

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: February 16, 2016

CASE NO(S): PL141461
PL150845

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Dundas Residences Inc.
Subject: Application to amend Zoning By-law No. 438-86 – Refusal or neglect of City of Toronto to make a decision

Existing Zoning: CR T2.5 C2.0 R1.5
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit the construction of a 47-storey mixed-use building including a 4-storey podium

Property Address/Description: 175-191 Dundas Street East and 235 Jarvis Street

Municipality: City of Toronto
Municipality File No.: 14 208177 STE 27 OZ
OMB Case No.: PL141461
OMB File No.: PL141461
OMB Case Name: Dundas Residences Inc. v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Amexon Development Corporation
Subject: Application to amend Zoning By-law No. 438-86 - Refusal or neglect of City of Toronto to make a decision

Existing Zoning: CR T3.5 C2.0 R2.0
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit the construction of a 45-storey residential tower building addition and podium

Property Address/Description: 225 Jarvis Street
Municipality: City of Toronto
Municipality File No.: 15 134245 STE 27 OZ
OMB Case No.: PL150845

OMB File No.: PL150845
OMB Case Name: Amexon Development Corporation v. Toronto
(City)

Heard: January 11, 2016 in Toronto, Ontario

APPEARANCES:

Parties

Counsel

Dundas Residences Inc.

A. Brown, J. Smuskowitz

Amexon Development Corporation

M. Flynn-Guglietti, A. Forristal

St. Michael's Hospital

C. MacDougall

DECISION DELIVERED BY SYLVIA SUTHERLAND AND ORDER OF THE BOARD

[1] This was hearing in relation to a revised proposal from Dundas Residences Inc. ("DRI") for a Zoning By-law Amendment ("ZBLA") to amend City of Toronto ("City") Zoning By-law Nos. 438-86 and 569-2013 (currently before the Board) to rezone a property at 175-191 Dundas Street East and 235 Jarvis Street ("subject site") to a site specific zoning, the purpose of which is to permit a 50-storey mixed-use building.

BACKGROUND

[2] The proposed development at the subject site was approved by the Board on July 21, 2015. The Board ruled, however, that the building must have a setback 12.5 metres ("m") from the south property line, and did not approve the specific plans and setback proposed by DRI and the City. The 12.5 m setback was sought by Amexon Development Corporation ("Amexon"), the owner and applicant of a tall building development at 225 Jarvis Street, the site immediately to the south.

[3] Following the Board decision, DRI, City planning staff and Amexon had discussions in an effort to arrive at a settlement satisfactory to all three parties.

Subsequent to the initial hearing St. Michael's Hospital ("St. Michael's") and the Hospital for Sick Children ("Sick Kids") became aware of both the DRI and Amexon applications, and St. Michael's was granted Party status and Sick Kids Participant status at the hearings on both applications.

[4] The Board was advised that both hospitals had concerns with the flight path serving their helipads as it related to the two proposed towers. The hospitals had an aeronautic consultant review the applications and were satisfied that the flight path was adequately protected and requested that certain conditions (Exhibit 1) be inserted into any site plan agreement entered into with the City relating to each of the two applications.

REVISED PROPOSAL

[5] DRI revised its proposal to the following:

- the proposed floor plate has been reduced from 750 square m to 620 square m;
- the overall height has been increased from 47 storeys to 50 storeys;
- the building setback is 12 m from the south property line, 0 m from the east property line and it does not step back from the base building at Dundas Street East and Jarvis Street;
- the proposed separation distance between the towers as 175 Dundas Street East and 225 Jarvis Street is 24.5 m; and
- the base building setbacks along Dundas Street East and Jarvis Street are the same as in the original proposal as is the proposed amenity space.

HEARING

[6] Michael Goldberg gave expert land use planning evidence and opinion on behalf of DRI.

EVIDENCE AND FINDINGS

[7] Mr. Goldberg reviewed the renderings and site plan (Exhibit 3) pointing out the considerable articulation of the design, the shift of the tower and the 11.5 m setback on the south lot line, the retention of both outdoor and indoor amenity space from the previous design, the lack of balconies and the lack of negative shadow impact.

[8] It was Mr. Goldberg's expert opinion that the proposal, located within an Urban Growth Centre, was consistent with the Provincial Policy Statement 2014 and conformed to the Growth Plan for the Greater Golden Horseshoe . He noted prior approvals for multi-storey towers in the immediate vicinity.

[9] Mr. Goldberg found the revised proposal, located in the Downtown intensification area, to be in conformity with various provisions of the City's Official Plan and the intention of the City's Tall Building Design Guideline and the Downtown Tall Building Design Guidelines .

[10] In Mr. Goldberg's opinion the proposal represents good planning and appropriate infill development.

[11] At the conclusion of the hearing, Mr. Brown commended the role played by Board mediation and the co-operation of the City, the hospitals, and Amexon in reaching a settlement on this matter.

ORDER

[12] The Board orders that the appeal is allowed and By-law No. 438-86 is amended in the manner set out in Attachment 1 to this Order and By-law No. 569-2013 is amended in the manner set out in Attachment 2 to this Order. Both By-laws are subject to the conditions set out in Attachment 3 to this Order.

“Sylvia Sutherland”

SYLVIA SUTHERLAND
MEMBER

If there is an attachment referred to in this document
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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