STAFF REPORT
ACTION REQUIRED

467 & 469 Spadina Road – Official Plan Amendment and Application for Residential Rental Demolition under Municipal Code Ch. 667 – Final Report

<table>
<thead>
<tr>
<th>Date:</th>
<th>May 26, 2014</th>
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</thead>
<tbody>
<tr>
<td>To:</td>
<td>Toronto and East York Community Council</td>
</tr>
<tr>
<td>From:</td>
<td>Director, Community Planning, Toronto and East York District</td>
</tr>
<tr>
<td>Wards:</td>
<td>Ward 22 – St. Paul’s and Ward 30 – Toronto- Danforth</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>13 172305 STE 22 OZ &amp; 13 172308 STE 22 RH</td>
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SUMMARY

This application proposes to renovate and retrofit the interior of an existing 4-storey residential rental building at 467 & 469 Spadina Road, which contained 17 rental apartment 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 pair of semi-detached dwellings within the shell of the existing building. The 2 resulting semi-detached dwellings will each be ownership in tenure. To satisfy the City’s rental replacement requirements, the owner is providing 8 new larger rental townhouse units on an alternative site at mid-range and affordable rents.

This report recommends approval of the application to amend the Official Plan and recommends that City Council authorize the Chief Planner to issue the Section 111 permit under Municipal Code Chapter 667 pursuant to the City of Toronto Act, 2006. These approvals would be conditional amongst other matters, on the Official Plan Amendment coming into full force and effect, on the Committee of Adjustment granting the necessary variances and consent to support the creation of a pair of semi-detached dwellings each on their own lot, on the provision of 2 affordable and 6 mid-range townhouse rental replacement units at...
501R Logan Avenue, de-registration (termination) of the current plan of condominium from the 501R Logan Avenue property and the entering into and registration of one or more agreements and a Section 118 Restriction to assist with securing the conditions.

**RECOMMENDATIONS**

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 467 and 467 Spadina Road substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 8 to the report (May 26, 2014) from the Director, Community Planning, Toronto and East York District.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.

3. City Council approve the application for a Section 111 permit in accordance with Municipal Code Chapter 667 to allow the interior demolition of the 17 residential rental units at 467 and 469 Spadina Road to proceed subject to the following conditions:

   a. The rental units being demolished at 467 and 469 Spadina Road be replaced in the form of 8 townhouse residential rental units at 501R Logan Avenue (the Logan Lands), consisting of 2 units with affordable rents (1 two-bedroom and 1 three-bedroom) and 6 units with mid-range rents (5 two-bedroom and 1 three-bedroom units);

   b. The existing condominium status of the Logan Lands be terminated to the satisfaction of the Chief Planner and Executive Director, City Planning Division (the Chief Planner) and the City Solicitor and the 8 townhouse units at the Logan Lands be provided and maintained as non-condominium rental housing units, all under the same ownership and on the same parcel of land, and that commencing the date the Official Plan comes into full force and effect and consistent with the City’s practices on rental replacement:

      i. the replacement units be secured as rental housing for at least twenty (20) years;

      ii. the rents as set out in Recommendation 3 (a) be maintained for at least ten years; and

      iii. the owner will continue to use reasonable efforts to work with local non-profit organizations to identify and place suitable tenants into the two affordable rental replacement units, during the twenty year period mentioned in i) above.
c. The owner provide notice and information, in a form satisfactory to the Chief Planner within two weeks following the date of the Official Plan Amendment coming into force and effect, to all tenants of the 8 townhouse units at the Logan Lands regarding the rent levels to be charged, and respective rights and obligations of tenants and the owner related to the provision and tenancy of the rental replacement units;

d. The Official Plan Amendment in Recommendation 1 has come into full force and effect in a form satisfactory to the Chief Planner;

e. The owner obtain the necessary approvals for consent to sever and minor variances from the Committee of Adjustment for the creation of the proposed two residential semi-detached houses and the two lots at 467 and 469 Spadina Road (the Spadina Lands), all satisfactory to the Chief Planner including that any such approvals be conditional amongst other matters upon the Official Plan Amendment having come into full force and effect, the issuance of the Section 111 permit, the termination of the condominium registration of the Logan Lands, the entering into and registration of one or more agreements on the Logan Lands pursuant to Section 45(9.1) and/or Section 51(25) of the Planning Act by the owner of the Logan Lands with the City to the satisfaction of the Chief Planner and the City Solicitor to secure the rental replacement at the Logan Lands, the registration of a Section 118 Restriction on the Logan Lands restricting any transfer or charge of the lands without the consent of the Chief Planner to secure the conditions in Recommendations 3 (a), (b), (c), (d), (e), (f) and (g) and the implementation of the consent and variances in this Recommendation 3 (e), to the satisfaction of the City Solicitor, the applicant withdrawing and not seeking any further variances relating to permission for a below-grade garage at 467 and 469 Spadina Road to the satisfaction of the Chief Planner and the City Solicitor, and the owner of the Spadina Lands entering into and registering an agreement in accordance with Recommendation 3(f);

f. The owner of the Spadina Lands enters into and registers on title to the Spadina Lands, agreements pursuant to Section 111 of the City of Toronto Act, 2006 and Section 45(9.1) and/or Section 51(25) of the Planning Act and registers a Section 118 Restriction on the Spadina Lands restricting any transfer or charge of the lands without the consent of the Chief Planner to secure the conditions in Recommendations 3 (a), (b), (c), (d), (e) and (g) and the implementation of the consent and variances in Recommendation 3 (e), all to the satisfaction of the City Solicitor and in consultation with the Chief Planner, such agreements and Restriction to be released from the Spadina lands at such time as the Chief Planner and City Solicitor are satisfied such conditions have been met, that condition (g) has been met, and the variances and consent have been implemented on the Spadina Lands; and

g. The owner of the Logan Lands enters into and registers on title to the Logan Lands, agreements pursuant to Section 111 of the City of Toronto Act, 2006 and Section 45(9.1) and/or Section 51(25) of the Planning Act and registers a Section 118 Restriction on the Logan Lands restricting any transfer or charge of the lands without the consent of the Chief Planner to secure the conditions in Recommendations 3 (a),
(b), (c), (d), (e) and (f) and the implementation of the consent and variances in Recommendation 3 (e) all to the satisfaction of the City Solicitor and in consultation with the Chief Planner.

4. City Council authorize the Chief Planner to issue a Section 111 permit for the application under Municipal Code Chapter 667 pursuant to Section 111 of the City of Toronto Act, 2006 after all of the following have been satisfied:

   a. The Official Plan Amendment has come into full force and effect in a form satisfactory to the Chief Planner;

   b. The owner obtains all necessary approvals from the Committee of Adjustment for consent to sever to create the proposed two lots at 467 and 469 Spadina Road and for the associated minor variances to permit the proposed two semi-detached dwellings and that such approvals are to the satisfaction of the Chief Planner, including that the owner withdraw and agree not to seek any further variances relating to permission for a below grade garage at 467 and 469 Spadina Road, to the satisfaction of the City Solicitor and that such approvals are conditional upon the matters set forth in Recommendation 3;

   c. The owner satisfies the conditions in recommendation 3 (a), (b), (c), (d), (e), (f) and (g); and

   d. The termination of the condominium in condition 3 (b) is completed and the resulting parcel of land and related registration for the Logan Lands are all to the satisfaction of the Chief Planner.

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

ISSUE BACKGROUND

Proposal
The initial submission dated May 31, 2013 proposed to renovate and retrofit the interior of the existing 4-storey residential rental building at 467 and 469 Spadina Road, located at the northeast corner of Spadina Road and Coulson Avenue. The existing rental building was last used in 2006 for rental purposes and contained a total of 17 residential rental units rented at mid-range and affordable rent levels. The original proposal by the applicant was to increase the number of rental units on the site, following the redesign and renovation of the interior, to a total of 31 units with no residential or visitor parking spaces. No changes to the existing footprint of the building were proposed.

Following a public consultation meeting on the original proposal held on December 2, 2013, the applicant revised the proposal. The applicant's resubmission dated March 10, 2014 now proposes to renovate and retrofit the interior of the existing building envelope at 467 and 469 Spadina Road to create 2 semi-detached dwelling houses, each with a below-grade garage. The
The proposed below-grade garage would include four residential parking spaces, two spaces for each unit, and provide access to Spadina Road. Each proposed semi-detached dwelling is approximately 955 square metres in size and would be ownership in tenure. Consent and minor variance applications are required to facilitate the creation of the proposed semi-detached houses.

Further information on the proposed renovation of the units at 467 & 469 Spadina Road, and the replacement of mid-range and affordable rental units at 501R Logan Avenue is summarized in the table below.

<table>
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<tr>
<th></th>
<th>Existing Rental Units at 467 &amp; 469 Spadina Road</th>
<th>Initial Proposal at 467 &amp; 469 Spadina Road</th>
<th>Revised Proposal at 467 &amp; 469 Spadina Road</th>
<th>Proposed Rental Replacement Units at 501R Logan Avenue</th>
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</thead>
<tbody>
<tr>
<td><strong>Units</strong></td>
<td>17 apartments-rental</td>
<td>31 apartments-rental</td>
<td>2 semi-detached dwellings-ownership</td>
<td>8 larger townhouses-rental</td>
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<tr>
<td><strong>Unit Composition</strong></td>
<td>16 2-bedroom (at/above grade)</td>
<td>22 1-bedroom</td>
<td>2 semi-detached dwellings</td>
<td>6 2-bedroom</td>
</tr>
<tr>
<td></td>
<td>1 2-bedroom (basement)</td>
<td>5 2-bedroom</td>
<td></td>
<td>2 3-bedroom</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 3-bedroom</td>
<td></td>
<td></td>
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<tr>
<td><strong>Parking</strong></td>
<td>0 spaces</td>
<td>0 spaces</td>
<td>4 spaces (2 per unit) in underground</td>
<td>8 spaces in individual unit garages</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>garage</td>
<td></td>
</tr>
<tr>
<td><strong>Rental Rate</strong></td>
<td>Mid-range &amp; affordable rental units defined by OP</td>
<td>Unit rents not restricted</td>
<td>Ownership-not restricted</td>
<td>Mid-range &amp; affordable rental units defined by OP (parking charge as per City's terms and optional to tenants)</td>
</tr>
</tbody>
</table>

As part of the proposal, the applicant has agreed to secure the provision of a total of 8 large townhouse units at mid-range and affordable rent levels at 501R Logan Avenue (the Logan Avenue 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. In January of 2013 the applicant started to tenant the Logan townhouse units on a temporary basis at mid-range and affordable rent levels consistent with the City's Official Plan thresholds. Should the City grant approval to this proposal, the owner, as one of the conditions of approval, would de-register (terminate) the condominium at the Logan townhouse property, secure the rental tenure of the Logan townhouses for at least 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.
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 to amongst any other matters, conditions of approval relating to the Official Plan Amendment coming into full force and effect, the owner obtaining a Section 111 permit from the City, registering Section 118 Restrictions and the entering into of agreements pursuant to Section 111 and Section 45(9.1) and/or Section 51(25) of the Planning Act to further secure these matters.

Minor variance and consent applications are required as the applicant is seeking relief from Zoning By-law 436-86 and the City Wide By-law 569-2013, in order to renovate and retrofit the existing building to create two semi-detached dwellings, each on its own lot. The applicant is proposing variances for: minimum required front landscaped space; maximum permitted height of all exterior main walls; maximum permitted height; minimum required lot area; minimum required roof top setback; minimum required rear yard setback; minimum required side lot line setback; and permission for a below-grade garage as part of this application.

Planning staff have voiced concerns to the applicant in regards to the proposed below-grade garage and do not support same. Planning staff will be writing a letter to the Committee of Adjustment recommending refusal of any variances related to permitting a proposed below-grade garage at the time the application is heard by the Committee of Adjustment. Below-grade garages do not meet the intent of the By-law, and furthermore the negative slope to accommodate the driveway slopes downwards within the City's right-of-way. Accordingly, the recommendations to City Council include as a condition of s. 111 approval and permit issuance that the applicant withdraw and not seek any further variances relating to permission for a below grade garage at 467 and 469 Spadina Road.

**Site and Surrounding Area**

The Spadina Road site is located on the northeast corner of Spadina Road and Coulson Avenue, just north of the Forest Hill Village. The lands are approximately 565 square metres in area, generally rectangular in shape and have 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 Road are 2 and 2 ½ storey detached residential dwellings and on the west side of Spadina Road are 2 and 2 ½ storey detached dwellings and low-rise apartment buildings.

East: directly to the east is Deer Park Auto Service Shop, and adjacent along Coulson Avenue are 2 and 3-storey detached and semi-detached 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 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. 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. 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; and the provision of infrastructure to support growth.

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: (i) the adequate provision of a full range of housing and (p) the appropriate location of growth and development.

**Zoning**

The Spadina Road site is zoned R1S Z1.0 under the former City of Toronto By-law 438-86 and the City Wide By-law 569-2013. A minor variance application is required as the applicant is seeking relief from certain development standards under both By-laws, such as: minimum required front landscaped space; maximum permitted height of all exterior main walls; maximum permitted height; minimum required lot area; minimum required roof top setback; minimum required rear yard setback; minimum required side lot line setback; and permission for a below-grade garage.

**Site Plan Control**

Site Plan Control is not required since no new development for the purposes of Section 41 of the Planning Act is proposed.

**Reasons for Applications**

Policy 3.2.1.6 of the City of Toronto Official Plan respecting rental housing and replacement requires that the same number, size and type of rental units (by bedroom type) be replaced. In this case, the proposal will not provide the same unit mix and unit size as was previously provided at the Spadina Road site. The applicant plans to respond to the policy requirements by offering a fewer number of larger replacement units off-site. An amendment to the Official Plan is required to allow for the proposed variation in the number, type and size of replacement units.

Approval under Section 111 of the City of Toronto Act and its implementing by-law established under Municipal Code Chapter 667 is also needed, as the proposal involves the demolition of residential rental units.

Related Committee of Adjustment applications are required for both the consent and minor variances to facilitate the creation of the semi-detached dwellings, each proposed on its own lot.
Community Consultation
A Community Consultation Meeting was held on December 2, 2013 at Holy Cross Church. The Community Consultation was held to inform the community on the Official Plan Amendment and Section 111 approval. Under the by-law which implements Section 111 (enacted as Municipal Code 667), City Planning is required to facilitate a community consultation meeting to consider issues related to rental housing and where relevant, tenant impact.

Approximately 20 members of the public attended, as well as the Ward Councillor.

The concerns expressed by residents included:

- the proposed tenure of residential units
- the lack of proposed residential and visitor parking spaces
- concerns regarding the proposed storage and servicing

Comments were also received from members of the public in writing and by e-mail after the public meeting expressing similar concerns to those noted above.

Agency Circulation
The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Compliance with Provincial Policy Statement and Provincial Plans
The proposal and recommendations for the approval with conditions provide for the adequate replacement of the rental units at 467 & 469 Spadina Road. In doing so, staff considers that the proposal has regard to Section 2 of the Planning Act and facilitates the adequate provision of a full range of housing, as it would result in the replacement of mid-range and affordable residential rental units to be demolished. For similar reasons, staff are satisfied the proposal is consistent with the PPS, and conforms with the Growth Plan for the Greater Golden Horseshoe.

Official Plan Amendment
Policy 3.2.1.6 of the Toronto Official Plan requires that the same number, size and type of rental units (by bedroom type) that are lost, be replaced either on-site or elsewhere. An Official Plan Amendment is required for the Spadina Lands as the proposed rental replacement unit will not provide the same number, unit mix and unit size as the existing 17 two-bedroom rental apartment units. The proposed replacement of these mid-range and affordable units as 8 larger townhouses at the Logan Lands is satisfactory for a number of reasons. The overall size of replacement floor area is considered to be comparable to that of the existing units. As well, the supply of larger two and three-bedroom units in the City, suitable for households with children, is becoming more limited. The proposal will assist in addressing this problem while maintaining the rents for the replacement units at an affordable and mid-range level.
This approach to rental replacement in this case, would be an acceptable solution, subject to amongst other matters, the existing condominium status of the Logan Lands being terminated such that the 8 townhouse units are provided and maintained as non-condominium rental housing units, all under the same ownership and on the same parcel of land, for at least twenty (20) years commencing from the date the Official Plan Amendment comes into full force and effect. Rents for these replacement units are to be established in accordance with those levels set out in Recommendation 3(a) and maintained consistent with the City's practices on rental replacement rents for at least ten (10) years commencing from the date the Official Plan Amendment comes into full force and effect.

**Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The development proposes a pair of semi-detached dwellings within a site area of 565 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 28.25 square metres or 5% of the site area.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no suitable location for an on-site parkland dedication.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

**Tenure**

The 8 townhouses units on the Logan Lands will be provided as residential rental units. While these lands are currently the subject of condominium registration, the property remains under the ownership of the applicant and termination of the current condominium registration is proposed by the applicant and required in the conditions being recommended.

The semi-detached dwellings created within the existing building at 467 & 469 Spadina Road, if granted the necessary consent and related variances by the Committee of Adjustment, will be ownership in tenure, each on its own lot.

**Rental Housing**

There are no tenants currently residing on the Spadina property. Based on the applicant's records and those of the previous owner, all units were vacated in 2006. Subsequent to the building being vacant, the previous owner had partially demolished the interior of the building. This proposal will see that rental space replaced in the form of 8 larger townhouse units which have recently been constructed at 501R Logan Avenue. These townhouse units have been rented at levels consistent with the mid-range and affordable rent thresholds set out in the City's Official Plan,
and will continue to be rented as such in keeping with the City's practices for rental replacement units.

To secure the proposed terms of rental tenancy for the replacement units, including securing the mid-range and affordable rents for at least 10 years and in order to maintain the rental tenure of the Logan Lands into the future for at least 20 years, City staff recommend that the s. 111 permit issuance and approval be conditional on, amongst other matters set forth in the Recommendations to this report, agreements being entered into between the owner of the Spadina Lands and the City and between the owner of the Logan Lands and the City, under both Section 111 of the City of Toronto Act and pursuant to Section 45(9.1) and/or 51(25) of the Planning Act, as conditions of the consent and/or variances (the latter will be part of the recommendations staff make to the Committee of Adjustment, and that the owners be required to register a Section 118 Restriction (under the Land Titles Act) on the Spadina Lands and on the rental replacement property at 501R Logan Avenue restricting any transfer or charge of the lands without the consent of the City's Chief Planner, and all to the satisfaction of the Chief Planner and the City Solicitor.

CONTACT
Jennifer Renaud, Planner  
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David Spence, Senior Planner  
Tel No. 416-392-8124  
Fax No. 416-397-4080  
E-mail: dspence@toronto.ca

SIGNATURE

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

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ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: West Elevation
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: West Elevation
Attachment 6: Official Plan
Attachment 7: Application Data Sheet
Attachment 8: Draft Official Plan Amendment
Attachment 1: Site Plan
Attachment 2: West Elevation
Attachment 3: South Elevation
Attachment 5: North Elevation
## Attachment 7

**APPLICATION DATA SHEET**

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<thead>
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<th>Application Type</th>
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<td>Application Date:</td>
<td>May 22, 2013</td>
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<td>467 &amp; 469 SPADINA RD</td>
<td>Location Description:</td>
<td>PLAN 824 LOT 163 PT LOT 164 **GRID S2206</td>
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<td>Location Description:</td>
<td>PLAN 824 LOT 163 PT LOT 164 **GRID S2206</td>
<td>Project Description:</td>
<td>To convert the existing 4-storey apartment building into a pair of semi-detached dwellings.</td>
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### Applicant/Agent:
- ARMANDO BARBINI
- 30 Brixham Terrace
- Toronto, Ontario
- M3M 2S1

### Architect:
- Cusimano Architect
- 185 Bridgeland Ave, Suite 107
- Toronto, Ontario
- MGA 1Z4

### Owner:
- 467 SPADINA LIMITED
- 3710 Chesswood Drive
- Toronto, Ontario
- M3J 2W4

### PLANNING CONTROLS

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<th>Official Plan Designation:</th>
<th>Neighbourhoods</th>
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### PROJECT INFORMATION

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<td>2225</td>
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<td>Lot Coverage Ratio (%):</td>
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### DWELLING UNITS

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<tr>
<td>Rooms:</td>
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<tr>
<td>Total Units:</td>
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### CONTACT:
- Planner Name: Jennifer Renaud, Planner
- Telephone: 416-392-7554
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 463 for the lands known municipally in 2014 as 467 & 469 Spadina Road, as follows:

   **463. 467 & 469 Spadina Road**

   a) Despite policy 3.2.1.6, the demolition of 17 residential rental units, within the building existing on the lands in the year 2013, and their replacement pursuant to such policy with a different unit mix is permitted, provided that at least 8 townhouse rental replacement units are provided at 501R Logan Avenue consisting of at least 1 two-bedroom unit and 1 three-bedroom unit with affordable rents, and 5 two-bedroom units and 1 three-bedroom unit with mid-range rents, and that such rental replacement units are maintained as rental housing units for at least 20 years.

   ![Map of 467 Spadina Road](image)

2. Map 28, Site and Area Specific Policies, are revised to add the lands known municipally in 2013 as 467 & 469 Spadina Road shown on the map as Site and Area Specific Policy No. 463.