

295 Jarvis Street - Official Plan and Zoning By-law Amendment Application – Appeal Report

Date: September 29, 2023

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

Planning Application Number: 22 229720 STE 13 OZ

SUMMARY

On November 15, 2022, an Official Plan and Zoning By-law Amendment application was submitted to permit a 60-storey residential building, containing 618 dwelling units with a total of 44,530 square metres of residential gross floor area (GFA).

The site contains a 3-storey licensed rooming house known as the Inglewood Arms, with approximately 95 dwelling-rooms, which is proposed to be demolished. No dwelling-room replacement or tenant assistance is proposed.

On May 16, 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. A 12-day hearing has been scheduled to commence starting May 27, 2024. The applicant and the City have agreed to OLT-led mediation in advance of this date.

On August 2, 2023, the applicant submitted revised application to address technical comments. No changes were made to the overall building height or massing.

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 to oppose the appeal made for the current application regarding the Official Plan Amendment and Zoning By-law Amendment respecting the land at 295

Jarvis Street and authorize the City Solicitor and appropriate staff 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-law are to the satisfaction of the City Solicitor and the Chief Planner & Executive Director, City Planning;

b. the owner has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment;

c. the owner has entered into a legal agreement binding the owner and successor owners to secure all rental housing related matters, including replacement of existing dwelling rooms and an acceptable Tenant Relocation and Assistance Plan, on terms satisfactory to the Chief Planner and in a form satisfactory to the City Solicitor.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

DECISION HISTORY

On May 18, 2018, an Official Plan and Zoning By-Law Amendment Application was submitted, by a previous applicant, and was subsequently withdrawn.

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 rectangular in shape and has an area of 911.4 square metres with frontage on Jarvis Street.

Existing Uses: The site contains a 3-storey licenced rooming house known as the Inglewood Arms, containing approximately 95 dwelling rooms. As of October 2022, 90 of the existing dwelling rooms were occupied and rented at Dwelling Room Tier 1 and Tier 2 Affordable a Mid-Range rents.

THE APPLICATION

Description: 60 storey (189.4 metres excluding mechanical penthouse) residential building with a 9-storey base building along Jarvis Street and 44,530 square metres of residential GFA.

Density: 48.66 times the area of the lot.

Unit Mix: The proposed residential building contains a total of 619 new dwelling units. It would include 54 (8.7%) studio, 114 (18.4%) one-bedroom, 295 one-bedroom plus den (47.7%), 93 (15%) two-bedroom, and 62 (10%) three-bedroom units.

Dwelling Room Replacement: No replacement rental housing is proposed.

Access, Parking, and Loading: Vehicular access to the site is proposed to be provided from Jarvis Street. A total of 12 parking spaces are proposed to serve the development, consisting of 12 visitor parking spaces and 0 resident parking spaces with stacking elevator access from the ground level. The building proposes one Type "G" loading space. A total of 691 bicycle parking spaces are proposed on the P1 level.

Amenity Space

A total of 1,545 square metres of amenity space is proposed including 927 square metres of indoor amenity space (927 square metres per unit) and 618 square metres of outdoor amenity space (1.0 square metre per unit).

Additional Information: See Attachments 2, 3, and 7 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: toronto.ca/295Jarvis

Reason for Applications: The Official Plan Amendment proposes to change the specified tower locations on adjacent lands to the north within the Hazelburn Character Area and North George Street Character Area of SASP 461 Garden District Area Specific Policy. The Amendment is also needed to permit shadowing of the Allan Gardens Conservatory building on December 21 and to provide relief from development performance standards policies detailed in SASP 461 Garden District Area Specific Policy.

The Zoning By-law Amendment 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-law may be identified as part of the application review process.

Site Plan Control: A Site Plan Control application was submitted on November 15, 2022.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, including the Growth Plan (2020) for the Greater Golden Horseshoe, the Greenbelt Plan, and others.

Official Plan

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

The site is located within The Garden District Site and Area Specific Policy (SASP) 461 also known as Official Plan Amendment (OPA) 82. The site is within the Hazelburn Character Area of the SASP. The site is part of a collection of properties identified as Block 2 where one tower is contemplated. See Attachment 6 of this report for a map of the Hazelburn Character Area.

On June 18, 2019, City Council adopted item PH6.1 “Official Plan Amendment - Policies to Address the Loss of Dwelling Rooms: Final Recommendation Report” (OPA 453). OPA 453 was subsequently appealed. City Council's decision and the Final Recommendation Report is available at:
<https://secure.toronto.ca/council/agenda-item.do?item=2019.PH6.1>

On November 8, 2021, the OLT issued a decision, approving OPA 453 bringing the OPA into full force and effect, except for the lands at 295 Jarvis Street.

SASP 517 contains performance standards for tall building setbacks and separation distances in the Downtown Secondary Plan Area.

Downtown Plan

The site is located within the boundaries of the Downtown Plan and fronts onto Jarvis Street. The site is identified as Mixed-Use Area 3 which permits development in the form of mid-rise buildings, with some low-rise and tall buildings permitted based on compatibility. Jarvis Street is identified in the Plan as a Great Street and a Cultural Corridor.

Zoning

The subject site is zoned CR 3.5 (C2.0; R2.0) SS2 (x1253) under Zoning By-law 569-2013 with a permitted maximum height of 14.0 metres. See Attachment 5 of this report for the existing Zoning By-law Map.

Design Guidelines

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

- Tall Building Design Guidelines
- 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/city-government/planning-development/official-plan-guidelines/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/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard>

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on March 7, 2023. Approximately 32 members of the public participated, as well as the constituency advisor from the Ward Councillor's office and the applicant's consultants.

A second, in-person meeting was held on April 11, 2023 and approximately 60 people attended including City Staff, the local ward councillor and constituency advisor, the local Member of Provincial Parliament (MPP), Inglewood Arms tenants, community residents, leaders from community organizations, and the applicant's consultants.

At the meetings, 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 meetings and through written comments and phone calls include:

- Questions about the status of current Inglewood Arms tenants, notice timelines if required to vacate the building, and if replacement rental units will be offered to existing Inglewood Arms tenants;
- Comments that there is insufficient dwelling room replacement and tenant assistance proposed by the applicant;
- Comment that Inglewood Arms Residents Association wants full replacement of the rooms being demolished, to be included in any conversations about dwelling room replacement, and to remain in the immediate neighbourhood during the construction process;

- Characterization of the Inglewood Arms as one of the final places of affordable tenancy in downtown and a last stop before experiencing displacement or homelessness/housing insecurity;
- Concern over lack of applicant presence other than consultants at the community meetings and minimal communication with the tenants throughout the application review process;
- Concern about shadow impact and sky view on the adjacent neighbourhood;
- Questions about the timing of construction;
- Comments about the need for affordable units and for units other than market-rate options; and
- Questions about suitability for heritage listing or designation of the site.

COMMENTS

Provincial Policy Statement and Provincial Plans

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 (2020) and conformity with the Growth Plan (2020) and find that the proposal is generally consistent with the Provincial Policy Statement (PPS) and Growth Plan. However, the PPS (2020) and the Growth Plan (2020) acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest which is not addressed in the proposal. The provision of affordable, secure and diverse housing stock to meet housing needs for a wide range of people throughout their life cycle is essential to the creation of complete communities.

Area Context

The subject lands are designated Mixed Use Area in the Official Plan, specifically Mixed-Use Areas 3 in the Downtown Plan which states that development will generally be in the form of mid-rise buildings, with some low-rise and tall buildings permitted based on compatibility.

While SASP 461 contemplates the collective group of properties at 295 and 291-285 Jarvis Street as the location for one tower and contemplates two towers on the Infrastructure Ontario land immediately adjacent to the north at 311 Jarvis Street, insufficient detail has been provided to support the proposed building in the context of the block plan.

The proposed tower does not provide a setback to the Toronto Community Housing Corporation (TCHC) properties immediately adjacent to the south at 291 to 285 Jarvis Street. The proposed tower also does not provide appropriate tower setbacks to the adjacent Infrastructure Ontario property to the north. As a result, the proposed development may be limiting the development potential of these adjacent properties.

Built Form

Staff have concerns with the proposed massing, including base building setbacks, tower stepbacks, and height. Jarvis Street is identified as a Great Street in the Downtown Plan, with its unique character of generous sidewalks and front yard landscaping. Massing revisions in this context are required to achieve consistency with the Tall Building Design Guidelines, the development performance standards in SASP 461, and with the existing and planned context along Jarvis Street.

Shadow

In accordance with SASP 461, no net new shadows are permitted on the Allan Garden's Conservatory buildings or any significant permanent structure, as measured on March 21, September 21, June 21, and December 21 at all times of the day. The proposed building shadows the conservatory and children's playground in the morning on December 21.

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 OLT allows the Official Plan and 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.

Housing Issues

The Inglewood Arms provides deeply affordable private market rental accommodation for some of Toronto's most vulnerable tenants and is one of the largest remaining rooming houses in the downtown.

A rooming house (also referred to as a multi-tenant house) is a house or building that provides separate and private living accommodation in the form of dwelling rooms and has shared areas such as kitchens and/or bathrooms. Dwelling rooms may include food preparation facilities (e.g. a hot plate or kitchenette) or sanitary facilities (e.g. a full or half bathroom), but not both. Dwelling rooms primarily provide private rental housing for the lower-end of the affordable market and are a key part of the housing continuum. They are often the most affordable option available in the private rental market. 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.

Official Plan Policy 3.2.1.11 was approved by City Council on June 18, 2019 with the adoption of Official Plan Amendment (OPA) No. 453. OPA No. 453 was subsequently

appealed to the Ontario Land Tribunal (OLT) (Case No. PL190324). In November 2021, the OLT issued a [decision](#) approving OPA 453 and bringing Policy 3.2.1.11 into full force and effect except for the lands at 295 Jarvis Street.

Official Plan policy 3.2.1.11 requires the replacement of existing dwelling room GFA in cases where new development would result in the loss of six or more dwelling rooms, unless all the existing dwelling rooms have rents that exceed 'dwelling room tier 2 mid-range rents' at the time of application.

Dwelling rooms may be replaced as rooms or studio units and are required to be maintained with similar rents for a period of at least 15 years. In addition, an acceptable tenant relocation and assistance plan is required, addressing the right for tenants to return to the replacement dwelling rooms or rental units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship.

City Planning has requested the applicant replace all existing dwelling room GFA in the Inglewood Arms in the proposed building and provide an acceptable tenant relocation and assistance plan, in accordance with Council approved Official Plan policy 3.2.1.11.

Parkland

Parkland In accordance with Section 42 of the Planning Act, the owner is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. As per Toronto Municipal Code Chapter 415-29, the value of the cash-in-lieu will be appraised by Corporate Real Estate Management. Payment will be required prior to the issuance of the first above-ground building permit.

Heritage Adjacency

The properties immediately adjacent to the proposed site at 291-285 Jarvis Street are designated properties under the Ontario Heritage Act, 1990. Staff have asked the applicant to strengthen the design relationship between the base building of the proposed tower and the adjacent designated heritage buildings. City Planning will continue to work with the applicant on this matter.

Tree Planting and Streetscape

The applicant has proposed the planting of street trees along Jarvis Street. However, deficiencies remain with this proposal regarding the required soil volume as per the Toronto Green Standard as well as utility location mapping. Staff will continue to work with the applicant to ensure the feasibility of tree planting along Jarvis Street as well as the protection of existing trees on adjacent properties.

Amenity Space

Based on the scale of the project, City Planning has asked the applicant to increase the total amount of amenity space and explore opportunities for outdoor amenity areas that are not under a building cantilever.

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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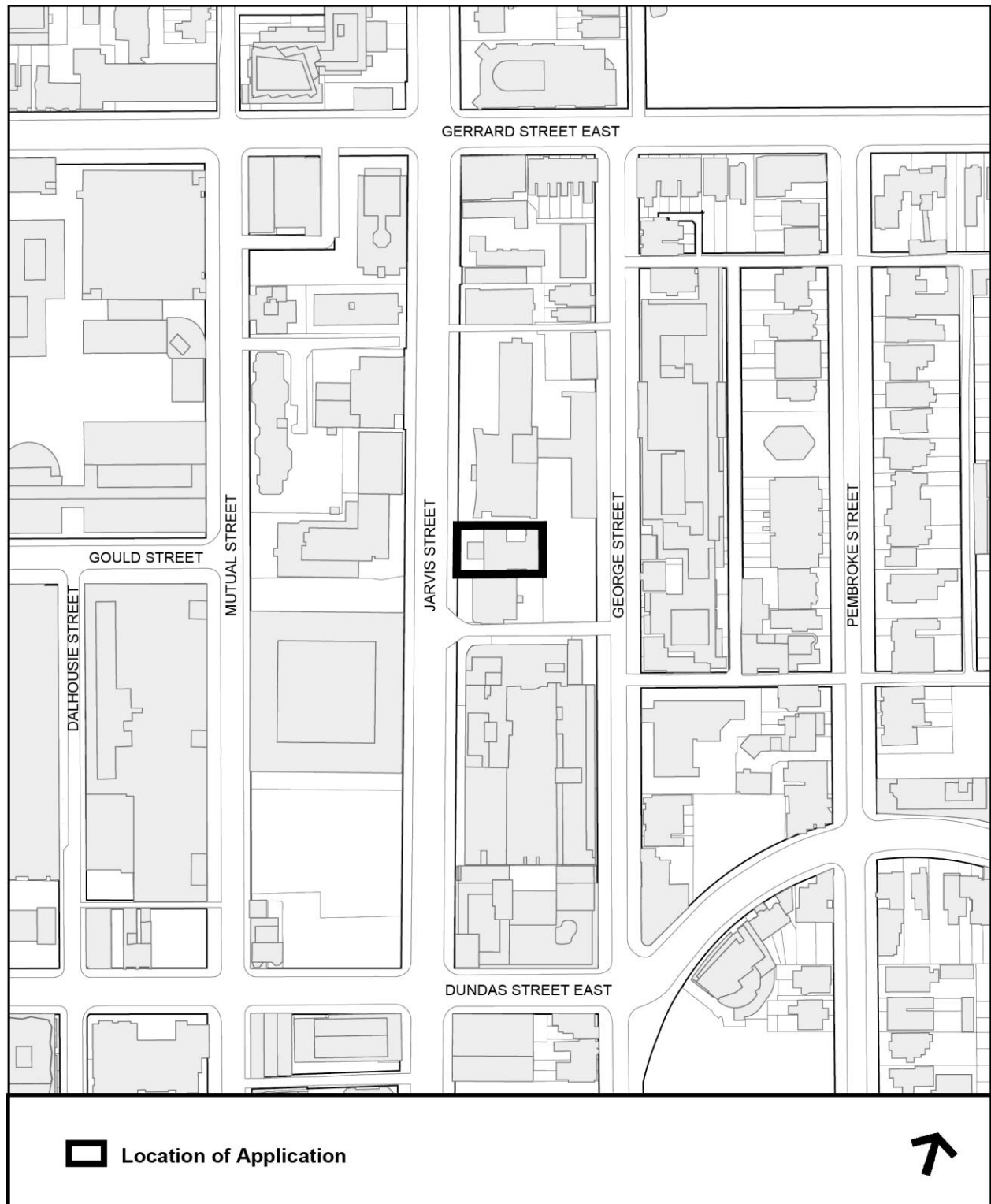
Oren Tamir
Director, Community Planning
Toronto and East York District

ATTACHMENTS

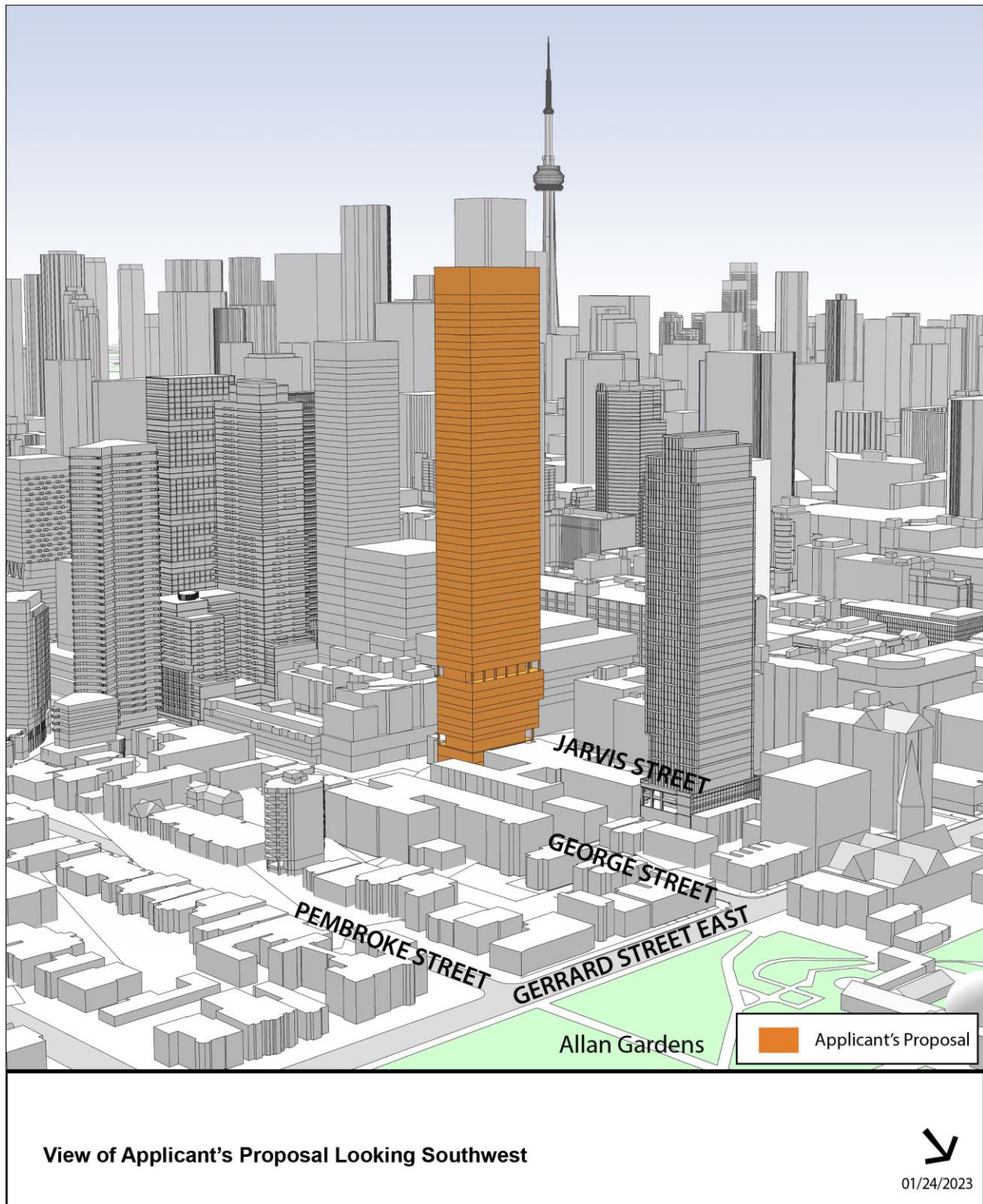
City of Toronto Data/Drawings

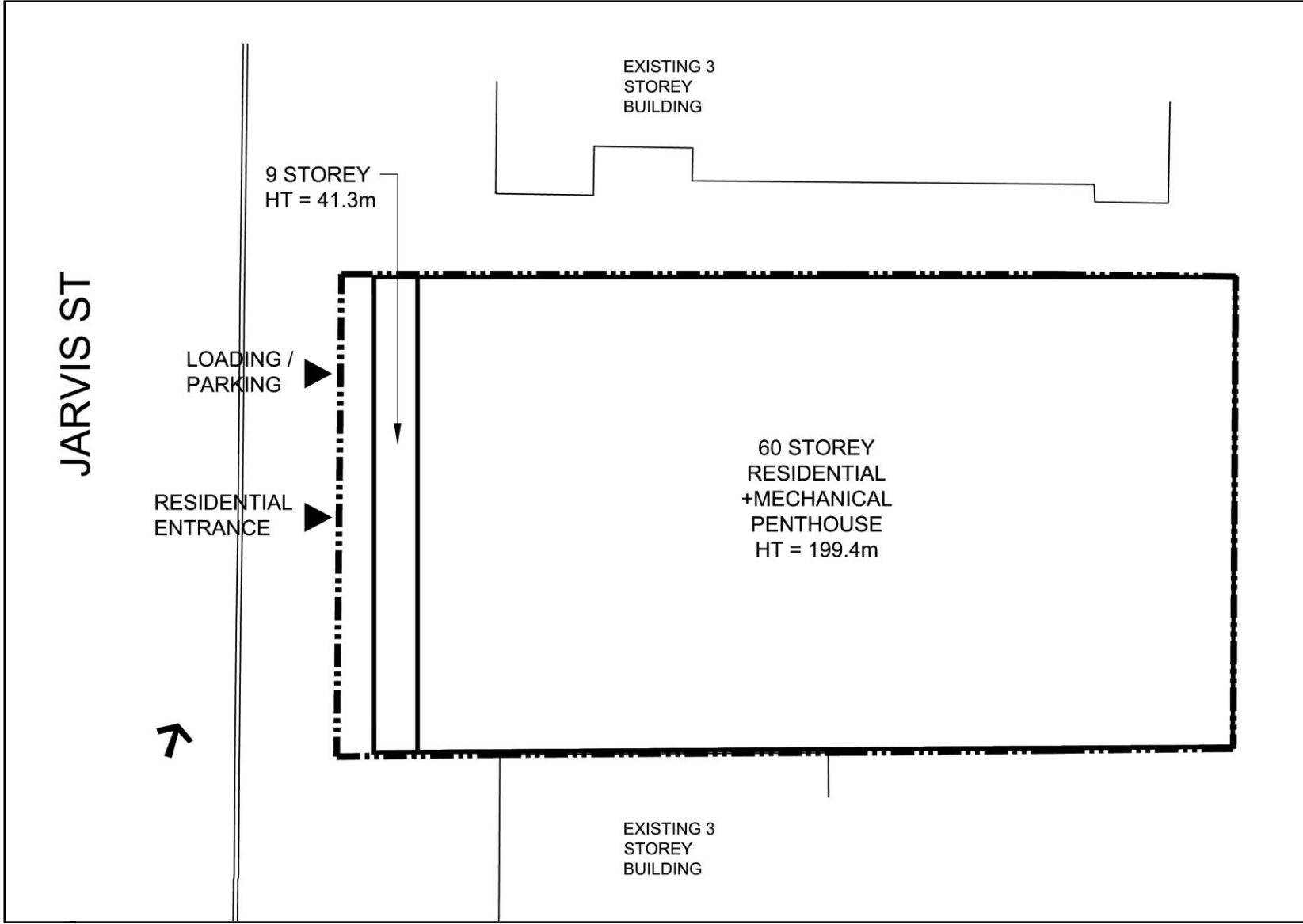
Attachment 1: Location Map
Attachment 2: 3D Model of Proposal in Context
Attachment 3: Site Plan
Attachment 4: Official Plan Map
Attachment 5: Zoning By-law Map
Attachment 6: Map of Hazelburn Character Area within the Garden District Area
Specific Policy
Attachment 7: Application Data Sheet

Attachment 1: Location Map

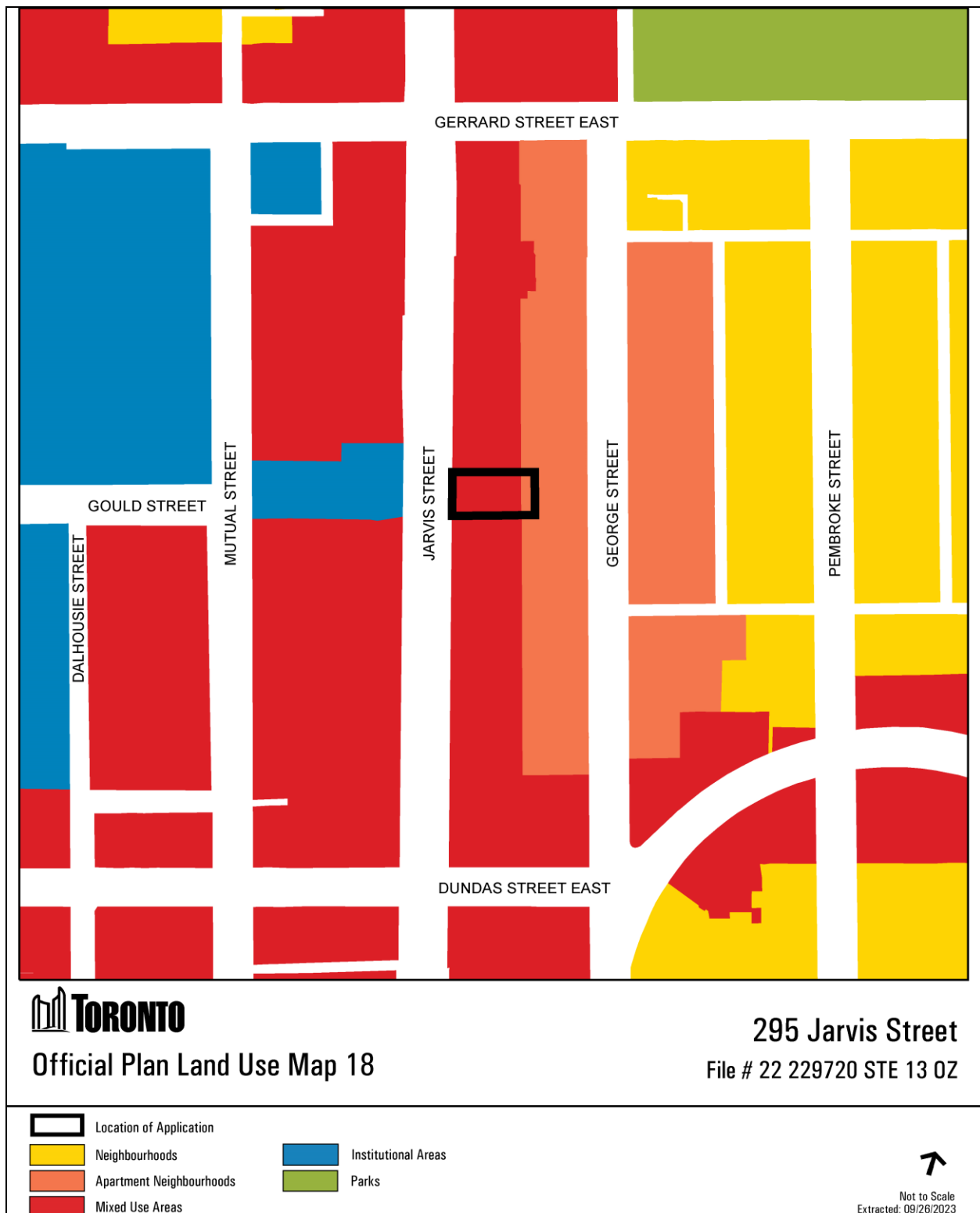


Attachment 2: 3D Model of Proposal in Context

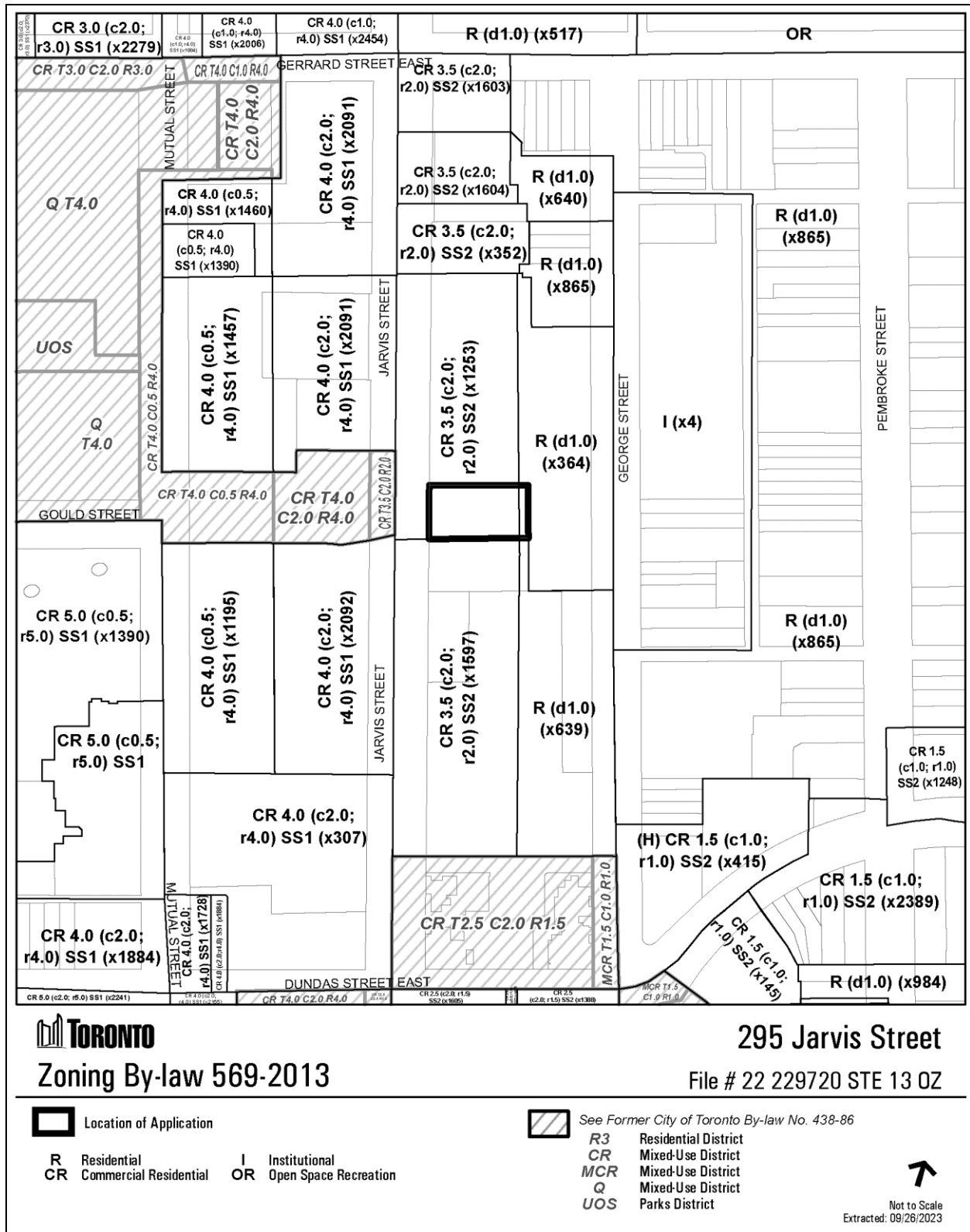




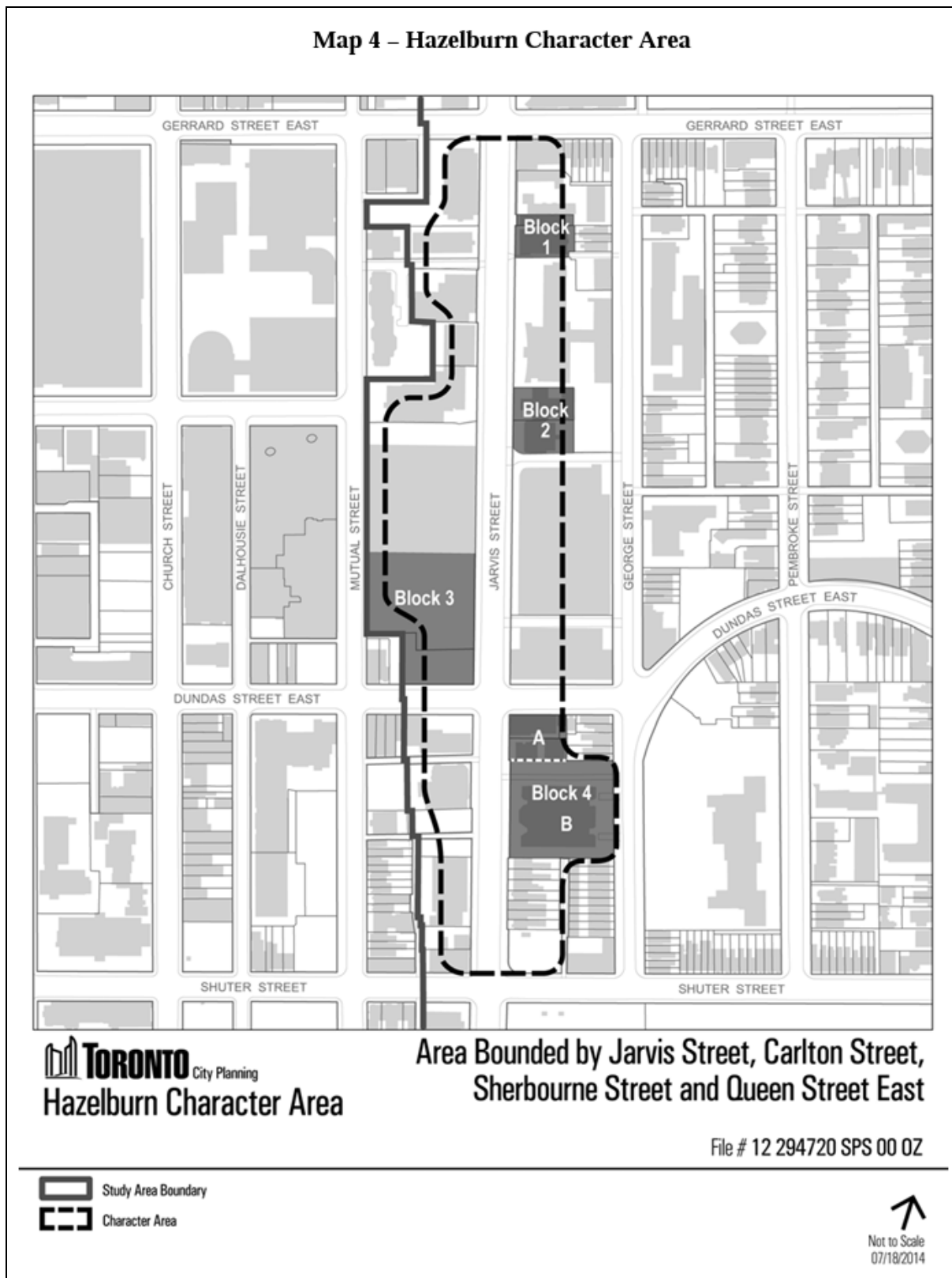
Attachment 4: Official Plan Map



Attachment 5: Zoning By-Law Map



Attachment 6: Map of Hazelburn Character Area within the Garden District Area
Specific Policy



Attachment 7: Application Data Sheet

Municipal Address: 295 JarvisST **Date Received:** November 15, 2022

Application Number: 22 229720 STE 13 OZ

Application Type: OPA & Rezoning

Project Description: A 60-storey residential building with a 9-storey base building along Jarvis Street. Overall, the proposal consists of a total of 44,530 square metres of gross floor area. The proposed building will contain a total of 618 dwelling units.

Applicant	Agent	Architect	Owner
462226 Ontario Limited via	CentreCourt, Bousfields Inc.	Arcadis	Inglewood Arms

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Downtown Plan, SASP 461
Zoning:	CR 3.5 (c2.0; r2.0) SS2 (x1253)	Heritage Designation:	N
Height Limit (m):	30	Site Plan Control Area:	Y

PROJECT INFORMATION

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

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	602	0	738	738
Residential GFA (sq m):	1,805	0	44,530	44,530
Non-Residential GFA (sq m):				
Total GFA (sq m):	1,805		44,530	44,530
Height - Storeys:	3		60	60
Height - Metres:			189	189

Lot Coverage Ratio (%): 80.92 Floor Space Index: 48.86

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	44,530	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	95	0	0	0
Freehold:				
Condominium:			618	618
Other:				
Total Units:			618	618

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		54	409	93	62
Total Units:		54	409	93	62

Parking and Loading

Parking Spaces: 12 Bicycle Parking Spaces: 691 Loading Docks: 1

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