

Toronto STAFF REPORT

January 30, 2004

To: Toronto South Community Council

From: Director, Community Planning, South

Subject: Request for Directions Report
Official Plan Amendment, Rezoning Amendment & Site Plan Application
02 035218 STE 20 OZ
Applicant: 35 Walmer Road Construction Co.
Architect: Donald J. Caunter Architect Limited
35 Walmer Rd
Ward 20 - Trinity-Spadina

Purpose:

To recommend a Council position for an Ontario Municipal Board hearing, respecting an appeal by the owner from the failure of the City to make a decision on the applications within 90 days of its submission.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) authorize the City Solicitor and appropriate staff to attend at the Ontario Municipal Board hearing to oppose the Official Plan and Zoning By-law Amendments and Site Plan Control application in their current form.

Background:

Application History

On May 23, 2002 an application was submitted for an 8-storey, L-shaped



building extending along Spadina Road and parallel to the north property line, behind the existing apartment building on this site. This 8-storey (24.3 metre high) apartment building was proposed to contain 58 rental units, with a combined density of 3.13 times the area of the lot.

On December 16, 2003 the applicant submitted appeals to the Ontario Municipal Board for both the Official Plan and Rezoning Amendments as well as the Site Plan Application. The appeals were based on Council's failure to approve the applications for 35 Walmer Road within 90 days of its submission.

On December 22, 2003 a revised application for a 10-storey apartment building along Spadina Road with 1-storey component along the north property line was submitted for review. The 10-storey (31.3 metre) apartment building has a reduced unit count (55 rental units), but a slightly increased density of 3.15 times the area of the lot.

Proposal

The revised application is to permit the construction of a new 10-storey apartment building containing 55 rental units fronting on Spadina Road. The proposal is to locate the new building on the eastern portion of the site while retaining the existing 15-storey, 174-unit rental apartment building. The proposed 10-storey building will be built on top of the existing underground garage that will provide shared parking for both buildings. Access to the surface and below grade parking areas will be from an existing driveway located on the northern portion of the site off Walmer Road. The proposed building will have its own lobby. New indoor and outdoor recreational amenity areas are proposed and will be made available for use by all residents. This revised proposal is the result of consultation with the community and City planning staff, however, it does not go far enough in reducing the visual and shadow impacts on the Spadina Road frontage adjacent properties to the north, and some residents of the existing apartment building on the site.

The existing and proposed buildings would have combined density of 3.15 times the area of the lot consisting of a total residential gross floor area of 17,910 m². The new 10-storey residential building would account for 6,475 m² of residential gross floor area. The existing parking areas, surface and below grade, will be reconfigured to accommodate a total of 143 parking spaces (23 surface and 120 below grade). The parking on-site will increase overall by 9 parking spaces

The applicant's latest proposal is illustrated by (Attachment 2).

Site and Surrounding Area

The site is located on the north-west corner of Spadina Road and Lowther Avenue and has an area of 5,688 m². The site accommodates an historically listed, 15-storey rental apartment building designed by Toronto architect Uno Prii that will be retained. (Attachment 5)

North: Immediately to the north of the site is a 2-storey house form building currently leased by a daycare operator from the University of Toronto (56 Spadina Road). Adjacent to it is a 2½ storey detached house-form building (58 Spadina Road). At

the corner of Kendal Avenue and Spadina Road is a 13 storey apartment building. To the north west is the 2½ storey University of Toronto school.

- South: South and across Walmer Road are four 2 ½ storey house form buildings and a 5-storey office building
- East: A 10-storey apartment building (59 Spadina Road) and a number of 3-storey house form buildings; and
- West: A number of apartment buildings ranging in height from 3 to 13 storeys.

Official Plan – Annex Part II Plan

The site is currently designated Medium Density Residence Area ‘A’ by the Annex Part II Plan. The designation permits residential buildings having a gross floor area of up to 2.0 times the area of the lot. The policies of the Annex Part II Plan encourage residential development to be of a low-to-moderate scale. (Attachment 6)

New Toronto Official Plan

At its meeting of November 26-28, 2002, Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister’s decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No hearing date has been set. Once the plan comes into force and effect, it will designate the site as an “Apartment Neighbourhood”.

Policies pertaining to Apartment Neighbourhood are described in Chapter 4.2 of the new Official Plan. Apartment Neighbourhoods permit a broad array of residential uses including apartment buildings, parks, cultural and recreational uses small scale retail, office uses that serve the needs of area residents. The new Official Plan sets out criteria for development in Apartment Neighbourhoods which will contribute to the quality of life by:

- locating and massing new buildings to provide a transition between areas of different development intensity and scale, particularly providing setbacks from and a stepping down of heights towards lower-scale Neighbourhoods;
- locating and massing new buildings to minimize shadow impacts on properties in adjacent lower-scale Neighbourhoods during the spring and fall equinoxes; and
- locating and massing new buildings to frame the edge of streets and parks with good proportion and maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

In addition to the above criteria infill development that may be permitted on a site containing existing apartment building will:

- provide adequate sunlight, skyviews privacy and areas of landscaped open space for new and existing residents; and
- create a community benefit for existing residents on the site.

Zoning By-law 438-86

The site is zoned R2 Z2.0 which permits a range of residential building types having a maximum gross floor area of 2.0 times the area of the lot (Attachment 5). A maximum height of 14 metres is permitted.

Site Plan Control

The proposal is subject to Site Plan Control. An application for Site Plan approval was submitted concurrently with the Official Plan and Zoning By-law Amendment Applications.

Design Guidelines

The site is subject to the design guidelines of the Official Plan, the Urban Design Handbook and the "City of Toronto Streetscape Manual".

Reasons for Application

The proposed building combined with the existing development results in a density of 3.15 times the lot area, which exceeds the Official Plan maximum of 2.0 times the lot area permitted by the Medium Density Residence Area 'A' designation, as set out in the Annex Part II Plan. The existing building alone has a density of 2.01 and there is no residual density available on the site.

An amendment to the Zoning By-law is required because the proposed development exceeds permitted maximum density and height limits. The proposed density of 3.15 times the area of the lot would exceed the permitted maximum of 2.0 times for the R2 Z2.0 district. In addition, the proposed building would have a height of 31.3 metres which exceeds the permitted height limit of 14.0 metres.

Other areas of non-compliance may be identified as a result of the zoning review of the December 22, 2003 submission being undertaken as part of the circulation process.

Community Consultation

At the direction of Toronto-East York Community Council, the proposal was the subject of a community meeting held on January 15, 2003. Approximately 40 people attended. The primary concerns expressed were with respect to potential shadowing, height, setbacks, and not fitting in with the character of the area.

Agency Circulation

The original application was circulated to all appropriate agencies and City Departments on May 23, 2002. Responses received were used to assist in evaluating the application. Revised plans for a ten storey apartment building were submitted on December 22, 2003 and are currently being circulated. These plans address some of the concerns identified through the initial circulation but significant issues still exist.

Comments:

Height and Massing

The proposed 10 storey development is located within the Annex Medium Density Residence Area 'A'. The Annex Part II Plan policies that apply to this area encourage appropriate development at a low-to-moderate residential scale. The site is surrounded by 2 to 3 storey houseform buildings and a mix of apartment and office buildings ranging in height from 5 to 15 storeys. Most of these existing apartment buildings were constructed prior to the passage of the current Official Plan and Zoning By-law policies and regulations. (Attachment 5)

The proposed 10 storey building is setback from the sidewalk by 3.09 metres. This shallow setback combined with a limited (1.5 metre) step back above the 4th floor is insufficient to mitigate the visual impact of the 46 metre long, 10 storey slab building, when viewed from Spadina Road. (Attachment 4)

Likewise, the 3.5 metre step back above the 4th floor, at the north end of the building is insufficient to provide an appropriate transition to the houseform buildings located immediately north of the site. At the south-end, the balconies on floors 5 - 10 inappropriately project beyond the front wall of the existing historically listed building.

Shadowing

Concerns were expressed to the applicant by City Planning staff regarding the earlier 8 storey proposal in terms of shadow impact. Some of those concerns were reduced by the reconfiguration the original proposal. However, the current 10 storey slab building will still cast unacceptable shadows to the rear of the adjacent houseform building to the north and on the public sidewalk and residential properties on the east side of Spadina Road. Shadow and wind studies for the current 10 storey proposal have been requested from the applicant, but have not been received to date.

Section 37

Section 16.21 of the Official Plan authorizes the use of Section 37 of the Planning Act to secure public benefits in exchange for increased density and /or height. Should the Ontario Municipal Broad elect to approve the proposed development, in its current form or otherwise, it would be appropriate to secure a Section 37 benefit. Potential public benefits could include, but are not

limited to, (i) securing the existing buildings rental units for a minimum period of 20 years, (ii) securing affordable rental housing units in the new building and (iii) a financial contribution toward improvements in existing public parks in the vicinity. To date the applicant has not put forward an appropriate benefits package.

Conclusions:

The height, massing and shadowing of the proposed development noticeably exceed the current policies and restrictions of the Official Plan and Zoning By-law. The reduction of the height of the proposed building and further step backs are warranted. Therefore, I am recommending that City Council refuse the application in its current form and instruct staff to oppose the Ontario Municipal Board appeal and referral made by the applicant.

Contact

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Ted Tyndorf
Director, Community Planning, South District

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List of Attachments:

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: Elevations 1
Attachment 4 Elevations 2
Attachment 5: Zoning
Attachment 6: Official Plan

Attachment 1: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning & Site Plan	Application Number:	02 035218 STE 20 OZ
Details	OPA & Rezoning, Standard	Application Date:	May 23, 2002

Municipal Address: 35 WALMER RD, Toronto ON
 Location Description: 35 WALMER RD **GRID S2002
 Project Description: Build an ten storey apartment building containing 55 dwelling units in addition to the existing 15 storey apartment building.

Applicant:	Agent:	Architect:	Owner:
Architects Roberts & Caunter, 160 Pears Ave., 416-922-2040			35 Walmer Road Construction Co., 35 Walmer Road 416-923-1460

PLANNING CONTROLS

Official Plan Designation:	Medium Density Resid	Site Specific Provision:	No
Zoning:	R2 Z2.0	Historical Status:	No
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	5688	Height:	Storeys:	10
Frontage (m):	66.67		Metres:	31.3
Depth (m):	98.36			
Ground Floor GFA (sq. m):	1546			Total
Residential GFA (sq. m):	17910	Parking Spaces:		143
Non-Residential GFA (sq. m):	0	Loading Docks		2
Total GFA (sq. m):	17910			
Lot Coverage Ratio (%):	30.			
Floor Space Index:	3.15			

DWELLING UNITS

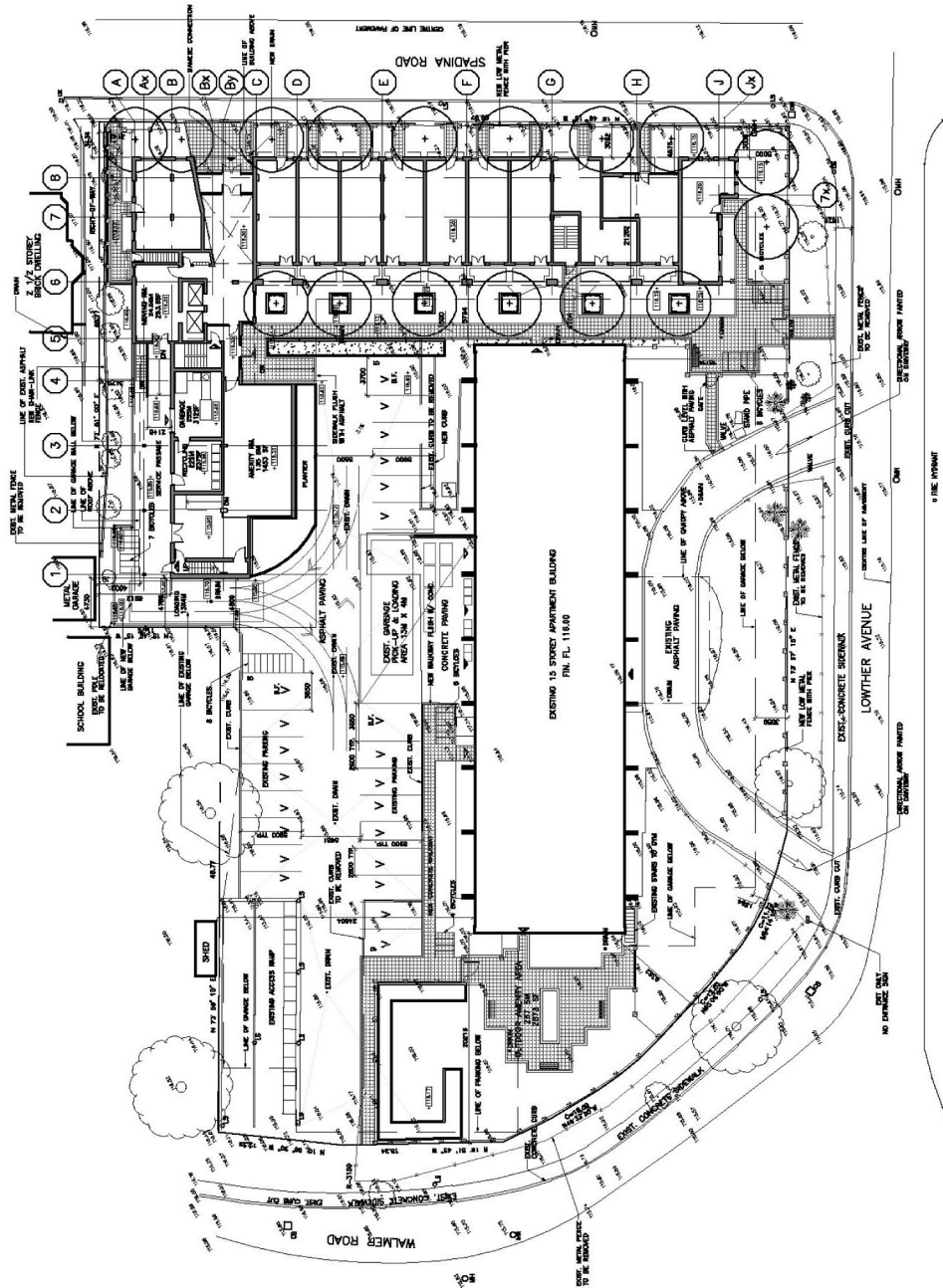
Tenure Type:	Rental
Rooms:	0
Bachelor:	17
1 Bedroom:	141
2 Bedroom:	70
3 + Bedroom:	1
Total Units:	229

FLOOR AREA BREAKDOWN

	Above Grade	Below Grade
Residential GFA (sq. m):	17910	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Barry Brooks, Senior Planner
	TELEPHONE:	(416) 392-1316

Attachment 2: Site Plan



Site Plan

Applicant's Submitted Drawing

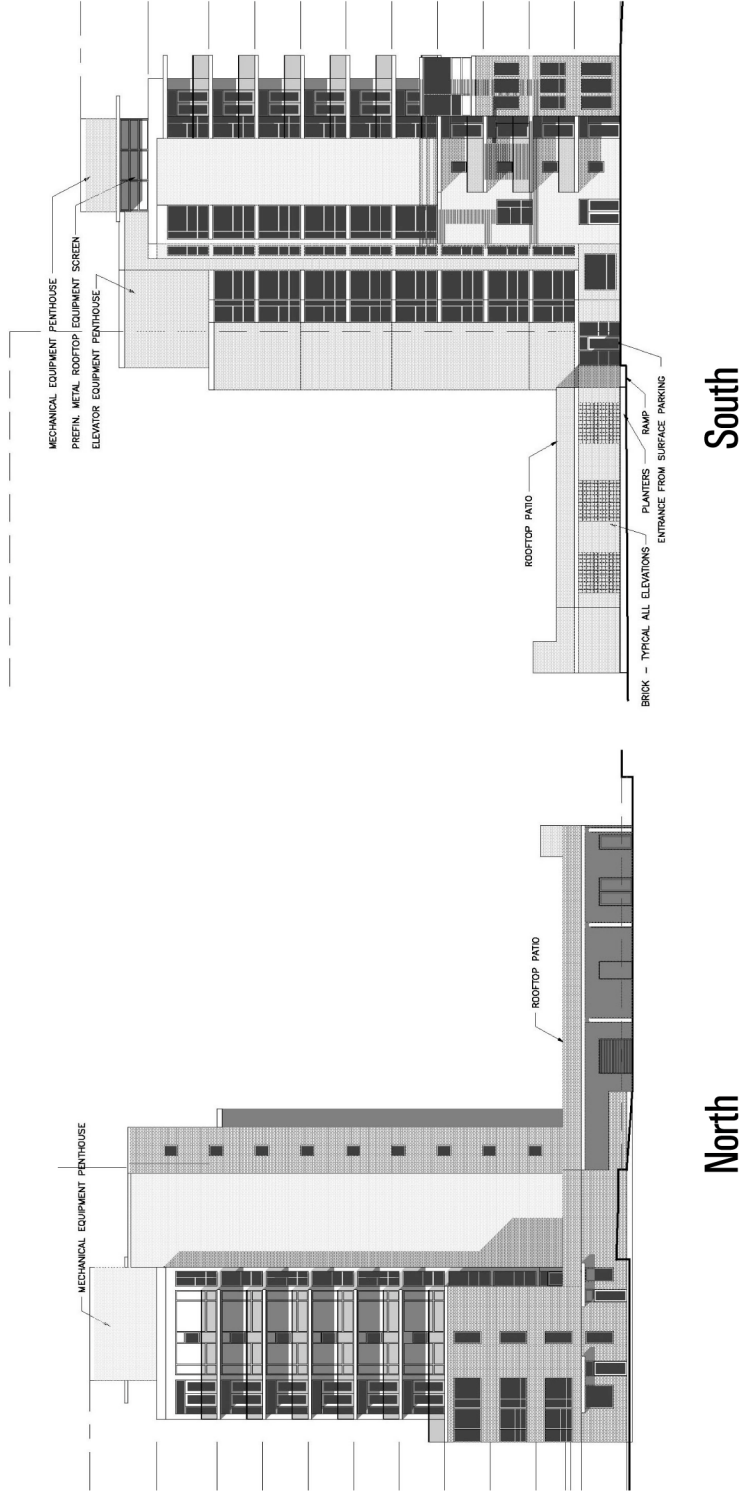
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01/21/04



35 Walmer Road

File # 2002 0010

Attachment 3: Elevation 1



Elevations

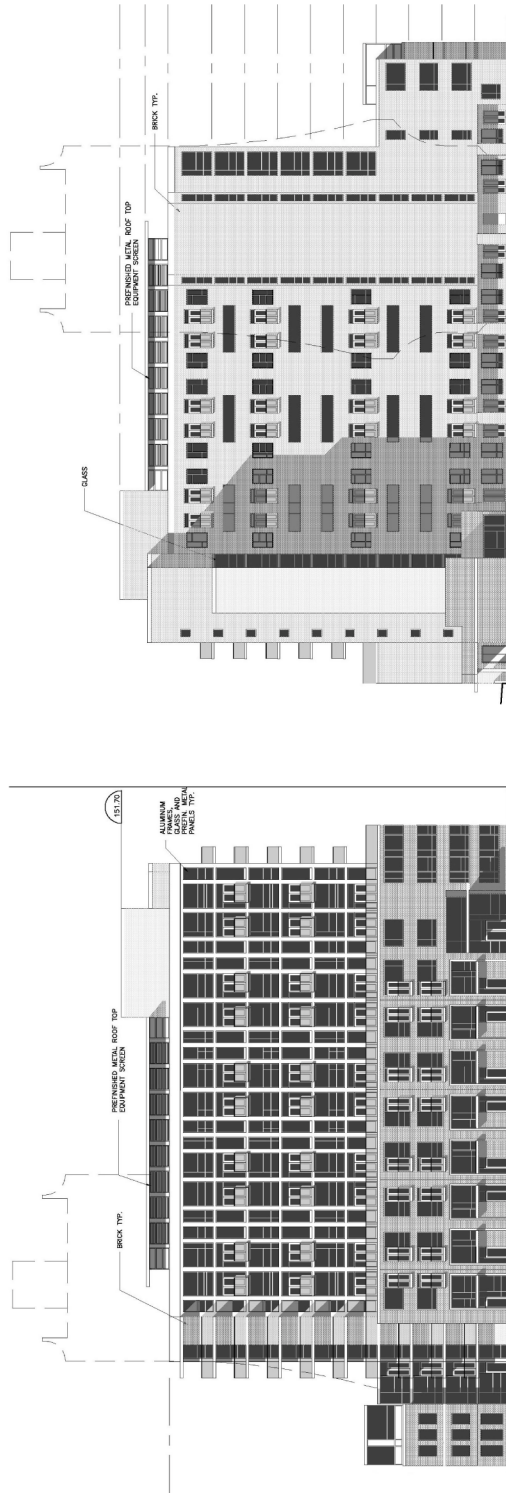
Applicant's Submitted Drawing

Not to Scale
01/21/04

35 Walmer Road

File # 2002 0010

Attachment 4: Elevation 2



Elevations

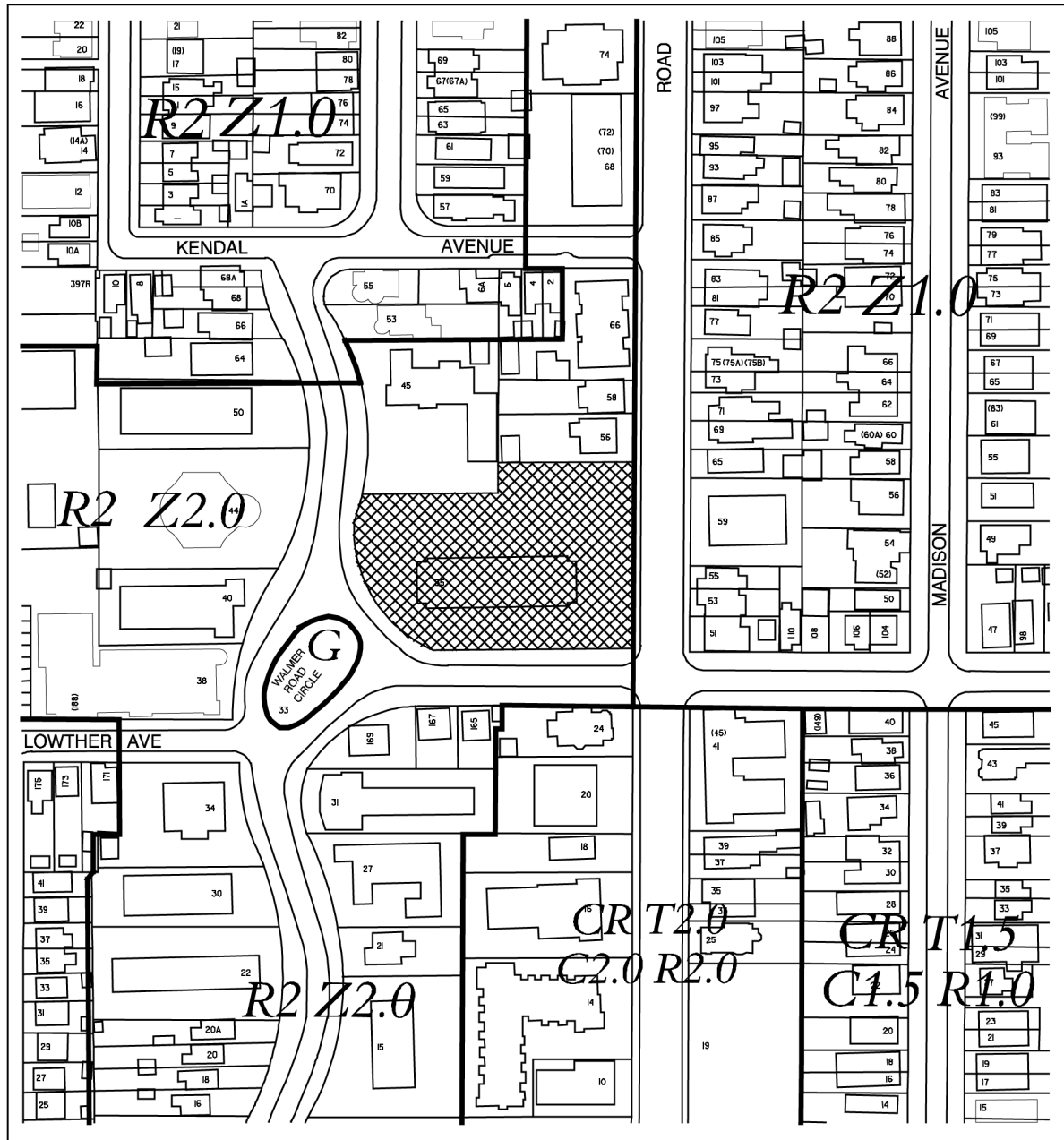
Applicant's Submitted Drawing

Not to Scale
01/21/04

35 Walmer Road

File # 2002 0010

Attachment 5: Zoning (Map)



Attachment 6: Official Plan (Map)

