

49 Jackes Avenue – Official Plan and Zoning By-law Amendment Application – Preliminary Report

Date: January 22, 2021

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: University-Rosedale - 11

Planning Application Number: 20 226916 STE 11 OZ

Current Use on Site: A three storey office building in a house-form building with surface parking fronting Jackes Avenue.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the development application for 49 Jackes Avenue. The application proposes a 29-storey residential building with 217 dwelling units, including four two-storey townhouses facing David A. Balfour Park. The proposal is not acceptable, the tower is too tall, and does not provide appropriate tower setbacks, separation distances, and transition to adjacent Neighbourhoods to the south and the Park to the east.

The application has been circulated to all appropriate agencies and City divisions for comment. City Planning staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Planning staff schedule a community consultation meeting for the development application for 49 Jackes Avenue together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

DECISION HISTORY

At its meeting on January 29, 2020, City Council requested the Director, Community Planning, Toronto and East York District to study the *Apartment Neighbourhoods* designated lands to the northwest and southeast of the Yonge Street and St. Clair Avenue intersection and to report back to the Toronto and East York Community

Council with a Planning Framework providing guidance on managing development pressures no later than the fourth quarter of 2020. The subject site is located within the study area.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year, or in future years.

THE APPLICATION

Complete Application Submission Date: This application has not been deemed complete. An Incomplete Notice of Application was sent to the Applicant on January 12, 2021. A Block Context Plan is required in order to consider the application complete.

Description

This application proposes a 29-storey (93.5 metres plus mechanical) residential building with a two-storey base building containing townhouses facing David A. Balfour Park. A total of 217 dwelling units are proposed, with 48 residential and 7 visitor vehicular parking spaces proposed in a four-level underground parking garage. The proposed density is 12.5 times the area of the lot.

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1, 3 and 6 of this report, for a three dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet, respectively. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

Reason for the Application

The Zoning By-law Amendment Application proposes to amend Zoning By-laws 438-86 and 569-2013 to vary performance standards including: building height; building setbacks; floor space index; amenity space and parking space requirements. Additional amendments to the Zoning By-law may be identified as part of the application review.

The Official Plan Amendment Application is proposed to permit a tall building on the site, whereas the Yonge-St. Clair Secondary Plan permits a maximum height of 12 metres on this site.

POLICY CONSIDERATIONS/PLANNING FRAMEWORK

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy-led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable provincial plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan"). The PPS and all provincial plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") came into effect on August 28, 2020. The Growth Plan continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 GGH 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.

Planning for Major Transit Station Areas

The Growth Plan as amended contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSAs") along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed densities.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan (the "Official Plan") is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario (the "*Planning Act*"). The PPS recognizes the Official Plan as the most important document for its implementation.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship.

The Official Plan also provides for the use of Section 37 of the *Planning Act* to pass bylaws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities and local improvements.

The site is designated *Apartment Neighbourhoods* on Land Use Map 17. To the east of the site is designated *Parks*, and to the south is designated *Neighbourhoods*.

See Attachment 4 of this report for the Official Plan Land Use Map.

The Toronto Official Plan can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/official-plan/>

Official Plan Amendment 479 and 480 – Public Realm and Built Form Official Plan Policies

On September 21, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

Yonge and St. Clair Secondary Plan

The site is subject to the Yonge and St. Clair Secondary Plan including Site and Area Specific Policies No. 4 and 7. The purpose of the Secondary Plan is, in part, to:

- protect, promote and enhance the existing type and quality of *Neighbourhoods* and *Apartment Neighbourhoods* and maintain their stability;
- retain, protect and enhance the special physical character and public spaces of the Yonge-St. Clair Secondary Plan area; and
- ensure that new development meets high urban design standards which contribute to achieving public areas which are attractive, inviting, comfortable and safe.
- The Secondary Plan contains Urban Design Principles for Built Form and Public Amenity relevant to this proposal, including:
- Achieving a harmonious relationship to the built form context through building height, massing, setback, step backs, roof line and profile, architectural expression and vehicle access and loading; and
- providing high quality, co-ordinated streetscape and open space improvements.

Site and Area Specific Policy No. 4 states that any redevelopment of the site must:

- a) be no more than 12 metres in height;
- b) preserve the historically and architecturally significant Laidlaw House, including views of the House from Jackes Avenue; and
- c) be designed so as to:
 - i. maintain sunlight on the park;
 - ii. respect and, to the extent possible, preserve sky views and an appropriate separation from residences in the building known municipally in 1999 as 33 Jackes Avenue; and
 - iii. be compatible with the walkway immediately east of 49 Jackes Avenue.

Site and Area Specific Policy No. 7 states that the site is in an area of transition between the high-rise buildings on the north side of Jackes Avenue and the lands designated as *Neighbourhoods* to the south. Development will provide a transition in scale, stepping down to the low-scale residential buildings that front onto Woodlawn Avenue.

The Yonge-St. Clair Secondary Plan can be found here: <https://www.toronto.ca/wp-content/uploads/2019/02/9411-CityPlanning-2019-da-cp-official-plan-SP-6-YongeStClair.pdf>

Yonge-St. Clair Planning Framework & *Apartment Neighbourhoods*

City Council endorsed the Yonge-St. Clair Planning Framework at its meeting on January 29, 2020. The Planning Framework generally applies to properties within the *Mixed Use Areas 'A' and 'B'* in the Yonge-St. Clair Secondary Plan near the intersection of Yonge Street and St. Clair Avenue. The Framework provides direction on how to

accommodate changes to the existing built form while maintaining and creating new important public realm areas that support the livability of this mixed-use neighbourhood.

City Council has directed City Planning to build on the Yonge-St. Clair Planning Framework and conduct a study of the *Apartment Neighbourhoods* designated lands to the northwest and southeast of the Yonge-St. Clair intersection. The subject site falls within the new study area.

Heritage

The subject site is adjacent to a property on Heritage Register. Robert Laidlaw House, constructed in 1978, is located west of the site at 35 Jackes Avenue.

Zoning By-laws

The site is not currently zoned under Zoning By-law 569-2013. Under Zoning By-law 438-86, the site is zoned Residential (R2 Z1.0), with a density of 2 times the area of the lot and a height limit of 11.0 metres.

See Attachment 5 of this report for the existing Zoning By-law Map.

Urban Forestry/Environment

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Tall Building Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities; and
- Pet Friendly Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/>

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 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial application. TGS Version 3.0 applies new applications submitted on or after May 1, 2018.

The TGS can be found here: <https://www.toronto.ca/city-government/planningdevelopment/official-plan-guidelines/toronto-green-standard/tier-1-planning-applicationrequirements/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted to date.

COMMENTS

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Revisions may be required to ensure that the proposed development conforms with the Official Plan, conforms with the Growth Plan, and is consistent with the PPS.

Official Plan Conformity

The application looks to amend the Official Plan. Staff will review and assess the appropriateness of the proposal to ensure that it meets the objectives of the Yonge-St. Clair Secondary Plan and other relevant policies in the Official Plan.

Built Form, Planned and Built Context

Staff will assess the suitability and appropriateness of the proposed height, massing, and other built form issues based on Section 2 (d), (p), (q) and (r) of the *Planning Act*; the PPS; the Growth Plan; the City's Official Plan policies; Yonge-St. Clair Secondary Plan; and the City's Design Guidelines.

The following preliminary issues have been identified:

- Site is too small to accommodate a tall building with appropriate tower setbacks and separation distances;
- Proposed tower is too tall and does not meet the policies of the Yonge-St. Clair Secondary Plan, which require that any redevelopment of this site be no more than 12 metres in height;

- Suitability of the proposed density, and massing, including setbacks and step backs, in relation to the area's existing and planned built form and scale;
- Appropriate transition in scale, between the high-rise buildings on the north side of Jackes Avenue down to the low-scale residential buildings to the south that front onto Woodlawn Avenue;
- Appropriate transition in scale to David A. Balfour Park;
- Appropriate tower separation distance from the existing building at 33 Jackes Avenue;
- Shadow impact on David A. Balfour Park;
- Parkland Dedication under Section 42 of the Planning Act is being evaluated;
- Pedestrian level wind conditions along Jackes Avenue, David A. Balfour Park, and surrounding properties. A Pedestrian Wind Assessment was submitted and is currently under review by City staff.

Heritage

Heritage Planning staff are reviewing the Heritage Impact Assessment and proposed drawings provided by the applicant, and will evaluate the heritage value of 49 Jackes Avenue. Staff will also assess the proposed buildings impact on the adjacent heritage building at 35 Jackes Avenue.

Shadow

The proposed building results in shadows on adjacent David A. Balfour Park, and the Jackes Avenue public realm. City Planning staff will continue to assess whether the shadow impacts of the proposal have been adequately limited.

Toronto Green Standard

City Planning staff will review the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Staff will encourage the applicant to pursue Tier 2, 3 or 4.

Additional Issues

The application has been circulated to City divisions and public agencies for comment. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

NEXT STEPS

City Planning staff will host a Community Consultation Meeting.

City staff will work to resolve the issues raised in this report and additional issues that may be identified by staff and the public. Staff will report back at the appropriate time in the review of the application. If a Final Report is prepared, then the report will proceed

to the Toronto and East York Community Council meeting which will serve as the Statutory Public Meeting as required by the *Planning Act* before being considered at City Council for a decision.

CONTACT

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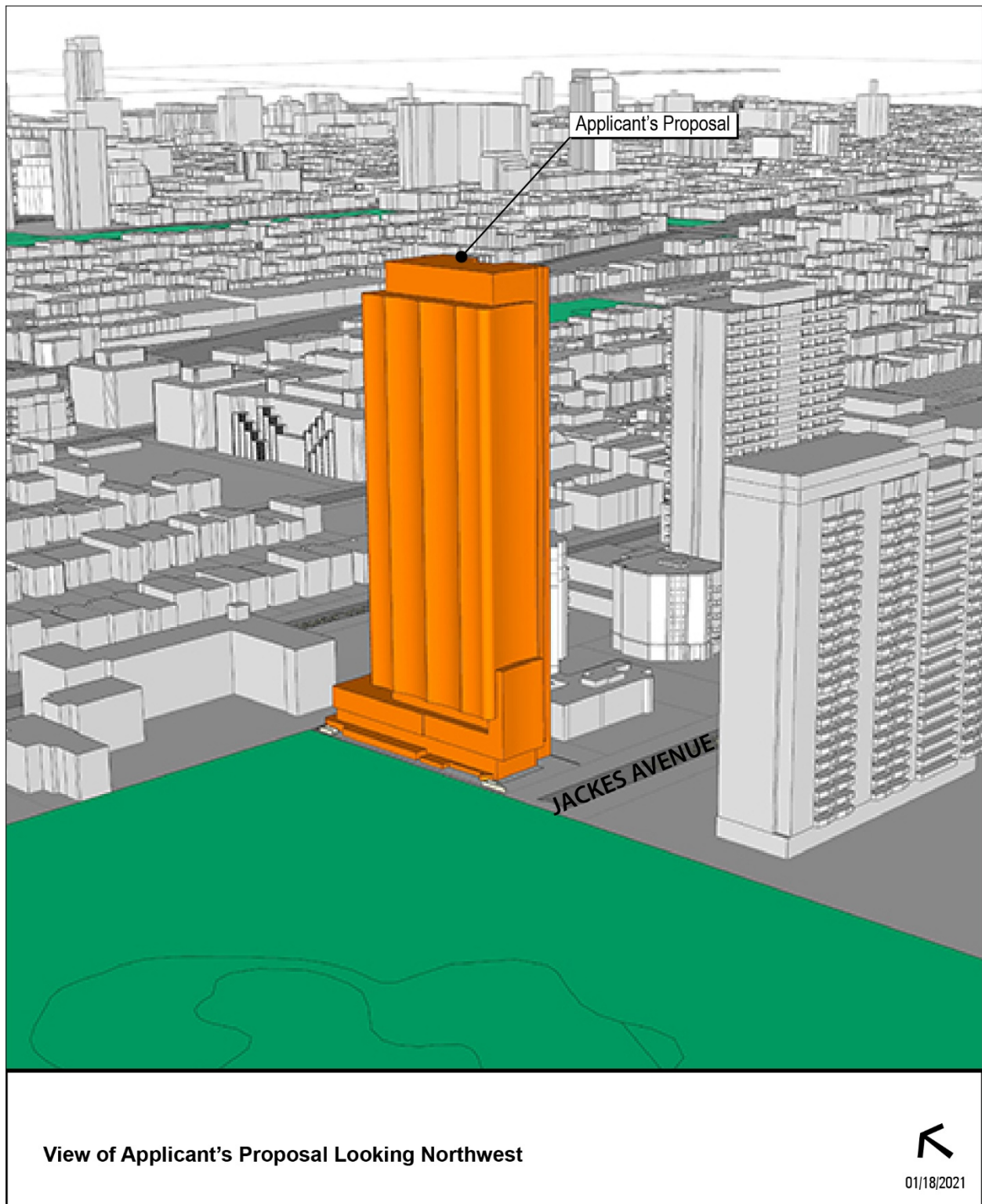
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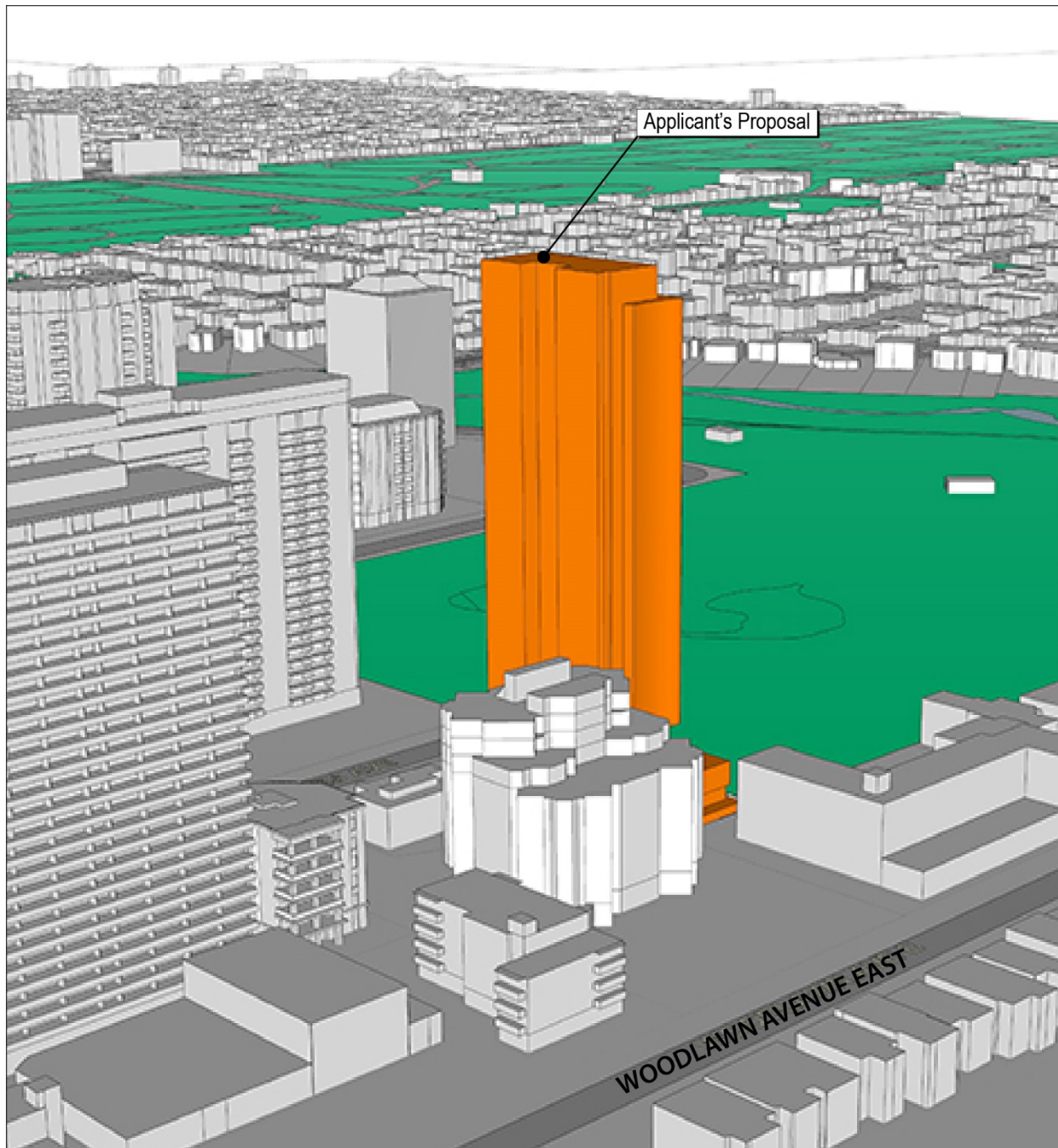
Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: 3D Model of Proposal in Context
Attachment 2: Location Map
Attachment 3: Site Plan
Attachment 4: Official Plan Map
Attachment 5: Zoning By-law Map
Attachment 6: Application Data Sheet

Attachment 1: 3D Model of Proposal in Context





View of Applicant's Proposal Looking Southwest

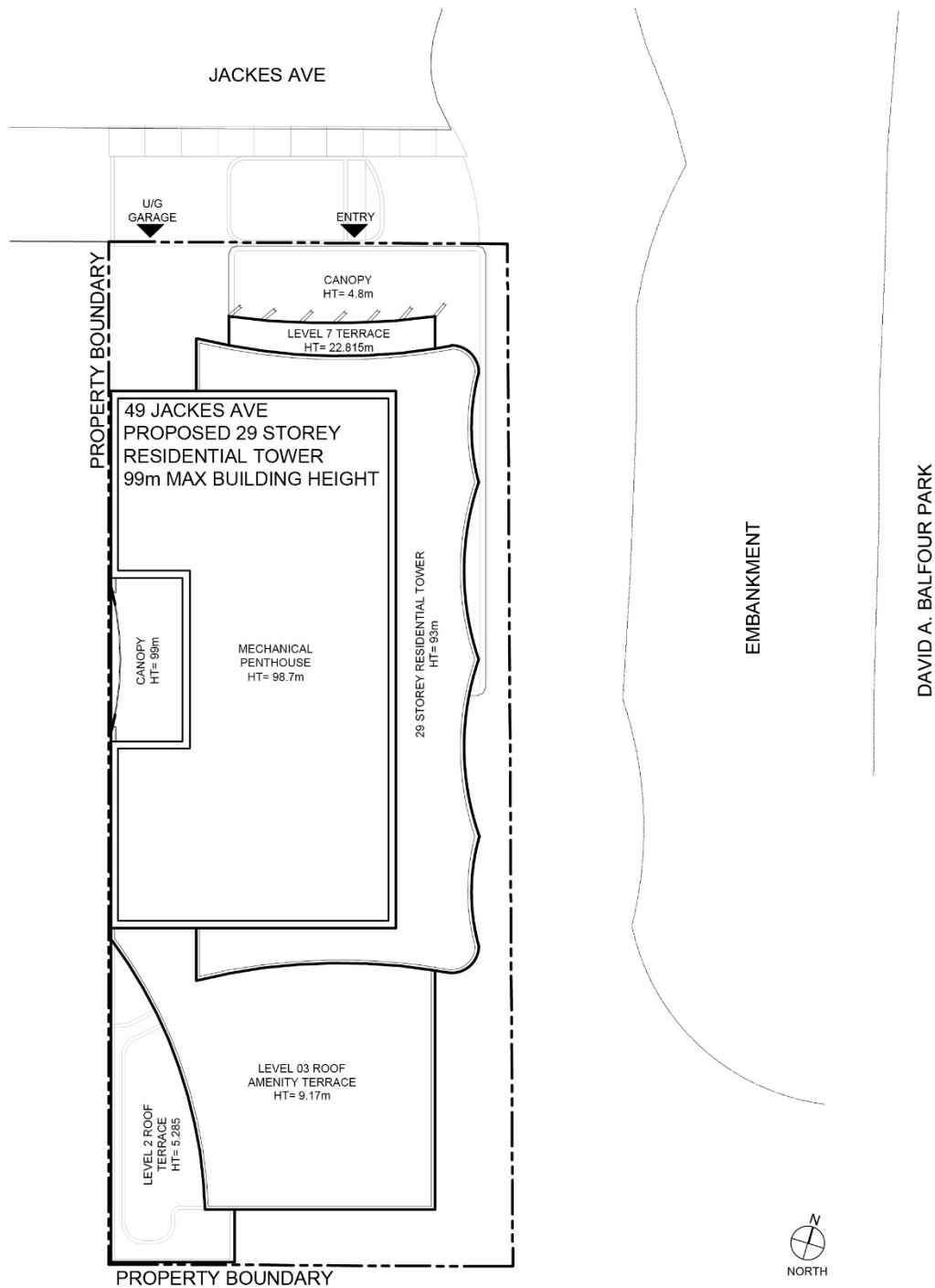


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Attachment 2: Location Map



Attachment 3: Site Plan



Site Plan



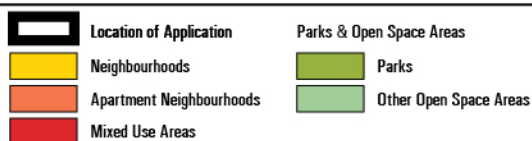
Attachment 4: Official Plan Map




Official Plan Land Use Map #17

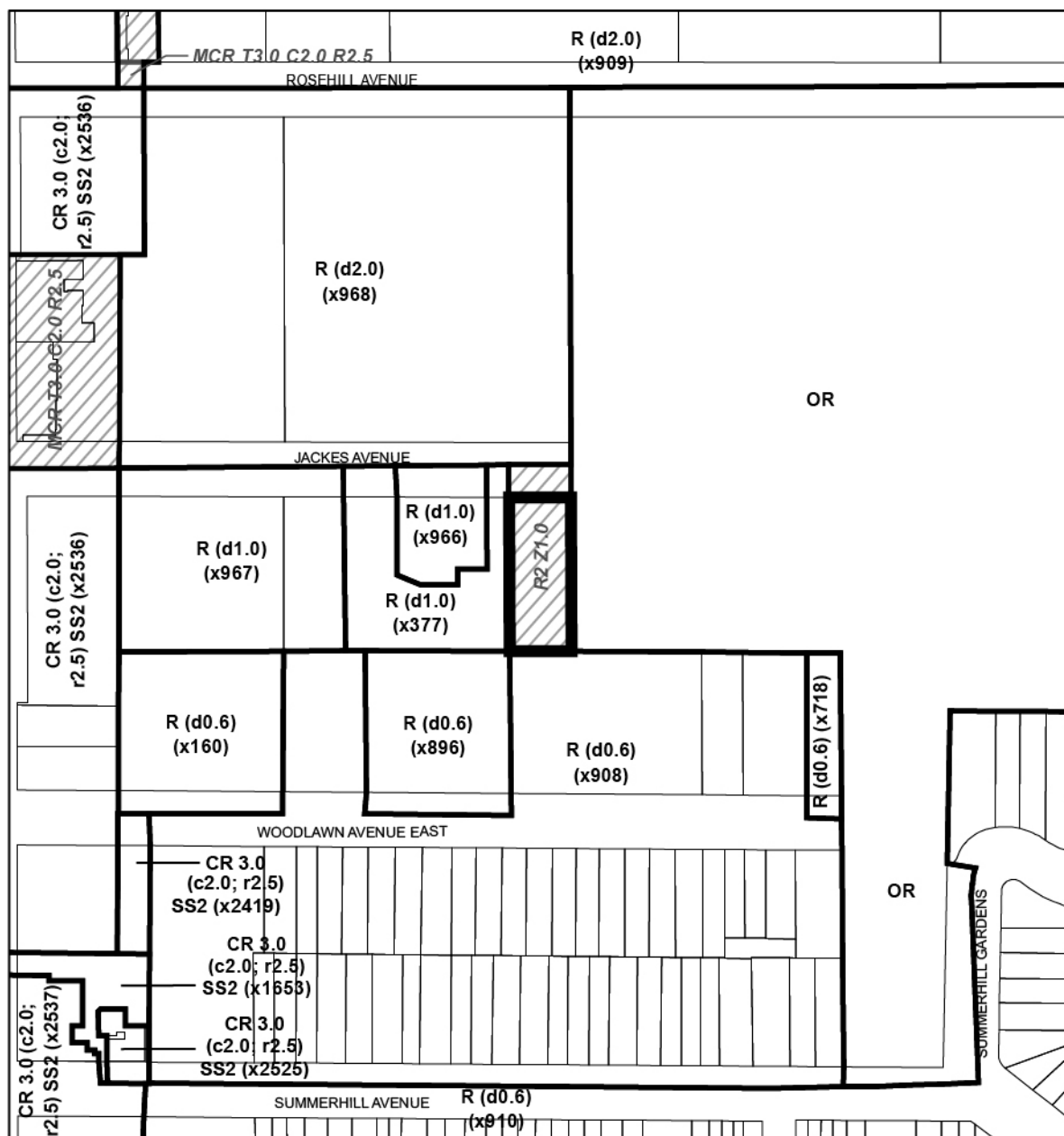
49 Jackes Avenue

File # 20 226916 STE 11 02




 Not to Scale
 Extracted: 01/08/2021

Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

49 Jackes Avenue

File # 20 226916 STE 11 02



Location of Application

R Residential CR Commercial Residential
OR Open Space Recreation



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: 01/08/2021

Attachment 6: Application Data Sheet

Municipal Address: 49 Jackes Avenue **Date Received:** December 8, 2020

Application Number: 20 226916 STE 11 OZ

Application Type: OPA/Rezoning

Project Description: 29-storey residential tower development.

Applicant	Agent	Architect	Owner
Lifetime Jackes Inc., 49 Jackes Avenue Suite 200, Toronto, ON M4T 1E2	Lifetime Jackes Inc., 49 Jackes Avenue Suite 200, Toronto, ON M4T 1E2	Hariri Pontarini Architects, 235 Carlaw Avenue, Suite 301, Toronto, ON M4M 2S1	Lifetime Jackes Inc., 49 Jackes Avenue Suite 200, Toronto, ON M4T 1E2

EXISTING PLANNING CONTROLS

Official Plan Designation:	<i>Mixed Use Areas</i>	Site Specific Provision: Yonge-St. Clair Secondary Plan
Zoning:	R2 Z1.0	Heritage Designation:
Height Limit (m):	11	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,246 Frontage (m): 22 Depth (m): 56

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	677		841	841
Residential GFA (sq m):			15,578	15,578
Non-Residential GFA (sq m):				
Total GFA (sq m):			15,577	15,577
Height - Storeys:	3		29	29
Height - Metres:	12		99	99

Lot Coverage Ratio (%): 67.49 **Floor Space Index:** 12.5

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	15,577	
Retail GFA:		
Office GFA:		

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
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Rental:

Freehold:

Condominium:			217	217
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Other:

Total Units:			217	217
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Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			104	90	23
Total Units:			104	90	23

Parking and Loading

Parking Spaces:	55	Bicycle Parking Spaces:	217	Loading Docks:	1
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