

**18 Lower Jarvis Street
Zoning By-law Amendment Application
OMB Directions Report**

Date:	March 30, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	File No. 07 228805 STE 28 OZ, OMB Files Nos: PL 060607 and PL071015

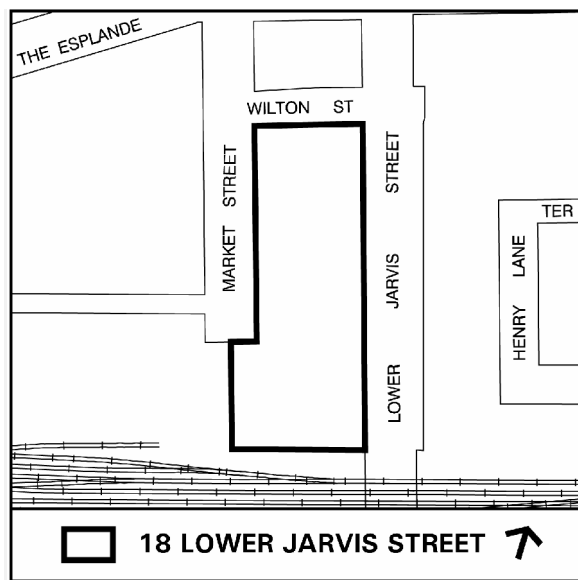
SUMMARY

Revisions to the timing of the provision of Section 37 community benefits are recommended as they are reasonable in the context of the phasing of development being requested by the applicant. The quantum of the Section 37 benefits before the Ontario Municipal Board is not proposed to be changed.

RECOMMENDATIONS

The City Planning Division recommends that City Council:

1. accept the offer of the applicant to make the following Section 37 contributions to the City based on a phased development of the eight storey podium with approximately 105 apartments (phase 1, Building A) and 33 storey apartment building with approximately 349 units (phase 2, Building B):
 - (a) prior to the issuance of the first above-grade building permit for Building A, the owner is to pay to



the City the sum of \$100,000 for the purposes of streetscaping improvements on Lower Jarvis Street not abutting the property;

- (b) prior to the issuance of the first above-grade building permit for Building B, the owner is to pay to the City the sum of \$1,000,000.00 for public art, which could be used to improve the pedestrian environment along Lower Jarvis Street between Front Street East and Lake Shore Boulevard East, including potential enhancements to the canopy along Lower Jarvis Street, the CN underpass and the St. Lawrence Market colonnade, subject to the public art process;
- (c) prior to the issuance of the first above-grade building permit for Building B, the owner is pay to the City the sum of \$400,000 for the purposes of streetscaping improvements on Lower Jarvis Street not abutting the property; and
- (d) the cash amounts identified in (a), (b) and (c) shall be indexed in the Zoning by-law amendment and the Section 37 Agreement to the satisfaction of the Director of Community Planning, Toronto-East York District, in consultation with the City Solicitor.

- 2. direct and authorize the appropriate City officials to take the necessary action to give effect thereto.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

A Directions Report dated April 17, 2008 from City Planning staff was approved by City Council at the meeting on April 28 and 29, 2008. Staff recommended a settlement that included a 33 storey mixed use building and eight storey podium. Staff were directed to continue to work with the owner to resolve several urban design issues before the Ontario Municipal Board pre-hearing scheduled for May 20, 2008. The determination of the Section 37 benefits remained an outstanding issue. In July 2008, the applicant made a formal offer to settle the Section 37 benefits. A confidential report dated July 14, 2008 from the City Solicitor recommended the following in respect of Section 37 contributions:

- 1. accept the offer of the applicant to make the following Section 37 contributions to the City:
 - (a) \$1,000,000.00 for public art, which could be used to improve the pedestrian environment along Lower Jarvis Street between Front Street East and Lake Shore Boulevard East, including potential enhancements to the canopy along Lower Jarvis Street, the CN underpass and the St. Lawrence Market colonnade, subject to the public art process; and

- (b) \$500,000.00 for other streetscape improvements on Lower Jarvis Street not abutting the property, with the understanding that the City will not seek extraordinary streetscaping on the City-owned lands along Market Street abutting the site through the site plan process.

The offer to settle was approved by City Council at the meeting on July 15, 16 and 17, 2008.

ISSUE BACKGROUND

Due to the current economic down turn, the applicant now proposes to phase the development as follows:

- (a) the construction of an eight storey podium with approximately 105 apartments (phase 1, Building A) at the north end of the site beginning in 2009;
- (b) the continuance of a surface level parking lot on the south end of the site; and
- (c) the construction of a 33 storey apartment building with approximately 349 units (phase 2, Building B) at a later date as market conditions permit.

As a result of only approximately 25% of the total gross floor area being constructed in phase 1, the owner has asked for amendments to the Section 37 community benefits. The applicant is proposing to maintain the total amount of the Section 37 community benefits. The majority of the contribution would be delayed until the construction of the 33 storey apartment building (phase 2, Building B). Staff support the requested change subject to an indexing clause for the Section 37. Staff support the following changes:

- (a) prior to the issuance of the first above-grade building permit for Building A, the owner is to pay to the City the sum of \$100,000 for the purposes of streetscaping improvements on Lower Jarvis Street not abutting the property;
- (b) prior to the issuance of the first above-grade building permit for Building B, the owner is to pay to the City the sum of \$1,000,000.00 for public art, which could be used to improve the pedestrian environment along Lower Jarvis Street between Front Street East and Lake Shore Boulevard East, including potential enhancements to the canopy along Lower Jarvis Street, the CN underpass and the St. Lawrence Market colonnade, subject to the public art process;
- (c) prior to the issuance of the first above-grade building permit for Building B, the owner is pay to the City the sum of \$400,000 for the purposes of streetscaping improvements on Lower Jarvis Street not abutting the property; and
- (d) the cash amounts identified in (a), (b) and (c) shall be indexed in the Zoning by-law and the Section 37 Agreement to the satisfaction of the Director of Community Planning, Toronto and East York District, in consultation with the City Solicitor.

CONCLUSION

City Planning is supportive of the revised phasing for the proposal subject to the provision of appropriate Section 37 community benefits.

CONTACT

Al Rezoski, Acting Manager, Downtown Section

Tel. No. (416) 392-1791

Fax No. (416) 392-1330

E-mail: arezosk@toronto.ca

SIGNATURE

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

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