

561 Jarvis Street and 102-120 Earl Place – Official Plan and Zoning By-law Amendment Application and Rental Housing Demolition and Conversion Application – Appeal Report

Date: August 30, 2023

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

Planning Application Numbers: 22 185925 STE 13 OZ, 22 199096 STE 13 RH

SUMMARY

On August 4, 2022, an Official Plan and Zoning By-law Amendment application was submitted to permit a 58-storey mixed-use building, containing 690 dwelling units, including 659 new units and 31 rental replacement units, and 200 square metres of non-residential gross floor area.

The site currently contains 10, two-storey house-form buildings containing two rental dwelling units and eight owner-occupied units, and a three-storey walk-up apartment building containing 29 rental dwelling units all of which are proposed to be demolished.

On August 4, 2022 the applicant submitted a Rental Housing Conversion and Demolition application to demolish and replace the 31 existing rental dwelling units. The proposed rental replacement and tenant relocation and assistance are being reviewed concurrently by Housing Staff.

On March 22, 2023 revised Official Plan and Zoning By-law Amendment applications were submitted seeking to permit a 58-storey mixed-use building containing 680 dwelling units, including 649 new units and 31 rental replacement units, and 327 square metres of non-residential gross floor area.

On March 31, 2023, the applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the Official Plan and Zoning By-law Amendment application in its current form and to continue discussions with the applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current applications regarding the Official Plan Amendment and Zoning By-law Amendment application appeal for the lands at 561 Jarvis Street and 102-120 Earl Place and to continue discussions with the applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:
 - a) the final form and content of the draft Official Plan and Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b) the owner has provided confirmation of water, sanitary and stormwater, and traffic capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment;
 - c) the owner has secured replacement of the existing rental housing, including the same number of units, bedroom type and size and with similar rents;
 - d) the owner has secured an acceptable Tenant Relocation and Assistance Plan addressing the right for existing and former tenants to return to a replacement rental unit on the lands at similar rents, the provision of alternative accommodation at similar rents, and other assistance to mitigate hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - e) City Council has approved the Rental Housing Demolition application 22 199096 STE 13 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 to permit the demolition of the existing rental dwelling units and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision.
3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

THE SITE

Description: The site is generally rectangular in shape and has an area of 1,862 square metres, with frontages of 36.35 metres on Jarvis Street, and 47.75 metres on Earl Place.

Existing Uses: The site contains 10, two-storey house-form buildings containing two rental units and a three-storey walk-up apartment building containing 29 rental units.

THE APPLICATION

Description: A 58-storey (193.5 metres excluding mechanical penthouse) mixed-use building with 43,300 square metres of residential gross floor area and 200 square metres of non-residential gross floor area.

Density: 23.08 times the area of the lot.

Dwelling Units: The proposed mixed-use building contains a total of 680 dwelling units, including 31 replacement rental units and 649 new dwelling units. In total, the proposed development would include 45 studio (6.6%), 410 one-bedroom (64%), 132 two-bedroom (19.4%), and 67 three-bedroom (10%) units.

Rental Replacement: the site currently contains 29 rental dwelling units located at 561 Jarvis Street including 24 one-bedroom units and 5 studio units, and two rental dwelling units located at 106 Earl Place including one one-bedroom unit, and one three-bedroom unit. A Rental Demolition and Conversion application has been submitted and is under review by City staff.

Access, Parking, and Loading: Vehicular access to the site is proposed to be provided from Earl Place. A total of 76 parking spaces are proposed to serve the development, consisting of eight visitor parking spaces, 66 resident parking spaces within a three-level underground garage. The west building proposes a Type 'C' loading space and a Type 'G' loading space. A total of 688 bicycle parking spaces are located on the ground floor, mezzanine, and P1 levels of the proposed building.

Additional Information

See Attachments 2, 3 and 6 of this report for a three-dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet, respectively. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: www.toronto.ca/561JarvisSt

Reason for the Applications

The Official Plan Amendment application is required to redesignate the site from Neighbourhoods to Mixed Use Areas to permit the proposed redevelopment.

The Zoning By-law Amendment application is required to amend Zoning By-law 569-2013 to provide relief from various performance standards, including: floor space index; building height; and building setbacks. Additional amendments to the Zoning By-laws may be identified as part of the application review process.

The Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 is required as the proposal would involve the demolition of 31 rental dwelling units.

Site Plan Control: A Site Plan Control application was submitted on August 4, 2023.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects planning and cultural heritage matters shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

Official Plan

The site is located within the Downtown and Central Waterfront area and is designated Neighbourhoods.

See Attachment 4 of this report for the Official Plan Land Use Map. The Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Downtown Plan

The site is located within the boundaries of the Downtown Secondary Plan and fronts onto Jarvis Street. Jarvis Street is identified in the Plan as a Great Street and a Cultural Corridor.

Zoning

The site is zoned residential in the City of Toronto Zoning By-law 569-2013 with a permitted maximum height of 18 metres. The northern portion of the site is zoned (R (d2.0) (x644) and the southern portion of the site is zoned R (d2.0) x(504). See Attachment 5 of this report for the existing Zoning By-law Map. The City's Zoning By-law 569-2013 can be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Downtown Tall Building Design Guidelines;
- Growing Up Guidelines: Planning for Children in New Vertical Communities; and,
- Pet Friendly Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-planguidelines/design-guidelines/>

Toronto Green Standard

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on February 22, 2023. Approximately 112 people participated, as well as the Ward Councillor and the applicant. At the meeting, City staff and the applicant's team provided presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting.

Issues raised at the meeting and through written comments and phone calls include:

- Lack of provision of affordable housing;
- Insufficient unit sizes;
- Insufficient tower separation;
- Excessive height and density;
- Impacts on adjacent low-rise neighbourhoods;
- Appropriateness of the proposed parkland dedication;
- Construction noise and dust;
- Increased traffic and insufficient space for deliveries and drop-offs;
- Sufficiency of rental replacement units and tenant assistance;
- Concern about the residential lobby fronting onto Earl Place;
- Questions about timing of construction; and
- Concern about access to sunlight and sky view for nearby residences.

Tenant Meeting

When matters relating to the proposed Official Plan and Zoning by-law Amendment are resolved, a tenant meeting will be scheduled regarding tenant assistance and relocation.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan and find the proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan.

Land Uses

The subject lands are designated Neighbourhoods in the Official Plan, where new buildings taller than four storeys are not permitted. The proposal contemplates the redesignation of Neighbourhoods-designated lands to Mixed Use Areas to permit the proposed development. The applicant has not demonstrated that this proposal is appropriate for this site.

Built Form

Staff have concerns with the proposed massing, including height, setbacks, step backs, base building height and design, and tower floor plate. Revisions are required to achieve compatibility with the existing and planned context and to provide appropriate transition to the lower-scale Neighbourhoods-designated lands surrounding the site.

Streetscape

City Planning will continue to work with the applicant to ensure the proposed streetscape is consistent with the public realm objectives of the Official Plan.

Tree Preservation

The applicant is proposing to remove 15 City-owned street trees, two privately-owned trees, and injure one tree on the boundary of the property that is regulated by the private and public tree by-laws. City staff will continue to work with the applicant to ensure that mature trees are preserved or replaced where possible.

Shadow

The proposed development casts shadow on Neighbourhoods-designated lands. Massing should be revised to reduce shadow impacts.

Wind

City staff have reviewed the pedestrian level wind study for the proposed development prepared by Rowan Williams Davies and Irwin Inc. and dated June 29, 2022. Staff have identified negative wind conditions on proposed outdoor amenity areas. Revisions to the built form or implementation of acceptable wind mitigation strategies are required.

Parkland Dedication

The applicant has proposed an off-site parkland dedication of 491 square metres adjacent to the subject site. City staff have concerns regarding the size and location of the proposed parkland.

Unit Mix

The proposed development does not provide sufficient family-sized units to meet the requirements of the Downtown Secondary Plan.

Amenity Space

Zoning By-law 569-2013 requires 4 square metres of amenity space per unit. The application proposes 3.5 square metres of indoor and 0.8 square metres of outdoor amenity space. The proposed amenity space is acceptable.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and are being reviewed by Engineering and Construction Services.

In the event the Ontario Land Tribunal allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

Further Issues

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputations made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, City Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

CONTACT

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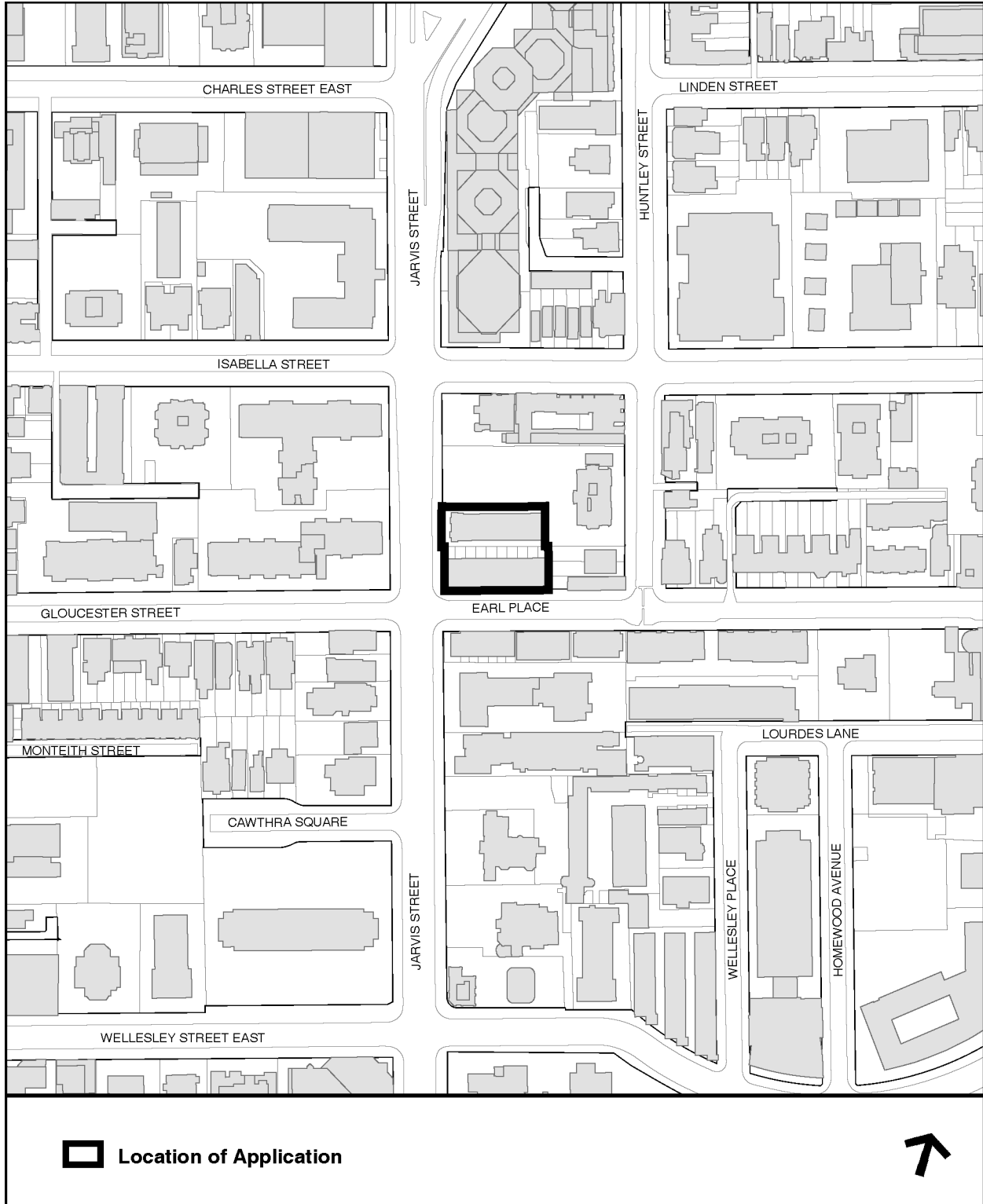
SIGNATURE

Oren Tamir
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: 3D Model of Proposal in Context
Attachment 3: Site Plan
Attachment 4: Official Plan Map
Attachment 5: Zoning By-law Map
Attachment 6: Application Data Sheet

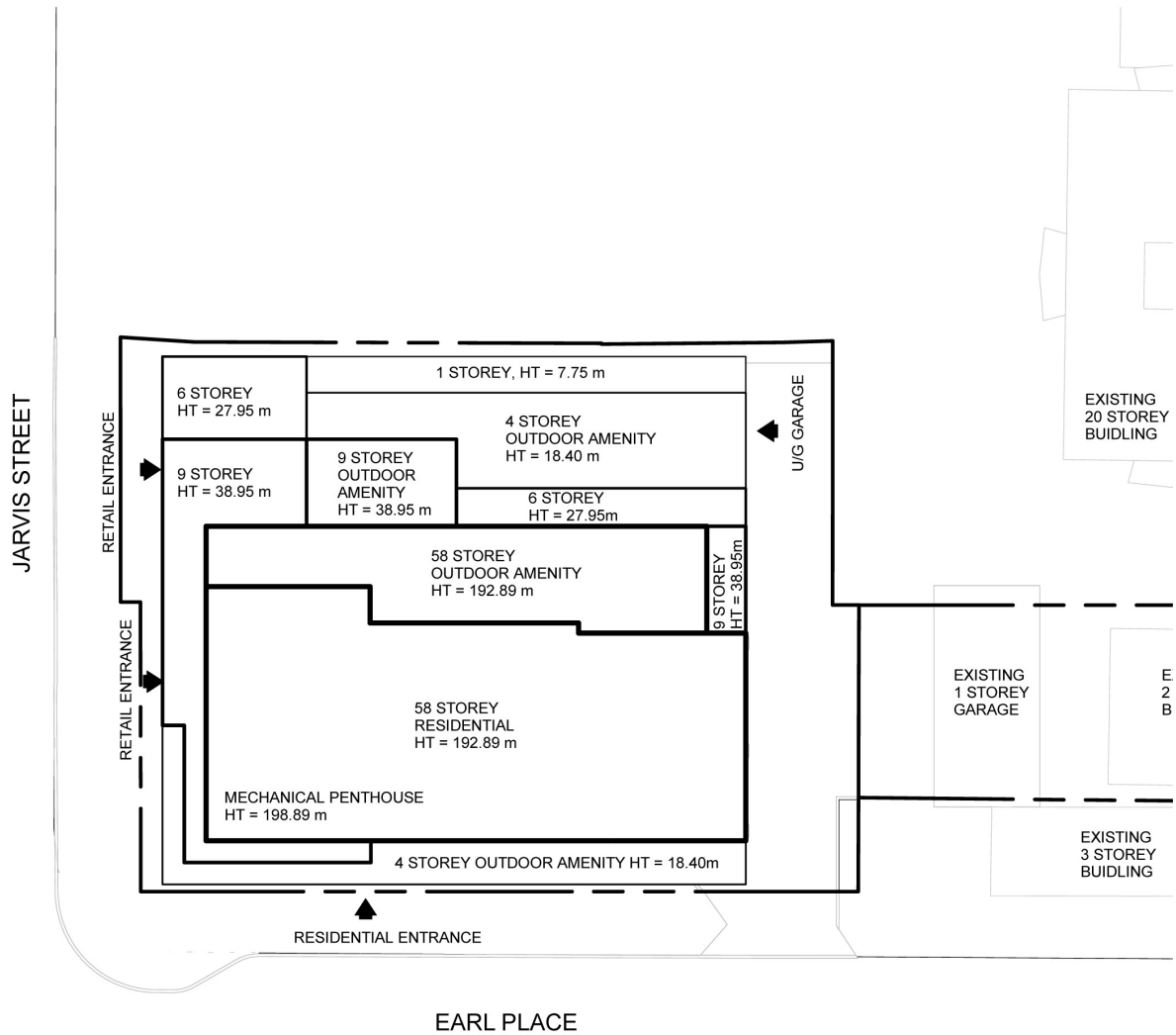
Attachment 1: Location Map



Attachment 2: 3D Model of Proposal in Context

To be provided in advance of the September 19, 2023 Community Council Meeting.

Attachment 3: Site Plan



Site Plan



Attachment 4: Official Plan Map




Official Plan Land Use Map #18

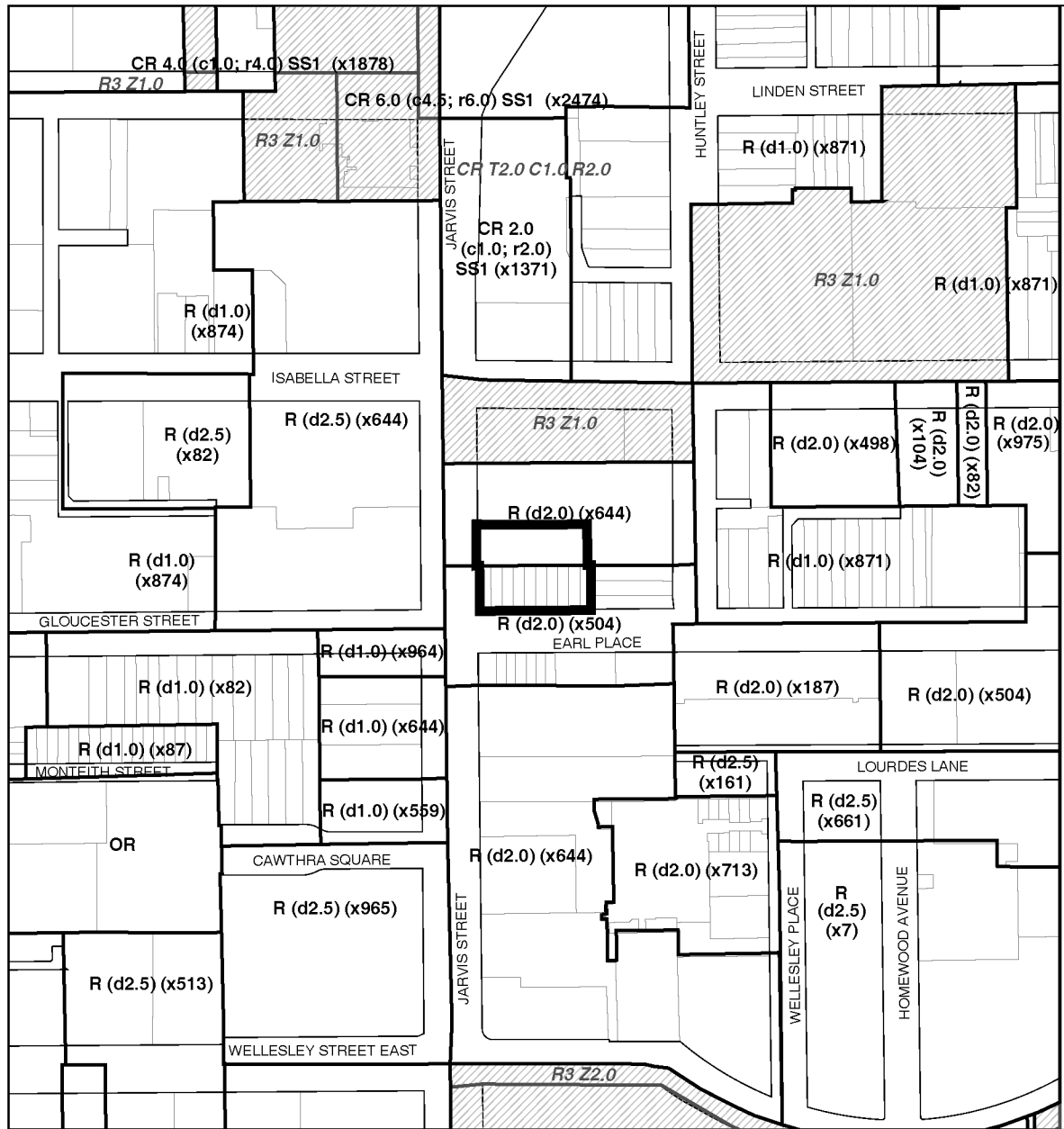
561 Jarvis St & 102-120 Earl Pl

File # 22 185925 STE 13 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks


 Not to Scale
 Extracted: 08/10/2022

Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

561 Jarvis St & 102-120 Earl Pl

File # 22 185925 STE 13 0Z

-  Location of Application
- R** Residential
- CR** Commercial Residential
- OR** Open Space Recreation

-  See Former City of Toronto By-law No. 438-86
- R4** Residential District
- CR** Mixed-Use District



Not to Scale
Extracted: 08/10/2022

Attachment 6: Application Data Sheet

Municipal Address: 561 Jarvis Street and 102-120 Earl Place
Date Received: October 19, 2021
Application Number: 22 185925 STE 13 OZ, 199 096 STE 13 RH
Application Type: OPA, Rezoning, Rental Housing Demolition

Project Description: 58-storey mixed-use building including 680 dwelling units, 327 square metres of non residential space, an off-site parkland dedication, as well as 3 levels of underground parking. The existing buildings on site are proposed to be demolished.

Applicant	Agent	Architect	Owner
Jarvis and Earl Inc. c/o Adam Sheffer	Adam Sheffer	Kirkor Architects and Planners	Jarvis and Earl Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	Downtown Plan
Zoning:	R (d2.0) (x504), R (d2.0) (x644)	Heritage Designation:	N
Height Limit (m):	18.0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1,862 Frontage (m): 36.35 Depth (m): 47.75

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1450	1450
Residential GFA (sq m):			43,000	43,000
Non-Residential GFA (sq m):			200	200
Total GFA (sq m):			43,200	43,200
Height - Storeys:			58	58
Height - Metres:			193.5	193.5

Lot Coverage Ratio (%): 79.4	Floor Space Index:	23.08
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Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 42,658.85
 Retail GFA: 327.79
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	31	0	31	31
Freehold:				
Condominium:			649	649
Other:				
Total Units:	31		649	680

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		45	410	132	68
Total Units:		45	435	132	68

Parking and Loading

Parking Spaces: 76 Bicycle Parking Spaces: 688 Loading Docks: 2

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