

101 - 105 Spadina Avenue and 363 Adelaide Street West – Zoning By-law Amendment Application – Decision Report - Approval

Date: March 23, 2023

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 10 - Spadina-Fort York

Planning Application Number: 21 249603 STE 10 OZ

SUMMARY

This report reviews and recommends approval of the application to amend City of Toronto Zoning By-law 569-2013 to permit the redevelopment of the southern portion of the site at 101 - 105 Spadina Avenue and 363 Adelaide Street West (the "development site") with a 39-storey mixed-use building. The site is subject to a proposed real estate transaction between the applicant and the City of Toronto which would reconfigure the existing parcels of land to facilitate the proposed development and also a 1,000 square metre City park on the northern portion of the site fronting Spadina Avenue and Adelaide Street West. The proposed City park is not subject to the application to amend the Zoning By-law, but is proposed as part of the real estate transaction.

The proposed 39-storey mixed-use building on the development site would contain 375 dwelling units and 194 square metres of retail space. A parking garage is proposed beneath the building and the proposed City park, with 72 resident and 70 public parking spaces. The public parking spaces are to be operated by the Toronto Parking Authority (TPA). The Zoning By-law Amendment application applies only to the development site where the mixed-use building is proposed, as well the below-grade parking garage.

The proposed development would result in a built form that fits within the existing and planned context and improves the public realm along both Spadina Avenue and Oxley Street.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 569-2013, for the lands at 101 - 105 Spadina Avenue and 363 Adelaide Street West, substantially in accordance with the draft Zoning By-law Amendment included as Attachment 5 to this report.

2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. Before introducing the necessary Bills to City Council for enactment, City Council require the applicant to address all outstanding comments in Section A of the Memorandum from Engineering and Construction Services dated January 27, 2023, in relation to servicing matters, and any subsequent memorandums prepared in response to applicant resubmission(s), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On December 16, 2020, Toronto City Council authorized the City to enter into a real estate transaction between the City of Toronto and the Applicant (DevGreat Inc.) to transfer various portions of three individual properties at 101 and 105 Spadina Avenue and 363 Adelaide Street West to create a City-owned stratified park measuring approximately 1,000 square metres with a public parking garage underneath on the northern portion of the site and a private development parcel on the southern portion of the site, to be redeveloped with the proposed mixed-use development. The Council decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.GL19.11>

THE SITE

Description: The site is located on the east side of Spadina Avenue, the south side of Adelaide Street West and the north side of Oxley Street. The southern portion of the site would contain the proposed development and has approximately 23.3 metres of frontage on Spadina Avenue and 50.7 metres on Oxley Street. The northern portion of the site is to be retained by the City and is planned to be developed with a 1,000 square metre park. As previously noted, this portion of the site, starting three metres below grade and including the air-rights above, is not included in the proposed Zoning By-law amendment. The development site subject to the proposed Zoning By-law amendment includes the parking garage beneath the park and the southern portion of the site containing the proposed mixed-use building and parking garage.

Existing Uses: A two-storey commercial building (101 Spadina Avenue), a 14-space surface parking facility accessed from Adelaide Street West (105 Spadina) and a 22-space surface parking facility accessed from both Adelaide Street West and Oxley Street (363 Adelaide Street West). Both parking lots are operated by the TPA.

THE APPLICATION

Description: A 39-storey mixed-use building (133.95 metres tall including the mechanical penthouse) with retail on the ground floor and residential units above.

Density: 12.59 times the area of the lot.

Dwelling Units: The proposed 375 dwelling units include 225 (60%) one-bedroom, 112 (30%) two-bedroom and 38 (10%) three bedroom units.

Parking Garage: Four levels of underground parking are proposed within the first two levels containing 70 parking spaces operated by the TPA and the remaining two levels containing 72 spaces to serve the mixed-use development. Access to the parking garage is proposed off of Oxley Street.

Bicycle Parking: A total of 378 bicycle parking spaces are proposed, consisting of 38 short-term and 340 long-term spaces.

Loading: A single loading space is proposed off Oxley Street immediately adjacent to the vehicular parking entrance.

Revisions: The current proposal incorporates numerous revisions from the original application including the summarized list below:

- Tower stepback has been increased from 3 to 6 metres along the Spadina Avenue frontage and balcony encroachments have been eliminated;
- Height of the base building has been reduced by two storeys;
- Exterior stairs have been relocated to the interior of the building from the Oxley Street sidewalk; and
- Width of the driveway curb cut has been reduced

These changes among other specific details were incorporated into the resubmission to address comments that were provided by City Staff and through Community Consultation and correspondence with members of the public.

Additional Information

See Attachments 1, 6, 7, 8, 9 and 10 of this report for the Application Data Sheet, a site plan of the proposal, ground floor plan, three dimensional representations of the project in context and rendering, respectively. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: www.Toronto.ca/101SpadinaAve

Reasons for the Application: The Zoning By-law Amendment application proposes to amend Zoning By-law 569-2013 to vary performance standards including: building height; building setbacks; and residential amenity space.

Site Plan Control: The development is subject to Site Plan Control. A Site Plan Control application (File No. 21-249606 STE 10 SA) has been submitted and is currently under review.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS) and shall conform to provincial Plans.

Official Plan: The site is designated Regeneration Areas. See Attachment 3 of this report for the Official Plan Land Use Map.

Downtown Plan: The western portion of this site is designated Mixed Use Areas 3 - Main Street and the eastern portion is designated Mixed Use Areas 1 - Growth.

King Spadina Secondary Plan (2022), as modified (OPA 486): This site is also located in the King-Spadina Secondary Plan Area. The western portion of this site is located within the Spadina Precinct and is designated Mixed Use Areas 3 and the eastern portion is located within the East Precinct and is designated Mixed Use Areas 1. The King Spadina Secondary Plan (OPA 486) was approved by City Council in January 2020 and is currently under appeal at the Ontario Land Tribunal (OLT). At its meetings in December 2021 and May 2022, City Council adopted some modifications to OPA 486 as an outcome of Tribunal-lead mediation between the City and various appellants of OPA 486.

Zoning: Commercial Residential Employment (CRE) under Zoning By-law 569-2013, with a height limit of 39 metres on the western portion of the site and 30.0 metres on the eastern portion of the site. This zoning category permits a variety of uses including retail, office, residential, and parks. There are no maximum density provisions, rather, the building envelope is established through performance standards including height, ground level setbacks and upper level stepbacks. See Attachment 4 of this report for the existing Zoning By-law Map.

Design Guidelines

The following Design Guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- King-Spadina Public Realm Strategy;
- Growing Up Guidelines - Planning for Children in New Vertical Communities; and
- Pet Friendly Design Guidelines
- Best Practices for Bird-Friendly Glass
- Toronto Accessibility Design Guidelines

The City's Design Guidelines may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Toronto Green Standard

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on April 4, 2022. Approximately 23 people participated, as well as the Ward Councillor at that time. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- The height of the building and how it compares to other recent approvals in the area;
- Shadow impact on the proposed park from the development;
- Impact of loading and car access on Oxley Street; and
- Planned mix of unit sizes and number of affordable units.

The issues raised at the Community Consultation Meeting and by way of various correspondence from the community prior to and after the meeting were taken into consideration throughout the review of the application and aspects were reflected in the resubmission of the application.

COMMENTS

Provincial Framework

City staff review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. The current proposal was reviewed for consistency with the Provincial Policy Statement and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

Land Use

The proposed residential and retail uses are acceptable and conform to the applicable policies of the Official Plan, Downtown Plan and the King-Spadina Secondary Plan. Spadina Avenue is a Priority Retail Street in the Downtown Plan and the proposed retail space appropriately fronts onto Spadina Avenue.

Public Realm

City Staff are satisfied that the proposal conforms with the applicable public realm policies of the Official Plan, King-Spadina Secondary Plan and the King-Spadina Public Realm Strategy. A minimum sidewalk width of 6 metres from the curb to the building face will be established along Spadina Avenue, including a 3 metre wide pedestrian clearway. Two street trees are proposed immediately adjacent to the development along Spadina Avenue and staff will work with the applicant and in coordination with the park design to determine the appropriate location for additional trees.

Along the Oxley Street frontage, the portion of the building closest to Spadina Avenue will be setback 3.39 metres from the property line, resulting in a 5.49 metre wide sidewalk. A 2.1-metre pedestrian clearway will be maintained along the entire Oxley Street frontage. Street trees will not be possible due to utility conflicts, but rather, the applicant proposes several planting beds as a soft landscaping alternative.

To create a separation between the development and the proposed park, the first two storeys of the building are proposed to be set back 3.39 metres from the north property line. A cantilever towards the property line is proposed for the remainder of the base building starting at the third storey which is acceptable to City staff.

A TPA lobby area is proposed at the east end of the building, providing pedestrian access to the TPA parking spaces from Oxley Street. This TPA lobby is proposed to also serve as a publicly accessible mid-block connection through the site, providing pedestrian access directly from Oxley Street to the proposed City Park during TPA operating hours. City staff will work with the applicant at the Site Plan Control stage to ensure that this mid-block connection is secured through the Site Plan Agreement.

Parkland

As noted above, the City park within the northern portion of the site is proposed to be delivered as part of a real estate transaction between the City and the applicant. The applicant would be required to construct the City park to base park condition with above grade improvements, satisfactory to Parks, Forestry and Recreation.

The parkland area of the planned City park would not count towards the parkland dedication of the proposed development, but rather, in accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above-grade building permit.

The Building

City Planning finds that the proposal conforms with the applicable Official Plan built form policies for tall buildings and the development criteria for Regeneration Areas. The proposed height of 39 storeys (133.95 metres, including mechanical penthouse) is appropriate and fits with the planned and emerging context.

The proposed height of the base building has been reduced from 13 storeys to 11 storeys (40.17 metres) generally establishing a 1:1 relationship with the width of the Spadina Avenue right-of-way. The tower has been stepped back over 6 metres from the edge of the base building along Spadina Avenue, minimizing the visual and shadow impact of the building as experienced from Spadina Avenue, a Great Street in the Downtown Plan.

Along the Oxley Street frontage, the tower would be stepped back between 1.5 to 3.3 metres from the edge of the base building. A tower setback of 1.5 metres along the park frontage is also proposed.

A 10 metre diagonal setback is proposed at the northeast corner of the site, maintaining a 20 metre corner to corner tower separation distance to the proposed development at 355 Adelaide Street West. While slightly less than the 25 metre tower separation distance required by the Tall Building Design Guidelines, in this instance, staff are satisfied with the proposed separation distance given the corner to corner tower relationship and lack of a direct facing condition.

Shadow Impact

The King-Spadina Secondary Plan (2022), as modified, requires that development minimize shadow on the sidewalk on the west side of Spadina Avenue. There will be no shadow impact from this development on the west sidewalk from 12:18 pm onwards during the spring and fall equinox, which staff find satisfactory.

Consistent with the Downtown Plan and the King-Spadina Secondary Plan (2022), there will be no shadow impact on any of the sun protected parks. Given the location of the proposed City park to the north of the proposed development, any development, including development that fits within the as-of-right building envelope permitted by the existing Zoning By-law, would result in shadow on the park. The proposed park is not one of the sun protected parks in the Downtown and King-Spadina Secondary Plans.

Wind

A Pedestrian Level Wind Study was submitted in support of the application. The study indicates that all areas at grade will be suitable for their intended uses throughout the year, with the exception of the pedestrian access at the southeast corner of the site during the winter months which will experience slightly accelerated wind speeds with conditions comfortable for strolling as opposed to standing. Wind mitigation measures such as screens and planters are recommended. Staff will work with the applicant at the Site Plan Control stage to ensure that this condition is adequately mitigated.

Mobility

A total of 378 bicycle parking spaces are proposed, consisting of 38 short-term and 340 long-term spaces. The majority of the bike parking spaces are proposed within a partial below-grade floor, located between the ground floor and the P1 level of the parking garage, with the remainder spread through the four levels of the parking garage. An elevator for cyclists is proposed within the TPA lobby area.

A Transportation Impact Study was submitted to assess the traffic impact, access, parking and loading arrangements for this development. Transportation Services staff have reviewed the Transportation Impact Study and accepted its conclusions.

Parking and loading access will be from Oxley Street. Vehicular access will include access to the proposed TPA parking lot located on the first two levels of the four level parking garage. The applicant worked closely with City Planning, Transportation Services and TPA staff to reduce the size of the vehicular and loading entrances to minimize the impact on the public realm along Oxley Street, while at the same time ensuring safe access and egress for the site.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable and accessible communities. Community services and facilities are the building blocks of our neighbourhoods and include matters such as recreation, libraries, childcare, local schools, public health and human and cultural services. Providing a full range of community services and facilities in areas that are inadequately services or experiencing growth is a shared responsibility.

Affordable Housing

Any proceeds remaining from the property transaction between the City and the applicant are to be used by the City to acquire an estimated 20-30 affordable housing units in the area, with special focus on potential affordable housing opportunities on City owned properties including 35 Bellevue Avenue and 15 Denison Avenue.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items for review as noted in Section A4. of the Memorandum from the Manager, Development Engineering, Toronto and East York District, dated January 27, 2023. The applicant has since submitted the required materials to the City for review and acceptance. These materials are currently under review and must be determined to be to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, prior to the enactment of bills.

Other issues identified by Engineering and Construction Services staff will be resolved as part of the Site Plan Control process.

Toronto Green Standard

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance

measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant has committed to achieve Tier 2 to help advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner. The site specific zoning by-law and future site plan agreement will secure performance measures for various development features, including, but not limited to, the following:

- Planting of street trees within minimum required soil volumes;
- Soft landscaping in planters adjacent to the public realm;
- Use of high albedo paving within a minimum of 75% of the non-roof hardscape;
- Building energy performance consistent with Tier 2 standards; and
- Retention of rainfall amounts on-site consistent with Tier 2 standards.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, the Downtown Secondary Plan and the King-Spadina Secondary Plan. Staff are of the opinion that the proposal is consistent with the PPS and conforms with the Growth Plan. Furthermore, the proposal conforms with the intent of the Official Plan, Downtown Plan and King-Spadina Secondary Plan, particularly as it relates to the provision of an enhanced public realm and a built form which provides an appropriate relationship to the surrounding area. Staff recommend that Council support approval of the application.

CONTACT

Joanna Kimont, Senior Planner,
Tel. No. 416-392-7216
E-mail: Joanna.Kimont@toronto.ca

SIGNATURE

Carly Bowman, M.Sc.PI. MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: Ground Floor Plan
- Attachment 8: 3D Model of Proposal in Context - Northeast View
- Attachment 9: 3D Model of Proposal in Context - Southwest View
- Attachment 10: Rendering (Southeast View)

Attachment 1: Application Data Sheet

Municipal Address: 101-105 Spadina Avenue and 363 Adelaide Street West Date Received: December 17, 2021

Application Number: 21 249603 STE 10 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment Application to permit the redevelopment of the site with a 39-storey mixed-use building (133.95 metres tall) containing 375 residential units and 194 square metres of retail space. A new 1,000 meter square City park is proposed on the northern portion of the site with a public parking garage beneath.

Applicant	Agent	Architect	Owner
Urban Strategies Inc.	Urban Strategies Inc.	Audax Architecture Inc.	DevGreat Inc. and City of Toronto

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	King-Spadina
Zoning:	CRE	Heritage Designation:	N
Height Limit (m):	39, 30	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 2,179 Frontage (m): 23 Depth (m): 51

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	884		747	747
Residential GFA (sq m):			27,847	27,847
Non-Residential GFA (sq m):	1,679		205	205
Total GFA (sq m):	1,679		28,051	28,051
Height - Storeys:	2		39	39
Height - Metres:			126	126

Lot Coverage Ratio (%): 34.27 Floor Space Index: 12.59

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 27,628 218
 Retail GFA: 205
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			375	375
Other:				
Total Units:			375	375

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			225	112	38
Total Units:			225	112	38

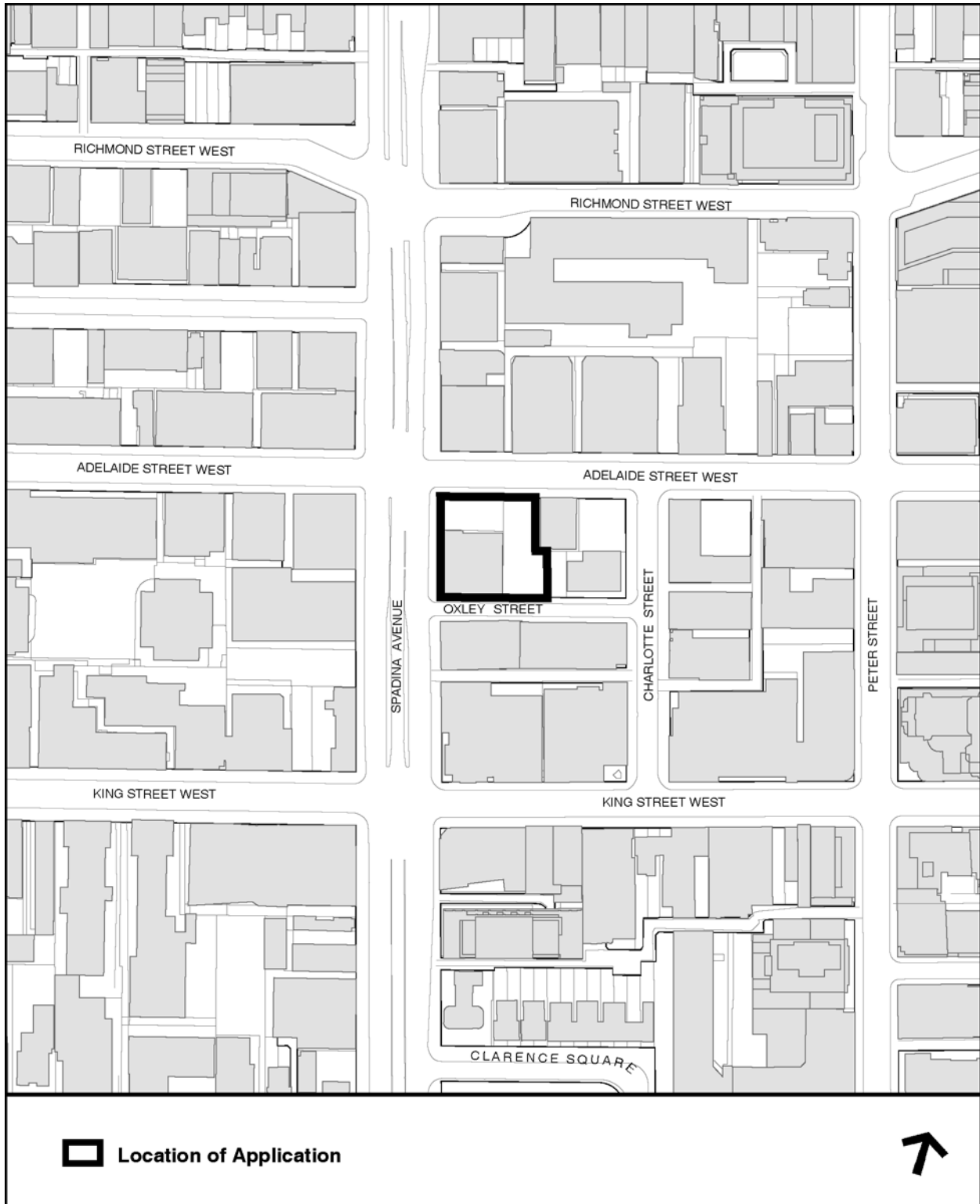
Parking and Loading

Parking Spaces: 142 Bicycle Parking Spaces: 378 Loading Docks: 1

CONTACT:

Joanna Kimont, Senior Planner, Community Planning
 416-392-7216
 Joanna.Kimont@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map




101 - 105 Spadina Ave & 363 Adelaide Street West

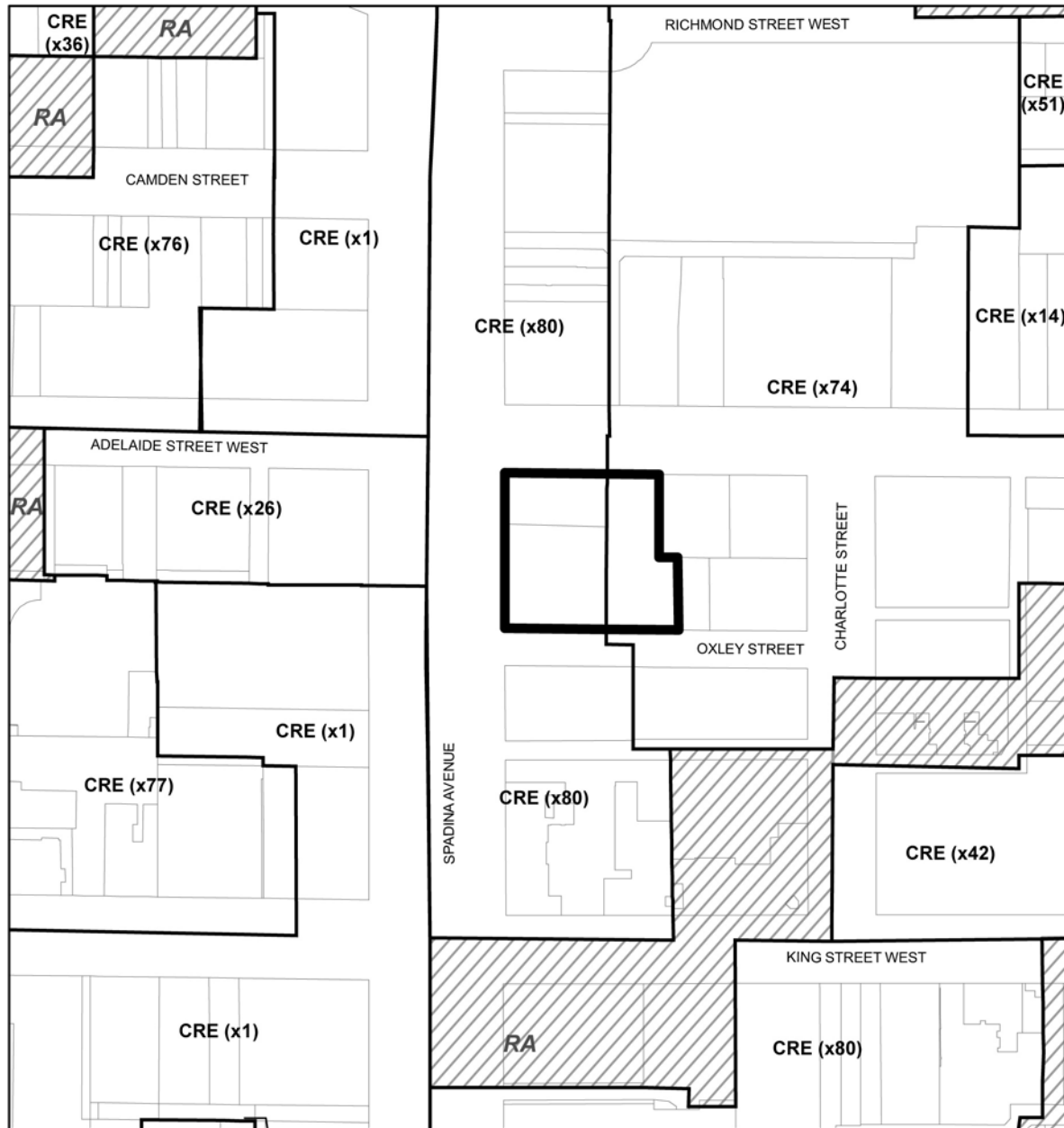
Official Plan Land Use Map #18

File # 21 249603 STE 10 0Z

-  Location of Application
-  Mixed Use Areas
-  Parks
-  Regeneration Areas


 Not to Scale
 Extracted: 12/20/2021

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

101-105 Spadina Ave. & 363 Adelaide St. W

File # 21 249603 STE 10 OZ



Location of Application



See Former City of Toronto By-law No. 438-86
RA Mixed-Use District

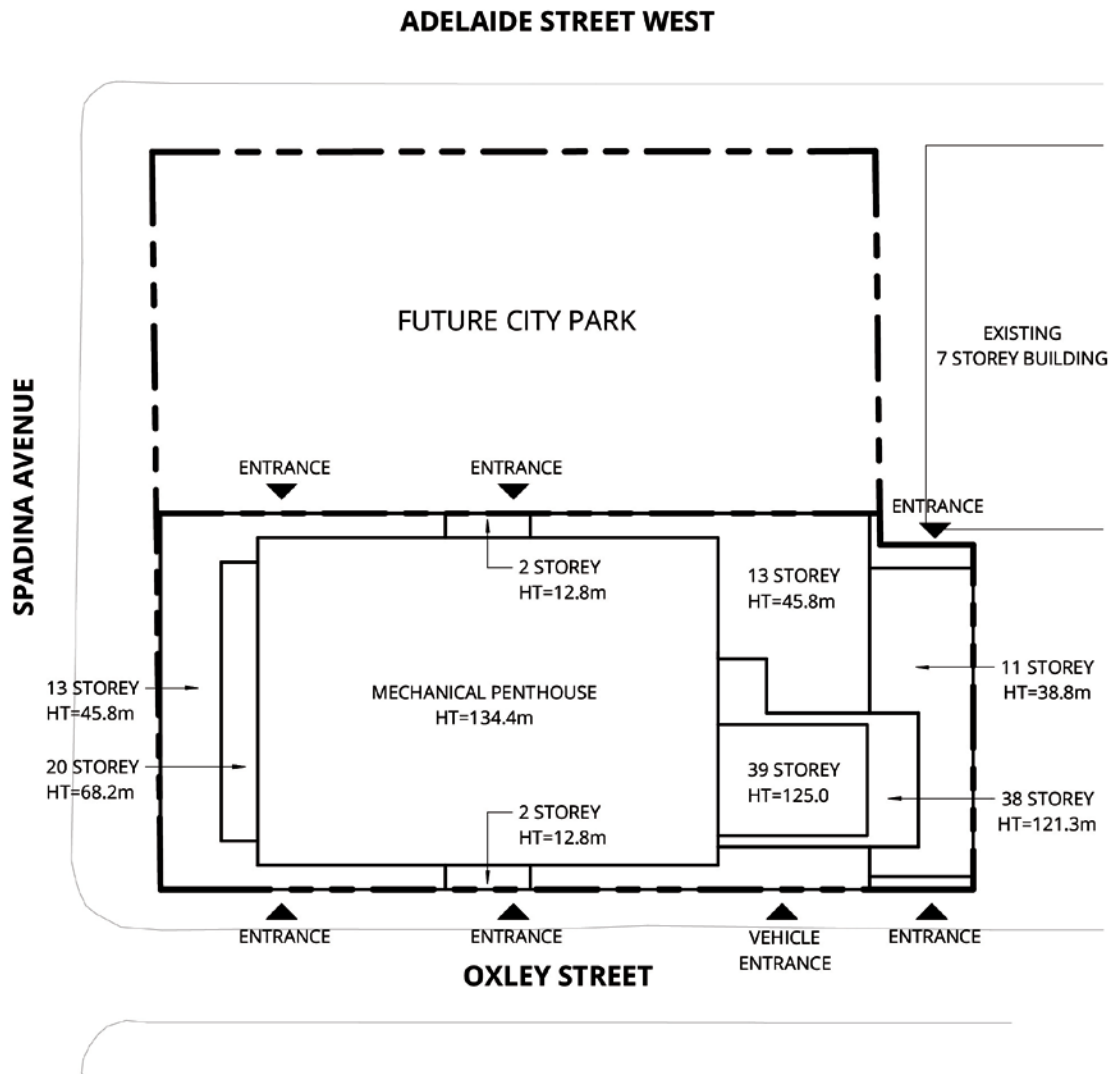
CRE Commercial Residential Employment



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Extracted: 02/08/2023

Attachment 5: Draft Zoning By-law Amendment

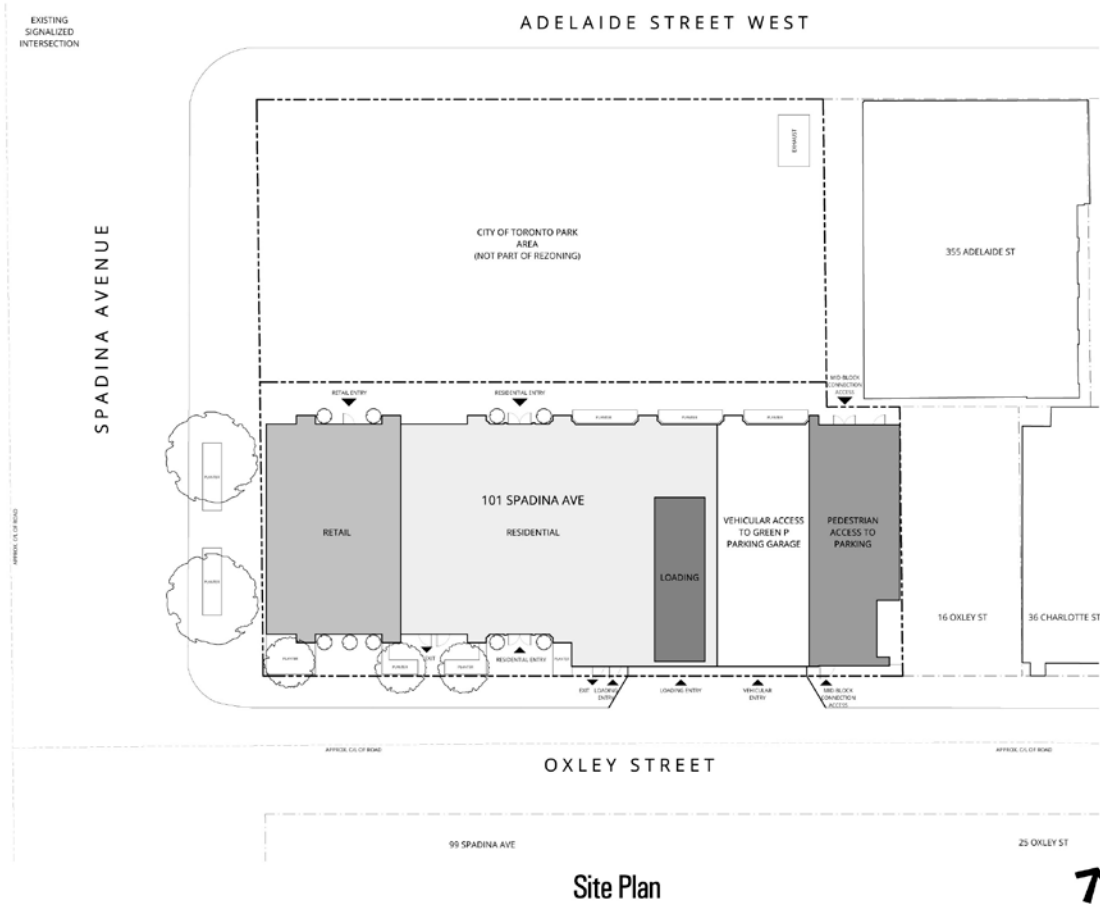
FORTHCOMING



Site Plan

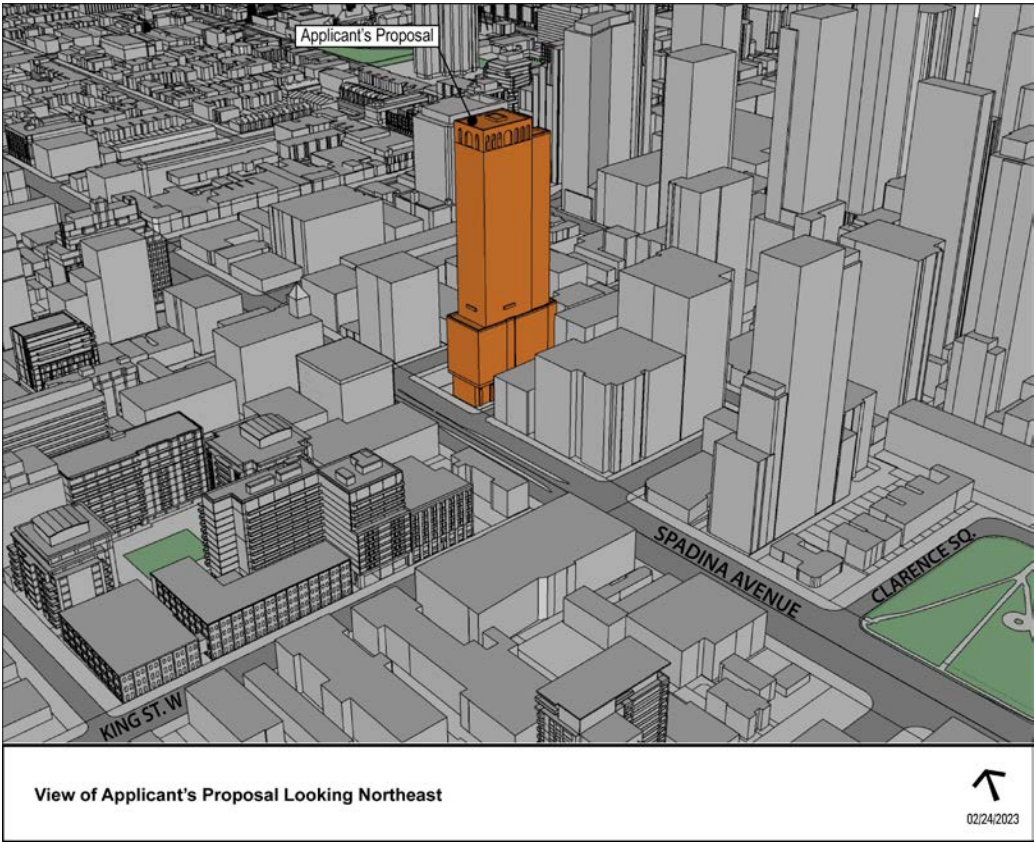


Attachment 7: Ground Floor Plan



Site Plan

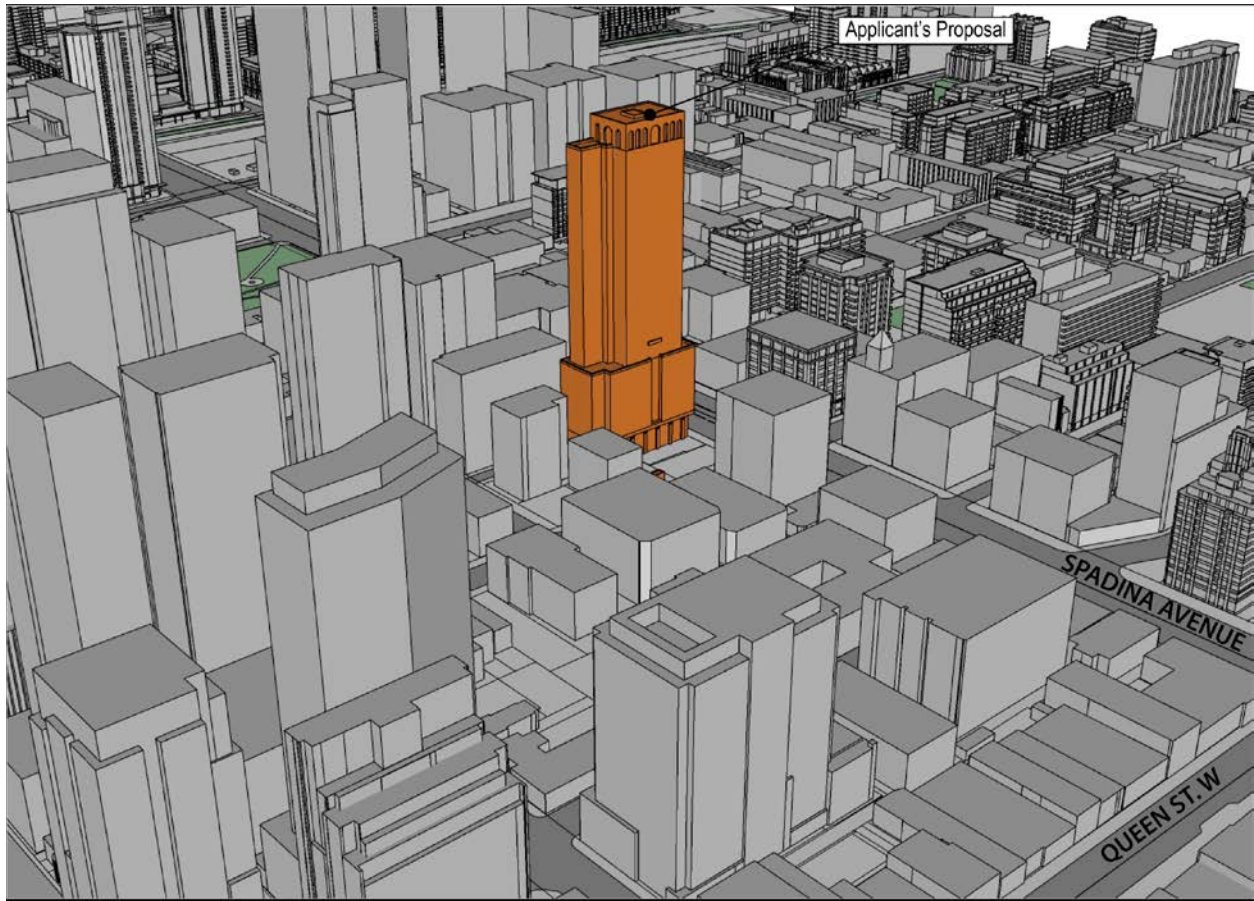
Attachment 8: 3D Model of Proposal in Context - Northeast View



View of Applicant's Proposal Looking Northeast

02/24/2023

Attachment 9: 3D Model of Proposal in Context - Southwest View



View of Applicant's Proposal Looking Southwest

↓
02/24/2023

Attachment 10: Rendering (Southeast View)



Applicant's Rendering