

225 Jarvis Street - Zoning By-law Amendment - Request for Direction Report

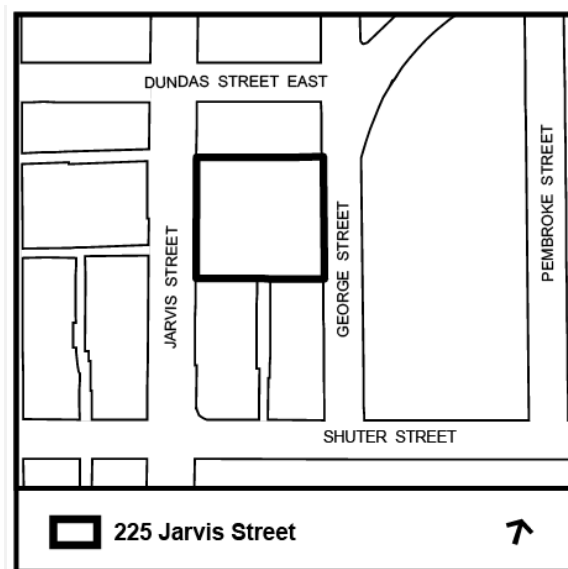
Date:	December 7, 2015
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	P:\2015\Cluster\PLN\CC15151

SUMMARY

This application proposes to amend the former City of Toronto Zoning By-law 438-86 and City of Toronto Zoning By-law 569-2012 to permit the redevelopment of 225 Jarvis Street with a 45-storey residential addition adjacent to an existing 13-storey hotel. The development would entail substantial modifications and reconfiguration of the existing hotel. The project is proposed to contain 534 dwelling units, 177 hotel units and 997 m² of restaurant space. The total gross floor area would be 48,348 m².

The owner of the site at 225 Jarvis Street has appealed its Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision within the time required by the *Planning Act*. A pre-hearing conference is scheduled for December 11, 2016. A full hearing is scheduled for the week of January 11, 2015.

The proposal is not supportable in its current form. The height of the proposed 45-storey tower is not appropriate as the proposed tower would intrude into the St Mike's helicopter flight path. This would create an unacceptable condition that would not be consistent with the Provincial Policy Statement (PPS), would not conform to the Growth Plan and would not conform to Official Plan Policy 4.8.4 which



specifically states that new buildings will be sited and massed to protect helicopter flight paths. As currently proposed, the tower component of the development represents excessive height on this site and as such is not supportable.

The purpose of this report is to seek City Council's direction for the City Solicitor and appropriate City Staff to attend the OMB in opposition to the applicant's development proposal and appeal.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment application for 225 Jarvis Street and to retain such outside experts as the City Solicitor may determine are required to support the position outlined in this report.
2. City Council authorize City staff to continue discussions with the applicant to come to an agreement at an appropriate Section 37 quantum and to resolve the tower height issues outlined in this report in order to secure confirmation from St. Michael's Hospital that the tower height would not intrude into the helicopter flight path to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. City Council direct the City Solicitor to request the OMB, in the event the OMB allows the appeal and permits the requested additional height or density to:
 - a) Secure the following community benefits with the final allocation determined through consultation with the Ward Councillor's office and enter into an Agreement to secure those benefits, pursuant to Section 37 of the *Planning Act*:

A payment in an amount to be negotiated (indexed to reflect increases in the Construction Price Statistics between the date of the OMB Order and the delivery of such payment), for:

- i. affordable housing;
 - ii. completion of community services and facilities space at 200 Dundas Street East;
 - iii. improvements to Moss Park; and,
 - iv. the construction of a green linkage between Moss Park and Allan Gardens.
- b) As a legal convenience, secure the following in the Section 37 Agreement to support the development:

- i. Owner be required to pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report should it be determined that the improvements to such infrastructure is required to support the development to the satisfaction of the Executive Director of Engineering and Construction Services ;
 - ii. Applicant shall fulfill the requirements and related approval process of the City's Private Tree By-law and City Street Tree By-law.
- c) Withhold its Order approving the Zoning By-law Amendment until:
 - i. The Owner has entered into an Agreement under Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning to secure appropriate public benefits and that the Section 37 Agreement has been registered on title; and
 - ii. The OMB has been advised by the City Solicitor that the proposed Zoning By-law Amendment is in a form satisfactory to the City.
4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

Financial Impact

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

DECISION HISTORY

A pre-application consultation meeting was held January 14, 2015 with the applicant to discuss their proposal. The initial concept presented to staff was for the demolition of the existing hotel and construction of two residential towers. The applicants subsequently modified their proposal to one tower located on the northwest portion of the lot and the retention of the existing hotel.

The Zoning By-law Amendment application was submitted on April 1, 2015. A Notification of Incomplete Application was issued on April 27, 2015. The outstanding item was the Building Massing Model which was later submitted. A subsequent Notice of Complete Application was issued which indicated the complete application date was April 28, 2015.

A Preliminary Report on the application was considered by Toronto East York Community Council on June 16, 2015. Key issues in the Preliminary Report included appropriate built form and conformity with OPA 82, including both tower and podium heights in relation to helicopter flight paths and adjacency issues. Community Council directed City Planning staff to schedule a community consultation meeting with an expanded notice area, and that notice for the public meeting be given according to the regulations of the *Planning Act*. The Preliminary Report is available at: <http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-80925.pdf>

The applicant appealed the application to the Ontario Municipal Board on September 2, 2015, Case Number PL150845. Revised development plans were subsequently submitted to the City on November 16, 2015, which generally showed modifications to the proposed podium in order to address adjacency issues.

ISSUE BACKGROUND

Proposal

This report is based on the revised plans submitted November 16, 2015. The applicant is proposing a 45-storey (147.98 m excluding mechanical penthouse or 153.98 m including mechanical penthouse) residential and hotel building with at-grade restaurant space within the hotel portion of the building. The existing 13-storey hotel would be incorporated into the development and substantially altered. A total of 534 residential units, 177 hotel units and 997m² of restaurant space are proposed. The hotel floor space would be located on floors 1 to 7 (existing hotel is 13 stories). Residential space would be located on floors 1 to 4 and 8 to 45 in the form of apartment units and in the form of townhouses units for that portion of the podium fronting George Street. The proposed gross floor area would be 35,764 m² of residential space and 12,584 m² of hotel/restaurant space for a total of 48,348 m². The proposed Floor Space Index would be 10.45 under Zoning By-law 569-2013.

The applicant is proposing a tower-base form design which would include a 6-storey podium (transitioning to 4-stories on the west side and to 2-stories on the east side and 2-stories at the southwest corner), with a 39-storey tower above. Projecting balconies are proposed along most faces of the tower, but not the southeast corner. Parking and loading would be accessed from a proposed private driveway aligned along the north property line which would connect Jarvis with George Street. The building podium would cantilever over the driveway. Vehicular parking would be below grade, loading at grade within the building podium and bicycle parking predominantly on the mezzanine level. The primary entrance for the hotel would be from Jarvis Street. The primary entrance for the residential units would be on the north side fronting the proposed private driveway, a secondary entrance would front Jarvis Street. The townhouse units would have direct street access from George Street. Indoor amenity space would be provided on the 4th and 6th floors. Outdoor amenity space would be provided on the 5th and 7th floors. A portion of the indoor amenity space would be for the residential use only; a separate portion would be shared between the residential and hotel use.

Other details of the proposal are identified in Table 1 below and in Attachment 4.

Table 1 – Summary of Application

	Initial Application	Revisions dated November 16, 2015
Tower setbacks (Floor 14-45) - Jarvis Street - George Street - North property line - South property line	4.5 m 32.7 m 12.5 m 24.6 m	No change
Podium (base) setback at grade - Jarvis Street - George Street - North property line - South property line	2.0 m 2.0 m 0.0 m 0.0 m	No change
Tower floorplate (approximate) - Floors 7-13 - Floors 14-45	1295 m ² 750 m ²	No change
Ground floor height (include mezzanine)	7.62 m	No change
Sidewalk width (approximate) - Jarvis Street - George Street	5.2 m 5.5 m	7.2 m (excl. restaurant patio) 6.1 m
Vehicular parking - Residential - Visitor and non-residential	329 92	323 91
Bicycle parking - Resid. long term - Resid. short term (visitor) - Non-residential	487 54 8	480 54 8
Loading spaces - Type G - Type B - Type C	1 2 2	No change
Amenity space - Indoor - Outdoor Total	2,588 m ² 1,339 m ² 3,927 m ²	1069 m ² resid. indoor 1168 m ² resid. outdoor 1468 m ² shared indoor with hotel 3705 m ² Total

Site and Surrounding Area

The site is a rectangular through lot with 66.5 metres of frontage on Jarvis Street to the west and George Street to the east and a minimum depth of 69 metres along the north and south property lines. The total lot area is 4626.6 m². There is an existing 13 storey hotel, the 'Grand Hotel', located approximately in the middle of the lot with a private driveway located along the north property line.

The surrounding uses are as follows:

North: 2 and 3-storey mixed-use residential/commercial buildings and an OMB approved, with amendment, a 47-storey residential building with retail at grade at 175-191 Dundas Street West.

South: 3-storey residential townhouses which are listed on the City of Toronto's Inventory of Heritage Properties fronting Jarvis Street and 3-storey semi-detached dwellings fronting George Street.

West: immediately across the street a 14-storey residential building at 190 Jarvis Street and 30-storey residential building at 186 Jarvis Street (under construction). To the north-west is the under construction PACE condominium at 42 stories.

East: Institutional (École Gabrielle Roy Elementary School) and associated open spaces and /playground.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014, provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Chapter 2 of the Official Plan sets out the Urban Structure of the City, develops the strategy for directing growth within this structure and establishes policies for the management of change, through the integration of land use and transportation planning. The proposed development is located in the Downtown area as defined by Map 2. Although growth is expected to occur in the Downtown, not all of Downtown is considered a growth area.

The property is designated *Mixed Use Areas* on Map 18, Land Use Plan of the Official Plan. *Mixed Use Areas* provide for a broad range of commercial, residential and institutional uses in single or mixed use buildings, as well as parks and open spaces and utility uses. Not all *Mixed Use Areas* are expected to experience the same scale or intensity of development. Surrounding context, built form considerations and the capacity of municipal infrastructure will inform the extent of development. This designation contains policies and development criteria which are used to guide development and ensure an appropriate transition between areas of different

intensity and scale. The proposed development is adjacent to a designated *Neighbourhood*. The Healthy Neighbourhoods Policies 2.3.1 state that development in *Mixed Use Areas* adjacent or close to *Neighbourhoods* will be compatible with those *Neighbourhoods*, and provide a gradual transition of scale and density.

Chapter 3 of the Official Plan establishes the policy direction for guiding growth by integrating social, economic and environmental perspectives on the built, human and natural environment. The Built Form policies identify the importance of urban design as a fundamental element of City building. These policies are intended to minimize the impacts of new development and guide the form of new buildings to fit within their context. The applicant is proposing to construct a Tall Building. Policy 3.1.3 addresses Tall Building proposals and how they should respond to key urban design considerations.

The proposed development is also adjacent to 207-219 Jarvis Street, listed on the City of Toronto's Inventory of Heritage Properties, and across the street from 14 Pembroke Street (with George Street frontage) which is also listed. Policy 3.1.5 addresses heritage resources and how development should respect the scale, character and form of heritage buildings. Official Plan Amendment 199, although not approved by the OMB prior to this application, does help to inform as it gives an indication of City Council's intent.

Other key policies applicable to this development are: Policy 2.4.12 which states that hotels will make provisions for taxi stands on private property and Policy 4.8.4 which states that new buildings in the vicinity of hospital heliports will be sited and massed to protect the continued use of flight paths to hospital heliports.

Official Plan Amendment 82 – Downtown East Planning Study

Official Plan Amendment 82 (OPA 82), the Downtown East Planning Study, was approved by City Council on March 31, 2015 and subsequently appealed to the OMB. Although OPA 82 is not in full force and effect, it does set out the Council approved planning framework for the area. OPA 82 states that new tall buildings are restricted to specified areas within the district. The properties at 225 Jarvis and 175-191 Dundas Street East (adjacent property to north), being Part A and Part B on Block 4 within the Hazelburn Character Area, are one such area. Policy 3.14 requires a minimum 25 m tower separation distance and Table 4.2 specifies that only 2 towers are permitted on block 4.

Key development performance standards include: a minimum 10% affordable rental or ownership housing to be secured through Section 37; 10% of new units to be three bedroom or larger; and no net new shadows on the École Gabrielle Roy playground (September 21 - June 21, from 10 a.m. - 4 p.m). OPA 82 also gives direction for Section 37 Community Benefits. Policy 5.1 refers to Section 37 priorities being: a minimum affordable housing provision of 10%; improvements to the community services and facilities space at 200 Dundas Street East; improvements to Moss Park; and a green linkage between Moss Park and Allan Gardens.

Zoning

The site is currently subject to City-wide Zoning By-laws 438-86 and 569-2013. The site is zoned CR T3.5 C2.0 R2.0 under By-law 438-86 and zoned CR T3.5 (c2.0 r2.0) SS2 (x2086) under by-law 569-2013. Both by-laws permit a variety of commercial and residential uses with a maximum density of 3.5 times the site area and a maximum building height of 30.0 metres. By-law 569-2013 also includes site specific exception 2086 which references a number of site specific provisions, prevailing By-laws and prevailing Sections.

Site Plan Control

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

City-Wide Tall Building Design Guidelines

Section 5.3.2 of the Official Plan states that guidelines will be adopted to advance the vision, objectives, and policies of the Plan. City Council adopted the Tall Building Design Guidelines on May 7, 2013 for use in evaluating tall building proposals.

<http://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>. The Tall Building Design Guidelines are intended to be used in assessing the siting, massing and design of tall buildings and the associated public realm. 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. More specifically, the guidelines provide recommendations for building placement and orientation, entrances, massing of base buildings, tower floor plates, tower separation distances, pedestrian realm considerations and sustainable design and transition.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the Tall Building Design Guidelines May 2013). This document can be viewed at:

<http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>. This guideline identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Tall Building Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate tall building proposals. Within the guidelines, Map 2 Downtown Vision Height Map envisions maximum heights for this site in the range of 15 to 25 stories (47 m to 77 m), provided performance standards are met.

TOcore

On May 13, 2014, Toronto and East York Community Council considered a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'. These reports along with additional information are available on the study website at: www.toronto.ca/tocore

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary infrastructure to remain a great place to live, work, learn and play. TOcore is in its initial 'taking stock' phase, which involves an analysis of existing conditions, growth trends and priority issues in the Downtown. The results of Phase One and the priorities for Phase Two, "Planning and Analysis" are the subject of an October 23, 2015 report adopted by TEYCC on November 10, 2015. The review of this application has been informed by the issues being considered under TOcore.

Garden District Heritage Conservation Study

The proposal is within the Garden District Heritage Conservation study area. The study recommends the area (with the final boundaries to be determined) be designated as a Heritage Conservation District (HCD). The HCD designation will ensure that future changes respect the historic patterns and cultural heritage resources of the area. The intent is for the City to prepare a Heritage Conservation District Plan for adoption by City Council. The plan would contain policies and guidelines that will conserve the heritage resources and manage change in a way that is complementary to the Districts' heritage character.

Reasons for the Application

An application to amend the Zoning By-law is required to permit the proposed height and density as well as to amend other applicable provisions.

Application Submission

The following reports/studies were submitted with the application:

- Land Use Planning Justification Report
- Community Services and Facilities Report
- Functional Servicing and Stormwater Management Report
- Transportation Study
- Pedestrian Wind Study
- Shadow Study
- Heritage Impact Assessment
- Environmental Noise & Vibration Feasibility Assessment
- Draft Zoning By-law Amendments (438-86 and 569-2013)
- Toronto Green Standard Checklist
- Arborist Report

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses have been used to assist in evaluating this application and been incorporated into this report. Due to the timing of the appeals, certain outstanding technical requirements remain to be addressed to the satisfaction of City staff as outlined below. Accordingly, staff recommend these outstanding requirements be secured in the Section 37 Agreement as a Legal convenience or in the Zoning By-law should the OMB issue any Order approving this or a modified form of development.

Community Consultation

A community consultation meeting was held September 15, 2015 and was attended by approximately 30 residents as well as the Ward Councillor. Many of the issues raised at this meeting concerned the proposed podium. Specific comments related to the zoning amendment component of the project were:

Land Use

- project will help revitalise area
- appropriateness of the project given the area context

Urban Design

- loss of existing view from Jarvis through to George (impacts on views & sunlight)
- tower interesting/nice
- concern new development not like older 'mansions' style housing

Podium

- podium is problem: articulate podium so not one continuous façade, podium materiality should match streetscape, shift podium location, lower height (floor to ceiling heights not typical of residential development)
- podium transition to abutting properties: wall of podium impacts on existing housing, podium too high with no setback to adjacent rear yards

Heritage Adjacency Issues

- retain existing greenspace on south side of existing building
- height of podium
- appropriate materiality adjacent to heritage building (contrast between heritage and new)
- consider street context as informing podium design
- increase podium setback along Jarvis
- increase space around heritage building
- HCD study should identify relevant heritage attributes

Proposed courtyard/restaurant

- appropriate use of courtyard on south side of proposed podium; relocate courtyard to Jarvis frontage adjacent to proposed restaurant patio thereby increasing setback from adjacent heritage building.
- opportunities for patio and landscaping with restaurant fronting Jarvis

Landscaping

- increase landscaping, potential for POPS, need to landscape George street frontage with trees and shrubs

Shadowing

- potential shadowing of school playground
- concern with shadowing of residential areas (*Neighbourhoods* designation)

Transportation

- concern with increased vehicular and truck traffic
- concern with cumulative impact of construction traffic
- minimize trucks on George by routing through Jarvis thereby making it safer for children using George Street to access school/day care
- route trucks away from Dundas
- concern with truck manoeuvring on site
- potential conflict with vehicular access/egress, parking, loading and lobby entrance

COMMENTS

Staff have reviewed the proposed development and are of the opinion the proposed development is not appropriate as the proposed tower would intrude into the St. Michaels's Hospital helicopter flight path. As currently proposed, the tower component of the development represents excessive height on this site and as such the proposed development is not supportable in its current form.

Provincial Policy Statement and Provincial Plans

Provincial Policy Statement (PPS)

Policy 1.1.3.3 of the PPS refers to appropriate locations for intensification and redevelopment while Policy 1.1.3.4 refers to appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Policy 2.6.1 states that Planning authorities shall not permit development on adjacent lands to protected heritage property except where it has been demonstrated the heritage attributes will be conserved. Policy 4.7 identifies the Official Plan as the most important vehicle for implementing the PPS.

There are additional policies in the PPS which refer directly or indirectly to health and hospitals. More specifically, a Public Service Facility is a defined term which includes the provision of services for health programs. Policy 1.1.1 c) refers to avoiding development which may cause public health and safety concerns. Policy 1.1.1 g) refers to ensuring that Public Service Facilities are or would be available to meet current and projected needs and Policy 1.1.3.6 refers to development that allows for the efficient use of Public Service Facilities to meet current and projected needs which is also reflected in Policy 1.7.1 b) which refers to optimizing the long-term availability and use of Public Service Facilities.

In the Official Plan the site is designated *Mixed Use Areas* which is an appropriate location for intensification, subject to appropriate development standards. The proposed redevelopment conserves the heritage attributes of adjacent buildings. However, as further explained below, the proposed tower component of the development intrudes into the St. Michaels' Hospital helicopter flight path and would therefore impact the provision of health services and hospital operations and is therefore not consistent with the PPS.

Growth Plan

The Growth Plan requires that a significant portion of new population and employment growth be directed to built-up areas of the community through intensification and focusing intensification to identified intensification areas. The *Downtown* is one such intensification area. Policy 2.2.3.7 c) of the Growth Plan requires intensification areas to be planned and designed to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places.

Policy 3.2.6 refers to Community Infrastructure which is defined to include public services for health. Policy 3.2.6.1 and 3.2.6.2 refer to the co-ordination of Community Infrastructure and land use planning and for the planning of growth to take into account existing Community Infrastructure so that it can be provided efficiently and effectively. As further described below, the proposed tower component of the development would intrude into the St. Michaels' Hospital helicopter flight path and thereby reduce the efficiency and effectiveness of that health service and therefore the proposed development would not conform and would conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The proposed development is located in the *Mixed Use Areas* designation of the Official Plan. The uses proposed for the project are residential, hotel and restaurant space. This constitutes a mixed-use building, which as a land use, would be permitted in the *Mixed Use Areas*. While intensification is provided for in *Mixed Use Areas*, it must be achieved through a built form that provides appropriate fit, transition and the protection of designated *Neighbourhoods*, heritage buildings and parks/open space lands.

Built Form

Context and Massing

Official Plan Built Form Policies 3.1.2.1 and 3.1.2.3 require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. For the *Mixed Use* areas designation, Policy 4.5.2 c), d) and e) further state that the location and massing of new developments provide a transition, limit shadows and frame street edges in good proportion. The planned and built form context is further informed by OPA 82 which identifies the Dundas Street East/Jarvis Street intersection as an appropriate location for Tall Buildings. Official Plan Policy 3.1.3 further states that, to fit into its context and limit impacts, tall buildings will be designed with a base (podium), middle (tower) and top.

The proposed development is massed in a podium tower form consisting of a 45-storey tower and a podium ranging from 2 to 6-storeys. The proposed tower in the north-west corner of the property maintains a 12.5 m setback to the north property line and is set back approximately 30 m from the adjacent *Neighbourhoods* designated lands to the south. The 45-storey tower is positioned immediately to the north of the existing 13-storey hotel and thereby furthest from the *Neighbourhoods* designated lands. The proposed tower positioning and setbacks are appropriate in their current form.

The issue with the context and massing relates to the scale being proposed as opposed to the general form. The general form of a tower in the north-west corner and a transition down in height to the adjacent low rise buildings on the south side is appropriate, however, the proposed tower height exceeds the policies, development criteria and guidelines as outlined below.

Tower Height

Policy 3.1.3 of the Official Plan requires that tall buildings relate to their existing and planned context. This is expanded on by Policy 4.5.2c) which references a stepping down of heights towards lower scale *Neighbourhoods*. Policy 4.8.4 also states that new buildings will be sited and massed to protect flight paths to hospital heliports. In this case, the relevant flight path is St. Michaels' Hospital (the site is adjacent but outside of the Sick Kids Hospital flight path). OPA 82, although under appeal, further states in Policy 3.18 that there will be no negative impacts on the long-term function of the helicopter flight paths.

Further guidance is provided by Tall Building Design Guideline 1.3 which specifies that tall buildings provide an appropriate transition in scale to lower scale buildings, parks and open space. For the tower portion of a development, more specific guidance is provided in the Downtown Tall Building Guidelines which identifies the site as being on a High Street with appropriate heights being in the 15-25 storey (47 to 77 m) range excluding rooftop mechanicals.

The proposed tower is 45-stories (147.98 m excluding mechanical or 153.98 m including mechanical). Approved developments in the immediate vicinity include: 200 Dundas Street East (47-storey, 152 m); 155-163 Dundas, being the PACE condominium (42-storey, 145 m); 175-191 Dundas (43-storey, 147 m) and 186-188 Jarvis Street (30-storey, 99 m).

Although the tower height is generally consistent with those immediately to the north, the proposed tower is within the St Michael's helicopter flight path while the others are not. The plans have been circulated to St. Michaels hospital and City staff have consulted with representatives of the hospital. The most recent communications indicate that the proposed tower would intrude into the helicopter flight path. St. Michael's Hospital has produced a flight path map (dated August 6, 2015) which indicates maximum building heights on the subject property would be in the range of approximately 116 m to 121 m which equates to an approximate tower height in the range of 33 to 34 stories. In order to comply with the helicopter flight path and the related PPS provisions and Official Plan policies, the proposed tower would have to be reduced in height. The impact of tower height is further assessed in the following Shadowing section.

Shadowing

City policies and guidelines emphasize the need to locate and mass new buildings to limit shadow impacts and specifically in the case of parks/open spaces and *Neighbourhoods*, to minimize additional shadowing. Shadowing impacts are important as they affect thermal comfort (enjoyment) of being outside and the provision of adequate light. In the case of parks, open space and the public realm portion of the street right-of-way, shadows affect both passive and active users.

Shadows from towers are impacted by the size, location and shape of floor plates, building heights and setbacks as well as the time of year and angle of the sun. There are a number of Official Plan policies which specifically address shadowing. The Healthy Neighbourhoods Policy 2.3.1.2 c) refers to developments that are adjacent or close to *Neighbourhoods* will maintain adequate light and privacy for those *Neighbourhoods*. Built Form Policy 3.1.2.3 e) refers to providing for adequate light and limiting shadows on streets, properties and open spaces and minimizing additional shadowing on neighbouring parks to preserve their utility. Policy 3.2.3.3 also references minimizing additional shadows on parks and open spaces to preserve their utility. For the *Mixed Uses Areas* designation, Policy 4.5.2 d) and e) refers to limiting shadows on adjacent *Neighbourhoods* and maintaining sunlight on adjacent streets, parks and open spaces. Although the policies have been appealed to the OMB, OPA 82 would require that no net new shadow be allowed on the École Gabriele Roy playground from 10 a.m to 4 p.m. from September 21 to June 21.

The Tall Building Design Guidelines provides further guidance. Guideline 1.3a) refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties which is expanded on by Guideline 1.4 which seeks to protect access to sunlight and sky views including maintaining at least 5 hours of sunlight on the opposite side of the street and to provide protection to open spaces/parks and heritage properties. The guidelines also refer to a maximum tower floor plate of 750 m² to ensure that any shadows that are generated would be fast moving and would minimize impacts. The supplementary Downtown Tall Buildings Guidelines further states in Guideline 1.3 that sunlight on parks and open spaces is one of the mitigating factors that takes precedence over assigned heights. This is expanded on by Guideline 3.2 which, among other matters, states tall buildings should not cast new shadows on parks between 12 noon and 2:00 pm on September 21st.

Plans have been submitted illustrating the extent of shadowing that would result from the proposed development for March/September 21, June 21 and December 21. To some extent, shadows generated by the proposed tower would fall within the shadow of the existing Grand Hotel (which would be retained) or within shadows generated by other approved developments. The submitted shadow studies show the proposed tower shadowing *Neighbourhoods* designated lands (excluding École Gabrielle Roy Elementary School) starting at 3:18 (March/September 21) and starting at 5:18 (June 21). The studies also show shadowing of the treed portion of École Gabrielle Roy Elementary School starting at 3:18 and the outdoor play area starting at 5:18 (March/September 21); the shadows of the playground would start at 3:18 for June 21. The proposed podium would generate shadows early in the morning on the public realm portions of Jarvis Street, however, by 10:18 in the morning the shadows would be moving off of Jarvis Street.

The proposed shadowing is relatively minor as it would be generated by a small tower floorplate of 750 m² and be limited to late afternoon impacts. As such, the shadows generated by the proposed development would be in general conformity with Official Plan policies and relevant guidelines.

Podium Height and Transition

There are a number of Official Plan policies that reference the need to protect adjacent developments by providing an appropriate transition through setbacks and stepbacks. Policy 2.3.1.2 b) states that developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will provide a gradual transition of scale and density through the stepping down of buildings towards and setbacks from those *Neighbourhoods*. Policy 3.1.2.3 c) further refers to appropriate transitions in scale to neighbouring existing and/or planned buildings. For the *Mixed Use Areas* designation, Official Plan Policy 4.5.2 c) refers to locating and massing new buildings to provide a transition between areas of different development intensity and scale through setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*.

The Tall Building Design Guideline 1.3 expands on this by referring to an appropriate transition in scale down to lower-scale buildings, parks and open space. Guideline 3.1.1 provides greater clarity by referring to the base building (podium) height being consistent with the existing street wall context and refers to podium (base) building heights being a maximum of 80% of the width of the adjacent right-of-way and a minimum 10.5 m in height. The Downtown Tall Building Guideline 3.1 refers to the base (podium) height abutting neighbourhood areas to be no higher than the height of adjacent buildings and for the tower to be setback at least 20 metres.

The proposed podium height ranges from 2-stories (12 m) to 6-stories (26 m). Along the south property line the podium is 2-stories with a stepback to 4-stories (19 m) and a further stepback to 6-stories with the 6-storey element setback 7.5m from the property line. Along the west property line (Jarvis Street), the podium is 4-stories with the exception of the southwest corner at 2-stories. Along the east property line (George Street), the 2-story podium is setback 2 m from the property line; there is a further 3 m stepback to the 4-story level. Along the north property line the podium ranges from 2 to 6-stories with the northeast corner being 2-stories and northwest corner being 4-stories.

The width of the adjacent right-of-way is approximately 23.0 m (Jarvis Street) and 18.5 m (George Street) which implies a maximum podium height of 18.4 to 14.8m based on the above noted 80% provision. An appropriate podium height is also informed by the height of adjacent developments. Along Jarvis Street there is a 3-storey (approximate 13 m) heritage building on the south side and a proposed 3-storey (19.25 m) podium on the north side at 175-191 Dundas Street. Along George Street adjacent developments are 3-storey (approximate 11 m) semi-detached buildings designated *Neighbourhoods* on the south side and *Mixed Use Areas* on the north side.

The Official Plan policies and relevant guidelines specifically reference the transition to adjacent *Neighbourhoods* designated properties, being those along George Street, and heritage designated properties, being those on Jarvis Street. The proposed townhouse form of the podium fronting George Street and 4-storey podium fronting Jarvis Street and related setbacks and stepbacks complies with City policies and guidelines and is an appropriate continuation of the adjacent low rise built form.

For the heritage designated properties on Jarvis Street, there are additional policies and guidelines applying specifically to the transition to heritage buildings.

Heritage

Official Plan policy 3.1.5.2 states that development adjacent to properties on the City's Inventory of Heritage Properties will respect the scale, character and form of the heritage buildings. The properties at 207-219 Jarvis Street and 14 Pembroke Street (with frontage along George Street) are listed on the City of Toronto's Inventory of Heritage Properties.

The Tall Building Design Guideline 1.6 states that tall buildings are to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties and more specifically; to design new base (podium) buildings to respect the urban grain, scale, setbacks and proportions through such means as additional setbacks and stepbacks. This is further informed by Guideline 3.1.1e and in the Downtown Tall Buildings Guideline, by Guideline 3.4 which reference the established streetwall height and respecting the scale, character, form and setting of adjacent heritage buildings. Although still in a draft form and not approved, the Garden District Heritage Conservation District would likely provide further guidance.

The applicant has submitted a Heritage Impact Assessment. There are two potential impacts to heritage properties; shadowing impact on the École Gabrielle Roy Elementary School and an adjacency issue with the heritage buildings fronting Jarvis Street. Heritage staff advise they can support the proposed development contingent on the two-storey component having the same setback as the adjacent heritage building and the same height as the eave line of the adjacent heritage building. This requirement is reflected in the submitted plans and would be incorporated into any amending by-law. Heritage staff also advise that the materiality of the base building be consistent with the historic masonry buildings on Jarvis. This will be addressed through the Site Plan application process.

Amenity Space

Official Plan Policy 3.1.2.6 states that new development will provide indoor and outdoor amenity space for residents. This requirement is implemented through 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). There is no equivalent requirement for hotels although hotels typically provide amenity space for their guests.

The development proposal includes both indoor and outdoor amenity space. A total of 1069 m² (2 m² per dwelling unit) of indoor amenity space is proposed and 1168 m² (2.2 m² per dwelling unit) of outdoor space is proposed for the residents. The applicant has also proposed an additional 1468 m² of indoor amenity space that would be shared with the hotel. The proposed amenity space meets or exceeds City standards and as such is appropriate.

Provision of Family Sized Units and Affordable Housing

In the *Downtown* section of the Official Plan, Policy 2.2.1.1 c) refers to the provision of a full range of housing opportunities. In implementing this policy staff seek to secure 10% of all units as three bedroom or greater to broaden the range of housing provided *Downtown*. OPA 82, under appeal, specifically states in Policy 3.4 that 10% of units in new development will be 3 bedroom units or larger. The applicant is proposing 55 three-bedroom units (10.3% of the total units) and as such meets City policies and standards.

The City also encourages the provision of affordable housing. Official Plan policy 5.1.1.6 provides for the provision of affordable housing as a potential Section 37 benefit. OPA 82, under appeal, specifically requires a minimum 10% of units be affordable. The applicant has not indicated if any of the proposed units would be affordable or not. In the absence of any certainty about proposed unit prices and the status of OPA 82, staff recommend a portion of any Section 37 benefits be allocated towards affordable housing.

Traffic, Parking and Loading

A Transportation Study prepared by MMM Group dated March 2015 was submitted with the application and has been reviewed by staff. Parking and loading would be accessed from a proposed private driveway aligned along the north property line which would connect Jarvis and George Street. Vehicular parking would be below grade with loading at grade within the building podium and bicycle parking predominantly on the mezzanine level. The proposal includes 323 resident parking spaces and 91 visitor and non-residential spaces for a total of 414 parking spaces. A total of 542 bicycle parking spaces are proposed. A total of 5 loading spaces are proposed constituting 1 type G, 2 type B and 2 type C spaces. A drop off area fronting the proposed private driveway would be able to function as a taxi stand in accordance with Official Plan 2.4.12.

Engineering and Construction Services Staff have determined that the proposed Traffic Impacts will be minimal and that more detailed comments will be made through the site plan process. A subsequent Site Plan Control application would provide an opportunity for a detailed review of site operations including vehicular circulation, parking space dimensions, ramp design, driveway width and radii, loading operations and pick-up and drop-off facilities. The reviews could potentially result in revisions to floor plans, loading spaces/operations, ramps, parking space supply and vehicular movements.

Staff advise that they support the proposed parking supply and that they concur with the provision of parking in conformity with the requirements of Zoning By-law 569-2013 for Policy Area 1. The development proposal meets or exceeds City standards for provision of vehicular parking, bicycle parking and loading requirements and is therefore satisfactory to Transportation Services staff.

Site Servicing and Solid Waste

The applicant submitted a Functional Servicing & Stormwater Management Report by MMM Group dated March 2015 and an addendum letter dated October 13, 2015 to reflect the current revised proposal. The development site would be serviced from existing sewer and water mains. Engineering and Construction Services reviewed the report and advise the findings and conclusions are generally satisfactory and any issues could be addressed through the Site Plan Approval process. To mitigate the impacts of the proposed development, Engineering and Construction Services recommended that as a condition of approval the owner be required to pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report should it be determined that the improvements to such infrastructure is required to support the development. This condition could be secured through a Section 37 Agreement, should a development be approved on the subject lands.

Engineering and Construction Services also advise that the proposed residential component of the development would be eligible for City garbage, recycling and organic collection services; however, the hotel and restaurant component would not and would have to make separate arrangements for both on-site storage and collection.

Public Realm and Wind Impacts

The Public Realm policies in the Official Plan (3.1.1) seek to ensure that new development enhances the quality of the public realm. More specifically, Policy 3.1.1.6 refers to sidewalks being designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. In this regard, the Tall Building Design Guideline 4.2 recommends a minimum 6 metres wide sidewalk zone. The development application proposes approximately a 7.2m sidewalk zone, less space for an outdoor patio, along Jarvis Street and 6.1 m on George Street. This is in conformity with the guideline.

The applicant submitted a Pedestrian Wind Study for the proposed development. Wind impacts are generally acceptable with the exception of the hotel entrance in winter and the sidewalk at the northeast and southwest corner of the site. This could be addressed through the Site Plan application process through wind mitigation measures.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article 111 of the Toronto Municipal Code.

The application proposes 534 residential units on a site with a net land area of 3,560.29 m². At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article 111 of the Toronto Municipal Code, the parkland dedication requirement is 7,213.3 m² or 215% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 340 m².

Should the Ontario Municipal Board approve this application, the applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu payment. This would be appropriate as the parkland dedication associated with the development would be too small to create a serviceable park. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit by the Facilities and Real Estate Division. Parks, Forestry and Recreation staff are satisfied with the proposal for a cash-in-lieu payment.

Urban Forestry

An Arborist Report submitted by the applicant identified 10 trees on site, an additional 4 trees on adjacent lands that would be affected by construction and 3 City owned trees in close proximity to the site. The applicant proposes the removal of the 10 on-site trees, the 4 adjacent trees and 1 of the City owned trees.

Urban Forestry reviewed the proposed conceptual landscape plan and Arborist Report and indicated they require submission of detailed landscape plans, landscape details, landscape elevations and a composite utility plan. The owner will be required to obtain the necessary permits prior to any tree removal and either provide replacement trees in the ratio of 3:1 or provide a cash-in-lieu payment.

Urban Forestry also commented that the requirements and related approval process of the City's Private Tree By-law and City Street Tree By-law must be completed prior to Final Approval by City Council. To date this has not occurred and therefore in the event the application is approved by the OMB, it is recommended that the OMB be asked to incorporate this requirement into a Section 37 Agreement as a legal convenience.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS. Should the application be approved, the applicant will be required to submit a Site Plan application that brings their proposal into compliance with these standards.

Section 37

Given the increase in height and density represented by the current proposal, the Official Plan provides for the provision of Section 37 contributions. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include a range of benefits as identified by Official Plan Policy 5.1.1.6. The community benefits must bear a reasonable planning relationship to the proposed development. Although it has not received Final Approval, OPA 82 identified the following Section 37 benefits as priorities: provision of affordable housing, completion of community services and facilities space at 200 Dundas Street East, improvements to Moss Park and the construction of a green linkage between Moss Park and Allan Gardens.

Discussions with the applicant concerning Section 37 benefits did not occur as there was no agreement on appropriate development for the site. However, as this application has been appealed to the OMB, it is prudent to address Section 37 contributions in the event the OMB approves the proposed development.

A Community Services and Facilities Report was submitted by the applicant. The study identifies a number of community services and facilities that serve the area but lacks a detailed analysis of those services in order to identify existing servicing gaps (if any). In the absence of specific deficiencies, any Section 37 funds should be allocated to those capital projects identified by OPA 82.

This report therefore recommends that if the Ontario Municipal Board approves this application, that in accordance with Policy 2.3.1.6 and 5.1.1 of the Official Plan, an amount to be determined should be provided under Section 37 of the *Planning Act* for the following community benefits with the final allocation determined through consultation with the Ward Councillor's office:

- i. affordable housing;
- ii. completion of community services and facilities space at 200 Dundas Street East;
- iii. improvements to Moss Park; and,
- iv. the construction of a green linkage between Moss Park and Allan Gardens.

The amount and recommended community benefits are comparable to those secured for similar developments in the area. The quantum of the Section 37 shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of funds by the Owner to the City.

The following matters are also recommended to be secured as a legal convenience in the Section 37 Agreement to support development:

1. Owner be required to pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report should it be determined that the improvements to such infrastructure is required to support the development to the satisfaction of the Executive Director of Engineering and Construction Services.
2. Applicant shall fulfill the requirements and related approval process of the City's Private Tree By-law and City Street Tree By-law.

Conclusion

The proposed development is not appropriate as the proposed tower would intrude into the St. Michael's Hospital helicopter flight path. This would create an unacceptable condition that would not be consistent with the PPS, would not conform to the Growth Plan and would not conform to Official Plan Policy 4.8.4 which specifically states that new buildings will be sited and massed to protect helicopter flight paths. As currently proposed, the tower component of the development represents excessive height on this site.

Additional development could be supported at this location, provided it is within a built form that conforms to the helicopter flight paths and limits shadow impacts. The proposed tower fails to achieve this. Therefore, for the reasons outlined in this report, it is recommended that staff be directed to attend the OMB hearing to oppose the applicant's development proposal and their application for a Zoning By-law Amendment for the property at 225 Jarvis Street. It is also recommended that staff be authorized to continue discussions with the applicant to resolve tower height issues in order to secure confirmation from St. Michael's Hospital that a revised tower height would not intrude into the helicopter flight path.

CONTACT

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SIGNATURE

Jennifer Keesmat, MES, MCIP, RPP
Chief Planner & Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet

Attachment 1: Site Plan



Site Plan

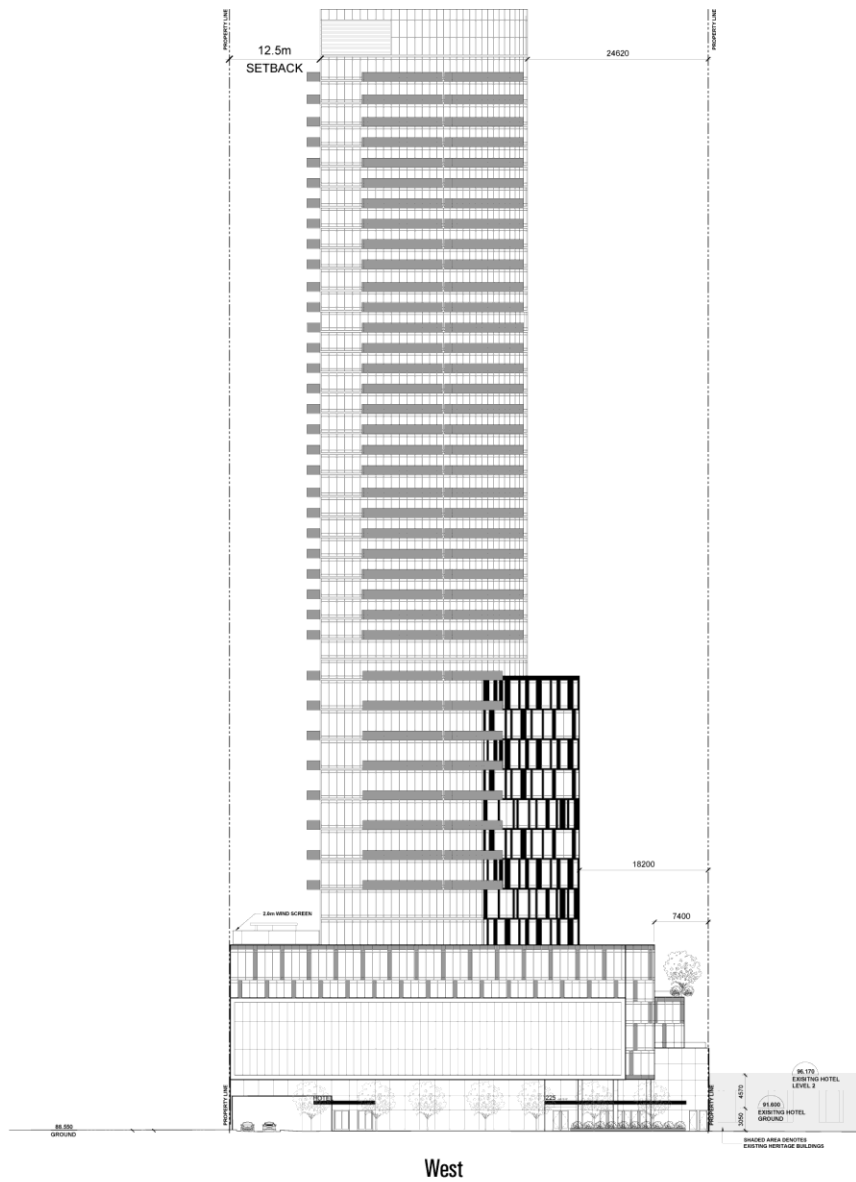
Applicant's Submitted Drawing

Not to Scale 

225 Jarvis Street

File # 15 134245 STE 27 OZ

Attachment 2: Elevations



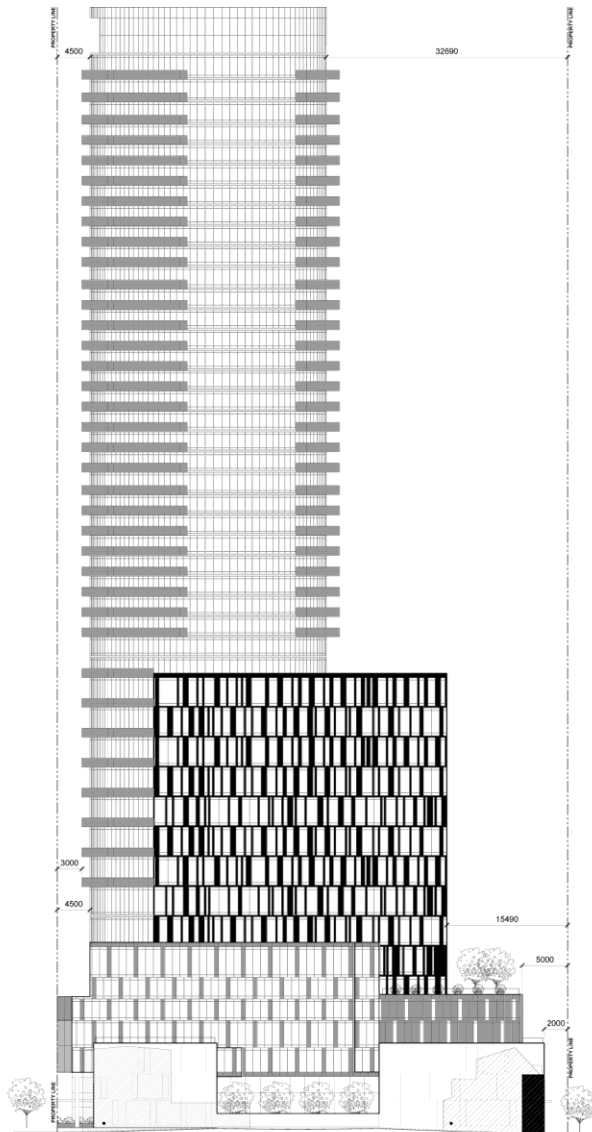
Elevations

Applicant's Submitted Drawing

11/25/2015

225 Jarvis Street

File # 15 134245 STE 27 OZ



South

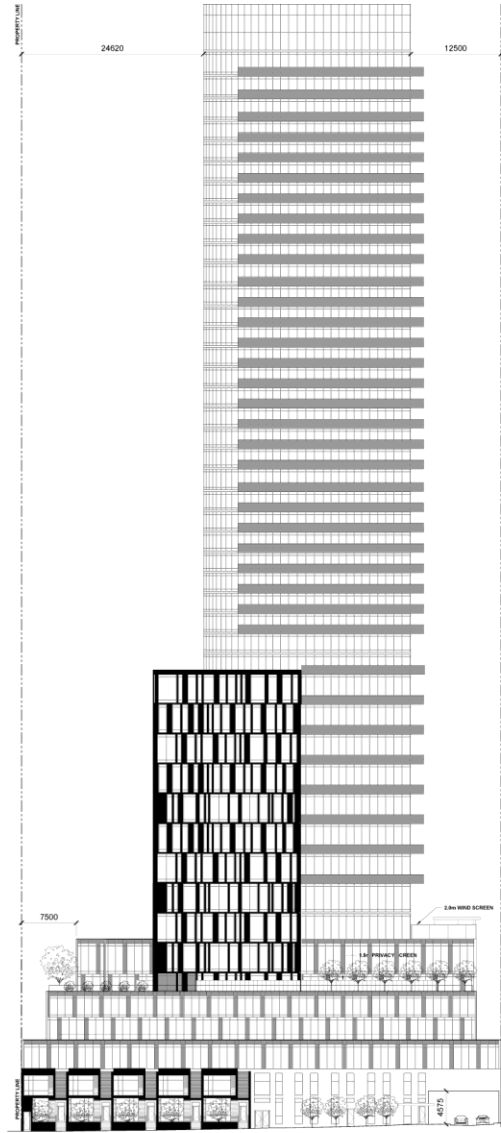
Elevations

Applicant's Submitted Drawing

11/25/2015

225 Jarvis Street

File # 15 134245 STE 27 OZ



East

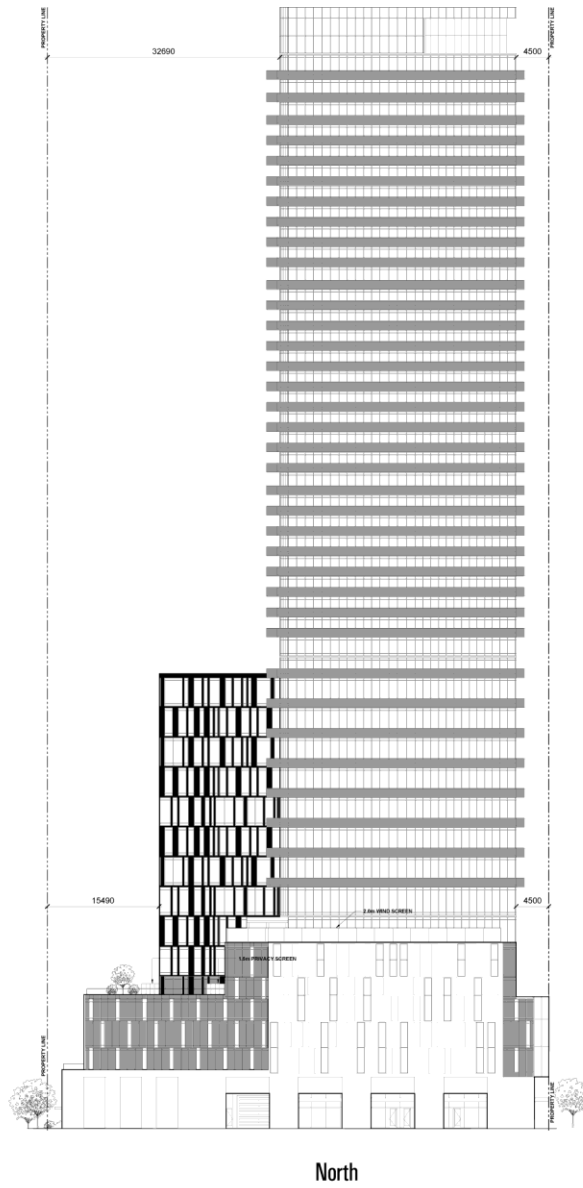
Elevations

Applicant's Submitted Drawing

11/25/2015

225 Jarvis Street

File # 15 134245 STE 27 OZ



Elevations

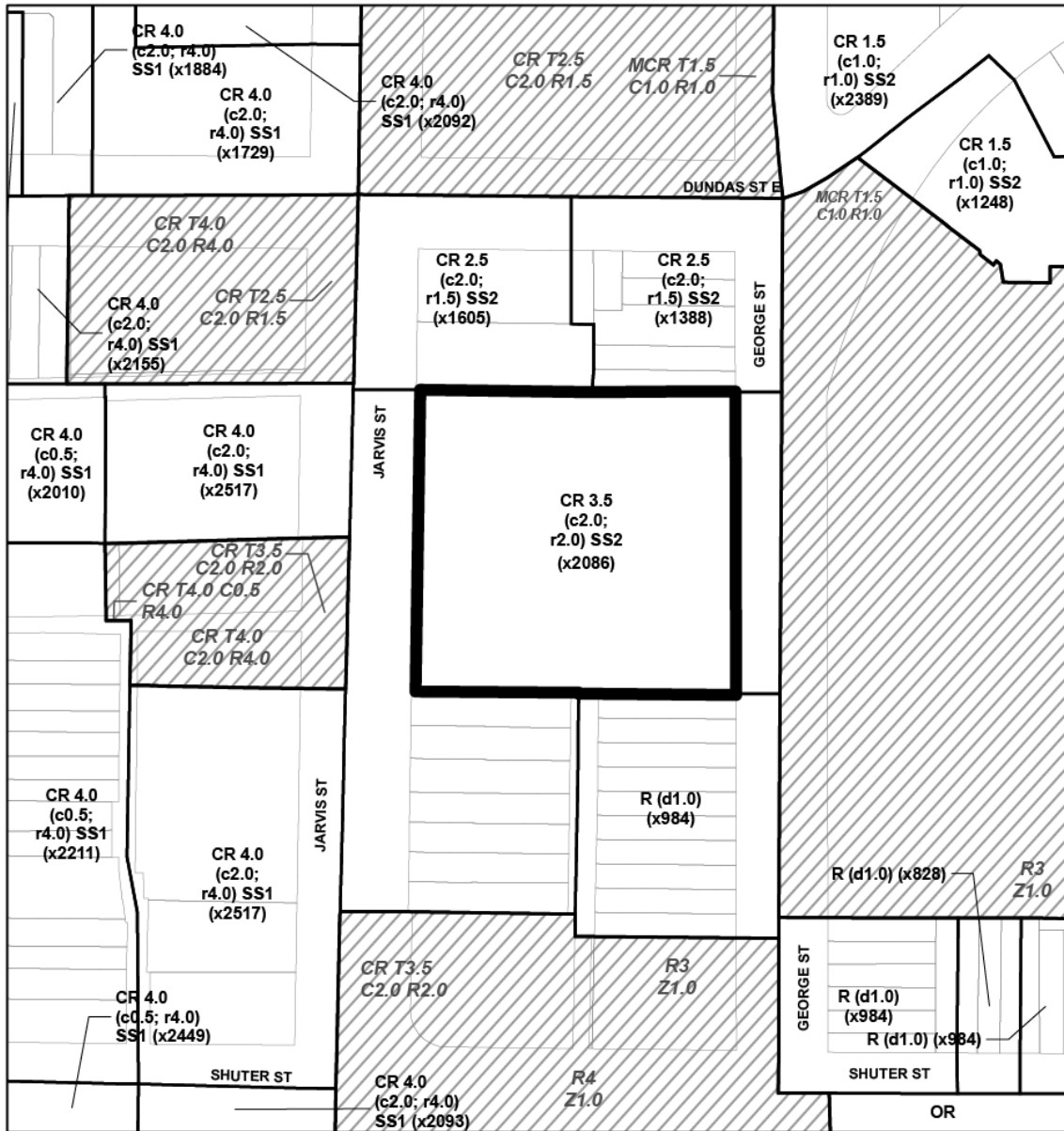
Applicant's Submitted Drawing

11/25/2015

225 Jarvis Street

File # 15 134245 STE 27 OZ

Attachment 3: Zoning



Zoning By-law 569-2013

225 Jarvis Street

File # 15 134245 STE 27 0Z

Location of Application

R Residential
CR Commercial Residential

OR Open Space Recreation

See Former City of Toronto Bylaw No. 438-86

CR Mixed-Use District
MCR Mixed-Use District
R3 Residential District
R4 Residential District



Not to Scale
Extracted: 04/13/2015

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	15 134245 STE 27 OZ
Details	Rezoning, Standard	Application Date:	March 30, 2015
Municipal Address:	225 JARVIS ST		
Location Description:	PLAN 10A PT LOTS 19, 20 & 21 RP 66R-17015 PARTS 1 & 2 RP 64R-14742 PARTS 1 & 2 **GRID S2714		
Project Description:	Proposal for rezoning related to maintaining the existing 13 storey building that consists of 177 hotel units and restaurant and constructing a 45 storey tower and building podium which will contain 534 residential unit		

Applicant:	Agent:	Architect:	Owner:
GAGNON & LAW URBAN PLANNERS LTD		CORE Architects	AMEXON DEVELOPMENT CORPORATION

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR 3.5 (c2.0; r2.0) SS2 (x2086)	Historical Status:	
Height Limit (m):	30	Site Plan Control Area:	N

PROJECT INFORMATION

Site Area (sq. m):	4626.6	Height:	Storeys:	45
Frontage (m):	66.35		Metres:	154 incl mech
Depth (m):	69.09			
Total Ground Floor Area (sq. m):	4132			Total
Total Residential GFA (sq. m):	35764		Parking Spaces:	414
Total Non-Residential GFA (sq. m):	12584		Loading Docks	5
Total GFA (sq. m):	48348			
Lot Coverage Ratio (%):	89			
Floor Space Index:	10.45			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	106
1 Bedroom:	340
2 Bedroom:	37
3 + Bedroom:	55
Total Units:	534

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	35764	0
Restaurant GFA (sq. m):	997	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Hotel GFA (sq. m):	11587	0

CONTACT: PLANNER NAME: Derek Waltho, Planner
TELEPHONE: 416-392-0412