

## **295 Jarvis Street - Zoning By-law Amendment Application – Request for Interim Directions Report**

Date: January 22, 2019

To: Toronto and East York Community Council

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

Wards: Ward 13 - Toronto - Centre

**Planning Application Number: 18 161787 STE 27 OZ**

### **SUMMARY**

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This Report responds to an application where staff are currently not in a position to provide a Final Report to Council, but which could be appealed to the Local Planning Appeal Tribunal (the "LPAT") due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

The report sets out issues related to the application and makes an initial determination as to whether or not the application is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

This application proposes to amend the Zoning By-law to permit a 36 storey residential tower with 351 dwelling units with a total gross floor area of 23,507 square metres at 295 Jarvis Street. The proposed building would have a height of 112.2 metres including the mechanical penthouse. The proposal includes five levels of underground parking. The proposal would result in the demolition of the existing 'Inglewood Arms', a licensed rooming house containing approximately 88 dwelling rooms and 2 dwelling units.

The proposed development in its present form is not consistent with the Provincial Policy Statement (2014), does not conform to the Growth Plan for the Greater Golden Horseshoe (2017) and does not conform to the City's Official Plan including the in-force policies of Official Plan Amendment 82. More specifically, the proposed tower does not respect the planned context, tower setbacks do not adhere to appropriate development standards, an inappropriate podium form is proposed which additionally impacts adjacent heritage resources and there is a loss of dwelling rooms. There is also a need to locate the mid-block connection, as identified by OPA 82, and to increase the amount of indoor amenity space.

Key issues to be resolved, as outlined in this report, include: tower separation distances, tower setbacks, podium form, heritage adjacency issues and the impacts to the City supply of dwelling rooms.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council direct City Staff to continue to review the application and work with the applicant to resolve any outstanding issues detailed in this report.
2. City Council direct the City Solicitor and appropriate City Staff to attend and oppose the application in its current form, should the application be appealed to the Local Planning Appeal Tribunal (the "LPAT") on the basis of Council's failure to make a decision on the application within the statutory time frame of the Planning Act.
3. Staff schedule a community consultation meeting for the application located at 295 Jarvis Street together with the Ward Councillor.
4. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.
5. Notice of the statutory public meeting be given according the regulations under the Planning Act.

## FINANCIAL IMPACT

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The recommendations in this report have no financial impact.

## DECISION HISTORY

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Pre-application meetings were held on September 22, 2016 and July 5, 2016. Key issues identified at that time were: impacts to the existing licensed rooming house and the City's existing dwelling room stock, heritage adjacency issues, non-conformity with OPA 82 policies and issues of appropriate height and tower setbacks in addition to needing to make allowances for pet facilities, amenity space, 3 bedroom units and bicycle parking.

The current application was submitted on May 18, 2018 and deemed complete as of the same date.

## ISSUE BACKGROUND

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### Proposal

The applicant is proposing a 36-storey (107.2 m excluding mechanical; 112.2 m including mechanical) residential tower which would contain 351 dwelling units. The development would be massed in a tower podium form. The tower, with a 5 m setback, would project over (overhang) the podium which has a 7.3 m setback which would occur at the fifth level. The podium measures 4 storeys in height. Projecting balconies are proposed along the west face of the tower and inset balconies along the north and

south sides. The proposed gross floor area would be 23,507 m<sup>2</sup> which equates to a Floor Space Index of 25.8 times the area of the lot under Zoning By-law 569-2013.

The ground floor would include the residential lobby as well as a loading/vehicular access area. Amenity space would be located on floors 3 and 4 and at the roof top level. Bicycle parking, with direct access to an elevator, would be located on floor 2. Vehicular parking would be below grade.

Other details of the proposal are shown in Table 1 below and in Attachment 1 and 5-9:

Table 1 – Summary of Application

Category	Proposed
Tower setbacks to property line	
West	5 m
East	0 m
North	0 m
South	0 m
Base (podium) setback at grade to property line	
West	7.3 m
East	0.0 m
North	0.0 m
South	0.0 m
Pedestrian realm setback (building face to Jarvis Street curb)	11.9 m
Tower floorplate GFA (approximate)	712 m <sup>2</sup>
Ground floor height	4 m
Vehicular parking	
Visitor	23
Resident	33
Resident Shared	3
Bicycle parking	
Visitor	36
Resident	316
Loading spaces	
Type G	1
Amenity space	
Indoor	646 m <sup>2</sup>
Outdoor	734 m <sup>2</sup>
Unit Mix	
Studio	14
One bedroom	224
Two bedroom	97
Three + bedroom	16
Total	351

## **Site and Surrounding Area**

The site is a mid-block lot with 22 m of frontage on Jarvis Street. The lot area is 911 m<sup>2</sup>. On-site there is an existing 3-storey licensed rooming house with approximately 88 dwelling rooms and 2 dwelling units, known as the Inglewood Arms.

According to the City's Municipal Licensing and Standards Division, 295 Jarvis Street, otherwise known as the 'Inglewood Arms', is a licensed rooming house comprised of 88 dwelling rooms and 2 dwelling units and has operated as such for over 30 years. According to information provided by the applicant and obtained through discussions with City staff and meetings with tenants, this rooming house has provided, and continues to provide, affordable rental accommodation to many of Toronto's most vulnerable tenants.

The surrounding uses are as follows:

North: 2 to 3-storey Ontario Court of Justice facilities with frontage on both Jarvis and George Street (311 Jarvis Street and 354 George Street).

South: 3-storey row houses presently operated by TCHC (285-291 Jarvis Street), designated Under the Ontario Heritage Act by City of Toronto By-law 285-291 on June 20, 1973. Further south is a tall building in a slab form and beyond that a 50-storey residential tower presently under construction (200 Dundas Street East).

West: Jarvis Street and on the west side of Jarvis Street a number of slab form towers in the 10 to 15-storey range. These are predominantly residential uses but also includes the Ryerson University's International Living / Learning Centre (240 Jarvis Street).

East: Parking area associated with the above referenced Ontario Court of Justice development to the north (311 Jarvis Street and 354 George Street).

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

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

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;

- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

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

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

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

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

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

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Section 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this Report.

### **Toronto Official Plan**

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

## **Chapter 2 – Shaping the City**

### **Policy 2.2.1 Downtown: The Heart of Toronto**

Policy 2.2.1 outlines the policies for development within the Downtown. The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. Although much of the growth is expected to occur in the Downtown, not all of the Downtown is considered a growth area. The Official Plan states that: "while we anticipate and want Downtown to accommodate growth, this growth will not be spread uniformly across the whole of Downtown."

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

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

## **Chapter 3 – Building a Successful City**

### **Policy 3.1.1 The Public Realm**

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

Policy 3.1.1.6 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians by: a) providing well designed and co-ordinated tree planting and landscaping, pedestrian-scale lighting, and quality street furnishings and decorative paving as part of street improvements; and b) locating and designing utilities within streets, within buildings or underground, in a manner that will minimize negative impacts on the natural, pedestrian and visual environment and enable the planting and growth of trees to maturity.

### **Policy 3.1.2 Built Form**

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

Policy 3.1.2.2 requires new development to locate and organize vehicle parking and vehicular access, service areas and utilities to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces.

Policy 3.1.2.3 requires new development to be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks open spaces and properties by: massing new buildings to frame adjacent streets and open spaces that respects the street proportion; creating appropriate transitions in scale to neighbouring existing and/or planned buildings; providing for adequate light and privacy; limiting shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces; and minimizing any additional shadowing on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view.

Policy 3.1.2.5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

### **Policy 3.1.3 Built Form – Tall Buildings**

Policy 3.1.3 states tall buildings come with larger civic responsibilities and obligations. Tall buildings are generally defined as those buildings taller than the width of the right-of-way.

Policy 3.1.3.2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking

into account the relationship of the site to the topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

### **Policy 3.1.5 Heritage Conservation**

Policy 3.1.5 provides policy direction on the identification of potential heritage properties, conservation of heritage properties and on development adjacent to heritage properties. The subject site is not identified as a potential heritage property.

Policy 3.1.5.4 states properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Policy 3.1.5.5 requires proposed alterations or development on or adjacent to a property on the Heritage Register to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained. The adjacent property to the south at 285-291 Jarvis Street is a designated heritage resource which is subject to a Heritage Easement Agreement.

Policy 3.1.5.26 requires new construction on, or adjacent to a property on the Heritage Register be designed to conserve the cultural heritage values, attributes and character of the property and to mitigate the visual and physical impact on it.

### **Policy 3.2.1 Housing**

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

### **Policy 3.2.3 Parks and Open Spaces**

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

## **Chapter 4 – Land Use Designations**

### **Policy 4.5 Mixed Use Areas**

The subject lands are designated *Mixed Use Areas* on Map 18 of the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. (Refer to Attachment 3)

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

Policy 4.5.2 e) states development will frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.



Policy 4.5.2 i) refers to development that will provide an adequate supply of parking for residents and visitors and in 4.5.2 j) locate and screen service areas, ramps, and garbage storage to minimize the impact.

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

### **Policy 4.8 Institutional Areas**

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

## **Chapter 5 – Implementation**

### **Policy 5.1.1 Height and/or Density Incentives**

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

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

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

This site is within and subject to Official Plan Amendment 82 (OPA 82). The purpose of OPA 82 is to set the framework for new growth and development in the area while protecting those areas that should continue to remain stable. Key Objectives include 2.1 which references the provision of a full range of housing in terms of form, tenure and affordability and 2.5 which states that height and density of development will be encouraged at appropriate locations taking into account massing to protect the public realm taking into consideration shadowing, skyview and separation distances.

Policy 3.2 identifies tall building sites. Block 2 within the Hazelburn Character Area is identified as a Tall Building site appropriate for 1 tower. The subject site constitutes the northern part (approximately half) of Block 2.

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

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

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

Policy 5.1 identifies priority community benefits as including a mandatory 10% affordable housing provision.

Policy 6.2 identifies a mid-block connection running through Block 2 with the proviso that the connection can move north or south as required.

OPA 82 is mostly in full force and effect, however, in a decision dated May 23, 2018, LPAT specifically states within its Order that OPA 82 Policy 3.14 and Table 4.2 – Hazelburn Character Area Block 2, of Modified OPA 82 does not apply to, nor is it approved for Block 2 and any decision reached by the Tribunal will be incorporated into Modified OPA 82 through a site specific official plan amendment. The referenced Policy 3.14 refers to Tall Buildings having regard to the Tall Building and Downtown Supplementary Guidelines while Table 4.2 states that only 1 tower is permitted on Block 2.

The Garden District Site and Area Specific Policy can be found here:  
<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **Official Plan Amendment 352 – Downtown Tall Building Setback Area**

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

### **Official Plan Amendment 406 – Downtown Plan**

City Council adopted the Downtown Plan Official Plan Amendment (OPA 406), as amended, at its meeting of May 22-24, 2018. The Council decision is available here:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Further, City Council authorized the City Planning Division to seek provincial approval of the OPA under Section 26 of the Planning Act, and enacted By-law 1111-2018 on July 27, 2018. The By-law is available here:  
<https://www.toronto.ca/legdocs/bills/2018/bill1109.pdf>

OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

On August 2, 2018, the City Clerk issued the Notice of Adoption for OPA 406. Ministry of Municipal Affairs and Housing (MMAH) confirmed that the City's application is complete and now has 210 days from the date of receipt (August 9, 2018) to issue a decision. Council has directed Staff to use the policies contained within the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

The OPA 406, in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities is the result of a four-year study called TOcore: Planning Downtown. The TOcore study area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the

mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

OPA 406 provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain livability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the *Planning Act*, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan for the Greater Golden Horseshoe (2017). City Council declared that OPA 406 is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan (2017) and has regard to matters of provincial interest under Section 2 of the Planning Act.

Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

Map 41-3 of the new Downtown Plan designates this site as *Mixed-Use Area 3 – Main Street*. Development in *Mixed Use Areas 3* will be in the form of low-rise and mid-rise buildings.

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

### **Draft Official Plan Amendment XX – Dwelling Room Protection Policies**

At its meeting on June 7, 2018, the Planning and Growth Management Committee adopted recommendations directing City Planning staff to conduct open houses and meet with key stakeholders to obtain feedback on draft policies for dwelling rooms.

Consistent with the dwelling room policies within The Downtown Plan that were approved by Council at its meeting on May 22-24, 2018, these draft policies reinforce the City's policy objectives for providing a full range of housing across the City, including affordable housing. Dwelling rooms are typically the most affordable option available in the private rental market and are an important part of the affordable housing stock. Many tenants in dwelling rooms do not have other private market affordable housing options.

The draft Official Plan Amendment proposes two new policies that would address the requirement to replace dwelling rooms that would be lost as a result of development. Specifically, the draft policies would:

- apply to development that would result in the loss of ten or more dwelling rooms;
- require the same amount of residential gross floor area to be replaced and maintained as either rental units or dwelling rooms;
- require that rents for the replacement housing have rents similar to those in effect at the time of the development application for a period of at least 25 years; and
- require an acceptable tenant relocation and assistance plan, including addressing the right to return to replacement housing.

The draft Official Plan Amendment can be found here:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG30.2>

### **Zoning**

The site is 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. Under By-law 569-2013 the site is zoned CR 3.5 (c2.0; r2.0) SS2 (x1253). Both By-laws permit a variety of commercial and residential uses with a maximum density of 3.5 and a maximum building height of 30 metres. (Refer to Attachment 4)

By-law 569-2013 requires a minimum 5.5 m side yard setback (if there are windows) or 0 m setback (if there are no windows). A minimum 7.5 m rear setback is also required, and in this case where the lot abuts a residential zone, a 45 degree angular plane is also required starting at a height of 10.5 m above grade.

By-law 438-86 also includes a number of Permissive and Restrictive Exceptions which were carried through into By-law 569-2013. Key provisions include: required parking for rooming houses and restrictions on the amount of non-residential GFA.

### **Airport Zoning Regulation - Sick Children's Hospital Helicopter Flight Path**

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

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

### **Design Guidelines**

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

### **Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

The guidelines including sections on context, fit and transition in scale, sunlight and sky view, views from the public realm, heritage properties and heritage conservation districts, floor plate size and tower placement, separation distance, and site servicing

and access and sustainable design. The Tall Building Design Guidelines can be found here: <http://www.toronto.ca/planning/tallbuildingdesign.htm>

### **Downtown Tall Buildings: Vision and Supplementary Design Guidelines**

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the City-Wide Tall Building Design Guidelines May 2013). This guideline details where tall buildings should be located, how high they should be and the built form typology they should reflect within the Downtown. This document also includes supplementary guidelines concerning fit and transition, sunlight and sky view, views from the public realm and heritage issues.

Map 1 of the Downtown Tall Building Guidelines identify Jarvis Street as a High Street with heights anticipated to be 15 to 25 stories (47 m – 77 m).

The Downtown Tall Buildings: Vision and Supplementary Design Guidelines can be found here: <https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>

### **Growing Up Draft Urban Design Guidelines**

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Growing Up Draft Urban Design Guidelines will be considered in the review of this proposal. The Guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

### **Garden District Heritage Conservation District (HCD)**

The site is near, but not adjacent, to the Garden District Heritage Conservation District which was approved by City Council January 31, 2017 and is now under appeal to LPAT. The heritage district plan includes policies and guidelines that are intended to conserve and enhance the cultural heritage value and heritage attributes of the district.

These policies and guidelines are intended to inform decisions on alterations, new construction and demolition in the district.

The HCD can be found here

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE21.12>

### **Housing Opportunities Action Plan**

The Housing Opportunities Toronto Action Plan is a comprehensive 10-year strategy for meeting the affordable housing needs of the City's residents. This Plan seeks to preserve and repair of rental housing through a number of City actions to:

- Ensure existing affordable rental housing is preserved by consistently applying the Official Plan housing policies and the City's conversion and demolition bylaw to prevent the loss of rental housing when property owners apply for City approvals; and
- Preserve and expand the supply of affordable housing available to single persons by encouraging and permitting an increase in legal, well-run rooming houses and other appropriate forms of housing.

### **Site Plan Control**

The subject site and proposed development are subject to Site Plan Control. An application has not yet been submitted.

### **Reasons for Application**

The proposal requires an amendment to the Zoning By-law for an increase in density and height along with changes required to setbacks, angular plane requirements, parking and amenity space provisions. Staff is continuing its review of the application to identify any other provisions that may need to be amended.

### **Application Submission**

The following reports/studies were submitted with the application:

- Community Services & Facilities Study
- Energy Strategy Report
- Environmental Noise Feasibility Study
- Functional Servicing and Stormwater Management Report
- Heritage Impact Assessment
- Housing Issues Report
- Pedestrian Level Wind Assessment
- Phase 1 Environmental Site Assessment
- Planning Justification Report
- Preliminary Geohydrology Assessment
- Preliminary Geotechnical Report
- Public Consultation Plan
- Shadow Study
- Toronto Green Standard Checklist
- Tree Inventory and Preservation Plan Report
- Urban Design Brief
- Urban Transportation Considerations
- Draft amending 438-86 and 569-2013 By-law
- Building Mass Model

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

A Notification of Complete Application issued with the complete application date being May 18, 2018.

## **Agency Circulation**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

## **Community Consultation**

A community consultation meeting has not been held. One of the recommendations of this report is that a community consultation meeting be scheduled.

## **COMMENTS**

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### **Provincial Policy Statement**

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Section 5.1 of the Growth Plan as described in the Issue Background section of the Report. Staff have determined that the proposal is not consistent with the PPS and does not conform with the Growth Plan.

The key PPS policies applicable to this development include:

- Policy 1.1.1 b) refers to healthy communities accommodating an appropriate range and mix of residential (including affordable housing),
- Policy 1.1.3.3 which states planning authorities shall identify appropriate locations for intensification and redevelopment and that intensification and redevelopment shall be directed in accordance with policies of Section 2 and 3 of the PPS,
- Policy 1.1.3.4 which refers to appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety,
- Policy 1.4.3 references an appropriate range and mix of housing types and densities and in a) establishing minimum targets for affordable to low and moderate income households and in e) establishing development standards for residential intensification,
- Policy 1.7.1 d) which refers to well designed built form and cultural planning and conserving features that help define character including built heritage resources and cultural heritage landscapes,
- Policy 2.6.1 states that significant built heritage resources shall be conserved, and
- Policy 2.6.3 which prohibits site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The proposed development represents intensification in an identified designated Growth Area, being the Downtown as identified in the City of Toronto Official Plan. The inconsistency with the PPS concerns the massing and form of development as it relates to appropriate development standards, heritage adjacency impacts and the impact to the provision of a range and mix of housing.

The PPS references development standards, appropriate range and mix of housing as well as conservation of heritage resources. Policy 4.7 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS and as such the proposals adherence to Official Plan policies is key.

The analysis of the proposed built form in the context of the aforementioned Official Plan policies, as assessed later in this report, indicates that the proposed tower does not respect the planned context, tower setbacks do not adhere to appropriate development standards, an inappropriate podium form is proposed which additionally impacts heritage adjacency and there is a loss of dwelling rooms. As such, in the opinion of City Planning, the proposed development and Zoning By-law Amendments, in their current form, are not consistent with the Provincial Policy Statement (2014).

It is noted that a comprehensive analysis of the proposed development has not been completed and/or concluded with respect to shadowing issues, helicopter flight path and heritage adjacency impacts. Therefore the reasons for the proposed development not being consistent with the PPS may expand as this analysis is concluded.

### **Growth Plan**

The key Growth Plan policies applicable to this development are:

- Policy 1.2.1 which refers to the achievement of complete communities, the efficient use of land, a range and mix of housing options to serve all sizes, incomes and ages of households and conservation of cultural heritage resources,
- Policy 2.2.1.4 c) refers to the achievement of complete communities that provide a diverse range and mix of housing options to accommodate the needs of all household sizes and incomes,
- Policy 2.2.1.4 e) which ensures the development of high quality compact built form, an attractive and vibrant public realm through site design and urban design standards,
- Policy 2.2.2.4 b) which refers to an appropriate type and scale of development and transition of built form to adjacent areas and 2.2.2.4 f) which refers to implementation through official plan policies and designations and other supporting documents,
- Policy 2.2.6.3 which refers to multi-unit residential developments to accommodate a diverse range of household sizes and incomes, and
- Policy 4.2.7.1 which states Cultural heritage resources will be conserved.

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

As with the PPS, the development site is located in an Urban Growth Centre which is identified as an intensification area. Intensification on the subject site is appropriate, however, the massing and form of development as it relates to scale of development and the impacts to the provision of a diverse range of household sizes and incomes result in the proposal not being appropriate as it does not conform to the Official Plan policies and guidelines that are used to implement the Growth Plan.



In the opinion of City Planning, the proposed development and Zoning By-law Amendments, in their current form, do not conform to the Growth Plan for the Greater Golden Horseshoe (2017). More specifically, the proposal does not respect the planned context, tower setbacks do not adhere to appropriate development standards, an inappropriate podium form is proposed which additionally impacts heritage adjacency and there is a loss of dwelling rooms. Issues with shadowing and heritage adjacency still need to be fully assessed.

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

### **Conformity with Growth Targets and Density Targets**

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

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

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

the 2011-2016 period. This demonstrates the growth and growth in density of the Urban Growth Centre.

Table 1: Downtown Toronto Urban Growth Centre

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

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

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

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto Urban Growth Centre over the near term from 2016 as occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum Urban Growth Centre density target of the Growth Plan for the Greater Golden Horseshoe (2017). In addition, there would remain an additional ten years for additional approved development to occur.

The proposed development is not required for the City to meet the density target of 400 people and jobs/hectare in the Downtown Urban Growth Centre. The density target is to be measured across the whole of the Downtown Urban Growth Centre (Policy 5.2.5.4 of Growth Plan).

### **Land Use**

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

Although OPA 82 retains the *Mixed Use Areas* designation, it does re-designate those properties to the east of the subject site from *Neighbourhoods* to *Apartment Neighbourhoods*. Additionally, OPA 82 designates Block 2 (which includes the subject site) as a Tall Building site appropriate for a single tower.

In OPA 406 the site is designated *Mixed Use Areas 3 – Main Street*. Policy 6.28 and 6.29 states that development will be in the form of low-rise and mid-rise buildings and that development will include retail and service commercial uses at grade.

There is an apparent conflict between the in-force OPA 82 policies that identify the site as forming part of a Tall Building site and the not-in-force policy of OPA 406 that refers to a mid-rise form. However, OPA 406 Policy 1.6 states that in the case of conflict, any policy within a Site and Area Specific Policy (which includes OPA 82) will take precedence over the policies of the Downtown Plan. As such, in interpreting the policies, the OPA 82 Policy that refers to the site being a Tall Building site takes precedence.

Although the proposed residential land use would conform with the in-force *Mixed Use Area* policy for permitted land use, the proposed development must be in a form that responds to the planned and built form context and minimizes impacts. While City Planning staff agree that some level of development on this site is appropriate in accordance with the *Mixed Use Areas* designation, not all *Mixed Use Areas* will experience the same scale or intensity of development. Further to the not in force OPA 406 policy direction, the development proposal should include retail and/or service commercial uses at grade.

### **Built Form**

The proposed built form has been reviewed against the Official Plan, including OPA 82, *and the approved, but not in full force and effect*, OPA 352 and OPA 406 and relevant design guidelines described in the Issue Background Section of the Report.

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

### **Tower - Context and Tower Separation**

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

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. Policy 3.1.2.3 d) refers to limiting impacts by providing for adequate light and privacy while 3.1.2.4 refers to adequate access to skyview. Tall Building Policy 3.1.3.2 c) states that tall buildings will demonstrate how they will relate to the existing and/or planned context.

OPA 82, the Site and Area Specific Plan for this area, in Objective 2.5 refers to the encouragement of height and density at appropriate locations. OPA 82 subsequently identifies Block 2 (subject site being the northern half of Block 2) as appropriate for one tower (Policy 3.2 and Table 4.2 Hazelburn Character Area). Policy 3.12 states that a separation distance between towers of 25 metres or greater shall be provided. By way of emphasis, Objective 2.5 and 3.12 are in full force and effect for the subject site.

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

OPA 406 Policy 3.3 states new buildings will fit within their existing and planned context and provide transition between differing scales of development. Policy 9.27.3 refers to built form adjacencies from tall to tall buildings through the application of separation distances and tower orientation.

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

The applicant is proposing a tower on the northern half of the Hazelburn Block 2 as identified by OPA 82. The planned context, as identified by OPA 82, is that Block 2 shall only have one tower. The adjacent planned context (to the east) is that the North George Street Block 2 is approved for two towers (OPA 82 Policy 3.2 and Table 4.2 North George Street Character Area).

The placement of any tower on the Hazelburn Block 2 must fit within the planned context which includes the two towers permitted on the adjacent North George Street Block 2. OPA 82 specifically states that a minimum 25 metre setback between towers is required. The applicant has not demonstrated how their tower would fit within this planned context while providing the minimum required 25 metre setback between towers. City staff have completed a preliminary assessment that indicates the proposed tower with its proposed setbacks would compromise the adjacent North George Street Block 2 and have the effect of preventing the adjacent North George Street Block 2 being developed with two towers as permitted through the planned context.

Within the Hazelburn Block 2, the applicants have sited their proposed tower on the northern portion of the Block which would have the greatest impact on the adjacent North George Street Block 2.

As proposed, the tower has not been located and organized to fit within its planned context. A revised tower location within Block 2 and/or revisions to its massing through increased tower setbacks is required to address the planned context and to maintain appropriate and required tower setbacks.

### **Tower Setbacks and Stepbacks**

The achievement of appropriate tower setbacks and stepbacks is related to the previously assessed tower separation distances and light, view and privacy issues. In this section of the report the analysis of setbacks and stepbacks is more nuanced to the on-site and immediate adjacent impacts.

Official Plan Built Form Policy 3.1.2.3 d) and e) states that new development will limit its impact on neighbouring properties by creating appropriate transitions in scale to neighbouring buildings. *Mixed Use Areas* Policy 4.5.2 c) references appropriate setbacks and/or stepping down of heights between areas of different intensity and scale.

OPA 406 Policy 9.14 and 9.15 refer to tower floorplates designed to reduce impacts on neighbouring properties and stepping back building mass to allow daylight and sunlight to penetrate to the street.

Tall Building Guideline 1.3 refers to an appropriate transition in scale to lower scaled buildings and in Guideline 3.2.2 to placing towers away from neighbouring properties.

Of particular interest is Zoning By-law 569-2013 which identifies appropriate setbacks. In this case, for a building with windows on the south and north sides, By-law 569-2013 would require a minimum 5.5 m side yard setback (if there are windows). A minimum 7.5 m rear setback would also be required along with a 45 degree angular plane starting at a height of 10.5 m above grade.

The applicant is proposing tower setbacks to the property line of 5 m (west Jarvis Street), and 0 metres to the north and south and east property lines.

By providing no tower setbacks to the north and south and east the applicant is providing for no transition to the adjacent low rise developments. The intent of the policies and guidelines is that a tower setback and/or stepback be provided in order to limit impacts on adjacent properties. As proposed, the applicant is doing the opposite which is a 36 storey wall with windows located on the lot line where residents would be able to directly overlook the adjacent properties. Staff do not support the proposed setback/stepback.

### **Tower - Height and Shadowing**

There are multiple Official Plan policies that refer to shadowing. For this application the key shadows are those impacting *Parks and Open Spaces*, more specifically Allan Gardens, and the nearby Garden District *Neighbourhoods* designated lands to the east. Allan Gardens is designated under Part IV of the Ontario Heritage Act by By-law 481-86 as amended by By-law 1091-2013.

Official Plan Built Form Policy 3.1.2.3 e) refers to limiting shadowing on neighbouring streets, properties and open spaces and in f) minimizing additional shadowing on neighbouring parks to preserve their utility. For the *Mixed Uses Areas* designation, Policy 4.5.2 e) refers to maintaining sunlight on adjacent streets, parks and open spaces.

OPA 82 in Policy 3.3 states that there shall be no net new shadows permitted on Allan Gardens measured on March 21 and September 21 from 10:00 am to 6:00 pm. Further, Policy 3.4 states no net new shadows are permitted on conservatory buildings in Allan Gardens on March 21, September 21, June 21 and December 21.

OPA 406 in Policy 9.18 and 9.19 states development will minimize shadows to preserve the utility of parks and open space and will not cast net new shadows on parks and open spaces as measured from March 21 to September 21 from 10:18-4:18 pm.

These policies are expanded on by Tall Building Guideline 1.3 (a) which refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties and by Guideline 1.4 which refers to protecting access to sunlight and sky view within the surrounding context of streets, parks, open space and other shadow sensitive areas.

Downtown Tall Building Design Guideline 3.2 states that tall buildings should not cast new shadows on Signature Parks (Allan Gardens being a Signature Park) from 10:00 to 4:00 pm on September 21st.

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

- Allan Gardens, but not the conservatory buildings, (designated *Parks*) from 1:18 to 3:18 (December 21).
- Garden District (designated *Neighbourhoods*) from 4:18 to 6:18 (September 21); from 5:18 to 6:18 (June 21) and from 1:18 to 4:18 December 21.

The submitted shadow studies do not show the as-of-right shadows that would be generated from the Seaton House redevelopment project. In order for the City to determine to what extent the application conforms with the policies and guidelines, further shadow analysis would be required to reflect the as-of-right shadows. This shadow analysis would help inform the staff analysis of an appropriate height, and through tower sculpting and tower setbacks, an appropriate massing.

### **Tower - Height and Helicopter Flight Paths**

As with Official Plan Policy 4.8.4 and the Airport Zoning Regulation (By-law 1432-2017), OPA 82 Policy 3.16 refers to the protection of helicopter flight paths. Additionally, the approved but not in force and effect Downtown Secondary Plan Policy 9.32 also requires new buildings to be sited and massed to protect the helicopter flight paths. Any development including all temporary and permanent structures would have to be below or outside the protected flight path.

The proposed building is located within the Sick Children's Hospital helicopter flight path. The applicant's intention is that the tower would be at a height below the flight path. The application did not include any information concerning cranes and projections.

The application has been circulated to both Sick Children's Hospital and Toronto Buildings for an assessment as to whether the proposal conforms to the flight path. To date comments have not been received and as such it is not possible to conclude if the proposal conforms to the flight path or not.

### **Podium Form**

The podium, or base building, is what is typically experienced by pedestrians. Official Plan Tall Building Policy 3.1.3.1 a) refers to base buildings at an appropriate scale for adjacent streets and to integrate them with adjacent buildings.

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

OPA 406, in Policy 9.8.1 states that base buildings will be designed to respect the scale and proportion of adjacent streets; in Policy 9.8.2 that base buildings will fit harmoniously within the existing and planned context of neighbouring streetwall heights and in Policy 9.10 that base building will provide a transition in scale down to adjacent lower-scaled planned context.

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

The proposed development is in a podium/tower form with the tower overhanging the podium. The proposed podium is 3-stories (11 m) with a fourth storey element (16 m) in height. The width of the adjacent Jarvis Street right-of-way is 24 m. This implies a maximum podium height of 19.2 m based on the 80% of right-of-way provision from the guidelines. An appropriate podium height is also informed by the height of adjacent developments. Adjacent building to the south is 3-stories and to the north, possibly 3-stories (the form of the adjacent building to the north makes it difficult to determine its actual height). The proposed podium heights are within the range of acceptable heights as informed by either the planned context and/or the 80% right-of-way provision.

Although the podium height is acceptable, the relationship between the podium and tower is not appropriate. More specifically, although OPA 82 only encourages the tower to be setback 3 m from the podium, the guidelines are more specific that the tower should be stepped back from the podium face in order to ensure that the base is the primary defining element from the public realm. By overhanging the tower over the base, the applicants are doing the opposite of the intention and also contributing to potential wind downdraft issues.

The form, setback and massing of the proposed podium is further informed and assessed in the Heritage Adjacency section of this report.

### **Heritage Adjacency**

The subject property is not included on the City's Heritage Register, however it is adjacent to the property at 285-291 Jarvis Street. This property includes the row houses formerly known as 285-291 Jarvis Street. These row houses were designated by Toronto City Council on May 12, 1976 by By-law 229-76. They are also subject to a Heritage Easement Agreement between the property owner and the City of Toronto.

The relevant Official Plan Policies, which are referenced in the Issue Background section of this report, are: 3.1.5.4 which references conserve and maintain consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada; 3.1.5.5 referring to development on or adjacent to heritage resources will ensure the integrity of the properties attributes will be retained; and 3.1.5.26 which references development adjacent to a heritage property. Additionally, OPA 406 Policy 9.11 refers to base buildings adjacent to heritage properties will respect and reinforce the streetwall height, articulation, proportion, materiality and alignment established by the historic context.

Tall Building Design Guideline 1.6 refers to tall buildings to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties. The

Downtown Tall Buildings: Vision and Supplementary Design Guideline 3.4 refers to locating and designing tall buildings to respect and complement the scale, character, form and setting on on-site and adjacent heritage properties.

The heritage impact assessment submitted with the application describes how the building has been designed with a base that reads as three stories in height that is set back from the property line in line with the adjacent heritage building. Above this base is a fourth floor exterior amenity space. Above the exterior amenity space the tower cantilevers out over the setback and rises to its full height.

Heritage Preservation Services has reviewed the HIA and commented that in order to ensure that the proposal achieves appropriate visual mitigation, opportunities to step the proposed tower component of the development back from the Jarvis Street frontage should be explored. Further analysis should also be undertaken of the proposed base building's design and its relationship to the adjacent heritage building. It is not clear if the proposed materiality or vertical/horizontal articulation has any relationship to this building. The relationship between the expression of this base building and the adjacent heritage building should be strengthened.

The first floor plan and perspectives show a landscape/public art feature between the base building and the street. This structure has the potential to negatively impact views of the adjacent heritage property from the street created by stepping back the base building from the property line. The impact of this structure should be assessed. If necessary this structure should be simplified in order to allow for views to the heritage building.

The shadows cast by the proposal will have an impact on the cultural heritage values, attributes and character of Allan Gardens including potentially shadowing a greenhouse building. The heritage impact of these shadows should be assessed in the HEA and, if necessary, the proposal should be redesigned to mitigate this impact.

### **Amenity Space**

Official Plan Built Form Policy 3.1.2.6 states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Official Plan Policy 4.5.2 k) states that in *Mixed-Use Areas* development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. OPA 406 Policy 9.33 to 9.38 refers to the provision of indoor and outdoor amenity space as well as references to the design and form of that amenity space. These requirements are implemented through Zoning By-law 438-86, which requires a minimum of 2.0 m<sup>2</sup> of indoor and 2.0 m<sup>2</sup> of outdoor amenity space for each unit, and Zoning By-law 569-2013 which requires a minimum of 4.0 m<sup>2</sup> of amenity space for each unit (of which at least 2m<sup>2</sup> shall be indoor).

The development proposal includes both indoor and outdoor amenity space. The proposal is for a total of 646 m<sup>2</sup> (1.8 m<sup>2</sup> per dwelling unit) of indoor and 734 m<sup>2</sup> (2.1m<sup>2</sup> per dwelling unit) of outdoor space proposed for a total of 1,380 m<sup>2</sup> (3.9 m<sup>2</sup> per dwelling unit). The amenity space has been designed so that the indoor space is adjacent to the outdoor space.



Although the proposed outdoor amenity space provision is appropriate, there is a need to increase the indoor amenity space in keeping with the standards of the Zoning By-law which requires 2.0m<sup>2</sup> per residential unit.

## **Housing**

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

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes affordable rental housing and shared and/or congregate-living housing. Downtown Policy 2.2.1.1 c) also refers to the provision of a full range of housing opportunities.

OPA 82 Objective 2.1 references the provision of a full range of housing in terms of form, tenure and affordability.

These policies and objectives are assessed below in terms of the provision of dwelling units and in terms of impacts to on-site dwelling rooms.

## **Housing - Unit Mix and Unit Sizes**

OPA 406 Policy 11.1 states that to achieve a balanced mix of unit types and mixes, developments containing more than 80 units will include:

- a minimum 15% of the total number of units as 2-bedrooms with an area of 87 m<sup>2</sup> per unit;
- a minimum 10% of the units as 3 bedrooms with a minimum 100 m<sup>2</sup> per unit; and
- an additional 15% of the units will be 2 and/or 3 bedroom units.

The Growing-Up Guidelines provide similar direction on the recommended mixture of residential unit types and unit sizes for multi-unit developments.

The applicant is proposing 14 (4%) bachelor units, 224 (64%) one-bedroom, 97 (28%) two-bedroom and 16 (5%) three bedroom units. Staff are of the opinion that the proposed unit mix does not adequately support the unit mix objectives of the Growing Up Guidelines, OPA 406 and applicable Official Plan and Growth Plan policies in order to accommodate, within new developments, a broad range of households including families with children.

The proposed two-bedroom units range in size from 62 to 73 m<sup>2</sup> while the three-bedroom units range in size from 77 to 92 m<sup>2</sup>. These unit sizes do not adequately support the unit size objectives of the Growing Up guidelines or OPA 406 and, as such, are not appropriate. Modifications to the proposed unit sizes are required.

## **Housing - Dwelling Rooms**

Reinforcing the City's policy objectives for providing a full range of housing across the City, including affordable housing, Policy 11.4 of OPA 406 states that new development that would result in the loss of ten or more dwelling rooms will not be approved unless:

- at least the same amount of residential gross floor area is replaced and maintained as rental housing;
- any available units not occupied by returning tenants will be offered to eligible households;
- for a period of at least 20 years, the rents for replacement housing will be similar to those in effect at the time the development application is made; and
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy the replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship;

Or, in Council's opinion, the supply and availability of low-end of market rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents.

Draft OPA XX Dwelling Unit Protection Policies further refers to the loss of ten or more dwelling rooms and the requirement to replace those rooms with similar rents.

Dwelling rooms are often the most affordable housing option available, renting from anywhere between \$400.00 and \$800.00 a month. Individuals who live in rooming houses are often vulnerable and may include households with low incomes, seniors on fixed incomes, newcomers to the city and students. Between 2014 and 2016, there have been an increasing number of development applications involving the demolition of existing rooming houses, resulting in the loss of approximately 260 affordable dwelling rooms from the City's private rental housing stock. In addition to these losses, recent applications or application inquiries, if pursued to completion, would result in the loss of another 200 dwelling rooms in the next few years.

The applicant's development proposal, if approved, would destabilize the housing of nearly 90 tenant households, many of whom are vulnerable, and would have a significant and immediate impact on the City's extremely limited supply of affordable private rental accommodation.

City Planning Division recommends that any redevelopment of the existing rooming house shall provide, as a condition of approval, all of the following to the satisfaction of the Chief Planner and Executive Director, City Planning:

- Replace the existing residential gross floor area of all dwelling rooms and dwelling units within the new development as affordable rental housing;
- Provide and maintain the replacement rental housing at affordable rents for at least 20 years from the date of first occupancy; and
- Provide an acceptable Tenant Relocation and Assistance Plan in order to address tenant hardship, all at the owner's expense and at no cost to the City.

The replacement rental units and Tenant Relocation and Assistance Plan would be secured through one or more agreements with the City prior to the issuance of any demolition or building permit.

### **Traffic Impact, Access, Parking and Loading**

A Transportation Impact Study was submitted with the application and has been reviewed by staff. Vehicular access and egress to the site would be from Jarvis Street with vehicles entering and leaving in a forward motion. The proposed development would provide vehicular parking and loading in a five-level underground parking garage with loading at-grade within the building podium. The proposal includes 59 parking spaces (23 visitor, 33 resident and 3 resident shared), 352 bicycle parking spaces and 1 Type G loading space.

Transportation Services staff have reviewed the proposal and commented that they concur with the applicant's conclusion that the proposal will have minimal traffic impact on the adjacent road network. Transportation Services also commented that they will not accept the proposed residential parking supply and that the plans must be revised. More specifically, the applicant is proposing a parking equivalent of 0.13 spaces per unit whereas the minimum acceptable parking rate would be 0.17 spaces per residential unit. Although Transportation Services have indicated that the proposed loading supply meets City requirements, they have qualified this by stating that subsequent comments from Solid Waste Management will be made concerning the proposed loading space and truck manoeuvring diagrams.

### **Pedestrian Realm**

For development in the Downtown, Official Plan Policy 2.2.1.11 refers to street improvements to enhance the pedestrian environment. This is expanded on by Public Realm Policy 3.1.1.5 and 3.1.1.6 which refer, among other things, to safe and efficient movement of pedestrians, provision of space for trees and landscaping and sidewalks being designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. OPA 82 Objective 2.4 states that the public realm will be protected and enhanced. Additionally, OPA 82 identifies a mid-block connection running through Block 2 with the proviso that the connection can move north or south as required. OPA 406 Policy 9.5 refers to a minimum setback of 6 m curb to building face and in Policy 9.6 the potential to reduce this standard if there is on-site heritage resource. Tall Building Design Guideline 4.2 also recommends a minimum 6 metres wide sidewalk zone.

The applicant is proposing an 11.9 m setback from building face to curb on Jarvis Street. This setback does meet the minimum standards. Additionally, the applicant is not proposing a mid-block connection or identifying where this mid-block connection should be located, as required by the in-force policies of OPA 82.

With respect to wind impacts on the pedestrian realm, Official Plan Policy 4.5.2 e and Tall Building Guideline 4.3 refer to comfortable wind conditions and the protection of the pedestrian realm from wind impacts. The applicant has provided a qualitative wind study which concludes that wind impacts are expected to be suitable at all grade-level pedestrian sensitive locations for their anticipated use. However, for the outdoor amenity areas, mitigation in the form of perimeter wind screens (or a combination of

raised planters and wind screens) will likely be required which can be secured through the Site Plan application process.

### **Site Servicing**

The applicant submitted a Functional Servicing Report, Preliminary Geohydrology Assessment and Preliminary Geotechnical Report. Engineering and Construction Services has reviewed the reports and advises that the Functional Servicing Report needs revisions to address servicing issues. Additionally, the applicant is required to provide a clear strategy with respect to groundwater pumping and discharge subject to provisions within the Sewer Use By-law.

### **Open Space/Parkland**

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

Public parks and open spaces perform a variety of critical functions that improve and maintain community and environmental health. They offer recreational opportunities which support active lifestyles, host spaces for social events and organization, and accommodate natural infrastructure which provide vital ecosystem services and help mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the first above grade permit.

Parks, Forestry and Recreation staff have also commented that the shadows generated by the proposed development do not conform to or maintain the intent and purposes of Official Plan policies which speak to minimizing shadows to maintain park utility of existing parks.

### **Community Services Assessment**

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

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

OPA 82 Policy 5.1 identifies priority community benefits as: affordable housing with the amount of mandatory units being 10% of the units, improvements to the community space at 200 Dundas Street East, improvements to Moss Park, construction of a green linkage between Moss Park and Allan Gardens and improvements to the public realm.

OPA 406, Downtown Secondary Plan Policy 10.3 and 10.9, approved but not in full force and effect, requires the provision of community space on-site and non-profit child care where it can be accommodated on-site. This could be secured though and as part of a Section 37 Agreement.

The applicants submitted a Community Services Study. Staff have reviewed the report and commented on the need to secure a non-profit, licensed child care facility to be integrated within the development, provision of financial contributions towards the John Innes Community Recreation Centre and/or financial contributions towards the Parliament Street Neighbourhood branch.

The application does not propose any non-profit child care spaces. This space should be provided on-site through a Section 37 contribution and secured through a Section 37 Agreement.

### **Section 37**

The proposal at its current height, massing and density will be subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. Should this proposal be approved in some form by the LPAT, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicant, in consultation with the Ward Councillor.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan. Staff are of the opinion that the proposal in its current form is not consistent with the PPS (2014) and does not conform with the Growth Plan (2017). Further, the proposal is not in keeping with the intent of the Toronto Official Plan as the proposed tower does not respect the planned context, tower setbacks do not adhere to appropriate development standards, an inappropriate podium form is proposed which additionally impacts heritage adjacency and there is a loss of dwelling rooms. Additionally, there is a need to identify the mid-block connection as set out in OPA 82 and to increase the amount of indoor amenity space.

Staff recommend that City Council direct City Staff to continue to negotiate with the applicant to try to resolve the outstanding issues detailed in this report. City Council

direct the City Solicitor, and appropriate City Staff, to attend and oppose the application in its current form should the application be appealed to the Local Planning Appeal Tribunal (the "LPAT") on the basis of Council's failure to make a decision on the application within the statutory timeframe.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map

### **Applicant Submitted Drawings**

- Attachment 5: Site Plan
- Attachment 6: North Elevation
- Attachment 7: South Elevation
- Attachment 8: West Elevation
- Attachment 9: East Elevation

## Attachment 1: Application Data Sheet

Municipal Address: 295 JARVIS ST Date Received: May 18, 2018  
Application Number: 18 161787 STE 27 OZ  
Application Type: Rezoning  
Project Description: Zoning Amendment application for 36 storey residential building with a total of 351 residential apartment units and 5 levels of below grade parking

Applicant	Agent	Architect	Owner
MINTO COMMUNITIES INC			INGLEWOOD ARMS

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas	Site Specific Provision:
Zoning: CR T3.5 C2.0 R2.0	Heritage Designation:
Height Limit (m): 30.0	Site Plan Control Area: Yes

## PROJECT INFORMATION

Site Area (sq m): 911                      Frontage (m): 22                      Depth (m): 41

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			728	728
Residential GFA (sq m):			23,507	23,507
Non-Residential GFA (sq m):				
Total GFA (sq m):			23,507	23,507
Height - Storeys:			36	36
Height - Metres:			112	112

Lot Coverage Ratio (%) : 79.91                      Floor Space Index: 25.8

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

Residential GFA: 23,507  
 Retail GFA:  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

### Residential Units by Tenure      Existing      Retained      Proposed      Total

Rental:  
 Freehold:  
 Condominium: 351                      351  
 Other:  
 Total Units: 351                      351

### Total Residential Units by Size

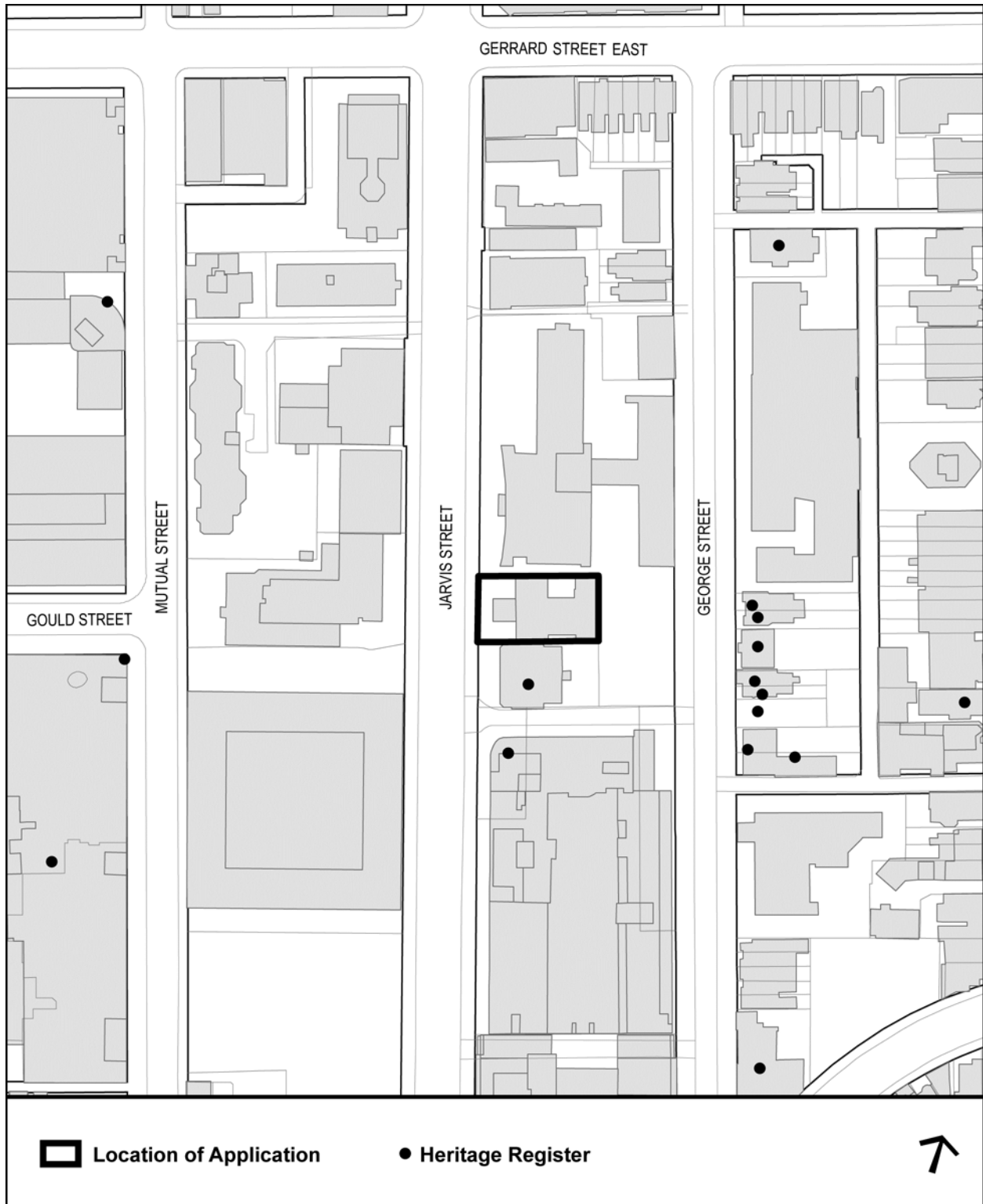
	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	14	224	97	16	
Total Units:	14	224	97	16	

### Parking and Loading

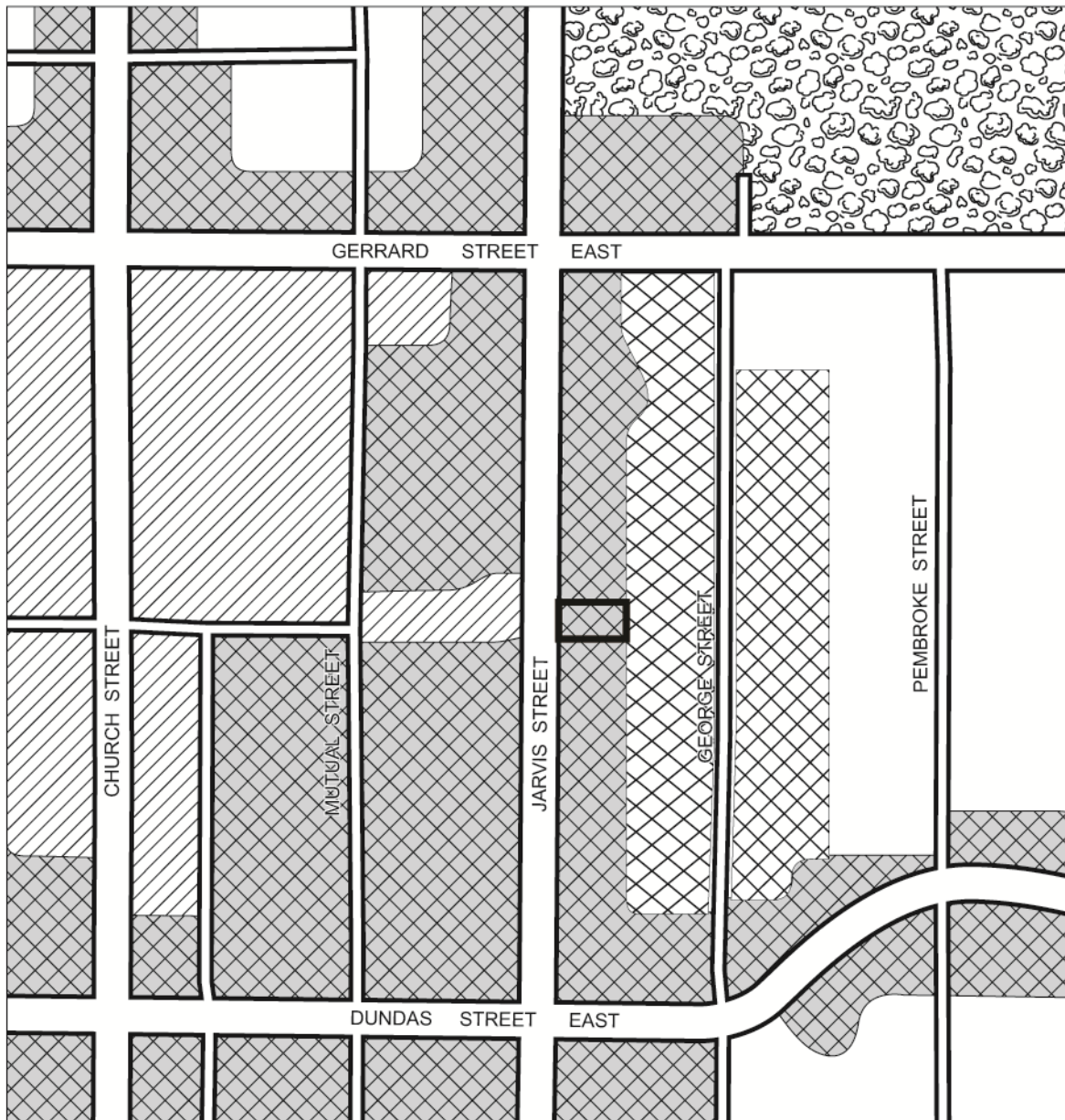
Parking Spaces: 59                      Bicycle Parking Spaces: 352      Loading Docks: 1



## Attachment 2: Location Map



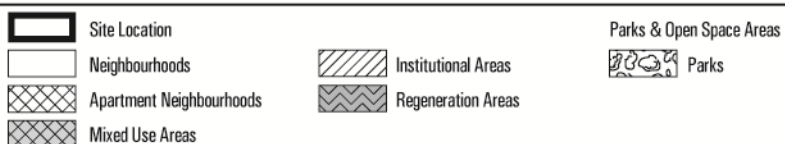
## Attachment 3: Official Plan Land Use Map



### Official Plan Land Use Map #18

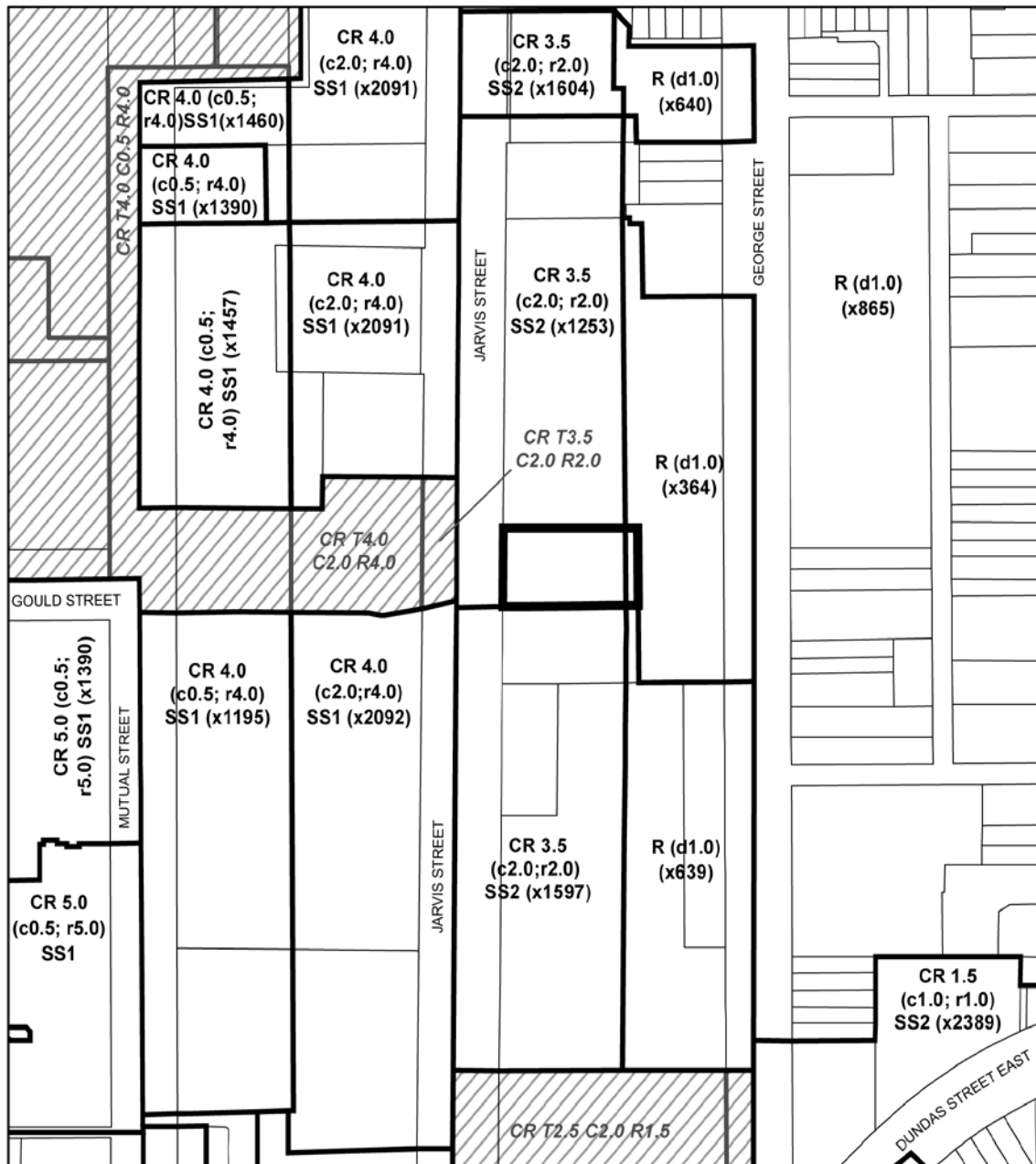
295 Jarvis Street

File # 18 161787 STE 27 0Z



↑  
Not to Scale  
12/13/2018

## Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

295 Jarvis Street

File # 18 161787 STE 27 0Z



Location of Application

R Residential CR Commercial Residential



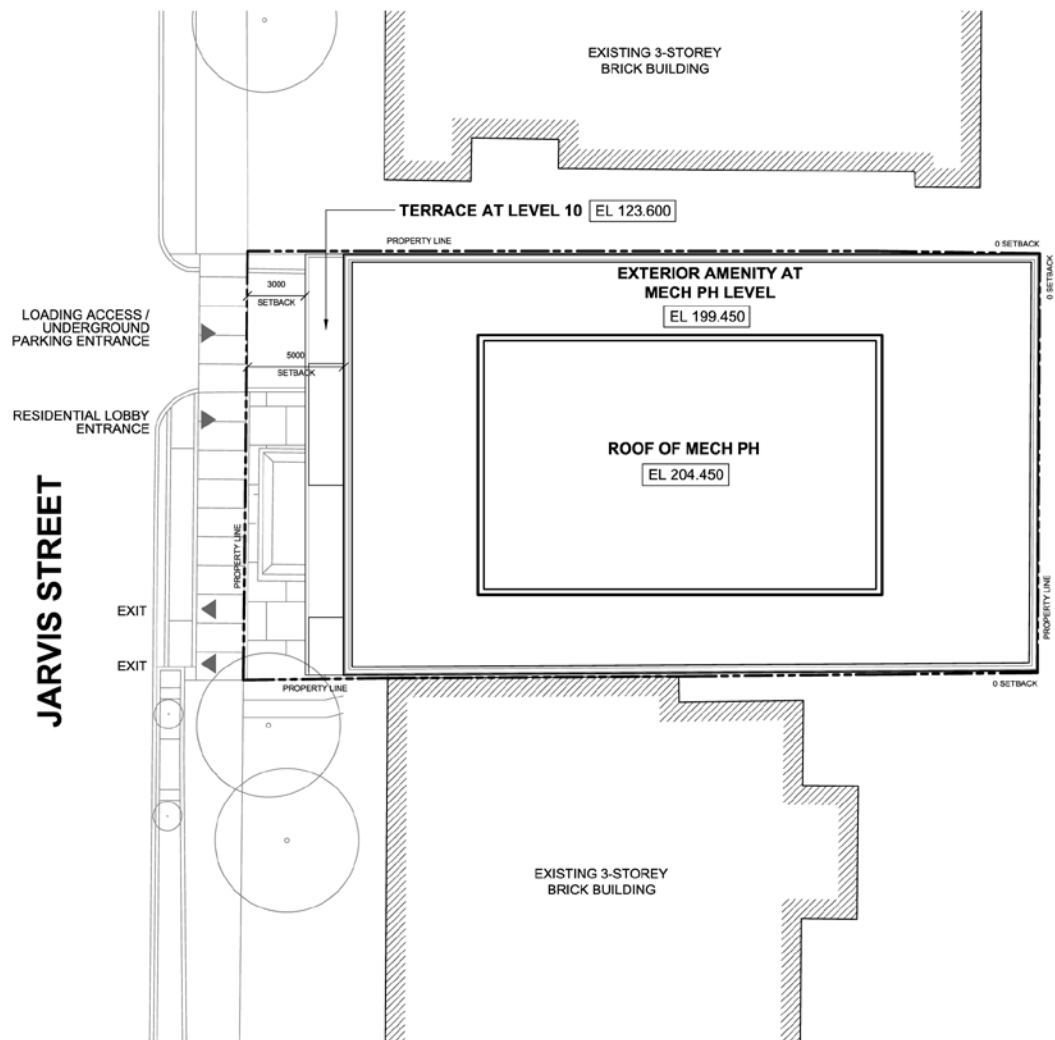
See Former City of Toronto By-Law No. 438-86

CR Mixed-Use District  
MCR Mixed-Use District  
Q Mixed-Use District  
UOS Parks District



Not to Scale  
Extracted: 05/31/2018

## Attachment 5: Site Plan



Site Plan

Applicant's Submitted Drawing

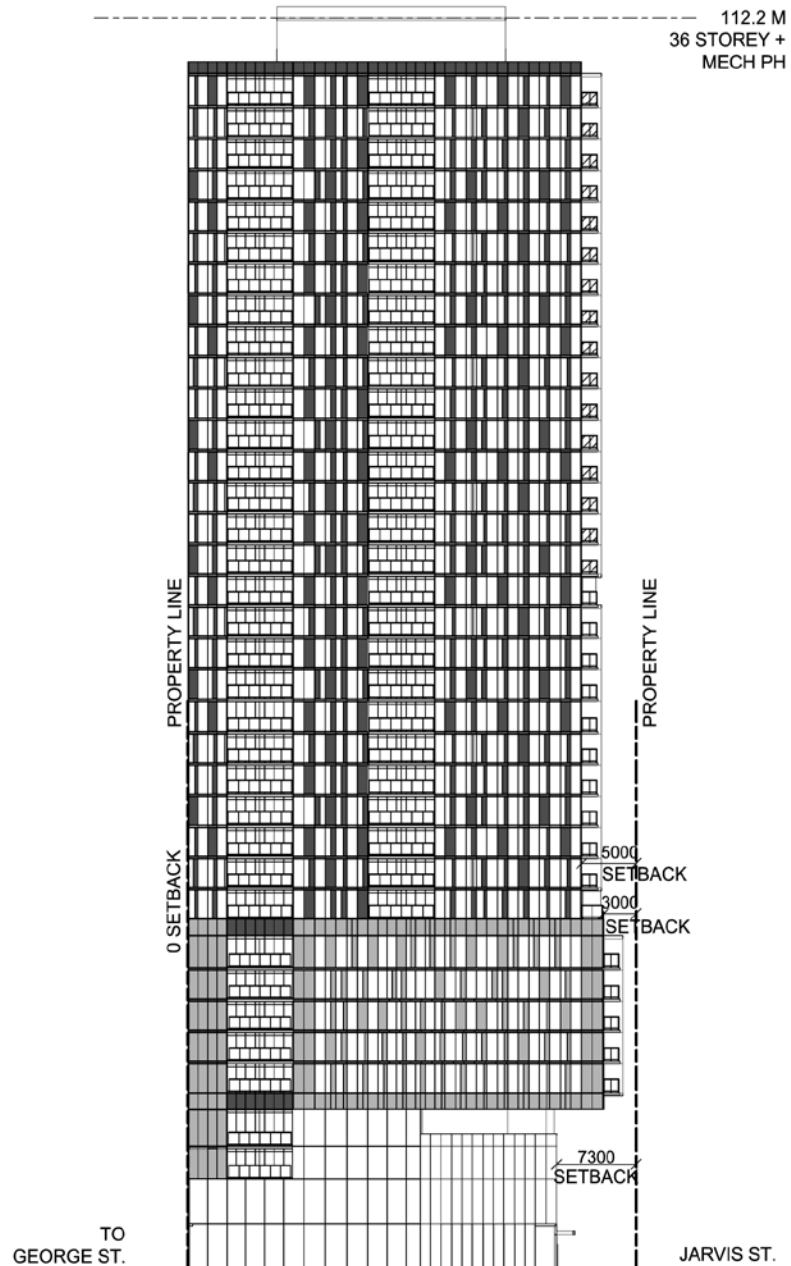
Not to Scale  
06/06/2018



295 Jarvis Street

File # 18 161787 STE 27 OZ

## Attachment 6: North Elevation



**North Elevation**

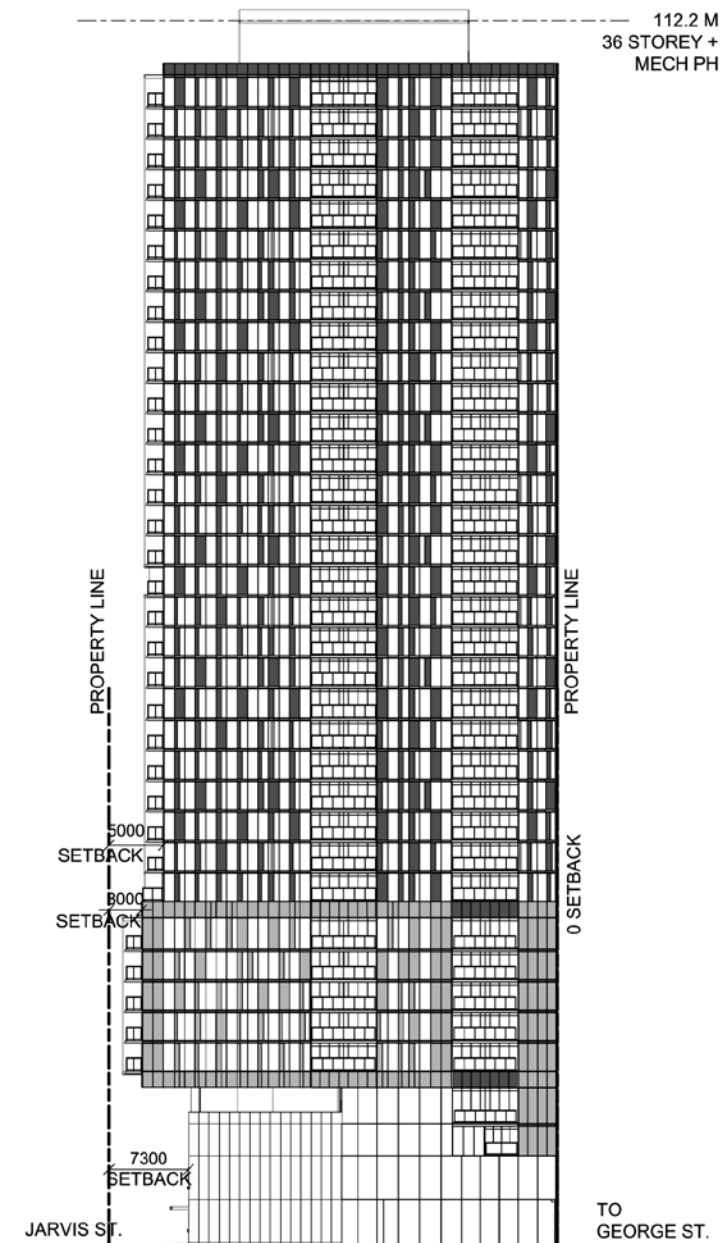
**295 Jarvis Street**

Applicant's Submitted Drawing

Not to Scale  
06/06/2018

File # 18 161787 STE 27 OZ

## Attachment 7: South Elevation



**South Elevation**

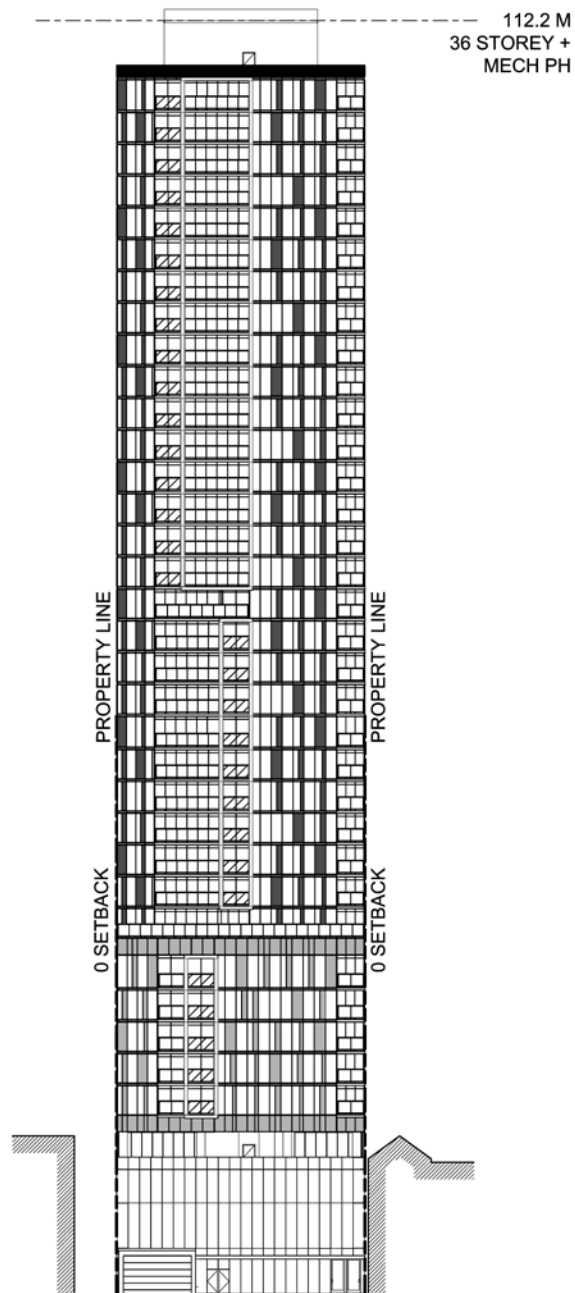
**295 Jarvis Street**

Applicant's Submitted Drawing

Not to Scale  
06/06/2018

File # 18 161787 STE 27 OZ

## Attachment 8: West Elevation



**West Elevation**

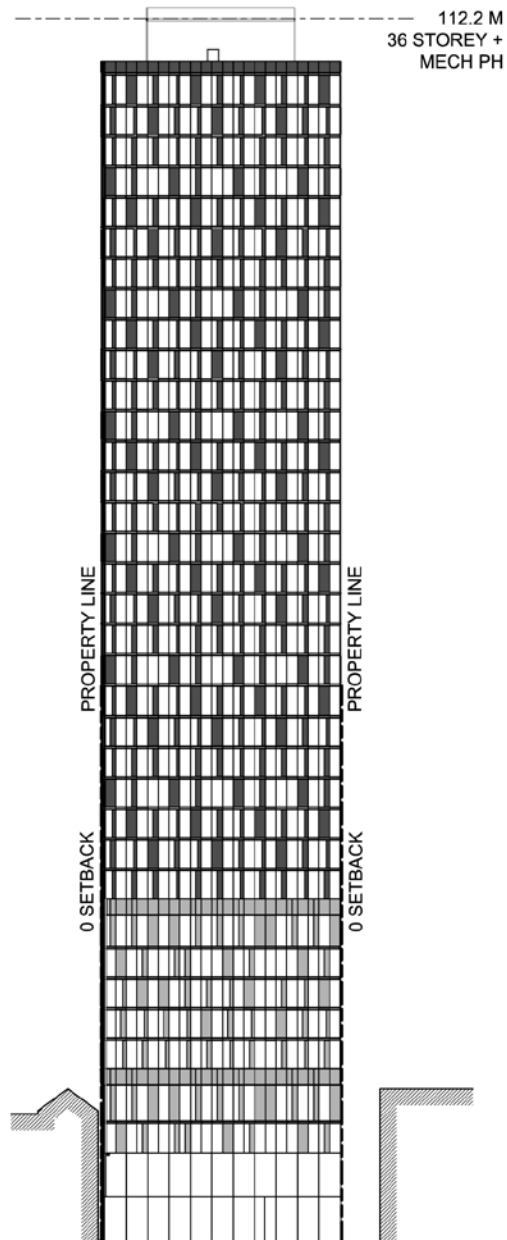
Applicant's Submitted Drawing

Not to Scale  
06/06/2018

**295 Jarvis Street**

File # 18 161787 STE 27 OZ

## Attachment 9: East Elevation



**East Elevation**

Applicant's Submitted Drawing

Not to Scale  
06/06/2018

**295 Jarvis Street**

File # 18 161787 STE 27 OZ