STAFF REPORT
ACTION REQUIRED

467 & 469 Spadina Road - Official Plan Amendment Application- Preliminary Report

Date: August 11, 2013
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Wards: Ward 22 – St. Paul's
Reference Number: 13 172305 STE 22 OZ & 13 172308 STE 22 RH

SUMMARY

This application proposes to renovate and retrofit the interior of an existing 4-storey rental building at 467 & 469 Spadina Road, which contained 17 larger rental units. In 2006, the previous owner vacated the building and removed the interior demising walls. The current owner is proposing to undertake substantial renovations to create a total of 31 high-end of market rental units within the shell of the existing building. To satisfy the City's rental replacement requirements, the owner is providing new townhouse units in another area of City at mid-range and affordable rents.

The proposal requires an amendment to Official Plan Policy 3.2.1.6 as it involves the demolition of affordable and mid-range rental housing units and off-site replacement units of a different type, size and number. A Rental Housing Demolition and Conversion application under Section 111 of the City of Toronto Act and Chapter 667 of the Municipal Code (the Section 111 application) has been made and will be reviewed and reported on concurrently with the Official Plan Amendment. The proposal to renovate and re-use 467 & 469 Spadina Road also requires a number of variances from the Committee of Adjustment.
This report provides preliminary information on the above-noted application and seeks Community Council’s direction on further processing of the application and on the community consultation process.

Staff recommend that a community consultation meeting be scheduled for the Fall of 2013, and anticipate submitting a final report on both the Official Plan Amendment application and the Section 111 application in or prior to the first quarter of 2014 provided the applicant provides all of the required information in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 467 & 469 Spadina Road together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.

3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact
The recommendations in this report have no financial impact.

Pre-Application Consultation
Pre-application consultation meetings were held with the applicant to discuss the complete application submission requirements under the Planning Act, as well as for the application to demolish rental housing under Chapter 667 of the Municipal Code.

ISSUE BACKGROUND

Proposal
The applicant proposes to renovate and retrofit the interior of the existing 4-storey residential rental building at the northeast corner of Spadina Road and Coulson Avenue. The building was last used in 2006 for rental purposes and contained a total of 17 residential rental units. Based on the information available, it appears that these units last rented at mid-range and affordable rent levels. The proposal is to increase the number of rental units on the site, following the redesign and renovation of the interior, to a total of 31 units. There are no proposed changes to the footprint of the existing building.
While there is no plan to restrict the rents for the newly created units at the Spadina Road property, the owner has proposed securing the provision of a total of 8 large townhouse units at mid-range and affordable rent levels at 501R Logan Avenue (the Logan townhouses). These townhouse units are owned by 501R Logan Inc., which in turn is owned by the same company that owns 467 & 469 Spadina Road. The townhouse units were recently constructed and registered for condominium purposes, but have not yet been sold to individual buyers. The applicant has recently tenanted the Logan townhouses units on a temporary basis at mid-range and affordable rent levels. Should the City grant approval to this proposal, the owner, as a condition of approval, would deregister the condominium at the Logan townhouse property, secure the rental tenure of the Logan townhouses for a minimum of 20 years and maintain and secure the mid-range and affordable rents at such property for at least 10 years, in keeping with the City's policies and practices relating to rental housing replacement.

Further information on the proposed renovation of the units at 467-469 Spadina Road, and the replacement of mid-range and affordable rental units is summarized in the table below.

<table>
<thead>
<tr>
<th></th>
<th>Existing Rental Units at 467 &amp; 469 Spadina Road</th>
<th>Proposed Rental Units at 467 &amp; 469 Spadina Road</th>
<th>Proposed Rental Replacement Units at 501R Logan Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Units</td>
<td>17 apartment rentals</td>
<td>31 apartment rentals</td>
<td>8 townhouse rentals</td>
</tr>
<tr>
<td>Unit Composition</td>
<td>17 2-bedroom</td>
<td>22 1-bedroom</td>
<td>4 2-bedroom</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 2-bedroom</td>
<td>4 3-bedroom</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 3-bedroom</td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>0 spaces</td>
<td>0 spaces</td>
<td>8 spaces</td>
</tr>
<tr>
<td>Rental Rate</td>
<td>Mid-range &amp; affordable rental units</td>
<td>Higher-end rental units</td>
<td>Mid-range &amp; affordable rental units</td>
</tr>
</tbody>
</table>

To allow this proposal to proceed, the applicant has been advised by City staff that the following approvals are required for 467 and 469 Spadina Road:

- Minor variances will be needed from former City of Toronto Zoning By-law No. 438-86. Specifically, relief from the By-law is required from the visitor parking and indoor and outdoor amenity requirements. An application was made to the Committee of Adjustment and was scheduled to be heard on July 31, 2013, however at the request of City Legal Services and City Planning staff, the Committee of Adjustment application has been deferred;

- An amendment to the Official Plan policy on rental housing demolition and replacement as replacement rental housing is not proposed to be provided on-site nor are the same number and type of replacement rental units proposed as last existed on the Spadina Road property; and
- Under Section 111 of the City of Toronto (Municipal Code Chapter 667) as the proposal would result in a change in number and bedroom type of residential rental units at the Spadina Road property.

Further details on the proposal will be considered by staff and made available to interested parties at a Community Consultation meeting. Staff are recommending that following this consultation meeting, a final report be submitted for Council's consideration on the Official Plan and the Section 111 application. If Council decides in favour of the proposal for addressing the replacement of rental housing, the Committee of Adjustment hearing would then proceed, and the application for minor variances could be considered and could be subject amongst any other matters, conditions of approval relating to the Official Plan Amendment coming into full force and effect and the owner obtaining approval of the City for the Section 111 application.

**Site and Surrounding Area**

The site is located on the northeast corner of Spadina Road and Coulson Avenue, just north of Forest Hill Village. The site is approximately 565 square meters in area, generally rectangular in shape and has approximately 35 metre frontage along Spadina Road and approximately 15 metres along Coulson Avenue. The site is currently occupied by a 4-storey apartment building with no on-site parking spaces.

Within the immediate context, the following uses surround the site:

South: directly south of the site on the east side of Spadina are 2 and 2 ½ storey detached residential dwellings and the west side of Spadina Road consists of 2 and 2 ½ storey detached residential dwellings and low-rise apartment buildings.

East: directly to the east is the Deer Park Auto Service Shop, and adjacent along Coulson Avenue are 2 and 3-storey detached and semi-detached residential dwellings.

West: to the west is Suydam Park, which is a municipally owned neighbourhood park.

North: to the north are detached residential dwellings ranging from 2 to 3 storeys in height.

**Provincial Policy Statement, Provincial Plans and S. 2 Planning Act**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. Key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. Housing policies in the PPS require planning authorities to provide for an appropriate range of housing types and densities to meet the requirements of current and future residents, and the provision of housing in locations with appropriate levels prior to the registration of the condominium plan that no agreements to convey
any of the proposed units is required infrastructure and services. City Council’s planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; protecting what is valuable; and the provision of infrastructure to support growth. Policies to support growth relate to planning for a range and mix of housing, taking into account affordable housing needs. City Council’s planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in making decisions under the Planning Act. These include: (j) the adequate provision of a full range of housing and (p) the appropriate location of growth and development.

**Official Plan**

The subject property is designated Neighbourhoods in the Official Plan. Neighbourhoods are physically stable areas providing for a variety of lower scale residential uses. The stability of the physical character of Neighbourhoods is one of the keys to Toronto’s success. Policies and development criteria aim to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally "fit" the existing physical character. Development criteria in Section 4.1.5 of the Official Plan state that development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood.

The Official Plan provides for a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. The City has well-established practices set out for the protection of rental housing in the case of redevelopment. Applicants proposing to demolish 6 or more residential rental units, except where all rents are above mid-range, are required to replace the rental units with the same number, size and type of rental housing units and maintain them with similar rents to those units existing on the site. Specifically, Official Plan Policy 3.2.1.6 states:

"New development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless:

a) all of the rental housing units have rents that exceed mid-range rents at the time of the application, or

b) in cases where planning approvals other than site plan are sought, the following are secured:

i. at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
ii. for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guidelines or a similar guideline as Council may approve from time to time; and

c) in Council’s opinion, the supply and availability of rental housing in the City has return to a healthy state and is able to meet the housing requirements of current and future residents."

In this specific instance, the applicant has submitted a rental replacement proposal that may potentially satisfy the intent of Policy 3.2.1.6 b) i. and ii. However, as the approach involves a change to the number, type and size of units, further review and consideration by staff is required. Ultimately a decision by Council is required to determine the appropriateness of the Official Plan Amendment and the application under Section 111 of the City of Toronto Act.

City of Toronto Act, Section 111
Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. The City's implementing by-law, By-law No. 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), was enacted by City Council on July 19, 2007 and established Chapter 667 of the Municipal Code.

The By-law makes it an offence to demolish the whole or any part of a residential rental property where there are six or more dwelling units, unless approval has been granted for a Section 111 permit for demolition. City Council may impose conditions on the approval of the Section 111 permit, which typically includes the replacement of rental units and assistance to any tenants affected by the proposed demolition. The conditions are generally based on the Official Plan policies and established practices the City has in place when considering rental housing demolition and replacement applications. City Council’s decisions on the refusal or approval of a Section 111 application are not subject to appeal to the Ontario Municipal Board.

Zoning
The site is zoned R1S Z1.0 under the former City of Toronto By-law 438-86, which does not permit apartment buildings. However, the existing apartment building was built prior to the enactment of Zoning By-law 438-86. Therefore the existing apartment use is legal non-conforming. A minor variance application is required for relief to the visitor parking and indoor and outdoor amenity requirements of By-law 438-86.

The new City of Toronto By-law 569-2013 does apply to the subject site.

Reasons for the Application
The proposal requires an amendment to Official Plan Policy 3.2.1.6 on rental housing demolition and replacement. Although the applicant’s plan seeks to respond to the policy
requirements, City Council's approval for variations in the number, type and size of replacement units is required.

City Council's approval is also needed under the implementing by-law on Rental Housing and Demolition Control (Municipal Code Chapter 667) enacted under Section 111 of the City of Toronto Act. The proposed renovation of 467 & 469 Spadina constitutes demolition under the by-law, as it results in a change to the number and bedroom type of rental units in the existing building.

A related application for minor variances at 467 & 469 Spadina Road has been submitted to and deferred by the Committee of Adjustment.

**COMMENTS**

**Application Submission**
The following reports/studies were submitted with the application:

- Planning Justification and Housing Issues Report
- Survey
- Floor Plans
- Elevation Drawings
- Landscape Plans

A Notification of Complete Application was issued on July 30, 2013.

**Issues to be Resolved**
The application has been circulated to City divisions and public agencies for comment. Preliminary issues to be addressed include the following:

- Loading and parking matters;
- Proposed amenity space;
- Conformity with the Official Plan policies and development criteria for *Neighbourhoods*;
- Solid waste matters;
- Appropriateness of the rental replacement proposal under the Official Plan policy and Section 111 of the City of Toronto Act. Among other matters this will require the submission of additional information and documents by the applicant, a detailed review by staff of the proposed plan and required information, and confirmation as to whether the temporary rental arrangement entered into at the Logan property is acceptable and consistent with City practices; and
- Identification of conditions in the event approval is granted.

**CONTACT**

Jennifer Renaud, Planner
Tel. No. 416-392-7554
Fax No. 416-392-1330
E-mail: jrenaud2@toronto.ca

David Spence, Senior Planner
Tel No: 416-392-8124
Fax No: 416-397-4080
Email: dspence@toronto.ca

**SIGNATURE**

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

**ATTACHMENTS**

Attachment 1: Site Plan
Attachment 2: West Elevation
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: North Elevation
Attachment 6: Official Plan
Attachment 7: Application Data Sheet
Attachment 2: West Elevation
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: North Elevation

467 Spadina Road

Staff report for action – Preliminary Report - 467 Spadina Rd
Attachment 6: Official Plan

[Map of 467 Spadina Road showing site location and land use categories]
**Attachment 7: Application Data Sheet**

**APPLICATION DATA SHEET**

**Application Type:** Official Plan Amendment  
**Application Number:** 13 172305 STE 22 OZ

**Details:** OPA, Standard  
**Application Date:** May 22, 2013

**Municipal Address:** 467 SPADINA RD

**Location Description:** PLAN 824 LOT 163 PT LOT 164 **GRID S2206**

**Project Description:** To redevelop the existing four-storey apartment building by removing the existing 17 two-bedroom rental units in lieu of 31 new units (22 one-bedroom, 5 two-bedroom and 4 three-bedroom.)

** Applicant:** ARMANDO BARBINI  
**Agent:** Same as applicant  
**Architect:** 467 SPADINA LIMITED  
**Owner:** 3710 Chesswood Drive  
**Address:** Toronto, Ontario  
**Postal Code:** M3J 2W4

**PLANNING CONTROLS**

**Official Plan Designation:** Neighbourhoods  
**Site Specific Provision:**

**Zoning:** R1S Z1.0  
**Historical Status:**

**Height Limit (m):** 11  
**Site Plan Control Area:**

**PROJECT INFORMATION**

**Site Area (sq. m):** 565  
**Height:** Storeys: 4

**Frontage (m):** 15.39  
**Metres:** 13.74

**Depth (m):** 36.52

**Total Ground Floor Area (sq. m):** 445  
**Parking Spaces:** 0

**Total Residential GFA (sq. m):** 1940  
**Loading Docks:** 0

**Total Non-Residential GFA (sq. m):** 285  

**Total GFA (sq. m):** 2225

**Lot Coverage Ratio (%):** 78.7

**Floor Space Index:** 3.9

**DWELLING UNITS**

**Tenure Type:** Rental  
**FLOOR AREA BREAKDOWN** (upon project completion)

<table>
<thead>
<tr>
<th>Tenure Type</th>
<th>Rental</th>
<th>Above Grade</th>
<th>Below Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rooms</td>
<td>0</td>
<td>1780</td>
<td>160</td>
</tr>
<tr>
<td>Bachelor</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>22</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3 + Bedroom</td>
<td>4</td>
<td>0</td>
<td>285</td>
</tr>
</tbody>
</table>

**Total Units:** 31

**CONTACT:**  
**PLANNER NAME:** Jennifer Renaud, Assistant Planner  
**TELEPHONE:** 416-392-7554

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