

203 Jarvis Street – Rezoning Application – Final Report

Date:	July 22, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	08-110771 STE 27 OZ

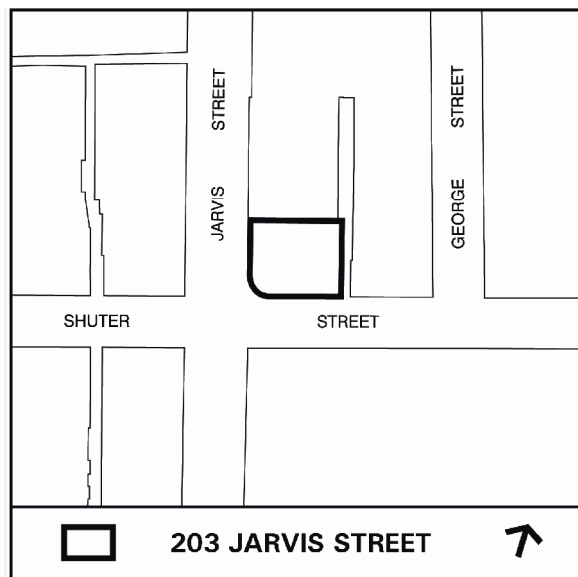
SUMMARY

This application was made on February 12, 2008 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to redevelop the existing commercial surface parking lot at 203 Jarvis Street with a 20-storey hotel containing 261 guest rooms with a proposed building height of 61 metres (66 metres including mechanical penthouse) and a gross floor area of 14,702 square metres. The applicant proposes 69 vehicle parking spaces within three levels of underground parking accessed via a car elevator. The hotel would include limited grade-related retail such as a coffee shop or convenience store for public use with a total area of approximately 104 square metres.

The proposal is an appropriate development for the property as it provides for commercial development of an underutilized lot within the downtown. The site is a corner property with frontage on both Jarvis Street and Shuter Street. There is already a mix of commercial and residential land uses along Jarvis Street and the proposed hotel is an appropriate and compatible land use.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the July 22, 2010 report from the Director of Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 203 Jarvis Street to enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - a. prior to the issuance of the first above-grade permit, pay to the City the sum of \$800,000 towards streetscape improvements on Jarvis Street;
 - b. require that the cash amounts identified in a. above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;

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

- c. build in conformity with the Toronto Green Standard Checklist submitted by the applicant on March 31, 2008, to the satisfaction of the Chief Planner and Executive Director of City Planning;
- d. the owner shall prepare all documents and convey to the City, for nominal consideration, a 1.67 metre wide strip of land to the full extent of the site abutting the west limit of the north-south public lane, to a minimum depth of 0.5 metres from finished grade, such lands to be free and clear of all physical and title encumbrances, in fee simple for lane widening purposes and subject to a right-of-way for access purposes in favour of the Grantor until such time as said lands have been laid out and dedicated as a public highway, to the satisfaction of the Executive Director, Technical Services;
- e. as part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the elevations along Jarvis Street and Shuter Street of the podium and two floors above, with building materials labelled;

- f. the owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
- g. the owner shall enter into a Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director of City Planning, under Section 41(16) of the Planning Act and Section 114 of the *City of Toronto Act, 2006*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On March 23, 1993, City Council passed By-law 197-93 for 203 and 207-219 Jarvis Street to permit an apartment building with a residential gross floor area of 9800 square metres containing 101 social housing dwelling units. This 1993 proposal was for a 12-storey building 34 metres in height (42 metres with mechanical), at the corner of Jarvis and Shuter Streets and preservation of the historic row houses at 207-219 Jarvis Street. As part of the Development Agreement, the owner and social housing provider were to enter into a Social Housing Agreement prior to the issuance of a building permit. The proposal was not pursued. For reference purposes, By-law 197-93 can be found as Attachment 7 in this report.

ISSUE BACKGROUND

Proposal

This current application proposes to redevelop the existing commercial surface parking lot at 203 Jarvis Street as a 20-storey hotel containing 261 guest rooms with a proposed building height of 61 metres (66 metres including mechanical penthouse) and a gross floor area of 14,702 square metres (158,256 square feet).

The hotel would include limited grade-related retail such as a coffee shop or convenience store for public use with a total area of approximately 104 square metres (1,120 square feet). The main pedestrian entrance to the hotel would be at Jarvis Street closest to the Shuter Street intersection. The second floor includes a pool, exercise room, staff rooms and meeting rooms. The third floor includes a breakfast-pantry area restricted for hotel guest use only. Hotel guest rooms are located beginning on floors 3 through 20.

Associated vehicular and loading operations are proposed from the adjacent north-south laneway to the east of the property which is proposed to be widened 1.67 metres (5.5 feet) as part of this development process. Vehicular activities on the ground floor accessed from the public lane consists of a car elevator/stacking area, loading space and hotel guest and car drop-off circular driveway. Proposed are 69 on-site parking spaces in

a three-level below grade garage, accessed by the elevator from the laneway and served by a dedicated valet service.

For further statistical information refer to the Application Data Sheet in Attachment 5 of this report.

Site and Surrounding Area

The site was formerly a service station until 1993, when it was demolished and the site has since operated as a commercial surface parking lot. The site has a lot area of 1047 square metres (11,270 square feet) with approximately 29.5 metres (97 feet) frontage on Jarvis Street and approximately 35.7 metres (117 feet) frontage on Shuter Street. The property's easterly boundary is defined by a north-south public lane, which serves the properties at 207 to 219 Jarvis Street, 102 Shuter Street (former Walnut Hall) and 224 to 244 George Street.

Within the immediate context, the following uses surround the site:

North: 207 to 219 Jarvis Street, two-storey row houses, were listed on the City of Toronto Inventory of Heritage Properties on November 21, 1977, based on their architectural context.

Just north of these row houses is the Grand Hotel and Suites (225 Jarvis Street), which is a 13-storey building containing approximately 178 suites. This building was formerly the Toronto RCMP building, which was converted for hotel use in 1993;

South: Directly across Shuter Street is the Moss Park Armory, which is identified in the Official Plan as an Institutional Area;

West: North-west corner of Jarvis and Shuter Streets is 90 Shuter Street, a 10-storey residential building with 17 units;

South-west corner of Jarvis and Shuter Streets is 148 Jarvis Street, Salvation Army Harbour Light Centre, a seven-storey building containing 98 dwelling units, 47 dwelling rooms, a place of worship, offices and retail;

East: Directly across the north-south public lane is 102 Shuter Street consisting of a vacant lot. Formerly on this site was Walnut Hall, which was a heritage building that collapsed and was demolished in 2007. A seven-storey residential building was approved by the OMB in 2002 on the basis of the preservation and retention of the heritage building, but never constructed. More recently, an application for a 14-storey residential building at 102 Shuter Street was before the Ontario Municipal Board May 17 – June 4, 2010 (City file No. 08 222718 STE 27 OZ). The OMB issued a decision on June 28, 2010 allowing the appeals in part to permit the proposed 14-storey residential building with a height of 40 metres (47.5 metres to mechanical penthouse). The Board's final order has been

withheld pending the filing with the Board a site plan agreement and section 37 agreement and any plans appurtenant thereto.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The property is located within the "Downtown and Central Waterfront" area on Map 2 – Urban Structure and is designated "Mixed Use Area" on Map 18 – Land Use Plan. This designation permits a range of residential, commercial and institutional uses, and provides criteria to direct the form and quality of development. The Plan provides a list of criteria which are intended to direct the design and orientation of new development proposals within the Mixed Use Area designation.

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale Neighbourhoods;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes;
- locate and mass new buildings to 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;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors; and

- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

Section 2.4 Policy 12 of the Official Plan's Chapter Two – Shaping The City, requires that hotels make provision for a taxi stand on private property.

As part of the “Downtown” policies of the plan, the City has prepared design guidelines to assist in interpreting and implementing its broad based policies on a more localized basis. In this case, design guidelines such as the “Design Criteria for Review of Tall Building Proposals” provides key urban design criteria that should be brought to bear in the evaluation of tall building applications.

The Toronto Official Plan is available on the City's website at:
www.toronto.ca/planning/official_plan/introduction.htm

The City's Design Criteria for Review of Tall Building Proposals study is also available on the City's website at: www.toronto.ca/planning/urbdesign/index.htm

Zoning

The property at 203 Jarvis Street is governed by Zoning By-law 438-86, as amended, and is zoned CR T3.5 C2.0 R2.0. The site is also subject to several permissive and restrictive exception provisions and a site-specific zoning by-law (197-93) for a social housing apartment building.

The CR T3.5 C2.0 R2.0 zoning category permits a full range of mixed uses for a combined residential and non-residential gross floor area of up to 3.5 times the area of the lot. The height limit is 30 metres.

Site Plan Control

The proposed development is subject to site plan control. An application for site plan approval has been submitted and is being reviewed (File No. 08 110804 STE 27 SA).

Reasons for Application

The applicant seeks to amend Zoning By-law 438-86, as amended, to permit the proposed hotel and necessary zoning standards to regulate the development.

The proposed 20-storey hotel building (66 metres including mechanical penthouse) with a proposed density of 14.3, exceeds the Zoning By-law height limit of 30 metres and combined permitted residential and non-residential gross floor area of up to 3.5 times the area of the lot. In addition, the proposal does not comply with the site specific zoning by-law 197-93, which permits a social housing apartment with a height limit of 41.9 metres to the top of mechanical penthouse and a density of 9.3.

Community Consultation

A community consultation meeting was held on July 9th, 2008. There were approximately 22 members of the public that attended along with the Ward Councillor, City Planning staff and members of the applicant's team. The proposal was presented to the community by the applicant's representatives.

There were a number of traffic and transportation related concerns raised such as: the amount of car stacking spaces to be provided for the car elevator; vehicles entering the lane for loading/unloading and garbage collection; the number of parking spaces to be provided for the development; not allowing the laneway at the back to become an area of garbage and neglect; snow removal from the lane; the amount of traffic that would be generated as a result of this development and congestion in the laneway.

Residents raised concerns over a number of design related matters in relation to the proposed hotel building. Residents wanted to know what type of building materials would be used and wanted appropriate setbacks from property lines and stepping back from existing residential areas. Residents were also concerned about shadow impact.

The hotel use and its operation was a concern from a noise perspective. Residents wanted to know if hotel activities such as weddings, banquets, parties, conventions, and other related events would be permitted.

Some residents at the community meeting were in favour of the applicant animating the Jarvis Street frontage by including a restaurant on the ground floor which the neighbourhood could use. In contrast, some felt that this would cause more noise and traffic.

Letters received from residents expressed issues in keeping with those from the community consultation meeting and also raised issue with the proposed height and density not being appropriate for the site or in keeping with the surrounding community.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The applicant is proposing a "hotel" and "hotel suites", which are permitted commercial uses within the Official Plan's Mixed Use Areas designation. The hotel use is also permitted within the existing "CR" zoning category. "Hotel Suites" is not a permitted

use within the zoning by-law, which differs from a “hotel” by allowing for full kitchen facilities within the room. The applicant has advised that approximately half the rooms will be used as a hotel and the other half as hotel suites.

The site is a corner property with frontage on both Jarvis Street and Shuter Street which have been identified as major streets on Map 3 of the Official Plan. The hotel is an appropriate and compatible land use along Jarvis Street at this location. There are already a mix of commercial and residential land uses along Jarvis Street which also includes the Grand Hotel at 225 Jarvis Street and the Hilton Garden Inn at 200 Dundas Street East (N/E corner of Jarvis Street and Dundas Street East).

In response to area residents, the proposed hotel has also included a coffee kiosk / convenience store component of approximately 104 square metres. Area residents felt it would be appropriate to animate the Jarvis Street frontage of the project and allow for uses such as a coffee shop which would also be open to the public and not just hotel guests. Any pedestrian traffic generated by this use would be minimal because of the size of the retail area and would share the same entrance with hotel guests located along Jarvis Street just north of the Shuter Street intersection.

The applicant has indicated that the proposed hotel is not being designed or marketed to cater to weddings or banquets and does not include any large dining areas. The proposed floor plans do include 2 meetings rooms on the second floor with a total area of approximately 130 square metres (1,400 square feet) and a breakfast/pantry on the third floor with an area of approximately 168 square metres (1,800 square feet). The breakfast area has been identified for restricted use by hotel guests with no direct access to this area from the outside or the lobby. The proposed associated hotel uses and activities on site would also be appropriate at this location.

Height, Massing, Density

The proposed height is appropriate for the hotel development at this location. The building has various heights with the highest portions closest to the Jarvis Street and Shuter Street intersection at 20-storeys and 61 metres (66.6 metres to mechanical penthouse). The building then steps down to 19-storeys and 58 metres moving away from the intersection. The building includes 2-storey (10 metre) and 3-storey (12.8 metre) elements along the entire north property line and wrapping around the north-east corner of the building (see Attachment 1). This allows for transitioning and stepping down to the existing homes to the north and between the existing homes to the north-east separated from this site by the public lane. Additionally, the recent OMB Decision allowing for a 14-storey residential building east of the lane at 102 Shuter Street provides for a stepping down to the lower-scale residential uses east of 203 Jarvis Street. The proposed building at 102 Shuter Street would be 40 metres in height, 47.5 metres to mechanical penthouse with a floor space index of 7.8 times the lot. Typically, tall building guidelines require that building towers have a separation distance of 25 metres. In this case, a separation distance of 8.8 metres is permitted between 102 Shuter and 203 Jarvis as a result of the OMB’s decision.

The proposed hotel height also fits in with other developments within the Mixed-Use Areas designation and CR zoning along Jarvis Street such as: the Grand Hotel at 225 Jarvis Street at a height of 61 metres and 13-storeys (69 metres to architectural elements/mechanical), 90 Shuter Street which is a 10-storey 37 metre (with mechanical) residential building, 178 Jarvis Street which is an 11-storey 35 metre residential building, and 148 Jarvis Street the Salvation Army “Harbour Light” Centre at 7-storeys 28 metres.

The 2 and 3-storey elements along the north and north-east edge of the property line assist in articulating the mass of the building to be more in keeping with the lower scale residential uses adjacent to the site. There are also 2-storey elements to the building along both Jarvis Street and Shuter Street which assist in articulating and breaking up the façade of the building. The building has been massed with its bulk closest to the two major streets it fronts along which is appropriate. The building’s east elevation ground floor is setback 0.86 metres from the lot line and includes a circular driveway, loading/unloading and car valet area. The main wall of the building has a 0 metre setback beginning 10 metres above grade. This open area at grade assists in breaking up the mass of the building along the eastern edge of the property adjacent to the lane.

The proposed density at 14.3 times the area of the lot is appropriate. The site is well served by pedestrian facilities, transit, parks and cycling infrastructure, which includes: Dundas Street streetcar, Yonge-University subway line, new Jarvis Street bike lane and Moss Park.

On balance the proposed height, massing and density of the proposed development are appropriate for a corner property located at the intersection of two major streets within the downtown core.

Sun, Shadow, Wind

The proposed hotel has a floor plate of 750 square metres, which is in keeping with the City’s design guidelines for residential developments and significantly less than the commercial floor plate guideline limiting such developments to a floor plate 1,860 square metres. The proposed hotel does cause additional shadowing from that of the existing as-of-right zoning and that of the site specific social housing zoning permission, however, the floor plate is of an appropriate size that allows shadowing to pass within a period of approximately 2 hours on March 21 and September 21 minimizing impact on the neighbourhood to the north and east. City Urban Design staff have reviewed both the shadow study and the wind study submitted by the applicant and are satisfied that the proposed development is appropriate.

Parking

There are a total of 69 parking spaces proposed to serve this development within a 3-level underground garage. The proposal complies with the zoning by-law’s minimum parking requirement of 40 spaces. Due to the size of the site, which does not allow for the construction of conventional parking garage ramps, the owner proposes to provide access to the underground garage via a car elevator. The use of the car elevator is restricted to valets/car jockeys. The valets would take vehicles from the drop-off area and take them

to the vehicle holding area in which cars would queue in front of the elevator so that vehicles waiting for the elevator will not encroach into the public lane. There could be 2 to 4 vehicles queuing in this area depending on the direction of vehicle flow from the elevator. The applicant's traffic consultant has recommended that in order to accommodate queuing activity on-site and not encroach within the public lane, 3 car jockeys will be required during the morning and afternoon peak periods. Staff will ensure that there is a notation included on the approved site plan advising of this and include a clause in the site plan agreement that secures this requirement. Transportation Services is satisfied that the amount of parking provided and car elevators operate in a sufficient manner to properly service the proposed development.

Access and Traffic Impact

Vehicular access to the site would occur from the existing public lane abutting the site to the east which extends north from Shuter Street. City standards require public lanes to be 6 metres wide (20 feet) while the subject lane is currently a substandard public lane at 3.66 metres (12 feet) wide.

As part of this approval process the City requires the owner to convey a 1.67 metre wide strip of land abutting the west limit of the public lane to the City. The total width of the lane would be increased to 5.33 metres (17.5 feet) and the hotel building would be setback a minimum of 0.86 metres (2.8 feet) providing a total clearance of 6 metres. The applicant is also required to pave the widened portion of the lane and reconstruct the existing north-south public lane. The conveyance and lane reconstruction would be secured through conditions of site plan approval and a Section 37 agreement. Similarly, development of the lands immediately to the east of the public lane (102 Shuter Street) would also require a lane widening of 0.65 metres (2.1 feet) eventually providing for a 6 metre wide public lane. Once the lane is widened it will appropriately function and operate for two-way traffic.

The lane provides access to the hotel's circular driveway drop-off and pick-up area located at the east end of the building. This area would be used for taxi pick-up and drop-off and also for hotel guests checking in and out. Staff will work with the applicant through the site plan review process to appropriately identify the taxi pick-up/drop-off area. Guest vehicles would be taken from the pick-up drop-off area by valets to the car elevators located at the northeast end of the building where they would be taken to a 3-level underground garage. Also, access to the hotel's garbage collection and loading dock would be from the lane. Garbage collection would be done through private refuse collection services. Placement of garbage/recyclables bags/bins in the public lane would not be permitted. All garbage would be required to be stored within an internal garbage room located on the ground floor. The garage elevators and loading areas would be located at the northeast and east ends of the site. Staff will ensure that these areas are appropriately screened through the site plan review process. Options may include landscaping, wood privacy fencing or acoustic fencing.

The efficient functioning and maintenance of the laneway would be essential for the everyday business operations of the hotel. The widening and reconstruction of the lane

would improve the existing lane condition and its operation allowing easier and more efficient access. Transportation Technical Services have reviewed the proposal with respect to the use of the lane and access and are satisfied with the proposal.

The traffic impacts resulting from the hotel are reasonable and there are modifications proposed to improve vehicular movement. In order to allow vehicular access to and from the hotel property more effectively, southbound left turn movement from the public lane to Shuter Street is proposed to be prohibited during the peak morning period. The applicant will be responsible for all costs associated with the installation of appropriate signage to accommodate this restriction. Also, the proposal would include the installation of pavement markings, signage and modifications to the existing pavement markings/signage on Shuter Street, to provide for eastbound left turns onto the public lane from Shuter Street. The changes and modifications will help to keep the public lane operating efficiently and will be secured and implemented through the site plan application.

Pedestrian Infrastructure – Weather Protection

The applicant proposes minimal weather protected along Jarvis Street and Shuter Street. A minimum continuous canopy with a minimum clear depth of three metres is recommended. Continuous weather protection is particularly important as it assists in improving microclimate and wind conditions experienced at the pedestrian level. Jarvis Street is a Cultural Corridor and has a high concentration of pedestrians. The design location of canopies will be reviewed in detail at the Site Plan approval stage. Staff will seek further improvements to the streetscape through the Site Plan approval process.

Cycling Infrastructure

The site is well served by the Jarvis Street, Sherbourne Street, Gerrard Street and Shuter Street bike lanes. The applicant has not included bike parking spaces for hotel employees. Staff recommend that a minimum of 10 bicycle parking spaces be secured in the zoning by-law.

Transit Infrastructure

The site is well served by public transit with bus service along Sherbourne Street and streetcar routes along Gerrard Street East/Carlton Street, Dundas Street East and Queen Street East. The site is also within a ten minute walk of Dundas subway station and Queen subway station to the west on the Yonge/University Line.

Servicing

Staff are generally satisfied that the existing City infrastructure has adequate capacity to support the development proposal. Additional requirements will be secured in the Site Plan Agreement, including a site servicing plan, grading plan, and stormwater management report for review and acceptance by the Executive Director of Technical Services Division.

The costs of any municipal services upgrades required to support the development will be borne by the applicant and will be required prior to Site Plan approval.

Tree Preservation

The application proposes the removal of two City owned trees, one located within the Jarvis Street right-of-way and the other located at the northern most edge of the public lane. Where it is not possible to retain a tree on the City road allowance that qualifies for protection under the City of Toronto's Street Tree By-law, it will be necessary for the applicant to submit an application requesting permission to remove the trees to Urban Forestry. As part of the proposed landscaping plan for this site, the applicant has indicated that 3 new trees will be planted within the Jarvis Street right of way and 4 trees within the Shuter Street right of way. Urban Forestry has indicated that tree planting within the Shuter Street right of way may not be possible because of limited space and underground utilities. Staff will secure the proposed Jarvis Street tree planting and further explore the Shuter Street tree planting through the site plan process, or look for alternative planting options along Shuter Street.

There is also an existing private tree that qualifies for protection on the adjacent property immediately to the north of the site at 207 Jarvis Street. The applicant has confirmed with Urban Forestry that there is an arrangement in place secured by way of legal agreement allowing the developer access to 207 Jarvis Street in order to prune the tree so that it is not impacted by the proposed development.

Open Space/Parkland

The alternate park levy (By-law 1420-2007) does not apply to non-residential uses. The applicant will be subject to 2% cash-in-lieu of parkland dedication payment. The cash-in-lieu payment is part of the building permit application process and the actual amount will be determined at the time of issuance of the building permit.

Toronto Green Standard

On October 27, 2009 City Council adopted the revised Toronto Green Standard (TGS). Tier 1 performance measures of the TGS are required for Zoning By-law Amendment, Site Plan Control and Subdivision applications submitted on or after January 31, 2010. Prior to this date submission of the TGS was on a voluntary basis.

The applicant completed and submitted the Toronto Green Standards Checklist dated stamped by the City Planning Division on March 31, 2008, as part of their original submission package. The proposed development achieves several targets as set out in the checklist. These include, but are not limited to: using local materials, public transit accessibility, energy efficient fixtures and appliances, and the storage and collection of recyclables and compostables. Items listed in the Green Development Standard Checklist will be secured through the Section 37 agreement. The applicant has also indicated that they would attempt to obtain Leadership in Energy and Environmental Design (LEED) certification for the proposed development.

Servicing

Technical Services has reviewed and accepted the preliminary site servicing and grading plan together with the site services and stormwater management report.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increase in height and/or density pursuant to Section 37 of the Planning Act.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

- a. prior to the issuance of the first above-grade permit, pay to the City the sum of \$800,000 towards streetscape improvements on Jarvis Street;
- b. require that the cash amounts identified in a. above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;

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

- c. build in conformity with the Toronto Green Standard Checklist submitted by the applicant on March 31, 2008, to the satisfaction of the Chief Planner and Executive Director of City Planning;
- d. the owner shall prepare all documents and convey to the City, for nominal consideration, a 1.67 metre wide strip of land to the full extent of the site abutting the west limit of the north-south public lane, to a minimum depth of 0.5 metres from finished grade, such lands to be free and clear of all physical and title encumbrances, in fee simple for lane widening purposes and subject to a right-of-way for access purposes in favour of the Grantor until such time as said lands have been laid out and dedicated as a public highway, to the satisfaction of the Executive Director, Technical Services;
- e. as part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the elevations along Jarvis Street and Shuter Street of the podium and two floors above, with building materials labelled;
- f. the owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

- g. the owner shall enter into a Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director of City Planning, under Section 41(16) of the Planning Act and Section 114 of the *City of Toronto Act, 2006*.

Development Charges

It is estimated that the development charges for this project will be \$50,235. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

City Planning is supportive of the proposed development and the required Zoning By-law amendment. The proposal represents an appropriate redevelopment of an existing commercial parking lot on Jarvis Street that has sufficient space to accommodate additional density and height without impacting the surrounding neighbourhood. The building has been located and massed to be compatible with the adjacent buildings, reducing impact on sky views, shadow, wind and maintains acceptable access and servicing.

CONTACT

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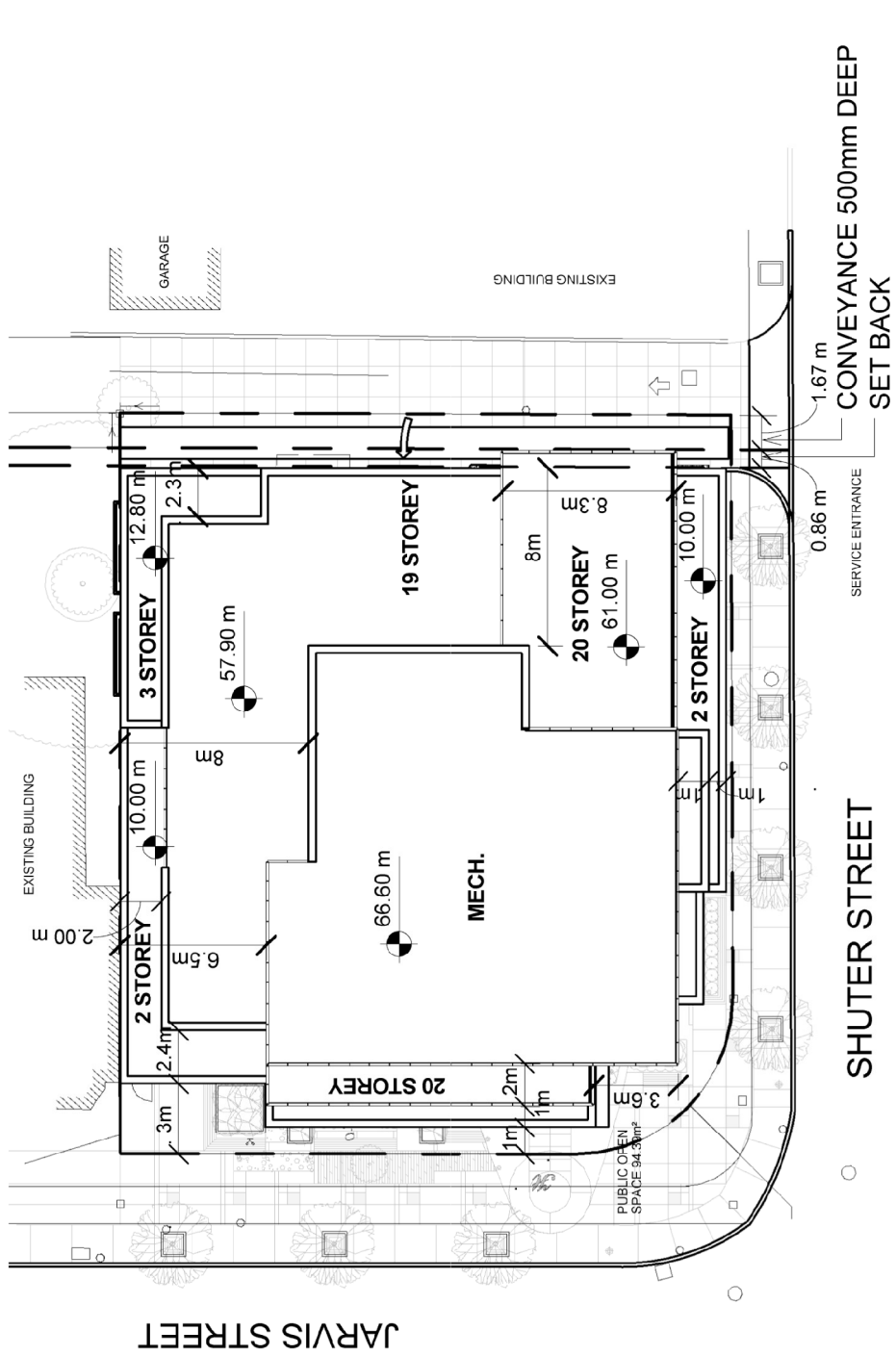
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Ground Floor Plan
Attachment 3A-3D: Elevations
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment
Attachment 7: Zoning By-law 197-93 (Social Housing Apartment Building)

Attachment 1: Site Plan



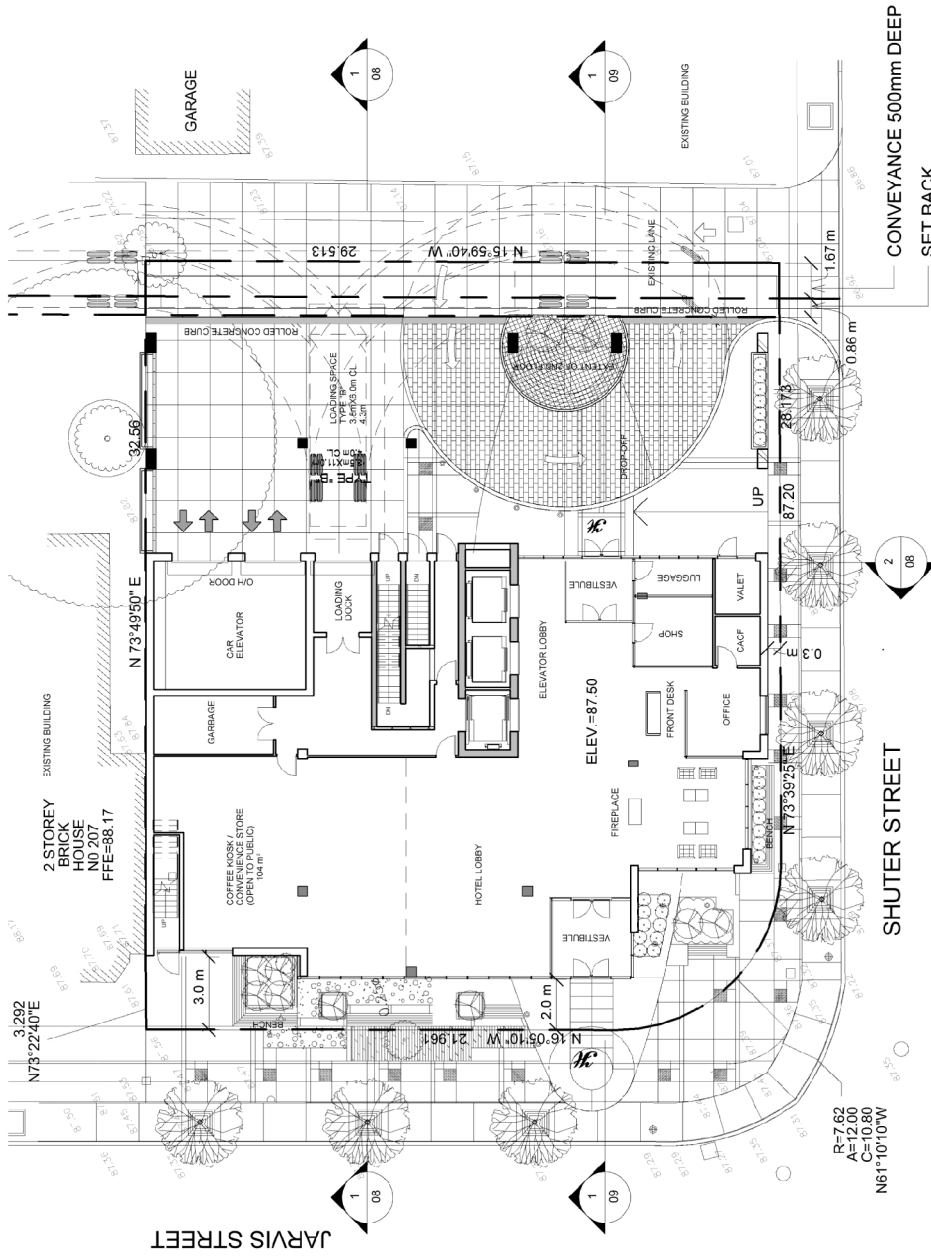
203 Jarvis Street

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 02/24/2010

File # 08_110771



Attachment 2: Ground Floor Plan



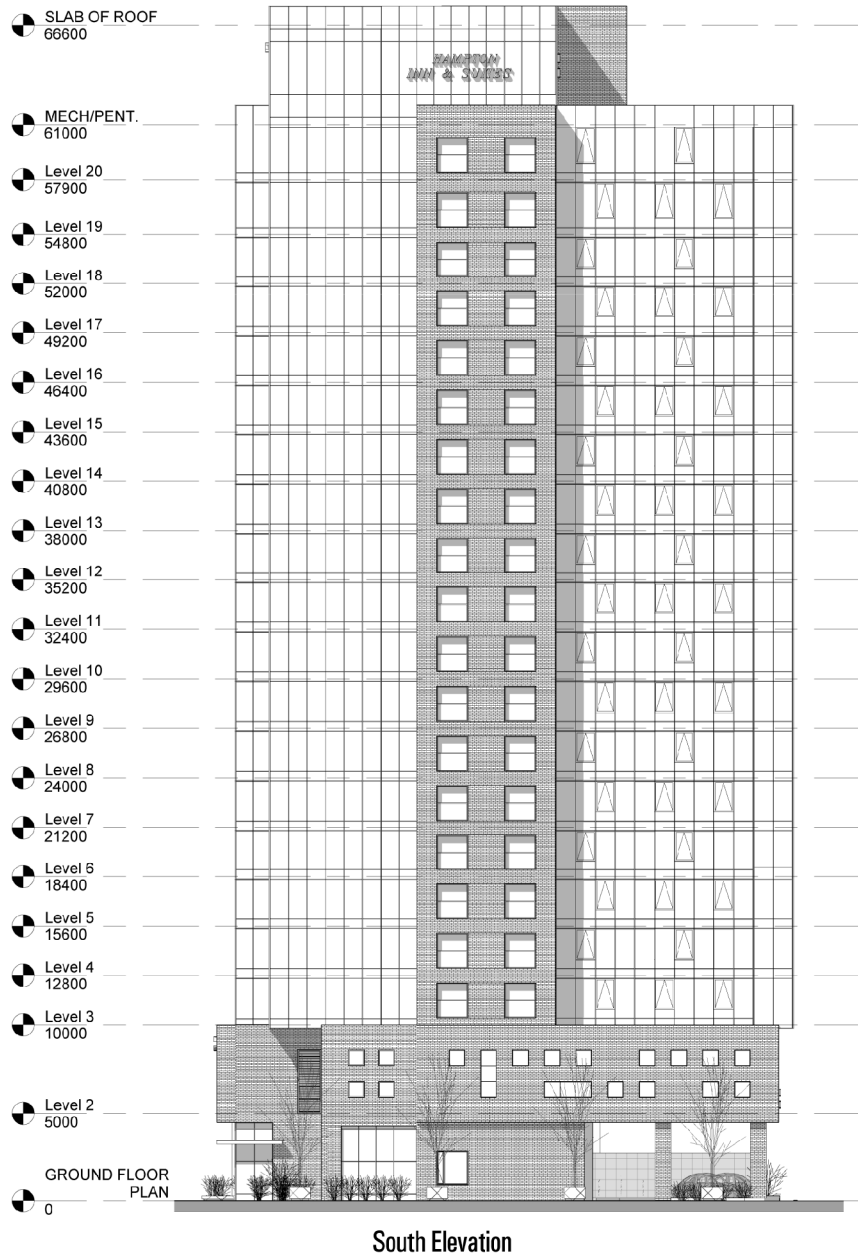
203 Jarvis Street

Ground Floor Plan
 Applicant's Submitted Drawing

File # 08_110771

Not to Scale
 02/24/2010

Attachment 3A: South Elevation



Elevations

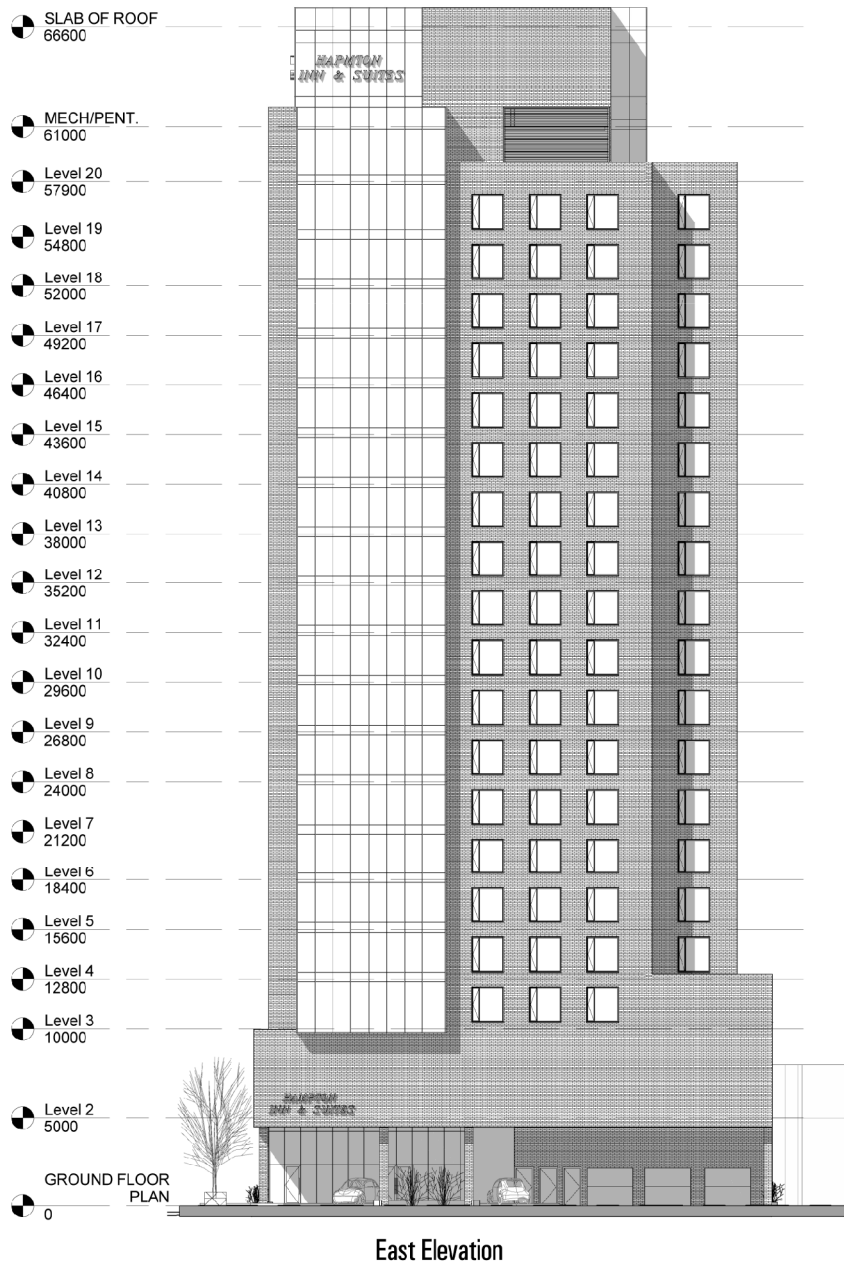
Applicant's Submitted Drawing

Not to Scale
02/24/2010

203 Jarvis Street

File # 08_110771

Attachment 3B: East Elevation



Elevations

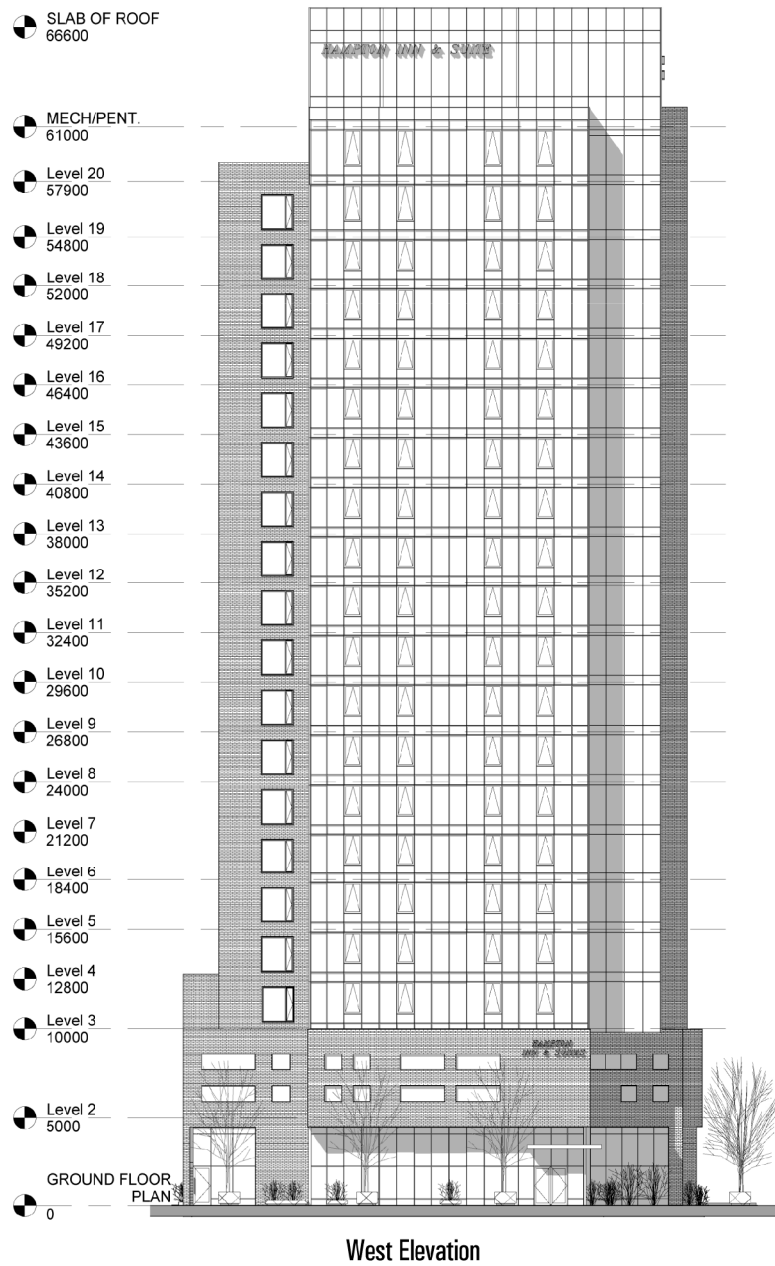
Applicant's Submitted Drawing

Not to Scale
02/24/2010

203 Jarvis Street

File # 08_110771

Attachment 3D: West Elevation



Elevations

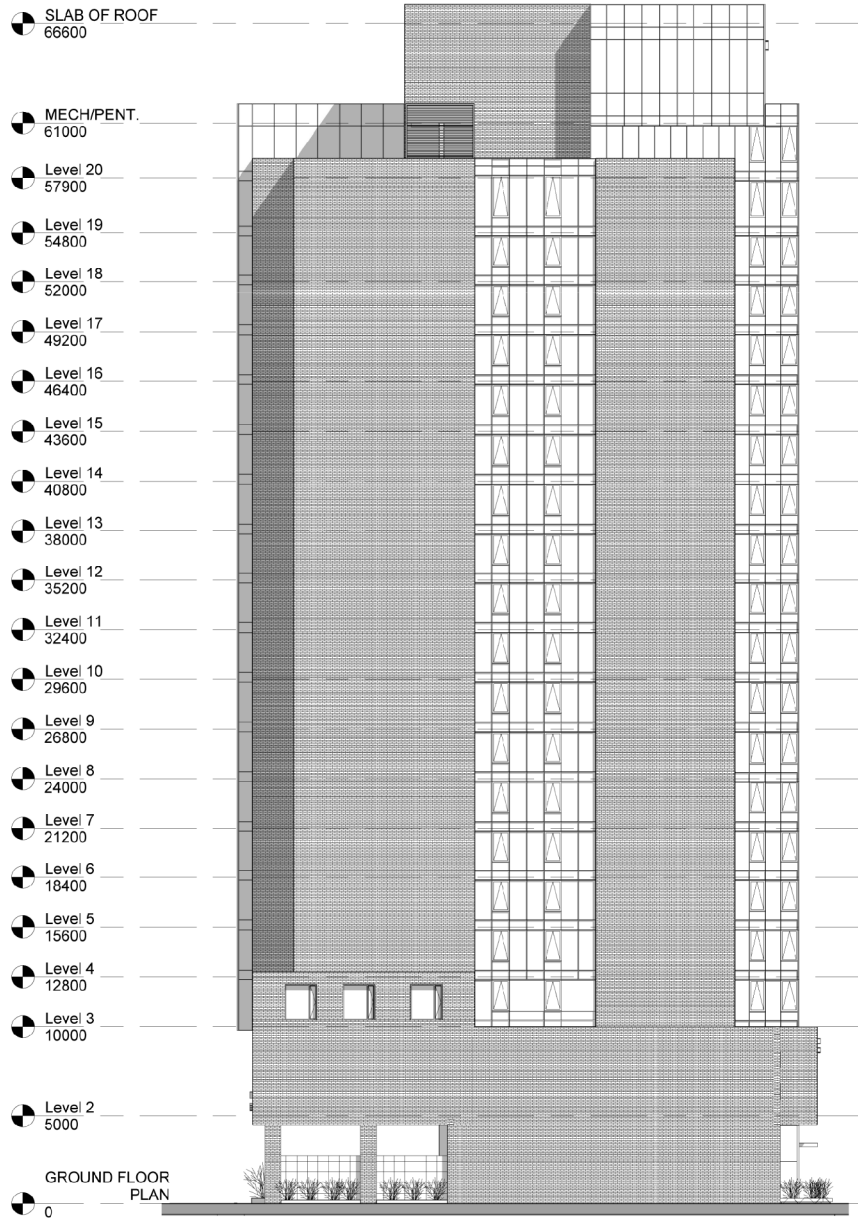
Applicant's Submitted Drawing

Not to Scale
02/24/2010

203 Jarvis Street

File # 08_110771

Attachment 3C: North Elevation



North Elevation

Elevations

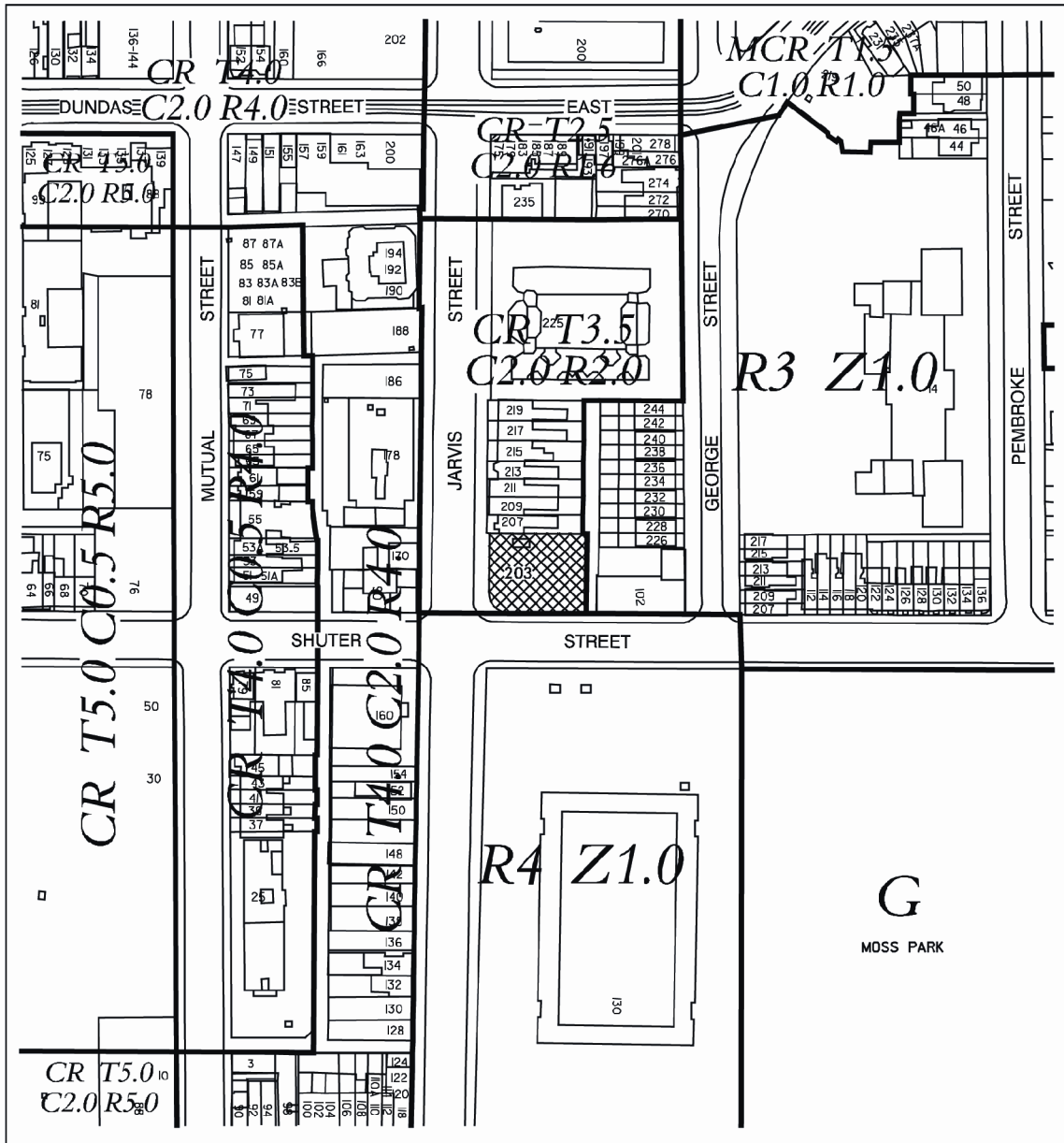
Applicant's Submitted Drawing

Not to Scale
02/24/2010

203 Jarvis Street

File # 08_110771

Attachment 4: Zoning



203 Jarvis Street
File # 08_110771

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

↑
Not to Scale
Zoning By-law 438-86 as amended
Extracted 04/21/08 - TA

Attachment 5: Application Data Sheet

Application Type: Rezoning Application Number: 08 110771 STE 27 OZ
Details: Rezoning, Standard Application Date: February 12, 2008
Municipal Address: 203 JARVIS ST
Location Description: PL 62 PT LTS 1 TO 4 **GRID S2714
Project Description: To permit the development of a 20-storey (66 metre) hotel with 261 rooms and 69 underground parking spaces on 3 levels. Vehicular access to the site would be from a public lane at Shuter Street. The underground garage would also be accessed from the public lane via a car elevator by a dedicated valet service.

Applicant:	Agent:	Architect:	Owner:
Fraser Milner Casgrain LLP, 100 King Street W, #3900 Toronto, ON M5X 1B2		Page+Steele IBI Group Architects 95 St. Clair W, Suite 200 Toronto, ON M4V1N6	Manga Hotels (Downtown) Inc. 3279 Caroga Drive Mississauga, ON L4V 1A3

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	517-76, 182-70, 197-93
Zoning:	CR T3.5 C2.0 R2.0	Historical Status:	N
Height Limit (m):	30	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1050	Height: Storeys:	20
Frontage (m):	29.5	Metres:	61
Depth (m):	36.5		
Total Ground Floor Area (sq. m):	584.5		Total
Total Residential GFA (sq. m):	0	Parking Spaces:	69
Total Non-Residential GFA (sq. m):	15000	Loading Docks	1
Total GFA (sq. m):	15000		
Lot Coverage Ratio (%):	55.67		
Floor Space Index:	14.29		

DWELLING UNITS N/A

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Commercial GFA (sq. m):	15000	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT: **PLANNER NAME:** John Andreevski, Senior Planner jandree@toronto.ca
TELEPHONE: 416-392-9434

Attachment 6: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2010
Enacted by Council: ~, 2010

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

**To amend General Zoning By-law No. 438-86 of the former City of Toronto, as amended,
with respect to the lands municipally known as,
203 Jarvis Street**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

AND WHEREAS the Council of the City of Toronto, at its meeting on August 25, 26, and 27, 2010, determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* Pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, *height*, spacing and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall continue to apply to the *site*.

4. None of the provisions of Section 2 – Definitions And Interpretation (1) with respect to the definition of “*grade*” or “*lot*”, Sections 4 Regulations To All Districts (2)(a), 4(5)(i)(ii), 4(8), 4(10), 4(13), 4(14), Mixed-use Districts 8(3) Part I, 8(3) Part II, and 8(3) Part XI of By-law 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, *height*, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection and use of a *hotel* or *suite hotel* building, with associated uses, on the lands municipally known in 2010 as 203 Jarvis Street, as more particularly identified on Map 1 of this By-law, provided that:

- (1) the *lot* is comprised of at least those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law, exclusive of any lands for lane widening purposes;
- (2) no portion of the building or structure above *grade*, shall be located above finished ground level other than within a *Building Envelope*, except for the following:
 - a. cornices, lighting fixtures, window washing equipment, awnings, canopies, ornamental or architectural elements, parapets, trellises, eaves, lighting features, window sills, bay windows, guardrails, balustrades, railings, wind mitigation screens and features, monuments, arbours, patios, decorative features, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps and their associated structures, underground garage stair enclosures, retaining walls, fences, screens, and landscape features;
 - b. structures used for outside or open air recreation, safety or wind protection, provided the maximum *height* of the structure is not higher than the sum of three metres and the *height* limit applicable to the *lot*;
- (3) the maximum *height*, for any building or structure on the *lot*, shall not exceed the *height* specified by the numbers following the symbol “H” as shown on Map 2, including any elements otherwise permitted in Section 4(2)(a)(i) and (ii) of By-law No. 438-86, provided that this paragraph does not prevent the erection and use of:
 - a. a railing or railings located at each of the roof levels of the building provided the maximum vertical distance of any such railing does not exceed 1.1 metres;
 - b. a parapet, including roof drainage, thermal insulation and roof ballast, at each of the roof levels of the building provided the maximum vertical dimension of any such parapet does not exceed

0.7 metres, and having a maximum combined vertical dimension with (a) above of 1.8 metres above the *height* of each of the roof levels of the building;

- c. window washing equipment, stair towers, partitions dividing outdoor recreation areas and trellises located above the *height* of each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 3.0 metres, except above the mechanical penthouse roof level *height* of 66.6 metres; and
 - d. window washing equipment, lightning rods and exhaust flues located above the mechanical penthouse roof level *height* of 66.6 metres provided the maximum vertical dimension of any such element does not exceed 1.2 metres;
- (4) the total *gross floor area* erected or used for a *hotel* or *suite hotel* and associated uses on the *lot* does not exceed 14,705 square metres, inclusive of a maximum 105 square metres on the ground floor for retail and service uses;
 - (5) one *loading space-type B* shall be provided and maintained on the *lot*;
 - (6) a minimum of 10 weather protected *bicycle parking space* shall be provided and maintained on the *lot*;
 - (7) ingress and egress access to *parking spaces* may be provided by car elevator and valet service;
 - (8) a minimum of 90 square metres of public open space shall be provided on the *lot*; and
 - (9) minimum required yard setbacks for the building or structure or portion thereof shall not be less than the distance shown in metres on Map 2 attached to and forming part of this By-Law; and
 - (10) the building shall be setback a minimum of 0.86 metres from the widened public lane as shown on Map 2 along the east property line, except that a portion of the building located at the southeast corner of the property may have a 0 metre setback beginning at 10 metres clear above *grade*.

5. For the purposes of this By-law:

- (1) “*building envelope*” means a Building Envelope as delineated on Map 2 attached hereto,

- (2) “*grade*” shall mean 87.5 metres Canadian Geodetic Datum;
 - (3) “*height*” shall mean the vertical distance between *grade* and the highest point of the roof.;
 - (4) “*suite hotel*” shall mean a *hotel* with those portions of a *hotel* building composed of temporary living accommodations which may include self-contained bathroom and kitchen facilities, but shall not include laundry facilities within individual suites.
 - (5) all terms appearing in italics shall have the same meaning as those terms have for the purpose of the aforesaid By-law No. 438-86, except as hereinbefore provided.
6. Notwithstanding any severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
7. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

APPENDIX 1

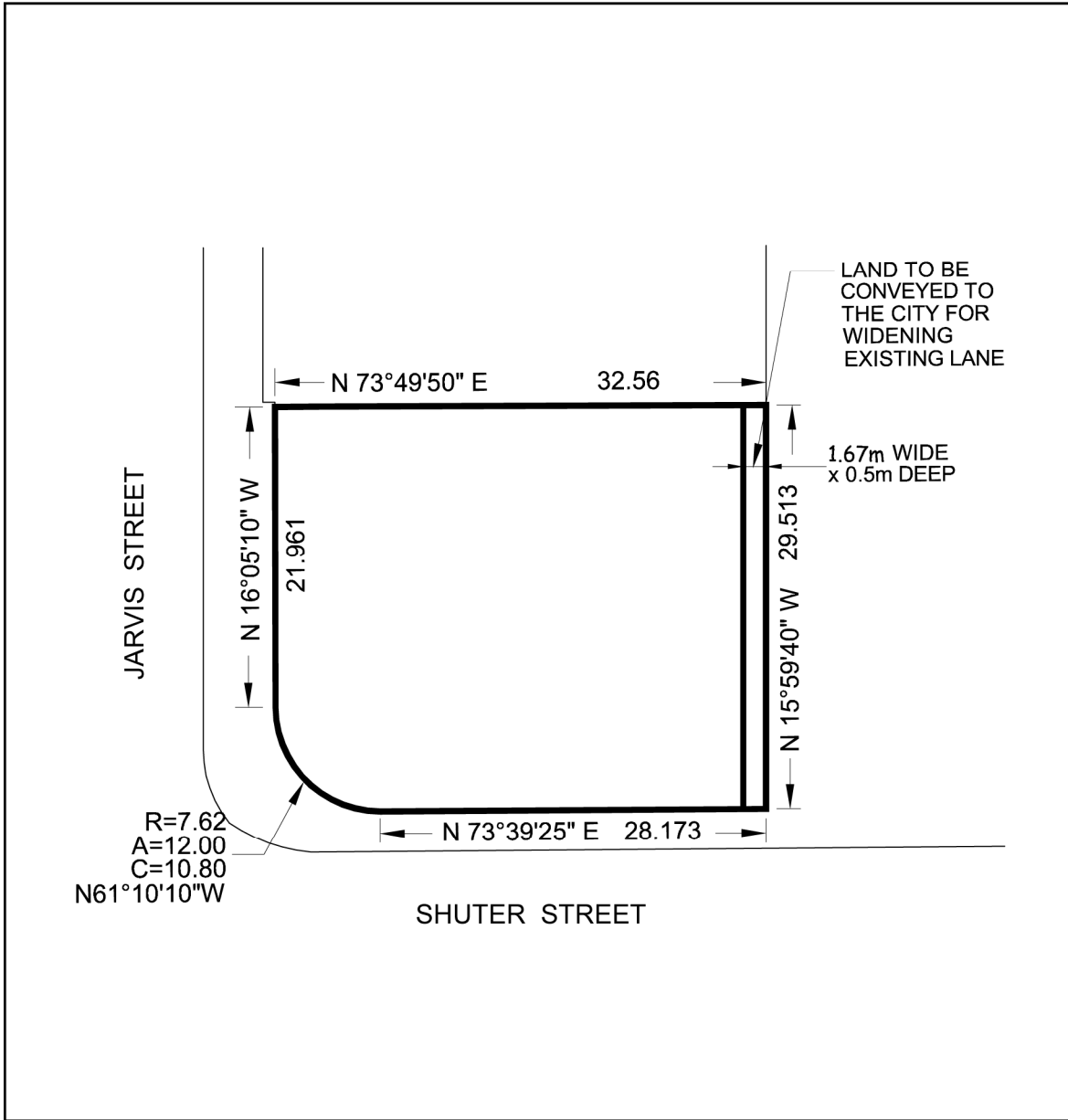
SECTION 37 PROVISIONS

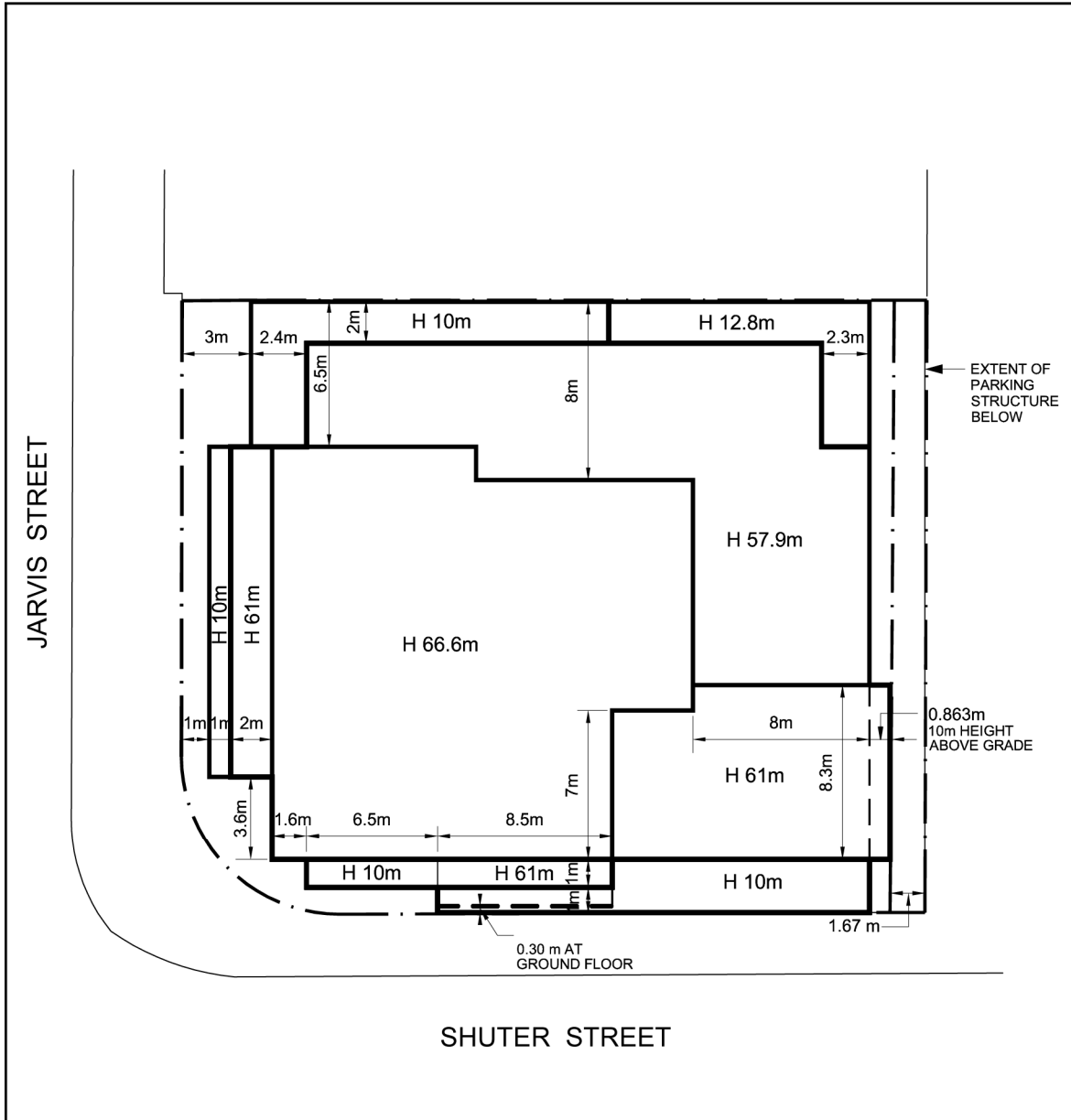
The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the owner of the site to the City in accordance with an agreement or agreements pursuant to Section 37(1) of the *Planning Act*:

- a. prior to the issuance of the first above-grade permit, pay to the City the sum of \$800,000 towards streetscape improvements on Jarvis Street;
- b. require that the cash amounts identified in a. above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;
- c. build in conformity with the Toronto Green Standard Checklist submitted by the applicant on March 31, 2008, to the satisfaction of the Chief Planner and Executive Director of City Planning;
- d. the owner shall prepare all documents and convey to the City, for nominal consideration, a 1.67 metre wide strip of land to the full extent of the site abutting the west limit of the north-south public lane, to a minimum depth of 0.5 metres from finished grade, such lands to be free and clear of all physical and title encumbrances, in fee simple for lane widening purposes and subject to a right-of-way for access purposes in favour of the Grantor until such time as said lands have been laid out and dedicated as a public highway, to the satisfaction of the Executive Director, Technical Services;
- e. as part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the elevations along Jarvis Street and Shuter Street of the podium and two floors above, with building materials labelled;
- f. the owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
- g. the owner shall enter into a Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director of City Planning, under Section 41(16) of the Planning Act and Section 114 of the *City of Toronto Act, 2006*.

Notwithstanding the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without

further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.





Attachment 7: Zoning By-law 197-93 (Social Housing Apartment Building)

No. 197-93. A BY-LAW

*To amend By-law No. 438-86 respecting lands known as
Nos. 203 and 207-219 Jarvis Street.*

(Passed March 23, 1993.)

WHEREAS Council, at its meeting held on the 22nd and 23rd days of February, 1993, adopted Clause 14 of Land Use Committee Report No. 3;

AND WHEREAS Council at its meeting held on the 22nd and 23rd days of March, 1993, amended the authority granted by Council with respect to an amendment to By-law No. 438-86 by the adoption of Motion No. 8 on the Order Paper;

THEREFORE the Council of The Corporation of the City of Toronto enacts as follows:

1. None of the provisions of sections 4(2), 4(5), 4(16), 6(3) Part I 1, 6(3) Part II 2, 6(3) Part II 3, 6(3) Part II 4, 6(3) Part II 5, 6(3) Part III 1(b), 6(3) Part IX, 8(3) Part I 2(a) and that portion of Section 2(1) respecting the definition of "lot", of By-law No. 438-86, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the retention of buildings existing on the day of enactment of this By-law and the erection and use of an *apartment building* containing only *social housing dwelling units* on the *lot* shown within the heavy lines on Plan 1 attached hereto, provided:

- (1) the *lot* consists of at least the lands outlined by the heavy lines on the attached Plan 1;
- (2) no part of such *apartment building*, above *grade*, is located otherwise than wholly within the area outlined by heavy lines on Plan 2 attached hereto;
- (3) the heights, including all rooftop elements, structures and enclosures, above *grade*, of such *apartment building* do not exceed the heights shown on Plan 3 attached hereto;
- (4) the *residential gross floor area* of such *apartment building* does not exceed 9800 square metres;
- (5) such *apartment building* contains not more than 101 *dwelling units* and are used for no purpose other than *social housing*;
- (6) *shared recreation space* within such *apartment building* to the extent of at least 170 square metres is provided and maintained;
- (7) at least 56 *parking spaces* are provided and maintained within the lot for the use of the occupants of such *apartment building*, and for the use of the occupants of any buildings designated by Council as having historic or architectural value or interest under the Ontario Heritage Act on the *lot*, of which,
 - (a) 5 *parking spaces* are provided and maintained for visitors; and
 - (b) notwithstanding the dimensional requirements set out in the definition of parking space contained in the aforesaid By-law No. 438-86, not more than 2 *parking spaces* have a minimum width of 2.6 metres and a minimum length of 5.0 metres and not more than

19 *parking spaces* have a minimum width of 2.5 metres and a minimum length of 5.9 metres.

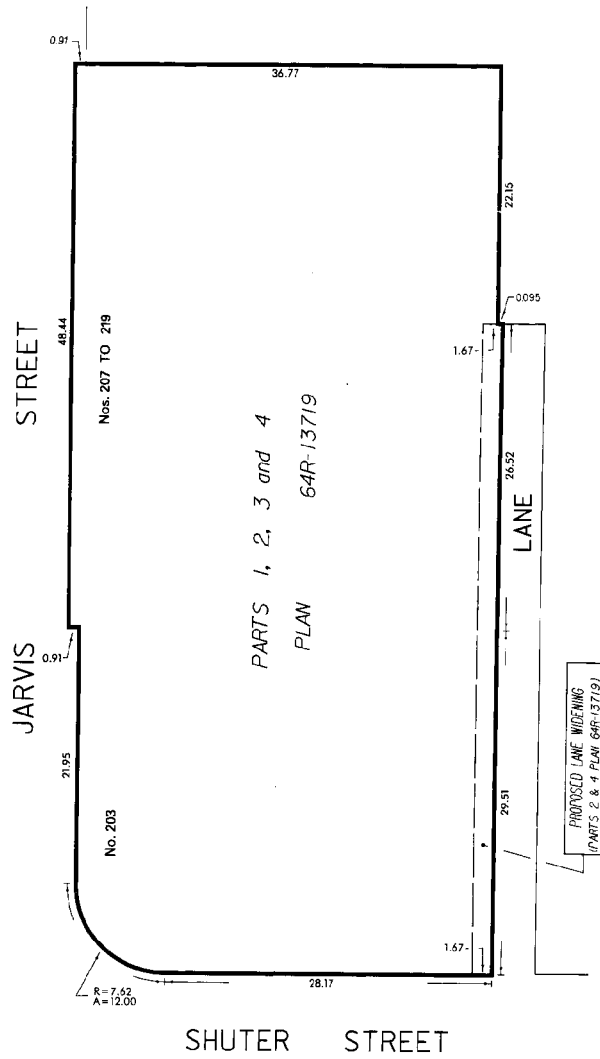
2. For the purpose of this by-law:
 - (1) "*lot*" means the lands shown on Plan 1 attached hereto and on which may be located two or more buildings notwithstanding such buildings do not have a common basement and are not connected above the natural level of the ground;
 - (2) "*social housing*" means housing accommodation which is the subject of an agreement with The Corporation of the City of Toronto pursuant to section 2 of the City of Toronto Act, 1988 (No. 2) for the provision of a *social housing program*; and
 - (3) "*social housing program*" has the same meaning as the said expression has for the purposes of the City of Toronto Act, 1988 (No. 2).
3. Except where otherwise provided in this by-law, the definition of the word "*grade*" and of the expressions "*parking space*", "*apartment building*", "*dwelling unit*", "*residential gross floor area*" and "*shared recreation space*" contained in the aforesaid By-law No. 438-86 shall apply to such word and expressions where used in this by-law.

JUNE ROWLANDS,
Mayor.

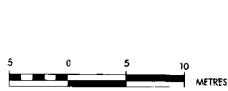
BARBARA G. CAPLAN
City Clerk.

Council Chamber,
Toronto, March 23, 1993.
(L.S.)

PLAN 1

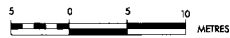
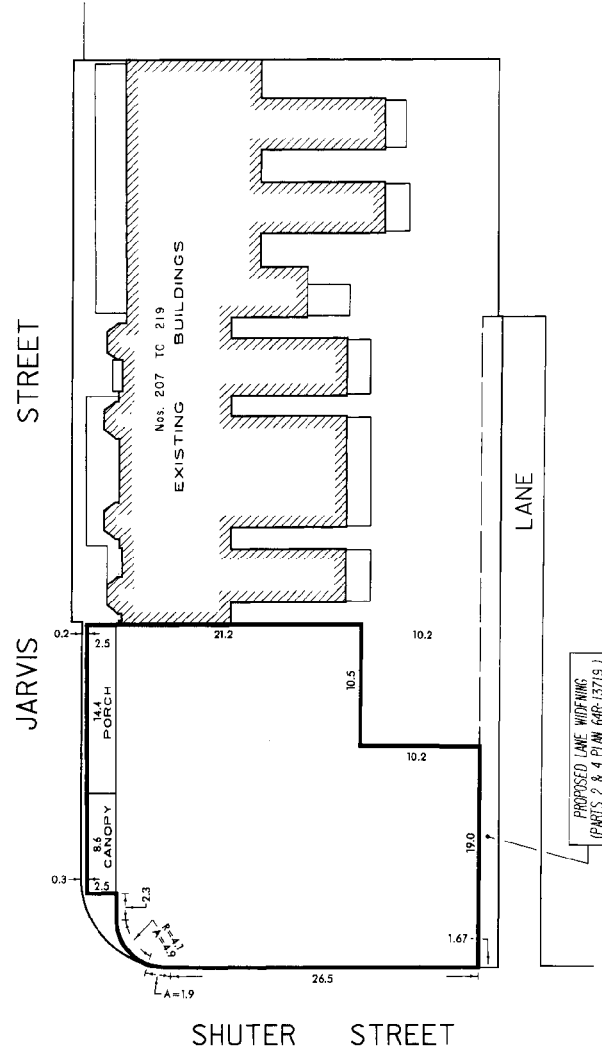


LANDS REFERRED TO AS THE "LOT"



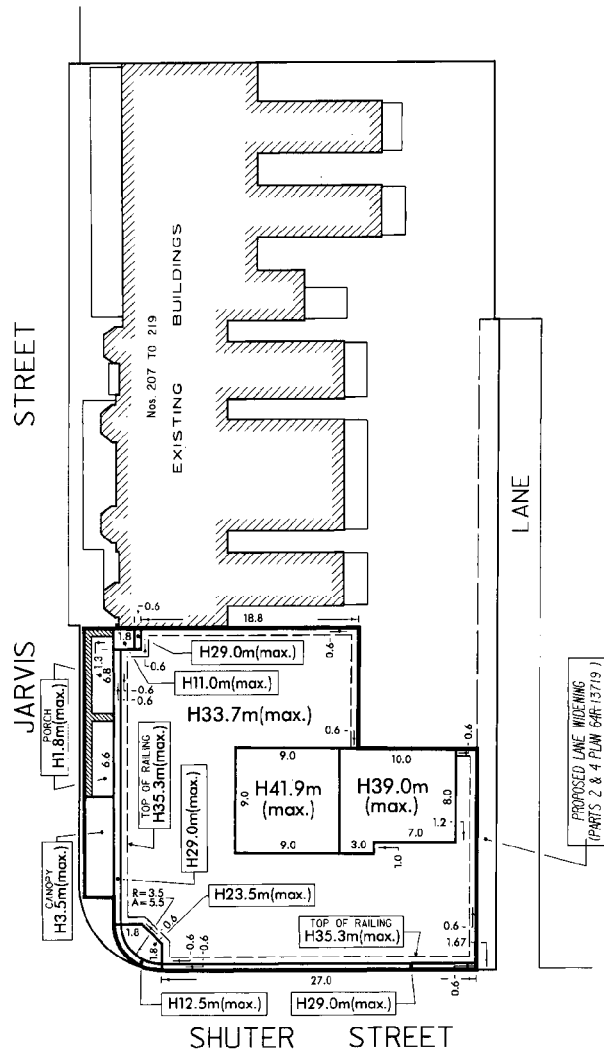
DEPARTMENT OF PUBLIC WORKS
AND THE ENVIRONMENT
SURVEY AND MAPPING SECTION
TORONTO FEBRUARY, 1993
FILES: J9-213 & 2402.20
MAP No. 51H 312 DRAWN: M.G.R.


PLAN 2



DEPARTMENT OF PUBLIC WORKS
AND THE ENVIRONMENT
SURVEY AND MAPPING SECTION
TORONTO FEBRUARY, 1993
FILES: 19-213 & 2402.20
MAP No. 51H-312 DRAWN: M.G.R.

PLAN 3



 PRIVACY WALL (0.5m WIDE)
 H2.1m(max.)
 H: DENOTES HEIGHT IN METRES ABOVE GRADE



DEPARTMENT OF PUBLIC WORKS
 AND THE ENVIRONMENT
 SURVEY AND MAPPING SECTION
 TORONTO FEBRUARY, 1993
 FILES: JP-213 & 2402.20
 MAP No. 51H-312 DRAWN: M.G.R.