

**377 Spadina Rd & 17 Montclair Ave – Zoning
Amendment Application – Final Report**

Date:	September 14, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	15 131139 STE 22 OZ

SUMMARY

This application proposes the construction of 4 townhouse dwellings and a single detached dwelling on the site. The two existing detached dwellings on the site would be demolished. The townhouses will be oriented to Spadina Road while the single detached dwelling will front onto Montclair Avenue.

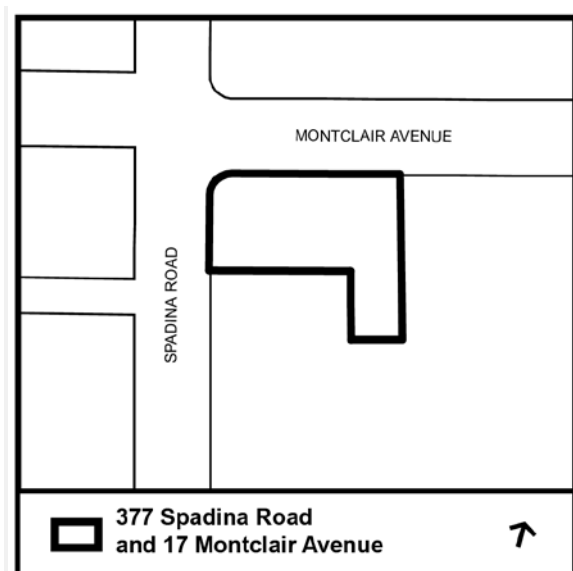
The proposed development conforms with the development criteria for *Neighbourhoods*, Healthy Neighbourhoods, Built Form, and all other relevant Official Plan policies.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 377 Spadina Road and 17 Montclair Avenue substantially in accordance with the draft Zoning By-law Amendment to be provided prior to the October 13, 2016 meeting of Toronto and East York Community Council.



2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 377 Spadina Road and 17 Montclair Avenue substantially in accordance with the draft Zoning By-law Amendment to be provided prior to the October 13, 2016 meeting of Toronto and East York Community Council.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to submit a revised Functional Servicing, Stormwater Management, and Geotechnical Report to the satisfaction of the Executive Director, Engineering and Construction Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of June 16, 2015, the Toronto and East York Community Council considered a preliminary planning report with respect to the proposed development at 377 Spadina Road & 17 Montclair Avenue. The report is available at:

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-80534.pdf>

ISSUE BACKGROUND

Proposal

The proposal is to permit 4 townhouse units fronting onto Spadina Road and 1 detached dwelling fronting onto Montclair Avenue. The proposed dwellings will be 3 storeys (11 metres) in height.

The townhouse properties will have frontages ranging from 5.87 metres to 7.79 metres in width, and have a minimum front yard setback of 6.9 metres. The northern townhouse unit will be set back 1.8 metres along Montclair Avenue, and the southern townhouse unit will be set back 1.84 metres from the south property line. A minimum 9.5 metre rear yard setback will be provided for each of the townhouse units. The gross floor area for each of the townhouses will range from 320 to 350 square metres. The proposed Floor Space Index (FSI) for the 4 townhouse units ranges from 1.11 to 1.56 times the area of the lot, with a combined FSI of 1.29.

A total of 8 parking spaces will be provided for the townhouses and will be located in a below-grade garage accessed from a driveway on Montclair Avenue. Due to an increase in grade level from the street to the subject site, the below-grade garage will be level with Montclair Avenue.

The detached dwelling will have a frontage of 15.44 metres along Montclair Avenue. The dwelling will have a front yard setback of 7.15 metres, side yard setbacks of 1.22 metres to the west and 1.5 metres to the east, and a rear yard setback of 19.6 metres. The detached dwelling will have a gross floor area of 517 square metres and a FSI of 0.89 times the area of the lot.

Parking for the detached dwelling will be located in an integral garage located in the front wall of the house.

The Site Plan and Elevations are included in Attachments 1-6. Additional project information is included in Attachment 8 of this report (Application Data Sheet).

Site and Surrounding Area

The subject site is irregular in shape, and 1,717 square metres in size. The site has a frontage of 26 metres on Spadina Road and a frontage of 47.46 metres on Montclair Avenue. There is a substantial grade difference between the subject site and Spadina Road and Montclair Avenue, the adjacent streets being approximately 2 metres lower. The subject site is occupied by two detached dwellings.

North: Montclair Avenue Parkette at the northeast corner of Spadina Road and Montclair Avenue and three-storey detached and semi-detached dwellings fronting onto Montclair Avenue. Further to the north is Forest Hill Village;

South: three-storey detached dwellings;

East: three-storey detached dwellings;

West: three-storey detached and semi-detached dwellings;

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 City's Official Plan designates the subject site as *Neighbourhoods* on Map 17- Land Use Plan. *Neighbourhoods* are considered physically stable areas containing a full range of residential uses within lower scale buildings, as well as parks, schools, local institutions and small-scale stores. Lower scale residential buildings in *Neighbourhoods* consist of detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments no more than four-stories in height (Policy 4.1.1).

The stability of *Neighbourhoods'* physical character is one of the keys to Toronto's success. Physical changes to established *Neighbourhoods* must be sensitive, gradual and generally "fit" the existing physical character. To ensure development in established *Neighbourhoods* will respect and reinforce the existing physical character, policy 4.1.5 of the Plan states that any proposal shall have regard for:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the streets or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

No changes will be made through rezoning, minor variance, consent, or other public action that are out of keeping with the physical character of the neighbourhood.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

Zoning

The site is zoned R1 Z0.35 under former City of Toronto Zoning By-law 438-86. The R1 zone permits only detached dwellings with a gross floor area of up to 0.35 times the lot area.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. Planning Act applications submitted after May 9, 2013 are subject to the new Zoning By-law. The site is zoned RD under City-wide Zoning By-law 569-2013. This is a residential zone that permits only detached dwellings having a gross floor area of up to 0.35 times the lot area. The maximum permitted height is 11.0 metres. The minimum frontage is 15 metres for 17 Montclair Avenue. By-law 559-2014 amended Zoning By-law 569-2013 to permit a minimum lot frontage of 6 metres for a number of properties fronting onto Spadina Road, including 377 Spadina Road. The zoning map is included in Attachment 7.

Site Plan Control

The proposal is subject to Site Plan Control. The applicant has submitted a Site Plan application concurrently with the Zoning By-law Amendment application.

Reasons for Application

The proposed development does not comply with certain standards contained in the Zoning By-law, including dwelling type, density and setbacks. The zoning for the subject site does not permit townhouse dwellings. The proposed density of 1.29 times the lot area for the townhouse units and 0.89 for the detached dwelling exceeds the maximum total density of 0.35 times permitted by the Zoning By-law.

Community Consultation

A community meeting was held respecting this application on September 9, 2015. Approximately 20 members of the public attended, along with the area Councillor, representatives of the landowner and City staff. The following items were raised at the meeting:

Pedestrian Realm

Questions were asked about the sidewalk width on Spadina Road.

Trees

Concerns were expressed regarding the removal of trees on the development site.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Density and Massing

The *Neighbourhoods* policies of the Official Plan state that the stability of our *Neighbourhoods'* physical character is one of the keys to Toronto's success. Physical changes to our established *Neighbourhoods* must be sensitive, gradual and generally "fit" the existing physical character. New development is required to respect and reinforce the existing physical character of the neighbourhood.

The proposed townhouse development provides an appropriate built form for this portion of Spadina Road and fits into the existing character. The portion of Spadina Road between Forest Hill Village and St. Clair Avenue West has a built form context of greater density, including townhouse and semi-detached dwellings, than can be found in the adjacent neighbourhood to the east.

The proposed development integrates well into the existing neighbourhood along Spadina Road with the large front yard setbacks of 6.9 metres for the townhouse units, matching the front yard setback of the existing dwelling located on the subject site. The landscaped setback on Spadina Road is enhanced through the removal of the existing hard landscaping to be replaced with various plantings in a series of terraced planters. The curb-cut and driveway at the south end of the site will be removed and the southern townhouse unit will have a setback from the south lot line of 1.84 metres, approximately twice as large as the side lot line setback of the existing dwelling on the subject site. At the rear of the townhouse units, a setback of 9.5 metres will be provided, which is larger than the by-law minimum of 7.5 metres.

The lots fronting onto this portion of Spadina Road, between Forest Hill Village and St. Clair Avenue West, range from 5.8 metres to 15 metres in width. The properties directly across from the subject site on the west side of Spadina Road are approximately 7 metres in width. The proposed townhouses will have lot widths ranging from 5.87 metres for the two middle units to 7.79 metres for the north and south units. The existing zoning for the site requires a minimum lot frontage of 6.0 metres. Planning staff find the slight reduction in lot width to be acceptable in this circumstance.

The impact of the proposed density of 1.29 times the area of the lot for the townhouses has been mitigated through large landscaped setbacks along Spadina Road and Montclair Avenue to protect the character of the area. The height of the proposed townhouses meets the existing Zoning By-law permissions for the site.

The proposed detached dwelling fronting onto Montclair Avenue is in keeping with the built form and character of dwellings located in the inner portion of the *Neighbourhood* located to the east of Spadina Road. The detached dwelling will maintain the existing large landscaped front yard landscape in keeping with the character of the surrounding neighbourhood. The massing and scale of the detached dwelling is appropriate for the site and respects and reinforces the existing physical character of the neighbourhood.

The proposed development respects and reinforces the existing physical character along Spadina Road and Montclair Avenue and meets the *Neighbourhood* policies of the Official Plan.

Parking Access

Planning and Transportation Services staff have reviewed the proposed driveway entrance to the below-grade garage for the townhouse units and determined that the driveway has been designed to ensure the safety of pedestrians on Montclair Avenue. The proposed driveway and parking for the townhouse units are acceptable.

The proposed integral garage, located in the front wall of the detached dwelling, has been designed so that it has a positive slope when measured from the sidewalk along Montclair Avenue. The proposed driveway and parking for the detached dwelling are acceptable.

Streetscape

The streetscape along Spadina Road will be improved and enhanced through the removal of the existing hard landscaping and will be replaced with soft landscaping in a series of terraced planters. The sidewalk on Montclair and at the corner of Spadina Road and Montclair Avenue

will be maintained so as to protect the City-owned trees adjacent to the sidewalk. The sidewalk on Spadina Road will be increased to approximately 3.7 metres with a clearway of 2.1 metres for the majority of the site.

Servicing

The applicant must submit revised Functional Servicing, Stormwater Management, and Geotechnical reports to confirm matters such as sanitary flow rates, ground-water discharge, and stormwater discharge, to the satisfaction of the Executive Director of Engineering and Construction services, before the necessary bills go to City Council for enactment.

Tree Preservation

The applicant proposes to protect 7 of the 11 existing City trees located on the adjacent City-owned boulevards (3 trees on Spadina Road, 3 trees on Montclair Avenue, 1 tree at the corner of Spadina Road and Montclair Avenue). A total of 7 trees located on the subject site are proposed to be removed. Urban Forestry staff have reviewed the proposed tree protection measures and the proposed tree removals and found them to be acceptable.

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 subject lands are in an area with 0 to 0.42 hectares of local parkland per 1,000 people, which is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

This application is for the construction of a detached dwelling and four townhouse units with an overall residential gross floor area of 1,942.3 square metres. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication would be 66.7 square metres or 4% of the site area.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is already an established Parkette (Montclair Avenue Parkette) directly north of the site. The site is also less than 400 metres walking distance from two other large City parks (Cedarvale Ravine and Sir Winston Churchill Park).

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

Conclusion

City Planning Staff have reviewed the proposal and find that it is suitable development for the subject site. The proposed development respects and reinforces the existing physical character along Spadina Road and Montclair Avenue and meets the *Neighbourhood* policies of the Official Plan. As such, Planning staff recommends approval of the proposed Zoning By-law Amendment.

CONTACT

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SIGNATURE

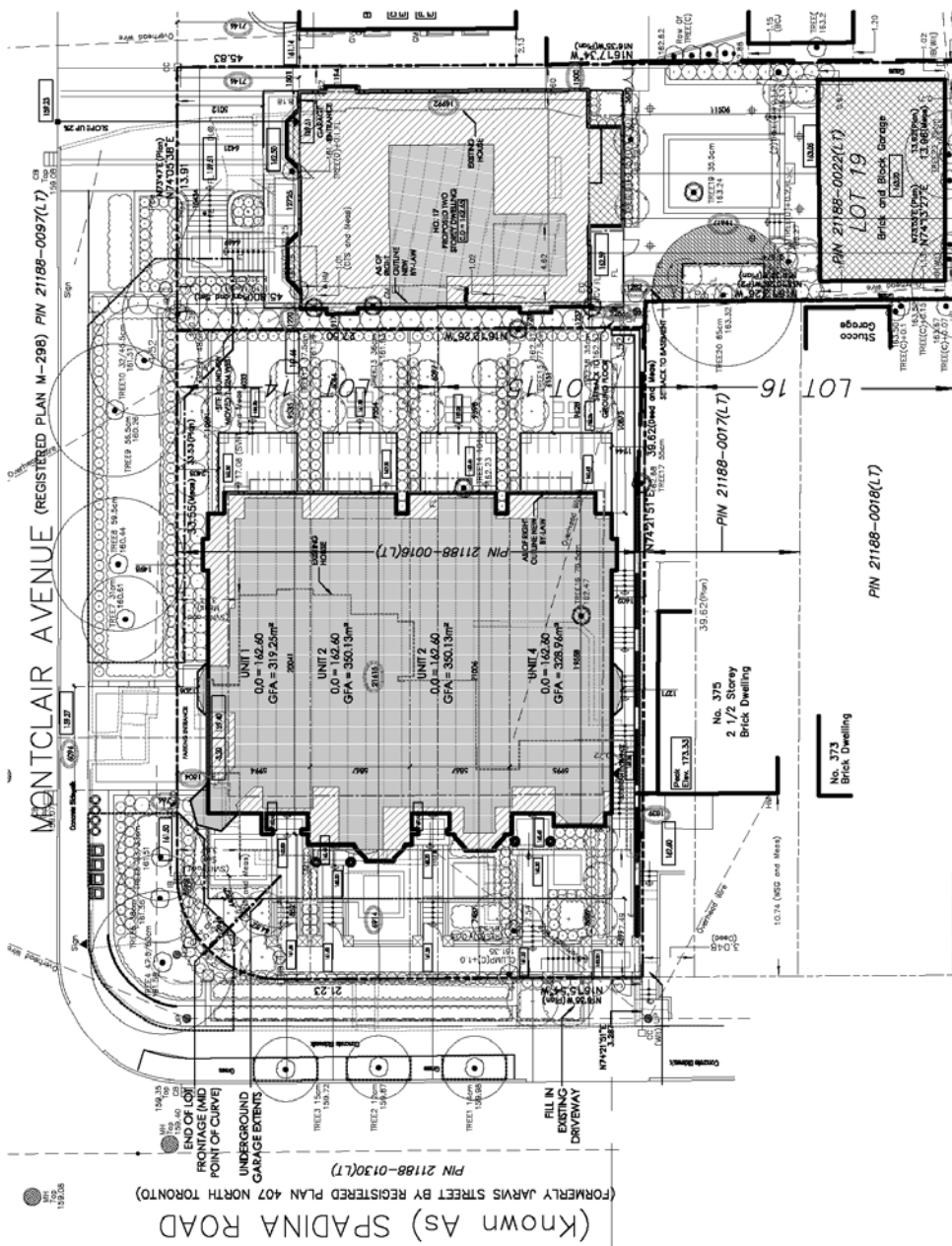
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: West Elevation (Townhouses)
Attachment 3: South Elevation (Townhouses)
Attachment 4: East Elevation (Townhouses)
Attachment 5: North Elevation (Townhouses)
Attachment 6: Elevations (Detached Dwelling)
Attachment 7: Zoning
Attachment 8: Application Data Sheet
Attachment 9: Draft Zoning By-law Amendment (By-law 438-86)
Attachment 10: Draft Zoning By-law Amendment (By-law 569-2013)

Attachment 1: Site Plan



377 Spadina Road &
17 Montclair Avenue

File # 15 131139 STE 22 0Z

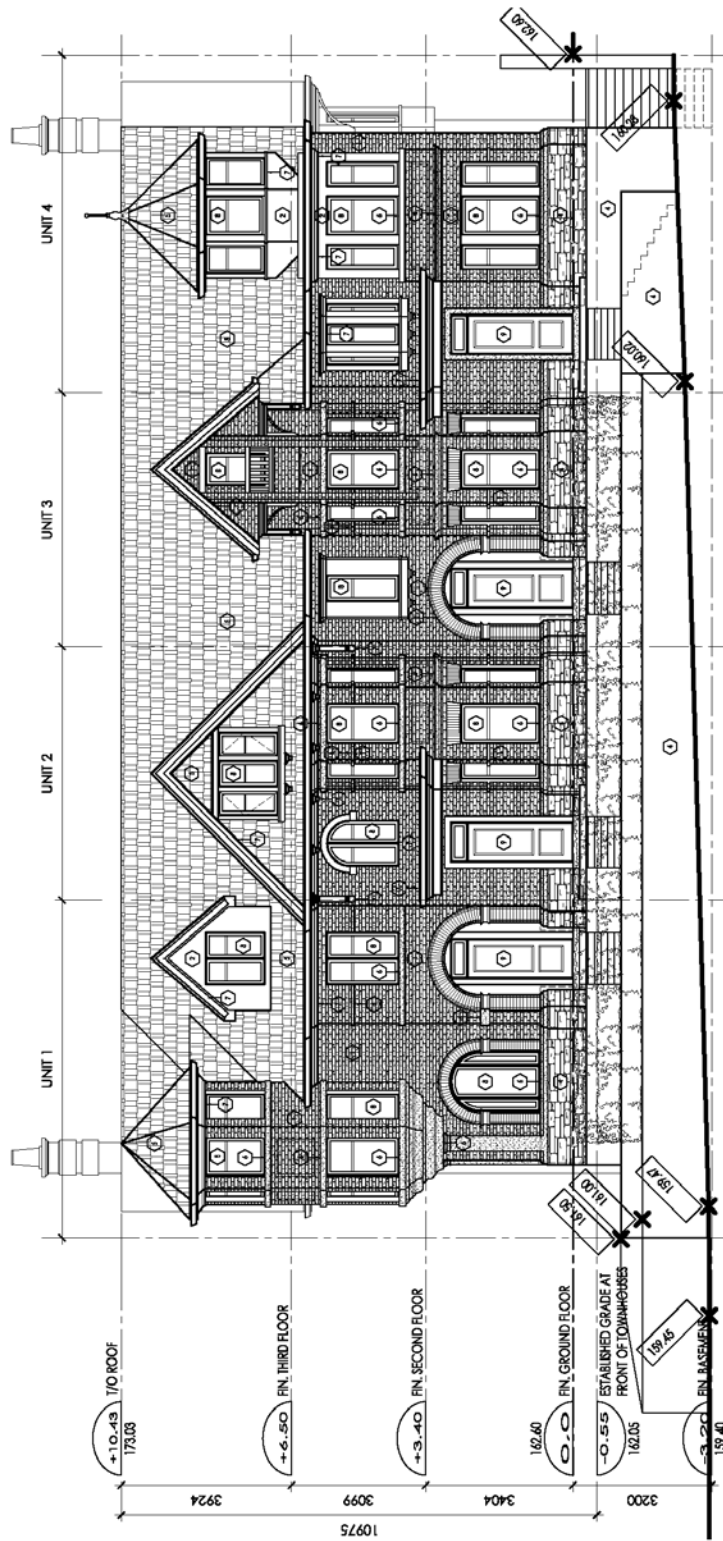
Site Plan

Applicant's Submitted Drawing

Not to Scale
09/08/2016



Attachment 2: West Elevation (Townhouses)



377 Spadina Road &
17 Montclair Avenue

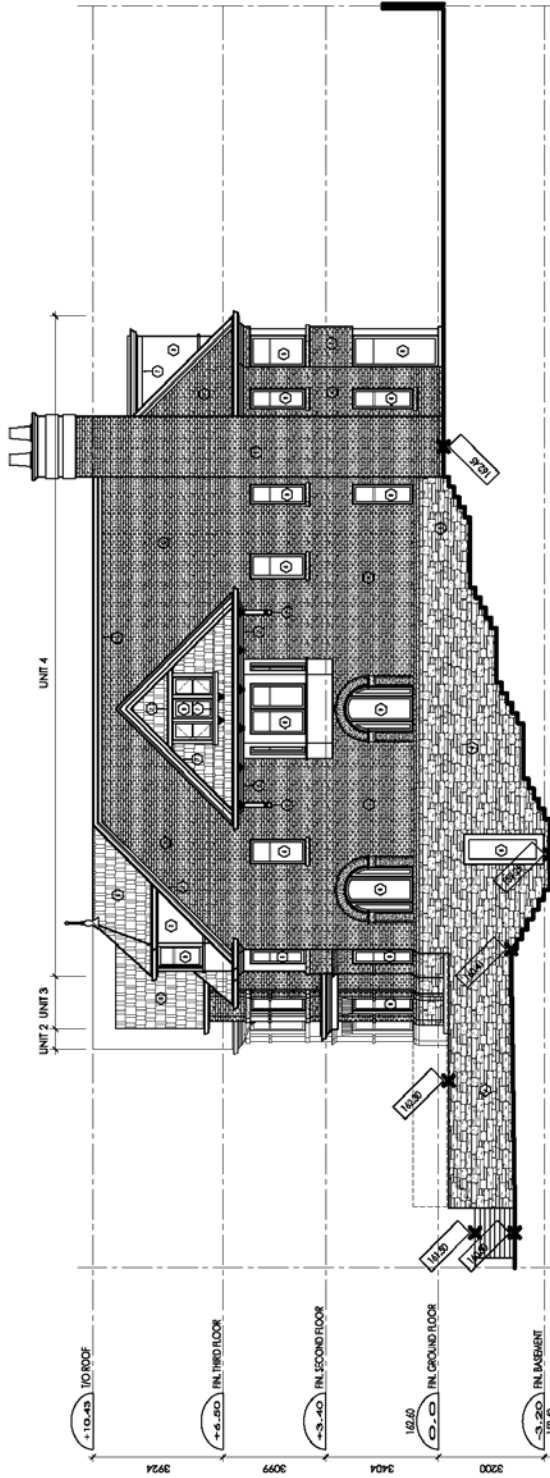
File # 15 131139 STE 22 0Z

West Elevation

Applicant's Submitted Drawing

Not to Scale
09/08/2016

Attachment 3: South Elevation (Townhouses)



377 Spadina Road &
 17 Montclair Avenue
 File # 15 131139 STE 22 0Z

South Elevation
 Applicant's Submitted Drawing
 Not to Scale
 09/08/2016

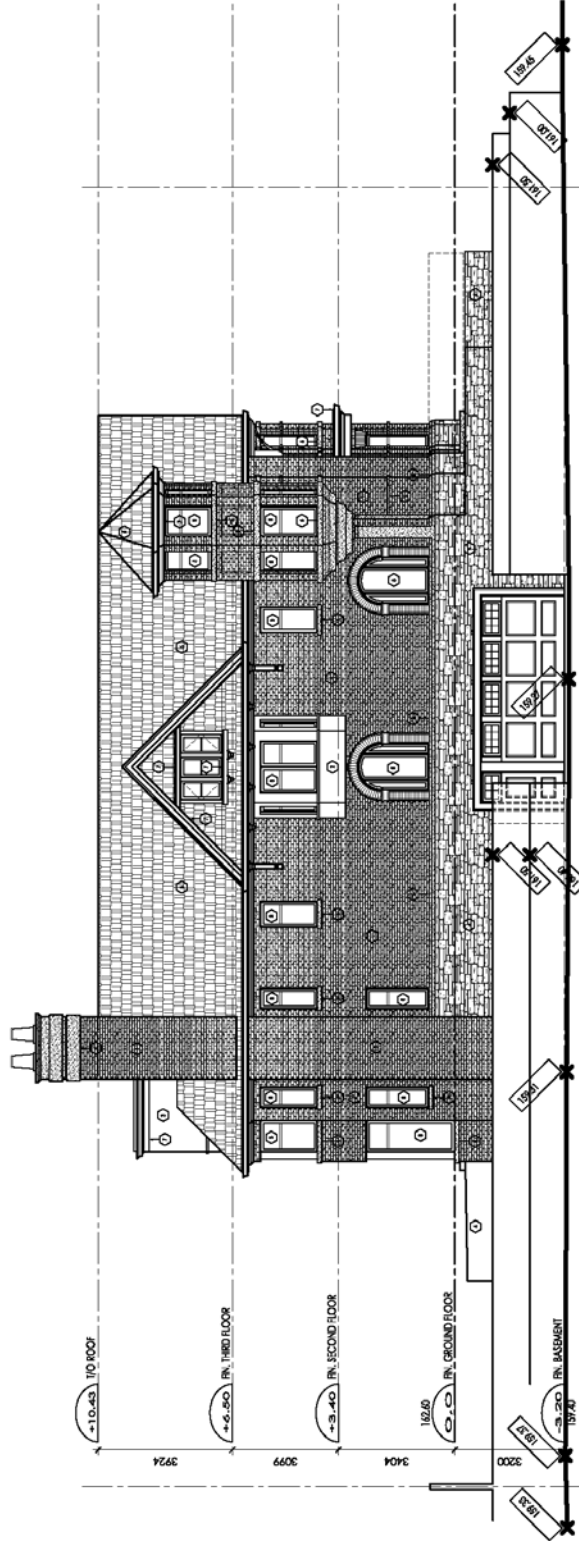
Attachment 4: East Elevation (Townhouses)



377 Spadina Road &
17 Montclair Avenue
File # 15 131139 STE 22 0Z

East Elevation
Applicant's Submitted Drawing
Not to Scale
09/08/2016

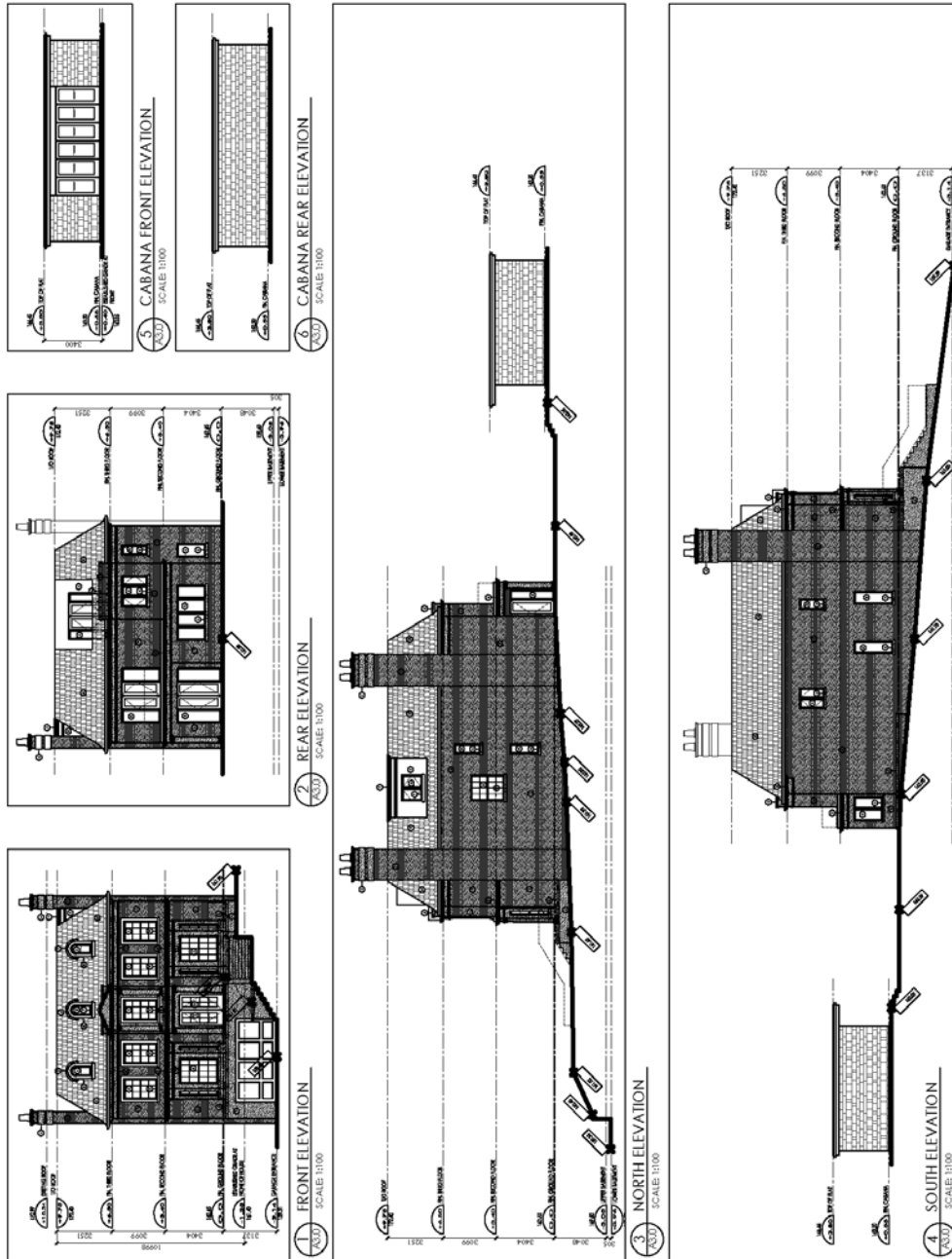
Attachment 5: North Elevation (Townhouses)



**377 Spadina Road &
17 Montclair Avenue**
File # 15 131139 STE 22.0Z

North Elevation
Applicant's Submitted Drawing
Not to Scale
09/08/2016

Attachment 6: Elevations (Detached Dwelling)



House and Cabana Elevations

Applicant's Submitted Drawing

Not to Scale
09/08/2016



377 Spadina Road & 17 Montclair Avenue

File # 15 131139 STE-22 0Z

Attachment 7: Zoning



377 Spadina Road and 17 Montclair Avenue

Zoning By-Law No. 569-2013

File # 15 131139 STE 22 0Z



Location of Application

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



See Former City of Toronto By-Law No. 438-86

- R1** Residential District
- R2** Residential District
- CR** Mixed-Use District

See Former City of York By-Law No. 1-83

- RM2** Residential Multiple Zone



Not to Scale
Extracted: 05/11/2015

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	15 131139 STE 22 OZ
Details	Rezoning, Standard	Application Date:	March 23, 2015

Municipal Address: 377 SPADINA RD & 17 MONTCLAIR AVE
 Location Description: PLAN M298 LOT 14 PT LOT 15 **GRID S2206
 Project Description: Proposed demolition of the existing two detached dwellings to facilitate the construction of 4 townhouse dwellings and a new single detached dwelling. The townhouse units will be oriented to Spadina Road while the new single detached dwelling will front onto Montclair Avenue.

Applicant:	Agent:	Architect:	Owner:
MICHAEL GOLDBERG 2098 Avenue Road, Toront, ON M5M 4A8	MICHAEL GOLDBERG 2098 Avenue Road, Toront, ON M5M 4A8	Richard Wengle Architect Inc. 102 Avenue Road, Toronto ON M5R 2H3	RAJACAN DEVELOPMENTS INC. 17 Montclair Ave, Toronto ON M4V 1W2

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	RD (f15.0; d0.35) (x1404)	Historical Status:	N
Height Limit (m):	11	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1717	Height:	Storeys:	3
Frontage (m):	47.46		Metres:	11
Depth (m):	45.83			
Total Ground Floor Area (sq. m):	787.84			Total
Total Residential GFA (sq. m):	1942.3		Parking Spaces:	11
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1942.3			
Lot Coverage Ratio (%):	45.8			
Floor Space Index:	1.13			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo, Freehold		
Rooms:	0	Residential GFA (sq. m):	1942.3
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	5	Institutional/Other GFA (sq. m):	0
Total Units:	5		

CONTACT:	PLANNER NAME:	David Driedger, Planner
	TELEPHONE:	416-392-7613
	EMAIL:	ddriedg@toronto.ca

Attachment 9: Draft Zoning By-law Amendment (By-law 438-86)

****To be provided on or before the October 13, 2016
Toronto & East York Community Council Meeting****

Attachment 10: Draft Zoning By-law Amendment (By-law 569-2013)

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