

Summerhill Residents Association

123 Summerhill Avenue, Toronto Ontario, M4T 1B1

T: 416-967-7166, E: debbiejb@outlook.com

21 February 2021

VIA EMAIL: teycc@toronto.ca

Ms. Ellen Devlin
Toronto and East York Community Council
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto Ontario M5H 2N2

Item TE23.49: 49 Jackes Avenue – Development Application – Preliminary Report

Dear Chair Perks and Councillors:

The *Summerhill Residents Association* (“SRA”) is opposed to the proposed development at 49 Jackes Avenue – a site which touches the boundary between Wards 11 and 12, immediately adjacent to David Balfour Park.

Following a ZOOM-Meeting with *Lifetime Development* (“Lifetime”) on 09 December 2020, the SRA performed a careful review of the planning rationales advanced by Lifetime and found them to be without merit. The proposed development fails to conform to the Official Plan development criteria for *Apartment Neighbourhoods*, breaches the development principles stipulated in the Yonge-St. Clair Secondary Plan, flouts the Area Specific Policy of the Secondary Plan, and ignores the Site Specific Policy of the Secondary Plan. The SRA summarized the findings of its preliminary analysis in a letter to the local Councillors and planning staff, dated 14 December 2020 (see **Attachment A**).

Starting in 2017, the *Rosehill Vision Committee* (“RVC”) has worked with Toronto Water on the planning and design of the Rosehill Reservoir Park to ensure the park’s design addresses the needs and desires of surrounding communities. The RVC has reviewed Lifetime’s development application in detail and identified a number of significant issues and concerns. It recommends that the application be rejected in its entirety (see **Attachment B**).

Thank you for your attention to our concerns.

Yours sincerely,

Summerhill Residents Association



Deborah Briggs
President

Copies:

Councillor Mike Layton
Councillor Josh Matlow
Oren Tamir, Manager Community Planning, Midtown Section
David Driedger, Senior Planner, Midtown Section

Summerhill Residents Association

123 Summerhill Avenue, Toronto Ontario, M4T 1B1

T: 416-967-7166, E: debbiejb@outlook.com

14 December 2020

VIA EMAIL: councillor_layton@toronto.ca | councillor_matlow@toronto.ca

Councillor Mike Layton
Councillor Josh Matlow
Toronto City Hall
Toronto Ontario M5H 2N2

49 Jackes Avenue – Development Application Nr. 20 226916 STE 11 OZ

Dear Councillors:

I am writing bring to your attention some serious concerns of the *Summerhill Residents Association* (“SRA”) regarding the proposed development at 49 Jackes Avenue – a site which touches the boundary between Wards 11 and 12.

On 30 November 2020, *Lifetime Development* (“Lifetime”) asked the SRA for an “*opportunity to open a dialogue with your organization so that we may gain by some of your insight and feedback on our proposal.*” At the ZOOM-meeting of 09 December 2020, however, we learned that the Development application had already been filed and that occasional discussions with the City about the development potential of the site started as far back as 2013 when Lifetime acquired the property. This 7-year gestation period, untainted by any input from the SRA, produced a detailed submission – designed, justified, and delivered – that is being driven by some basic planning misconceptions.

From the perspective of the SRA – an organization with a long involvement in various planning processes concerning Jackes Avenue – the Lifetime proposal disregards the key planning issues arising from the site’s proximity to David Balfour Park – a valuable open space component currently being restored at great public expense - and its location on top of the escarpment dominating the low-density residential area below, as follows:

1. Lifetime considers the recently approved tower at Bretton Place as the model to follow, missing that this infill development is not within the transition area between lands designated high-density *Apartment Neighbourhoods* and low-density *Neighbourhoods*, will have minimal shadowing impact on David Balfour Park, if any, is not covered by either Site or Area Specific Policies, and results in an overall density of 5.67 – or less than half of what is being proposed for 49 Jackes Avenue. Given Section 2.1 of the Yonge -St.Clair Secondary Plan, which describes the urban structure elements of the Secondary Plan area, including densities and scales descending from the node at the Yonge-St. Clair intersection, the buildings south of Bretton Place need to be at a lower density and scale.
2. Lifetime claims that 7 Jackes Avenue provides another appropriate precedent. The rezoning of 7 Jackes Avenue predates even the 1969 Official Plan and its built form represents a solution to specific constraints arising from erecting a building on top of a subway tunnel. Council passed the Restricted Area By-law on 14 September 1967 and the OMB approved it with amendments on 07 November 1968. The approval was conditional on a lease of a second property south of Woodlawn Avenue which results in a development density of 2.09 – or a fraction of the 12.5 proposed by Lifetime.

3. The most applicable precedent is actually 9 Jackes Avenue. The developer presented to the OMB a settlement reached with the City of Toronto and the owners of both 7 and 33 Jackes Avenue for a high-density development. The OMB rejected this settlement and agreed with the SRA that the site designated *Low Density Residence Area* should instead be upgraded to *Medium Density Residence Area*. The developer sought a Review Hearing and a two-member OMB panel confirmed the original decision after a hearing in which the City backed the SRA with two third-party expert witnesses.
4. Lifetime claims that the Site and Area Specific Policies are seriously outdated and hail from the 1970s. In fact, the centre-line of Jackes Avenue was the boundary between the *High Density Residence Area* and *Low Density Residence Area* designation in the Official Plan from 1969 to 2000 when, at the initiative of the SRA, the south side was re-designated *Medium Density Residence Area* in the 2000 Yonge-St. Clair Part II Plan. The Staff Report of 15 November 1999 provided the following rationale:

"I have reconsidered the designation for this area and now recommend that, except for the area adjacent to Yonge Street, the area on the south side of Jackes Avenue be designated 'Medium Density Residence Area' based on: the interim decision of the OMB respecting 9 Jackes; representations from area residents for a lower density designation in this area; a transition between the HDR area designation on the north side of Jackes Avenue and the low density limits south of the escarpment edge; and, no change in the underlying zoning of R2Z1.0 and height limit of 11 metres."

5. Only about a year later, Council adopted the new Official Plan with the new Yonge-St. Clair Secondary Plan where some of the language regarding Jackes Avenue had been lost. The SRA, through CORRA, appealed to the OMB and negotiated a settlement on this and many other matters with the City which was adopted by Council at its meeting of 12, 13, and 14 April 2005. The settlement was submitted to the OMB in the form of an Affidavit by senior planner Paul Bain and approved by the OMB in July 2006. The restored Area Specific Policy respecting the south side of Jackes Avenue is as follows:

"The lands shown as 7 on Map 6-2 are 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 on these lands will provide a transition in scale, stepping down to the low-scale residential buildings that front onto Woodlawn Avenue."

6. The Site Specific Policy for 35 and 49 Jackes Avenue had been correctly transferred from the 2000 Yonge St. Clair Part II Plan to the 2001 Yonge-St. Clair Secondary Plan. These development principles are designed to ensure that any shadowing of David Balfour Park be minimized, that any buildings are set back from Jackes Avenue to preserve generous views of the historic Laidlaw House and the park, and that any buildings be set back from the easterly property line to reduce any interference with the walkway and the park, similar to Bretton Place, as follows:

"In recognition of existing uses and the proximity to David Balfour Park, Area 4 shown on Map 6-2, which consists of properties known municipally in 1999 as 35 and 49 Jackes Avenue, any redevelopment 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 the residences in the building municipally known in 1999 as 33 Jackes Avenue, and*
 - iii. *be compatible with the walkway immediately east of 49 Jackes Avenue."*

7. The development proposed by Lifetime fails to respond to the development principles stipulated in Policy 3.2 b) of the Yonge-St. Clair Secondary Plan which reads, as follows:

“... buildings will achieve a harmonious relationship to their built form context through building height, massing, setback, stepbacks, roof line and profile, architectural expression and vehicle access and loading. This applies to the entire Secondary Plan area, and, in particular, to new development within or adjacent to Neighbourhoods.”

8. This development proposal is also non-responsive to the more general development criteria in *Apartment Neighbourhoods* specified in Official Plan Policy 4.2.2, as follows:

“Development in Apartment Neighbourhoods will contribute to the quality of life by:

- a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale Neighbourhoods ;*
- b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods, particularly during the spring and fall equinoxes;*
- c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces..”*

9. Lifetime claims that its proposed development is consistent with other properties in the vicinity of the site. The table below shows that this is not the case:

Address	Floors	FSI	Land Use Designation
SOUTH SIDE			
7 Jackes Avenue	28	2,09	Apartment Neighbourhoods/Area Specific Policy
9 Jackes Avenue	6	1.50	Apartment Neighbourhoods/Area Specific Policy
33 Jackes Avenue	10	1.57	Apartment Neighbourhoods/Area Specific Policy
49 Jackes Avenue	29	12.50	Apartment Neighb./Site and Area Specific Policy
NORTH SIDE			
1331 Yonge Street	11	6.70	Mixed Use Area
33 Rosehill Avenue/	24, 28, 31	5,67	Apartment Neighbourhoods
44 Jackes Avenue			

In conclusion, the SRA respectfully submits that this proposed development fails to conform to the Official Plan development criteria for *Apartment Neighbourhoods*, breaches the development principles stipulated in the Yonge-St. Clair Secondary Plan, flouts the Area Specific Policy of the Secondary Plan, and ignores the Site Specific Policy of the Secondary Plan. The application should be refused until substantial Official Plan conformity has been established.

Yours sincerely,

Summerhill Residents Association



Deborah Briggs
President

Copies:

Gregg Lintern, Chief Planner and Executive Director

Lynda Macdonald, Director Community Planning, Toronto and East York District

Oren Tamir, Manager Community Planning, Midtown Section

Other Interested Parties

IMPACTS OF THE PROPOSED 49 JACKES AVENUE DEVELOPMENT ON THE ROSEHILL RESERVOIR PARK

PREPARED BY THE ROSEHILL VISION COMMITTEE

Since the fall of 2017, after discussion with local Councillors and with the support of resident associations, the Rosehill Vision Committee (RVC) has worked cooperatively with Toronto Water on the planning and design of the rehabilitated Rosehill Reservoir Park top ('the Park'). On completion in 2021, the Park will serve as the largest public greenspace in midtown Toronto.

The proposed high-rise condominium at 49 Jackes Avenue ('the Development'), will extend along the western boundary of the Park, from its south-west corner northwards to Jackes Avenue. The RVC has reviewed current plans for the Development, and have identified significant negative impacts on the Park. In support of neighbourhood organisations and City departments that will be reviewing and commenting on the proposed Official Plan Amendment, Re-Zoning and Site Plan Approval of the Development, the RVC's preliminary list of concerns are outlined below, along with recommendations for reducing or eliminating their impacts on the park.

1) SHADOW IMPACTS

The Development at the south-west corner of the Park will dramatically reduce the amount of sunlight reaching the Rosehill Park, a greenspace heavily used by schools, organizations and surrounding communities for both passive and active recreation. In addition, the significant loss of sunlight will impact the health of the turf, trees, shrubs and popular volunteer Rosehill Garden.

The RVC Recommends: that the proposed Development should be consistent with the height specified in the "2001 Yonge and St Clair Secondary Plan" which states that buildings should be no more than 12 metres (45 feet) in height.

2) INTERFACE BETWEEN THE DEVELOPMENT AND THE PARK

a) Wind and Winter Snow Drift Collection Studies:

In the spring, summer and fall, NW winds will impact the (northwest and northeast) corners of the Development resulting in uncomfortable conditions on the top of the adjacent Park, and most significantly along the Park's *Lower Path* (sidewalk). In winter, snow will drift and collect within the adjacent Park, potentially rendering the *Lower Path* difficult to navigate.

The RVC Recommends: that Wind and Snow Drift/Collection Studies need to be carefully reviewed to identify the year-round extent, in numeric terms, of these impacts on the adjacent Park.

- b) The Walkway from Jackes to the Development's East Entrance appears to run parallel to and above the Park's *Lower Path*, which will result in a reduction in privacy on both sides. Moreover, the two are proposed to be separated by an open, iron fence— resulting in uncomfortable overviews from both sides. In addition, it appears that some of the 2-storey "Townhouse Units" on the East Side will have private, rear gardens that will back onto the Park, and views from their Upper Floors will overlook pedestrians and others, within the Park.

The RVC Recommends: that the proposed open fence on the east side of the proposed new podium, be replaced with wall that will shield views to and from the Building's East Entrance. The relationship of the third floor terrace and the rear gardens to the Park will also require close attention in order to screen one from the other – including reduce noise in both directions.

- c) **Reduction in Night Sky and Bird Kill** – as the Park is connected to the north-south ravine network of the Don Valley, it is an important passageway and stopover for a wide variety of migratory birds.

The RVC recommends that consideration be given to (and reported on) the impact of the N-S orientation of the Development's Tower on migratory routes, including increased bird-kill through Fatal Light Attraction (FLAP).

- d) **Drainage** – the South-East Corner of The Park is historically a poorly drained location in the Park, which has resulted in compromised navigation along this heavily used

Lower Path. The RVC has been assured that Toronto Water’s proposed drainage plans for this location, designed before the Development proposal, will address current and some projected future increased water volumes. To avoid future flooding and/or seepage of any sort, it’s essential that drainage from the Development does not impact the Park’s drainage capacity in any way.

The RVC Recommends: *that a careful professional review of all storm water drainage and/or run-off from the Development be undertaken to confirm that no over- or under-flows are permitted to discharge onto the Park site.*

3) SUMMARY

Were it to be approved at its proposed height, the Development at 49 Jackes Avenue would have a profoundly negative affect on the Rosehill Reservoir Park . The Park serves as largest greenspace in Midtown Toronto – and is the only Park that provides direct access to the City’s extensive ravine system It is our view that this application should be rejected in its entirety and that the Development be required to comply with the existing “2001 Yonge and St Clair Secondary Plan.”

Respectfully,

The Rosehill Vision Committee:

David Agro

Jack Diamond

Carol Gray

David Huggins

John van Nostrand

Kate Wilson

Please note: David Pontarini of the firm, Hariri Pontarini is the architect of the development at 49 Jackes Avenue. Siamak Hariri is a member of the RVC and has recused himself from participating in issues concerning the development.

18 February 2021