

390-398 Spadina Rd - Zoning Amendment Application - Preliminary Report

Date:	May 22, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	15 149456 STE 21 OZ

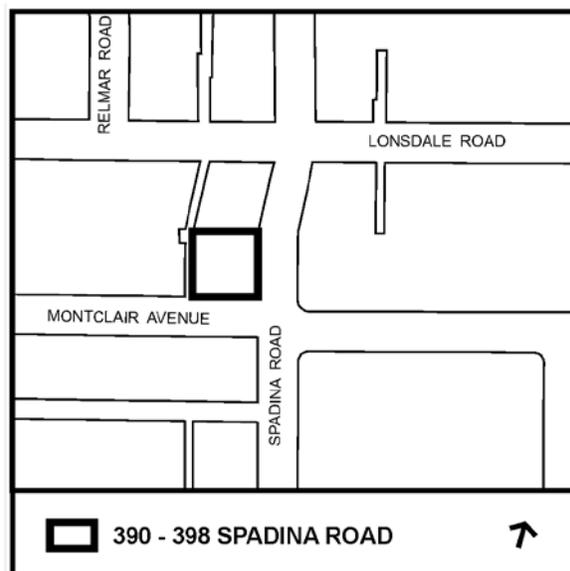
SUMMARY

This application proposes to permit a 9-storey (35.5 metres, including wrapped mechanical penthouse) mixed-use building containing 46 residential units with commercial at grade.

This report provides preliminary information on the application and seeks Community Council's direction on further processing of the application and on the community consultation process.

The application is not acceptable in its current form and constitutes overdevelopment. It does not meet *Mixed Use Areas*, Built Form, or Healthy Neighbourhoods policies of the Official Plan. The proposal needs to be revised to address issues including its height, density, contextual fit, and impacts on the adjacent area.

The next step is to hold a community consultation meeting, to enable the public to provide input on the application and ask questions of City staff and the applicant.



The Final Report is targeted for the fourth quarter of 2015. This target date assumes the applicant will provide all 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 390-398 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 of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of February 19, 2014 City Council requested City Planning to prepare urban design guidelines for Forest Hill Village along Spadina Road between Montclair Avenue and Thelma Avenue, and report back to Toronto and East York Community Council. City Council directed that the mandate will be to develop appropriate design guidelines to maintain the small town character of the area and determine the appropriate urban character, materials and building rhythm and articulation to be used on future developments/renovation within the study area.

A report recommending adoption of the Forest Hill Urban Design Guidelines has been submitted to Toronto and East York Community Council for consideration at its meeting on June 16, 2015.

Pre-Application Consultation

A pre-application consultation meeting with the applicant was held on January 7, 2015 to discuss complete application submission requirements. The applicant was advised of the current study regarding the Forest Hill Village Urban Design Guidelines, and was informed that the proposed development should comply with the objectives and preliminary findings of the study. Planning staff made preliminary comments including:

- reducing the proposed height, and complying with an angular plane so the portion of the building above 12 metres is not visible when the development is viewed from the opposite sidewalk on Spadina Road;
- increasing separation from the heritage building to the north; and

- providing greater transition to the *Neighbourhood* to the south, the heritage building to the north, and the *Apartment Neighbourhood* to the west.

ISSUE BACKGROUND

Proposal

The proposal is to construct a 9-storey (35.5 metres, including wrapped mechanical penthouse) mixed-use building with commercial at grade and residential uses above at 390-398 Spadina Road.

The proposed development consists of 6,587 square metres of residential gross floor area and 684 square metres of commercial gross floor area. A total of 46 residential units are proposed (18 one-bedroom units, 28 two-bedroom units). The proposal provides for 165.6 square metres of indoor amenity space on the second and third floors, and no outdoor amenity space. The proposed Floor Space Index is 5.4 times the area of the lot.

The building base is set back a minimum of 2.0 metres from rear lot line abutting the public laneway, 0.6 metres from the east lot line on Spadina Road, and abuts the south and north lot lines. The sidewalk on Spadina Road will be approximately 3.2 metres in width.

The building provides a 4.3 metre stepback above the 3rd floor on the Spadina Road frontage, with additional 3.0 metre stepbacks above the 4th and 5th floors, and a 4.0 metre stepback above the 8th floor. On the north side, a 2.4 metre stepback is provided above the first floor with an additional 0.4 metre stepback above the 4th floor. On floors 6 to 9, balconies extend to the north property line. At the rear and south sides of the building there is approximately a 0.4 metre stepback above the 3rd floor.

Residential parking is proposed in a 3-level underground parking garage, comprised of 62 residential parking spaces and 9 visitor spaces. A Type B loading space is provided within the building. Also proposed are 57 bicycle parking spaces including 7 visitor bicycle parking spaces, located on the ground floor and within the below-grade garage. A drop-off/lay-by is proposed on Montclair Avenue adjacent to the site.

The site will be accessed from the public laneway to the west of the site. Garbage and loading facilities will be located on-site. The residential entry will be located at the west end of the site on Montclair Avenue.

The Site Plan and Elevations are included in Attachments 1 and 2. Additional project information is included in Attachment 4 of this report (Application Data Sheet).

Site and Surrounding Area

The site is located at the northwest corner of Spadina Road and Montclair Avenue. It is square in shape and approximately 1340.1 square metres. The frontages on Spadina Road and Montclair Avenue are both approximately 36.7 metres. The site is currently

occupied by three two-storey mixed-use buildings. The site sits at the southern end of Forest Hill Village, which is made up of the properties fronting onto Spadina Road from Montclair Avenue to just north of Thelma Avenue.

The following uses abut the site:

North: Immediately to the north is a heritage listed 4-storey mixed-use building with retail at grade and residential units above.

South: A low-rise *Neighbourhood* consisting of two and three-storey detached and semi-detached dwellings.

East: To the east of the site is Montclair Parkette, located at the northeast corner of Spadina Road and Montclair Avenue. Also to the east are two-storey mixed-use buildings fronting onto Spadina Road.

West: To the west is a public laneway approximately 3 metres in width running north-south between Montclair Avenue and Lonsdale Road. On the west side of the laneway is a 7-storey apartment building. Further to the west is an *Apartment Neighbourhood* consisting of apartment buildings of 5 to 8 storeys in height.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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.

Official Plan

The site is designated in the City's Official Plan as *Mixed Use Areas* on Map 17 - Land Use Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks, open spaces and utilities.

Within *Mixed Use Areas*, the Official Plan policies indicate that new buildings should provide appropriate transition between areas of different intensity and scale, particularly towards lower scale *Neighbourhoods*. New buildings should provide a comfortable, safe

pedestrian environment and be located and massed to frame streets with good proportion. New development should take advantage of nearby transit services, and should provide good access, parking and circulation, among other matters.

The site is not located on an Avenue as shown on Map 2 – Urban Structure of the Official Plan.

Zoning

The subject site is zoned CR (Commercial Residential) under City-wide Zoning By-law No. 569-2013, as amended. This zoning permits residential units in detached, semi-detached, townhouse, duplex, triplex, fourplex and apartment buildings. The maximum permitted gross floor area is 2.5 times the lot area. The maximum commercial density is 2.0 times the area of the lot and the maximum residential density is 2.0 times the area of the lot. The maximum permitted height is 12.0 metres. The required rear yard setback is 7.5 metres from the lot line of the property abutting the opposite side of the lane. The minimum required side lot line setback, from a lot line not abutting a street, is 5.5 metres if there are windows or openings and 0 metres if there are no windows or openings. The zoning map is included in Attachment 3.

Forest Hill Village Urban Design Guidelines

The proposed development will be considered in the context of the Forest Hill Village Urban Design Guidelines. The Forest Hill Village Urban Design Guidelines cover the properties fronting onto Spadina Road from Montclair Avenue to Strathearn Boulevard. The proposed guidelines provide direction for new development in order to maintain the small town character of the Village. The guidelines identify the appropriate urban character, materials, and building rhythm and articulation for new buildings.

The guidelines align with the zoning and permit a maximum height of 12 metres, equal to 60% of the right-of-way width, in order to maintain the human scale of the village and to protect for generous amounts of sunlight and sky views. The guidelines also make recommendations regarding the use of traditional materials such as brick and stone, the amount of glazing, recessed building entrances, vertical articulation to break up the buildings massing, use of bay windows, and corner treatments. Generally, the scale and context support 4-storey development.

Site Plan Control

The proposal is subject to Site Plan Control. The applicant has not submitted a Site Plan Control application.

Reasons for the Application

The proposed development does not comply with certain standards of the Zoning By-law, including height, density, and setbacks. The proposed density of 5.4 times the lot area exceeds the maximum total density of 2.5 times permitted by the Zoning By-law. At 9 storeys and 35.5 metres in height, the proposal exceeds the maximum 12 metre height

limit permitted by the Zoning By-law. The proposed setback to the north of 2.4 metres is less than the minimum required 5.5 metres.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale, prepared by WND Associates;
- Sun/Shadow Study, prepared by Giannone Petricone Associates;
- Transportation Impact Study, prepared by LEA;
- Functional Servicing and Stormwater Management Report, prepared by Cole Engineering;
- Arborist Report, prepared by Kelly's Tree Care Ltd; and
- Green Development Standards Checklist & Template.

A Notification of Incomplete Application issued on May 22, 2015 identifies the outstanding material required for a complete application submission as follows:

- Pedestrian Level Wind Study; and
- Landscape Plans.

Issues to be Resolved

Issues to be addressed include, but are not necessarily limited to:

- Height, massing, context, and transition;
- Shadow and skyview;
- Impact on Montclair Parkette;
- Montclair Avenue drop-off/lay-by;
- Privacy;
- Loading and garbage;
- Bicycle parking;
- Heritage; and
- Adequacy of outdoor amenity space.

Height, Massing, Context, and Transition

The Built Form policies in Section 3.1.2 of the Official Plan require that new development create appropriate transitions in scale to neighbouring existing and planned buildings. As part of the Healthy Neighbourhoods policies in Section 2.3.1 of the Official Plan, development in *Mixed Use Areas* will provide a gradual transition of scale and density through setbacks from adjacent *Neighbourhoods*. Policy 3 in section 3.1.2 of the Official Plan requires that "new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context". The *Mixed Use Areas* policies require that new buildings frame the edge of streets with good proportion.

The existing and planned context of this proposal is the *Mixed Use Area* that makes up Forest Hill Village. The site is located at the south end of Forest Hill Village. The Village is predominately made up of commercial and mixed-use buildings ranging from one to four-storeys in height. The maximum permitted height within Forest Hill Village is 12 metres. The context of Forest Hill Village differs and is distinct from the low-rise *Neighbourhood* on Spadina Road south of Montclair Avenue, and the mid-rise *Apartment Neighbourhood* west of the subject site on Montclair Avenue.

The proposed 9-storey (35.5 metre) building does not fit harmoniously into the context of Forest Hill Village. The increased floor to ceiling heights increase the overall height of the building so that it is equivalent to approximately an 11-storey building. The area context of the proposal does not support the proposed increase in height. The proposed building would negatively impact the character of Forest Hill Village and is not appropriate development of the site. The proposed 9-storey (35.5 metres, including wrapped mechanical penthouse) building does not frame the 20 metre wide right-of-way of Spadina Road with good proportion.

The Healthy Neighbourhoods policies of the Official Plan require that development adjacent to *Neighbourhoods* will provide a gradual transition of scale and density through stepping down of buildings towards and setbacks from those *Neighbourhoods*. *Mixed Use* policy 2(c) further states that new development is to locate and mass new buildings to provide transition between areas of different development intensity and scale, through means such as setbacks, and stepping down of heights, particularly towards lower-scale *Neighbourhoods*.

The proposed building does not provide any transition to the low-rise *Neighbourhood* to the south, the building rises straight up 9-storeys (35.5 metres) with only a 0.4 metre setback above the 3rd floor on the Montclair Avenue frontage. To the north the proposed building does not provide adequate transition to the adjacent 4-storey heritage building. The first three storeys of the proposed building are approximately equal in height to the adjacent 4-storey building, while the remaining 6 storeys are set back 2.4 metres from the north property line with primary windows facing north and balconies extending to the property line on the 6th to 9th floors. The proposed building is set back 2 metres from the west property line, in order to permit a 1.98 metre lane widening, but does not provide any further transition to the lower buildings to the west.

The building provides a 4.3 metre setback above the 3rd storey, 3.0 metre setbacks above the 4th and 5th floors, and a 4.0 metre setback above the 8th floor on the Spadina Road frontage. The proposed setbacks on the Spadina Road frontage are inadequate given the overall height of the building, resulting in a building that would have significant negative impacts on the character of Forest Hill Village. The building does not provide adequate transition to the adjacent low-rise *Neighbourhood* to the south, the *Apartment Neighbourhood* to the west, or the buildings on Spadina Road.

The proposed building does not comply with the *Mixed Use Areas*, Built Form or Healthy Neighbourhoods policies of the Official Plan.

Shadow and sky view

The Built Form policies require new development to adequately limit any resulting shadowing of neighbouring streets, properties, and open spaces. The *Mixed Use Areas* policies require that new buildings are massed to frame the edge of streets with good proportion and maintain adequate sunlight for pedestrians on adjacent streets, parks and open spaces. The Official Plan states that City streets are significant public open spaces that provide amenities such as sky view, sunlight, and gathering places.

The planned context along Spadina Road permits a maximum building height of 12 metres, which maintains a generous amount of sky view and sunlight on Spadina Road. The proposed building would significantly reduce the amount sunlight on Spadina Road as well as the access to sky views from the sidewalks, altering the character of the area. The proposed 9-storey (35.5 metres, including wrapped mechanical penthouse) building does not frame the 20 metre wide right-of-way of Spadina Road with good proportion.

The *Mixed Use Areas* and Healthy Neighbourhood policies further require that new development adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. The proposed building would heavily shadow the *Neighbourhood* to the east of Spadina Road in the evenings during the spring and fall equinoxes.

Montclair Parkette

The Official Plan requires that new development will limit additional shadowing on neighbouring parks to preserve their utility. Planning staff have significant concerns with the shadow impact of the proposed building on Montclair Parkette.

The Official Plan also contains policies to ensure that Toronto's system of parks and open spaces is maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The subject site is located in an area with 0 to 0.42 hectares of local parkland per 1,000 people. This area is in the lowest quintile of current provision of parkland. The existing parkland needs to be preserved in a usable state and as opportunities arise there is a need to acquire new parkland.

Montclair Parkette is located at the northeast corner of Spadina Road and Montclair Avenue and is approximately 250 square metres in area. In the summer months the proposed building would cast a significant amount of shadow on the Parkette in the late afternoon and evening hours. Access to sunlight in Montclair Parkette should be maintained in order to preserve the usability of the park.

Montclair Avenue drop-off/lay-by

Planning staff have concerns with the drop-off/lay-by that is proposed on Montclair Avenue adjacent to the site. The proposed lay-by would remove approximately 3 on-

street parking spaces. Vehicular drop-off and pick-up should be located on-site and the proposed lay-by should be removed.

Privacy

The Built Form policies of the Official Plan require that new development will limit its impacts on adjacent properties by providing adequate light and privacy. The proposed building has primary windows and balconies on the north façade that will create privacy and overlook issues for residents of the adjacent 4-storey apartment building and the proposed development.

Loading and garbage

Planning staff and Development Engineering staff will review the proposed loading space and garbage facilities. The applicant has proposed a Type B loading space, whereas a larger Type G loading space is required. As well, the proposed garbage room is located on the first below-grade level of the building with no direct access to the loading space or the commercial units at grade. It is unclear how the commercial units will access the garbage room or how the garbage will be moved up to the loading space for pick-up.

Bicycle parking

The proposed development provides the required number of bicycle parking spaces through the use of stacked bicycle parking spaces. The application should be revised so that the required bicycle parking spaces are provided without the use of stacked spaces.

Heritage

Heritage staff will review the impact of the proposed 9-storey building on the adjacent 4-storey listed heritage building immediately to the north of the subject site.

Amenity space

A total of 92 square metres of both outdoor and indoor amenity space is required by the Zoning By-law. The proposed development will provide 165.6 square metres of indoor amenity space and 0 square metres of outdoor amenity space. The application should be revised to provide the required amount of outdoor amenity space.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONCLUSION

The proposal constitutes overdevelopment. A tall building is not appropriate for the site.

The proposed building does not fit within its existing or planned context and does not meet the Healthy Neighbourhoods, Built Form, or *Mixed Use Areas* policies of the Official Plan.

The proposal is not acceptable in its current form. Planning staff will require the proposal to be revised to address the issues raised above.

CONTACT

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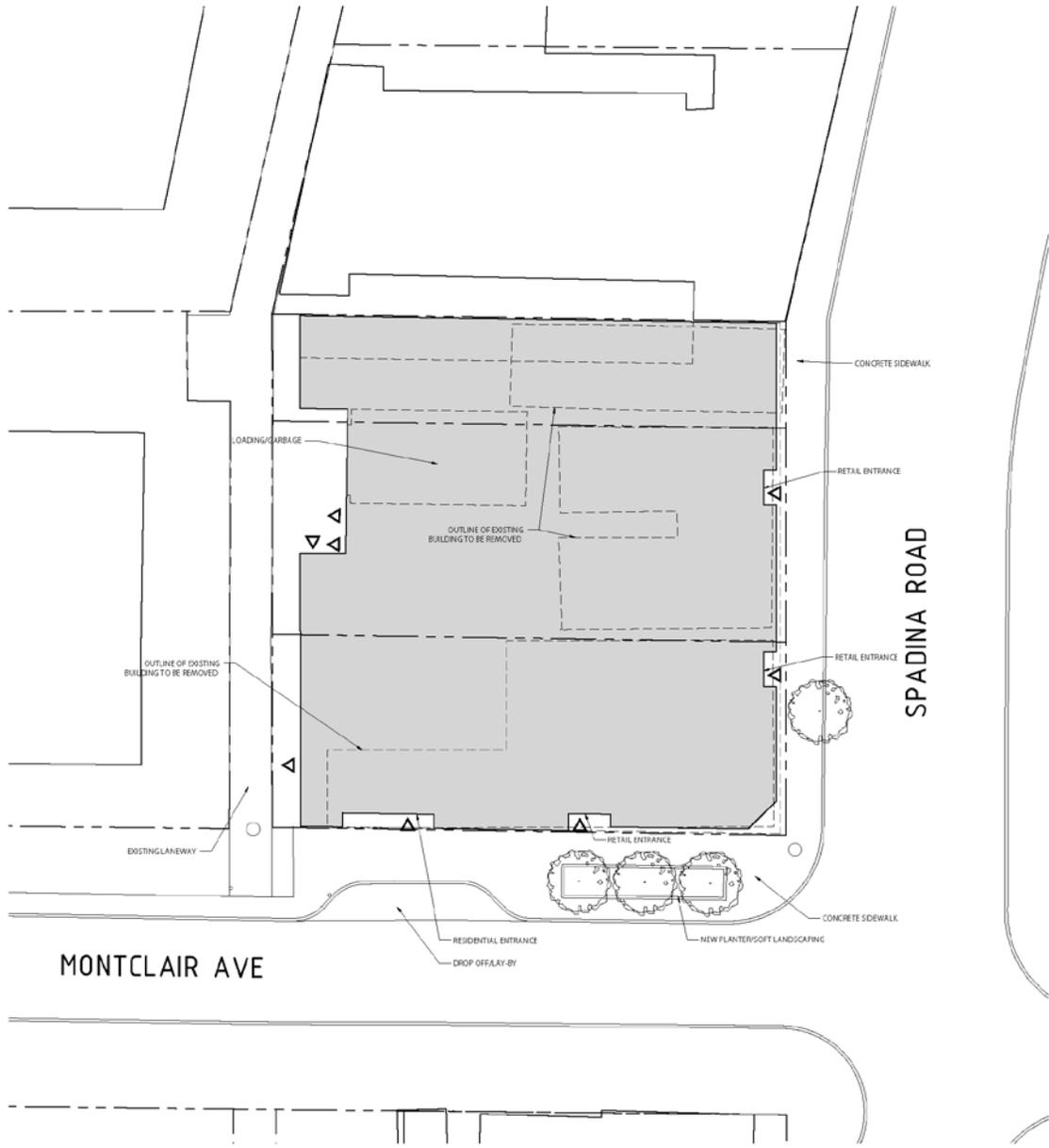
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet

Attachment 1: Site Plan



Site Plan

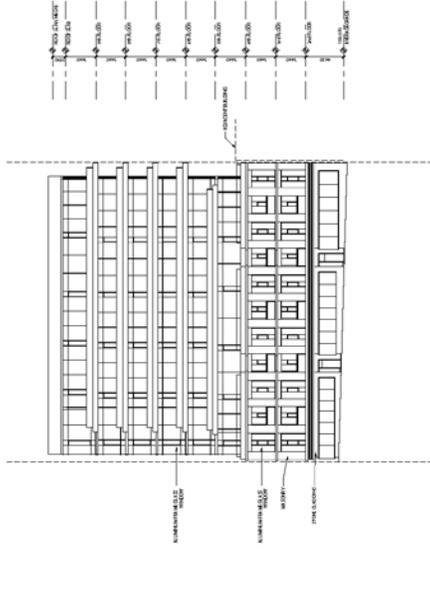
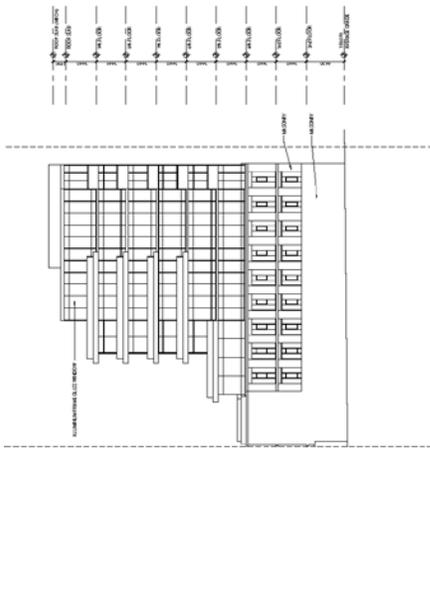
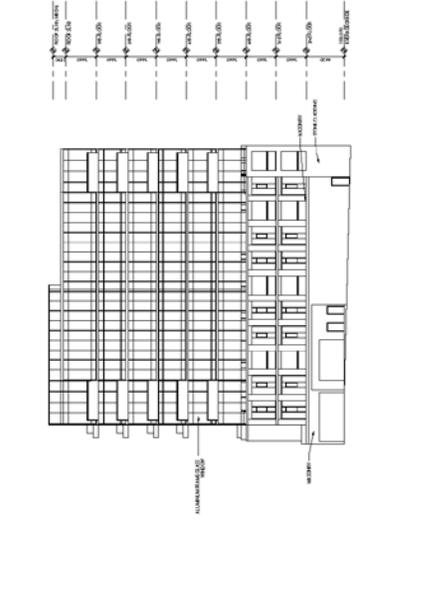
390-398 Spadina Road

Applicant's Submitted Drawing

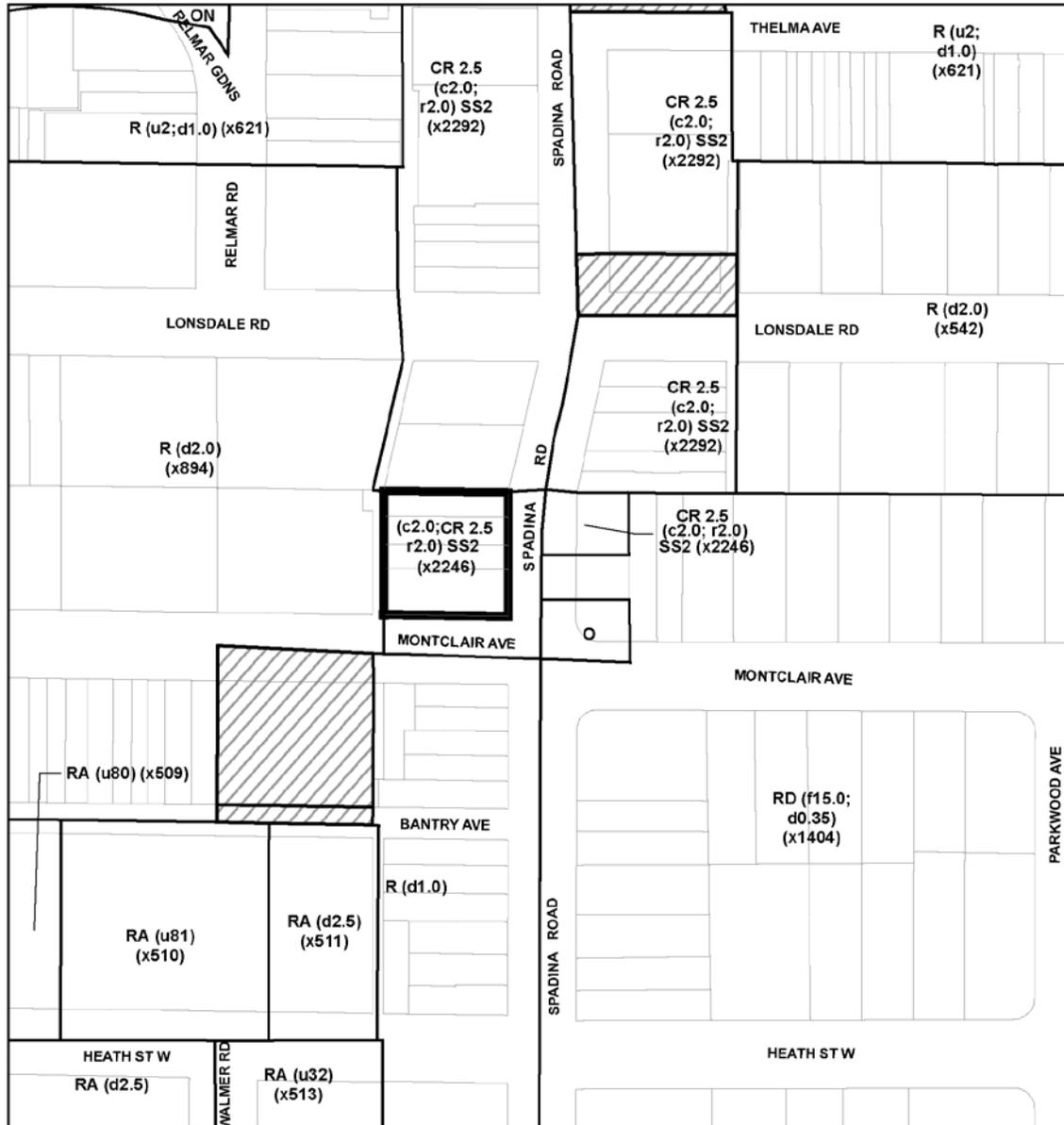
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File # 15_149456 STE 21 OZ

Attachment 2: Elevations



Attachment 3: Zoning



Zoning By-law 569-2013

390 - 398 Spadina Road
File # 15 149456 STE21 OZ

Location of Application

- R Residential
- RD Residential Detached
- RA Residential Apartment
- CR Commercial Residential
- O Open Space
- ON Open Space Natural

See Former City of Toronto Bylaw No. 438-86
See Former City of York Bylaw No. 1-83

- CR Mixed-Use District
- R2 Residential District
- RM2 Residential Multiple Zone



Not to Scale
Extracted: 05/11/2015

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	15 149456 STE 21 OZ
Details	Rezoning, Standard	Application Date:	April 30, 2015
Municipal Address:	390-398 SPADINA RD		
Location Description:	PLAN 711 LOT 1 **GRID S2106		
Project Description:	9-storey mixed-use building consisting of 46 residential units (18 one-bedroom, 28 two-bedroom) with a total residential gfa of 6,587 square metres, and 694 square metres of commercial retail space on the ground floor. A total of 71 parking spaces are proposed on three below grade levels.		

Applicant:	Agent:	Architect:	Owner:
Walker Nott Dragicevic Associates, 90 Eglinton Ave. E., Ste. 970, Toronto, ON M4P 2Y3	Walker Nott Dragicevic Associates, 90 Eglinton Ave. E., Ste. 970, Toronto, ON M4P 2Y3	Giannone Petricone Associates, 462 Wellington St. W., Ste. 501, Toronto, ON M5V 1E3	Armel Corporation, 5060 Spectrum Way, Ste. 505, Mississauga, ON L4W 5N5

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR 2.5 (c2.0; r2.0) SS2 (x2246)	Historical Status:	N
Height Limit (m):	12	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1340.1	Height:	Storeys:	9
Frontage (m):	36.66		Metres:	35.5
Depth (m):	36.67			
Total Ground Floor Area (sq. m):	1247			Total
Total Residential GFA (sq. m):	6587		Parking Spaces:	71
Total Non-Residential GFA (sq. m):	694		Loading Docks	1
Total GFA (sq. m):	7271			
Lot Coverage Ratio (%):	93			
Floor Space Index:	5.4			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	6587	0
Bachelor:	0	Retail GFA (sq. m):	694	0
1 Bedroom:	18	Office GFA (sq. m):	0	0
2 Bedroom:	28	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	46			

CONTACT: PLANNER NAME: David Driedger, Planner
TELEPHONE: 416-392-7613