



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**484 Spadina Avenue: Zoning By-law and Site Plan Appeals**

<b>Date:</b>	April 28, 2015
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reason for Confidential Information:</b>	This report contains advice or communications that are subject to solicitor-client privilege and pertains to litigation or potential litigation that affects the City
<b>Reference Number:</b>	13 165361 STE 20 OZ

**SUMMARY**

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This report addresses zoning by-law and site plan appeals for the property at 484 Spadina Avenue that are now before the Ontario Municipal Board. The application proposes to redevelop the lands 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 Municipal Board has scheduled May 8, 2015 for submission of closing arguments relating to this matter.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Council adopt the confidential recommendations in Attachment 1 and authorize the public release of those recommendations, if adopted, with the balance of Attachment 1 to remain confidential.

**Financial Impact**

The recommendations of this report will have no financial impact beyond what has already been approved in the current year’s budget.

## DECISION HISTORY

Following the adoption by Toronto and East York Community Council of the recommendations of the Directions Report of the Director, Community Planning, dated November 22, 2013, City staff and participants opposed to the development application attended the hearing from November 27 to December 5, 2014. Closing argument is scheduled for May 8, 2015. In the interim, as directed by the Ontario Municipal Board, staff and the applicant engaged in discussions to consider whether there might be a resolution of the differences between the parties.

The recommendation of Toronto and East York Community Council and the Directions Report of the Director, Community Planning, dated November 22, 2013 are available at: <http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-64736.pdf>

## ISSUE BACKGROUND

The development proposal under appeal and currently before the Ontario Municipal Board (OMB) involves the demolition of the Waverley Hotel and the Silver Dollar Lounge. The applicant 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 (22 storeys), plus mechanical penthouse.

The application before the OMB 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.

The Silver Dollar component of the premise has been designated under Part IV of the *Ontario Heritage Act*. Council also expressed concern with potential heritage merits of the Waverley Hotel and authorized the City Solicitor to engage an external consultant to consider that potential. Although the hearing related to the zoning by-law appeal did not include the appeal of a demolition permit under the *Ontario Heritage Act*, the Municipal Board did hear evidence with regard to heritage matters as part of the zoning by-law appeal.

The link to the designation report for the Silver Dollar, which was considered at the City Council meeting May 6, 2014, can be found here: <http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-67835.pdf>

## **COMMENTS**

The development proposal was opposed by the City and by a number of participants. The Toronto District School Board, owner of the adjacent Lord Lansdowne Junior and Senior Public Schools and the Da Vinci Alternative Elementary School did not attend on the basis that it had reached a settlement with the applicant. However, the School Council members were participants, as were the Harbord Village Residents Association, the Architectural Conservancy of Ontario, Richard Sommer the Dean of the John H. Daniels Faculty of Architecture (formerly Knox College at One Spadina Crescent) and representatives of the adjacent Scott Mission, among others.

Concerns of the City and these participants included the height, density, massing and the built form of the proposal, shadow cast by the proposal on the school and its grounds, conservancy of heritage resources on the site as well as the impact of the proposal on the streetscape as relates to the Spadina Avenue context.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

Attachment 1 - Confidential Information