm; b) limit shadow impacts on the public realm and surrounding properties; c) maximize access to sunlight and open views of the sky from the public realm; d) limit and mitigate pedestrian level wind impacts; and e) provide access to daylight and protect privacy in interior spaces within the tower.

Policy 3.2.1 Housing

Policy 3.2.1 provides policy direction with respect to housing. Policy 3.2.1.1 states a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: social housing, shared and/or congregate-living housing arrangements.

Policy 3.2.3 Parks and Open Spaces

Policy 3.2.3 refers to the system of parks and open spaces. Policy 3.2.3.3 states the effects of development from adjacent properties, including additional shadows, will be minimized as necessary to preserve their utility.

Chapter 4 – Land Use Designations

Policy 4.5 Mixed Use Areas

The subject lands are designated *Mixed Use Areas* on Map 18 of 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. (Refer to Attachment 3)

Policy 4.5.2 c) states development within *Mixed Use Areas* will locate and mass new buildings to provide a transition between areas of different intensity and scale through means such as setbacks and/or stepping down of heights.

Policy 4.5.2 e) states development will 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.

Policy 4.5.2 j) refers to locate and screen service areas, ramps, and garbage storage to minimize the impact.

Policy 4.5.2 k) also refers to development that will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Policy 4.8 Institutional Areas

Policy 4.8.4 states that buildings will be sited and massed to protect the continued use of flight paths to hospital heliports. The applicable helicopter flight path is the Sick Children's Hospital helicopter flight path.

Chapter 5 – Implementation

Policy 5.1.1 Height and/or Density Incentives

This policy refers to Section 37 of the Planning Act and establishes the provisions under which Section 37 may be used.

Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making and in Policy 5.6.1.1 that policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation.

Official Plan Amendment 82 - Garden District Site and Area Specific Policy 461

This site is within and subject to Official Plan Amendment 82 (OPA 82). 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. Key objectives include 2.1 which references the provision of a full range of housing in terms of form, tenure and affordability and 2.5 which states that height and density of development will be encouraged at appropriate locations taking into account massing to protect the public realm taking into consideration shadowing, skyview and separation distances.

Policy 3.2 identifies tall building sites. Block 3 within the Hazelburn Character Area is identified as a Tall Building site appropriate for 1 tower, this site is within Block 3. Any base building will be setback a minimum 15 metres to create a public square at the

north west corner of Jarvis Street and Dundas Street. The square will have a minimum area of 225 square metres.

Policy 3.3 and 3.4 refer to no net new shadows of Allan Gardens and the related conservatory buildings at specified times of the year.

Policy 3.6 refers to no net new shadows on the playground of Ecole Gabriele Roy at specified times of the year.

Policy 3.9 refers to tall buildings will develop with a Tower-Base typology which is further defined through Policy 3.10 and 3.11.

Policy 3.12 states that a 25 m separation distance between towers shall be provided.

Table 4.1 Hazelburn Character Area iii states that corner of Dundas and Jarvis is an important gateway to the Downtown East and that framing these corners with tall buildings is appropriate.

The Garden District Site and Area Specific Policy can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Official Plan Amendment 352 – Downtown Tall Building Setback Area

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 metres in height.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

Official Plan Amendment 406 - The Downtown Plan

Official Plan Amendment 406 (the Downtown Plan) was adopted by City Council May 22, 2018 and approved by the Ministry on June 5, 2019. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Secondary Plan. It applies to all applications deemed complete after June 5, 2019. This application was deemed complete prior to June 5, 2019 and as such the plan does not currently apply to this application. However, the policies in the plan are informative as to the future direction.

The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities –

provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

The Downtown Plan can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

Zoning

The site is zoned CR T4.0 C2.0 R 4.0 for the portion of the property fronting Jarvis and Dundas and CR T4.0 C0.5 R4.0 for the portion of the property fronting Mutual Street under Zoning By-law 438-86.

Under Zoning By-law 569-2013, the site has four separate zoning designations. The relevant designations are: CR 4.0 (c0.5; r4.0) SS1 (x1195); CR 4.0 (c2.0; r4.0) SS1 (x1884); CR 4.0 (c2.0; r4.0) SS1 (x1729); and CR 4.0 (c2.0; r4.0) SS1 (x2092). Both By-laws refer to a maximum density of 4.0 times the area of the lot and maximum heights of 30 metres.

The site is also subject to certain permission and exceptions, including: permissions for a combined retail, manufacturing and warehouse use; a maximum of two driveways being permitted onto Jarvis Street; prohibitions on parking uses; restrictions on non-residential GFA and requirement to adhere to the Hospital for Sick Children's helicopter flight path.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Airport Zoning Regulation - Hospital for Sick Children Helicopter Flight Path

City Council at its meeting of December 5, 2017 adopted an airport zoning regulation for the hospital helicopter flight paths, By-law 1432-2017, which is in full force and effect. In order to comply with the helicopter flight path and the related Official Plan Policy 4.8.4 and OPA 406 Policy 9.29 any development including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities has to be below or outside the protected flight path. The development site is below the Hospital for Sick Children's flight path.

The by-law can be found here: <https://www.toronto.ca/legdocs/bylaws/2017/law1432.pdf>

Design Guidelines

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the City-Wide Tall Building Design Guidelines and the Downtown Tall Buildings: Vision and Supplementary Design Guidelines.

City-Wide Tall Building Design Guidelines

City Council in 2013 adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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. The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This application is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings.

Map 1 from the Downtown Tall Building Guidelines identifies both Dundas and Jarvis streets as High Streets with heights anticipated from 15 to 25 stories (47 m – 77 m) on the Jarvis frontage and 20 to 35 stories (62 m – 107 m) on the Dundas frontage. Mutual Street is identified as a Secondary High Street without any apparent assigned heights. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

Site Plan Control

The subject site and proposed development are subject to site plan control. An application has not yet been submitted.

Community Consultation

A community consultation meeting was held on June 4, 2019 which was attended by approximately 24 members of the public. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed 40-storey Ryerson building. Following the presentations, City staff led a round table format meeting. Specific comments related to the zoning amendment component of the development were:

Land Use

- Opportunity to provide for seniors facilities and to integrate seniors with students
- Should consider provision of affordable (social) housing
- Need to provide facilities for the larger community including vulnerable population
- Enquiry as to how residence will be used in summer, who will maintain POPS
- Support for cafe/retail use

Urban Design/Architecture

- Should recognize cultural history of the site (Warwick hotel)
- Positive comments about design excellence, public realm improvements and pedestrian connectivity and green roof
- Conflicting comments about locating tower either away from or at the south-east corner.
- Enquiry over the interface with adjacent heritage buildings
- Concerns with building emissions including noise, particularly from science labs
- As part of the Garden District, provide more plantings

Transportation

- Questions about minimum required parking, waste collection, transit impacts, cycling infrastructure
- Concerns with how to accommodate students move-in/move-out
- Safety concerns with 'laneway' on north side of site and on proposed POPS

Concerns related to seniors, social housing and a general desire for the university to broaden its proposal, have not been addressed as part of this application. However, the proposed retail use has been retained in part to provide a public use along Dundas and Jarvis streets and to help animate the street edge. The proposed massing and urban design has been modified to help promote pedestrian porosity through the site and address adjacency and public realm issues. Traffic impacts have been addressed to the satisfaction of Transportation Services. These issues are addressed in the Comments section of this report.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS and the Growth Plan (2020). Provincial plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any of the policies of the Plans.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The key PPS policies applicable to this development include:

- Policy 1.1.1 b) refers to healthy communities accommodating an appropriate affordable and market-based range and mix of residential uses,
- Policy 1.1.3.3 which states planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development accommodating a significant supply and range of housing options through intensification and redevelopment,
- Policy 1.1.3.4 which refers to appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety,
- Policy 1.4.3 references an appropriate range and mix of housing options and densities and in a) establishing minimum targets for affordable to low and moderate income households and in b) permitting and facilitating all housing options and in f) establishing development standards for residential intensification,
- Policy 1.7.1 e) which refers to 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 landscapes,
- Policy 1.6 which refers to the provision of public service facilities, and
- Policy 2.6.3 which prohibits 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.

The PPS refers to permitting and facilitating all housing options which this development provides as a student residence in an institutional development. OPA 82 identifies this site as appropriate for intensification and specifically tower development. Policy 4.6 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS and as such the proposals adherence to Official Plan policies is key. The proposed development represents intensification in a designated Growth Area, being the Downtown as identified in the City of Toronto Official Plan.

The consistency with the PPS relates to the provision of healthy communities with the proposed Institutional development including a mix of teaching facilities, student residence, open space and retail space. Additionally, the proposed massing incorporates appropriate development standards as described and assessed later in this report. As such, in the opinion of City Planning, the proposed development, Official Plan Amendment and Zoning By-law Amendments is consistent with the PPS.

Growth Plan

The key Growth Plan policies applicable to this development are:

- Policy 1.2.1 which refers to the achievement of complete communities, the efficient use of land, a range and mix of housing options,
- Policy 2.2.1.4 a) refers to the achievement of complete communities that feature a diverse mix of land uses and in c) a diverse range and mix of housing options,
- Policy 2.2.1.4 e) which ensures the development of high quality compact built form and a vibrant public realm including public open spaces, and
- Policy 2.2.2.3 b) which refers to an appropriate type and scale of development and transition of built form to adjacent areas and 2.2.2.3 f) which refers to implementation through official plan policies and designations and other supporting documents.

In implementing these policies, Growth Plan Policy 5.2.5.6 states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. As such, the City's Official Plan and design guidelines have direct relevance for assessing Growth Plan conformity.

As with the PPS, the development site is located in an Urban Growth Centre which is identified as an intensification area. Intensification on the subject site is appropriate as identified through OPA 82 which plans the site for tower development.

As further discussed below, the proposed development provides for the achievement of complete communities through the addition of institutional space including a mix of teaching facilities, student residence, open space and retail space. The proposal is in the form of a complete community which is in a compact form and represents an appropriate type and scale of development. Additionally, the developments massing provides for a compact built form and a public realm including public open spaces. In the opinion of City Planning, the proposed development, Official Plan Amendment and Zoning By-law Amendments conforms to the Growth Plan (2020).

The review of the proposed built form in relation to applicable Official Plan policies and relevant guidelines and their link in assessing PPS consistency and Growth Plan conformity is further examined below.

Conformity with Growth Targets and Density Targets

The most recent Official Plan update was undertaken when the City's Official Plan was approved by the Ontario Municipal Board in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

The site is within the Urban Growth Centre of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2041. Additional density targets are provided for the various urban growth centres in the City at a rate of 400 people/jobs per hectare to help achieve this overall population. The City is presently on track to meet these overall 2041 Growth Plan forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

The density of the Downtown Toronto Urban Growth Centre area in 2016 is 354 people and jobs per hectare, based on the 2016 Census population and the 2016 Toronto Employment Survey results. From 2011 to 2016, the population increased by 41,668 people. Employment increased by 69,280 jobs over the same period. The increase in density as a result of this growth is an additional 52 people and jobs per hectare over the 2011-2016 period. This demonstrates the population growth and growth in density of the Urban Growth Centre.

Table 1: Downtown Toronto Urban Growth Centre

Year	Census Population	TES Employment	Area (hectares)	Density (people & jobs)
2011	205,888	441,920	2,143	302
2016	247,556	511,200	2,143	354
2011-2016	41,668	69,280	2,143	52

Sources: 2011 and 2016 Census, Statistics Canada, 2011 and 2016 Toronto Employment Survey, City of Toronto

In the Downtown Toronto Urban Growth Centre area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet built (see Profile Toronto: How Does the City Grow? April 2017). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto Urban Growth Centre over the near term from 2016 as occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum Urban Growth Centre density target of the Growth Plan for the Greater Golden Horseshoe (2020). In addition, there would remain an additional ten years for additional approved development to occur.

The proposed development is not required for the City to meet the density target of 400 people and jobs/hectare in the Downtown Urban Growth Centre. The density target is to

be measured across the whole of the Downtown Urban Growth Centre (Policy 5.2.5.4 of Growth Plan).

Land Use

The site is designated *Mixed Use Areas* in the City of Toronto Official Plan. Policy 4.5.1 of the Official Plan states that *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The text of Section 4.5 of the Official Plan clarifies that not all *Mixed Use Areas* will experience the same scale or intensity of development.

In OPA 406 (not applicable to this proposal) the site is designated *Mixed Use Areas 1 – Growth*. Policy 6.23 and 6.24 states that height, scale and massing will be dependent on site characteristics and that development will be encouraged to provide a significant proportion of non-residential uses.

The proposed land use is institutional (Ryerson University) with ancillary retail space and a POPS. These land uses conform with the in-force *Mixed Use Area* policy for permitted land uses. Although the proposed land use would be permitted, the built form must respond to the planned and built form context and minimizes impacts. The built form is reviewed and assessed in the following sections.

Built Form

The proposed built form has been reviewed against the Official Plan, including OPA 82, OPA 406 (not applicable for this proposal) and OPA 352 (under appeal) as well as relevant design guidelines described in the Issue Background Section of the Report.

The proposed tower has been assessed in terms of the context and tower separation distances, tower massing and setbacks, tower height and issues related to shadowing and the helicopter flight path. The podium is separately assessed in terms of form and heritage adjacency.

Tower - Context and Tower Separation

The planned and built form context as it relates to tower separation distances is one of the key considerations when assessing appropriate built form. The general intent is that sufficient separation distances be achieved to ensure light, view and privacy impacts are appropriately addressed for both residents within a building and for pedestrians on the street.

Official Plan Built Form Policies 3.1.2.1 and 3.1.2.5 require that new development be located and organized to fit within the existing and planned context. Policy 3.1.2.3 refers to development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls. Tall Building Policy 3.1.3.11 d) states that the tower portion of a tall building should be designed by providing appropriate separation distances from side and rear lot lines as well as other towers.

OPA 82, the Site and Area Specific Policy for this area, in Objective 2.5 refers to the encouragement of height and density at appropriate locations. OPA 82 subsequently identifies Block 3 (the subject site) as appropriate for one tower (Policy 3.2 and Table 4.2 Hazelburn Character Area). Policy 3.10 refers to slender point towers spaced apart and set atop of pedestrian scaled base buildings that define the street edge. Policy 3.12 states that a separation distance between towers of 25 metres or greater shall be provided. Table 4.1, Hazelburn Character Area iii) further states that the corner of Dundas and Jarvis is an important gateway and that framing these corners with tall buildings is appropriate.

OPA 352 Policy B i) refers to tall buildings to provide setbacks from the lot lines so that individual tall buildings and the cumulative effect of multiple tall buildings within a block fit in with the existing and/or planned context. Policy B ii d), e) and f) further reference access to natural light, a reasonable level of privacy for occupants, pedestrian level and occupant views between towers.

OPA 406 Policy 3.3 states new buildings will fit within their existing and planned context and provide compatibility between differing scales of development. Policy 9.25.3 refers to built form adjacencies from tall to tall buildings through the application of separation distances and tower orientation.

Tall Building Design Guideline 1.1 refers to context and defines a 250 m and 500 m radius for that context. Guideline 1.3 refers to tall buildings fitting within the existing or planned context. Guideline 3.2.3 further identifies minimum tower separation distances of 25 m between towers.

The applicant is proposing a tower with podium at a location that is planned through OPA 82, as appropriate for tall buildings and that the subject site shall have one tower. The placement of any tower on this block must provide a 25 metre tower separation as required by OPA 82 and referenced by the Tall Building guidelines.

	Setbacks to adjacent towers or mid-point of right of way
North	51 m to north property line
South	28 m setback to tower at 155-163 Dundas Street East
East	33 m setback to tower at 200 Dundas Street East
West	41 m setback to mid-point of Mutual Street right-of-way

The proposed tower would fit within this planned gateway context identified by OPA 82 while exceeding the minimum required 25 metre setback between towers. As proposed, the tower has been located and organized to fit within its planned context.

Tower Floor Plate and Tower Massing

The achievement of appropriate massing is related to the previously assessed tower separation distances and light, view and privacy issues. In this section of the report the

analysis of massing involves an assessment of tower floor plates, setbacks and stepbacks which is more nuanced to the on-site and adjacent impacts.

Official Plan Built Form Policy 3.1.2.6 states that development will be required to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned context. Policy 3.1.3.11 refers to stepping back the tower from the base building, limiting and shaping the size of tower floorplates. Mixed Use Areas Policy 4.5.2 c) references appropriate setbacks and/or stepping down of heights between areas of different intensity and scale.

OPA 82, Table 4.2 Hazelburn Character Area, Block3 ii) refers to base buildings setback 15 m from the corner of Dundas and Jarvis in order to provide for an on-site public square. This indirectly impacts the location of any tower above the podium and implies that any tower would similarly be setback 15 m. The applicants have submitted an Official Plan Amendment to amend this provision in order to permit the tower to be located within this setback area.

OPA 352 Policy B) i) states that development will provide setbacks from the lot line. Policy B) iv) further states that as building heights increase, greater lot line setbacks may be required.

Downtown Plan Policy 9.13 to 9.15 refers to tall building floorplates designed to adequately limit shadow impacts on the public realm and neighbouring properties and maintain adequate skyview from the public realm. Step backs and/or limiting building floorplates allow daylight and sunlight to penetrate the street and lower building levels. Generally, floorplates would be a maximum of 750 square metres although increases may be appropriate where impacts are addressed. Additionally, policies 9.22 to 9.27 refer to transition in scale through the use of setbacks, step-backs and tower orientation among other means.

Tall Building Guideline 1.3 refers to an appropriate transition in scale to lower scaled buildings and in Guideline 3.2.2 to placing towers away from open spaces and neighbouring properties. Guideline 3.2.1 limits tower floor plates to 750 square metres including all built areas within the building but excluding balconies. Guideline 3.2.2 refers to minimum tower stepbacks of 3m which is illustrated in Guideline 3.2.3.

The proposed development is massed in a podium tower form consisting of a 44-storey tower with podium. The tower component of the development has a gross construction area of approximately 770 m² with no projecting balconies. The proposed tower would be stepped back 3 m from the Dundas Street podium edge, 4 to 5 m from the Jarvis Street podium edge, 47m from the north podium edge and 4 m from the west podium edge, which would front the proposed public square.

It is noted that the 13-storey building element, which is technically being defined as a tower by OPA 82 Policy 6.5, has been treated as part of the base building within this

report. The 13-storey element appears as and functions as a typical base building with the tower portion on top of it, notwithstanding the definition of OPA 82. In this case, OPA 82 Policy 3.11 does permit institutional buildings to have larger floor plates than 750 square metres. Hence, by definition, if the 13 storey base was considered a tall building then it would be permitted to have a larger floor plate than 750 square metres which it does.

The proposed tower has been located in the south-east corner of the site with appropriate stepbacks from the podium edge. Additionally, the west side of the tower has been aligned at an oblique angle to provide for a larger public square than originally conceived and approved through OPA 82 (this is further discussed in the Privately-Owned Publicly Accessible Space section of this report). The proposed tower massing and placement conforms to Official Plan policies, and with this proposed Official Plan Amendment, would meet the intent of OPA 82 and OPA 352 as well as the relevant guidelines. Staff support the proposed tower massing, setbacks and stepbacks.

Tower - Height and Shadowing

Official Plan Built Form Policy 3.1.2.5 refers to ensure access to direct sunlight and daylight on the public realm and in 3.1.3.10 b) and c) limit shadow impacts on the public realm and surrounding properties and maximize access to sunlight and open views of the sky from the public realm. For the Mixed Uses Areas designation, Policy 4.5.2 e) refers to maintaining sunlight on adjacent streets, parks and open spaces.

OPA 82 in Policy 3.3 states that there shall be no net new shadows permitted on Allan Gardens measured on March 21 and September 21 from 10:00 am to 6:00 pm and in Policy 3.6, on the playground of Ecole Gabriele Roy from September 21 to June 21 from 10:00 am to 4:00 pm. Additionally, Policy 3.4 refers to no net new shadows permitted on conservatory buildings in Allan Gardens at March, September, June and December 21 at all times of the day.

OPA 406 in Policy 9.17 and 9.18 states development will adequately limit shadows on sidewalks, parks, open spaces and institutional open spaces as necessary to preserve their utility. Also, development will adequately limit net new shadows on parks and open spaces (Allan Gardens) as measured from March 21 to September 21 from 10:18-4:18 pm.

These policies are expanded on by Tall Building Guideline 1.3 (a) which refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties and by Guideline 1.4 which refers to protecting access to sunlight and sky view within the surrounding context of streets, parks, open space and other shadow sensitive areas. Downtown Tall Building Design Guideline 3.2 states that tall buildings should not cast new shadows on Signature Parks (Allan Gardens being a Signature Park) from 10:00 to 4:00 pm on September 21st and on non signature parks (St. James Square also known as Ryerson Quad being a non-signature park) from 12:00 noon to 2:00 pm on September 21st.

The applicant has submitted studies illustrating the extent of shadowing that would result from the proposed development. The submitted shadow studies show the proposed tower would shadow:

- St. James Square, also known as Ryerson Quad, (designated *Institutional Areas*) 9:18 (March and September 21).
- Ecole Gabriele Roy (designated *Neighbourhoods*) from 6:18 (June 21).

The proposed shadowing on shadow sensitive areas is relatively minor and importantly does not shadow within shadow protected times. Additionally, there would be no shadows on Allan Gardens or its conservatory buildings. The small tower floor plate ensures that any shadowing that is generated will be fast moving and will not impact the utility of any of the parks. The proposed shadowing is acceptable in this instance and context.

Tower - Height and View Corridor

Official Plan Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, St. James Cathedral being one of those properties. The existing protected view is looking north to the spire of St. James Cathedral. The City has initiated an Official Plan Amendment process with the intent of modifying this view corridor to enhance the view protection policies to and beyond St. James Cathedral. Urban Design and Planning staff have reviewed the applicant's documentation to assess to what extent, if any, that the tower would intrude into the proposed view corridor. The proposed tower, as represented in the modelling exercise, would not be within the existing or proposed view corridor.

Tower - Height and Helicopter Flight Paths

Official Plan Policy 4.8.4, Airport Zoning Regulation (By-law 1432-2017) and OPA 406 Policy 9.29 requires new buildings to be sited and massed to protect the helicopter flight paths. Any development including all temporary and permanent structures would have to be below or outside the protected flight path.

The proposed building is located within the Hospital for Sick Children's helicopter flight path. The applicant's intention is that the tower would be at a height below the flight path.

The application has been circulated to both the Hospital for Sick Children and Toronto Buildings for an assessment as to whether the proposal conforms to the flight path. To date comments have not been received and as such it is not possible to conclude if the proposal conforms to the flight path or not. Although it is believed the proposal is outside of the flight path, issues with projections and crane swings need to be confirmed prior to a final sign off. It is recommended that, to ensure there is no intrusion into the flight path, that the Bills be withheld until such time as the By-laws are in a final form which includes relevant provisions to ensure the protection of the flight path to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Building Official and Executive Director, Toronto Building.

Podium Form

The podium, or base building, is what is typically experienced by pedestrians. Official Plan Tall Building Policy 3.1.3.9 refers to base buildings that should respect and reinforce good street proportion and pedestrian scale and be lined with active, grade-related uses.

OPA 82 Policy 3.9 and 3.10 states that Tall Buildings will develop with a Tower-Base Typology which is characterized by base buildings no taller than 80% of the right-of-way. Tower frontage shall be encouraged to stepback at least 3 metres from the base building.

OPA 406 in Policy 9.8.1 states that base buildings will be designed to relate to the scale and proportion of adjacent streets; in Policy 9.8.2 that base buildings will fit compatibly within the existing and planned context of neighbouring streetwall heights and in Policy 9.9 that development will provide a transition from the base building to relate to adjacent properties with a lower scaled planned context.

Tall Building Design Guideline 3.1.1 refers to the base building height being consistent with the existing street wall context and refers to base building heights being a maximum of 80% of the width of the adjacent right-of-way. Guideline 3.2.2 states that base buildings to be the primary defining element for the site and adjacent public realm with towers setback 3 metres from the base building along all street frontages. Guideline 4.3 refers to the pedestrian level wind effects and the need to stepback towers to reduce undesirable downward wind flows.

The proposed development is in a podium/tower form with both a lower podium element and a distinct 13-storey podium (excluding mechanical) on the north side of the site. The lower podium element ranges from 3-stories (18 m) to 5-stories (30 m) in height.

The width of the adjacent right-of-ways is 24 m (Jarvis), 20 m (Mutual) and 20 m (Dundas). This implies a maximum podium height of 16 m to 19.2 m based on the 80% of right-of-way provision from the guidelines. An appropriate podium height is also informed by the height of adjacent developments. The adjacent building to the north is 9-stories (46 m) in height.

The proposed lower podium, at 3 to 6-stories in height, is within the range of acceptable heights as informed by either the adjacent context and/or the 80% right-of-way provision. The lower podium element, with minimum 3 m setbacks to the tower, provides a clear transition from the adjacent street. Given the proposed use is institutional/university space with its own unique floor plate demands, the 13-storey podium element on the north side of the site, being adjacent to a 9-storey office building and with 4 and 6 storey setbacks, is acceptable in its proposed location. This proposed massing for an Institutional use is one of the two reasons (the other being the public square) for the required Official Plan amendment which is the subject of this report.

Privately-Owned Publicly Accessible Open Space (POPS)

Official Plan Policy 3.1.1.12) refers to interior concourses, plazas, pedestrian mews and mid-block connections that will be designed for users of all ages and abilities, be comfortable and safe and be integrated into the local network of pedestrian movement with direct access from the public sidewalk. Policy 3.1.1.19 further states that open spaces such as POPS should be made prominent, visible, functional and accessible and in 3.1.1.21 that public squares are a desirable form of open space and should be designed to be integrated with the broader public realm at a scale appropriate for the surrounding context. The not in effect for this application OPA 406, while not applicable for this application, refers to the provision of POPS (Policy 7.44) as an opportunity to expand the public realm and outlines various design requirements. Design guidance is also provided by the Urban Design Guidelines for Privately Owned Publicly-Accessible Spaces.

OPA 82, Table 4.2 Hazelburn Character Area ii) states that any base building will be setback a minimum 15 metres to create a public square at the northwest corner of Jarvis Street and Dundas Street. The square will have a minimum area of 225 square metres.

The public square (POPS), specified by OPA 82, has been located to the southwest side of the site and increases in size to approximately 425 square metres. The public square is adjacent and contiguous to additional University open space proposed to front Mutual Street as part of this application. Staff consider the proposed public square (POPS) to be a positive element of the proposal which, significantly, is much larger than the planned public square originally approved for the site. It will provide opportunity for significant public realm enhancements as well as providing a transition to the adjacent low scale development at 152-154 Dundas Street. Staff recommend that the POPS be secured in the Section 37 Agreement and its final design be secured through the Site Plan Control approval process.

Public Realm

For development in the Downtown, Official Plan Policy 2.2.1.11 refers to street improvements to enhance the pedestrian environment. This is expanded on by Public Realm Policy 3.1.1.6 which refer, among other things, to a Complete Streets approach and in Policy 3.1.1.13 that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for users of all ages. OPA 82 Objective 2.4 states that the public realm will be protected and enhanced. OPA 406 Policy 9.1.2 refers to development being encouraged to contribute to liveability by improving the public realm. Additionally, Policy 9.5 refers to a 6 m curb to building face easement as a community benefit and in Policy 9.6 the potential to reduce this easement given the historic character of street-oriented buildings, on site heritage resources or the prevailing pattern of buildings with lesser setbacks. Tall Building Design Guideline 4.2 also recommends a minimum 6 metre wide sidewalk zone.

The applicant is proposing a public realm setback (building face to curb) of 8 to 12m (Mutual Street), 6 m (Dundas Street) and 6.3 to 8 m (Jarvis Street). These setbacks meet the minimum standards, and in some cases, exceed those standards. Additionally, the application includes a west-east pedestrian connection traversing the site in a west-east connection along the north side. This connection is adjacent to a linear private west-east connection on the adjacent lands to the north. As part of a subsequent site plan application it would be advantageous to see if these two linkages could be connected in a unified form.

With respect to wind impacts on the pedestrian realm, Official Plan Policy 4.5.2 e and Tall Building Guideline 4.3 refer to comfortable wind conditions and the protection of the pedestrian realm from wind impacts. Policy 9.1.2 of OPA 406 refers to development contributing to liveability by reasonably limiting uncomfortable wind conditions.

The applicant has provided a qualitative pedestrian level wind study which concludes that wind conditions at most ground-level areas immediately around the project are expected to be appropriate for pedestrian use throughout the year. Wind mitigation for the Jarvis Street entrances, in the form of recessed entrances or wind screens and planters, will likely be required. There may also be a need for wind mitigation in portions of some of the outdoor amenity areas. These mitigation measures would be assessed and secured through the Site Plan application process.

Housing

The Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe clearly acknowledge the importance of providing a full range of housing options as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs of a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes student housing. Downtown Policy 2.2.1.1 c) also refers to the provision of a full range of housing opportunities. OPA 82 Objective 2.1 references the provision of a full range of housing in terms of form, tenure and affordability.

In this application, the applicant is proposing a student residence including 588 one bedroom dorms and 1 two bedroom dorms. As a student residence, the proposed housing is of a different form from what is typically provided in residential developments. Staff are of the opinion that, given this is a student residence and Ryerson University has other forms of student housing located elsewhere on their campus, that the proposed residence supports the objectives of the Growing Up Guidelines, OPA 406 and applicable Official Plan and Growth Plan policies related to the provisions of a broad range of housing.

Amenity Space

Official Plan Built Form Policy 3.1.2.11 states that new indoor and outdoor amenity spaces be provided as part of multi-unit residential developments and consider the needs of residents of all ages and abilities over time and throughout the year. Official Plan Policy 4.5.2 k) states that in *Mixed-Use Areas* development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. OPA 406 Policy 9.30 to 9.36 refers to the encouragement of amenity space to be designed in an appropriate form. OPA 406 Policy 9.36 also encourages the provision of pet amenity areas. These requirements are implemented through Zoning By-law 438-86, which requires a minimum of 2.0 m² of indoor and 2.0 m² of outdoor amenity space for each unit, and Zoning By-law 569-2013 which requires a minimum of 4.0 m² of amenity space for each unit (of which at least 2m² shall be indoor). It is noted that these provisions are for residential units as distinct from student dorms which is what is being provided in this application.

The development proposal includes both indoor and outdoor amenity space. The proposal identifies a total of 2960 m² of indoor amenity space dedicated to the on-site student residents. There is no dedicated outdoor amenity space specifically for the on-site student residents. However, there is outdoor amenity space on site available to both on-site student residents and the general student body. The indoor amenity space is on each floor of the proposed tower and includes both a common amenity area and separate kitchen and living area on each floor of the tower. The outdoor amenity areas are located on the podium rooftops and at-grade in both the POPS and adjacent open space areas fronting Mutual Street. These spaces would be available to both the general student body as well as the on-site student residents.

As a university, students do have access to amenity spaces elsewhere on campus and are not necessarily restricted to on-site amenity areas. The proposed amenity space is appropriate for the student residents as the application includes both dedicated on-site exclusive space for indoor use and shared on-site outdoor space as well as access to amenity space throughout the campus. It is recognized, that as a university residence the dedicated exclusive outdoor provision, while low for residential standards, is in keeping of what one may anticipate for a university residence and as such, the provision is acceptable.

Traffic Impact, Access, Parking and Loading

An Urban Transportation Considerations report was submitted with the application and has been reviewed by staff. Vehicular access and egress to the site would be from Jarvis Street with vehicles entering and leaving in a forward motion. The proposed development would provide parking and loading in a one-level underground parking garage with the loading dock intended to service both this building as well as other Ryerson buildings. As such, the proposal also includes an electric cart parking area for smaller deliveries elsewhere on the Ryerson campus.

The proposal includes 3 parking spaces, 62 short term and 221 long term bicycle parking spaces and 6 loading space. The proposed parking and loading space provision has been deemed acceptable by Transportation Services and have been incorporated

in the implementing draft by-law. It is noted that the site is proposing to provide just three (3) accessible on-site parking spaces. As such, the traffic impacts related to the site itself will be minimal. Transportation Services accepts the conclusions of this report.

Site Servicing

Engineering and Construction Services staff reviewed the Functional Servicing and Stormwater Management Report submitted with the application. Revisions to the report are required to be provided prior to final acceptance by staff to demonstrate whether the existing municipal infrastructure is adequate to service the proposed development and to determine what upgrades may be required to the existing infrastructure to support the proposed development. The owner will be responsible to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, should it be determined that improvements to such infrastructure is required to support the development. Staff recommend that a revised Functional Servicing and Stormwater Management Report be submitted to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services prior to introducing the necessary Bills to City Council.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of 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 lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

This proposal is exempt from the parkland dedication requirement under Section 30.A.(10)(b) of the Municipal Code as Ryerson University is a public university and the proposed institutional and student residential uses would be exempt if owned and used for the purposes of Ryerson University.

The only use that the parkland dedication requirement would apply is the 505 m² retail use. This component is subject to a 2% parkland dedication and it will be satisfied through cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the first above grade permit.

Urban Forestry

An Arborist Report and Protection Plan was submitted by the applicant. Urban Forestry has reviewed the report and indicated that two privately-owned trees are undersized and are thus exempt for the Private Tree By-Law and that there are nine privately owned trees proposed for removal and no trees on City property. Urban Forestry requires the submission of a complete "Application to Injure or Remove Trees"

and associated application fees in the amount of \$3,260.97 (\$362.33 per City Street tree, \$362.33 per private subject site tree, and \$758.52 per private boundary/neighbour tree).

Urban Forestry has commented that issues concerning the protection, retention and planting of new trees can be addressed as part of a subsequent Site Plan application and that they need a detailed Landscape Plan, Sections and Details with sufficient information to assure Urban Forestry that the required tree planting and associated soil volumes and infrastructure is feasible and meets City standards.

Archaeological Assessment

An Archaeological Assessment was submitted with the application. The report was reviewed by HPS staff who have determined there are no further archaeological concerns regarding the subject property. Staff do however advise that:

- In the event that deeply buried and/or previously undocumented archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Tourism, Culture and Sport, be notified immediately at (416) 212-8886 as well as the City of Toronto, Heritage Preservation Services Unit (416) 392-4395.
- In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Tourism, Culture and Sport, and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, of the Ministry of Government and Consumer Services, (416) 212-7499.
- If any expansions to the boundaries of the subject property are proposed, further archaeological assessment work may be required.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Official Plan Policy 3.2.2.7 refers to the inclusions of community services facilities being encouraged in all significant private sector developments. OPA 82 Policy 5.1 identifies the following priorities for the Garden District: affordable housing, community facility

space at 200 Dundas Street East, improvements to Moss Park, green linkage between Moss Park and Allan Gardens and improvements to the public realm. OPA 406 Policy 10.2 states that development will be encouraged to contribute to the delivery of community facilities as a community benefit and in Policy 10.3.1 that they be located in highly visible locations.

The applicants submitted a Community Services and Facilities Study. The application does not propose any community space. As a public university there is a history of both Ryerson University and University of Toronto, particularly in the downtown campuses, not providing such space as part of their applications. Such space may be provided as part of the broader university operations.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. As a public university there is a history of both Ryerson University and University of Toronto, particularly in the downtown campuses, not providing Section 37 benefits. While Section 37 benefits are not being requested, there is a need to require a Section 37 Agreement as a legal convenience to secure other matters. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support this development:

- i. prior to the issuance of the first building permit on the site, the owner shall provide confirmation from the Hospital for Sick Children, or their representative, that any temporary (including construction cranes or related construction machinery) and permanent structures are below or outside the protected flight path to the satisfaction Chief Building Official and Executive Director, Toronto Building;
 - ii. Provide a revised Functional Servicing and Stormwater Management Report to demonstrate whether the existing municipal infrastructure is adequate to service the proposed development and to determine whether any upgrades may be required to the existing infrastructure to support the proposed development, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
 - iii. Secure the design and provision of financial securities for any improvements to the municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development.
- iii. the owner shall construct and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an area of not less than 425 square metres at grade for use by the general public as privately

owned publicly accessible spaces (POPS) in the southwest corner of the site in a location generally identified in the Official Plan Amendment for this application, with the location configuration and design of the POPS to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor and secured in a Site Plan Agreement with the City;

iv. prior to the earlier of any non-residential or residential use or occupancy on the site, the owner shall have completed construction of the POPS referred to in clause iii. above and shall prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement in perpetuity in favour of the City over the privately-owned publicly accessible space (POPS) including rights of support as applicable, on such terms and conditions as are set out in the section 37 agreement, including provision for insurance and indemnification associated with public access easements;

v. that the owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the provision of a mixed use Institutional development including classroom space, a student residence as well as a POPS and retail space. Staff worked with the applicant and the community to address and resolve massing issues as well as an appropriate size and location for the proposed POPS. Staff recommend that Council support approval of the zoning by-law amendment application.

CONTACT

Derek Waltho, Senior Planner, Tel. 416-392-0412, E-mail: Derek.Waltho@toronto.ca

SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,
Director Community Planning, Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

Attachment 5: Draft Official Plan Amendment

Attachment 6: Draft 438-86 Zoning By-law Amendment

Attachment 7: Draft 569-2013 Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 8: Site Plan

Attachment 9: 3D Model of Proposal in Context

Attachment 10: North Elevation

Attachment 11: South Elevation

Attachment 12: West Elevation

Attachment 13: East Elevation

Attachment 1: Application Data Sheet

Municipal Address: 202 JARVIS ST Date Received: December 21, 2018
 Application Number: 18 271373 STE 13 OZ
 Application Type: OPA / Rezoning
 Project Description: Official Plan and Zoning By-law Amendment to permit a 44-storey mixed-use building

Applicant	Agent	Architect	Owner
URBAN STRATEGIES		Zeidler Henning Larsen	Ryerson University

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR 4.0 (2.0; r4.0) SS1 (x1729)	Heritage Designation:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 5,420 Frontage (m): 57 Depth (m): 81

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			3,839	3,839
Residential GFA (sq m):				
Non-Residential GFA (sq m):			208,564	208,564
Total GFA (sq m):			208,564	208,564
Height - Storeys:			44	44
Height - Metres:			161	161

Lot Coverage Ratio (%): 70.83 Floor Space Index: 38.48

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA:

Retail GFA: 181

Office GFA:

Industrial GFA:

Institutional/Other GFA: 208,564

**Residential Units
by Tenure**

Existing

Retained

Proposed

Total

Rental:

Freehold:

Condominium:

Other:

Total Units: 0

Total Residential Units by Size

Dorms

Bachelor

1 Bedroom

2 Bedroom

3+ Bedroom

Retained:

Proposed: 589

Total Units: 589

Parking and Loading

Parking
Spaces:

3

Bicycle Parking Spaces: 283

Loading Docks: 6

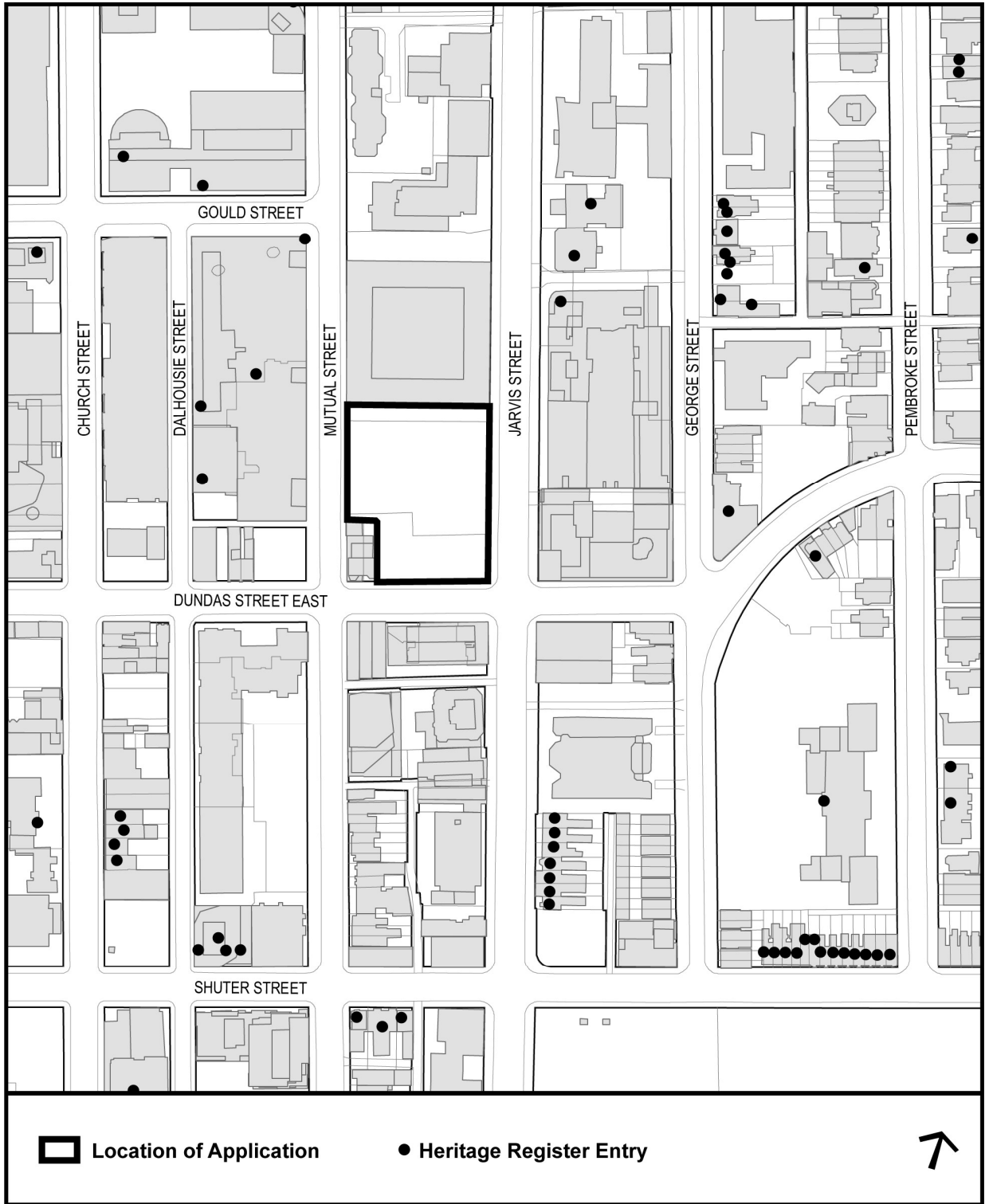
CONTACT:

Derek Waltho, Senior Planner

416-392-0412

Derek.Waltho@toronto.ca

Attachment 2: Location Map

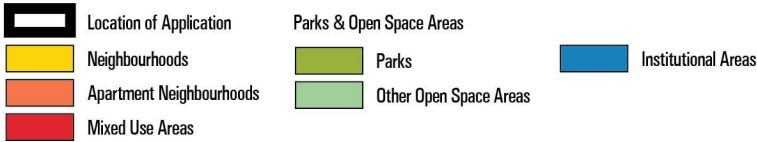


Attachment 3: Official Plan Land Use Map



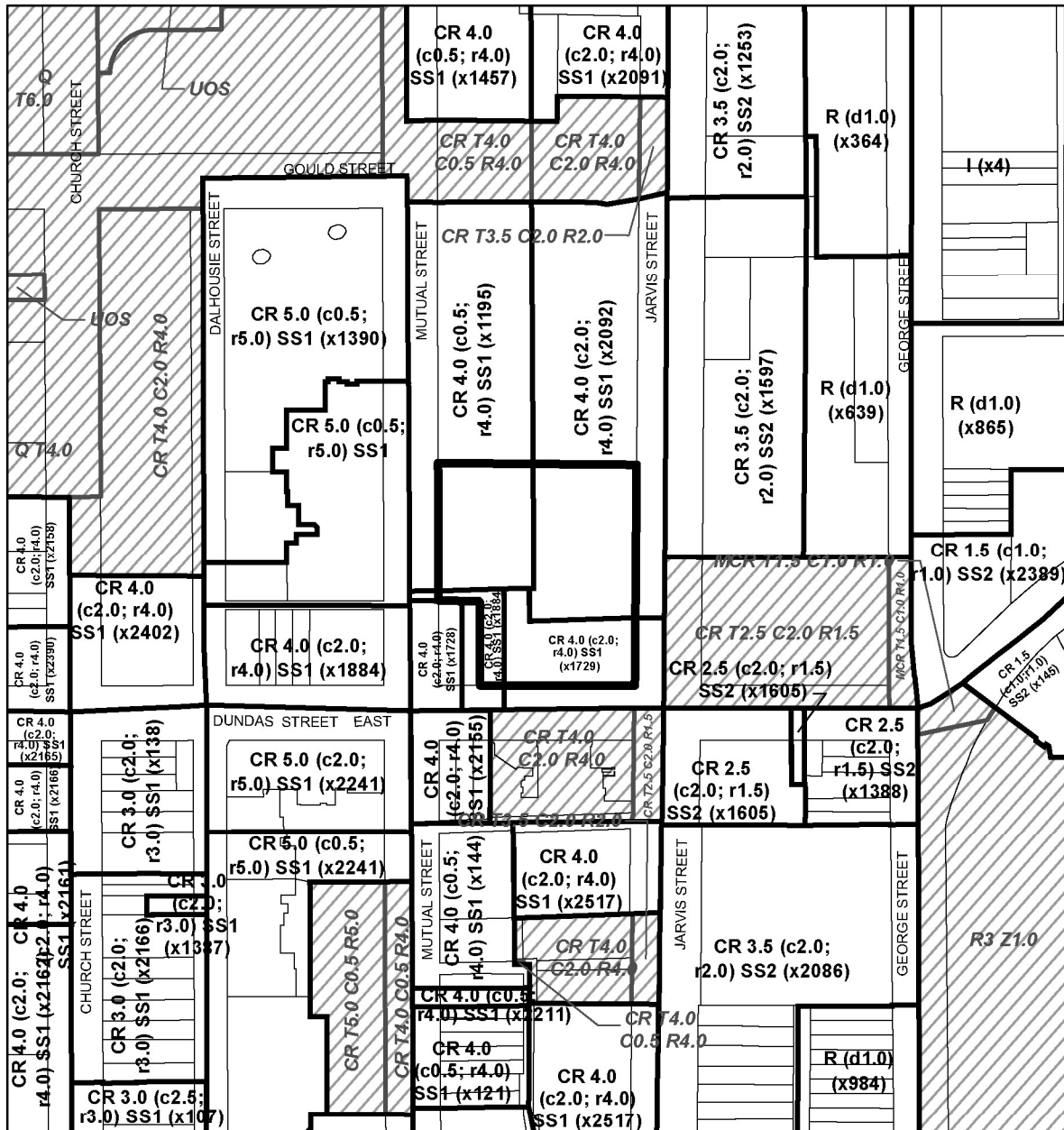
Official Plan Land Use Map #18

202 Jarvis Street and
166 Dundas Street East
File # 18 271373 STE 13 0Z



↑
Not to Scale
10/23/2020

Attachment 4: Existing Zoning By-law Map



202 Jarvis Street & 166 Dundas Street East

Zoning By-law 569-2013

File # 18 271373 STE 13 OZ

- Location of Application
- R** Residential
- CR** Commercial Residential
- I** Institutional

- See Former City of Toronto By-law No. 438-86
- R3** Residential District
- CR** Mixed-Use District
- MCR** Mixed-Use District
- Q** Mixed-Use District
- UOS** Parks District

Not to Scale
Extracted: 10/22/2020

Attachment 5: Draft Official Plan Amendment

AMENDMENT ~~ TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2020 AS

202 Jarvis Street and 166 Dundas Street East

The Official Plan for the City of Toronto is amended as follows:

Chapter 7, Site and Area Specific Policies, Policy 461. "Garden District Site and Area Specific Policy, located generally bounded by Jarvis Street, Carlton Street, Sherbourne Street and Queen Street East" is amended by deleting the text of Section 4 Table 4.2 Character Area Performance Standards, Hazel Burn Character Area, Block 3, i and ii, and replacing it with the following:


- I. On Block 3, a building containing primarily institutional uses having a base building height of up to approximately 75 meters, with a minimum 6 m setback from the north property line, and a single tower with a height of up to approximately 174 metres, including a mechanical penthouse, is permitted.
- ii. A public square with a minimum area of 425 square metres will be provided on the site, as shown on the attached Schedule 1.
- iii. Through the site plan process, a variety of design techniques will be explored to improve privacy, lighting and wind conditions between the new building and adjacent properties.



 **TORONTO**
Schedule 1

202 Jarvis Street & 166 Dundas Street East

File # 18 271373 STE 13 0Z


City of Toronto By-law 569-2013
Not to Scale
10/23/2020

Attachment 6: Draft 438-86 Zoning By-law Amendment

By-law to be provided prior to the Bills in accordance with the Recommendations within this report.

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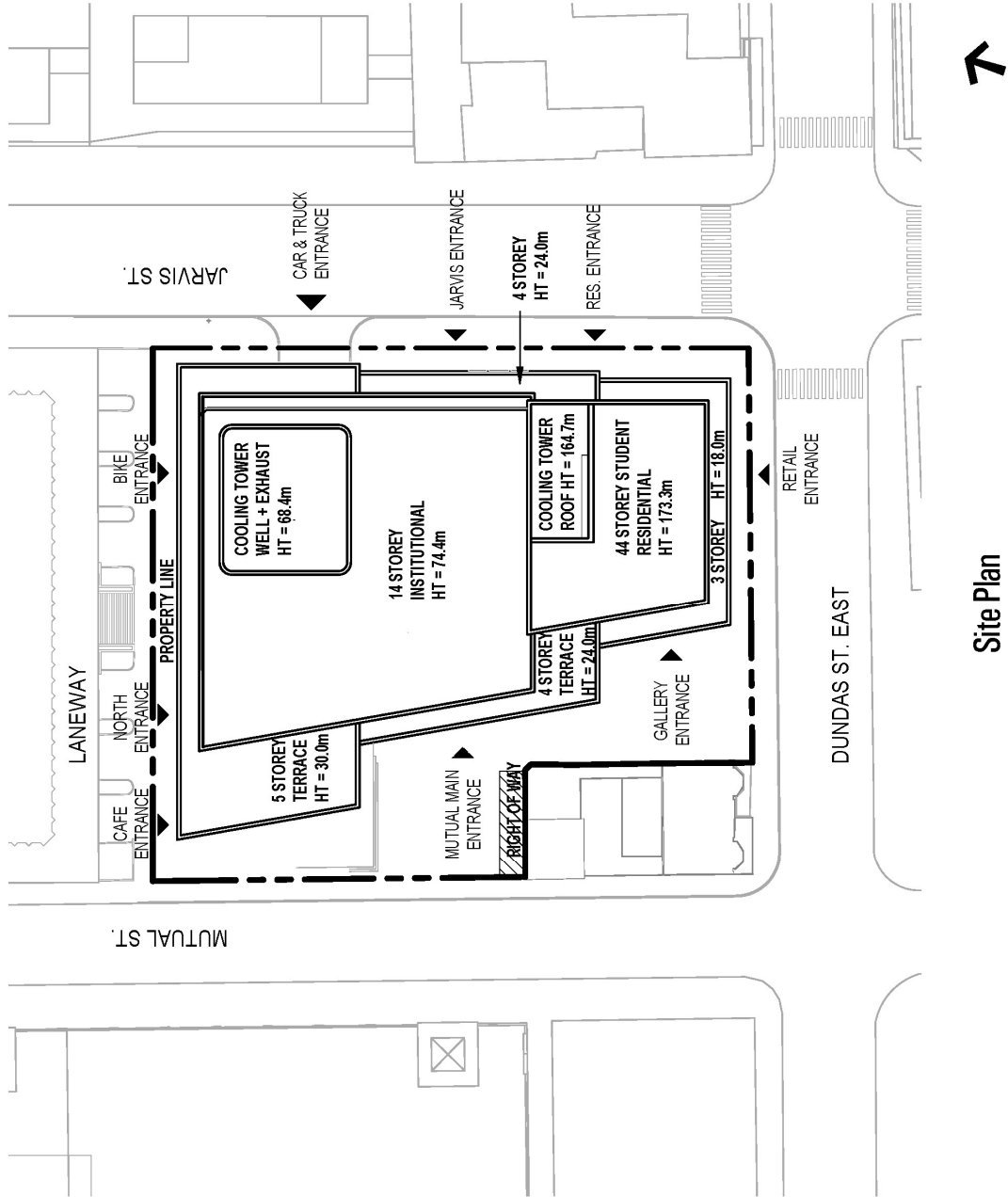
Attachment 7: Draft 569-2013 Zoning By-law Amendment

By-law to be provided prior to the Bills in accordance with the Recommendations within this report

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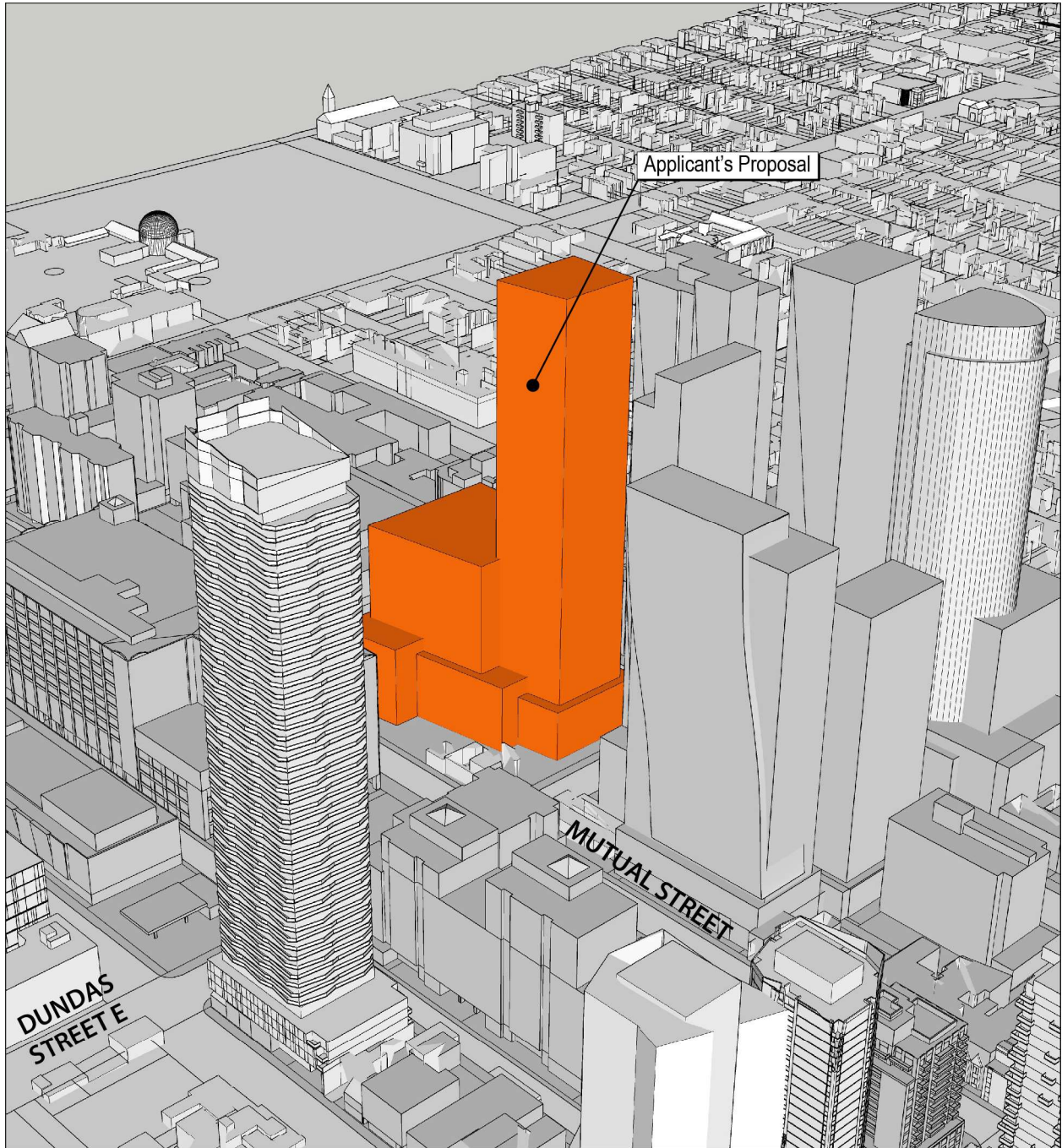
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Attachment 8: Site Plan



Site Plan

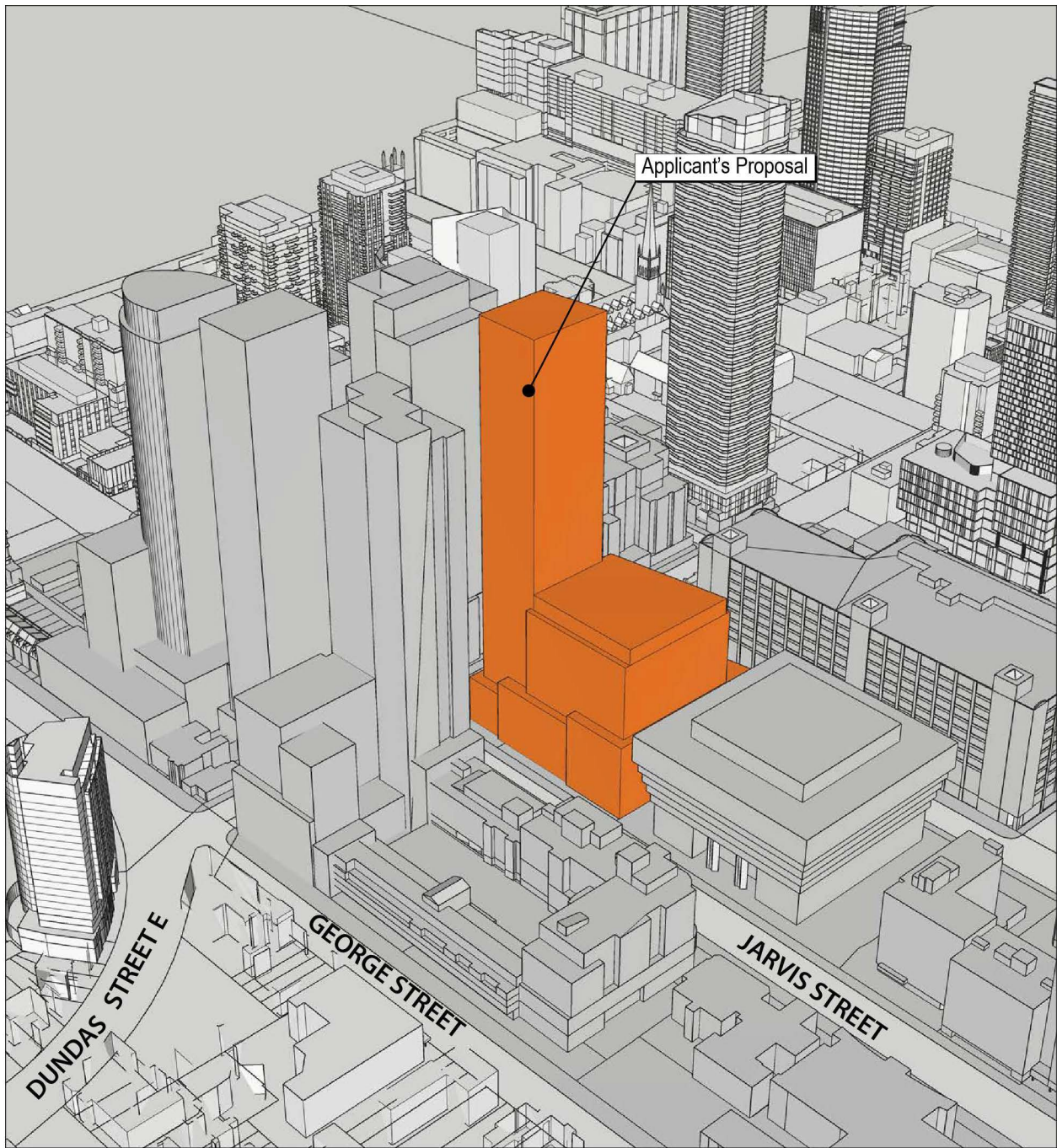
Attachment 9: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northeast



10/28/2020

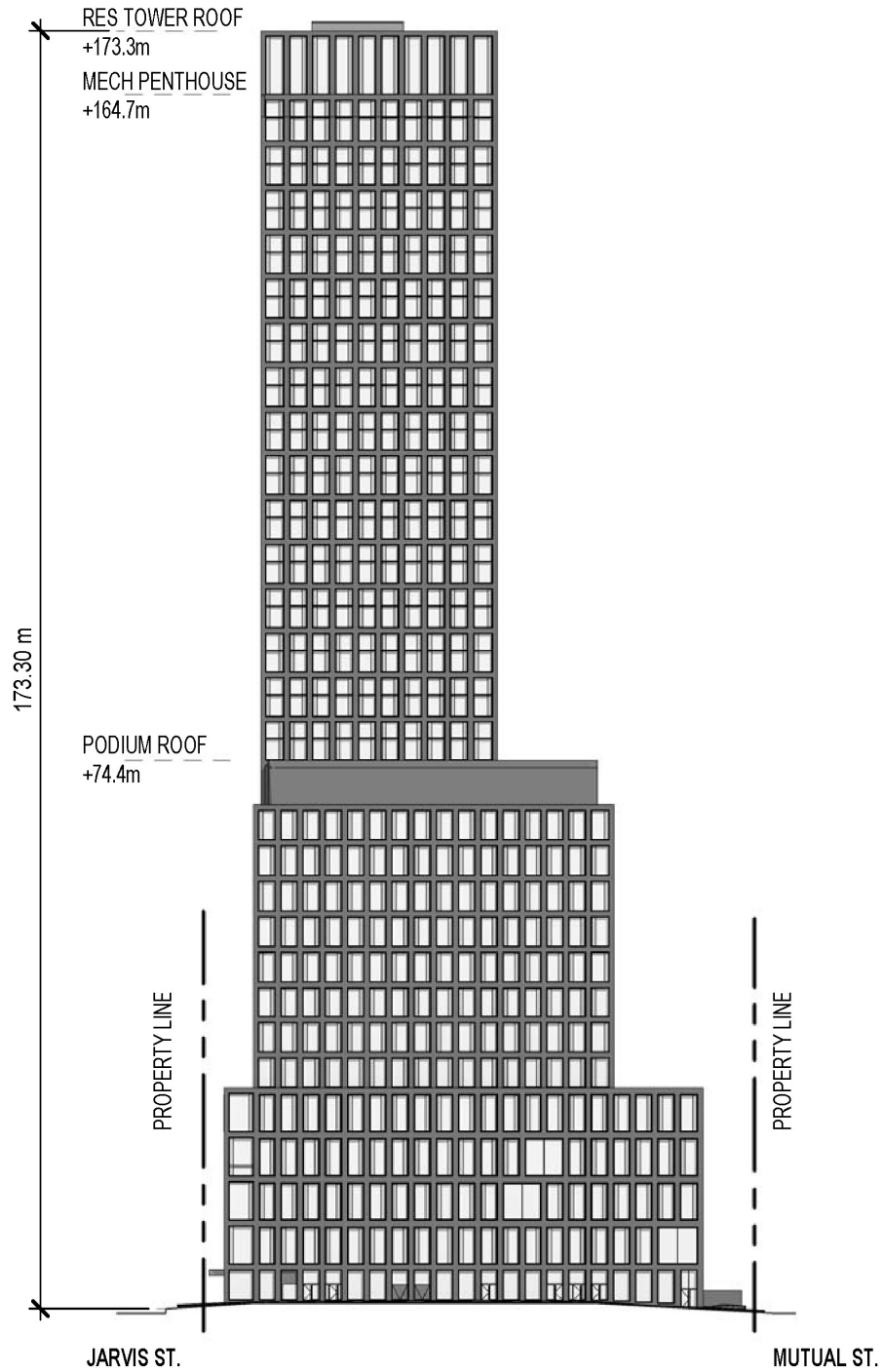


View of Applicant's Proposal Looking Southwest



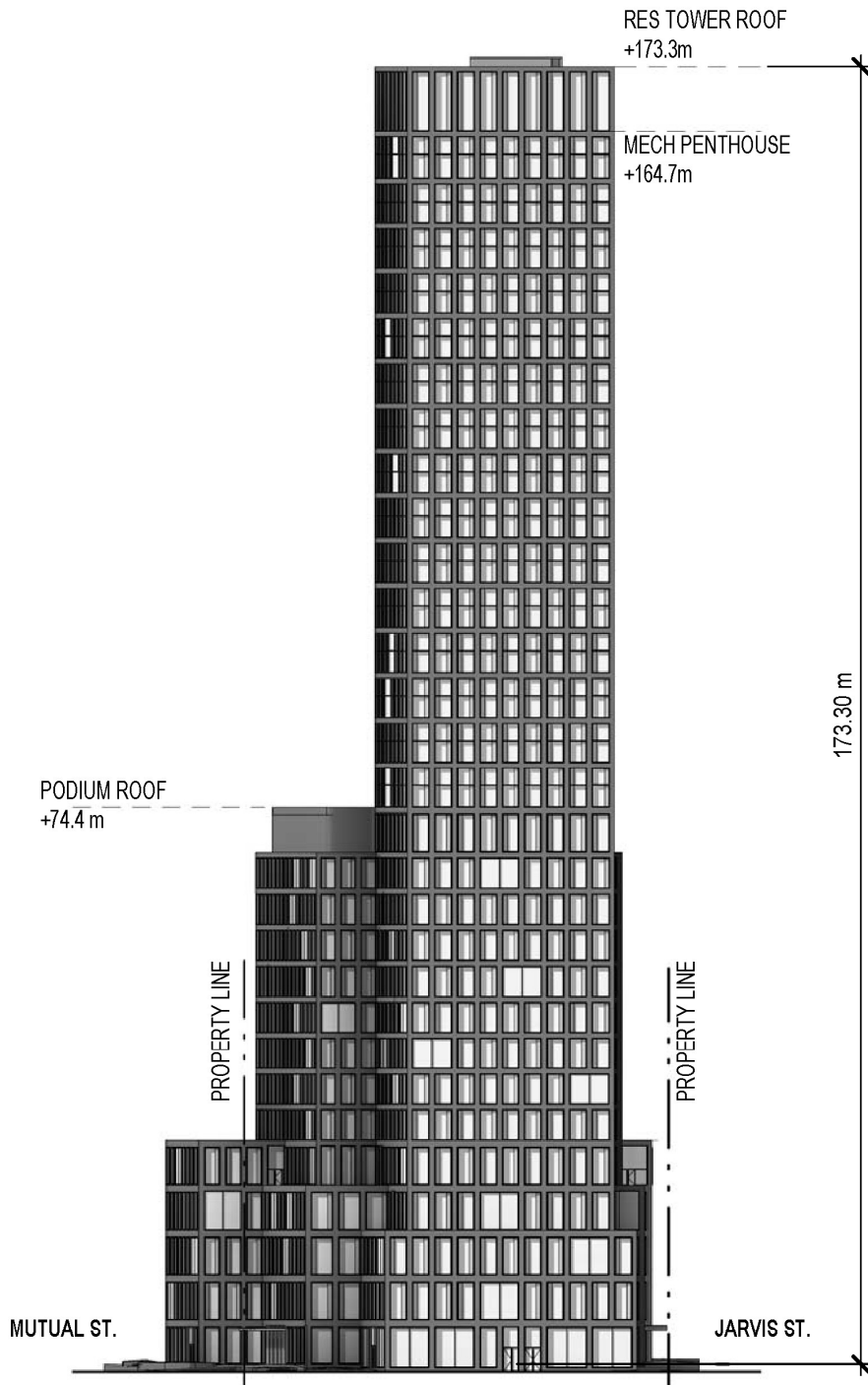
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Attachment 10: North Elevation



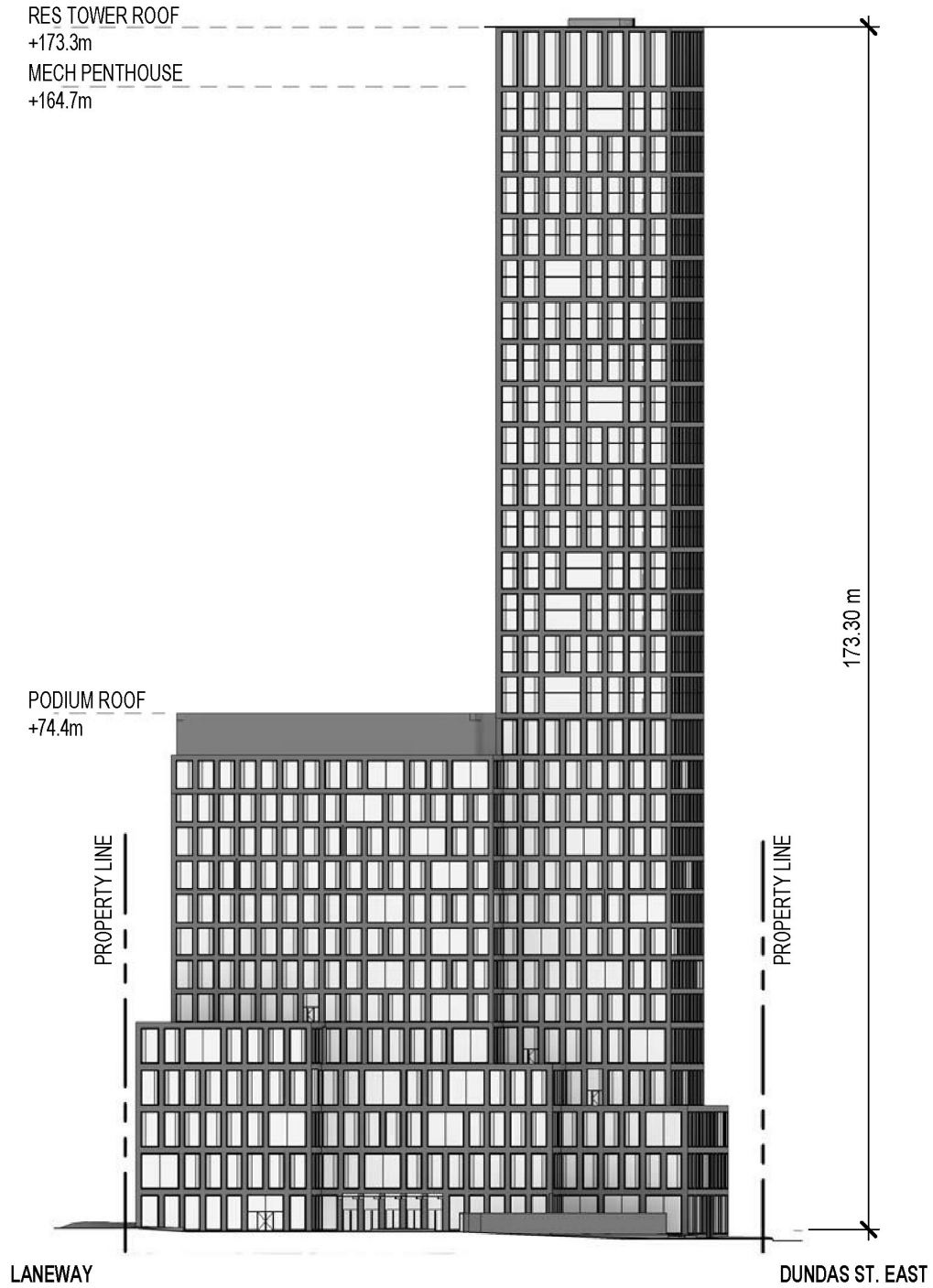
North Elevation

Attachment 11: South Elevation



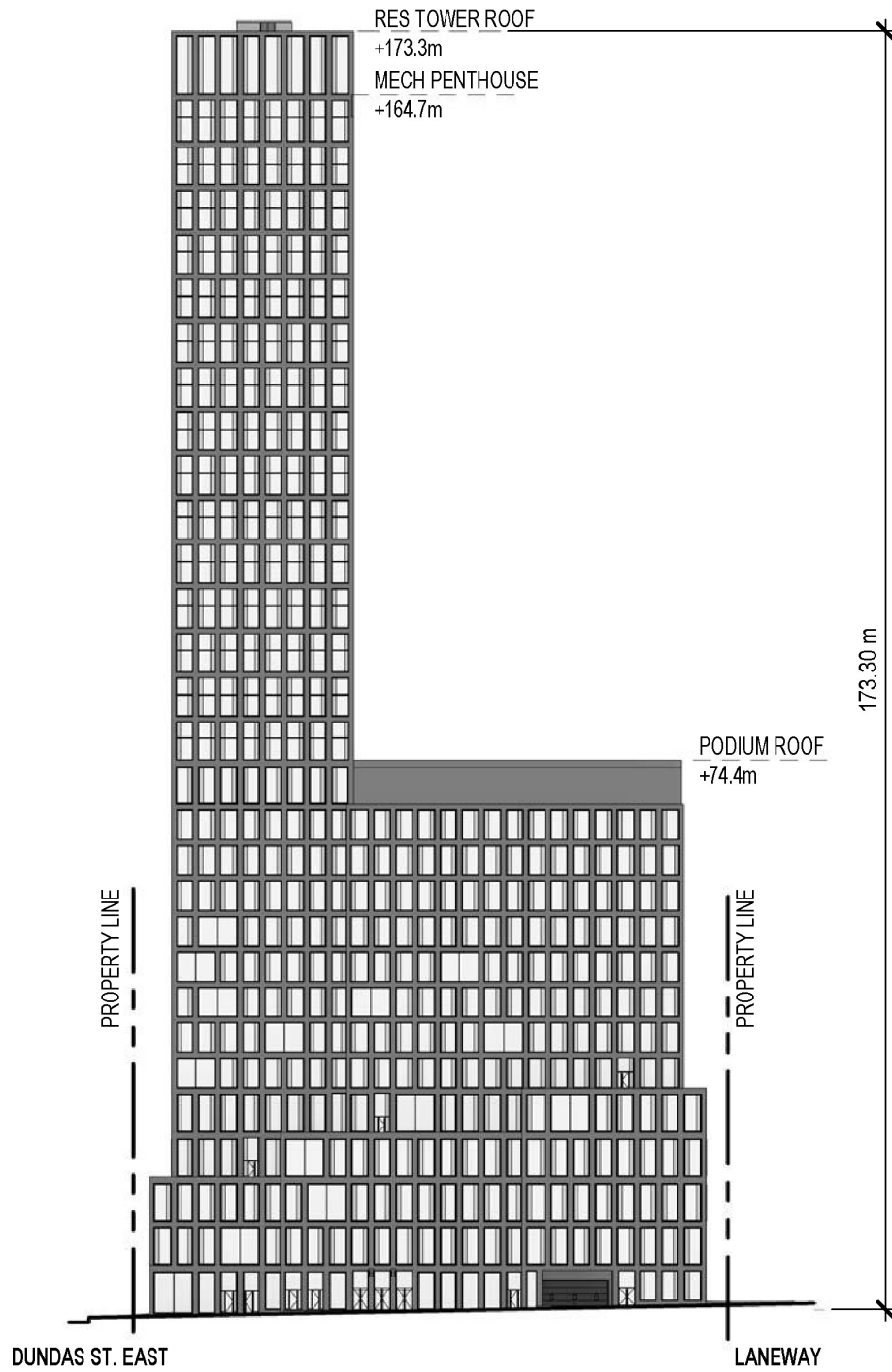
South Elevation

Attachment 12: West Elevation



West Elevation

Attachment 13: East Elevation



East Elevation

