

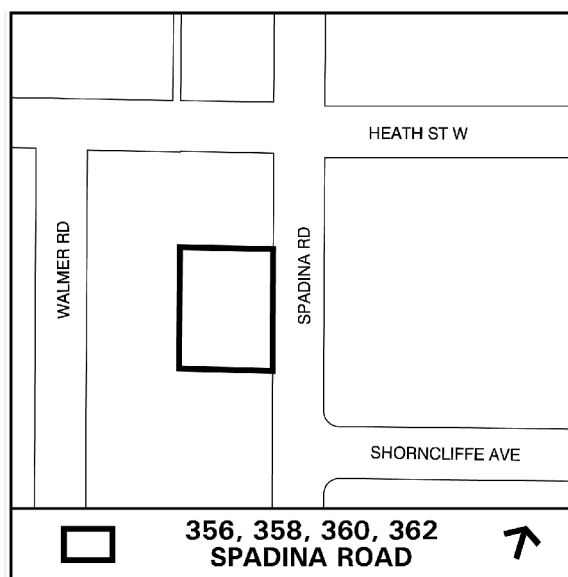
**356, 358, 360, and 362 Spadina Road – Residential
Rental Demolition - Application to revise conditions
under Municipal Code Chapter 667 – Final Report**

Date:	November 12, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	13 228301 STE 21 RH

SUMMARY

This application proposes to revise the conditions of the previous approval in 2009 of a Section 111 permit for demolition of three rental housing buildings at 356, 358, 360 and 362 Spadina Rd by allowing the demolition of the fourth building at 362 Spadina. City Council's conditions for the previously approved demolition included the retention of the building at 362 Spadina Road with two rental housing units.

The revised conditions would permit the demolition of 362 Spadina and require the replacement of a similar residential building at the same location with 2 residential rental units to be secured as rental housing. This report reviews and recommends approval of the application to demolish 362 Spadina and to revise the conditions of approval under Chapter 667 for the property at 356-362 Spadina Road.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council revise the conditions of approval of demolition of 356, 358 and 360 Spadina Road under Municipal Code Chapter 667 originally approved by City Council at its meeting of April 6, 2009, as item TE24.7, by deleting recommendation 1. b which provided for the retention of the house comprising 2 residential rental units at 362 Spadina Road.
2. City Council further revise the conditions of approval referred to in Recommendation 1 by approving the application to demolish the residential building at 362 Spadina Road comprising 2 existing residential rental units pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for the replacement of rental housing as outlined in this report:
 - a) the owner shall provide two (2) residential rental units in a house to be constructed on the subject site and maintained as rental housing for a period of at least 20 years, comprising at least one (1) five-bedroom unit and one (1) one-bedroom unit, both of which shall be provided as rental housing for households connected to the religious centre which owns and operates the buildings at 356-362 Spadina Road;
 - b) the owner shall not apply for a period of at least 20 years to convert to non-rental housing purposes, including by severance, nor to demolish without replacement, the 2 replacement rental units in a) above;
 - c) the owner shall apply for all building permits required, and shall construct the replacement rental building substantially in accordance with the plans dated October 17, 2013, with any revisions to the rental unit floor plans to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - d) the owner shall agree to complete the new replacement rental building and have the 2 rental dwelling units ready and available for occupancy prior to the date that the religious centre to be developed on the subject site opens for its operations;
 - e) the owner shall enter into and register one or more Section 111 Agreement(s) to secure the conditions outlined in a) to d) inclusive to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and

- f) the owner shall enter into and register, a Section 118 Restriction under the Land Titles Act (to the satisfaction of the City Solicitor) agreeing not to transfer or charge those parts of the lands, comprising the 2 replacement rental units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.
- 3. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue preliminary approval for a Section 111 permit for the application for the demolition of 362 Spadina Road under Municipal Code Chapter 667 after the satisfaction or securing of the conditions in Recommendation 2;
- 4. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 3.
- 5. City Council authorize the Chief Building Official to issue a permit under Section 33 of the Planning Act no earlier than the issuance of the building permit which provides for the foundation of the replacement rental building, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 3, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:
 - a) the owner erect a residential building on site no later than two (2) years from the day demolition of the buildings is commenced; and
 - b) should the owner fail to complete the new building within the time specified in condition (a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
- 6. Authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreements.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

These properties were the subject of an application for demolition of residential rental housing under Municipal Code Chapter 667, (Application Number 08-196544 STE 00 RH) pursuant to Section 111 of the City of Toronto Act. A Section 111 permit for the demolition of 5 rental housing units in the 3 residential buildings at 356, 358 and 360 Spadina Road was approved by City Council on April 6, 2009, and was issued in 2011. The Final Report adopted in 2009 can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-19618.pdf>.

The properties are also the subject of the following related applications under the Planning Act:

1. **Minor variances** to Zoning by-law 438-86 (Application Number A0897/08TEY for 356, 358, and 360 Spadina Road) permitting the construction of a new four-storey building to be used as a place of worship and synagogue related functions. The requested variances relate to: height, non-residential gross floor area, building setbacks, building depth, landscaped open space, driveway slope and width and the location of the proposed parking spaces relative to the neighbouring residential properties. Minor variances were also approved for the property at 362 Spadina Road. These variances relate to the location of the proposed parking spaces relative to the neighbouring residential properties the use of the backyard as parking (A1025/08TEY). The variances were approved by the Committee of Adjustment on February 18, 2009.
2. **Consent** to create an easement/right-of-way in favour of 362 Spadina Road for the purpose of vehicular access (Application number B01285/08TEY). The Committee of Adjustment heard the application for consent on February 18, 2009 and approved the application on condition.
3. **Site Plan Approval** for the construction of the 4-storey religious centre (Application number 08-107390 STE 21 SA). The application was approved on November 2, 2012.

ISSUE BACKGROUND

Proposal

This application proposes to revise the conditions of the previous approval in 2009 of a Section 111 permit for demolition of three rental housing buildings at 356, 358, 360 and 362 Spadina Rd by allowing the demolition of the fourth building at 362 Spadina. City Council's conditions for the previously approved demolition included the retention of 362 Spadina Road with two rental housing units.

In an application under Chapter 667 dated August 30, 2013, the owner proposes to build a three-storey replacement rental building which will be of a similar form and size as the existing building and at the same location at 362 Spadina Road, with 2 residential rental

units to be secured as rental housing, and connected to the operations of the religious centre being built on the site of the former buildings at 356-360 Spadina Road.

Site and Surrounding Area

The combined four properties total 1,271.5 square metres in size. The existing building at 362 Spadina Road, which comprises 2 residential units, is currently vacant. The proposed place of worship is currently under construction on the remainder of the site. The site is surrounded by residential uses on all sides, including an eight-storey residential building to the rear of the subject property.

Official Plan

Section 3.2.1 Housing Policy

The original redevelopment proposal for a religious centre and the demolition application for the 3 buildings which comprised 5 rental housing units was not subject to the Official Plan's housing policy 3.2.1.6, as it would result in the loss of fewer than 6 rental dwelling units. The current application, which seeks to replace the remaining 2 residential rental units on the site, involves fewer than 6 rental units, and no rental units will be lost as a result of this application.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application was approved on November 2, 2012. Through the Site Plan Agreement the rental building at 362 Spadina Road has been tied to the proposed place of worship at 356, 358, and 360 Spadina Road. The proposed changes do not require an amendment to the existing Site Plan Agreement.

Reasons for Application

An application under Municipal Code Chapter 667 for a Section 111 permit to demolish 362 Spadina Road and its 2 residential rental units is required at this time, because no demolition permissions for 362 Spadina Road were approved by City Council at the time that demolition of the other 3 residential buildings on the properties was approved by City Council in 2009.

An application pursuant to section 17 of Chapter 667 is required to revise conditions of the 2009 approval, by deleting the requirement to retain 362 Spadina Road and its 2 rental housing units. The Chief Planner has the option of treating an application to revise conditions of approval as a new application, with the attendant notice and meeting requirements. However, in this case, because of the few rental units involved, and the fact that the original intent of the Council conditions to maintain 2 rental housing units on site is being met, it is not being treated as a new application.

Community Consultation

There are no tenants at 362 Spadina Road which has been vacant for several years, and there are no requirements for community consultation under section 17 of Chapter 667 when revising conditions of an earlier approval.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Toronto Buildings has been consulted in the preparation of this report.

COMMENTS

Rental Housing Demolition

The owner's original proposal in 2009 had been to retain the large house at 362 Spadina, and do extensive renovations to create a 7-bedroom unit suitable for a large family on the ground and upper floors of the house, and to create a one-bedroom apartment on the basement level. The owner had agreed that occupancy of the 2 rental units would be for households connected directly to the religious centre.

After the other 3 residential buildings were demolished, and while preparing plans for the renovation, the owner's architects and engineers conducted a more thorough assessment of the vacant building. They concluded that the degree of deterioration of the existing building, and the resulting remediation needed for the foundation and structural elements of the building, in addition to the renovations for the rental units was so extensive as to no longer be feasible for their plans.

The revised plans and proposal by the owner will maintain the intent of the original City Council conditions of approval under Chapter 667 in 2009 by providing the 2 rental units in a house at the same location. As in the original proposal, the 2 rental units will consist of a large apartment over several floors, suitable for a large family, and a smaller apartment on the basement level. The construction of a new building has permitted improvements to this basement apartment in comparison to the previous renovations plans, with the provision of multiple and large window areas.

Staff are satisfied that Council's original intent is being maintained with respect to the provisions of 2 rental units on the site of the religious centre. The nature of the plans and the size of the replacement rental units is similar to the previous renovation plans, and the occupancy will continue to be tied to households involved with the religious centre. The key difference is that the existing building will not be retained, but the scale and form of the replacement building is similar. There are no tenants affected by the change of plans as the building has been vacant for several years.

To ensure that Council's original intent with respect to ensuring that these four lots remain connected to each other and the operation of the religious centre use while maintain 2 rental housing units, it is recommended that a Section 111 agreement be entered in to, with the related Section 118 restrictions on title to assist with securing the agreement.

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SIGNATURE

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