

# **TORONTO** STAFF REPORT

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April 24, 2006

To: Toronto and East York Community Council

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

Subject: Final Report  
Application to amend Zoning By-law as amended  
1212767 Ontario Inc. (Architects Allincance)  
46-62 Spadina Avenue and 378 Wellington Street West  
File Number 05-109350 STE 20 OZ  
Ward 20, Trinity-Spadina

Purpose:

This report reviews and recommends approval of an application to amend the the Zoning By-law to permit the development of an 81 unit, 11-storey residential building and a 222 unit 19-storey residential building with ground floor commercial space at 46-62 Spadina Avenue and 378 Wellington Street West, located on the west side of Spadina Avenue mid-block between King Street West and Wellington Street West.

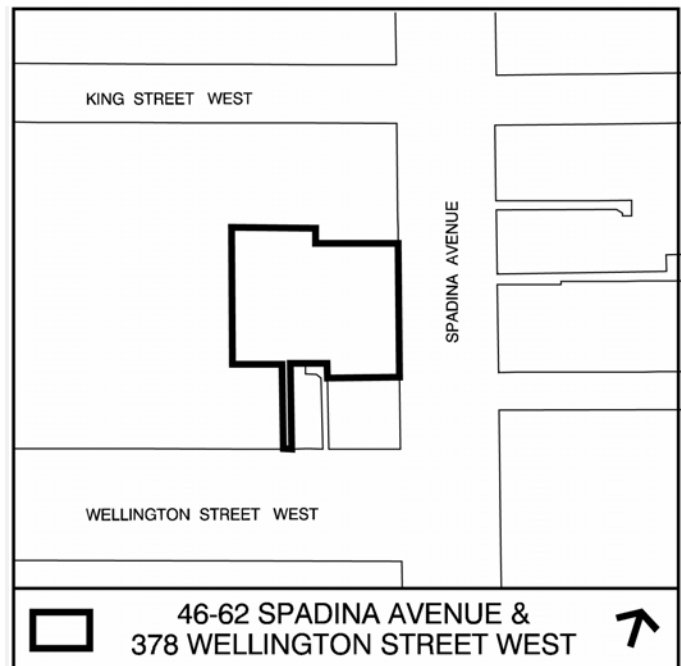
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) amend the Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8.
- (2) authorize the City Solicitor to make such stylistic and technical changes to



the draft Zoning By-law Amendment as may be required.

- (3) Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following public benefits:
  - (i) the amount of \$235,000 to be used towards improvements for Clarence Square Park;
  - (ii) the provision and maintenance of public art works pursuant to a public programme, to be located on publicly accessible portions of the lot and/or in Clarence Square Park of a value not less than one per cent of the gross construction costs of all buildings and structures to be erected on the lot;
  - (iii) the incorporation, in the construction of the building, of exterior materials for the Spadina Avenue elevation to the satisfaction of the Chief Planner;
  - (iv) the introduction of measures to improve sound quality within residential units, if any, as recommended by an acoustic consultant to be engaged by the applicant to the satisfaction of the Chief Planner;
  - (v) the preparation of a comprehensive landscape design for the site to the satisfaction of the Chief Planner;
  - (vi) revisions, if any, to the development to address the recommendations of a Pedestrian Level Wind Study;
  - (vii) revisions to the development or a Letter of Credit in accordance with the recommendations of a Street Lighting Assessment; and,
  - (viii) the provision and maintenance of an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services.
- (4) require the owner to enter into a Site Plan Agreement under Section 41 of the Planning Act.
- (5) require the owner to convey to the City at a nominal cost, prior to Site Plan approval, a 0.87 metre wide strip of land abutting the north limit of the east-west section of the public lane and a 1.78 metre wide strip of land abutting the east limit of the north-south section of the public lane, such lands to be free and clear of all encumbrances, save and except for utility poles and subject to a right-of-way in favour of the Grantor until such time as the said lands have been dedicated for public highway purposes; and

- (6) require the owner to fulfill the technical requirements set out in the Works and Emergency Services memorandum of April 24, 2006.

### Background:

#### Proposal

The site is proposed to be redeveloped with an 81 unit 11-storey residential building on the west half of the site and a 222 unit 19-storey residential building on the east half of the site which will include 537 m<sup>2</sup> of ground floor commercial space fronting onto Spadina Avenue. The total residential gross floor area for the two buildings will be 25,998 m<sup>2</sup>. The west building will have a height of 35.3 metres including the mechanical penthouse. The east building will have a height of 59.3 metres to the top of the roof and 63.5 metres to the top of the mechanical penthouse.

The separation between the two buildings on the site will be 20 metres and this interior area will be developed as a shared outdoor amenity area for both buildings and provide for turning movements for service vehicles. Access to the site will be from Spadina Avenue with commercial space along Spadina Avenue accessed directly from the street and pedestrian access to the residences through the interior courtyard. A common three level underground parking garage will provide for vehicle and bicycle parking, with the parking ramp located at the south end of the west building. A consolidated servicing area will also be located at the south end of the west building.

#### Revisions to Application

Through evaluation of the application, discussions with the applicant and comments received from the community, modifications have been made to the proposal. The lane directly north of the site was confirmed to be in private ownership and, as a result, access for the development will now be entirely off Spadina Avenue. The height of the west building has been reduced. Upper level setbacks have been introduced on the east building on the north, south and east elevations. East building materials have also been modified. The relevance of these modifications is discussed in the Comments section below.

#### Site and Surrounding Area

The site is located on the west side of Spadina Avenue, mid-block between Wellington Street West and King Street West. The site has a frontage of approximately 55 metres on Spadina Avenue, and a depth of approximately 67 metres. The site also includes a 2.8 metre wide right-of-way extending from the south limit of the site to Wellington Street West. The site currently supports a four storey warehouse manufacturing building, and a 3-storey house-form building with surface parking in the rear.

The site is surrounded by the following uses:

North: a 3-storey house-form building supporting commercial uses, beyond which is a private lane and a 6-storey restored and converted warehouse building supporting commercial uses at the southwest corner of King Street West and Spadina Avenue.

South: A gas station (Shell Canada) at Spadina Avenue and Wellington Street West. The 2.8 metre wide strip of land that forms part of the subject site is located between house-form buildings at 374-376 Wellington Street West and a 2-storey building at 380 Wellington Street West.

East: Spadina Avenue beyond which, on the east side of Spadina Avenue, is Clarence Square Park and commercial uses north to King Street West (Petro-Canada gas station, Winner's and Budget Rental Car).

West: north-west, along King Street West, are a number of restored and converted warehouse buildings approximately 6-storeys in height which support commercial and office uses. South-west, along Wellington Street West, are buildings in the range of two to seven storeys in height which support a variety of uses.

#### Toronto Official Plan

The site is designated in the former City of Toronto Official Plan and the King-Spadina Part II Plan as a 'Reinvestment Area' (RA). This designation permits a wide range of uses including the proposed residential and commercial uses.

At its meeting of November 26-28, 2002, City 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. The hearing commenced on June 13, 2005 and will continue on June 5, 2006. Once the Plan comes into full force and effect, it will designate the property as a 'Regeneration Area' which permits the proposed residential and commercial uses. The King Spadina Part II Plan has been carried forward as a Secondary Plan (Chapter 6.16) in the new Official Plan.

The King Spadina Secondary Plan establishes the attraction of new investment to the area as a major objective. Spadina Avenue is identified as a Significant Street on the basis of its connection to the waterfront and through the City to the north. Wellington Street West and Clarence Square Park are identified as Areas of Special Identity, and development in these areas should reflect and enhance their historical role and character. The heritage policies of the Plan state that new development should achieve a compatible relationship with heritage buildings.

#### Zoning

The site is zoned 'Reinvestment Area' (RA). As part of the RA zoning controls, density standards are replaced by a package of built form objectives expressed through height limits and setbacks. The Zoning By-law permits a building height of 39 metres on the east half of the site on Spadina Avenue and 23 metres on the west half of the site. A mechanical penthouse is

permitted to have a height up to 5 metres in excess of the maximum permitted building height. Separation between buildings on the same lot is required to be a minimum of 11 metres.

Section 12(260) of the Zoning By-law requires that building elevations along Spadina Avenue follow a 44-degree angular plane from the property line at an elevation of 29 metres.

#### Site Plan Control

An application for site plan approval has not been submitted, but is required prior to proceeding with development. The recommended Section 37 Agreement will secure certain matters to be addressed through Site Plan including a pedestrian level wind impact study, municipal lighting assessment and comprehensive site landscape plan.

#### Reasons for the Application

The application proposes development in excess of the height permissions of the RA zone and does not comply with the angular plane requirements of Section 12(2)260 of Zoning By-law 438-86. Other areas of non-compliance include the amount of on-site amenity space, and building setbacks.

#### Community Consultation

A community consultation meeting was held on June 28, 2005 at Metro Hall. Six people were in attendance at the meeting. Questions were asked of the applicant to clarify certain aspects of the proposal and a comment was raised about the potential impact of this development on the surrounding area.

Subsequent to this meeting, letters were received from the Wellington Place Neighbourhood Association (WPNA) and the owner of the adjacent property and private lane to the north of the site. Comments raised at the community meeting and in these letters are addressed at the end of the Comments Section in this report.

#### Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

#### Comments:

The proposal was reviewed relative to policy context, impact and fit with the surrounding area.

#### Land Use

One of the major objectives of the Official Plan is to attract new investment to the Regeneration Areas. The Downtown and Regeneration Area policies of the Official Plan also encourage

residential intensification and a full range of housing types in an urban form to support reurbanization and revitalize lands that are largely vacant or underused.

The site is approximately 0.37 hectares in size and currently supports a commercial/manufacturing building, a house-form building and large surface parking area to the rear. The proposed redevelopment of the site will result in two new residential buildings, totalling 303 units. A mix of unit sizes is proposed. The overall density of the proposed redevelopment is approximately 7.5 times the area of the lot. The proposed redevelopment of the site meets the objectives and policies of the Plan and provides an appropriate type and level of development for the site and surrounding area.

## Built Form

### (i) Height

The RA zoning permits a building height of 23 metres on the west half of the site where the 11-storey building is proposed and a building height of 39 metres for the east half of the site where the 19-storey building is proposed. The west building design has been modified to reduce the maximum building height to 35.3 metres from the original submission of 38 metres. The east building will have a height of 59.3 metres to the top of the roof and 63.5 metres to the top of the mechanical penthouse.

### West Building

The subject site is located mid-block, approximately 35 metres north of Wellington Street West and 45 metres south of King Street West. Additional height can be considered for the west building on the basis of this interior block location, subject to a consideration of impacts on the surrounding area. Permitting increased height on the basis of an interior block location has been considered elsewhere in the City, the closest location being one block north in the Plan area, in the 23 metre height zone between King Street West and Adelaide Street West. In this circumstance, a maximum building height of 41 metres was approved.

The Zoning By-law permits a mechanical penthouse to have a height up to 5 metres in excess of the height permitted by the zoning by-law. In consideration of this, staff have allowed increased building height by wrapping the mechanical penthouse with residential floor area provided that there are no unacceptable impacts. In the 23 metre height zone of the King Spadina Plan, this approach has generally resulted in modulated building heights in the order of 29.6 metres.

To evaluate the impact of the proposed additional height for the west building, pedestrian level views were generated from mid-block on Wellington Street West, and north and south of the site on Spadina Avenue. The visual impact of the west building from Wellington Street will be limited. Once the commercial building at 400 Wellington Street West is constructed, which was recently approved at a maximum height 36.2 metres, the view of this building will be even further diminished. From north of the site at Spadina Avenue the building will not be visible and views from King Street West will be limited at best. The building will be visible from south of

the site at Clarence Square Park but is situated almost 100 metres from the park and will have limited visual impact.

The on-site change in building height from 19 storeys to 11 storeys provides a clear transition from Spadina Avenue to the rear of the site and indicates the change in context and built form expectations. The proposed building height of 35.3 metres is acceptable.

#### East Building

The east building is located on Spadina Avenue which is a major City street. The proposed height will result in a prominent building on the street.

Higher buildings are intended for Spadina Avenue, where the permitted building height of 39 metres is greater than the 23 metres and 30 metres permitted in the Plan areas to the west and east respectively. As well, there are already buildings on Spadina Avenue in the Plan area that have heights near to or in excess of that proposed for this building. The recently constructed building at 150 Spadina Avenue (at Richmond Street West) has a height of 57.4 metres to the main roof and 61 metres to the top of the mechanical penthouse. The building under construction at 438 King Street West (at Spadina Avenue) will have a height of 64.5 metres to the main roof and 69.4 metres to the top of the mechanical penthouse. The historic buildings at Spadina Avenue and Adelaide Street West also exceed the 39 metre height permission, with maximum heights of approximately 50 and 57 metres.

Pedestrian level views generated to evaluate the visual impact of this building illustrate that the building will be visible from Wellington Street West, but due to its distance from Wellington will not overwhelm or dominate this street.

Building heights in this block of Spadina Avenue are variable, but significantly lower than that proposed by this application. However, over time it is expected that this block will continue to undergo redevelopment and the skyline will evolve to reinforce Spadina Avenue as a major arterial where taller buildings than those existing are located that frame the street and reinforce the distinction between this street and the adjacent Plan areas. The proposed height of the east building is acceptable.

#### (ii) Massing

##### West Building

The height and dimensions of the west building are considered to result in an appropriate massing and to provide a desirable transition from Spadina Avenue to the smaller scale development to the west.

##### East Building

The east building will be a prominent development on Spadina Avenue and reinforce the status of the street as a major City thoroughfare. To address concerns regarding the massing and

impacts on surrounding properties, upper level setbacks have been incorporated on the north, south and east elevations, and building materials have been modified.

The primary building material is glass with a brick frame in front of the balconies on the east elevation and the eastern half of the north and south elevations. In the original submission, this brick frame was proposed for almost the entire height of the building which had the effect of overwhelming the street. The brick frame element has now been removed from the upper portion of the building, rising from grade to a height of 38.3 metres coincident with the first upper level setback. The upper portion of the building is glass. This change in building materials has the effect of reducing the impact of the building massing on the street. The use of brick and the 2-storey brick frame design also creates an architectural expression that relates to the scale of nearby heritage buildings on Spadina Avenue.

The introduction of building setbacks on the north, south and east elevations at heights of 38.3 and 50.3 metres also reduces the building massing. At a height of 38.3 metres, the building steps back 2.3 metres from the north elevation, a minimum of 3.5 metres from the south elevation and 3 metres from the east elevation. At a height of 50.3 metres the building steps back an additional 1.5 metres on each of the north, south and east elevations.

The introduction of upper level setbacks and the change in building materials from the lower to upper elevations satisfactorily addresses massing concerns.

#### Angular Plane

The Zoning By-law requires that, at a height of 29 metres the building follow an angular plane of 44 degrees from the front lot line. This requirement is intended to maintain adequate sun conditions on the public realm. The building will be setback 3 metres from the property line at a height of 38.3 metres, 4.5 metres at a height of 50.3 metres and 8.7 metres at a height of 59.3 metres. The encroachment of the proposed building into the angular plane is considered to be acceptable as the development does not cast any shadow on Clarence Square Park or the Clarence Square right-of-way and has limited shadow impact on the east side of Spadina Avenue.

Of note, the building at 150 Spadina Avenue, also on the west side of Spadina Avenue, introduces a setback at 35.3 metres in elevation and encroaches into the required angular plane to a height of 57.4 metres. The building at 438 King Street West at Spadina Avenue introduces a setback at 37.5 metres in elevation and encroaches into the required angular plane to a height of 69.4 metres.

Overall, based on the foregoing, staff is of the opinion that the proposed built form is appropriate for this site in this area and that the site can accommodate the development.

At the June 28, 2005 community meeting for this application, a representative of the WPNA expressed concern with the potential impact of the proposed development on the surrounding area. Following that meeting, the WPNA submitted a letter expressing concern with the height of the proposal but indicated that the Association has, on occasion, agreed to height increases in



consideration of circumstances such as design quality. The policies of the Plan speak to urban structure and built form principles. The proposal is considered to meet the intent of these policies.

#### Shadow

The applicant submitted shadow studies of the proposed development to illustrate the shadows that would result at different times of the year and different times of the day. When reviewing these studies, staff paid particular attention to potential impacts on Clarence Square Park. The shadow studies illustrate that the development will not cast any shadow on the Park or the Clarence Square right-of-way.

#### Wind

The massing of the east building is expected to result in satisfactory wind conditions at street level. However, the applicant will be required to undertake a Pedestrian Level Wind Study prior to Site Plan Approval and any necessary mitigation measures will be addressed and secured through the Site Plan Approval process. The obligation to undertake the wind study and address any recommended mitigation measures will be secured in the Section 37 Agreement.

#### Impact on Future Development of Adjacent Lands

The policies of the Plan encourage buildings to build to the street to maintain the historic built form of the area. In recognition of this objective, the Zoning By-law permits development to the property line for the entire frontage of the lot and to the side lot lines to a depth of 25 metres. The east building proposes development in accordance with the objectives of the Plan and the provisions of the Zoning By-law. The proposed setbacks and upper level setbacks of the east building allow for similar development on abutting properties to the north and the south. The west building is setback 3.5, 6.0 and 5.5 metres from the north, south and west property lines respectively. A private lane abuts the north property line. The location of the west building on the site does not preclude redevelopment of adjacent properties.

The owner of the property directly north of the site, at 64 Spadina Avenue, submitted a letter expressing concern that this proposal may limit redevelopment opportunities for their property, in particular the ability to build to the south property line and provide windows on this elevation. The lot at 64 Spadina Avenue is approximately 6 metres in width by 30 metres in depth. As the south property line is a side lot line, the zoning by-law would allow any future development at 64 Spadina Avenue to be built to the south property line to a depth of 25 metres. The installation of windows on the south elevation is possible but would be subject to the requirements of the Ontario Building Code and Fire Code.

#### Vehicular Access, Traffic Impacts and Parking

Technical Services staff have reviewed the Traffic Impact Study (TIS) prepared by Cansult Limited and have advised that they have no concerns with the traffic that will result from this proposal. Access to the site will be from Spadina Avenue. Because of the TTC streetcar line,

vehicles will have only right-in and right-out access from Spadina Avenue. The site is well served by public transit, located on and one block from the Spadina Avenue and King Street West streetcar lines respectively.

A total of 205 parking spaces will be provided, of which 184 spaces will be for residents and 21 spaces will be for visitors. All parking will be accommodated in a three level underground parking garage shared by both buildings, with the ramp located at the south end of the west building.

A total of 236 bicycle parking spaces are being provided in accordance with the Zoning By-law. Spaces will be located on each of the three parking levels as well as at grade. Matters related to bicycle locker configuration and access will be addressed through the Site Plan approval process.

#### Amenity Space

A total of 465 m<sup>2</sup> of indoor amenity area is proposed, 242 m<sup>2</sup> in the west building and 223 m<sup>2</sup> in the east building. Both indoor amenity areas will be located on the ground floor off the lobby and have direct access to a shared 448 m<sup>2</sup> outdoor amenity area.

The proposed indoor and outdoor amenity areas achieve approximately 75% of the Zoning By-law requirement. The size, location and relationship of the indoor amenity areas to the shared outdoor amenity area for each building are considered to be satisfactory to provide for meeting and social function space for residents. The outdoor amenity area of 448 m<sup>2</sup> refers to the north exterior courtyard area between the two buildings. Opportunities are available to enhance this on-site outdoor amenity space. It is recommended that the Section 37 Agreement secure the obligation of the owner to prepare a comprehensive and integrated landscape plan for the site as part of Site Plan approval, addressing hard and soft landscape materials, lighting and programming for the outdoor amenity area, the perimeter landscaping around the west building, the hard surface courtyard area required for service vehicle movements, and the 2.8 metre wide walkway that connects the site to Wellington Street West.

In addition to common amenity area, all units will have private balconies. The site is also directly across from Clarence Square Park. The size, location and arrangement of on-site amenity space is considered to be appropriate for the development.

#### Tree Preservation

Five trees located on the site are proposed to be removed through redevelopment of the site. Trees are proposed within the 5.5 metre setback along the west property line as well as within the courtyard between the two buildings. This report recommends that the perimeter landscaped area around the west building have a minimum soil depth of 1.5 metres to provide a desirable soil depth for replacement trees. Opportunities for street tree planting on Spadina Avenue will be determined through the site plan approval process. Any street trees will be provided with an irrigation system. The proposal contributes to the street tree canopy.

### Impact on Heritage Buildings

The buildings on the site have been considered by Heritage Preservation Services and deemed not to merit listing on the City's Inventory. Nearby heritage buildings include the Gale building at 24 Spadina Avenue (at Wellington Street West), the Samuel building at 431 King Street West (and Spadina Avenue), and the townhouses on the north side of Clarence Square.

The height and massing of each of the nearby heritage buildings varies considerably. The proposed design of the east building, which incorporates a brick frame with 2-storey openings on the Spadina Avenue elevation is an architectural expression that emulates the historic warehouse/manufacturing built form associated with the Plan area. The incorporation of this design element on the lower elevation of the building relates to the scale of the nearby historic Gale and Samuel warehouse/manufacturing buildings.

### Pedestrian Connections

The Secondary Plan identifies potential mid-block pedestrian connections in the Plan area which, for the most part, are through block connections such as between Wellington Street West and King Street West. No potential mid-block connections are identified on or adjacent to the subject site and the lane to the north of the site has been determined to be in private ownership. A public lane extends north of Wellington Street adjacent to and behind 374 Wellington Street West, but this lane does not extend beyond this property and does not provide a connection to other public lanes in the area.

The 2.8 metre wide strip of land that extends south between 376 and 380 Wellington Street West will be developed as a pedestrian walkway connecting the development to Wellington Street.

Through the course of the application, there was discussion of the potential for an at-grade pedestrian connection across Spadina Avenue at Wellington Street West. The incorporation of an at-grade pedestrian connection would provide a safe crossing for pedestrians and cyclists mid-block between King Street West and Front Street West and reinforce the historic connection along Wellington Street of Clarence Square Park and Victorial Memorial Square Park. Technical Services has initiated an evaluation of the potential for an at-grade crossing at this location. City Planning will continue to work with Technical Services to explore this potential.

The letter submitted by the WPNA indicated that Association's objective to create intra-block pedestrian connections wherever possible and cited their interest in a walkway between the subject site and the adjacent site at 400 Wellington Street West. The current and proposed site layout of the development at 400 Wellington Street West does not lend itself to a safe or desirable pedestrian link between the two sites. The initiative underway regarding a possible at-grade pedestrian connection across Spadina Avenue at Wellington Street West is considered to positively respond to the interest of the WPNA in improving pedestrian connections in the area.

### Site Servicing

Technical Services staff have determined that the site servicing report submitted in support of the application is satisfactory.

## Community Benefits

The Official Plan contains provisions pertaining to the exchange of public benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. It is recommended that the applicant enter into a Section 37 agreement in order to provide the following community benefits:

- \$235,000 contribution towards improvements to Clarence Square Park;
- public art at a value not less than one per cent of the gross construction costs of all buildings and structures to be erected on the lot. The applicant has requested that their public art obligation be provided in Clarence Square Park and that the work of art be in recognition of the area's history as the City's garment district. City Planning staff have discussed this request with Parks staff and have no objection and the Section 37 Agreement will reflect this objective;
- the incorporation, in the construction of the building, of exterior materials to be shown on 1:50 scale drawings for the Spadina Avenue elevation with building materials labelled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian, to the satisfaction of the Chief Planner;
- the preparation of a comprehensive landscape plan for the site, to the satisfaction of the Chief Planner, to maximize outdoor amenity area opportunities. Such plan shall, through the use of hard and soft materials, lighting and programming, integrate the 448 m<sup>2</sup> outdoor amenity area, the hard surface area between the two buildings required for service vehicle turn movements, the perimeter landscape areas around the west building and the pedestrian walkway to Wellington Street West. Perimeter landscape areas around the west building shall have a minimum soil depth of 1.5 metres;
- the provision of a wind impact study and a municipal lighting assessment; and,
- the completion of an acoustic study to address measures to improve sound quality in residential units.

## Development Charges

It is estimated that the Development Charges for this project will be \$1.4 million. This is an estimate. The actual charge is assessed and collected upon issuance of the Building Permit.

## Conclusions:

The application proposes to amend the Zoning By-law to permit the development of the lands for two residential buildings, 11 storeys and 19 storeys in height with 537 m<sup>2</sup> of ground floor commercial space on Spadina Avenue. The proposal is considered to be appropriate for the site and the area. A Section 37 Agreement is recommended to secure community benefits including

a financial contribution towards improvements to Clarence Square Park. The application is recommended for approval.

Contact:

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Gary Wright

Director, Community Planning, Toronto and East York District

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List of Attachments:

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: South Elevation

Attachment 4: East Elevation

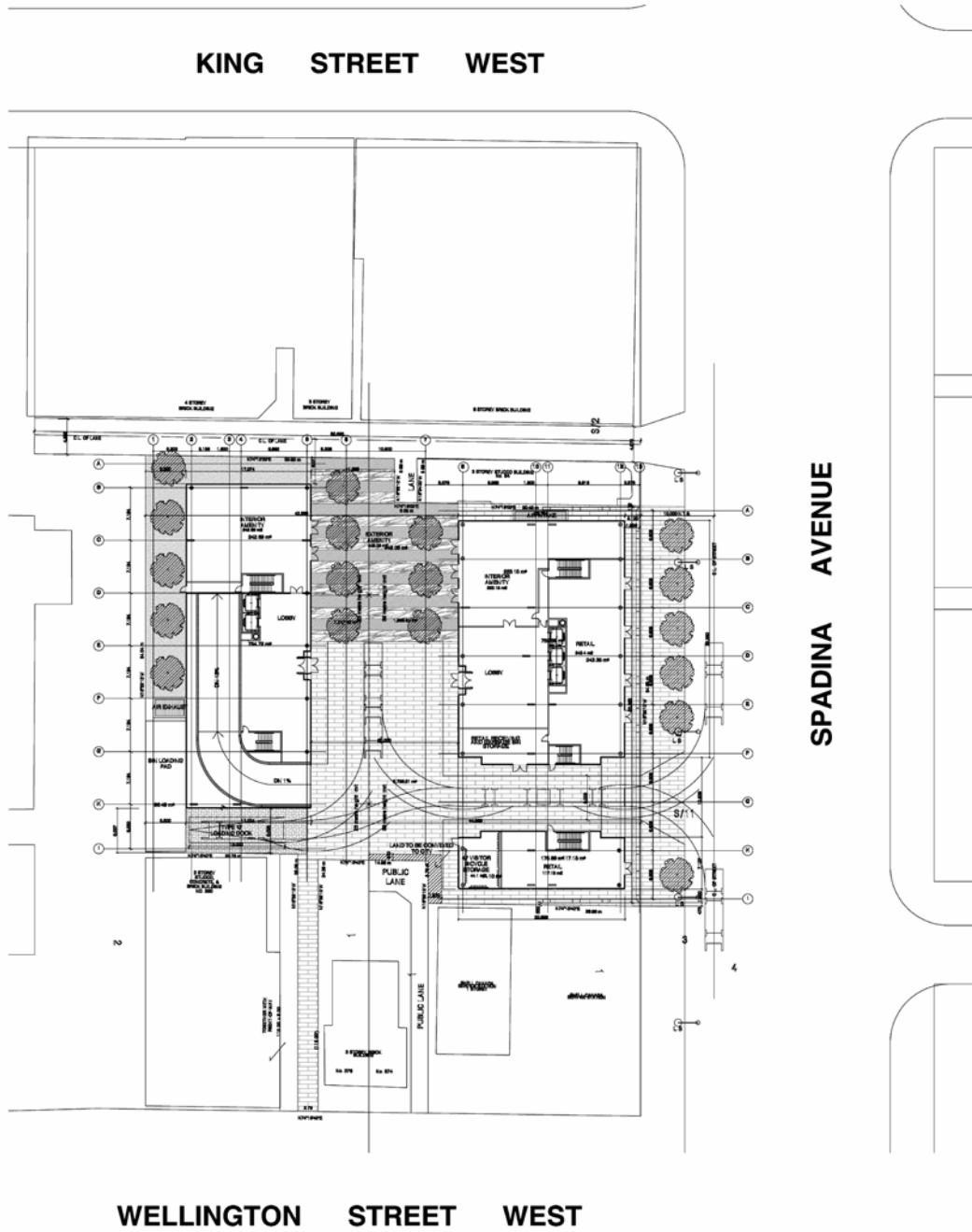
Attachment 5: West Elevation

Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

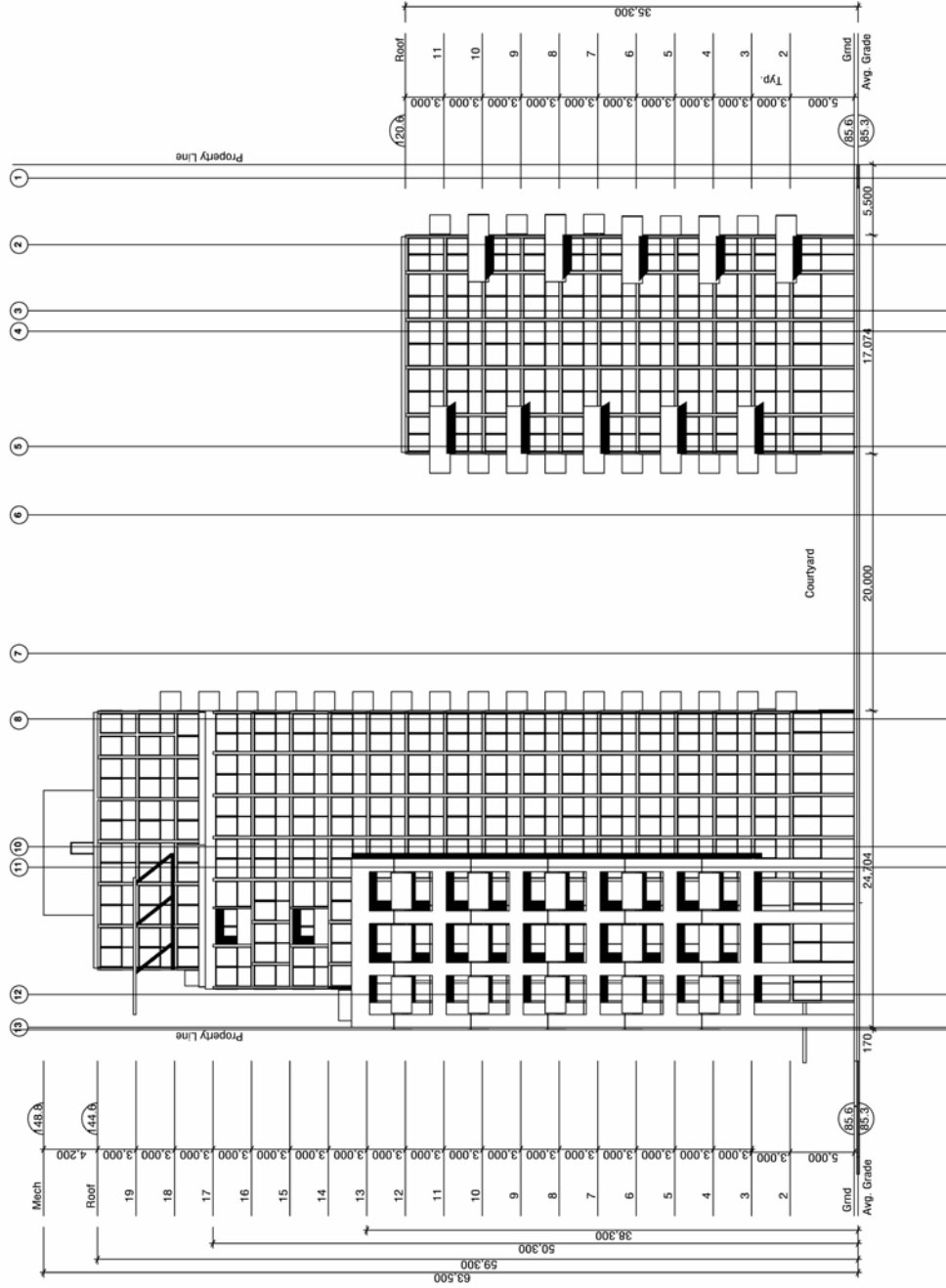
Applicant's Submitted Drawing

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46 - 62 Spadina Avenue &  
378 Wellington Street West

File # 05\_109350

Attachment 2: North Elevation



North Elevation

Applicant's Submitted Drawing

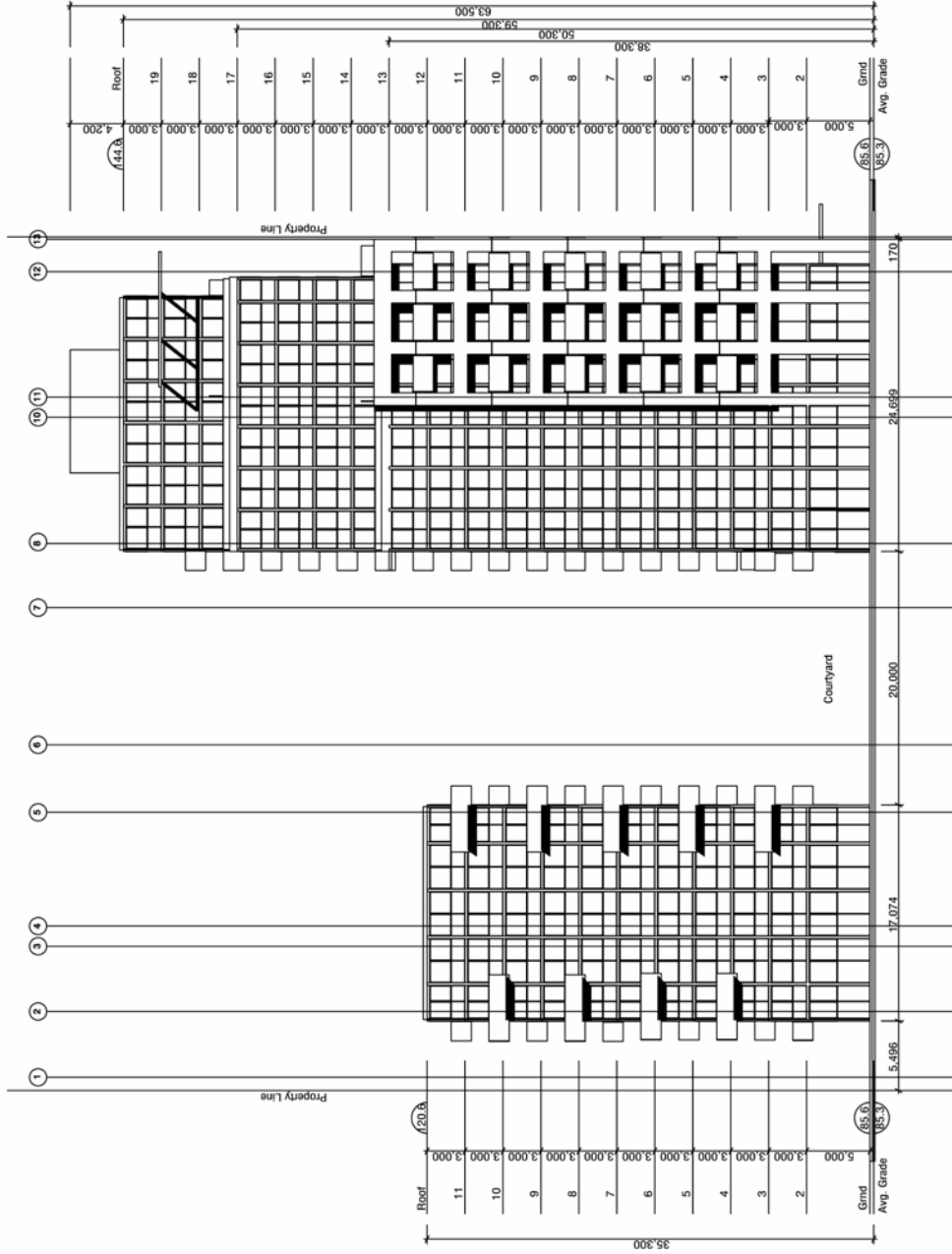
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46 - 62 Spadina Avenue & 378 Wellington Street West

File # 05\_109350

Attachment 3: South Elevation



South Elevation

Applicant's Submitted Drawing

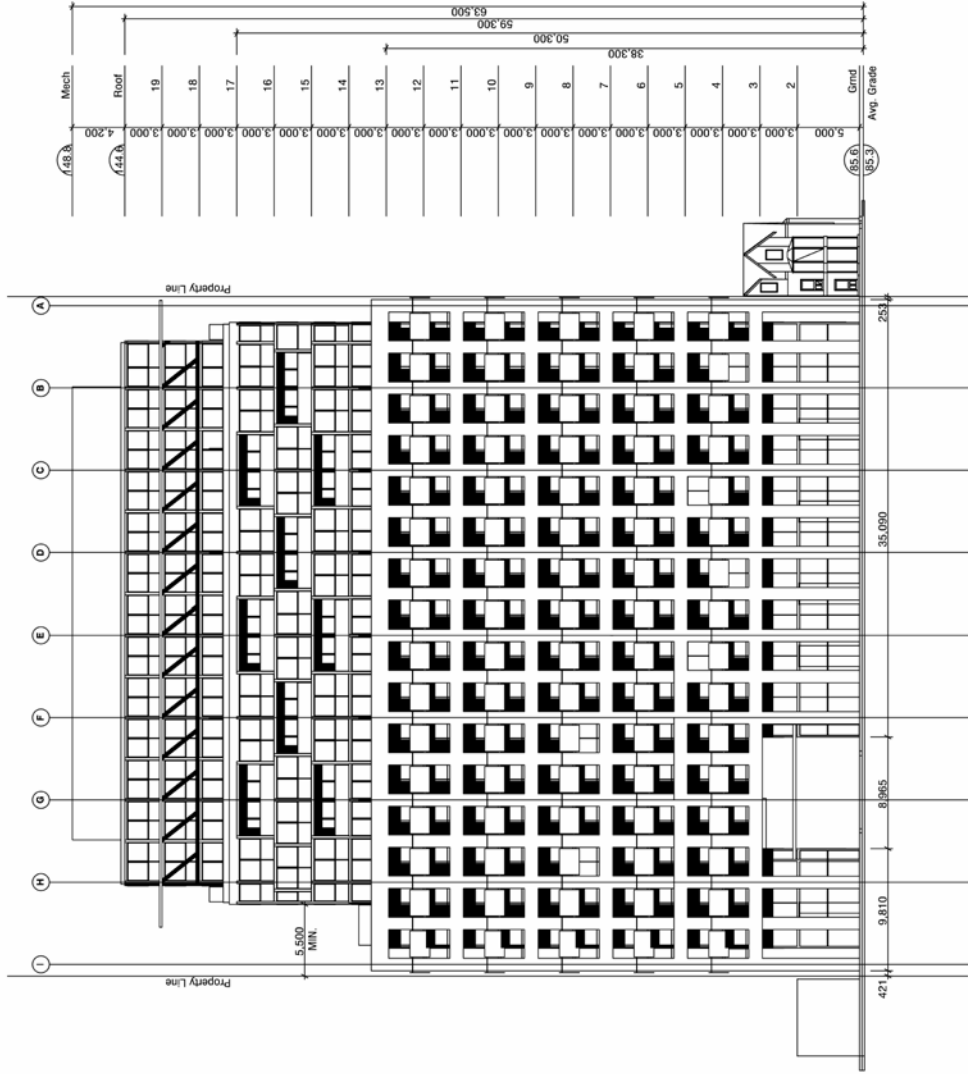
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46 - 62 Spadina Avenue & 378 Wellington Street West

File # 05\_109350



Attachment 4: East Elevation



East Elevation

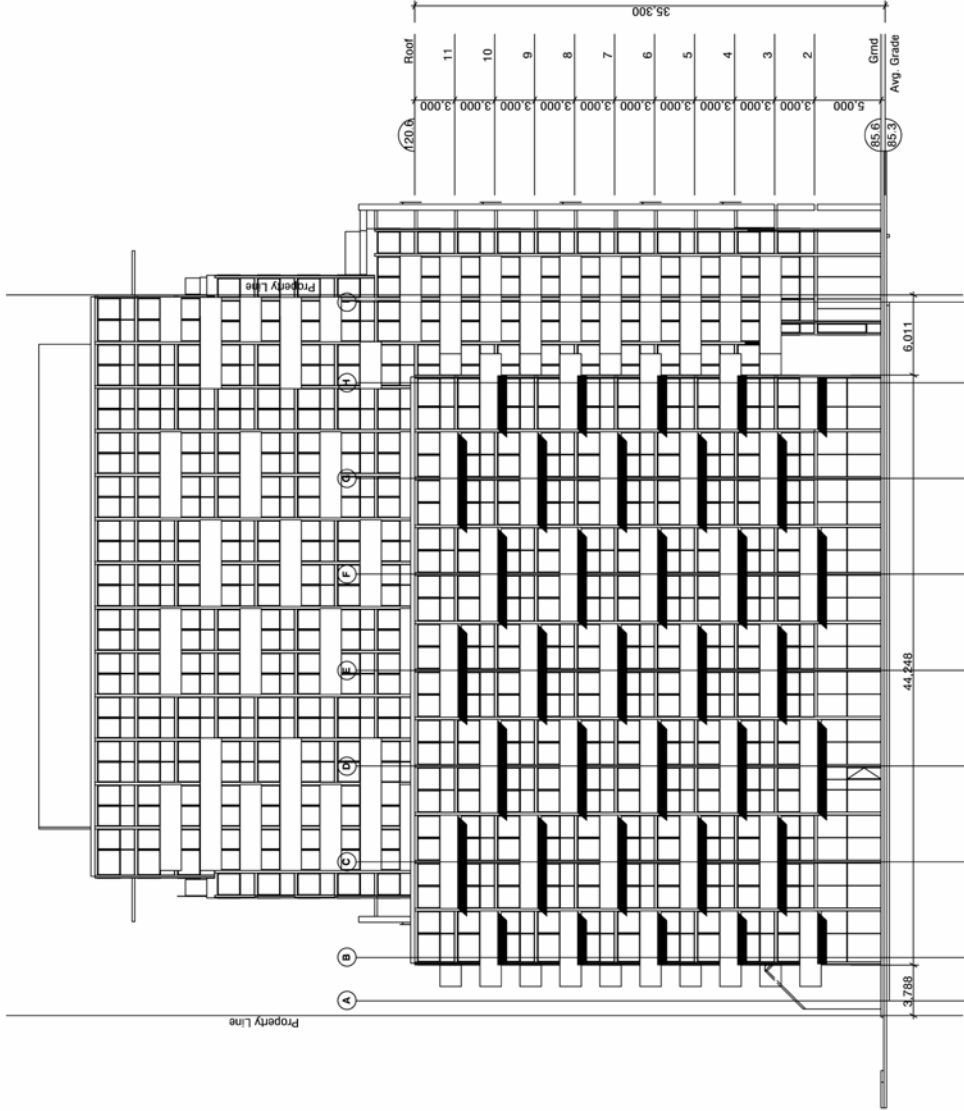
Applicant's Submitted Drawing

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04/12/06

46 - 62 Spadina Avenue & 378 Wellington Street West

File # 05\_109350

Attachment 5: West Elevation



**West Elevation**

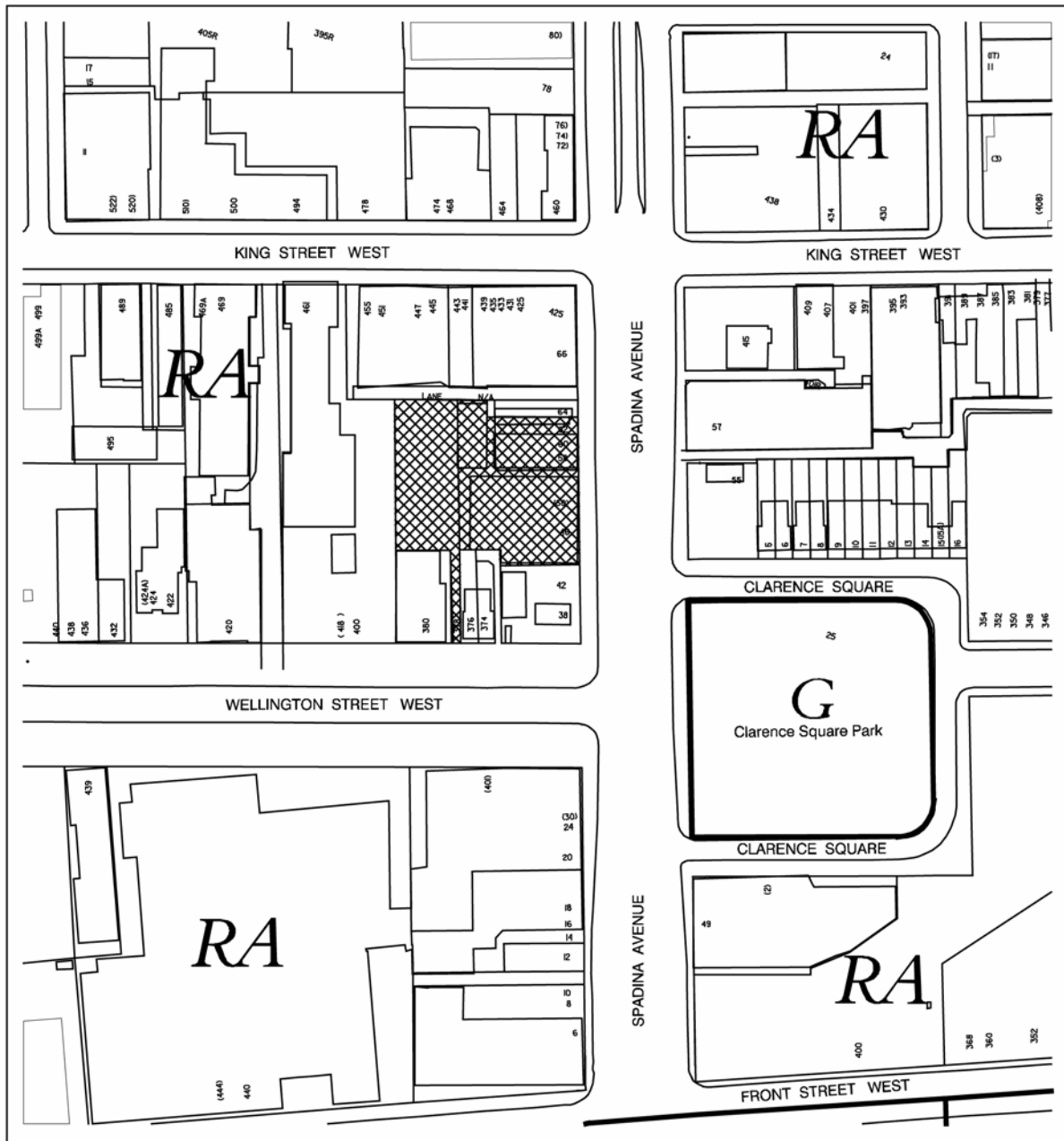
Applicant's Submitted Drawing

Not to Scale  
04/12/06

**46 - 62 Spadina Avenue & 378 Wellington Street West**

File # 05\_109350

### Attachment 6: Zoning



**TORONTO** City Planning Division  
**Zoning**

46 - 62 Spadina Avenue & 378 Wellington Street West

File # 05\_109350

G Parks District  
RA Mixed-Use District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 04/11/06 - DR



**Attachment 8: Draft Zoning By-law**

Authority: Toronto and East York Community Council Report No. \_\_\_\_, Clause No. \_\_\_\_ as adopted by City of Toronto Council on \_\_\_\_\_, 2006

**CITY OF TORONTO  
BY-LAW NO. \_\_\_\_-2006**

*To amend the General Zoning By-law No. 438-86 of the former City of Toronto respecting lands known municipally as 46, 48, 50, 58 and 60 Spadina Avenue.*

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2006 as 46, 48, 50, 58 and 60 Spadina Avenue; and,

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the Planning Act regarding the proposed zoning by-law amendment; and,

WHEREAS pursuant to Section 37 of the Planning Act, the Council of the Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize increases in the height or density of development beyond that otherwise permitted by the by-law in return for the provision of such facilities, services and matters as are set out in the by-law; and,

WHEREAS Subsection 37(3) of the Planning Act provides that, where an owner of land elects to provide facilities, services or matters in return for any increase in the height or density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and,

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the height permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto (hereinafter referred to as the "City");

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height in connection with the aforesaid land as permitted in this By-law;

**DRAFT ZONING BY-LAW**

NOW THEREFORE, the Council of the City of Toronto HEREBY ENACTS as follows

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2 with respect to the definition of grade, Sections 4(2)(a), 4(12), 4(16), 7(3) Part II 1, 7(3) Part II 7, 2(246)(a) and (c), 12(260) of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a building or buildings containing residential and/or non-residential uses on the *lot* and uses *accessory* thereto, provided:
  - (a) The *lot* consists of the lands delineated by heavy lines on Plan 1 attached to and forming part of this by-law;
  - (b) The total combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 26,560 square metres, of which the *residential gross floor area* shall not exceed 26,020 square metres and the *non-residential gross floor area* shall not exceed 540 square metres;
  - (c) No portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines, on the attached Plan 2 except for the following:
    - (i) The projections identified in Section 7(3) Part II 7 of By-law 438-86, as amended, shall be permitted outside the heavy lines shown on Plan 2 subject to the limitations contained therein; and
    - (ii) Section 1(c)(i) hereof does not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled MAXIMUM PERMITTED PROJECTION” are complied with:

**DRAFT ZONING BY-LAW**

STRUCTURE	MAXIMUM PERMITTED PROJECTION
parapets	maximum 1.0 metre projection provided the height of such “STRUCTURE” is not greater than 1.5 metres above the height limits established in Section 1(e) of this By-law
eaves, cornices, ornamental or architectural elements, balustrades, mullions, window sills, bay windows	maximum 1.0 metre projection, provided the height of the “STRUCTURE” is no higher than that portion of the building to which it is attached
canopies and roof-top architectural feature	maximum 4.0 metre projection from the wall where it is attached, provided the height of such “STRUCTURE” is no higher than that portion of the building to which it is attached
stairs, stair enclosures, landings and associated railings	no restriction, provided the height of such “STRUCTURE” does not exceed 3.0 metres
light standards and landscape features	no restriction in intent of projection or height of “STRUCTURE”

(d) No person shall erect or use a building or structure, on the *lot* having a greater *height* than the lesser of the *height* in metres specified by the numbers following the symbol H or the number of *storeys* specified by the numbers within brackets on the attached Plan 2, except for the following:

- (i) A structure on the roof of the building used for outside open air recreation, safety or wind protection purposes may exceed the height limits shown on the attached Plan 2 by no more than 3.0 metre, provided no part of the structure is less than 2.0 metres from an adjacent outside wall or a vertical projection of the wall and that such structure does not enclose space so as to constitute a form of penthouse or other room or rooms; and
- (ii) the structural projections identified in section 1(c) of this By-law, subject to the limitations contained therein;

(e) notwithstanding section 1(d) hereof, no person shall erect a building or structure having a *height* greater than;

- (i) 38.3 metres unless above such a *height*, a 3.0 metre setback is provided from the exterior wall facing the Spadina Avenue *lot* line. For the purposes of this section, exterior wall includes a main building wall or any other wall facing the Spadina Avenue *lot* line; and,
- (ii) 50.3 metres unless above such a *height*, a 4.5 metre setback is provided from the exterior wall facing the Spadina Avenue *lot* line;

**DRAFT ZONING BY-LAW**

- (f) a minimum of 465 square metres of indoor *residential amenity space* shall be provided on the *lot* in a multi-purpose room or contiguous multi-purpose rooms and at least one room in each of *building A* and *building B* shall contain a kitchen and a washroom. Such *residential amenity space* to be allocated as follows:
    - (i) no less than 223 square metres shall be provided in *building A*; and
    - (ii) no less than 242 square metres shall be provided in *building B*;
  - (g) a minimum of 448 square metres of outdoor *residential amenity space* shall be provided on the *lot* of which at least 40 square metres is to be provided in a location adjoining or directly accessible from an indoor *residential amenity space*;
  - (h) Section 12(270) does not apply to the Wellington Street frontage;
2. Pursuant to Section 37 of the Planning Act, the heights of the development contemplated by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the Owner of the *lot*, the following facilities, services and matters to the City at the Owner's sole expense and in accordance with and subject to the agreement referred to in Section \_\_\_ hereof:
- (a) the amount of \$235,000 payable to the City of Toronto prior to the issuance of the first building permit for the development on the *lot*, the amount to be used for improvements to Clarence Square Park;
  - (b) a public art contribution in accordance with the City of Toronto's public art program of a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the *lot*;
  - (c) the introduction of measures to improve sound quality within residential units, if required as recommended by an acoustic consultant to be engaged by the applicant. The sound mitigation measures shall be subject to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the project architect;
  - (d) building materials to be secured in an agreement pursuant to section 41 of the *Planning Act*, such Agreement to include 1:50 scale drawings for a portion of the podium along Spadina Avenue with building materials labelled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by a pedestrian;



**DRAFT ZONING BY-LAW**

- (e) prior to the issuance of site plan approval, the preparation of a comprehensive landscape plan for the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, such plan to integrate and maximize outdoor amenity opportunities on the *lot* through hard and soft materials, lighting and programming and shall include the 448 square metre outdoor *residential amenity space* referred to in Section 1(g) above, the hard surface area between the two buildings required for service vehicle turn movements, the perimeter landscape areas around the west building and the pedestrian walkway to Wellington Street West;
  - (f) submission of a Pedestrian Level Wind Study be secured in an Agreement pursuant to section 41 of the *Planning Act*, such Agreement to specify that any required wind mitigation measures shall be subject to the satisfaction of the Chief Planner, City Planning Division;
  - (g) the owner agrees to make revisions to the development or submit a Letter of Credit, if required, in accordance with the recommendations of a street lighting assessment;
  - (h) the contributions contemplated in subsections 2(a) and 2b) shall be indexed to the Consumer Price Index from the date of execution of the first agreement under Section 37 of the *Planning Act*;
  - (i) the owner enters into an agreement with the City, satisfactory to the City Solicitor, pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters required by this By-law, and such agreements shall be registered against title to the *lot*.
3. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.
4. None of the provisions of By-law No. 438-86 shall apply to prevent a sales office on the *lot* as of the date of the passing of this By-law or for a sales office in a sales trailer on the *lot*.
5. For the purposes of this By-law:
- (a) Subject to section 5(b) below, each word or expression that is italicized in the by-law herein shall have the same meaning as each work or expression as defined in By-law No. 438-86, as amended;
  - (b) “*grade*” means 85.3 metres Canadian Geodetic Datum;
  - (c) “*building A*” and “*building B*” means Building A and Building B as shown on Plan 2 attached hereto.

**DRAFT ZONING BY-LAW**

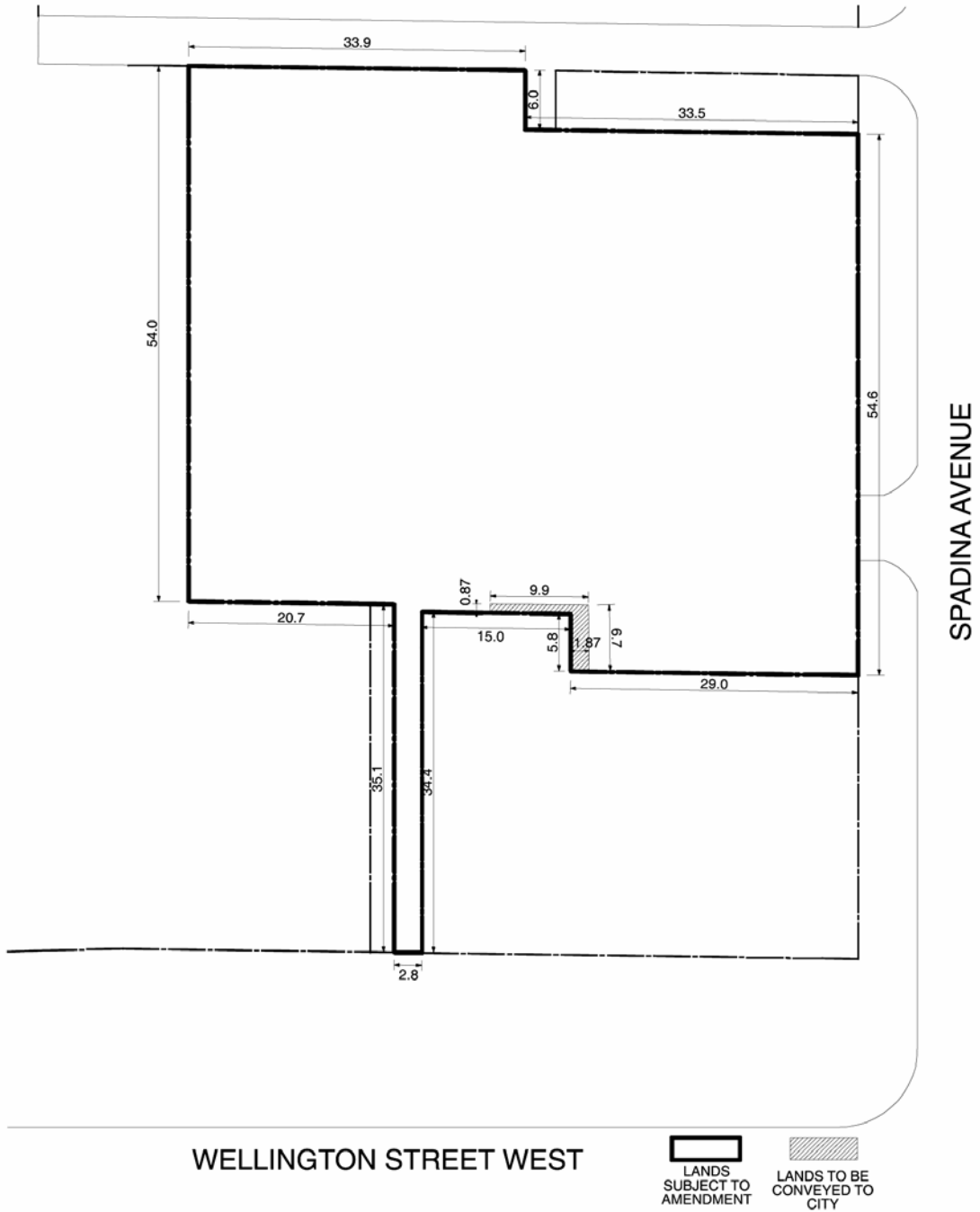
ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_, A.D., 2006.

DAVID R. MILLER  
Mayor

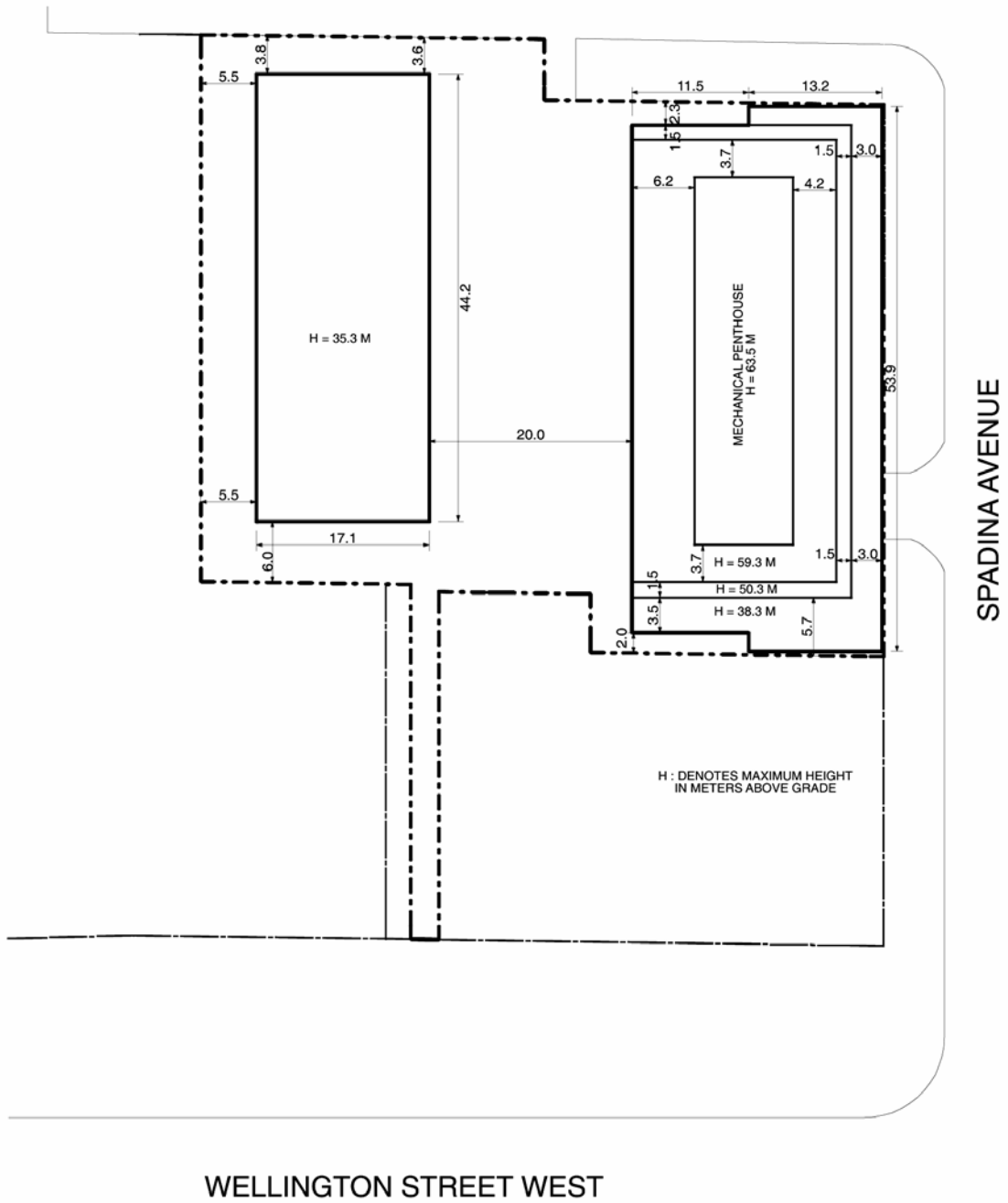
ULLI S. WATKISS  
City Clerk

(Corporate Seal)

### Draft Zoning By-law Plan 1



Draft Zoning By-law Plan 2



WELLINGTON STREET WEST