

41-45 Spadina Road – Zoning By-law Amendment and Rental Housing Demolition Applications – Decision Report – Approval

Date: September 9, 2024

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Numbers: 24 146962 STE 11 OZ; 24 146972 STE 11 RH

SUMMARY

This report reviews and recommends approval of the application to amend the Zoning By-law to permit a new 10-storey addition above an existing 4-storey heritage designated apartment building. The 14-storey residential building will have a total of 94 residential units, including 24 existing residential units. The applicant proposes to keep the existing 4-storey heritage building tenanted during construction.

This report reviews and recommends approval of the Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code to convert one vacant rental dwelling unit from a 3-bedroom to a 2-bedroom unit. As the impacted rental unit is currently vacant, a Tenant Relocation and Assistance Plan is not required.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 41-45 Spadina Road substantially in accordance with the draft Zoning By-law Amendment included as Attachment 5 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council request the General Manager, Transportation Services, to review and report back on the feasibility of amending Schedule B of the City of Toronto Municipal Code Chapter 925, Permit Parking, to exclude the development located at 41-45 Spadina Road from Permit Parking.
4. City Council approve the Rental Housing Demolition application File Number 24 146972 STE 11 RH in accordance with Chapter 667 of the Toronto Municipal Code and

pursuant to Section 111 of the City of Toronto Act, 2006 which allows for the demolition of 1 existing rental dwelling unit located at 41-45 Spadina Road.

5. City Council authorize the Chief Planner and Executive Director, City Planning Division, to issue Preliminary Approval for the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code for the demolition of the 1 existing rental dwelling unit at 41-45 Spadina Road.

6. City Council authorize the Chief Building Official to issue the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning Division, has given Preliminary Approval referred to in Recommendation 5 above.

7. City Council direct that before introducing the necessary Bills to City Council for enactment, the owner is required to, at its sole cost and expense:

- a. submit a revised Functional Servicing and Stormwater Management Report for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
- b. enter into a Municipal Infrastructure Agreement to financially secure the construction of any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required.

8. City Council be advised that the Chief Planner and Executive Director, City Planning will secure the following matters, among others, in a Site Plan Agreement with the City through the Site Plan Control process:

- a. the owner shall continue to provide and maintain the existing 24 rental units at 41-45 Spadina Road as rental housing for a period of at least 20 years commencing from the date the Zoning By-law Amendment comes into force and effect, with no application for demolition or conversion to condominium ownership or from residential rental use during the 20-year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; and
- b. the owner shall undertake improvements to the existing rental building, at its sole expense and at no cost to tenants, at 41-45 Spadina Road, with such improvements and related timing for the improvements to be undertaken to be informed by a tenant survey and tenant meeting and identified by the owner to the satisfaction of the Chief Planner and Executive Director, City Planning prior to Site Plan Approval for the development.

9. City Council require the owner to submit a Construction Mitigation and Tenant Communication Plan, including an interim parking plan, to mitigate the impacts of construction of the development on the tenants of the existing rental apartment building,

all to the satisfaction of the Chief Planner and Executive Director, City Planning, prior to Site Plan Approval.

10. City Council request the Chief Planner and Executive Director, City Planning, in consultation with the local Ward Councillor and the City Solicitor, to continue to work with the applicant to explore an in-kind community benefit package pursuant to 37(6) of the Planning Act, and to report back to City Council for further instruction if the applicant offers such an in-kind community benefit.

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.

THE SITE

Description

The site is located on the south east corner of the intersection of Spadina Road and Lowther Avenue. The site is generally rectangular in shape, with an approximate frontage of 43 metres on Spadina Road, and 40 metres on Lowther Avenue. The total area of the site is approximately 1,700 square metres.

Existing Use

The site contains a 4-storey heritage designated residential building, referred to as Spadina Gardens, containing 24 dwelling units. 1 of the 24 units is presently vacant.

THE APPLICATION

Description

A 14-storey residential development consisting of a new 10-storey addition located above the existing 4-storey heritage designated building (58.80 metres, inclusive of the mechanical penthouse). The 10-storey addition is supported by a structural column located in the central courtyard of the existing building, and with a secondary exit stair located on the south side of the existing building.

Rental Housing Demolition

The application proposes to undertake interior alterations to the existing rental apartment building to convert one vacant three-bedroom rental dwelling unit (Unit 9) into a two-bedroom rental unit. The demolished space will accommodate a lobby entrance to the new building.

Density

The proposal has a density of 5.48 times the area of the lot.

Dwelling Units

A total of 94 residential dwelling units. The new 10-storey addition will contain 70 new dwelling units, 41 one-bedroom (59%), 20 two-bedroom (29%), and 9 three-bedroom units (13%). A total of 24 dwelling units will be retained in the existing 4-storey heritage designated apartment building.

Amenity Space

A total of 218 square metres of amenity space is proposed, of which a minimum of 44 square metres of indoor amenity space (0.64 square metres per unit) and 218 square metres of outdoor amenity space (2.0 square metres per unit) shall be provided. These new amenities will be accessible to existing tenants of 41-45 Spadina Road.

Access, Bicycle Parking, Vehicle Parking and Loading

The main pedestrian entrance into the new building is located internal to the site, on the east side of the building, with the existing pedestrian entrances to the heritage building being maintained along Spadina Road.

A total of 106 bicycle parking spaces are provided, comprised of 20 short-term bicycle parking spaces located along the east property line and 86 long-term spaces located within ancillary bike parking rooms at the southeast corner of the site.

One Type-G loading space is required, to be accessed through the existing driveway on Lowther Avenue.

Additional Information

See the attachments of this report for the Application Data Sheet, Location Map, a site plan, and elevations of the proposal. 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/41-45SpadinaRd

Reasons for Application

The proposal requires an amendment to Zoning By-law 569-2013 to vary performance standards, including maximum building height, density, setbacks, maximum projections, landscaping requirements, vehicular and bicycle parking requirements, among other standards.

This application involves the demolition of rental housing, with the proposed conversion of a 3-bedroom unit to a 2-bedroom unit. Since the development site contains six or more residential units, of which at least one unit is rental housing and a change to unit

type is proposed, an application is required under Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law.

POLICY & REGULATION 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 (2020), and shall conform to provincial plans.

Official Plan

Mixed Use Area. See Attachment 3 of this report for the Official Plan Land Use Map.

Downtown Secondary Plan

The site is designated Mixed Use Areas 3 – Main Street in the Downtown Plan.

Zoning

The site is zoned CR 2.0 (c.2.0; r2.0) SS2 (x2394) under Zoning By-law 569-2013. The CR zoning category permits a range of commercial and residential uses. The maximum permitted height is 14 metres. See Attachment 4 of this report for the existing Zoning By-law Map.

Heritage

The property at 41-45 Spadina Road was designated under Part IV, Section 29 of the Ontario Heritage Act in 2021.

Design Guidelines

The following [design guidelines](#) have been used in the evaluation of this application:

- Mid-Rise Building Performance Standards
- Growing Up Guidelines for Children in Vertical Communities

Toronto Green Standard

The [Toronto Green Standard](#) (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.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on July 31, 2024. Approximately 97 people participated. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- support for intensification of the site given the proximity to transit and need for housing;
- support for the innovative approach to construction, allowing existing tenants to remain in their homes;
- concerns related to the structural integrity of the proposed building and impacts to existing residents;
- concerns related to the lack of vehicular parking spaces; and
- concerns about potential impacts to adjacent school.

In addition to the formal community consultation meeting, City Staff have hosted additional meetings with the Annex Residents Association (ARA), and the Spadina Gardens Tenant Association (SGTA). In addition to a Position Statement provided by the ARA, the following comments and issues were raised through these meetings:

- concerns about the impact of the new addition on access to light and ventilation for existing tenants;
- concerns related to the construction and mitigation strategies in place to protect existing tenants;
- concerns over capacity of existing stormwater system to accommodate this development, and cumulative development in the surrounding area; and
- a request for more information on the proposed solution for solid waste management on site.

The issues raised through Community Consultation have been considered through the review of this application.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). In the opinion of Staff, the proposal is consistent with the PPS and conforms with the Growth Plan.

Density, Height, Massing

City Planning staff are satisfied that the proposed built form and massing conform to the policies of the Official Plan and Downtown Plan, and are appropriate for the site.

The site is designated Mixed Use Areas 3 in the Downtown Plan, which permits mid-rise and tall buildings. The proposed building height of 14-storeys (58.8 metres, inclusive of the mechanical penthouse) is appropriate given the planned context and is similar in height to other approved and existing buildings in the area. The Downtown Secondary Plan calls for growth and higher density in proximity to existing or planned transit stations. The subject site is located approximately 200 metres from Spadina Station and 550 metres from St. George Station.

The existing heritage building has a height of 4-storeys (12.8 metres) which provides a low-scale streetwall along Spadina Road and Lowther Avenue. The heritage building serves as a base building and is set back a minimum of 3.8 metres from the front property line along Spadina Road, and provides an approximately 6-metre setback from the Lowther Avenue property line.

The new 10-storey addition is setback 10 metres above the existing 4-storey heritage building on the Spadina Road (west) frontage to preserve the prominence of the existing heritage building and mitigate impacts on the public realm. The building provides a setback of approximately 7.5 metres from the low-rise residential buildings to the east, providing adequate sky view and privacy to the buildings.

The 10-storey addition above the existing building is proposed to be supported by two structural columns, and physically distinguishes itself from the historic building. A 4-metre reveal was initially proposed between the roof of the heritage building and the 10-storey addition to maintain a visual separation. The application provides for an approximate 6-metre space between the existing building and the 10-storey addition to allow for additional light and air circulation within the courtyard space. The applicant has agreed to provide additional studies for light and air circulation and staff will continue to work with the applicant to improve these conditions for existing residents throughout the Site Plan process.

Heritage Conservation

The designated heritage property at 41-45 Spadina Road will be retained in-situ. The proposed development includes the adaptation of the existing apartment building for continued residential use, while protecting its heritage value. The building's interior layout, and the composition of its principal (west) and secondary (north) elevations are conserved and rehabilitated.

Constructed in 1906, Spadina Gardens has design and physical value as it is one of the two, known, surviving representatives of the earliest Toronto apartment buildings, which were a new housing type in the early 1900's and reflective of social change and urban growth at this period. Designed by the architect Arthur R. Denison, the red-brick clad building, with stone trim, is an example of Edwardian Classicism. The building's detailed architecture and massing, combined with its history of renowned residents have made it

a well-loved focal point within the local community, as well as a well-regarded model of historic, architecturally fine, low-rise rental housing in the City of Toronto.

A Heritage Impact Assessment was submitted and reviewed by City Staff that addresses the Heritage value of Spadina Gardens and its relationship to the adjacent West Annex Phase I Heritage Conservation District.

Heritage Planning staff are satisfied that the proposed development has been designed to conserve the cultural heritage values, attributes, and character of the designated heritage property.

A corresponding report recommending City Council approve the application to alter the designated property under Section 33 of the Ontario Heritage Act was presented to the Toronto Preservation Board on August 19, 2024 (Item PB21.1).

Housing Issues

Official Plan Policies 3.2.1.5 and 4.2.3 permit compatible infill development on sites containing existing rental buildings provided the existing rental tenure is secured and redevelopment will result in an improvement to the site condition.

The owner has agreed to maintain the existing building as rental housing for a period of at least 20 years from the date the Zoning By-law Amendment comes into force and effect. The owner has also agreed to construct and provide improvements to the existing rental building of which the costs shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord Tenant Board for the purpose of obtaining an increase in residential rent above the applicable guideline.

Existing tenants will have access to all proposed amenity spaces in the new building, as well as access to new bicycle parking facilities and improved waste disposal facilities.

Additional improvements to the existing rental building and related timing will be informed by a tenant survey and tenant meeting with the existing residents. The location, layout, and/or specifications of the improvements will need to be finalized prior to Site Plan Approval for the new development, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

As part of the recommendations to Council, the applicant will also be required to develop a Construction Mitigation Strategy and Tenant Communication Plan prior to the issuance of a Notice of Approval Conditions for Site Plan Control approval. The Plan would address construction impacts on existing residents.

As the impacted rental unit is currently vacant, a Tenant Relocation and Assistance Plan is not required.

Through the permitting process Toronto Building would require an engineering report on the matter of occupant safety during construction and identification of appropriate measures to support tenant safety. Under the Residential Tenancies Act, tenants have

the right to return to their existing unit if they have to leave due to construction of the new building.

Streetscape and Public Realm

Staff are satisfied that the proposal conforms with the applicable public realm policies of the Official Plan and the Downtown Secondary Plan.

The width of the public right-of-way along Spadina Road and Lowther Avenue provides opportunities for public realm improvements such as new street trees and bike rings. The existing setbacks of the heritage building are being maintained, allowing for the preservation of all existing mature trees and public realm along the Spadina Road frontage.

The existing ground floor entrances and façade fronting Spadina Road are being maintained, along with the notable red brick cladding.

Shadow Impact

The applicant-submitted shadow studies show the extent of the shadow from the proposed building on the spring and fall equinox (March 21, September 21), and summer and winter solstice (June 21, December 21).

The shadow impact resulting from the proposal is acceptable. The proposal adequately limits shadow impacts on adjacent Neighbourhoods to the north, particularly during the spring and fall equinoxes, and no new net shadow is proposed on Sun Protected Parks and Open Spaces within the Annex neighbourhood.

The shadow study also shows that the 10-metre setback of the new building over the heritage building maintains access to light for the skylights on the existing heritage building, preserving the utility of these features for existing residents.

Wind Impact

Staff have reviewed the Pedestrian Level Wind Study and are satisfied with the assessment, conclusions, and recommendations contained in the study. The study indicates that areas at grade and the public realm will be suitable for their intended uses throughout the year, with no dangerous conditions predicted.

The rooftop outdoor amenity terrace will be suitable for standing or more sedentary activities during summer, without the need for mitigation. To improve comfort levels, windscreens along the perimeter of the terrace are recommended.

Access, Parking, Loading

A Transportation Impact Study was submitted to assess the traffic impact, access, parking and loading arrangements for this development. Vehicular access to the site is proposed via the existing driveway connection to Lowther Avenue, which provides

access to the site's loading area, maneuvering space, pick-up and drop-off space and short-term and long-term bicycle parking space. The applicant has increased the number of bike parking spaces to 86 long term, and 20 short term parking spaces. The applicant has also revised the proposal to include a Type-G loading area to comply with comments from Solid Waste Management, to accommodate municipal pickup.

Transportation Services staff have reviewed the Transportation Impact Study and accept its conclusions.

Unit Mix

Staff are satisfied with the proposed residential mix of 36 one-bedroom units, 18 two-bedroom, and 9 three-bedroom units. Considering the existing and proposed units, 29% of the total units are proposed to be two-bedroom and 13% are proposed to be three-bedroom.

The unit mix meets the policy direction of the Official Plan to provide a full range of housing and exceeds the unit mix objectives of the Growing Up Guidelines to provide a minimum of 15% two-bedroom units and 10% three-bedroom units within new developments.

Parkland

In accordance with Section 42 of the Planning Act, the owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

Archaeological Assessment

The property is designated under Part IV, Section 29 of the *Ontario Heritage Act* through By-law 181-2021. Demolition is not proposed as part of this development and, as such, there is no potential to affect potential archaeological resources. An Archaeological Assessment is not required.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Trees, Articles II (Trees on City Streets) and III (Private Tree Protection), commonly referred to as the 'Street Tree By-law' and the 'Private Tree By-law.'

The submitted Arborist Report identifies a total of 16 trees on and in proximity to the site, of which 12 trees are proposed to be retained. The 4 trees proposed to be removed to accommodate the development, are located along the eastern property line. Of these, 3 trees are privately owned and considered boundary trees. Permits will be secured through the tree permit process to the satisfaction of Urban Forestry, Tree Protection and Plan Review, Parks Forestry and Recreation.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to 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.

CONTACT

Chris Pereira, Planner, Community Planning, Tel. No. 416-338-7418,
E-mail: Chris.Pereira@toronto.ca

Cate Flanagan, Senior Planner, Housing Policy, Tel. No. 416-392-4529
E-mail: Cate.Flanagan@toronto.ca

SIGNATURE

Oren Tamir
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: Elevations and/or Ground Floor Plan
- Attachment 8: 3D Massing Model

Attachment 1: Application Data Sheet

Municipal Address: 41-45 Spadina Road **Date Received:** May 10, 2024

Application Number: 24 146962 STE 11 OZ

Application Type: Rezoning

Project Description: A proposal to permit a 14-storey residential building, consisting of a 10-storey addition above an existing 4-storey heritage building (52.8 metres, mechanical not included). The proposal includes 70 new dwelling units, and maintains the existing 24 rental dwelling units.

Applicant

Andrew
Ferancik

owner

41-45 Spadina
Road Property INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: OPA 406

Zoning: CR 2.0 (c2.0;
r2.0) SS2 Heritage Designation: Y
(x2394)

Height Limit (m): 14 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,700 Frontage (m): 43 Depth (m): 40

| Building Data | Existing | Retained | Proposed | Total |
|-----------------------------|-----------------|-----------------|-----------------|--------------|
| Ground Floor Area (sq m): | 890 | 890 | 99 | 989 |
| Residential GFA (sq m): | 4,180 | 4,180 | 5,135 | 9,315 |
| Non-Residential GFA (sq m): | | | | |
| Total GFA (sq m): | 4,180 | 4,180 | 5,135 | 9,315 |
| Height - Storeys: | 4 | 4 | 14 | 14 |
| Height - Metres: | 16 | 16 | 58.8 | 58.8 |

Lot Coverage Ratio (%): 58.18 Floor Space Index: 5.48

| | | |
|-----------------------------|---------------------------|---------------------------|
| Floor Area Breakdown | Above Grade (sq m) | Below Grade (sq m) |
| Residential GFA: | 9,315 | |
| Retail GFA: | | |
| Office GFA: | | |
| Industrial GFA: | | |
| Institutional/Other GFA: | | |

| Residential Units by Tenure | Existing | Retained | Proposed | Total |
|------------------------------------|-----------------|-----------------|-----------------|--------------|
| Rental: | 24 | 24 | | 24 |
| Freehold: | | | | |
| Condominium: | | | 70 | 70 |
| Other: | | | | |
| Total Units: | 24 | 24 | 70 | 94 |

Total Residential Units by Size

| | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|---------------------|--------------|-----------------|------------------|------------------|-------------------|
| Retained: | | | 7 | 1 | 16 |
| Proposed: | | | 41 | 20 | 9 |
| Total Units: | | | 48 | 21 | 25 |

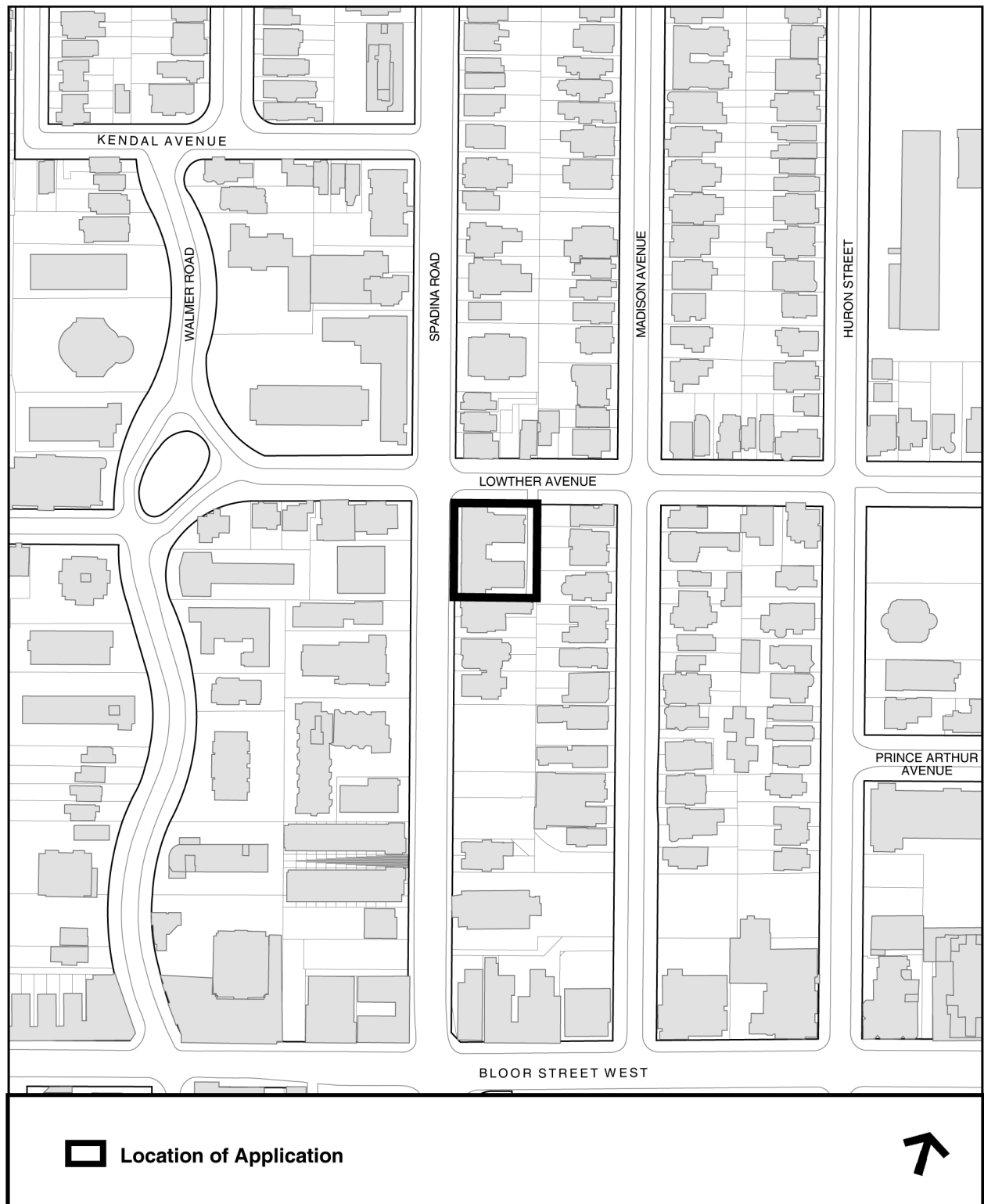
Parking and Loading

| | | | |
|-------------------|-----------------------------|----------------|----------|
| Parking Spaces: 0 | Bicycle Parking Spaces: 106 | Loading Docks: | 1 Type G |
|-------------------|-----------------------------|----------------|----------|

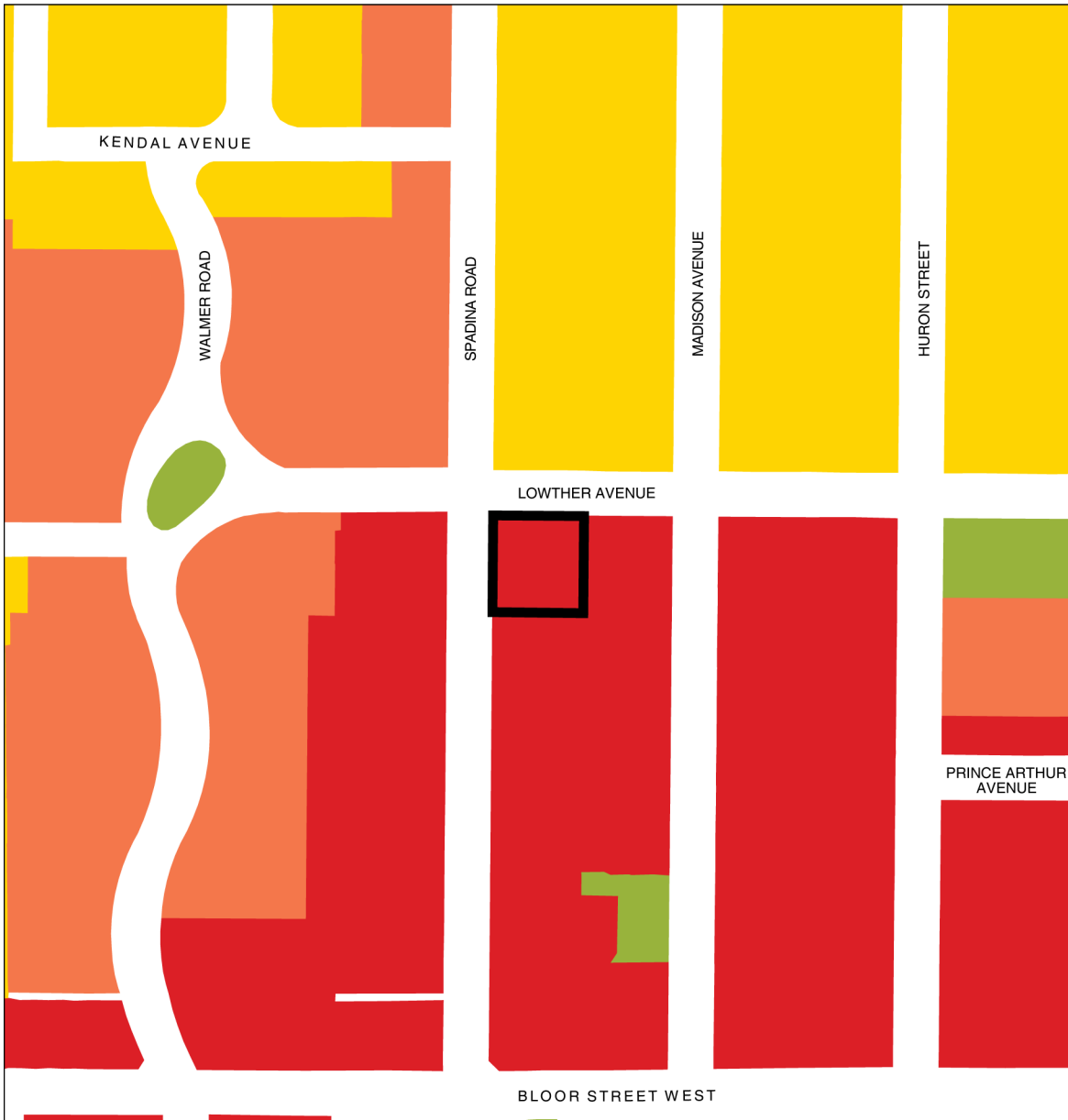
CONTACT:

Chris Pereira, Planner, Community Planning
416-338-7418
Chris.Pereira@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map




Official Plan Land Use Map 17

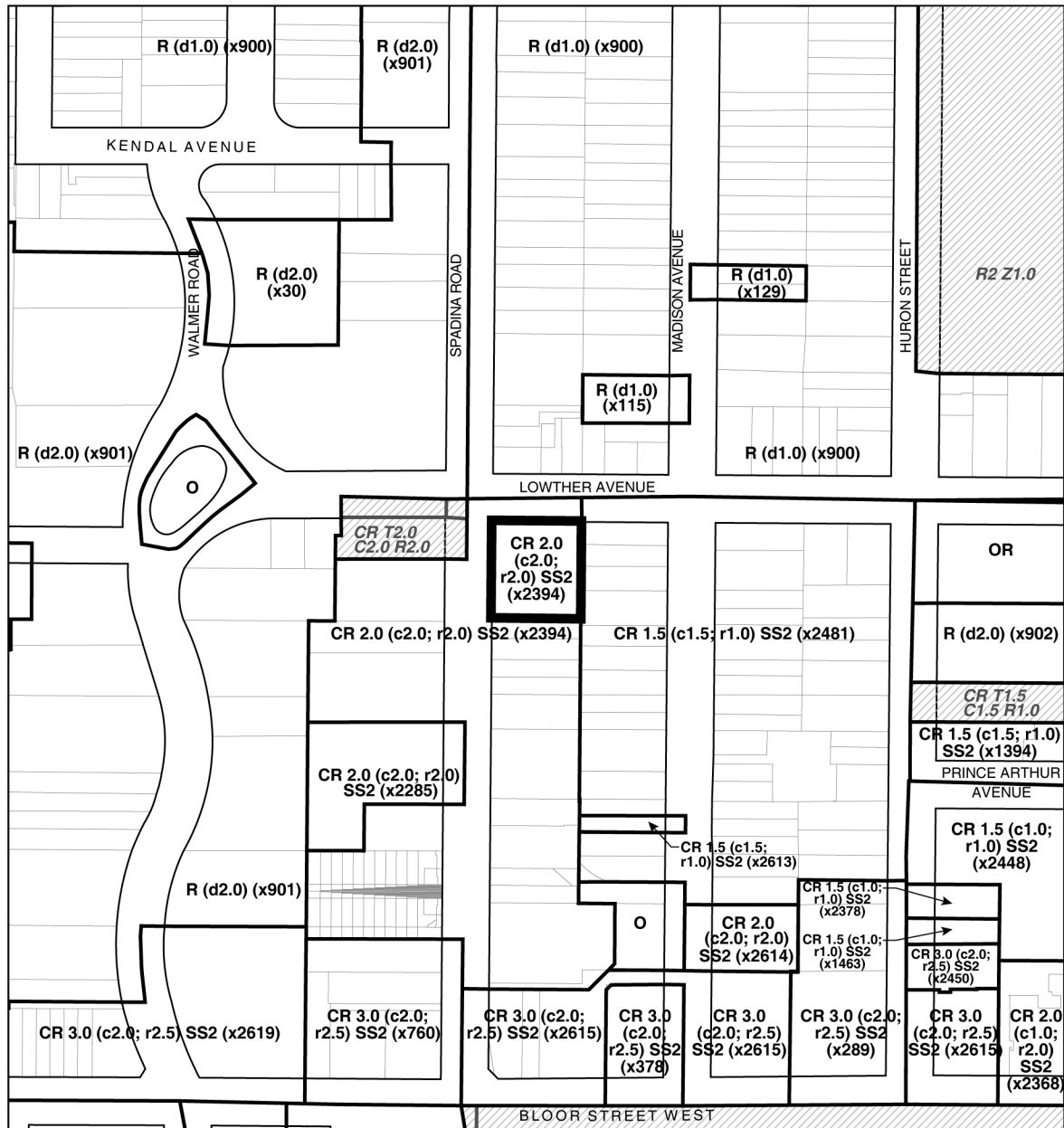
41 - 45 Spadina Road

File # 24 146962 STE 11 OZ




 Not to Scale
 Extracted: 05/13/2024

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

41 - 45 Spadina Road

File # 24 146962 STE 11 OZ

| | | | |
|----|-------------------------|-----|--|
| | Location of Application | | See Former City of Toronto By-law No. 438-86 |
| R | Residential | R3 | Residential District |
| CR | Commercial Residential | MCR | Mixed-Use District |
| O | Open Space | UOS | Parks District |
| OR | Open Space Recreation | | |

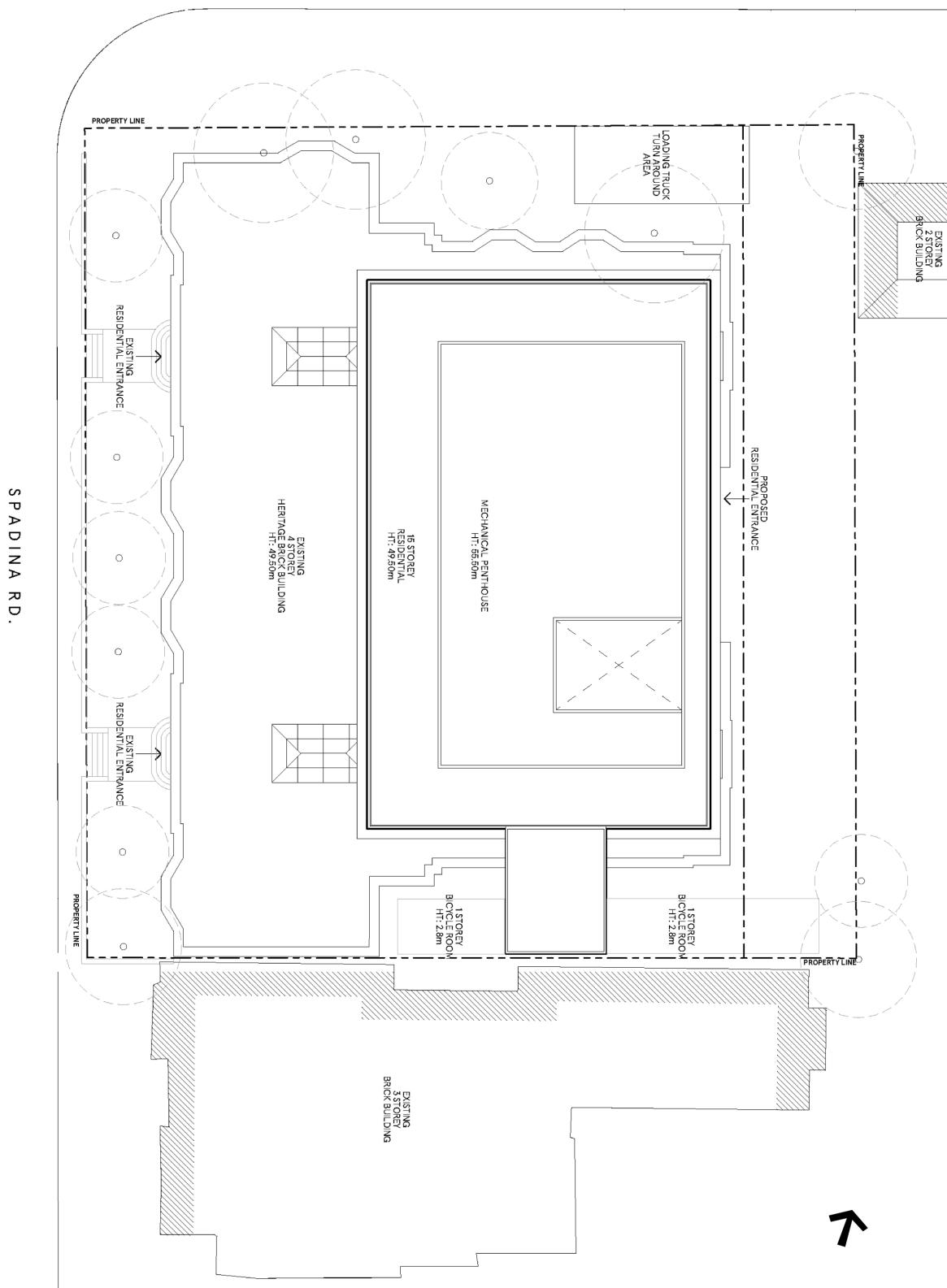
↑
Not to Scale
Extracted: 05/13/2024

Attachment 5: Draft Zoning By-law Amendment

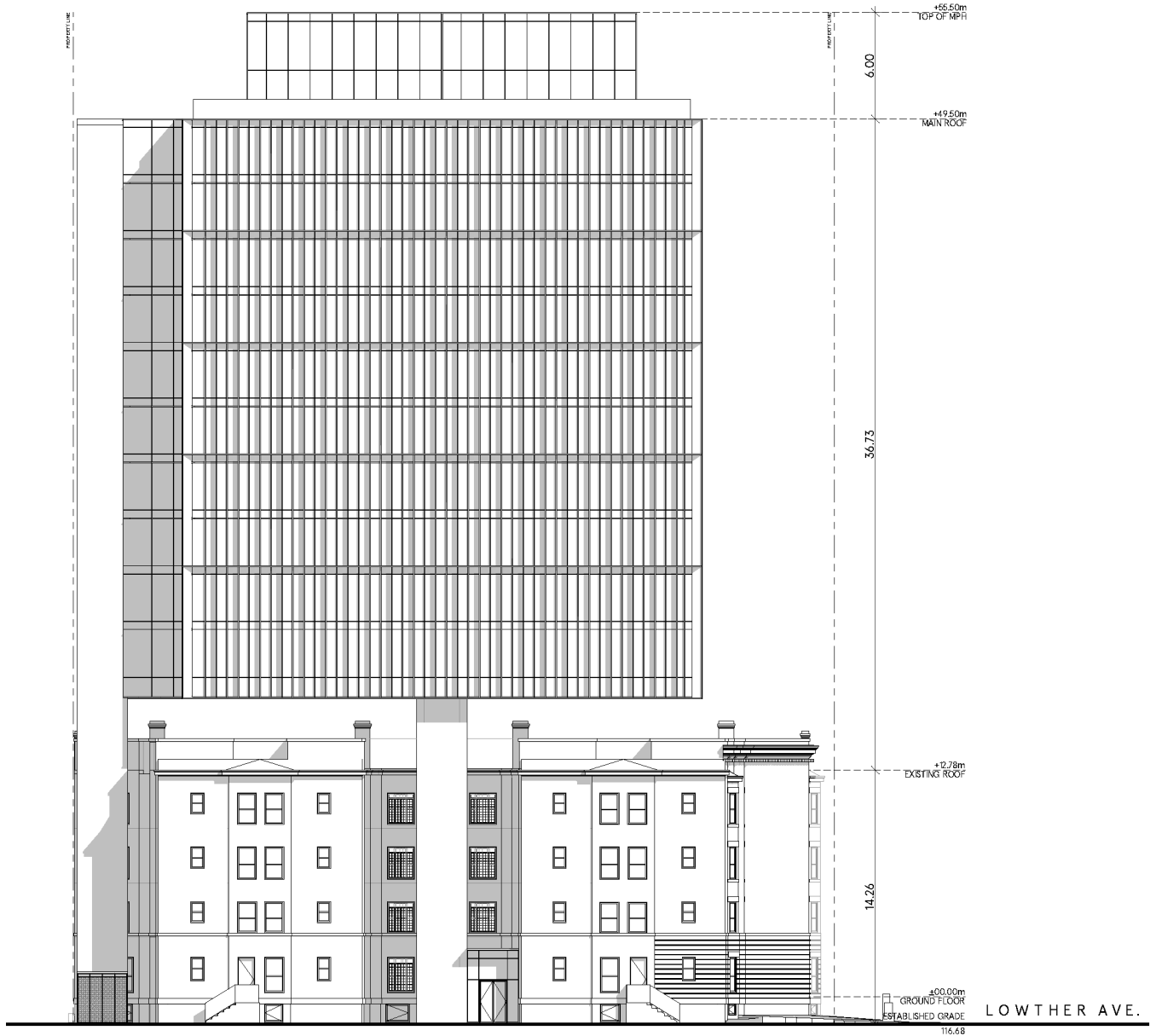
The draft by-law amendment will be made available on or before the September 25, 2024, Toronto and East York Community Council meeting.

Attachment 6: Site Plan

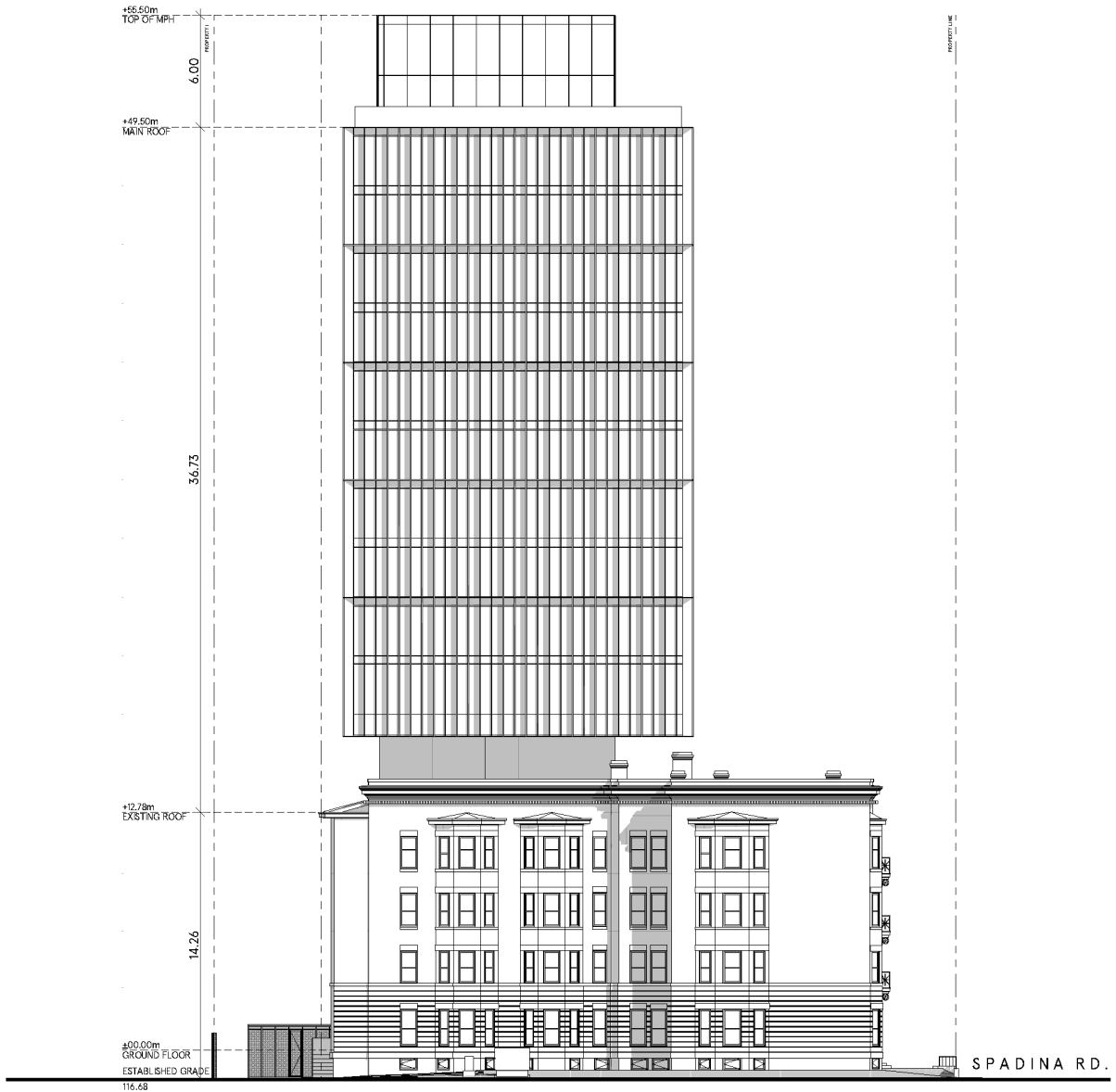
LOWTHER AVE.



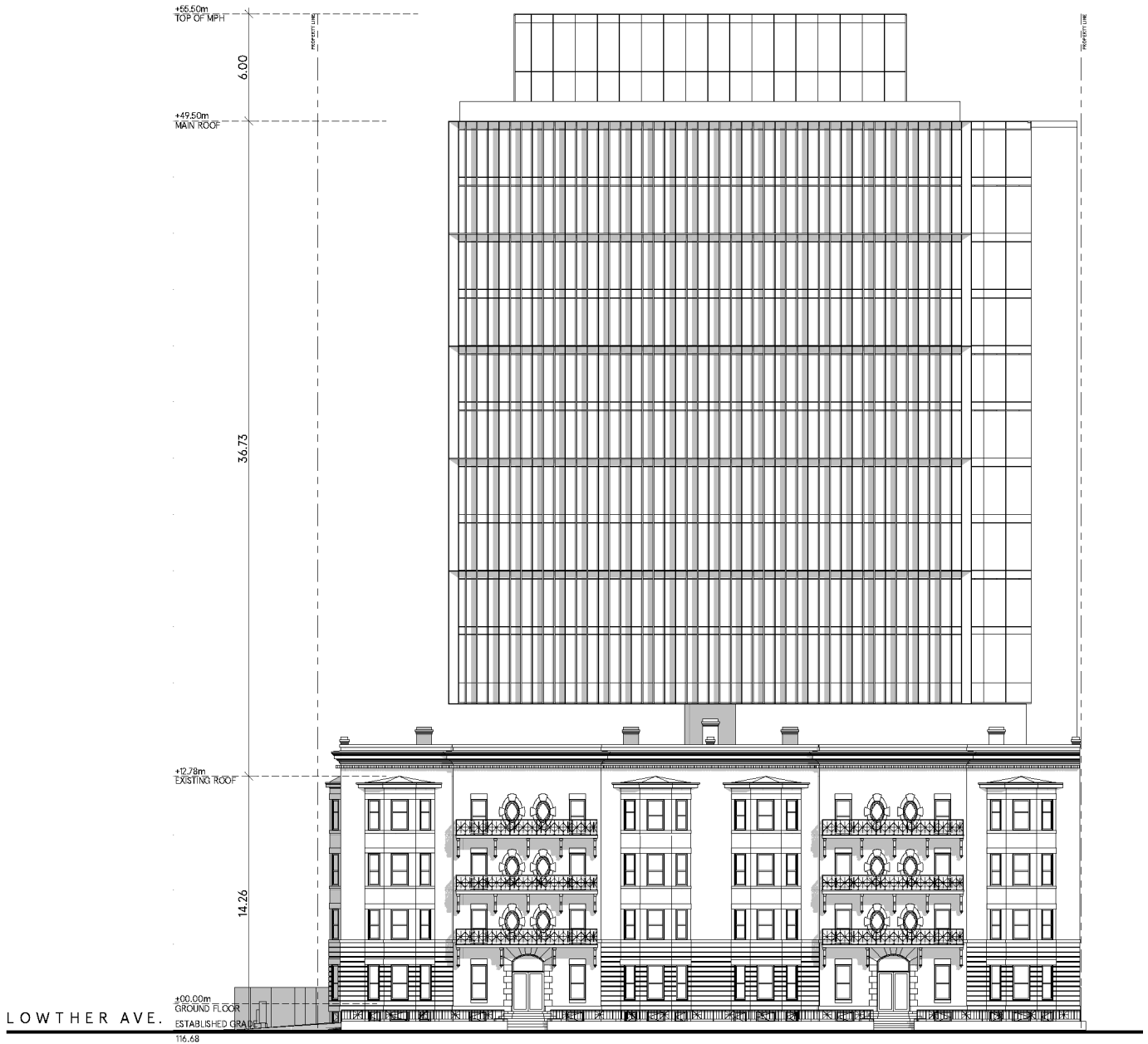
Attachment 7: Elevations



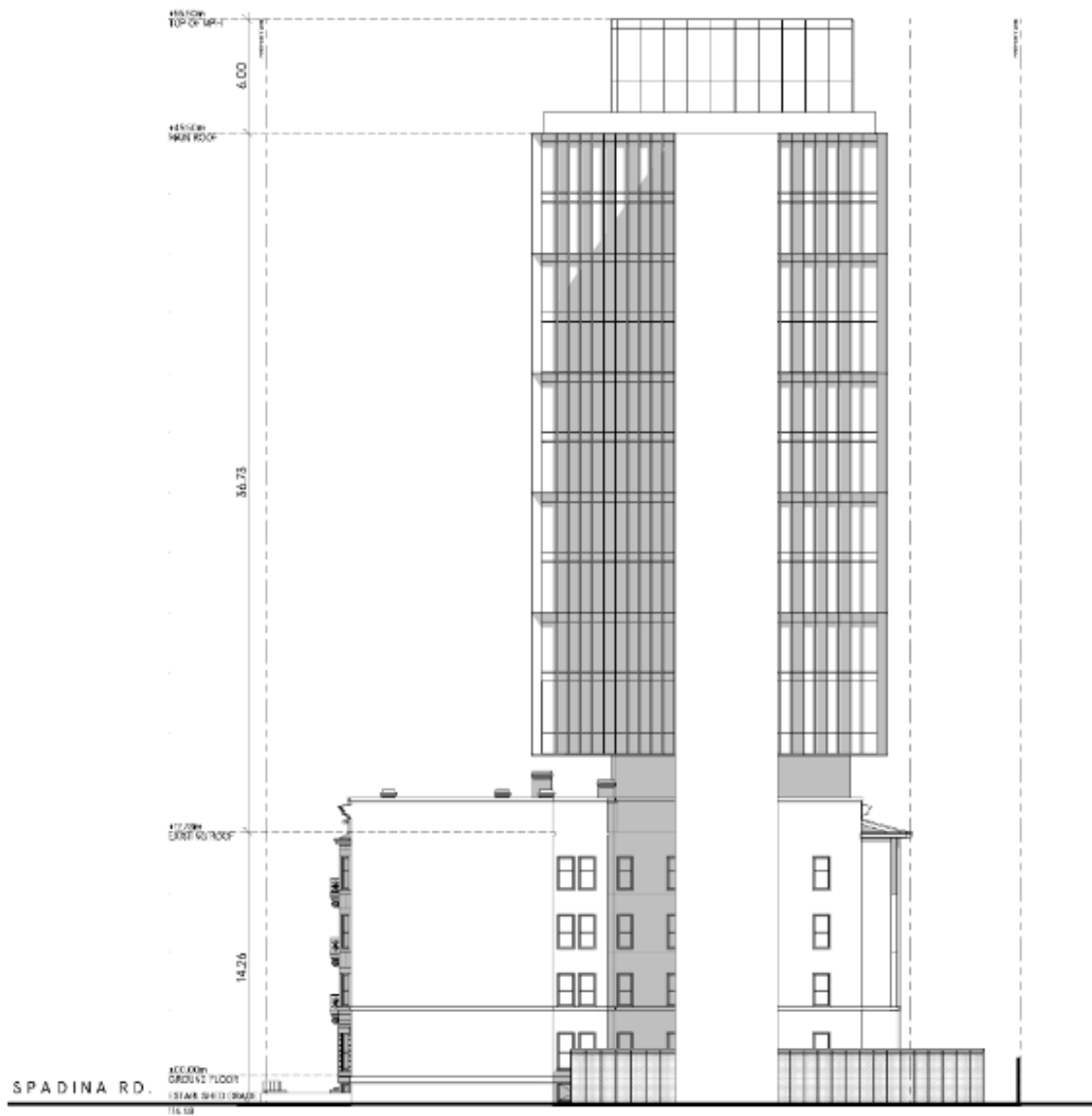
East Elevation



North Elevation



West Elevation

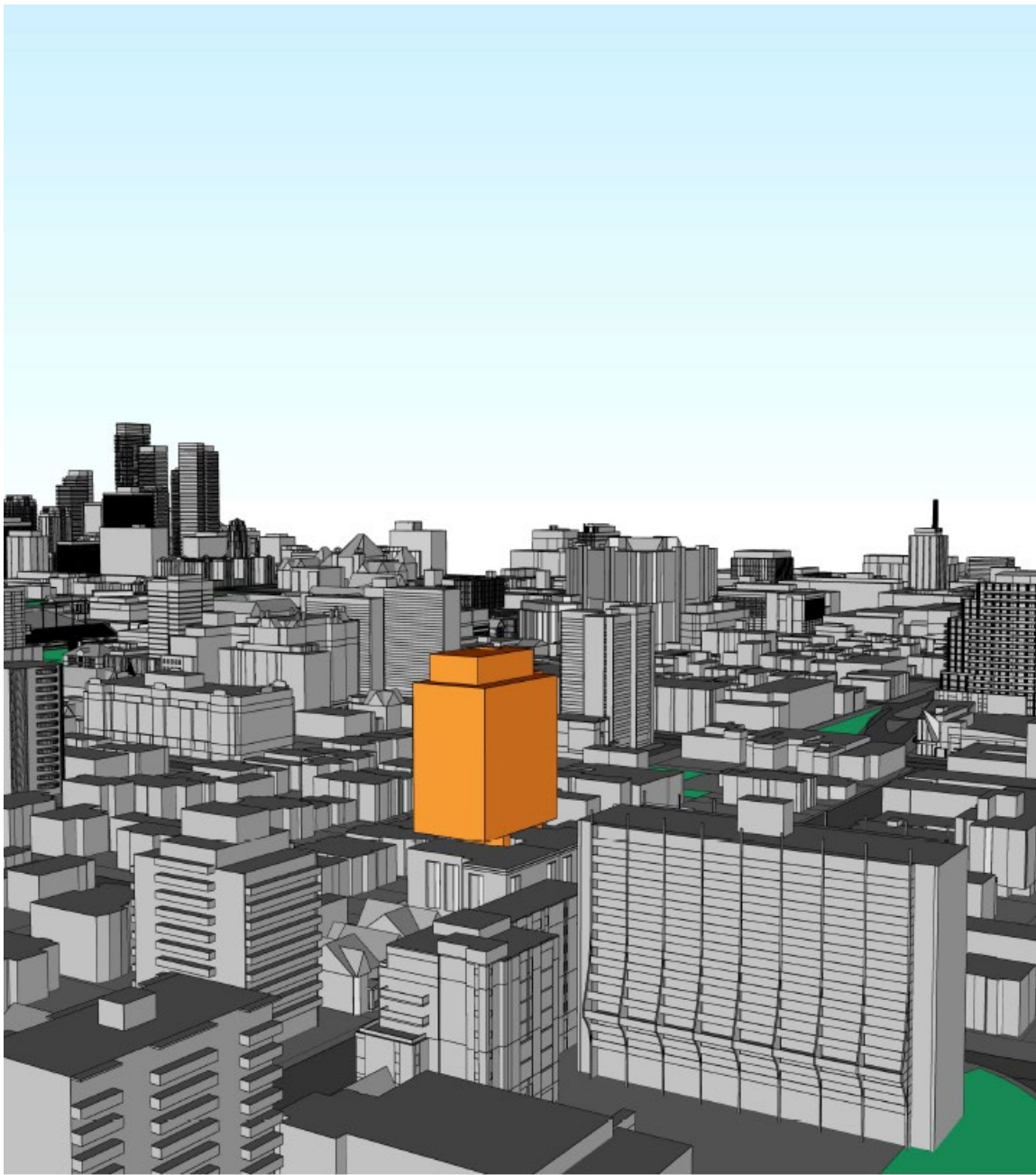


South Elevation

Attachment 8: 3D Massing Model



NORTHWEST VIEW - REAR



SOUTHEAST VIEW - FRONT