

**44 Jackes Avenue and 33 Rosehill Avenue - Zoning Amendment  
Application - Preliminary Report**

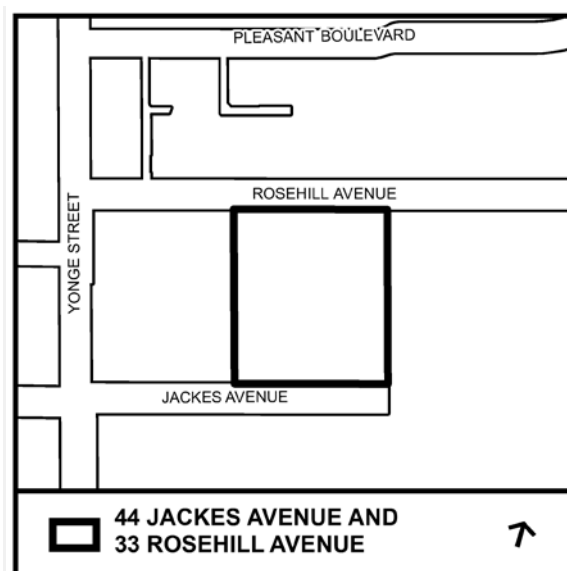
<b>Date:</b>	March 16, 2017
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 22 – St. Paul's
<b>Reference Number:</b>	16 255319 STE 22 OZ

**SUMMARY**

This application proposes a 29-storey (96.83 metres, including mechanical penthouse) rental apartment building at the northwest corner of the property municipally known as 44 Jackes Avenue and 33 Rosehill Avenue. The proposal includes 272 rental dwelling units, 22,911 square metres of residential floor area, 423 bicycle parking spaces, and 449 parking spaces. A 1-storey amenity pavilion with an indoor pool and rooftop green space is also proposed along the east lot line. The two existing rental apartment buildings on the site are to be retained: a 24-storey, 412-unit building at 44 Jackes Avenue, and a 28-storey, 217-unit building at 33 Rosehill Avenue. The applicant is proposing various upgrades to the existing buildings as part of this application.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications.

At the time of writing this report, it is anticipated that a Community Consultation meeting will be held on April 13, 2017. Staff anticipate submitting a final report on the application to Community Council in the first quarter of 2018. This target date assumes that the applicant will provide all required information in a timely manner.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act for the lands at 44 Jackes Avenue and 33 Rosehill Avenue.

### Financial Impact

The recommendations in this report have no financial impact.

### Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on April 11, 2016 to discuss complete application submission requirements.

## ISSUE BACKGROUND

### Proposal

The applicant proposes to develop the northwest corner of the subject site with a new 29-storey purpose built, rental apartment building with a gross floor area of 22,911 square metres. The two existing apartment buildings and 2-level underground garage will be retained. The total density for the site would be 5.63 times the lot area.

The proposal contains 272 new rental dwelling units with the following breakdown:

Unit Type	Number of Units	Percentage
1-bedroom	110	40.4%
2-bedroom	134	49.3%
3-bedroom	28	10.3%

The total number of dwelling units on the subject site within both proposed and existing buildings will be 901.

The proposed building consists of a 4-storey podium, with 2-storey townhouse units facing Rosehill Avenue, and a 25-storey tower element above for a total height of 96.83 metres (including the mechanical penthouse). The podium will be setback 3.2 metres from the north lot line (Rosehill Avenue) and 1.7 metres from the west lot line at its closest point.

The tower has a floor plate of 803 square metres with balcony projections on the east and west elevations. The tower is setback 8.8 metres from the north lot line (Rosehill Avenue), 10.2 metres from the west lot line, 27.3 metres from the apartment to the east, and 33.0 metres from the apartment to the southeast.

The proposed building contains 1,497 square metres of indoor amenity space on floors 1, 2, and 29 and 234 square metres of outdoor amenity space on floor 29. In addition, the

applicant is proposing a 1-storey amenity pavilion with an indoor swimming pool, exercise room, and accessible green roof along the east lot line between two existing apartment buildings. The existing outdoor swimming pool in the northwest corner of the site will be removed to make way for the new apartment building. The indoor amenity spaces within the existing rental apartment buildings at 44 Jackes Avenue and 33 Rosehill Avenue are proposed to be expanded and improved.

The proposal also includes a new Type "G" loading space located in the southwest corner of the new building, 449 additional vehicle parking spaces, and 423 additional bicycle parking spaces.

### **Site and Surrounding Area**

The subject site is located within the Yonge-St. Clair area, south of St. Clair Avenue West, and east of Yonge Street. The site is a large rectangular through lot with a 165 metre frontage on Jackes Avenue to the south and a 155 metre frontage on Rosehill Avenue to the north. The site has a depth of approximately 100 metres and a lot area of 12,656.5 square metres (1.26 hectares).

The lot on which the new building is proposed is currently occupied by two residential buildings constructed in the 1960s, 44 Jackes Avenue and 33 Rosehill Avenue. Located along the southern edge of the site, 44 Jackes Avenue is a 24-storey (59.73 metres) slab building with 412 rental dwelling units, a floor plate of approximately 1,440 square metres, and a floor area of 34,565 square metres. Located in the northeast corner of the site, 33 Rosehill Avenue is a 28-storey (84.48 metres) octagonal building with 217 rental dwelling units, a floor plate of approximately 493 square metres, and a floor area of 13,811 square metres. The density of the site is currently 3.82 times the area of the lot. The two buildings are connected to and share a 2-level underground parking garage. The site also contains an outdoor swimming pool in the northwest corner, a driveway that runs north-south with access to both Rosehill Avenue and Jackes Avenue, a centrally located water feature, and a considerable amount of landscaped open space between the two buildings along the eastern edge of the site.

Surrounding uses include:

**North:** a 15-storey residential building (40 Rosehill Avenue); a 22-storey residential building (50 Rosehill Avenue); a 7-storey Green P parking structure (21 Pleasant Boulevard); two 10-storey residential buildings (70 Rosehill Avenue); and two 19-storey residential buildings (10 and 20 Avoca Avenue). Further north are 31- and 32-storey residential towers linked by a 6-storey podium, and an entrance to the St. Clair subway station, including a bus loop and streetcar stop. Even further north are office buildings that front onto St. Clair Avenue East generally ranging in height from 10 to 14 storeys.

**East:** David A. Balfour Park / Rosehill Reservoir.

**South:** a designated heritage property (35 Jackes Avenue); a 10-storey residential building (33 Jackes Avenue); and a 29-storey residential rental building (7 Jackes Avenue).

**West:** Toronto Transit Commission (TTC) lands with a portion of the Yonge-University-Spadina subway tunnel and a portion of the subject site's 2-level underground garage located below grade, and a parking lot, barbecue area and tennis courts on the surface. The TTC lands are currently leased by Bentall Kennedy, the owners of the subject site, and are used by tenants of the existing apartment buildings. Further west is a 7-storey mixed use building (1341-1355 Yonge Street) and an 11-storey mixed use building under construction (1331 Yonge Street).

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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 to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The site is designated *Apartment Neighbourhoods* on Map 17 – Land Use Plan of the City's Official Plan. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the needs of area residents.

The Official Plan distinguishes *Apartment Neighbourhoods* from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria guide development. *Apartment Neighbourhoods* are considered to be stable areas of the City where significant growth is generally not anticipated, however, the Plan recognizes that there may be opportunities for new development or infill on underutilized sites and sets out criteria to evaluate these situations.

**Section 4.2** – "*Apartment Neighbourhoods*" includes policies and development criteria to ensure development is compatible and contributes positively to quality of life by having respect for: location; massing; transition to lower scale *Neighbourhoods* and areas of different development intensity; framing the street edge with good proportion; providing sufficient off street vehicle and bicycle parking; screening service areas; providing amenity space; and minimizing shadow and wind impacts, among others.

**Chapter Three** – "Building a Successful City" identifies that most of the City's future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. **Section 3.1.2** – "Built Form" directs new development to fit within the existing and/or the planned context of the neighbourhood. In particular, Policy 2 requires new development to use shared service areas, and integrate services and utility functions within buildings where possible. Policy 3 requires new development to be massed to fit harmoniously into its existing and/or planned context by framing adjacent streets and open spaces in a way that respects the street proportion; providing for adequate light and privacy; and adequately limiting any adverse shadow and wind impacts. Policy 4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view. Policy 5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

**Section 3.1.3** – "Built Form – Tall Buildings" provides policy direction for tall buildings. Policy 2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposal will contribute to and reinforce the overall City structure; taking into account the relationship of the site to topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

**Section 3.2.1** – "Housing" includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 5 states that significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development: will secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents; and may secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of this Plan, without pass-through of such costs in the rents to tenants.

**Section 5.6** – "Interpretation" provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, **Section 1.5** – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. This proposal will be reviewed against the policies described above as well as the policies of the Official Plan as a whole.

The Official Plan is available on the City's Website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

### **Official Plan Amendment 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

Relevant to this application, OPA 320 provides further direction on when infill development may be appropriate on built up *Apartment Neighbourhood* sites and how to ensure that infill improves existing site conditions. OPA 320 introduces additional development criteria, including but not limited to: maintaining separation distances between buildings on and adjacent to the site; improving pedestrian access to buildings from the public sidewalks and through the site; improving amenity spaces; providing renovations and retrofits to existing buildings; and improving waste storage areas.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

Prior to the submission of the subject application by the applicant on November 23, 2016, the applicant had written to the Minister in July 2016 to appeal the entirety of OPA 320 on a city-wide basis to the Ontario Municipal Board (OMB).

Council's decision and the staff report can be found at:  
[app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG8.5](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG8.5)

### **Yonge-St. Clair Secondary Plan**

The site is located within the Yonge-St. Clair Secondary Plan area generally bounded by Avenue Road to the west, Mount Pleasant Cemetery/Kay Gardiner Beltline to the north, the Moore Park Ravine/Beltline Trail to the east, and the CP rail line to the south.

The purpose of the Secondary Plan is, in part, to:

- protect, promote and enhance the existing type and quality of *Neighbourhoods* and *Apartment Neighbourhoods* and maintain their stability;
- retain, protect and enhance the special physical character and public spaces of the Yonge-St. Clair Secondary Plan area; and

- ensure that new development meets high urban design standards which contribute to achieving public areas which are attractive, inviting, comfortable and safe.

The Secondary Plan contains Urban Design Principles for Built Form and Public Amenity relevant to this proposal, including:

- achieving a harmonious relationship to the built form context through building height, massing, setback, stepbacks, roof line and profile, architectural expression and vehicle access and loading; and
- providing high quality, co-ordinated streetscape and open space improvements.

Policy 4.2 of the Secondary Plan states that in addition to development criteria of the Official Plan, new development in *Apartment Neighbourhoods* in Yonge-St. Clair will provide setbacks at and below grade, from the front lot line to facilitate the planting of large shade trees in the setback areas. These trees will be planted at regular intervals.

The Yonge-St. Clair Secondary Plan is available on the City's website at: [www.toronto.ca/planning/official\\_plan/pdf\\_secondary/35\\_secondary\\_map\\_dec2010.pdf](http://www.toronto.ca/planning/official_plan/pdf_secondary/35_secondary_map_dec2010.pdf)

## **Zoning**

The site is zoned Residential, R (d2.0) (x968), under City of Toronto Zoning By-law 569-2013, and R2 Z2.0 under former City of Toronto Zoning By-law 438-86. Both By-laws permit residential uses, a maximum density of 2.0 times the lot area, and a maximum height of 16 metres.

The site is also subject to a site specific zoning by-law from 1964, By-law No. 22195. The site specific by-law permits two apartment buildings and prescribes a maximum gross floor area, a maximum of 636 dwelling units, and requires the buildings to be constructed within prescribed building footprints.

## **Tall Building Design Guidelines**

In May 2013, City Council adopted the updated Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

The Tall Building Design Guidelines are available at: <http://www.toronto.ca/planning/tallbuildingdesign.htm>

## **Site Plan Control**

The site and proposed development are subject to Site Plan Control. An application has not yet been submitted.

## **Tree Preservation**

The "Tree Inventory and Preservation Plan Report" prepared by Kuntz Forestry Consulting Inc., dated July 26, 2016 and submitted as part of the application identifies 112 trees on or within six metres of the subject site. Of the 112 trees, 46 trees meet the criteria for protection under the City of Toronto's Private Tree By-law, 15 are City-owned street trees protected under the provisions of the City's Street Tree By-law, and 6 are City-owned parkland trees protected under the provisions of the City's Parks By-law. The applicant is proposing to remove 42 trees protected under the provisions of the Private Tree By-law, and 1 City-owned street tree. The applicant will be required to obtain necessary permits and submit a satisfactory replanting plan prior to the removal of any protected trees.

## **Reasons for the Application**

The application has been submitted to amend both the former City of Toronto Zoning By-law 438-86 and City of Toronto Zoning By-law 569-2013, including prevailing By-law 22195. Both Zoning By-law 438-86 and Zoning By-law 569-2013 permit a maximum height of 16.0 metres. The proposed development exceeds the height permitted in the Zoning By-laws by approximately 80.83 metres, proposing a height of 96.83 metres (including mechanical penthouse). Furthermore, Zoning By-law 438-86 and Zoning By-law 569-2013 permit a maximum density of 2.0 times the area of the lot while Site Specific By-law 22195 prescribes a maximum gross floor area for two apartment buildings. The proposal brings the density of the site to 5.63 times the lot area. The proposed building does not comply with other Zoning By-law standards including building setbacks, tower setbacks, outdoor amenity space, and parking. Other areas of non-compliance will be assessed as part of the review process.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Planning Justification Report;
- Housing Issues Report;
- Community Services and Facilities Study;
- Sun/Shadow Study;
- Pedestrian Level Wind Study;
- Heritage Impact Statement;
- Stage 1 Archaeological Resource Assessment;
- Tree Inventory and Preservation Plan Report;
- Transportation Impact Study;
- Functional Servicing Report;
- Stormwater Management Report;



- Geotechnical Engineering Report;
- Hydrogeological Investigation;
- Vibration Study;
- Review of the Existing Garage Slab Report;
- Toronto Green Standard Checklist; and
- Community Consultation Plan.

A Notification of Complete Application was issued on December 20, 2016.

### **Issues to be Resolved**

The issues identified below are among the issues that will be considered through the review of this application:

- Consistency with the Provincial Policy Statement and conformity to the Growth Plan for the Greater Golden Horseshoe;
- Consistency with Official Plan, Secondary Plan, and OPA 320 policies;
- The appropriateness and compatibility of the proposed building's height, density, and massing for the subject site and with the surrounding context;
- The appropriateness of other built form and massing issues including, but not limited to: tower floor plate, balcony size and articulation, podium setbacks, and tower setbacks;
- The appropriateness of any shadow, privacy, and wind impacts associated with the proposed development;
- The adequacy of the proposed building's relationship to Rosehill Avenue including the setback from the street, landscaping and other streetscape improvements;
- The adequacy of the location and amount of proposed indoor and outdoor amenity space and the appropriateness of any wind conditions on outdoor amenity space;
- The sufficiency of efforts to improve the existing site conditions including, but not limited to: pedestrian access to buildings and through the site, renovations and retrofits of existing rental buildings, service and waste storage areas, and amenity space;
- The appropriateness of the proposed tree protection and tree removal;
- The suitability of the proposed vehicular parking supply and access;

- The suitability of the proposed bicycle parking supply and location;
- The appropriateness of the location and visibility of proposed and existing loading spaces;
- The capacity of existing physical and social infrastructure, including servicing to accommodate the proposed development;
- Compliance with the Tier 1 performance measures of the Toronto Green Standard; and
- The details of a Section 37 Agreement, under the Planning Act, between the applicant and the City to be worked out, in consultation with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

Kevin Friedrich, Planner  
Tel. No. (416) 338-5740  
E-mail: Kevin.Friedrich@toronto.ca

## **SIGNATURE**

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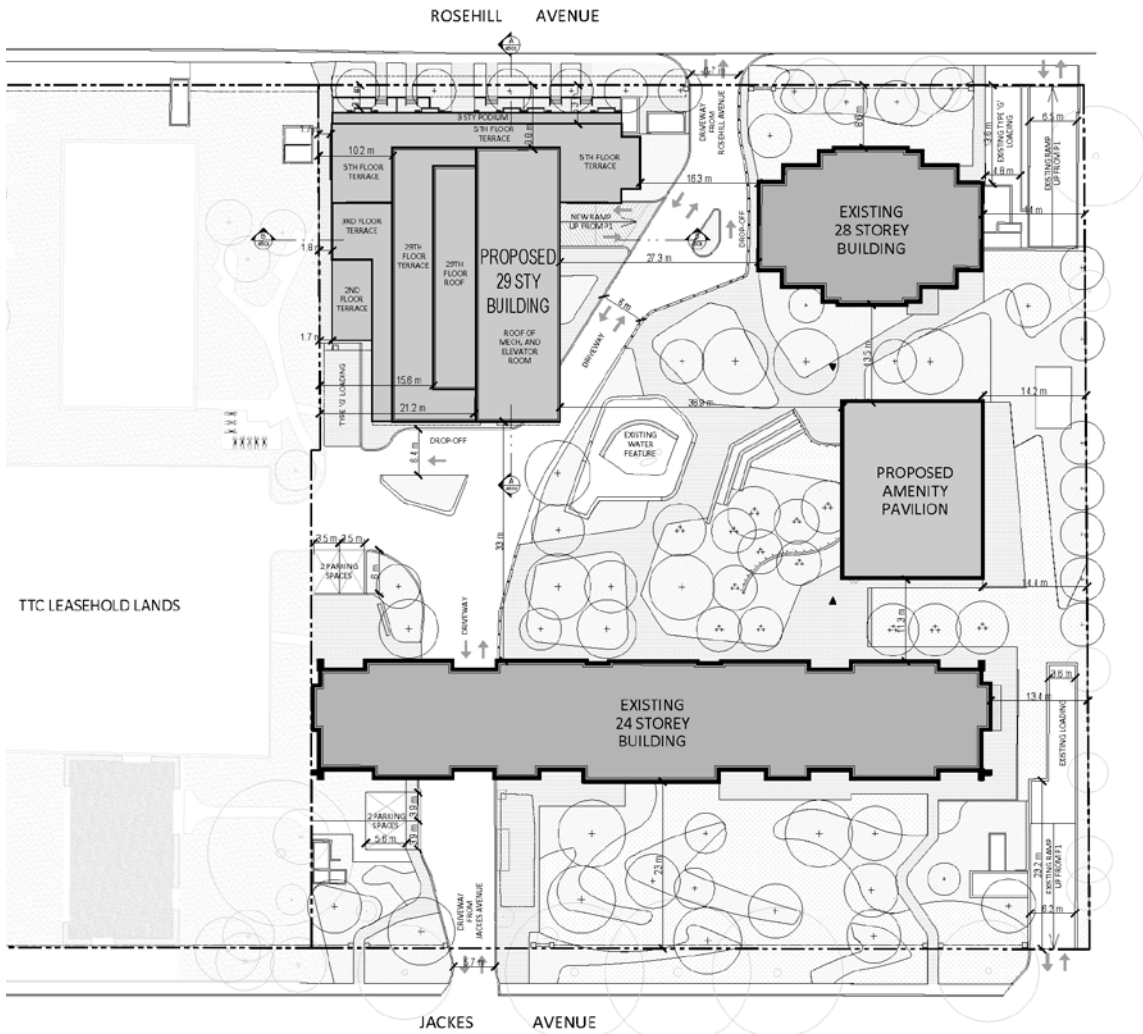
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2A-D: Elevations  
Attachment 3: Zoning  
Attachment 4: Official Plan  
Attachment 5: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

## 44 Jackes Avenue and 33 Rosehill Avenue

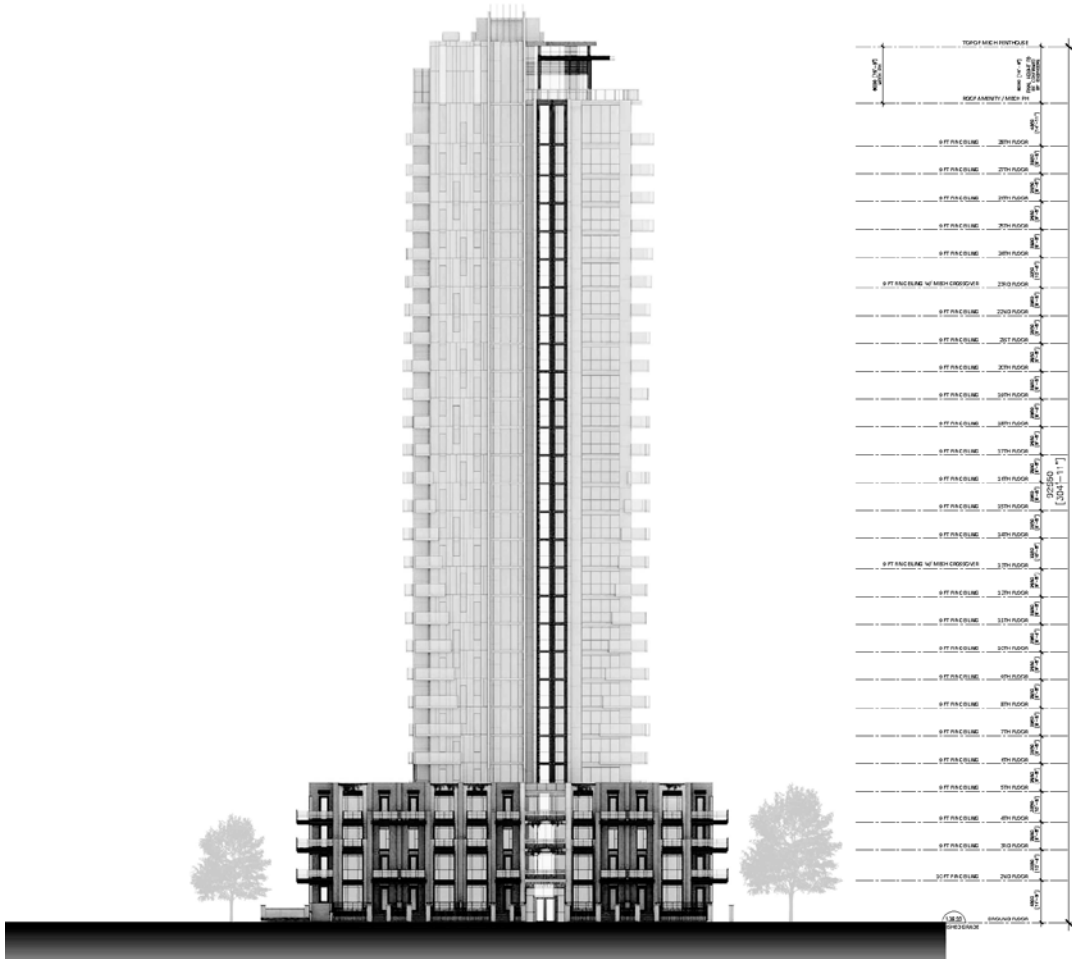
Applicant's Submitted Drawing

Not to Scale  
02/21/2017



File # 16 255319 STE 22 0Z

**Attachment 2A: Elevations (North)**



**North Elevation**

**44 Jackes Avenue and 33 Rosehill Avenue**

Applicant's Submitted Drawing

Not to Scale 

File # 16 255319 STE 22 OZ

**Attachment 2B: Elevations (South)**



**South Elevation**

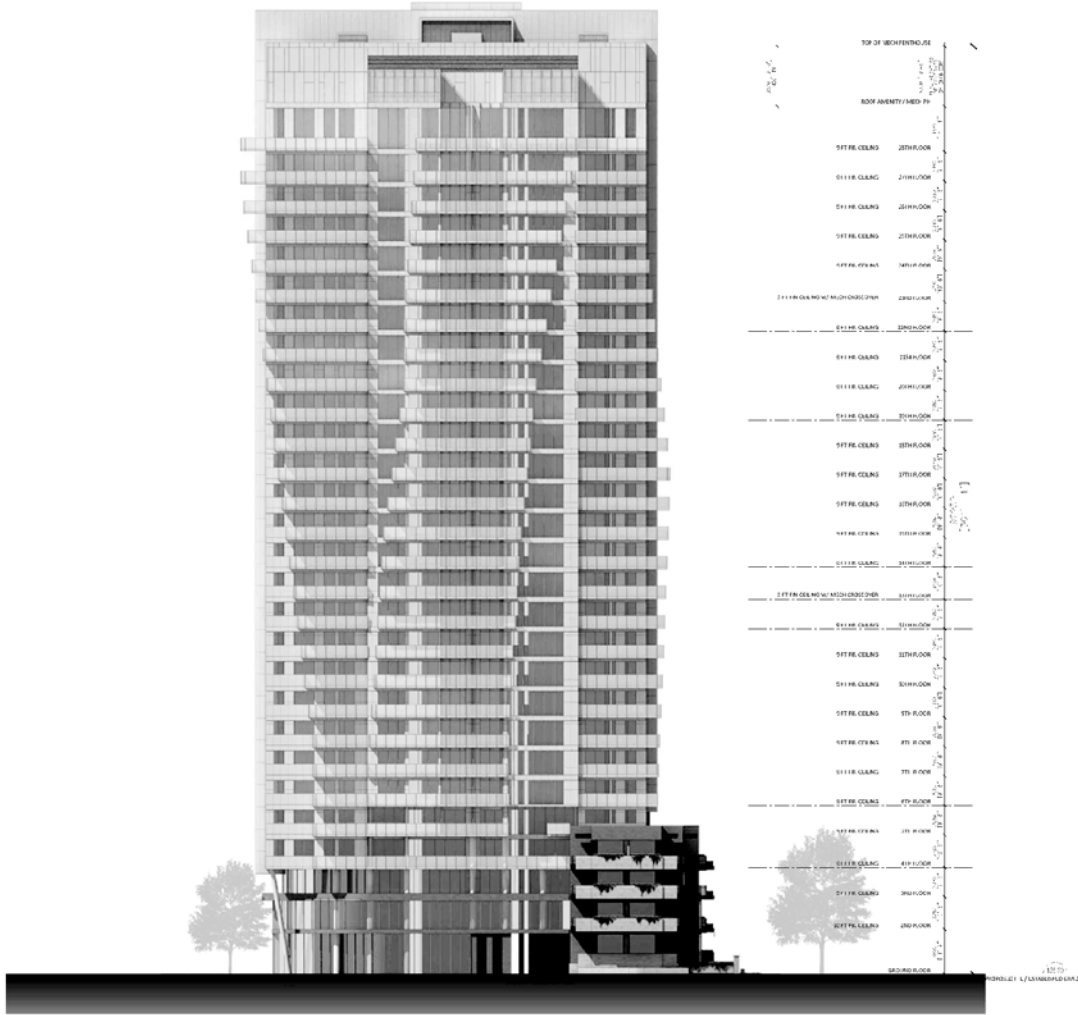
**44 Jackes Avenue and 33 Rosehill Avenue**

Applicant's Submitted Drawing

Not to Scale   
02/21/2017

File # 16 255319 STE 22 OZ

# Attachment 2C: Elevations (East)



East Elevation

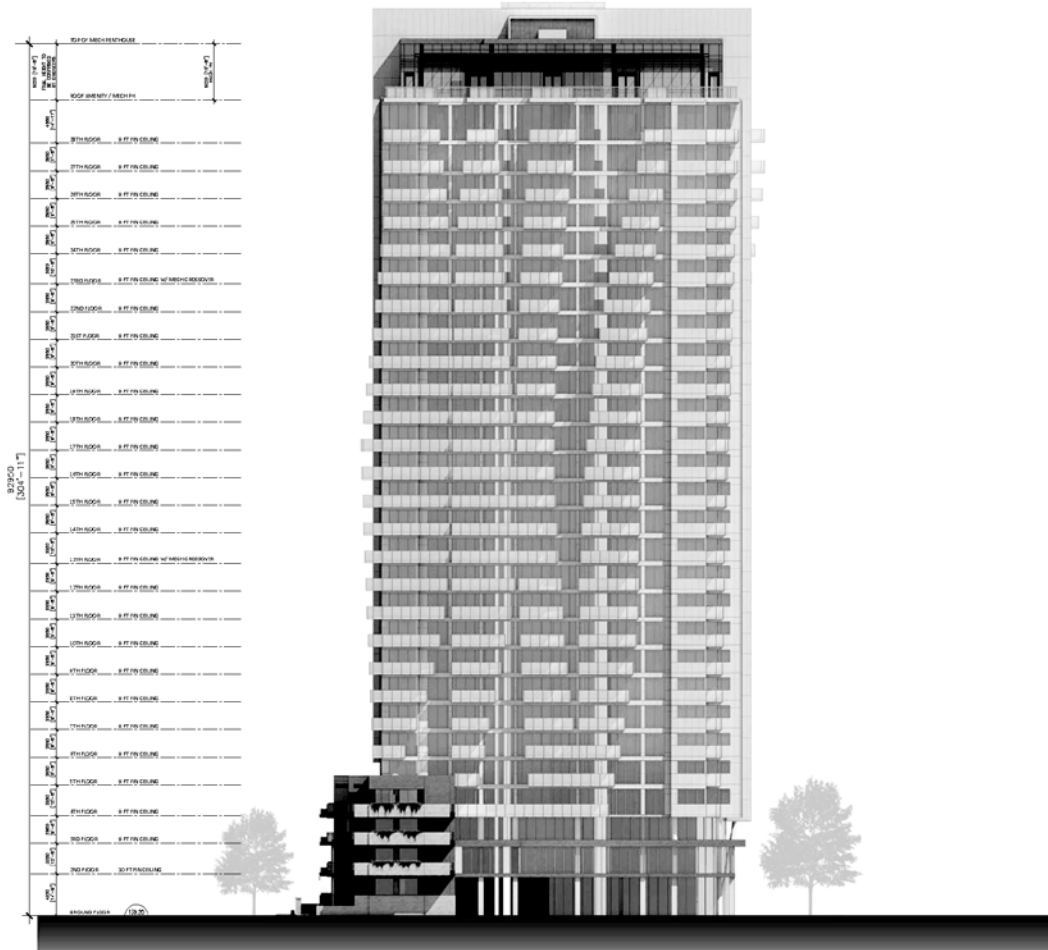
44 Jackes Avenue and 33 Rosehill Avenue

Applicant's Submitted Drawing

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File # 16 255319 STE 22 0Z

## Attachment 2D: Elevations (West)



West Elevation

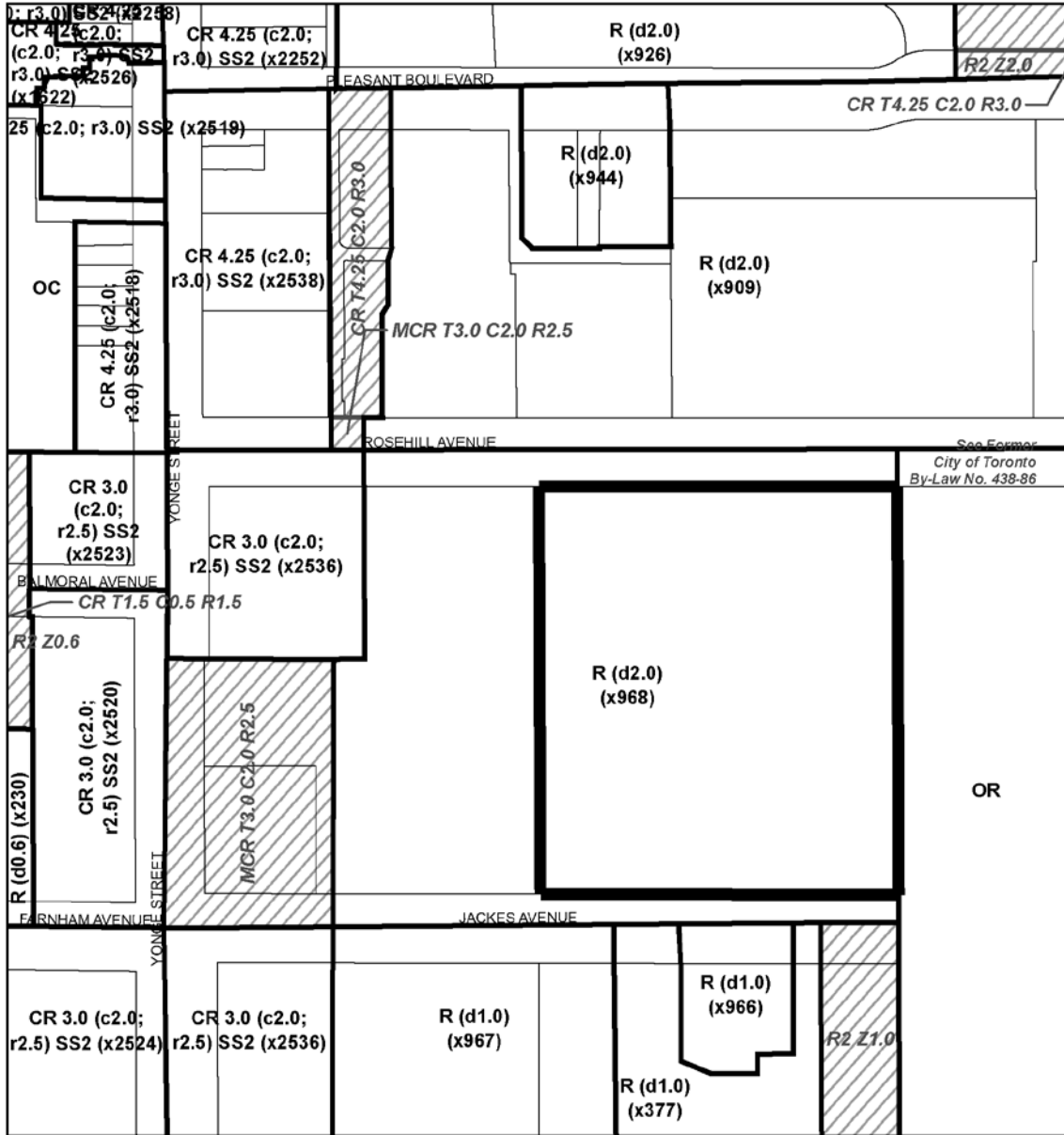
44 Jackes Avenue and 33 Rosehill Avenue

Applicant's Submitted Drawing

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02/21/2017

File # 16 255319 STE 22 OZ

### Attachment 3: Zoning



**44 Jackes Avenue and 33 Rosehill Avenue**

**Zoning By-Law No. 569-2013**

File # 16 255319 STE 22 OZ



Location of Application



See Former City of Toronto By-Law No. 438-86

R Residential      OR Open Space Recreation  
 CR Commercial Residential      OC Open Space Cemetery

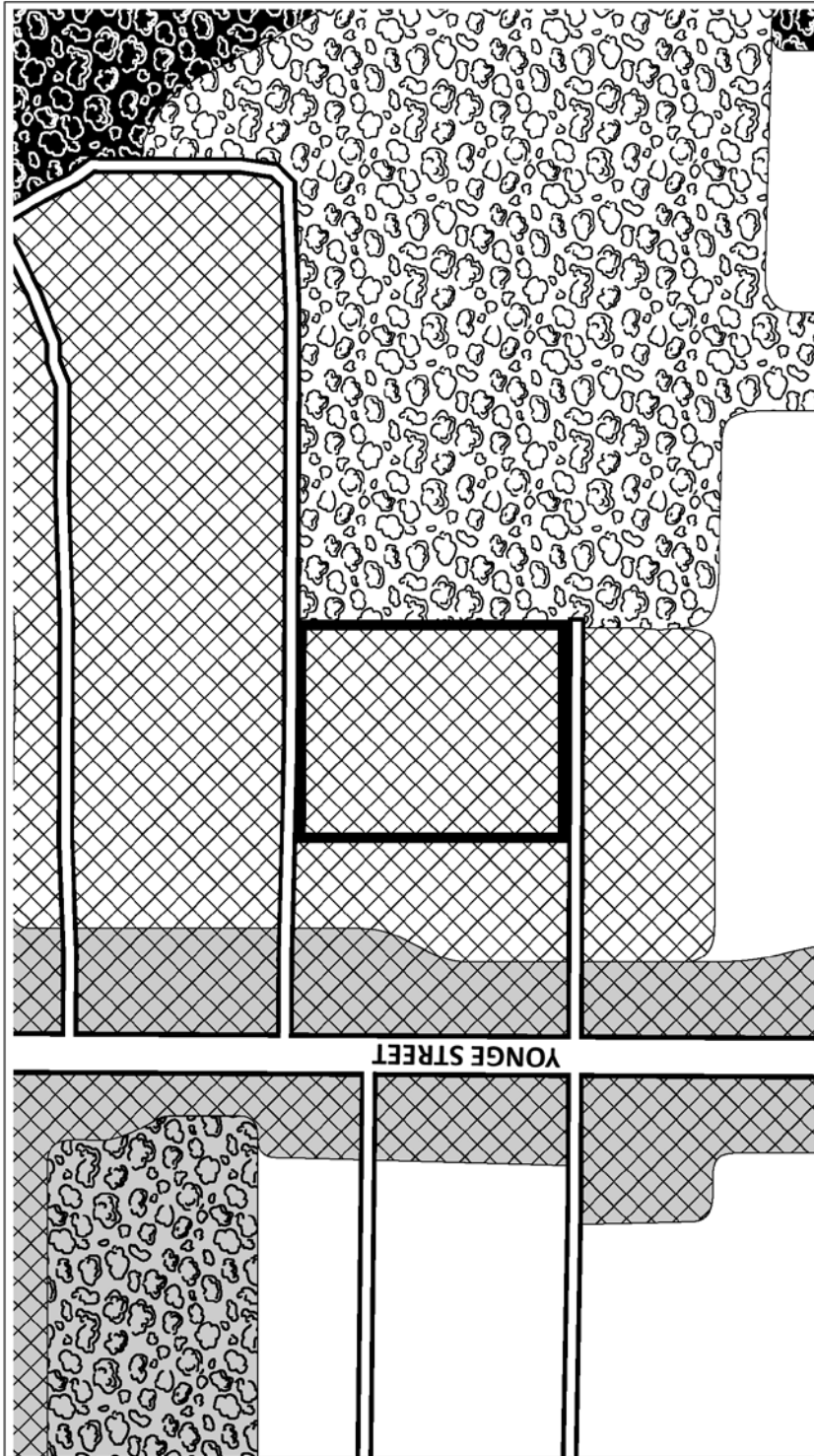
R2 Residential District  
 CR Mixed-Use District  
 MCR Mixed-Use District



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 Extracted: 02/21/2017



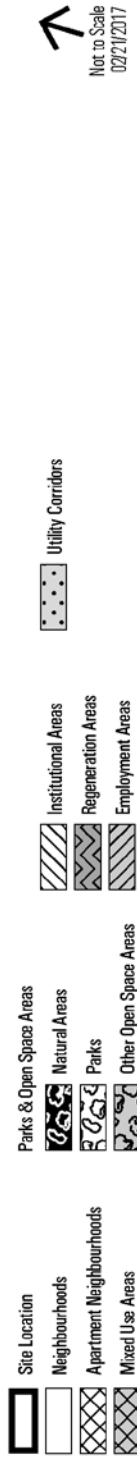
Attachment 4: Official Plan



44 Jackes Avenue and 33 Rosehill Avenue

**Toronto**  
Extract from Official Plan

File # 16 255319 STE 22 0Z



## Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	16 255319 STE 22 OZ
Details	Rezoning, Standard	Application Date:	November 23, 2016

Municipal Address: 44 JACKES AVENUE AND 33 ROSEHILL AVENUE  
 Location Description: PLAN 274 PT LOT 2 PLAN 1389 LOTS 16 TO 22 PT LOT C \*\*GRID S2211  
 Project Description: 29-storey apartment building with 272 dwelling units.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
WALKER KNOTT DRAGECEVIC ASSOCIATES LTD	ANDREW FERANCIK	HARIRI PONTARINI ARCHITECTS	BC IMC REALTY CORPORATION- BRETTON PLACE

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	(x968)
Zoning:	R (d2.0)	Historical Status:	No
Height Limit (m):	16	Site Plan Control Area:	Yes

### SITE INFORMATION

Site Area (sq. m):	12656.5	Height:	Storeys:	29
Frontage (m):	165		Metres:	96.83
Depth (m):	100			
Total Ground Floor Area (sq. m):	3565			<b>Total</b>
Site Res. GFA (sq. m):	71287		Parking Spaces:	670
New Building Res. GFA (sq. m):	22911		Loading Docks	3
Total GFA (sq. m):	71287			
Lot Coverage Ratio (%):	28			
Site Floor Space Index:	5.63			
New Building Floor Space Index:	1.81			

### PROPOSED DWELLING UNITS

Tenure Type:	Rental
1 Bedroom:	110
2 Bedroom:	134
3 + Bedroom:	28
Total Units in New Building:	272
Total Units on Site:	901

### FLOOR AREA BREAKDOWN

	Above Grade	Below Grade
Site Res.GFA (sq. m):	71287	0
New Building Res. GFA (sq. m):	22911	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Kevin Friedrich, Planner</b>
	<b>EMAIL:</b>	<b>Kevin.Friedrich@toronto.ca</b>
	<b>TELEPHONE:</b>	<b>(416) 338-5740</b>