

**175-191 Dundas Street East and 235 Jarvis Street
Zoning Amendment Application- Request for Direction
Report**

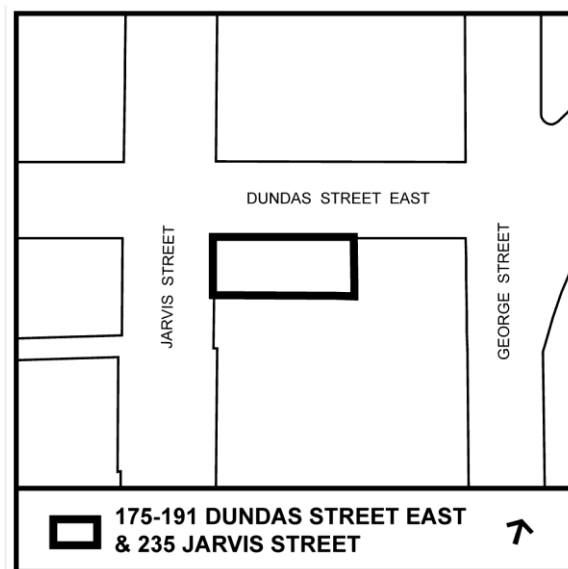
Date:	December 9, 2015
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	P:\2015\Cluster B\PLN\City Council\CC15152

SUMMARY

On May 5, 2015 City Council adopted Staff recommendations of Staff to attend the Ontario Municipal Board in support of the proposed development at 175 Dundas Street East.

On July 21, 2015 the Ontario Municipal Board approved the proposed development at 175 Dundas Street East but ruled that the building must be setback 12.5 metres from the south property line, not approving the specific plans and setbacks proposed by the applicant at 175 Dundas Street East and the City of Toronto position on the same matter. This setback was sought by the owner and applicant of a tall building development at 225 Jarvis Street, the site immediately to the south.

Subsequent to this decision, the applicant has filed for leave to appeal the Board decision to Divisional Court and the applicant along with City Planning Staff and the applicant at 225 Jarvis Street have continued to have discussion in an effort to arrive at a settlement that is mutually satisfactory to all three parties.



City Staff are in receipt of more recent proposals by both the applicants for 225 Jarvis and 175 Dundas Street East. While some issues remain unresolved, Staff are confident that a mediated settlement can be reached at the Board and request that City Council direct the City Solicitor with appropriate Staff to attend the Ontario Municipal Board to continue discussions with both parties in order to arrive at a settlement. This report outlines outstanding issues and the parameters of a proposed settlement.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with appropriate staff, to attend the Ontario Municipal Board hearing in support of a comprehensive settlement on the lands comprising 175-191 Dundas Street East and 235 Jarvis Street (File Numbers 14 208177 STE 27 OZ) and 225 Jarvis Street (15 134245 STE 27 OZ); as substantially outlined in the report from the Chief Planner and Executive Director, City Planning Division, dated December 8, 2015 and titled: "175-191 Dundas Street East and 235 Jarvis Street Zoning Amendment Application- Request for Direction Report", assuming all outstanding issues can be resolved and with the following conditions:
 - a. Upon the Zoning by-law coming into full force and effect, the Owners will withdraw their site specific appeals to the Ontario Municipal Board of OPA 82, to the satisfaction of the City Solicitor, subject to the City amending such OPA to permit the proposed developments.

Financial Impact

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

DECISION HISTORY

On January 13, 2015, Toronto and East York Community Council adopted the recommendations of Staff contained in the preliminary report for 175-191 Dundas Street East and 235 Jarvis Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE3.34>

On May 5, 2015 City Council adopted the recommendations of Staff to attend the Ontario Municipal Board in support of the proposed development at 175 Dundas Street East.

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-78892.pdf>

On July 21, 2015 the Ontario Municipal Board approved the proposed development 175 Dundas Street East but ruled that the building must be setback 12.5 metres from the south property line, not approving the specific plans and setbacks proposed by the applicant at 175 Dundas Street East and the City of Toronto position on the same matter.

<https://www.omb.gov.on.ca/english/eStatus/eStatus.html>

ISSUE BACKGROUND

Analysis of Proposed Settlement

The applicant at 175 Dundas Street East has revised their proposal to the following:

- The proposed floor plate has been reduced from 750 square metres to 620 square metres.
- The overall height has been increased from 47 storeys to 50 storeys.
- The building is setback 12 metres from the south property line, 0 metres from the east property line and it does not step back from the base building at Dundas Street East and Jarvis Street.
- The proposed separation distance between the towers at 175 Dundas Street East and 225 Jarvis Street is 24.5 metres.
- The base building setbacks along Dundas Street East and Jarvis Street are the same as in the original proposal as is the proposed amenity space.

City Planning Staff have undertaken to make a determination on the impacts of the revised proposal and offer the following:

- The proposed height meets the policies of OPA 82 (The Garden District Area Specific Policy) adopted by Council and under appeal at the Ontario Municipal Board.
- The proposed 0 metre setback from the east property line would normally be problematic for Staff, however, OPA 82 does not permit a tall building to be constructed on the properties to the east and the applicant has secured in writing permission from the neighbouring properties to have a 0 metre setback.
- City Planning is generally not supportive of 0 metre step backs for towers as they can have a negative impact on skyview and microclimatic effects, among other Tall Building Guideline objectives. The setbacks at grade do provide some protection for wind effects and the pedestrian amenity is same as in the original proposal. It is City Planning's preference, however, that the building be pushed back 2 metres to the south creating a base/tower stepback condition along Dundas Street East. This would also create a 22.5 metre separation distance between 225 Jarvis Street and 175 Dundas Street east. Since 175 Dundas Street East does not have any balconies this would be functionally the same as a 25 metre separation distance and is in keeping with the intent of OPA 82.
- Other options that could be explored may include stepping the tower back from Jarvis Street 1 metre. It is expected that this option would result in a reduced floor plate and the developer may seek more height as a result. City Planning is not supportive of heights in excess of the 50 storeys already proposed.

As part of the proposed settlement the applicant at 225 Jarvis has proposed that they be removed from OPA 82. City Planning is not supportive of this position. It is the practice of the City Planning Division to amend Official Plan Amendments that are under appeal as part of proposed settlements rather than remove them entirely. In order for City Planning to have comfort with the proposed settlement, it should be appropriately included within OPA 82 in order to secure the proposed built forms.

Background and Policy Analysis

For a comprehensive review of the applicable Provincial and Official Plan policies as well as the original draft by-laws, site plan, elevations and proposed Section 37 benefits, see the report from the Director, Community Planning, Toronto and East York District dated April 9, 2015 and titled: "175-191 Dundas Street East and 235 Jarvis Street Zoning Amendment Application- Request for Direction Report"

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-78892.pdf>

Conclusions

City Planning Staff have worked with both parties to outline a settlement proposal for 175 Dundas Street East that is generally supported by Staff. City Planning Staff believe that there is a framework for moving forward on both properties that takes into account outstanding issues with both applications but allows Staff to continue negotiating a settlement in good faith that also preserves the intent of the Garden District Area Specific Policy (OPA 82, currently under appeal at the Ontario Municipal Board).

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SIGNATURE

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