

16 October 2017

Toronto and East York Community Council
City of Toronto
100 Queen Street West
Toronto, Ontario

Via email teycc@toronto.ca

RE: 319, 321 and 323 Jarvis Street Zoning Amendment Application (17 116378 STE 27 OZ) TE 27.15

This letter is in regards to the proposed zoning amendment for the lands at 319, 321 and 323 Jarvis Street.

Infrastructure Ontario is the provincial agency responsible for the management and strategic planning of the provincial real estate portfolio, including the lands at 311 Jarvis Street, which are located immediately south of the proposed development site subject to this application.

The Ontario Court of Justice located at 311 Jarvis is connected to the former York Detention Centre building located to the rear of the courthouse at 354 George Street.

The future use of the courthouse is currently unknown and no decisions have been made but the province will be reviewing the future use and development of the site given the relocation of some of the existing court functions following the construction of the New Toronto Courthouse at 10 Armoury Street. As part of the City's George Street Revitalization project vision the City has identified the George Street frontage of these lands as a potential site for future supportive or affordable housing.

Infrastructure Ontario was circulated on the application and reached out to City Planning staff at the time of the Preliminary Report to express concern with the proposed development application, especially regarding the height and setbacks. The applicant has appealed the application to the Ontario Municipal Board and Infrastructure Ontario participated in the prehearing conference and was granted participant status to the appeal.

Since the prehearing conference, Infrastructure Ontario has had the chance to meet with the applicant to discuss the concerns, as outlined below.

Comments on the proposed development

Height and Massing

Infrastructure Ontario supports redevelopment in the area but objects to the application as proposed as it is not aligned with the planned vision for the area and the proposed height and setbacks will create adverse impacts on the adjacent provincial lands. At 50 storeys, the

proposed building is more than double the 15 to 25 storeys envisioned as appropriate for this portion of Jarvis Street in the City's Downtown Vision Height Map (Tall Building Design Guidelines Map 2). Further, at 156.9 m, the proposed building is over five times the currently permitted 30 m height for the site and the neighbouring lands.

At present, the proposed height and massing represent overdevelopment of the site in the context of the planned vision for the area established in the municipal planning framework, design guidelines, and OPA 82. In particular, the 2.0m tower setback from the southerly property line is not sufficient, does not meet setback requirements established in the Tall Building Guidelines, and significantly restricts the future redevelopment of the province's lands.

Transition and Setbacks

The Official Plan (2015) requires new development in the Mixed Use Area to provide transition between areas of different development intensity and scale, specifically: "locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights" (OP Policy 4.5.2 c). The proposed development provides no transition through stepping down and provides only minimal setbacks, and if approved in its current form will require built form transition to be accommodated on the neighbouring properties.

The Garden District area is subject to the Garden District Official Plan Amendment, OPA 82 (2016, under appeal). Infrastructure Ontario participated in the consultation process for OPA 82 and supports the vision for the area established in these area-specific policies.

The proposed development site is identified as Site 1 in the Hazelburn Character Area and identified as a tall building site for one tower. However, the tall building site is also subject to the built form directions in OPA 82, particularly the policies outlining the planned built form and massing for the area. OPA 82 requires that "Tower-Base Typology is characterized by slender point towers spaced apart and set atop of pedestrian-scaled base buildings that define the street edge. Base buildings are encouraged to be no taller than 80% of the right-of-way. The tower frontage of a Tower Base typology building shall step back at least 3 metres from the base building, including balconies" (OPA 82 Policy 3.11). The proposed design does not meet the spirit or intent of these policies. While OPA 82 remains under appeal it has been approved by Council and informs the planned vision for the local area.

The province's lands at 354 George Street, which are contiguous to 311 Jarvis, are also identified as a tall building site in OPA 82, as Block 2 of the North George Street Character Area. The policies of OPA 82 would permit two towers on this site, subject to setback and angular plane requirements. The minimal tower setbacks proposed for 319-323 Jarvis Street may limit the redevelopment of these lands and the ability to achieve the 25m tower separation identified in

the Tall Building Guidelines, OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 (OPA and Zoning By-laws under appeal).

The implications of the proposed insufficient setbacks will not only limit the future development potential of the Province's lands, but could also impact the future residents of the proposed building. The in-force zoning permits a 30m tall building at 311 Jarvis located 3m from the north lot line, with no windows on that wall *as of right*. That would mean the residents of the south facing units in the proposed building up to the eighth floor could have a solid wall 5m from their window.

Further, the recently released draft TOCore secondary plan policies strengthen the planned vision for the area and propose to redesignate the lands on the east side of Jarvis Street between Gerrard and Dundas as *Mixed Use Area 3*. Development in Mixed Use Area 3 is generally envisioned to be in the form of low-rise and mid-rise buildings (TO Core 8.26). The draft policies restrict tall buildings in areas designated Mixed Use Area 3 and where the size of the site limits the ability to achieve transition to lower scale areas (6.4.2, 6.4.3).

While the TOCore policies would not supersede the site-specific policy of OPA 82 once approved, TOCore policies provide direction on the intended development and built form. Tall building development in this area should provide the appropriate transitions and setbacks to allow for the development of the surrounding areas outlined in the OPA 82 policies and the draft Mixed Use Area 3 policies.

Please include this letter as part of the record of submission on the proposed Zoning By-law Amendment notify IO of any decisions regarding the application. Infrastructure Ontario would also like to be consulted during the Site Plan review, especially regarding construction management and impacts on the existing courthouse operations at 311 Jarvis Street.

Sincerely,



Ainsley Davidson
Senior Planner
Infrastructure Ontario

cc Kristyn Wong Tam, Ward 27 Councillor
Derek Waltho, Senior Planner, City Planning