

**Official Plan Amendment and Rezoning -  
1 Mount Pleasant Road and  
575 and 577 Jarvis Street (Rogers Wireless Inc.)  
(Downtown)**

**The Toronto Community Council recommends the adoption of the following report (September 11, 2000) from the Commissioner of Urban Development Services:**

Purpose:

The purpose of this report is to recommend approval-in-principle and to seek instruction regarding the appeal by Rogers Wireless Inc. to the Ontario Municipal Board of Official Plan and Zoning By-law Amendment Applications No. 100009 and 100010 for additions to the Rogers headquarters at 1 Mount Pleasant Road and 575 and 577 Jarvis Street.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council grant approval-in-principle for the Official Plan and Zoning By-law amendments required to implement the project as described in this report.
- (2) City Council authorize the City Solicitor and Commissioner of Urban Development Services to attend any Ontario Municipal Board hearing which may be scheduled in support of the applications.
- (3) City Council authorize a Section 37 Agreement with Rogers Wireless Inc. to secure public benefits, as set out in this report and to include other matters as appropriate including 1% for public art contribution to the satisfaction of the Commissioner of Urban Development Services and the City Solicitor, in consultation with the Commissioner of Economic Development, Culture and Tourism (Heritage Preservation Services).
- (4) The Commissioner of Urban Development Services continue to work with representatives of Rogers in order to process the site plan application and any other outstanding matters related to this development.
- (5) The Commissioners of Urban Development Services and Economic Development, Culture and Tourism (Heritage Preservation Services), report jointly to the Toronto Community Council early in 2001 with respect to the development of a heritage strategy in the vicinity of Jarvis and Wellesley Street and along the Jarvis Street corridor.

### Background:

On August 3, 2000, Rogers Wireless Inc. filed an appeal to the Ontario Municipal Board for failure of the City of Toronto to adopt requested Official Plan and Zoning By-law amendments for their properties at 1 Mount Pleasant Road and 575 and 577 Jarvis Street, within 90 days of their application, pursuant to Section 22 (7)(c) of the Planning Act. Their Official Plan and Zoning By-law applications were submitted to the City on May 5, 2000.

In the absence of a final report and accompanying by-laws, I am writing to inform Toronto City Council of the status of this application, and to seek direction, should a Board hearing be scheduled before Council sits again in January.

A preliminary report on the application for 1 Mount Pleasant Road and 575 and 577 Jarvis Street dated June 1, 2000, was sent to Toronto Community Council for its meeting of June 20 and 21, 2000. The report outlined the Official Plan and zoning context of the sites in question, the proposal, the variances identified at the time, a range of planning and development issues to be addressed and a recommendation to hold a meeting in the community the week of August 7<sup>th</sup>, 2000.

Since the adoption of the preliminary report, the applicant has held an open house in their facility at 1 Mount Pleasant Road on June 28, 2000, and a community meeting has been held on August 10, 2000. There have also been a number of discussions between the applicant, civic officials and representatives of the adjacent neighbourhood. As a result of these discussions and changes made by the applicant, I am now in a position to support the application in principle, and will continue to work with the applicant to finalize the approvals.

At the time of writing this report, I have not discussed these final changes with the representatives of the adjacent residential community. However, this group will be advised of the proposed changes, prior to the Toronto City Council meeting of September 27, 2000.

### Comments:

Since acquiring the properties at 321 Bloor Street East and 1 Mount Pleasant from the former Confederation Life Insurance Company in 1996, Rogers has been actively consolidating its various operations at this one centralized facility, and now require a significant amount of new floor space, in order to bring further operations within close physical proximity. This new floor space is proposed to be added onto two different parts of the existing development and is intended to accommodate an additional 900 employees to bring their total staff complement to about 2500. The first addition, which would face onto Huntley Street and is known as the "Huntley Addition", is already anticipated by site-specific By-law 356-89 governing the 1 Mount Pleasant Road site. The second addition, which is known as the "Isabella Addition" is proposed for the area to the south of the existing development and would extend along Jarvis Street and front onto Isabella Street.

## 1.0 Proposed Huntley Addition (1 Mount Pleasant Road)

### 1.1 Existing Official Plan and Zoning By-law

The former City of Toronto's Official Plan for the Huntley Addition is set out as a permissive exception in Section 18.240, which secures the retention of 321 Bloor Street East through designation under the Ontario Heritage Act and through a Heritage Easement Agreement, providing that building Area 2, which includes Phase A (the existing 1 Mount Pleasant property) and Phase B (the proposed Huntley Addition) contain non-residential gross floor area not exceeding 46,729 square metres and not more than 29 residential units.

The Huntley Addition is subject to By-law No. 356-89, the previously mentioned site-specific by-law, which provides for the following:

- a) a total non-residential gross floor area of 46,729 square metres for Phase A and Phase B, of which at least 510 square metres is used only for street-related retail and services uses;
- b) height is to be in conformity with the height map shown on Plan 2;
- c) a four-storey 29-unit residential building along Huntley Street intended to complement the low-rise residential streetscape along the east side of Huntley, along with 19 parking spaces maintained for the residential component which are to be located below grade;
- d) the sequencing of development to ensure that no parts of the building located within Phase B are to be built until 29 dwelling units are erected;
- e) the provision of common outdoor space in accordance with certain dimensions set out in Plan 3;
- f) at least 445 but not more than 464 parking spaces are to be provided and maintained in the portion of the underground parking facility beneath Phase A;
- g) the number and type of loading spaces; and
- h) an amended definition of street-related retail.

### 1.2 The Proposal

The development will be constructed on top of the parking lot on the northern part of the 1 Mount Pleasant Road site. The proposed Huntley Addition of 10,674 square metres exceeds the maximum non-residential gross floor area of the Official Plan and site-specific by-law by about 1,900 square metres. The proposed office tower is now positioned slightly to the west of the footprint anticipated in the by-law. The applicant is proposing to change the complement of residential uses on Huntley from 29 residential units to 6 townhouses and three apartments. While the by-law requires underground parking, the proposal shows a smaller parking lot, over which the office space will be built. It is not the intent of the applicant to provide retail space on the ground floor.

## 2.0 Proposed Isabella Addition (575 - 577 Jarvis Street)

### 2.1 Existing Official Plan and Zoning By-law

The former City of Toronto's Official Plan designates the site of the Isabella Addition as a Medium-Density Mixed Commercial-Residential Area. New development is to be designed for compatibility with existing buildings and public open spaces, but is to be generally of a mid-rise form with heights in the range of 6 to 10 storeys. Retail and other non-residential uses may be located at grade, and where appropriate, on the lower floors of buildings.

In Medium Density Mixed Commercial-Residential Areas, Council may pass by-laws to permit buildings having a maximum total gross floor area of 4.0 times the area of the lot. Such by-laws also restrict commercial uses in such areas in accordance with the other policies of the Plan, and establish maximum heights in order to achieve the physical form objectives of the Plan and ensure appropriate compatibility with local conditions and objectives.

The site of the proposed Isabella Addition is zoned CR T2.0 C1.0 R 2.0. This is a mixed use zoning which permits a maximum of two times the lot area with one times commercial and two times residential. The height limit for the site is 12 metres. The site is also subject to a built form angular plane to achieve a five-hour sunlight standard for Jarvis Street.

### 2.2 The Proposal

The property at 575 Jarvis Street is a vacant gas station and the property at 577 Jarvis Street is a low-rise, house-form, historically listed building.

The Isabella Addition at 13,821 square metres exceeds the Official Plan, and represents a development of about 7.25 times coverage, whereas the limit in the Official Plan is 4 times. The City's general Zoning By-law 438-86, as amended, permits a total of two times with a commercial permission of one times. The proposed height of 56 metres exceeds the 6-10 residential storey limit of the Official Plan and the 12 metre height limit set out in the Zoning By-law.

## 3.0 Planning Considerations

### Built Form, Density and Site Plan and Other Issues

I believe that the development of the Huntley Addition is appropriate, representing the evolution of the development and the approach of a new owner. While a certain amount of additional density has been added, this has been shifted to the west, away from the Huntley Street residential edge, diminishing shadow impact on this edge and preserving the public open space on the north end of the property. While the overall number of residential units on Huntley Street has been reduced, the overall effect of the two-sided street is similarly, if not better, achieved.

Roger's detailed design process has identified the opportunity to widen the existing public walkway connecting through the complex between Huntley Street and Mount Pleasant Road by about 25 %. This will be an important improvement, providing better sightlines from one end of the walkway to the other than exist today. It will complement the initiatives planning staff are currently discussing with Rogers to better articulate the entry to the walkway from Huntley Street and to improve the interior character of the walkway. This matter will be refined through the site plan approval process.

The substantial existing and new investment by Rogers in a modern, well-maintained office complex, representing the retention and enlargement of a national headquarters of a major business in the "new economy" is important to the City's ongoing economic well-being. With respect to the Isabella Addition, the existing Official Plan and Zoning By-law anticipate a different type of development than what is being proposed. For this reason it is important to carefully evaluate this change by examining the fit into the existing neighbourhood and the transition being achieved between it and the adjacent townhouses and lower-rise residential community to the east.

From a planning perspective, I support the extension of the proposed office use as far south as Isabella Street. While office uses of this type have tended to congregate along Bloor Street East, as did the original Confederation Life building, the leap across Mount Pleasant in 1990 has established the presence of this development with its characteristic architecture in this part of the city and set into place the logic of taking the office precinct as far south as Isabella Street. Certainly the intensification of employment within the Central Area is an important City objective and planning goal. At the same time, maintaining amenity and minimizing the impact of development adjacent to low and mid-rise residential neighbourhoods in the downtown is also an important objective.

This has made the issue of the relationship between the proposed development at Isabella Street and the adjacent townhouses critical. In that regard, representatives of Rogers have agreed to a number of changes to the filed application, which now satisfy my concerns.

One of the major changes that has been made on the Isabella Street edge is that the parking access ramps have been pulled back so that they are now located fully within the base of the proposed building. The resultant space between the new building and the first house on Isabella Street is about 5.5 metres wide and 43.5 metres long with a total area of about 240 square metres. It will be a heavily landscaped area, providing a significant transition between the commercial and residential land uses and the different scales of development. Rogers proposes to plant large trees in this space, which will partially screen the view of the Isabella Addition from the backyards of the houses located on Isabella Street. The area will be enclosed by a decorative fence and also include significant ground-level plantings, to visually enhance the view of the development from Isabella Street.

A number of massing changes have been introduced over the course of discussions with planning staff. These include the continuation of the 18 metre podium that exists on the Jarvis Street frontage around to Isabella, in order to create a stepped-down quality at that edge, and the elimination of the building mass at the south east corner of the tower, to reduce its mass along

the Isabella streetscape and increase the amount of sunlight penetrating into the backyards of the adjacent townhouses.

Rogers has also agreed to prepare a landscape plan for the Isabella Street frontage which will respond to the street's residential character. It became clear at the community meeting that was held on August 10, 2000, that Isabella Street provides an important linkage to the Church Street neighbourhood to the west for shopping, entertainment and community services. Since no retail will be created on that façade, it will be important that it is designed with maximum window glazing to achieve a desirable streetscape and informal overlook on pedestrians.

#### 4.0 Parking, Loading and Traffic

This proposal has necessitated the review by the applicant of the entire parking and access requirements for the existing and proposed development. While an additional 150 spaces will be created, it is expected that about 18 will be lost in the consolidation of the underground parking lot, and 56 will be eliminated in the existing at-grade parking lot. This will result in a total net increase of 76 parking spaces on the site.

At this time of the writing of this report, the Commissioner of Works and Emergency Services and the applicant's traffic consultant are continuing to review the proposal. I understand that at the request of the local Councillor, the Commissioner of Works and Emergency Services is also undertaking a general review of the traffic conditions in this vicinity.

Rogers has agreed to have its transportation consultant work with the Commissioner of Works and Emergency Services to investigate the potential benefits of improving the operation of the intersection of Jarvis and Isabella Streets among other matters. Conditions of approval for the Site Plan are not anticipated to alter my recommendation for approval in principle.

#### 5.0 Public Benefits

The application for the Isabella Addition has been reviewed within the context of the existing former City of Toronto Official Plan policies which authorize increases in the height and/or density of development in exchange for the provision of public benefits, pursuant to Section 37 of the Planning Act. The existing policies identify heritage preservation as a potential public benefit. The implementation of these policies, which remain in-force, has been further informed by a Citywide framework for the use of Section 37 which was adopted by City Council in August 2000. As the subject site contains a listed historic building, the framework states that provisions for a 5 year waiver for office uses and the calculation of 30% of the value of the density increase are not applicable. The framework instead seeks to provide for a value of heritage preservation which has a reasonable relationship to the value of the density increase being sought.

As the building at 577 Jarvis Street is a listed historic building, options have been explored to incorporate the building into the development or move it on or off site. All of these options do not present an appropriate resolution. In consultation with Heritage Preservation Services staff, it has been determined that a suitable alternative to preservation and restoration of this building

would be a public benefit contribution which would be used to achieve other heritage objectives in the vicinity of the site. This heritage strategy for the Jarvis Street corridor south of Isabella Street could include the adoption of a Community Improvement Plan, Jarvis streetscape renewal, designation of other heritage buildings, heritage grants or loans for restoration of heritage buildings and the potential designation of the area as a Heritage Conservation District.

This heritage strategy would be consistent with the City's planning objectives to revitalize Jarvis Street, create transitions in built form, reduce the impact of new development on the neighbourhood and make better connections between downtown neighbourhoods which exist on both sides of Jarvis Street.

An agreement with Rogers Wireless Inc. has been reached which is consistent with the in-force Official Plan policies and the recently adopted Section 37 framework report as outlined above. Rogers will provide \$900,000 to the City which will be used to implement the above-referenced heritage strategy. It is recommended that Council authorize a Section 37 Agreement to secure this public benefit.

## 6.0 Public Art

Since purchasing 321 Bloor Street East and 1 Mount Pleasant Road in 1996, Rogers has relocated one piece of public art and removed another related to the history of Confederation Life. It is now appropriate, within the context of this application, that the City's Public Art Commission be informed of the potential for public art on this site, and that Rogers hire a Public Art Consultant, in order to facilitate the requirement of City Council to achieve 1% of the cost of the construction toward public art.

## 7.0 Public Consultation

Rogers Wireless and its consultant team met a number of times with members of the Upper Jarvis Ratepayers Association and residents on Huntley and Isabella Streets both before and after submitting the subject applications, to discuss their issues and concerns.

Rogers hosted an informal Community Information Open House in the main lobby of their facility at One Mount Pleasant Road on June 28, 2000. The major issues identified in relation to the proposed Isabella Addition related to density, shadowing of the adjacent residential properties on Isabella Street, traffic, transition in use and scale, and potential disruption during the construction period.

On August 10, 2000, the City hosted its Community Meeting at St. Paul's Anglican Church on Bloor Street East. A spokesperson for the residents of Isabella Street between the subject property and Huntley Street presented a prepared submission outlining the following concerns: overall mass of the proposed Isabella Addition; lack of transition between the proposed addition and the low-density residential character of Isabella Street; traffic volumes on Isabella Street; proximity between the access ramps and the underground garage and the immediately adjacent residence, and between the ramps and the intersection of Isabella and Jarvis Streets; loss of sunlight; view of the proposed addition from the adjacent backyards; impact on the access to

their garages via the existing public laneway; and decline in property values. A representative of the Upper Jarvis Neighbourhood Association stated that group was supportive of the concerns raised by the residents on Isabella Street.

On August 24, 2000 Rogers and its consultant team met with representatives of the Isabella residents to discuss their concerns further. To respond to the various issues raised by the community and their own concerns regarding the proposal, planning staff have had ongoing meetings with Rogers and its team. These have resulted in a number of significant revisions which I believe respond to the above noted concerns.

## 8.0 Operational Matters

Over the course of frequent discussions between the neighbourhood and representatives of Rogers, a number of concerns have been raised related primarily to Rogers Wireless' operational practices. Many occupants of and visitors to the existing Rogers headquarters building use the public laneway which runs behind Isabella Street and connects to the main vehicular entrance of the existing Rogers building. This is also the entrance to the garages of the townhouses on Isabella Street. This traffic is perceived to be a nuisance by the community, and Rogers has agreed to have it formally blocked off.

The practices of the loading docks located on Huntley Street have also been a topic of concern, as were evening and weekend cleaning and management practices. The noise generated by the cooling towers located on top of Rogers' building at 333 Bloor Street East was also noted as a concern. I have been advised that Rogers is actively working to resolve these operational issues and to strengthen its day-to-day relations with its neighbours.

Rogers' transportation consultant is completing a comprehensive review of the operation of the existing loading docks, related to trucks idling on the street while waiting to enter the loading dock and backing up out of the dock rather than leaving in a forward motion. Rogers has already begun actively revising these practices in order to minimize disruption to the neighbourhood.

While these operational issues are, technically, not planning matters, they do exist as a result of adjacencies of an intense office use beside a low-rise residential neighbourhood. This matter will require ongoing communication between the neighbourhood and representatives of Rogers. It may be worthwhile to formalize this arrangement, through regular meetings or the involvement of the Upper Jarvis Neighbourhood Association.

In addition, the matter of construction conflicts and disruption during construction has been identified and will require the establishment of a liaison committee.

### Conclusions:

I am recommending approval-in-principle of the applications for the following reasons:

- the proposals are consistent with a broad range of Official Plan policies including economic development in the downtown;

- the built form and site plan have been revised over the course of processing this application and now provide setbacks and massing which mitigate the impact;
- the proposal for the Isabella Addition addresses heritage preservation policies of the Official Plan through the provision of a public benefit contribution; and
- outstanding matters respecting landscaping among other things will be addressed satisfactorily in the Site Plan Approval.

Contact:

Elyse Parker, Senior Planner  
Phone: 392-7363  
Fax: 392-1330  
email: eparker@city.toronto.on.ca

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Appendix A

Letter from Morris, Rose, Ledgett LLP, Barristers & Solicitors

Letter from Stephen LeDrew of Morris, Rose, Ledgett LLP, Barristers & Solicitors, dated September 13, 2000.

“Further to your letter to me of August 15th, I can report that we have had numerous exchanges with City Officials regarding the public benefits.

You should be aware that the process to determine a figure was complicated by the lack of clarity in provisions for Heritage Buildings, as set out in the Implementation Framework dated June 4th.

That problem notwithstanding, we have had very useful discussions with your officials in order to determine a way to value the contribution by Rogers, which contribution is necessitated by the interest shown by City staff in 577 Jarvis Street.

I am authorized to inform you that Rogers has agreed to pay \$900,000.00 to the City upon issuance of the building permit for the development at One Mount Pleasant.”

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The Toronto Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, the following communications, and a copy thereof is on file in the office of the City Clerk:

- (September 5, 2000) from Ms. Brenda Morris; and

- (September 19, 2000) from Ms. Eve Taylor, Rosedale Glen.

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Mr. Frank Lewinberg, Urban Strategies Inc., on behalf of the owner, appeared before the Toronto Community Council in connection with the foregoing matter.

Map 1 Map 4 (on file)