

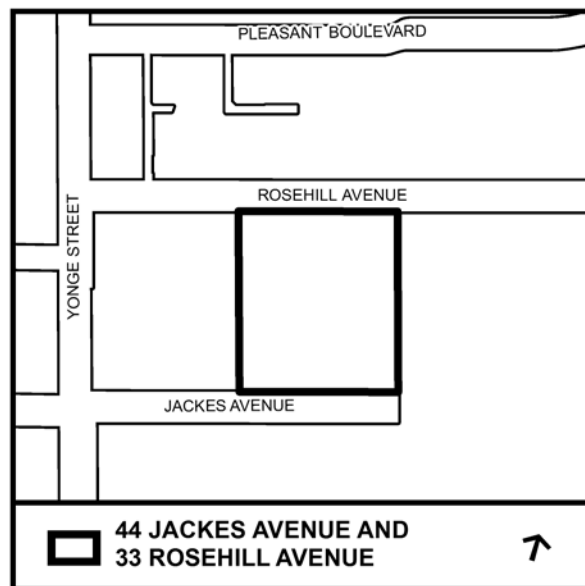
44 Jackes Avenue and 33 Rosehill Avenue - Zoning Amendment Application - Request for Direction Report

Date:	June 14, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	16 255319 STE 22 OZ

SUMMARY

On November 15, 2017 the City Clerk’s Office received notification that the applicant filed an appeal of the Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT), citing Council’s failure to make a decision on the application within the prescribed timelines of the *Planning Act*. A pre-hearing for these matters was held on May 22, 2018, however, no hearing dates have been set.

On February 20, 2018, the applicant submitted a "With Prejudice" proposal offer, for a 29-storey (93 metres, including mechanical penthouse) rental infill apartment building at the northwest corner of the property municipally known as 44 Jackes Avenue and 33 Rosehill Avenue. The proposed building includes 251 rental dwelling units and 22,880 square metres of residential gross floor area, a 1-storey amenity building along the east lot line, and 761 square metres of parkland dedication along the south and east lot lines. The two existing rental apartment buildings on the site are to be retained: a 24-storey building at 44 Jackes Avenue, and a 28-storey building at 33 Rosehill Avenue. The applicant is proposing various upgrades to the existing buildings as part of this application.



The purpose of this report is to seek City Council's direction with respect to the City's position at the LPAT hearing. This report recommends that Council direct the City Solicitor, together with appropriate City staff, to support the application at the LPAT subject to the conditions in the report.

The owner has a site-specific appeal on the property, as it relates to Official Plan Amendment (OPA) No. 320. This report recommends that Council direct the City Solicitor, together with appropriate City staff, to support the proposal at the LPAT and settle the site-specific appeal for OPA No. 320.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and other appropriate staff to attend at the Local Planning Appeal Tribunal in support of the "with prejudice" proposal as described in the report, set out in the plans (Attachments Nos. 2 to 6) and subject to the conditions in the report (June 14, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold the issuance of its final Order until:
 - a. The final form of Zoning By-Law Amendments are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b. The owner has entered into and registered on the lands at 44 Jackes Avenue and 33 Rosehill Avenue one or more agreements with the City, pursuant to section 37 of the *Planning Act*, to secure at the owner's expense, with such facilities, services and matters to be additionally set forth in the related site specific Zoning By-law Amendments, and subject to the requirements for insurance, indemnity, securing of letters of credit, the following all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor:
 - i. Prior to the issuance of the first above-grade building permit, the owner shall provide community benefits in the amount of not less than \$3,700,000.00 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, toward any one of more of the following:
 - A. Local area park, open space, or streetscape improvements; and/or
 - B. Community, recreation and/or cultural space improvements in the Ward.

- ii. The required cash contribution pursuant to Paragraph 2.b.i. is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the day the payment is made;
- iii. In the event the cash contributions referred to in Paragraph 2.b.i. above has not been used for the intended purposes within 3 years of the site specific Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- iv. The following matters are also recommended to be secured in the section 37 Agreement as a legal convenience to support development:
 - A. the owner shall provide a minimum of 50 percent of the new residential dwelling units in the development as two-bedroom dwelling units or larger, of which a minimum 10 percent of the new residential dwelling units in the development shall have three or more bedrooms;
 - B. the owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer and Executive Director, Engineering & Construction Services, should it be determined that upgrades to such infrastructure are required to support this development;
 - C. the owner shall provide and maintain the 629 existing dwelling units at 44 Jackes Avenue and 33 Rosehill Avenue as rental housing for the period of at least 20 years, from the date of the Zoning By-law coming into full force and effect;
 - D. the owner shall provide, at its own expense, the following amenities, at no extra cost to the existing tenants of the Site, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:
 - 1. construct the new amenity pavilion with an indoor pool, hot tub, steam room and change areas, substantially in accordance with the Architectural Plans dated February 20, 2018 prior to the issuance of the First Above-Grade Building Permit for the proposed development of the new residential building and, in the event that the existing outdoor pool is removed prior to the construction of the new amenity pavilion, the owner agrees that it will be for a maximum of one summer season and that the owner shall make available swimming pool passes to existing tenants for such summer season at a local community pool;

2. renovate and expand the existing fitness room located at 44 Jackes Avenue as illustrated in the Architectural Plans dated February 20, 2018 prior to the issuance of the first above grade building permit for the proposed development of the new residential building;
 3. renovate the existing multi-purpose room/party room and lobby at 44 Jackes Avenue and renovate the existing lobby at 33 Rosehill Avenue as illustrated in the Architectural Plans dated February 20, 2018 prior to the issuance of the first above grade building permit for the proposed development of the new residential building;
 4. provide an accessible laundry room at 44 Jackes Avenue as illustrated in the Architectural Plans dated February 20, 2018 prior to the issuance of the first above grade building permit for the proposed development of the new residential building; and
 5. improve and enhance existing bicycle storage areas substantially in accordance with the Architectural Plans dated February 20, 2018;
- E. the owner shall develop a Construction Mitigation Plan prior to the issuance of the first below grade building permit for the proposed development of the site to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;
 - F. the owner shall develop a Tenant Communication Plan prior to the issuance of the first below grade building permit for the proposed development of the site to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - G. the owner shall implement any wind mitigation measures identified in the required wind studies for the project to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - H. the owner shall withdraw their appeals as set out in paragraph 2(c) below.
- c. The owner has withdrawn their site specific appeal to the Local Planning Appeal Tribunal of Official Plan Amendment No. 320; and
 - d. The owner provides any necessary modifications to the Functional Servicing Report, Stormwater Management Report and Hydrogeological Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.
3. In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council require that:

- a. On-site parkland dedications with a minimum size of 761 square metres pursuant to section 42 of the *Planning Act* be conveyed to the City, substantially as shown in Attachment No. 2 as "On-Site Parkland Dedication" and on terms and conditions set out in Attachment No. 10 to the report (June 14, 2018) from the Acting Director, Community Planning, Toronto and East York District, all the satisfaction of the General Manager, Parks, Forestry and Recreation.
- b. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manger, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manger, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
- c. The Chief Planner and Executive Director, City Planning Division amend the Official Plan to designate the "On-Site Parkland Dedication", substantially as shown in Attachment No. 2 to the report (June 14, 2018) from the Acting Director, Community Planning, Toronto and East York District as *Parks*.

Financial Impact

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

DECISION HISTORY

At its meeting on April 4, 2017 Toronto and East York Community Council considered a Preliminary Report for 44 Jackes Avenue and 33 Rosehill Avenue recommending that staff schedule a community consultation meeting to discuss the proposal with area residents.

ISSUE BACKGROUND

Proposal

Original Submission (November 23, 2016)

On November 23, 2016, the applicant submitted a proposal to develop the northwest corner of the subject site for a new 29-storey purpose-built, rental apartment building with a residential gross floor area of 22,991 square metres, 272 dwelling units, and a tower floor plate size of 803 square metres. The base of the proposed building was setback 3.2 metres from the north lot line (Rosehill Avenue) and the tower portion of the proposed building was setback 10.2 metres from the west lot line. The total proposed density for the site including the two existing 24- and 28-storey apartment buildings was 5.6 times the lot area. Planning staff provided comments to the applicant indicating that there were concerns related to the south setback of the base, the west setback of the tower, and the tower floor plate.

"With Prejudice" Proposal (February 22, 2018)

On November 15, 2017 the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT), citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*.

On February 22, 2018, the applicant submitted a "With Prejudice" proposal with revisions to its development. The revised proposal is to develop the northwest corner of the subject site with a new 29-storey purpose-built, rental apartment building with a revised residential gross floor area of 22,880 square metres. The two existing 24- and 28-storey apartment buildings and the majority of the 2-level underground garage will be retained. The total density for the site will be 5.6 times the lot area.

The application proposes 251 new dwelling units: 118 one-bedroom (47.0%); 106 two-bedroom (42.2%); and 27 three-bedroom (10.8%). The total number of proposed dwelling units on the subject site including the existing buildings would be 880.

The proposed building consists of a 4-storey base, with 5 grade-related townhouse units facing Rosehill Avenue, and a 25-storey tower element above for a total height of 29-storeys (93 metres including the mechanical penthouse). The base will be setback 5.0 metres from the north lot line (Rosehill Avenue) and 1.7 metres from the west lot line at its closest point. The main residential lobby entrance to the proposed building is located on the south side of the building facing the internal driveway. A secondary entrance is located on the north side of the building, fronting on to Rosehill Avenue.

The tower portion of the building is generally rectangular in shape with a typical floor plate of 790 square metres. Balcony projections are located on the east and west elevations. The tower is setback 8.8 metres from the north lot line (Rosehill Avenue), 12.5 metres from the west lot line, 25.0 metres from the 28-storey apartment to the east, and 33.0 metres from the 24- storey apartment to the south.

The proposed building contains 595 square metres of indoor amenity space on floors 1, 2, and 29 and 202 square metres of outdoor amenity space on floors 2 and 29. In addition, the applicant is proposing 538 square metres of indoor amenity space within a 1-storey amenity building with an indoor swimming pool, hot tub, steam room, and an accessible green roof along the east lot line between the 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 applicant is proposing to satisfy a parkland dedication requirement by providing a 651 square metre conveyance along the south lot line, abutting Jackes Avenue, and a 110 square metre conveyance along the east lot line, abutting David A. Balfour Park, as public parks.

Vehicular access to the site will continue to be provided via the existing driveways on Rosehill Avenue and Jackes Avenue. Access to the west surface parking lot, which will be for visitors only, will continue to be provided via the driveways on Rosehill Avenue and Jackes Avenue.

Access to the underground parking lot will also continue to be provided via the two parking ramps on Rosehill Avenue and Jackes Avenue. The existing centre parking ramp located on the internal site road will be relocated north of its current location. The configuration of the underground parking garage will remain largely similar to the existing condition, although the northwest portion of the garage will be reconfigured as part of the construction of the new building.

The proposal also includes a new Type G loading space located in the southwest corner of the new building. A total of 442 vehicle parking spaces, consisting of 351 resident spaces and 91 visitor spaces would be maintained. All on-site parking with the exception of two visitor spaces will be located within a two level underground garage. As part of the new development, the applicant is required to provide 251 new bicycle parking spaces of which 226 are long term (occupant) spaces and 25 are short term (visitor) spaces. The existing 150 bicycle parking spaces will be maintained for the existing apartment building residents.

See Attachment Nos. 1 to 7: (Application Data Sheet, Site Plan, Elevations and Context Plan).

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-metre) slab building with 412 rental dwelling units, a floor plate of approximately 1,440 square metres, and a gross floor area of 34,565 square metres. Located in the northeast corner of the site, 33 Rosehill Avenue is a 28-storey (84.48-metre) octagonal building with 217 rental dwelling units, a floor plate of approximately 493 square metres, and a gross 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.

Access to the site is currently provided via two driveways on Rosehill Avenue and two driveways on Jackes Avenue. The western driveways on both Rosehill Avenue and Jackes Avenue allow vehicular access to the pick-up/drop-off areas for the two buildings, the existing surface parking lots and a parking ramp located in the centre of the site that connects to the underground parking garage. Both of the eastern driveways connect to additional ramps leading to the underground parking garage.

There are two designated loading areas on site located at the northeast and southeast corners of the property and accessed from Rosehill Avenue and Jackes Avenue, respectively. The northeast loading area currently serves as the recycling storage and pick-up area for 33 Rosehill Avenue, and the southeast loading area serves as the garbage pickup point for 33 Rosehill Avenue and 44 Jackes Avenue. Recycling pick-up for 44 Jackes Avenue takes place directly on Jackes Avenue.

According to the Housing Issues Report provided by the applicant, the unit mix and rental classification for 629 existing rental units on the site at the time of application was as follows:

- 1 affordable two-bedroom rental unit;
- 411 mid-range rental units: 42 bachelor, 363 one-bedroom and 6 two-bedroom units; and
- 205 high-end rental units: 81 one-bedroom, 80 two-bedroom and 44 three-bedroom units; and
- 10 vacant rental units: 2 one-bedroom, 6 two-bedroom and 2 three-bedroom units.

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. Northwest of the site is an LPAT approved 34-storey mixed-use building (1417-1431 Yonge Street) awaiting a final Order.

East: David A. Balfour Park / Rosehill Reservoir.

South: a Part IV 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) owned lands (22 Jackes Avenue) that contain a portion of the Yonge-University-Spadina subway tunnel and a 2-level garage that connects to the garage of the subject site below-grade, and a parking lot, barbecue area and tennis courts on the surface. The TTC lands are currently leased by the owner 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 Land-Use Policies: Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of a built form that,
 - (i) is well designed;
 - (ii) encourages a sense of place;
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto 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 1 indicates that where a tall building is appropriate, it should have a base at an appropriate scale for the street and that integrates with adjacent buildings, a middle with a floor plate size and shape with appropriate dimensions for the site, and a top that contributes to the skyline character. 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 3.2.3 – "Parks and Open Spaces" provides policy direction for maintaining and enhancing Toronto's system of parks and open spaces and states that the effects of development from adjacent properties (shadows, wind, etc.) will be minimized to preserve their utility. The policies outline a parkland acquisition strategy, grant authority to levy a parkland dedication or alternative cash-in-lieu, and call for the expansion of the existing network of parks and open spaces. Policy 8 states that parkland to be conveyed to the City should: be free of encumbrances; be sufficiently visible and accessible from adjacent public streets; be of a usable shape, topography and size that reflects its intended use; be consolidated or linked with an existing or proposed park or green space or natural heritage system; and meet applicable Provincial soil regulations and/or guidelines for residential/parkland uses.

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.

See Attachment No. 8: Official Plan Map.

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, allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods* and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect.

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.

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 to the LPAT. A recommendation has been added to this report requiring the applicant to withdraw their appeal to OPA 320 following the coming into force and effect of the site specific Zoning By-law Amendments related to the subject proposal.

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, setbacks, 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.

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.

Official Plan Policy 5.3.2(1) states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1, The Built Environment, and other policies within the Plan related to the design and development of tall buildings in Toronto. Specifically, the Guidelines implement Official Plan Policies regarding fit and transition in scale; sunlight and sky view; the pedestrian realm and

street animation, including publicly accessible open space; servicing, access and parking; base building height and scale and separation distances between buildings. The Guidelines indicate that the height of the base building should match the existing street wall context, a minimum tower separation of 25 metres should be achieved and the placement of the tower on the base should achieve appropriate tower setbacks.

Growing Up Draft Urban Design Guidelines

In July 2017, City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Growing Up Draft Urban Design Guidelines have been considered in the review of this proposal.

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 prevailing 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.

See Attachment No. 9: Existing Zoning By-law Map.

Site Plan Control

The proposed development is subject to site plan control. An application for Site Plan Approval (Application No. 17 206817 STE 22 SA) has been submitted but is not part of the appeal to the LPAT.

Community Consultation

A community meeting was held on April 13, 2017 at 1585 Yonge Street (Yorkminster Park Baptist Church) and attended by approximately 90 members of the public. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed 29-storey building. Following the presentations, City staff led a town hall format question and answer period.

The attendees asked questions and expressed a number of comments, issues and concerns, including: the height and density of the proposal; an architectural style that is not in keeping with the character of the area; the size of the building footprint; the loss of greenspace and the outdoor pool; the traffic generated as a result of the proposed development; pedestrian safety on Rosehill Avenue and the private driveway that runs through the site; shadowing on existing residential buildings and the park; increase in TTC ridership; potential rent increases

to existing tenants; the loading and access for service/delivery; and the construction impacts to neighbouring properties.

These comments were considered in Planning staff's comments on the original submission. The applicant responded to some of the abovementioned issues in resubmissions made on July 28, 2017 and February 20, 2018.

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 76.95 metres, proposing a height of 92.95 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, building depth, and parking.

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 Zoning By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

The PPS (Policy 4.7) indicates that the Official Plan is the most important vehicle for implementation of the PPS and that Official Plans shall identify provincial interests, as identified in Section 2 of the *Planning Act*, which includes the promotion of a well-designed built form. The proposed development is consistent with Official Plan policies and provides a well-designed built form and is consistent with the Yonge-St. Clair Secondary Plan, which provides further policy direction on built form in this area. This application provides intensification and redevelopment in an appropriate location in a built form that fits within its local context and is consistent with the 2014 PPS.

The PPS (Policy 1.5.1(b)) indicates that healthy, active communities should be promoted by "planning and providing for a full range of equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas...". The application proposes improvements to on-site open space and an on-site parkland dedication that will connect the existing park to the east.

The Growth Plan for the Greater Golden Horseshoe (2017) designates this site within the delineated built up area. Section 2.2.2.4 identifies that delineated built up areas as areas to encourage intensification and also identifies that municipalities will identify the appropriate type and scale of development and transition of built form to adjacent areas.

Land Use

This application has been reviewed against the Official Plan policies and Secondary Plan policies described in the Issue Background Section of the Report as well as the policies of the Toronto Official Plan as a whole. Planning staff is satisfied that the proposed residential uses are appropriate for the site. The proposed uses are permitted within the *Apartment Neighbourhoods* of the Official Plan as well as the R2 and R zoning categories in Zoning By-laws 438-86 and 569-2013, respectively.

While significant growth is not anticipated within *Apartment Neighbourhoods*, compatible infill development is permitted. The *Apartment Neighbourhood* policies outline criteria with which to evaluate infill development. The proposed development meets the requirements set out in Section 4.2, Policy 2 of the Official Plan by: limiting shadow impacts on adjacent properties; locating and massing the development to frame the edge of street, Rosehill Avenue, in good proportion; maintaining sunlight and comfortable wind conditions for pedestrians; including sufficient vehicular and bicycle parking; sufficiently screening service areas, ramps and garbage storage areas; providing adequate indoor and outdoor amenity space; and providing ground floor uses that enhance safety, amenity and animation of adjacent streets and open spaces. The proposed development represents an appropriate and efficient use of the subject lands compatible with the surrounding context. The proposal is consistent with the in force Official Plan *Apartment Neighbourhood* policies and the policies in OPA 320

This proposal has been reviewed against the *Apartment Neighbourhood* policies, as well as all of the policies of the Official Plan as a whole.

Height and Density

The Secondary Plan describes a hierarchy of density and scale within the boundary of the Plan. The higher density and scale is to be found at the node at Yonge Street and St. Clair Avenue. The medium density is found within the *Apartment Neighbourhoods* and *Mixed Use Areas* extending from the node west along St. Clair Avenue West to Avenue Road and east along St. Clair Avenue East to David Balfour Park. Lower scale density, described as "main street type" development is then to be found north and south of the node along Yonge Street. The areas outside of these zones are generally *Neighbourhoods*, which are high quality low rise areas. The Urban Design Principles of the Secondary Plan (3.1.1) states that development will be responsive to the urban structure elements of the Yonge-St. Clair area as described.

Heights within the node at Yonge Street and St. Clair Avenue vary. The tallest buildings in this area are approvals for a 37-storey building at 30 Alvin Avenue and a 34-storey building at 1417-1431 Yonge Street. Southeast of the node is the *Apartment Neighbourhood* in which the subject site is located. The tallest buildings in this area are the existing 32- and 31-storey

buildings at 40-60 Pleasant Boulevard and the 29-storey buildings at 7 Jackes Avenue. Staff is satisfied that the proposed 29-storey building fits within the existing and planned height context for the area.

The proposed site density of 5.6 times the area of the lot is within the range of existing and approved densities in the area.

Massing

Tall buildings should be designed to consist of three parts carefully integrated into a single whole, including a base building, middle and top. Tall buildings should address key urban design considerations in the Official Plan, including the built form policies, and site design and general fit within the existing and planned context.

Base Building

The Official Plan states that base buildings shall be massed to support the appropriate scale of adjacent streets, parks and open spaces, and to minimize the impacts of parking and servicing uses.

The base of the proposed building is setback 5 metres from the north lot line, contributing to the pattern of deep and well-landscaped front yards along Rosehill Avenue. The proposed streetwall height of approximately 14 metres, which is 70% of the street right-of-way width of Rosehill Avenue, is well articulated and creates a pedestrian scale.

The ground floor facing Rosehill Avenue is lined with five grade-related residential units, each with its own usable front entrance slightly higher than street level. These townhouse units broaden the range of housing choices, and increase the opportunity for social interaction and natural surveillance. A narrow secondary lobby entrance is also located in the Rosehill Avenue frontage. The remaining sides of the ground floor, not fronting streets, are lined with various indoor amenity spaces and the main residential lobby. The entrance to the underground garage and loading space are integrated into the building mass and located away from the public realm. Upper floors of the base contain many windows from residential units and amenity spaces overlooking the public realm and other open spaces.

Middle Portion of Tower

Planning staff is satisfied with the middle portion of the proposed tower. The Official Plan states that the design, floor plate size and shape of the middle component shall have appropriate dimensions for the site. Towers shall be located and oriented in relation to the base building and adjacent buildings to fit within the existing and planned context.

The Tall Building Design Guidelines identify a maximum floor plate size of 750 square metres. Slender floor plates reduce the impacts the tower poses on surrounding streets, parks, open spaces and properties. When adequately separated, slender floor plates cause smaller shadows, improve access to skyview, permit better views between and through sites and contribute to a more attractive skyline.

The proposed development has a typical floor plate size of 790 square metres. Despite being larger than the average 750 square metre floor plate outlined in the Tall Building Guidelines, the larger floor plate is acceptable in this instance given the proposed separation distances with adjacent towers and the north-south orientation of the rectangular tower. These factors help mitigate the impacts of a larger floor plate by improving views between towers and limiting the shadow impacts of the tower on the surrounding area as described in the Sun/Shadow subsection in this report.

The Tall Building Guidelines outline that a tower should be setback a minimum of 3 metres or more from the base building in order to define the street wall. The tower steps back 3.8 metres above the base building along the Rosehill Avenue street frontage.

Top of the Tower

An appropriate design for the top of a tall building is influenced by many factors, which may include location, height, built form composition, architectural expression, and overall "fit" within the existing context of the city skyline.

The top of the proposed tower is appropriate. The top is a simple design, which suits the overall architecture of the tower and fits within its immediate context. The mechanical penthouse is well designed and integrated into the overall design and massing of the tower.

Sun/Shadow

Planning staff have reviewed the shadow study prepared by Hariri Pontarini Architects, dated July 20, 2017, to assess the shadow impacts of the new tower. Section 4.2, Policy 2(b) of the Official Plan states that new development in *Apartment Neighbourhoods* will be located and massed to adequately limit shadow impacts on adjacent parks and lower scale *Neighbourhoods*, particularly during the spring and fall equinoxes.

During the spring and fall equinoxes, there will be no new shadow impact on any nearby low scale *Neighbourhoods* and almost no shadow impact on David A. Balfour Park, a City-owned park just east of the subject site. At 9:18 AM, the proposed building will cast some shadow on the west side of Yonge Street and both the north and south sides of Rosehill Avenue. At 10:18 AM, the shadow is removed from Yonge Street and moves along Rosehill Avenue and the *Apartment Neighbourhood* properties to the north. The shadow continues moving within the *Apartment Neighbourhood* until 5:18 PM in the spring equinox and 4:18 PM in the fall equinox at which time the proposed tower starts to cast new shadow on David A. Balfour Park, however, a significant amount of the tower's shadow overlaps with the shadow of the 28-storey building (33 Rosehill Avenue). Planning Staff is satisfied that the shadow generated by the proposed development has been adequately limited.

Wind

Planning staff is satisfied with the wind condition resulting from the proposed development, subject to further assessment during the Site Plan Control process for additional mitigation strategies.

The applicant submitted a Pedestrian Level Wind Study prepared by Gradient Wind Engineering Inc., dated February 6, 2018. The study finds that the wind conditions over most grade-level areas within and surrounding the study site will be acceptable for the intended pedestrian uses on a seasonal basis, without the need for mitigation.

To ensure comfortable wind conditions along the walkway to the south of the proposed building, a 2.0 metre tall metal screen will be installed along the west side of the loading area, and a raised planter with dense coniferous plantings will be provided along the walkway. For the adjacent residential lobby entrance, wind conditions will be further improved by the doorway recessed 0.5 metres behind the building façade and surrounded by an architectural "fin" protruding 1.0 metres from the south elevation. These mitigation measures will be secured through the Site Plan Control process and the Section 37 Agreement.

Wind conditions over the outdoor amenity terraces at levels 2 and 29 will be comfortable for sitting during the warmer months, without the need for mitigation.

Traffic Impact, Access, Parking

The Official Plan states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces.

The applicant submitted an Urban Transportation Considerations report, prepared by BA Group, dated November 2016 and updated on July 26, 2017, in support of the application. Transportation Services staff has reviewed the submitted materials and believe that the proposed parking and servicing proposed is generally acceptable and any outstanding details will be finalized through the Site Plan Approval process.

Traffic Impact

In their study, BA Group estimates that there will be a net increase of approximately 32 and 40 two-way vehicular trips during the AM and PM Peak Hours, respectively, as a result of the proposed redevelopment of the site. Given this level of estimated trip generation, the consultant concludes that the proposed development will have minimal traffic impacts at the intersections within the study area. Transportation Services staff has accepted the Transportation Impact Assessment.

Driveway Access and Site Circulation

Vehicular access to the site will continue to be provided via the existing site driveways on Rosehill Avenue and Jackes Avenue. Access to the west surface parking lot, which will be for visitors only, will continue to be provided via the site driveways on Rosehill Avenue and Jackes Avenue.

Access to the underground parking lot will also continue to be provided via the parking ramps on Rosehill Avenue and Jackes Avenue. The existing centre parking ramp located on the internal site road will be relocated north of its current location. The configuration of the underground parking garage will remain largely similar to the existing conditions, although the northwest portion of the garage will be reconfigured as part of the construction of the new building. Transportation Services staff has reviewed the submitted materials and find the proposed vehicular access acceptable.

Vehicle Parking

The application proposes a total of 442 parking spaces, consisting of 351 resident spaces (0.52 spaces/residential unit) and 91 visitor spaces. All but two visitor spaces will be located within a two level underground garage. A total of 66 at-grade and 155 below-grade parking spaces will continue to be available on the TTC leasehold lands at 22 Jackes Avenue.

The Urban Transportation Considerations report, prepared by BA Group, concludes that the proposed parking supply will satisfy the anticipated parking demand generated by this project, based on, parking utilization surveys within the existing garage. Overall, the proposed parking supply and configuration is acceptable to Transportation Services.

Bicycle Parking

As part of the new development, the applicant is required to provide 251 bicycle parking spaces of which 226 are long term (occupant) spaces and 25 are short term (visitor) spaces as per Zoning By-law 569-2013 and Tier 2 of the Toronto Green Standard. The applicant proposes to satisfy bicycle parking space requirements within the new building. The existing 150 bicycle parking spaces will be maintained for the existing apartment buildings.

Loading

A total of one Type G and two Type C loading spaces are proposed to serve this project. This satisfies the requirements of the zoning by-laws. As such, Transportation Services have determined that the proposed loading supply is acceptable.

Servicing

The applicant has submitted Functional Servicing and Stormwater Management Reports, prepared by WSP Group. Engineering and Construction Services staff have reviewed the submitted materials and require further revisions.

Planning Staff is requesting that revised Functional Servicing and Stormwater Management Reports, and arrangements by the owner for the construction of any improvements to municipal infrastructure, if needed, be submitted to the satisfaction of Engineering and Construction Services staff, prior to the issuance of a final LPAT Order.

Tree Protection

The applicant has submitted a report, prepared by WSP Canada Inc., which reviews the existing garage roof slab covering the below-grade parking garage for the existing buildings on the subject site. The report states that the garage roof slab waterproofing membrane is approximately 48 years old and has reached the end of its service life. The report recommends complete replacement of the roof slab waterproofing system within 5-6 years. This work requires the removal of all existing landscaping and trees over the entire roof deck. A Tree Inventory and Preservation Plan Report, prepared by Kuntz Forestry Consulting Inc., dated July 26, 2016, last revised May 10, 2017, has been submitted in support of the application.

The applicant is proposing to remove 42 trees protected under the provisions of the Private Tree By-law, which would require 126 replacement trees to be planted. The landscape plan which accompanies this development proposal indicates that 30 large growing shade trees will be planted on the site in an appropriate growing environment. The shallow soil depths above the parking garage limit the site's soil volumes and the ability to accommodate more trees. As such the applicant is required to provide a cash in lieu payment for the remaining 96 trees.

The applicant is proposing to remove 1 of the 12 City-owned street tree which is protected under the provisions of the City's Street Tree By-law.

The applicant is proposing the retention of the 6 City-owned parkland trees which are protected under the provisions of the City's Parks By-law.

The applicant has submitted a tree removal permit application and completed the public notice process required under the provisions of the city's private tree by-law. Urban Forestry staff is supportive of the proposed tree removal and replanting plan.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application is for the construction of one new high-rise building with the retention of the existing two residential buildings on site. The net site area with the removal of the existing building's footprints is 7,612.5 square metres. The proposed new building has 22,880 square metres of residential gross floor area and 251 residential units.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 3,346.7 square metres or 43.96 % of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use. In total, the parkland dedication requirement is 761.25 square metres.

The applicant proposes to satisfy the parkland dedication requirement in two portions. The first portion would be as a 651 square metre conveyance of existing open space in front of 44 Jackes Avenue to continue to serve as a visual gateway to David A. Balfour Park. The second portion would be a 110 square metre conveyance along the east lot line. While the 110 square metre portion is only a narrow piece of land, it is located to the east of an existing retaining wall on the subject site and would serve as an expansion to the existing David A. Balfour Park. The two portions of land to be conveyed represent some of the only land on the site that is not encumbered by the existing underground garage.

Parks, Forestry and Recreation staff are satisfied with the proposed parkland dedication.

Indoor/Outdoor Amenity Space

The applicant is required to provide a minimum rate of 2.0 square metres per dwelling unit of both indoor and outdoor amenity space as per Zoning By-law 438-86 and Zoning By-law 569-2013.

The proposed building contains 595 square metres of indoor amenity space on floors 1, 2 and 29, and 202 square metres of outdoor amenity space on floors 2 and 29. Indoor amenity spaces provided include: a ground floor lounge, children's homework and workshop rooms, a multi-purpose/fitness area, a yoga/exercise room, two rooftop lounges, and a private dining area.

The existing outdoor swimming pool in the northwest corner of the site will be removed to make way for the new apartment building. The applicant is proposing to replace the swimming pool within a 1-storey 538-square metre amenity pavilion located along the east lot line between two existing apartment buildings to be shared between the 3 buildings. In addition to an indoor swimming pool, the pavilion includes a hot tub, co-ed steam room, change facilities, and multiple lounge spaces. The pavilion also includes an immediate connection with an outdoor patio area and elevator access to a green roof.

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 as follows:

- renovated and expanded fitness room at 44 Jackes Avenue;
- renovated multi-purpose room/party room and lobby at 44 Jackes Avenue;
- renovated lobby at 44 Jackes Avenue;
- new accessible laundry room at 44 Jackes Avenue;
- renovated lobby at 33 Rosehill Avenue; and
- improved and enhanced bicycle storage areas.

While the proposed outdoor amenity space is less than the required 502.0 square metres, residents will have access to approximately 9,000 square metres of shared landscaped open space, and each unit will have exclusive use of its own terrace or balcony.

Planning staff is satisfied with the amount and location of amenity space proposed.

Family-Sized Units

New residential developments are encouraged to provide 10% of the total unit count in the form of 3-bedroom or larger units. The applicant is currently proposing 27 units or 10.8% of the total 251 new residential unit count as 3-bedroom units. A minimum of 10% 3-bedroom units will be secured in the Zoning By-law and Section 37 Agreement.

Rental Housing

The existing rental buildings located at 44 Jackes Avenue and 33 Rosehill Avenue containing 629 rental dwelling units will be retained and the owner will secure the rental tenure of these buildings, with no application for demolition or conversion to condominium or any non-residential rental use, for a period of twenty years. This will be secured through the Section 37 agreement.

The applicant will also provide and secure a new amenity pavilion, an enhanced fitness room at 44 Jackes Avenue, improved bicycle storage and laundry room improvements with no pass-through cost to the existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

Planning staff are satisfied with the applicant's proposed development of the site as it is consistent with the City's rental housing intensification policy.

Construction Mitigation and Tenant Communication Strategy

Planning Staff will continue to work with the applicant to develop an appropriate Construction Mitigation Strategy and Tenant Communication Plan in order to minimize the impacts and disruptions that this redevelopment would have on tenants living within the retained rental dwelling units. Issues that would need to be addressed within these documents include, but are not limited to, the following: noise; dust; vibration; construction hours; access; parking; power/water disruptions; and security/safety.

The Construction Mitigation Strategy and Tenant Communication Plan must to the satisfaction of the Chief Planner and Executive Director, City Planning, secured in one or more agreement with the City and finalized prior to the issuance of any below grade building permit.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 2 of the Toronto Green Standard. Tiers 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 2 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 2 of the TGS. The site specific zoning by-law, and future site plan agreement, will secure performance measures for various Tier 2 development features, including, but not limited to, the following:

- Cycling Infrastructure, such as providing secure bicycle parking on the P1 level; and
- Storage and Collection of Recycling and Organic Waste, such as two waste chutes, one dual sorter for garbage and organic waste and the second dedicated to recycling will be provided.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to section 37 of the *Planning Act*. Section 37 may be used for development, excepting non-profit developments, with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 square metres and/or significantly increases the permitted height. This proposal meets the minimum density threshold for a section 37 contribution.

In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, the City Solicitor will request the Local Planning Appeal Tribunal to withhold the issuance of its final Order until the owner has entered into an agreement with the City to secure community benefits pursuant to section 37 of the *Planning Act*. The community benefits agreed to by the owner to be secured in a section 37 Agreement are as follows:

- i. Prior to the issuance of the first above-grade building permit, the owner shall provide community benefits in the amount of not less than \$3,700,000.00 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, toward any one of more of the following:
 - A. Local area park, open space, or streetscape improvements; and/or
 - B. Community, recreation and/or cultural space improvements in the Ward.
- ii. The required cash contribution pursuant to Paragraph 2.b.i. is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the day the payment is made;

- iii. In the event the cash contributions referred to in Paragraph 2.b.i. above has not been used for the intended purposes within 3 years of the site specific Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- iv. The following matters are also recommended to be secured in the section 37 Agreement as a legal convenience to support development:
 - A. the owner shall provide a minimum of 50 percent of the new residential dwelling units in the development as two-bedroom dwelling units or larger, of which a minimum 10 percent of the new residential dwelling units in the development shall have three or more bedrooms;
 - B. the owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer and Executive Director, Engineering & Construction Services, should it be determined that upgrades to such infrastructure are required to support this development;
 - C. the owner shall provide and maintain the 629 existing dwelling units at 44 Jackes Avenue and 33 Rosehill Avenue as rental housing for the period of at least 20 years, from the date of the Zoning By-law coming into full force and effect;
 - D. the owner shall provide, at its own expense, the following amenities, at no extra cost to the existing tenants of the Site, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:
 - 1. construct the new amenity pavilion with an indoor pool, hot tub, steam room and change areas, substantially in accordance with the Architectural Plans dated February 20, 2018 prior to the issuance of the First Above-Grade Building Permit for the proposed development of the new residential building and, in the event that the existing outdoor pool is removed prior to the construction of the new amenity pavilion, the owner agrees that it will be for a maximum of one summer season and that the owner shall make available swimming pool passes to existing tenants for such summer season at a local community pool;

2. renovate and expand the existing fitness room located at 44 Jackes Avenue as illustrated in the Architectural Plans dated February 20, 2018 prior to the issuance of the first above grade building permit for the proposed development of the new residential building;
 3. renovate the existing multi-purpose room/party room and lobby at 44 Jackes Avenue and renovate the existing lobby at 33 Rosehill Avenue as illustrated in the Architectural Plans dated February 20, 2018 prior to the issuance of the first above grade building permit for the proposed development of the new residential building;
5. improve and enhance existing bicycle storage areas substantially in accordance with the Architectural Plans dated February 20, 2018;
- E. the owner shall develop a Construction Mitigation Plan prior to the issuance of the first below grade building permit for the proposed development of the site to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;
 - F. the owner shall develop a Tenant Communication Plan prior to the issuance of the first below grade building permit for the proposed development of the site to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - G. the owner shall implement any wind mitigation measures identified in the required wind studies for the project to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - H. the owner has withdrawn their site specific appeal to the Local Planning Appeal Tribunal of Official Plan Amendment No. 320.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), and the Toronto Official Plan. Staff is of the opinion that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to *Apartment Neighbourhoods* and the Yonge-St. Clair Secondary Plan. Staff worked with the applicant and the community to address and resolve the following key concerns: tower separation, setbacks, and an on-site parkland dedication.

As such, Planning staff recommends that Council direct the City Solicitor, together with appropriate City staff, to support the proposal at the Local Planning Appeal Tribunal.

CONTACT

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

SIGNATURE

Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: North Elevation
Attachment 4: South Elevation
Attachment 5: East Elevation
Attachment 6: West Elevation
Attachment 7: Context Plan
Attachment 8: Official Plan Map
Attachment 9: Existing Zoning By-law Map
Attachment 10: Parkland Conditions

Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	16 255319 STE 22 OZ
		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: New 29-storey infill apartment building with 251 dwelling units.

Applicant:	Agent:	Architect:	Owner:
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

Project Information

Site Area (sq. m):	12,656.5	Height:	Storeys:	29
Frontage (m):	107		Metres:	92.95
Depth (m):	119			
Total Ground Floor Area (sq. m):	3,541.5			Total
Site Res. GFA (sq. m):	71,153.0		Parking Spaces:	442
New Building Res. GFA (sq. m):	22,880.0		Loading Docks	3
Total GFA (sq. m):	71,153.0			
Lot Coverage Ratio (%):	28			
Site Floor Space Index:	5.63			
New Building Floor Space Index:	1.81			

Dwelling Units

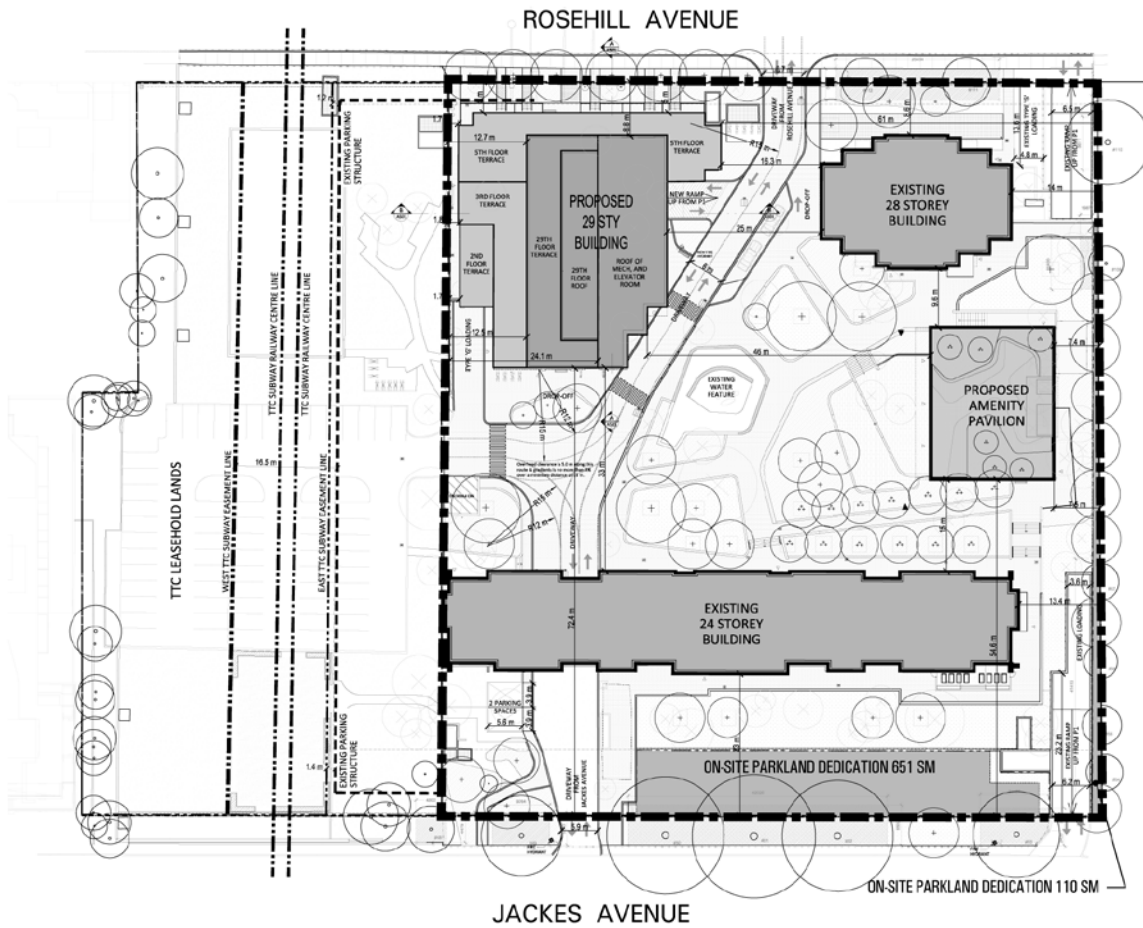
Tenure Type:	Rental
1 Bedroom:	118
2 Bedroom:	106
3 + Bedroom:	27
Total Units In New Building:	251
Total Units On Site:	880

Floor Area Breakdown (Upon Project Completion)

		Above Grade	Below Grade
Site Res. GFA (sq. m):	71,153.0		0
New Res. GFA (sq. m):	22,880.0		0

Contact:	Planner Name:	Kevin Friedrich, Planner
	Email:	Kevin.Friedrich@Toronto.ca
	Telephone:	(416) 338-5740

Attachment 2: Site Plan



Site Plan

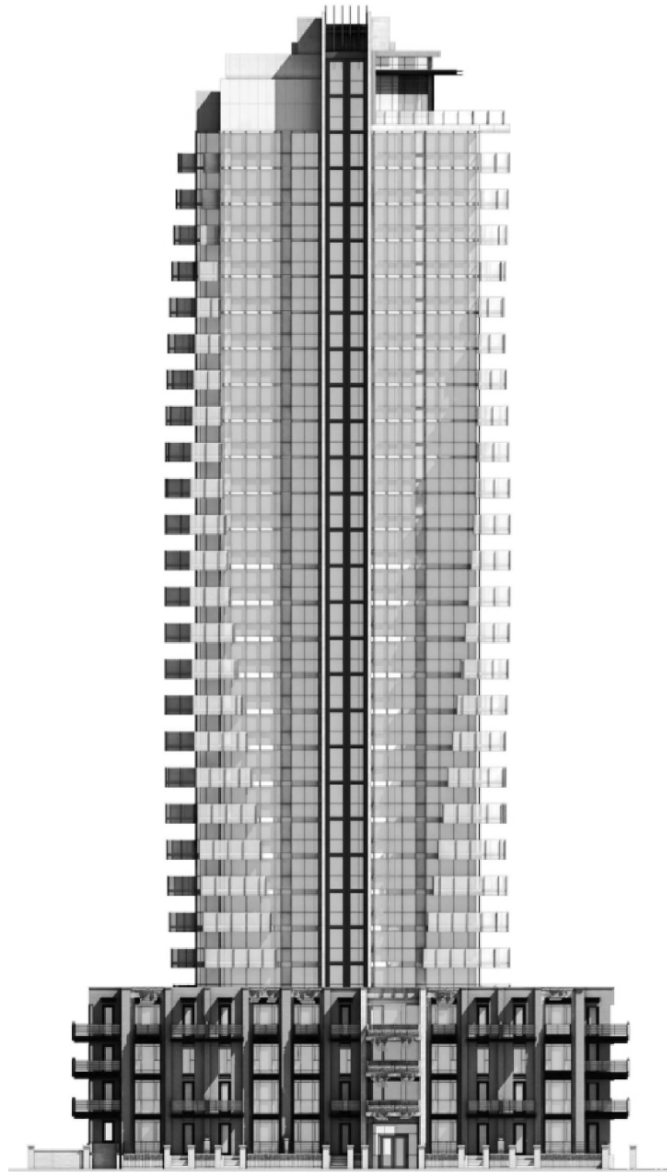
44 Jackes Avenue and 33 Rosehill Avenue

Applicant's Submitted Drawing

Not to Scale 04/12/2018

File # 16 255319 STE 27 0Z

Attachment 3: North Elevation



North Elevation

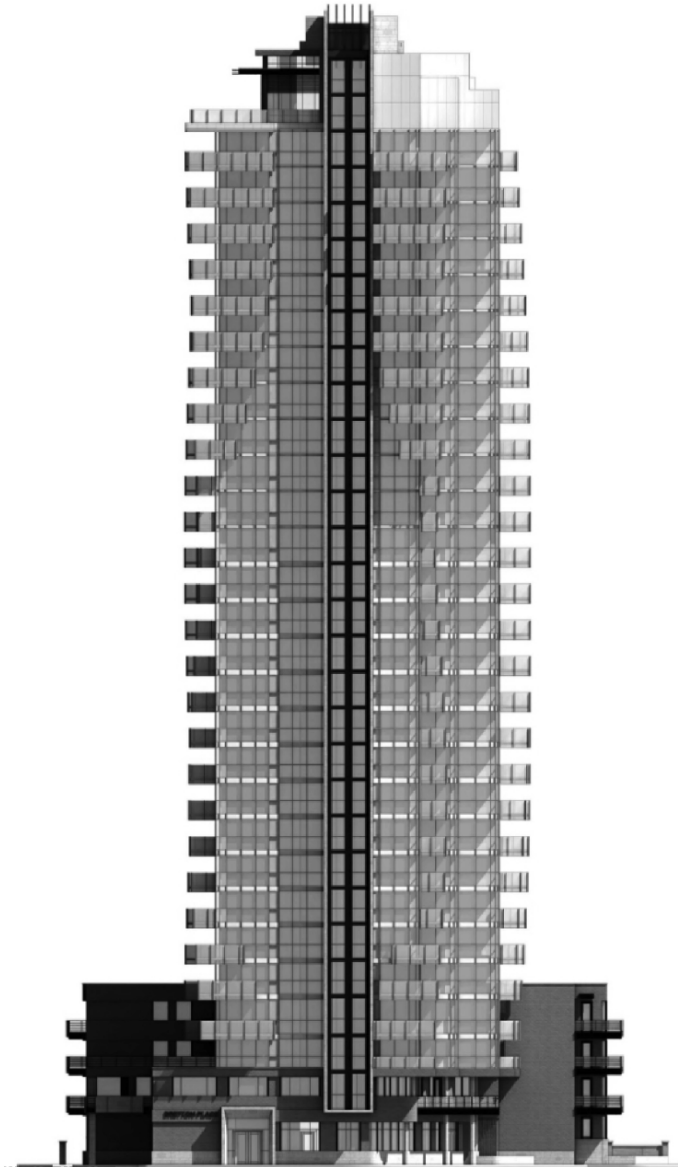
44 Jackes Avenue and 33 Rosehill Avenue

Applicant's Submitted Drawing

Not to Scale
03/26/2018

File # 16 255319 STE 27 0Z

Attachment 4: South Elevation



South Elevation

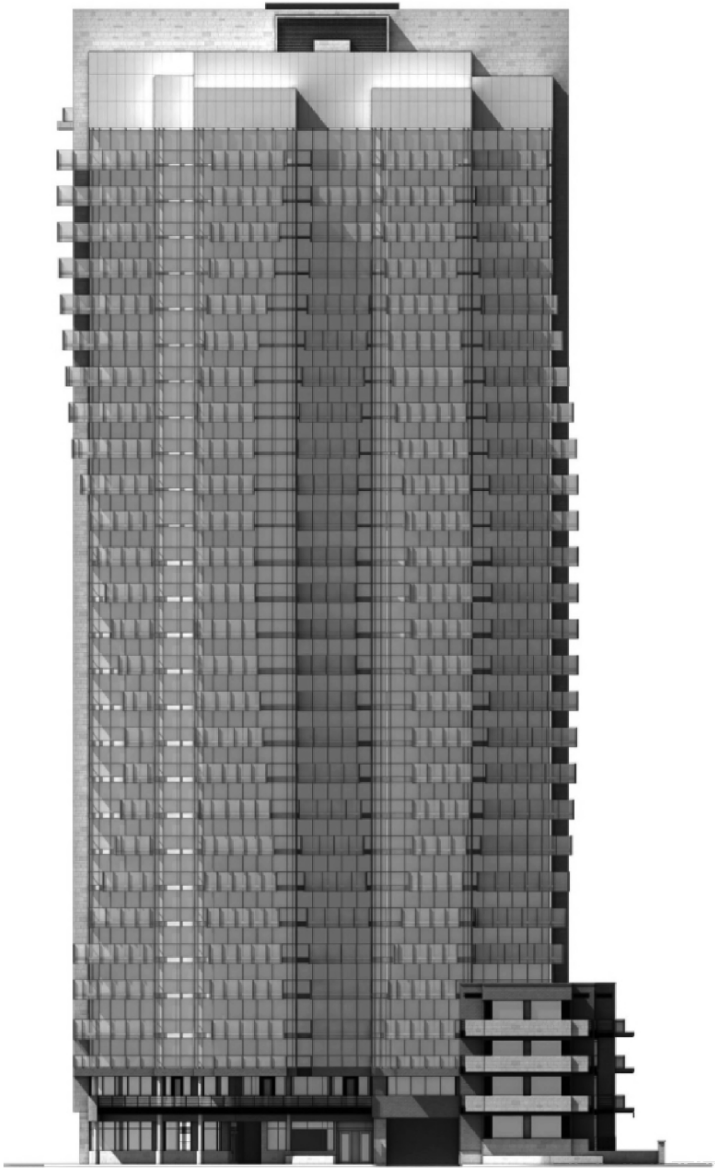
44 Jackes Avenue and 33 Rosehill Avenue

Applicant's Submitted Drawing

Not to Scale
03/26/2018

File # 16 255319 STE 27 0Z

Attachment 5: East Elevation



East Elevation

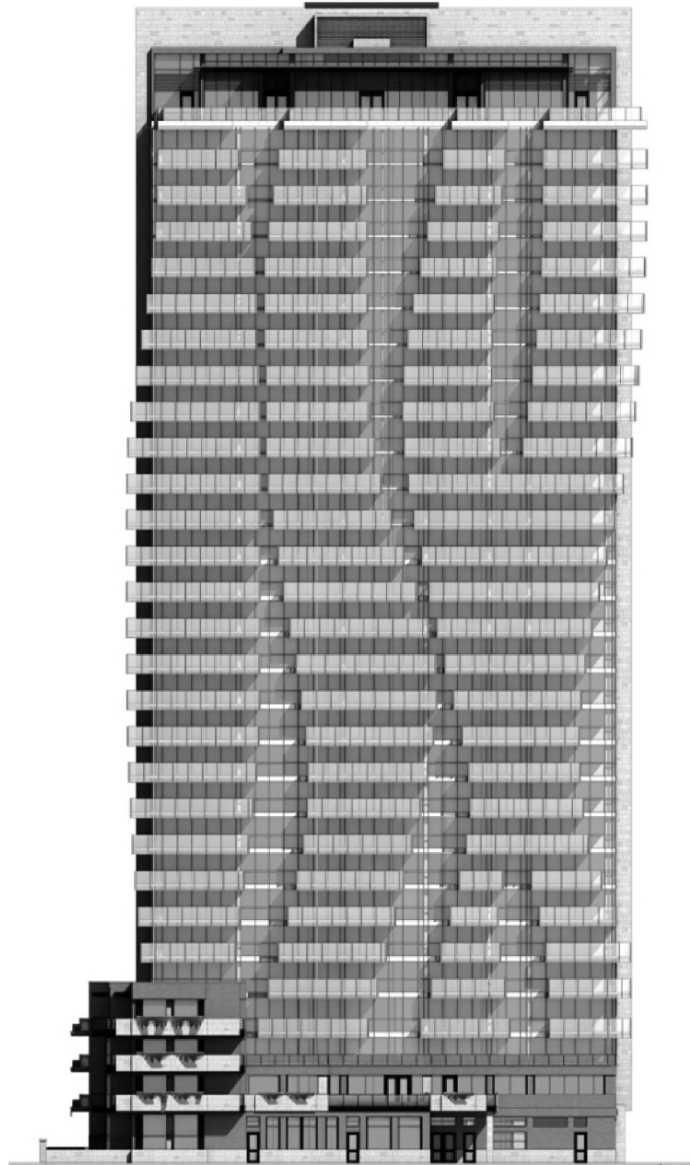
44 Jackes Avenue and 33 Rosehill Avenue

Applicant's Submitted Drawing

Not to Scale
03/26/2018

File # 16 255319 STE 27 0Z

Attachment 6: West Elevation



West Elevation

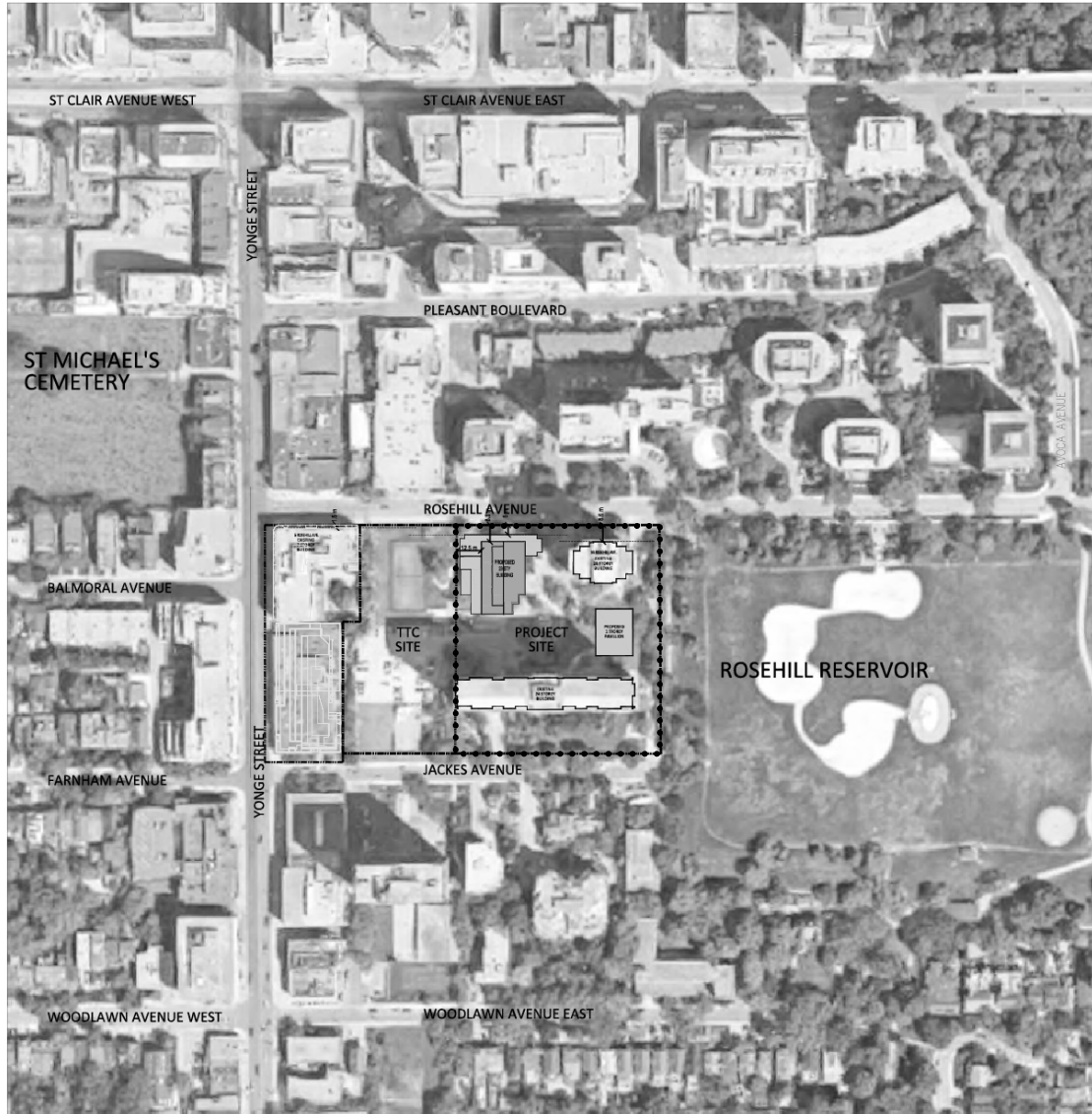
44 Jackes Avenue and 33 Rosehill Avenue

Applicant's Submitted Drawing

Not to Scale
03/26/2018

File # 16 255319 STE 27 OZ

Attachment 7: Context Plan



Context Plan

44 Jackes Avenue and 33 Rosehill Avenue

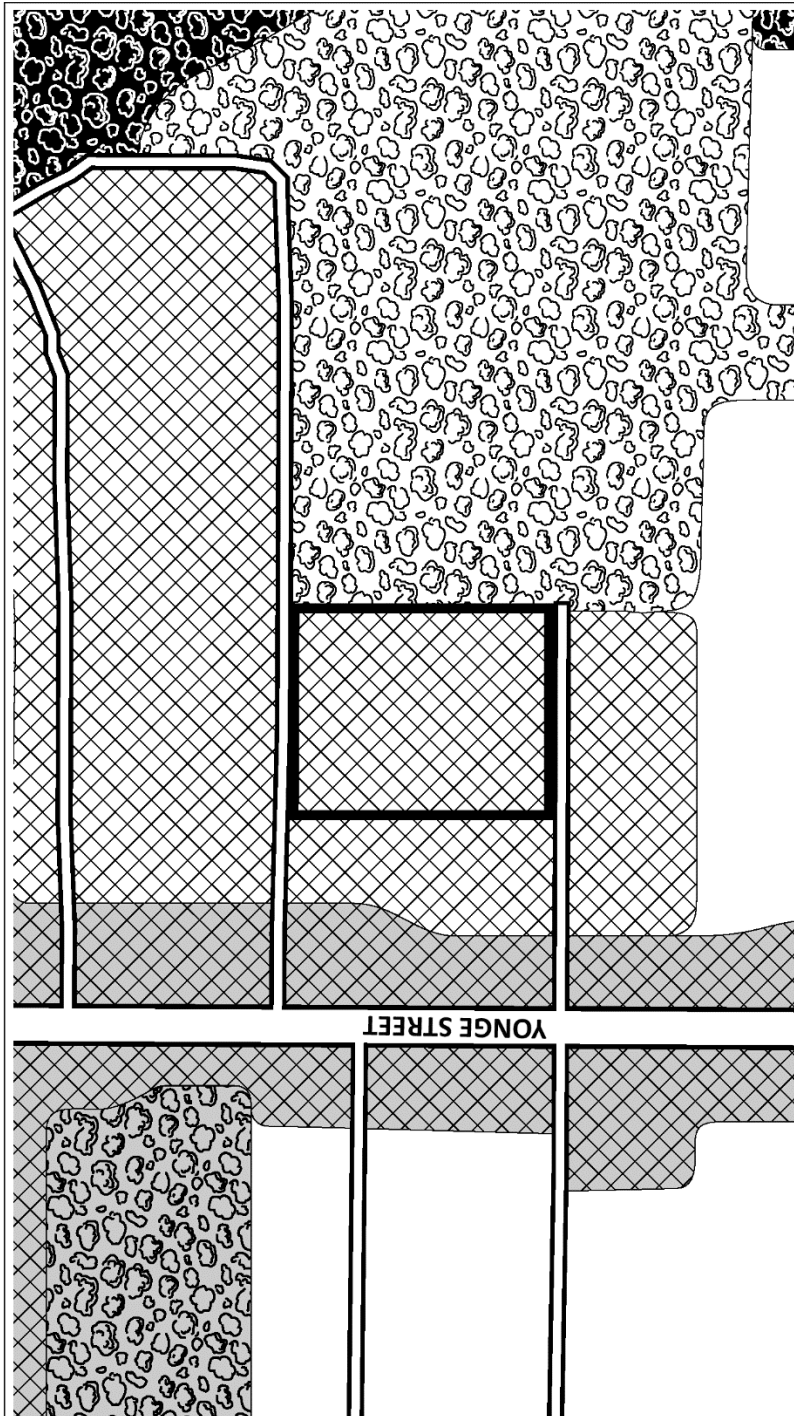
Applicant's Submitted Drawing

Not to Scale
03/26/2018



File # 16 255319 STE 27 OZ

Attachment 8: Official Plan Map



Extract from Official Plan

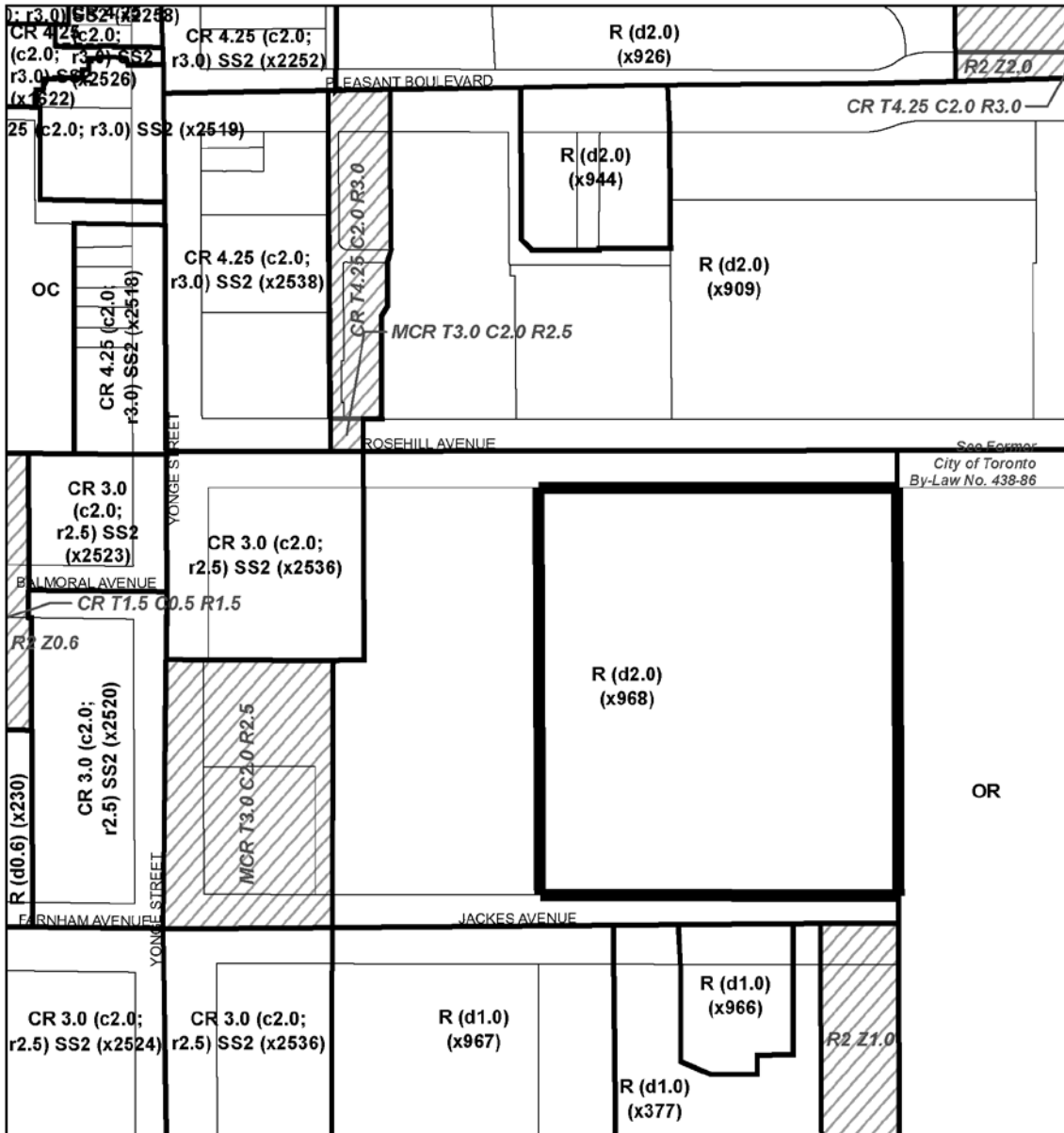
44 Jackes Avenue and 33 Rosehill Avenue

File # 16 255319 STE 22 02

- Site Location
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Parks & Open Space Areas
 - Natural Areas
 - Parks
 - Other Open Space Areas
- Institutional Areas
- Regeneration Areas
- Employment Areas
- Utility Corridors

↑
Not to Scale
02/21/2017

Attachment 9: Existing Zoning By-law Map



44 Jackes Avenue and 33 Rosehill Avenue

Zoning By-Law No. 569-2013

File # 16 255319 STE 22 0Z

- Location of Application
- R Residential
- CR Commercial Residential
- OR Open Space Recreation
- OC Open Space Cemetery

- See Former City of Toronto By-Law No. 438-86
- R2 Residential District
- CR Mixed-Use District
- MCR Mixed-Use District

Not to Scale
 Extracted: 02/21/2017

Attachment 10: Parkland Conditions

Recommended Conditions of Approval:

Parkland Dedication

1. The Owner will be required to convey the 761 m² portion of the development site for public parkland purposes. The land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation (PFR).
2. The Owner is required to convey the parkland to the City prior to the issuance of the first above grade building permit for the development.
3. The Owner is to pay for the costs of the preparation and registration of all relevant documents. The Owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.

Environmental Assessment

4. Prior to conveying the parkland to the City, the Owner must:
 - 4.1 Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director, Engineering & Construction Services and copy to the General Manager, PF&R. (see the Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the *Planning Act* adopted by City Council on February 10 and 11, 2015);
 - 4.2 Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%), and submit an initial deposit of \$8,000.00 towards the cost of the Peer Review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);

- 4.3 Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director, Engineering & Construction Services;
- 4.4 At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, Engineering & Construction Services for peer review and concurrence, which states:
- 4.4.1 In the opinion of the Qualified Person:
- 4.4.1.1 It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and
- 4.4.1.2 To the extent that the opinion in 4.4.1.1 is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.
- 4.4.2 Land to be conveyed to the City meets either:
- 4.4.2.1 the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9; subject to applicable exemptions as stated in O. Reg 153/04) for the most environmentally sensitive adjacent land use; or
- 4.4.2.2 the Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.
- 4.5 The Qualified Person's statement, referenced in condition 4.1 above, will include a Reliance Letter that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04

requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services.

- 4.6 For conveyance of lands requiring a Record of Site Condition (RSC):
 - 4.6.1 File the Record of Site Condition (RSC) on the Ontario Environmental Site Registry; and
 - 4.6.2 Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Executive Director, Engineering & Construction Services and to the General Manager, PF&R.

Park Construction

Base Park Improvements

- 5. The Owner, at their expense, will be responsible for the base construction and installation of the parkland. The Base Park Improvements include the following with adjustments to the satisfaction of Parks, Forestry and Recreation, given the existing trees and grading on the lands are to be conveyed for parkland purposes:
 - (a) grading inclusive of topsoil supply and placement, minimum of 150 mm depth;
 - (b) sodding #1 nursery grade or equivalent value of other approved park development;
 - (c) fencing, where deemed necessary to the satisfaction of PF&R;
 - (d) drainage systems, including connections to the municipal services as required;
 - (e) electrical and water connections (minimum 50 mm) to street line including backflow preventers, shut off valves, water and hydro chambers, including meters;

- (f) street trees along all public road allowances which abut future City-owned parkland;
 - (g) standard park sign (separate certified cheque required); and
 - (h) demolition, removal and disposal of all existing materials, buildings and foundations.
6. All work is to be completed to the satisfaction of the General Manager, PF&R.
 7. Prior to the issuance of the first above grade building permit, the Owner shall submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, PF&R.
 8. Prior to issuance of the first above grade building permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, PF&R. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
 9. The construction of the Base Park Improvements to the park block shall be completed within two years after the issuance of the first above grade building permit to the satisfaction of the General Manager, PF&R. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, PF&R when determining a revised delivery date for the park block.
 10. Should the Owner undertake Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain a Park Occupation Permit (POP) from PF&R's Planning, Design and Development section. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PF&R. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

Temporary Fencing

11. Prior to conveyance of the parkland, the Owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.

Parkland Grading and Drainage

12. The Owner shall ensure that the grading and drainage of the adjacent development blocks are compatible with the grades of the parkland to the satisfaction of the General Manager, PF&R.
13. The Owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.

Credit against DC's for Above Base Park Improvements

14. The Owner agrees to design and construct the Above Base Park Improvements to the new park which will have a maximum cost equal to or less than the amount of the development charge credit against Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, PF&R. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, PF&R, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The Owner is required to submit a design and cost estimate to be approved by the General Manager, PF&R, and a letter of credit equal to 120% of the Parks and Recreation Development Charges payable for the development. The design, cost estimate and ultimately the letter of credit will be required prior to the issuance of the first above grade building permit.

Above Base Park Improvements

15. The Owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, PF&R. Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism etc. Final design and programming of the parkland shall be at the discretion of the General Manager, PF&R.
16. Prior to the issuance of the first above grade building permit for the development of the site, the Owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park improvements for review and approval by the General Manager, PF&R.
17. The construction of Above Park Improvements to the park block shall be completed within two years after the issuance of the first above grade building permit to the satisfaction of the General Manager, PF&R. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into

consideration and at the discretion of the General Manager, PF&R when determining a revised delivery date for the park block.

18. Should the Owner undertake Above Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain a Park Occupation Permit (POP) from PF&R's Park Supervisor for that Ward. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PF&R. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

Warranty

19. The Owner, upon satisfactory completion of the construction and installation of the Base and Above Base Park Improvements shall be required to guarantee such work and associated materials. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, PF&R be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.
20. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the Owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, Parks, Forestry & Recreation (PF&R).
21. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to PF&R. A complete set of "as built" plans shall be provided electronically on CD in PDF format and in a georeferenced AutoCAD file, in addition to two (2) sets full size bond hard copy the General Manager, PF&R. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted with written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.
22. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to PF&R.