

484 Spadina Ave – Zoning Amendment Application – Request for Direction Report

Date:	November 22, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	13 165361 STE 20 OZ

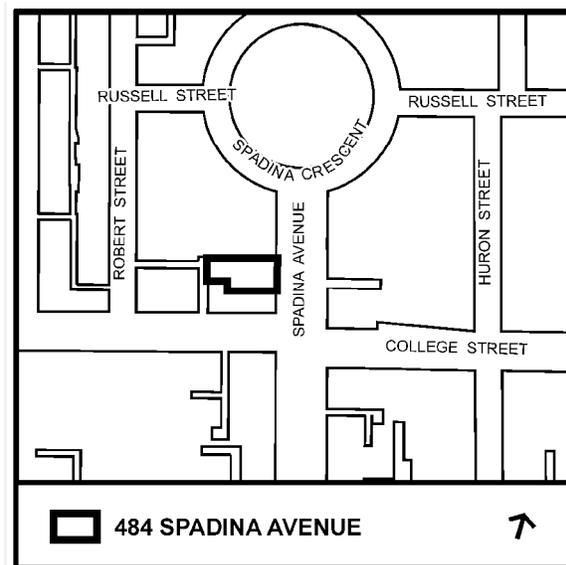
SUMMARY

This application proposes to redevelop the lands at 484 Spadina Avenue with a 22-storey mixed use building consisting of non-residential uses within the first two storeys of the building, with residential units above.

The proposal in its current form is not supportable. The proposal does not promote a harmonious fit with the existing neighbourhood context and is not consistent with the relevant Official Plan Policies.

The applicant appealed to the Ontario Municipal Board on October 22, 2013 on the basis of Council's failure to enact the requested amendment within the timelines prescribed by the *Planning Act*. At the time of writing of this report, a hearing date had not been set.

The purpose of this report is to request direction from City Council regarding the pending Ontario Municipal Board hearing on the application for a Zoning By-law Amendment.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize staff to attend the Ontario Municipal Board hearing to oppose the application at 484 Spadina Avenue in its current form and authorize the City solicitor and any other appropriate City staff to take such actions as necessary to give effect to the recommendations of this report.
2. City Council authorize staff to continue discussions with the applicant concerning appropriate heights and massing for this development site including appropriate public benefits that would be provided for the increased height and density that may be approved for the site pursuant to Section 37 of the *Planning Act* if an agreement can be reached.
3. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement the foregoing.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report was before Toronto and East York Community Council on September 12, 2013. The Preliminary Report identified that the proposal was not supportable in its current form, but recommended that a Community Consultation Meeting be held to get feedback and consider alternative approaches to the site. A Community Meeting has not yet been scheduled. Staff will continue to look for a date for a meeting to seek community input on the proposal.

The Preliminary Report and Council Decision is available via the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE26.66>

On February 14, 2012, Toronto and East York Community Council requested the Director, Community Planning, Toronto and East York District, to review the policy context for College Street generally from University Avenue to Bathurst Street, and report back to Toronto and East York Community Council on preliminary findings along with recommendations for a community consultation process.

The Preliminary Report on the College Street Built Form Study was before Toronto and East York Community Council in September 2013, and is available via the following link: <http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-60742.pdf> . The study area includes the subject site.

ISSUE BACKGROUND

The application proposes to redevelop the lands at 484 Spadina Avenue with a 22-storey mixed-use building consisting of retail and commercial uses on the first two levels of the building, with residential dwelling units above. The overall building height as proposed by the applicant is approximately 70 metres, plus mechanical penthouse.

The application proposes a total gross floor area of approximately 14,676 square metres, of which, 1,622 square metres will be allocated to non-residential gross floor area, with the remaining 13,054 square metres allocated to residential gross floor area. An overall density of approximately 10 times the lot area is proposed. The application proposes to provide a total of 202 residential units, 70 vehicular parking spaces in 3 levels of underground parking accessed from the public lane, and 214 bicycle parking spaces. The applicant also proposes to provide 461 square metres of indoor amenity space, and 233 square metres of outdoor amenity space as part of this proposal.

Site and Surrounding Area

The subject site is located on the west side of Spadina Avenue, north of College Street. The site is irregular in shape, and has a lot frontage of approximately 28 metres on Spadina Avenue, and a depth of approximately 58 metres at its deepest point. The overall area of the subject site is approximately 1,465 square metres.

Development in the vicinity of the site is as follows:

- North: Immediately north of the site is a 3-storey building used by the Scott Mission. Further north along Spadina Avenue are low-rise residential, and institutional buildings. To the immediate north-west is Lord Lansdowne Public School.
- East: To the east of the subject site is a 4-storey non-residential building, the University of Toronto - St. George Campus, and the Centre for Mental Health and Addiction.
- South: Immediately south of the subject site is a 2-storey non-residential building. Further south, Spadina Avenue consists of low-rise mixed use developments ranging in height from 3 to 4-storeys.
- West: West of the subject site along College Street are low-rise mixed use developments ranging in height from 2 to 3 storeys.

Provincial Policy Statement and Provincial Plans

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. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. 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; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Map 2 of the Official Plan identifies that the subject site is located *Downtown*. The *Downtown* is intended to continue to evolve as a healthy and attractive place to live and work, as new development that supports the reurbanization strategy and the goals for *Downtown*, is attracted to the area. Section 2.2.1.1 of the Plan identifies that the *Downtown* policies of the Plan will shape the City's future by accommodating development that:

- builds on the strength of *Downtown* as the premier employment centre in the GTA; and
- provides a full range of housing opportunities for *Downtown* workers and reduces the demand for in-bound commuting.

Although the Plan identifies that the *Downtown* as one of the areas which can accommodate growth, the Plan identifies that growth will not be spread uniformly across the whole of the *Downtown*, as the *Downtown* is home to a wide range of development types ranging from tall buildings to low scale established *Neighbourhoods* where little change is desired. Other considerations which contribute to the liveability and success of the *Downtown* are guided by the policies that seek to maintain a full range of uses including office, institutional, and housing, respect for the built heritage, and promote contextual and district based planning to ensure distinctive character is balanced with growth promotion.

The site is designated *Mixed Use Areas* in the Official Plan. This designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale.

The development criteria in *Mixed Use Areas* include:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- providing for new jobs and homes for Toronto's growing population on underutilized lands;

- locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- locating and massing new buildings to frame the edges of streets and parks;
- providing an attractive, comfortable and safe pedestrian environment;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- providing indoor and outdoor recreation space for building residents in every significant multi-residential development.

The Built Form policies, contained within section 3.1.2 of the Official Plan emphasise the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area.

Zoning By-law 438-86

The subject site is zoned MCR T3.0 C2.0 R2.5 in the former City of Toronto Zoning By-law 438-86, as amended. This zoning category permits a range of residential and commercial uses to a maximum height of 16.0 metres, with a maximum density of 3.0 times the lot area.

Zoning By-law 569-2013

City Council enacted Harmonized By-law 569-2013 on May 9, 2013. The subject site is zoned Commercial Residential (CR) with a maximum density of 3.0 times the lot area. The subject site is subject to Development Standard Set 2 (SS2), a designation typically assigned to main streets outside of the immediate downtown. The site is also subject to Exception 1733 (x1733). This exception outlines parking requirements for the site.

Site Plan Control

The subject site and development are subject to Site Plan Control. An application for Site Plan Control has not been submitted to date.

Tall Buildings Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a

unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals. The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

The subject property is located on Spadina Avenue which is identified as a Special Study Street on Map 1. Spadina Avenue is not intended to be a High Street and has no additional height applied to it. Due to the special heritage character of Spadina Avenue, City Planning staff will be conducting a further study of the Avenue for the segment between Bloor Street West and Queen Street West with the intent of developing a framework that will reinforce its historic character and scale. This study will examine establishing a Heritage Conservation District and creating a framework to help guide: building scale and height, public realm and pedestrian improvements; and views, vistas and view termini given the prominent location adjacent to the Spadina Circle.

The subject site, including all the lands adjoining Spadina Circle to the south, has been included in the College Street Study. The study of College Street, between McCaul Street and Bathurst Street, and a portion of Spadina Avenue north of College Street and south of the Spadina Circle, will address:

- land use with particular regard to the significant number of institutional uses in the area;
- building scale and height in relation to the College Street context and transition to adjacent *Neighbourhoods*; and
- public realm, streetscape and pedestrian improvements.

The study will focus on the built form and physical character within the study area and how to accommodate future development. This includes examining building envelopes, height and massing, public realm, streetscape and landscape improvements. A Preliminary Report was before Toronto and East York Community Council in September 2013.

OMB Appeals

On October 22, 2013, the applicant appealed its Zoning By-law Amendment application to the Ontario Municipal Board, on the grounds that City Council failed to make a decision on the applications within the timelines prescribed within the *Planning Act*.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions.

COMMENTS

The redevelopment of lands in an established urban setting requires consideration of the immediate site context and the larger neighbourhood. Developments should recognize the defining urban characteristics of the area into which they are to be inserted and should seek to complement the established urban form. New development must relate, enhance and contribute to its surroundings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) promotes the appropriate intensification and efficient use of land, recognizing that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

The Provincial Policy Statement states, in Section 4.5, that the Official Plan is the most important vehicle for implementing the Provincial Policy Statement. Furthermore, Section 4.5 directs municipalities to provide clear direction for the development of the municipality as well as areas suitable for growth.

Although the proposal does generally comply with the policies contained within the PPS, revisions to the proposal as outlined within this report would bring the proposal into greater compliance with the PPS.

Land Use

The Provincial Policy Statement indicates that the Official Plan is to direct development to suitable areas. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

The Official Plan directs growth to certain areas of the City, and the areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The areas for growth have been identified as the *Downtown*, the Centres, the *Avenues* and Employment Districts. Map 2 of the Official Plan identifies that the subject site is located *Downtown*. The Official Plan identifies the *Downtown* as one of the areas which can accommodate a vibrant mix of residential and employment growth. The Official Plan identifies that the *Downtown* will continue to evolve as a healthy and attractive place to live and work, as new development that supports the reurbanization strategy and the goals for *Downtown*, is attracted to the area.

Although the Plan identifies that the *Downtown* as one of the areas which can accommodate growth, Section 3.1.3 identifies that tall buildings are desirable in the right places, but also acknowledges that they are not appropriate in all locations. When tall buildings are poorly located or designed, they can physically and visually overwhelm adjacent streets, parks and neighbourhoods. The Plan acknowledges that tall buildings are also only one form of intensification. Most of the proposed intensification is anticipated to be achieved with street oriented, grade related or mid-rise type buildings. Although the subject site is within the *Downtown*, an area identified for growth, the proposal does not meet the objectives of the plan, and the current form of development is not supportable at this location.

Surrounding Context

The Built Form policies within the Official Plan stress the importance of new development fitting harmoniously into its existing and/or planned context and limiting its impacts on neighbouring streets, parks, open spaces and properties. The Official Plan identifies the need to consider new development not only in terms of the individual building and site, but also in terms of how that building and site fit within the context of the neighbourhood and the City. New development within *Mixed Use Areas* is required to locate and mass new buildings to frame the edge of the streets, maintain sunlight and comfortable wind conditions, and locate and mass new buildings to provide a transition between areas of different development intensity and scale.

The Official Plan outlines development criteria for developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*. The Plan states that developments will:

- be compatible with those *Neighbourhoods*;
- provide a gradual transition of scale and density, as necessary, to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

The Healthy Neighbourhoods Section of the Official Plan identifies that the intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact. The plan also states that developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will, among other matters, be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, maintain adequate light and privacy for residents in those *Neighbourhoods*.

Intensification on land adjacent to neighbourhoods is required to be carefully controlled so that neighbourhoods are protected from negative impact. New developments are to be located and organized in a manner so as to fit within the existing and/or planned context.

The variation between the height of the proposed buildings and the height of the adjacent neighbourhood is inconsistent with the surrounding context and does not meet the policies contained within the Official Plan.

Height

The Official Plan identifies that tall buildings are desirable in the right places, but also acknowledges that they are not appropriate in all locations. When tall buildings are poorly located or designed, they can physically and visually overwhelm adjacent streets, parks and neighbourhoods. The Plan acknowledges that tall buildings are also only one form of intensification. Most of the proposed intensification is anticipated to be achieved with street oriented, grade related or mid-rise type buildings.

The Official Plan policies provide a framework for change and the planned context that will emerge over time. The proposed height is greater than any of the recent development proposals approved by Council in this area. The height of the proposed building results in shadowing the school yard at Lord Lansdowne Public School between 8:20 and 11:20 am throughout the year. The variation between the height of the proposed building and the height of the adjacent area is problematic, fails to respect the scale of the surrounding area, and shadows the adjacent lands.

Building Siting and Massing

The Official Plan identifies that developments may be considered not only in terms of the individual building and site, but also in terms of how that building and site fit within the context of the neighbourhood and the City. New development within *Mixed Use Areas* is required to locate and mass new buildings to frame the edge of the streets, maintain sunlight and comfortable wind conditions, and locate and mass new buildings to provide a transition between areas of different development intensity and scale.

The current form of development proposed by the applicant is not appropriate. The proposal has not properly considered building massing and height in relation to its existing and planned context as required by the Official Plan. The Built Form policies, contained within section 3.1.2 of the Official Plan emphasise the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area. The massing and siting of the applicant's proposal in its current form does not protect the adjacent *Neighbourhoods* from negative impact, nor does it respect the character of the surrounding area, and cannot be supported in its current form.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to

ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). As noted on page 6, Spadina Avenue is a Special Study Street and City Council has requested studies for both Spadina Avenue and College Street. Neither street has been identified as an area for significant height. The Downtown Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

The proposal fails to satisfy a number of criteria contained within the Tall Building Design Guidelines. The setbacks as proposed by the applicant fall significantly short of those required in the Tall Buildings Design Guidelines, which state that the tower should be setback at least 3 metres from the face of the base building, along the street, whereas the applicant is proposing to set the tower back 1.5 metres. In addition, the Tall Building Design Guidelines state that towers should be setback 12.5 metres or greater from the side and rear property lines. In this instance, the applicant proposes setbacks of 1.3 metres and 6.7 metres to the north and south property lines, significantly less than the 12.5 metres required. The proposed tower setbacks are not supportable.

Heritage

On September 12, 2011, Toronto and East York Community Council requested the Acting Director, Policy and Research, City Planning Division, to consider listing and designating as Heritage Properties 484 Spadina Avenue (The Waverly Hotel) and 486 Spadina Avenue (The Silver Dollar Room). At the time of writing of this report Heritage Preservation Services Staff have not had the opportunity to complete the necessary research to determine if the building should be included on the City's inventory of heritage properties, however the evaluation of this property is being scheduled. Heritage Preservation Services will report, under separate cover, to Toronto Preservation Board and Council on their findings once the research to determine if the building should be included on the City's inventory of heritage properties has been completed.

Section 37 of the *Planning Act*

The application in its current form will be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits were not discussed in the absence of an agreement on height and massing, beyond an indication that the City intended to use this tool should the aforementioned issues be resolved.

Development Options

City Planning Staff have indicated a willingness to work with the applicant to achieve a development which may be supportable for this site and is in keeping with the policies contained within the Official Plan. Staff have met with the applicant and indicated that a proposal that is closer to a mid-rise typology, which maintains transition to the *Neighbourhoods*, provides for adequate setbacks to the adjacent properties, and maintains comfortable sunlight conditions could be considered for this site.

CONCLUSION

Staff have reviewed the submission for compliance with Official Plan Policies. The policies contained within the City of Toronto Official Plan provide the basis for refusing this proposal in its current because it does not meet the intent of the Plan. The proposed density, building height, and lack of transition do not reinforce or respect the physical character of the existing neighbourhood. Staff recommend that City Council direct staff to support refusal of the proposed development in its current form at the Ontario Municipal Board.

Should the applicant be prepared to revise the proposal so that it is brought into greater compliance with the City's Official Plan, a supportable development on this site may be possible. Staff are willing to work with the applicant to achieve a development which may be supportable for this site. Should the applicant indicate a willingness to revise their proposal to something that may be more suitable for this site, Staff will report back to Toronto and East York Community Council and request further direction prior to proceeding to an Ontario Municipal Board Hearing.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: East Elevation

Attachment 3: South Elevation

Attachment 4: West Elevation

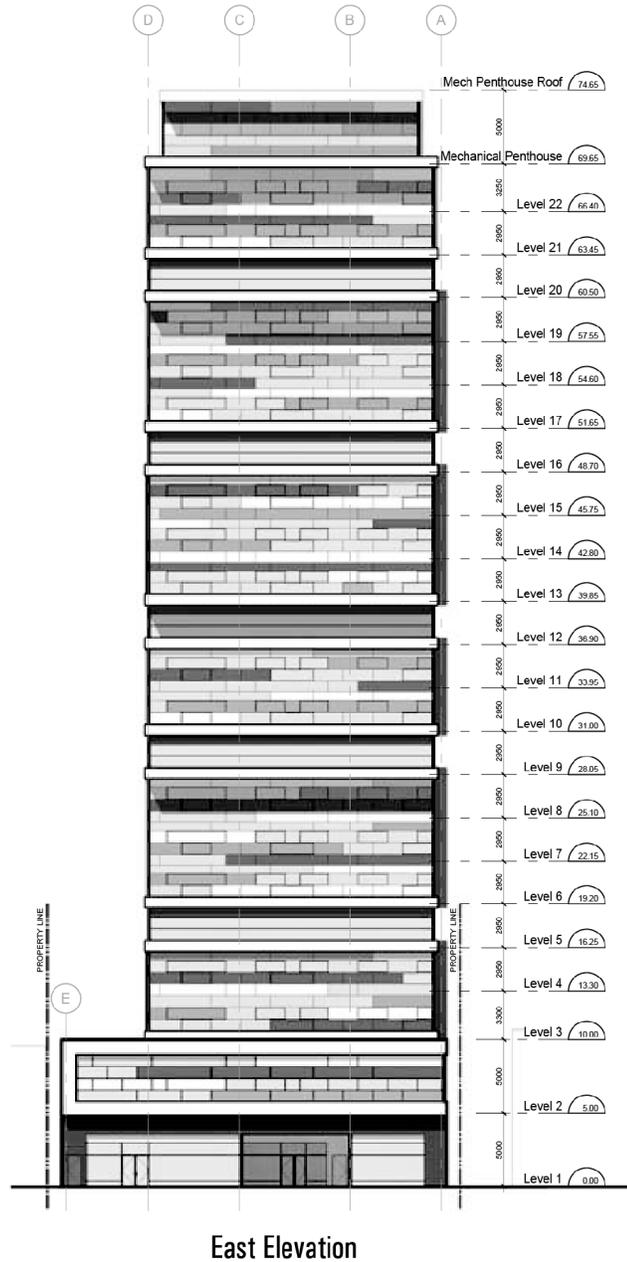
Attachment 5: North Elevation

Attachment 6: Zoning

Attachment 7: Official Plan

Attachment 8: Application Data Sheet

Attachment 2: East Elevation



East Elevation

Elevations

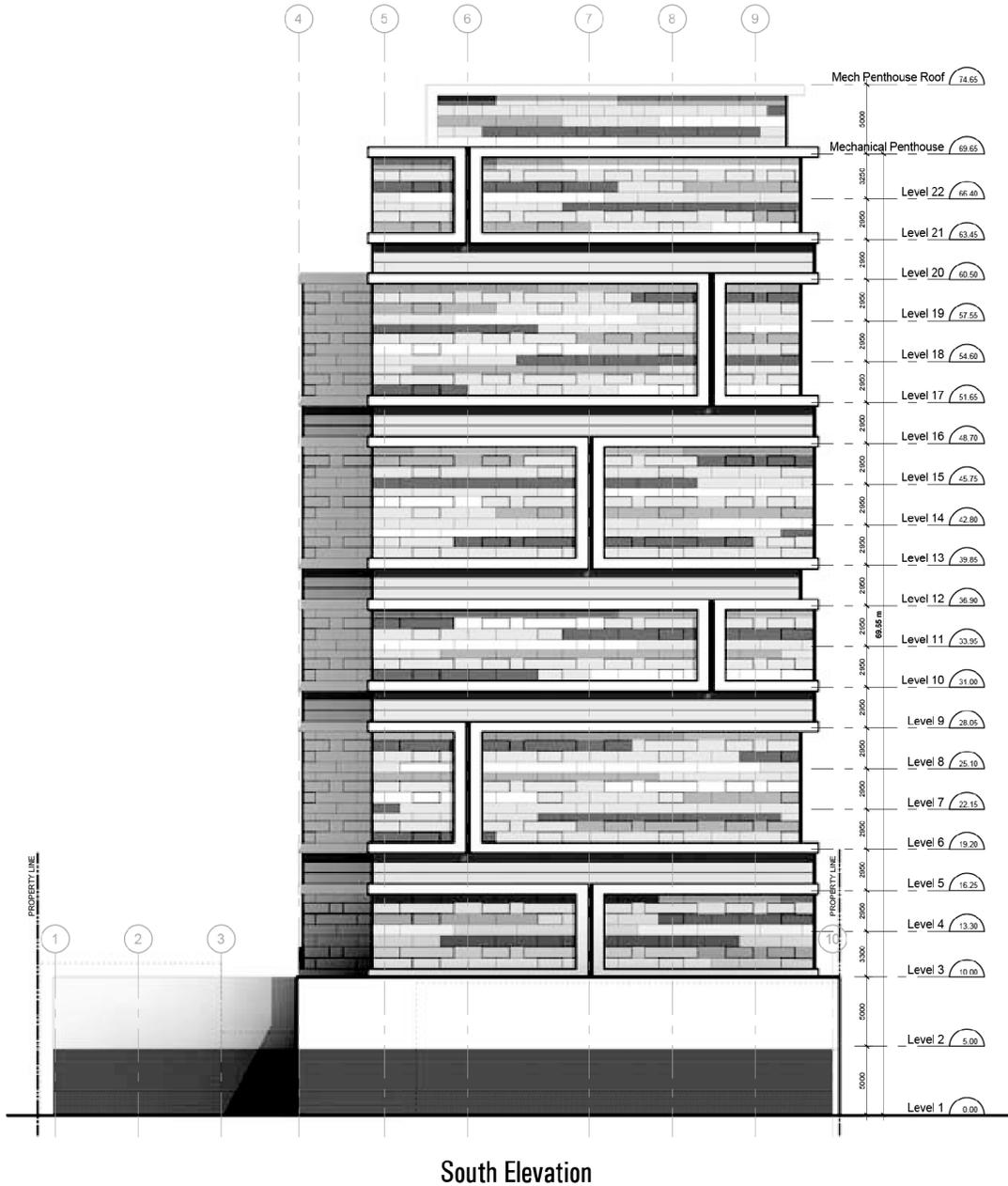
Applicant's Submitted Drawing

Not to Scale
08/16/2013

484 Spadina Avenue

File # 13 165361 OZ

Attachment 3: South Elevation



Elevations

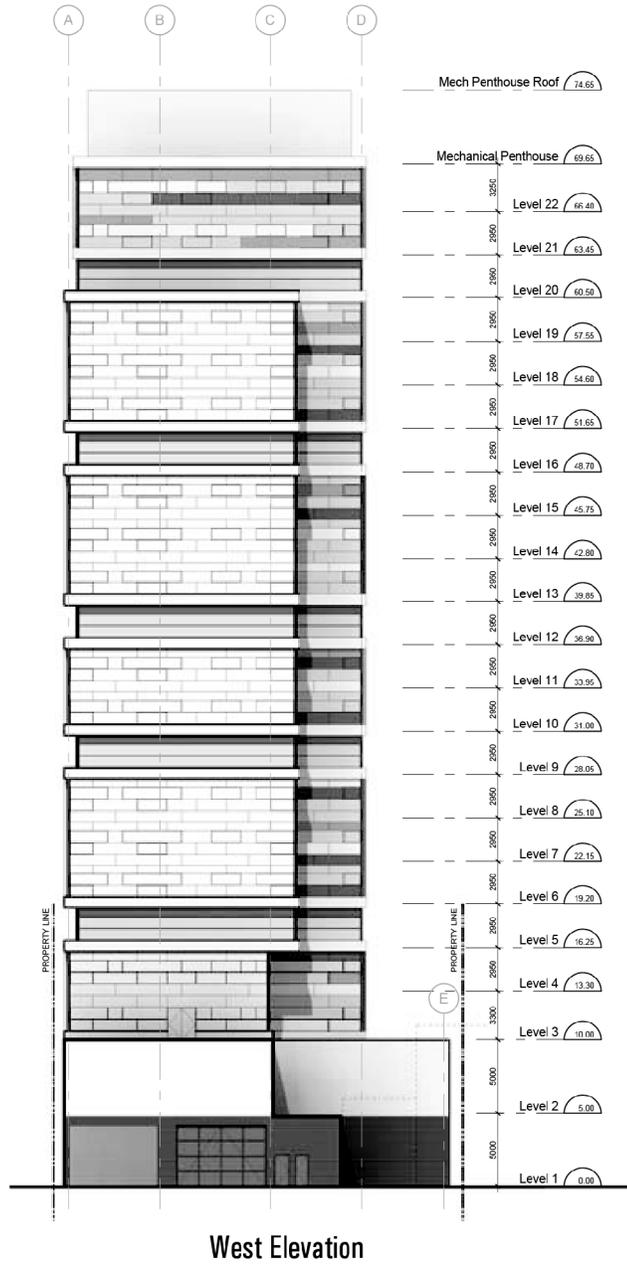
Applicant's Submitted Drawing

Not to Scale
08/16/2013

484 Spadina Avenue

File # 13 165361 0Z

Attachment 4: West Elevation



Elevations

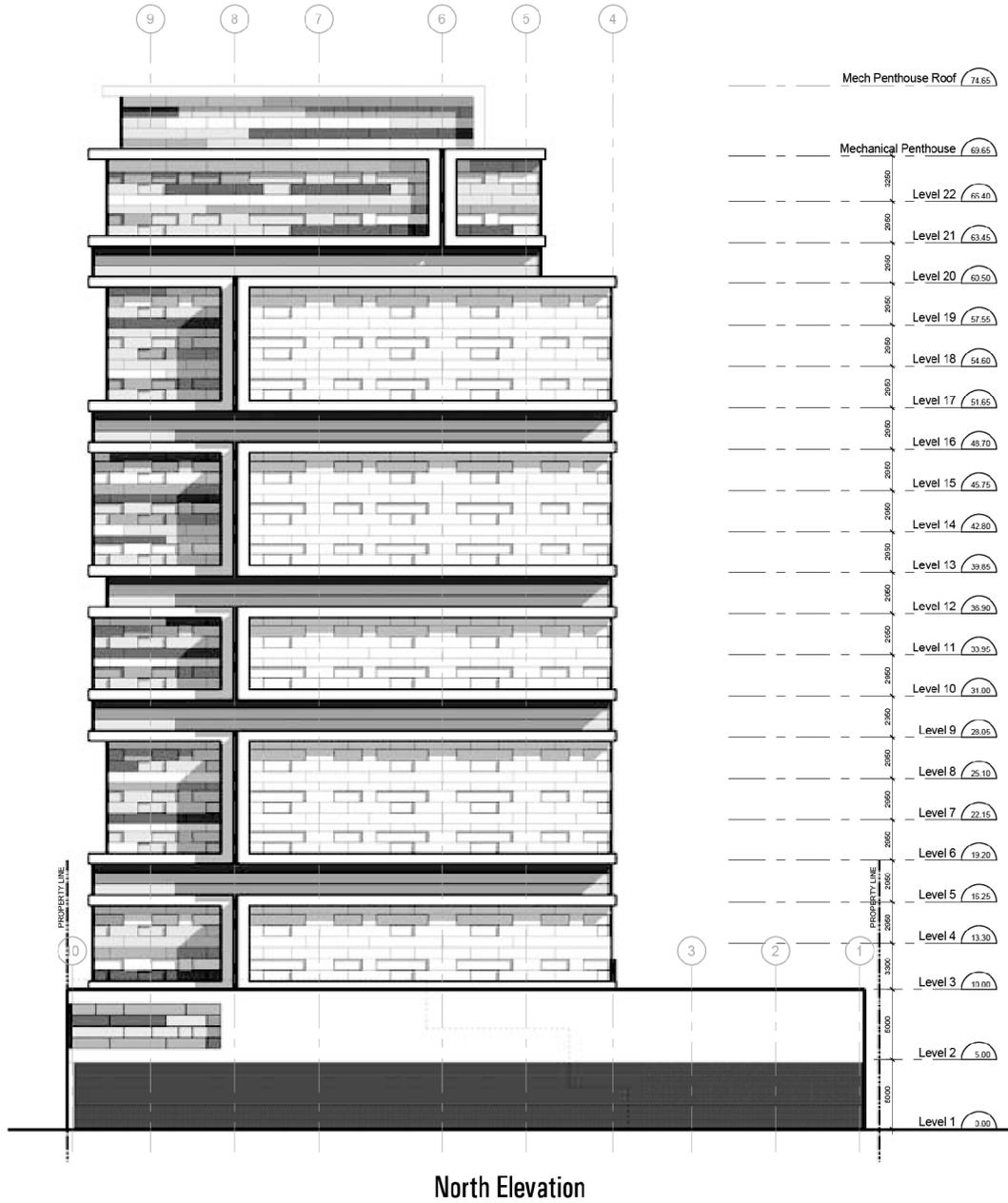
Applicant's Submitted Drawing

Not to Scale
08/16/2013

484 Spadina Avenue

File # 13 165361 OZ

Attachment 5: North Elevation



Elevations

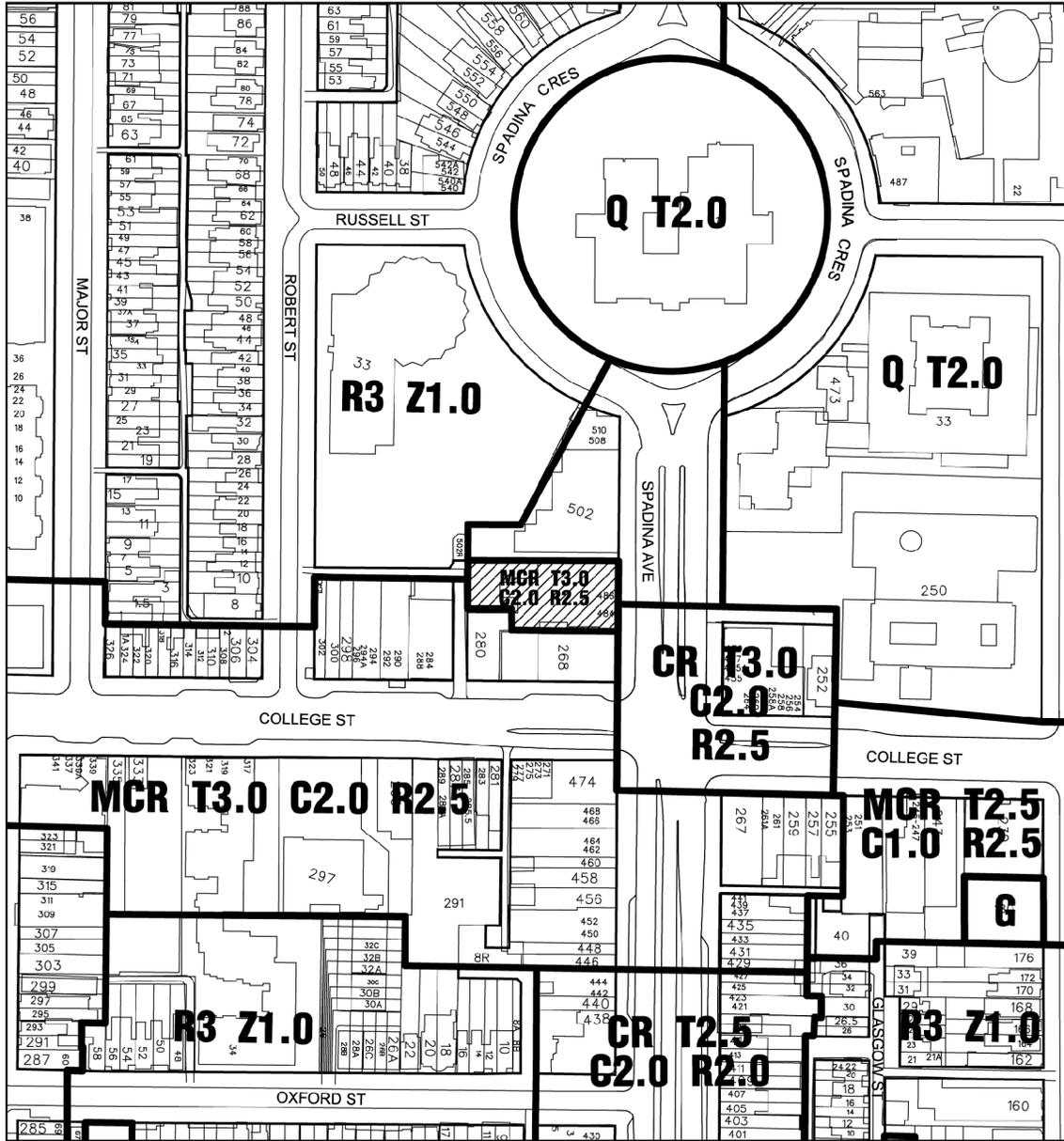
Applicant's Submitted Drawing

Not to Scale
08/16/2013

484 Spadina Avenue

File # 13 165361 0Z

Attachment 6: Zoning



TORONTO City Planning
Zoning

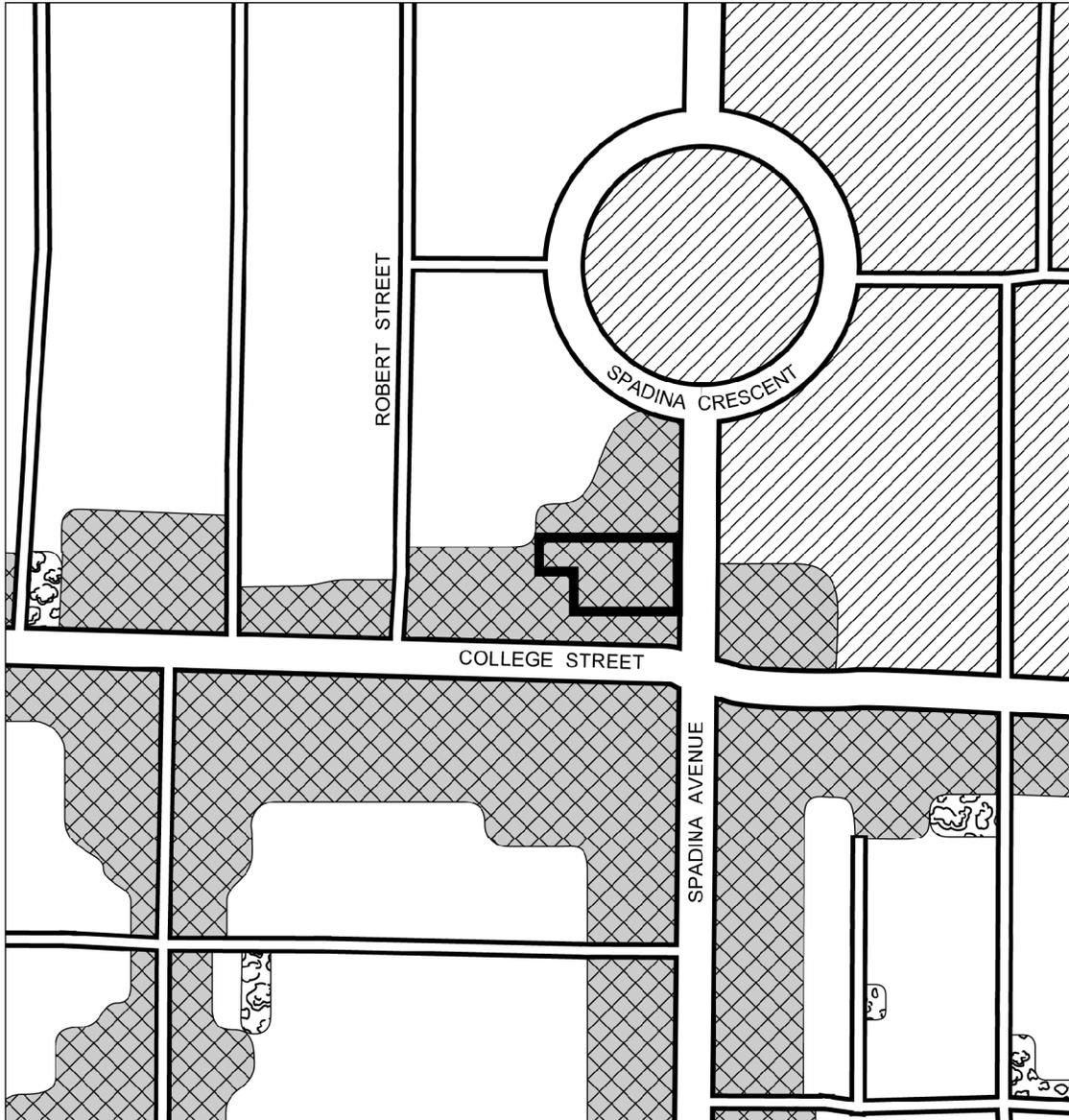
484 Spadina Avenue

File # 13 165361 0Z

- R3 Residential District
- G Parks District
- CR Mixed-Use District
- MCR Mixed-Use District
- Q Mixed-Use District

↑
 Not to Scale
 Zoning By-law 438-86 (as amended)
 Extracted 08/16/2013

Attachment 7: Official Plan



TORONTO City Planning
Official Plan

484 Spadina Avenue

File # 13 165361 0Z




 Not to Scale
 09/16/2013

Attachment 8: Application Data Sheet

Application Type: Rezoning Application Number: 13 165361 STE 20 OZ
 Details: Rezoning, Standard Application Date: May 9, 2013
 Municipal Address: 484 SPADINA AVE
 Location Description: PLAN D10 PT LOTS 48 49 & 50 **GRID S2006
 Project Description: The proposal consists 22- storey tower above, containing 202 residential units. The proposal would have an overall building height of approximately 70 metres to the top of the main roof (plus mechanical penthouse). The new building will contain three levels of underground parking accommodating 70 vehicular spaces and accessed from Douglas Campbell Lane. 214 bicycle parking spaces are proposed as part of this application.

Applicant:	Agent:	Architect:	Owner:
David Butterworth		Kirkor Architects	693793 Ontario Limited

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	MCR T3.0 C2.0 R2.5	Historical Status:
Height Limit (m):	16	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	1464.8	Height: Storeys:	22
Frontage (m):	27.89	Metres:	74.65
Depth (m):	57.97		
Total Ground Floor Area (sq. m):	1279.8		Total
Total Residential GFA (sq. m):	13053.08	Parking Spaces:	70
Total Non-Residential GFA (sq. m):	1622.00	Loading Docks	1
Total GFA (sq. m):	14676		
Lot Coverage Ratio (%):	87.3		
Floor Space Index:	10.02		

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	48
1 Bedroom:	139
2 Bedroom:	15
3 + Bedroom:	0
Total Units:	202

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	13053.08	0
Retail GFA (sq. m):	1622.47	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	1740.38	3825.51

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