

Toronto STAFF REPORT

May 17, 2005

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Final Report
Official Plan Amendment and Rezoning Application 03 171253 STE 20 OZ
Applicant: Cynthia MacDougall, McCarthy Tetrault LLP
Architect: Quadrangle Architects Ltd.
100 Spadina Road and 97 Walmer Road
Ward 20 - Trinity-Spadina

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for construction of a six storey apartment building with 91 dwelling units and five stacked- townhouses with 10 units at 100 Spadina Road and maintaining the 22 storey apartment building at 100 Spadina Road (109 Bernard Road) and a house at 97 Walmer Road.

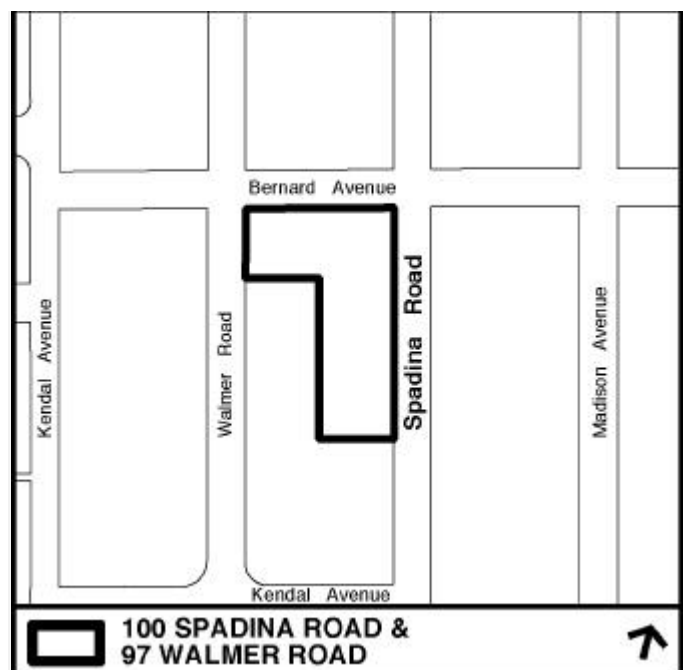
Financial Implications and Impact Statement :

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 8;
- (2) amend the Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9;



- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required;
- (4) require that, before introducing the necessary Bills to City Council for enactment, the owner enter into one or more agreements under Section 37 of the Planning Act satisfactory to Chief Planner and Executive Director and the City Solicitor, such agreement (s) to be registered against the title to the lands within 30 days of the by-laws becoming final and prior to the issuance of the first building permit to secure the following facilities, services and matters:
 - (i) the owner shall retain the dwelling units in the existing and the new buildings as rental units, with no application to convert the rental units to condominium, for a period of at least 20 years;
 - (ii) the owner shall develop and implement an appropriate Construction Mitigation Plan and Tenant Communication Strategy for tenants at 100 Spadina Road and 97 Walmer Road, at the owner's cost and expense to the satisfaction of the Chief Planner and Executive Director prior to the first building permit;
 - (iii) the owner shall construct the proposed stacked-town houses on Walmer Road of brick compatible in color to that found along this section of Walmer Road;
 - (iv) the owner shall use frosted glass on one of the bedroom windows on the first three levels of the west elevation of the proposed apartment building shown on Elevations Plan A404, dated Feb 21, 2005 and prepared by Quadrangle Architects Limited; and
 - (v) the owner shall provide payment to the City in the sum of \$250,000.00 to be used for local park improvements in the Annex area of Ward 20 prior to the issuance of the first above-grade building permit, such funds to be deposited into the Planning Act Reserve Fund.
- (5) require that, before introducing the necessary Bills to City Council for enactment, the owner to enter into a Site Plan Agreement under Section 41 of the Planning Act;
- (6) require that, at least 3 weeks prior to the introduction of a Bill in Council, the owner submit to the Commissioner of Works and Emergency Services, a Reference Plan of Survey, in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands under application and any appurtenant rights-of-way;

- (7) require that the owner submit to the Commissioner of Works and Emergency Services plans of the approved development, with sufficient horizontal and vertical dimensions of the exterior walls of the proposed buildings for the purpose of preparing building envelope plans for site specific exemption by-laws. Such plans to be submitted at least 3 weeks prior to the introduction of a Bill in Council;
- (8) require the owner to undertake the following prior to the issuance of a building permit or site plan approval;
 - (i) enter into a Heritage Easement Agreement for the heritage building at 100 Spadina Road;
 - (ii) submit a landscape plan satisfactory to the Manager of Heritage Preservation Services;
 - (iii) submit a Condition Assessment for the existing heritage building to the satisfaction of the Manager of Heritage Preservation Services; and
 - (iv) submit a Letter of Credit in an amount satisfactory to the Chief Planner and Executive Director, to secure all deficiencies contained in the Condition Assessment.
- (9) grant authority for the execution of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 100 Spadina Road, using substantially the form of easement agreement prepared in February 1987 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in Consultation with the Chief Planner and Executive Director. Authorize and direct the appropriate City Officials to take the necessary action to give effect thereto;
- (10) approve access/egress to/from the site from Spadina Road, specifically the southern driveway to and from the underground garage and the northerly right-out only driveway for garbage trucks, generally located on Drawing No. A101 date stamped on May 2, 2005 and prepared by Quadrangle Architects Limited, as on file with the Chief Planner and Executive Director;
- (11) require the owner to provide and maintain an irrigation system, for the proposed trees and shrubs within the landscaped privacy area behind the proposed six storey building, including an automatic timer, designed to be water efficient by a certified Landscape Irrigation Auditor (CLIA) and constructed with back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain in good order and operation; and

- (12) require the owner to provide prior to the issuance of a building permit an irrigation plan to the satisfaction of the Chief Building Official for the shrubs to be planted on the fifth and sixth floors terraces through an irrigation system that will be maintained in good order and operation.

Background:

Proposal

This is an application to construct a 6-storey apartment building facing Spadina Road and 5 (3-storey and basement) stacked-townhouse units facing Walmer Road. The project also includes maintaining the existing 22 storey apartment building fronting on Bernard Avenue and a house fronting on Walmer Road. See Attachment No. 7 for project data.

The proposed 6-storey apartment building is sited north south and is composed of two sections joined by a two storey link. The separation distance between the proposed building and the existing on-site apartment building is approximately 13 metres. The distance between the proposed building and the condominium apartment to the south and the single family house property line to the west is 12 and 12.5 metres respectively.

Site and Surrounding Area

The 0.6 hectare site is located on the south-west corner of Spadina Road and Bernard Avenue. The site currently accommodates a historical listed twenty-two storey rental apartment building with 213 dwelling units which fronts on Bernard Avenue and a house on Walmer Road with 3 rental units. The two and half-storey semi-detached dwelling on Walmer Road, is to be retained, with the balance of the site consisting of landscaped open space and a large surface parking lot on the Spadina Road frontage. There is an existing below grade parking garage, which is to be partly demolished and upgraded. Uses in the vicinity can be described as follows:

North: 2 to 3 storeys detached houses

South: 10-storey condominium tower

East: 5 storey long term care building and 2 1/2 storey houses

West: 2-2 1/2 storey detached and semi-detached houses

The site is located a block away from access to the Spadina subway station

Official Plan Part I and II

The portion of the site fronting onto Spadina Road and Bernard Avenue is designated "Medium Density Residence Area" in the Official Plan, Part I. There is also a secondary plan for the Annex area, which supercedes the Part I, designation. Under the Part II Plan,

this portion of the site is designated as “Medium Density Residence Area A”. Both plans permit a maximum density of 2.0 times the area of the lot. The portion of the site fronting onto Walmer Road is designated “Low Density Residence Area, in both the Part I and Part II Plans. The density permitted is 1.0 times the lot area.

The policies of the Annex Part II Plan encourage residential development, in the “Medium Density Residence Area A”, to be of low-to-moderate scale.

New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No hearing date has been set.

Once the plan comes into force and effect, it will designate the Spadina Road portion of the site as Apartment Neighbourhood, while the Walmer Road frontage of the property will be designated Neighbourhood.

Policies pertaining to Apartment Neighbourhoods are found in Chapter 4.2 of the New Official Plan. Apartment Neighbourhoods permit a variety of housing forms including apartment buildings. Chapter 4.2 policies emphasize that development in these areas will contribute to quality of life by providing transition between areas of different development intensity and scale, particularly providing setbacks from and a stepping down of heights towards lower-scale Neighbourhoods. Further, new buildings are to be located and massed to minimize shadow impacts on the properties in adjacent lower-scale Neighbourhoods during the spring and fall equinoxes.

Significant growth is not intended within developed Apartment Neighbourhoods. However, compatible in-fill developments maybe permitted on some sites containing existing apartment buildings that have sufficient underutilized space to accommodate a new building, while providing good amenity and quality of life for new and existing residents.

Policies that relate to Neighbourhoods are found in Chapter 4.1 of the New Official Plan. Neighbourhoods are considered physically stable areas made up of a mixture of low scale residential houses and walk up apartments. Development will respect and reinforce the physical patterns and character of established Neighbourhoods with regard to such matters as height, massing, scale and type of dwelling unit compatible with that permitted by the zoning by-law for nearby residential properties.

Zoning

The site is split zoned R2 Z2.0 (Spadina Road frontage) and R2 Z1.0 (Walmer Road frontage), under By-law 438-86, which permits a variety of housing forms, including apartment buildings and row houses, with densities of 2.0 and 1.0 times the area of the lot, respectively. There is a height limit of 14 metres for the Spadina Road frontage and 12 metres for the Walmer Road frontage.

Site Plan Control

The proposal is subject to Site Plan Approval. An application for Site Plan Control was submitted and has been processed concurrent with the Official Plan and Zoning By-law amendment application. The Site Plan Agreement contains many additional conditions beyond the standard ones that were developed by the working group formed to review this proposal. The applicant will be required to execute the Site Plan Agreement prior to the Bills being introduced to City Council.

Tree Preservation

An application has been made for removal of 10 trees on the property to Forestry Section of the City. The applicant has agreed to preserve at least one of the proposed trees, to be removed, at the request of the adjacent owners on Walmer Road. The residents suggested that the existing canopy of the tree will help screen the view of the proposed building.

Reasons for the Application

The proposed density of the overall development, including the existing apartment building and house, is 3.34 times the area of the lot, whereas 1.7 times coverage is permitted.

On the portion of the site designated Medium Density Residence Area A, the proposal density is 3.82 times coverage whereas 2 times coverage is permitted.

On the portion of the site designated Low Density Residence Area the proposed density is approximately 1.57 coverage whereas 1 times coverage is permitted.

The applicant is also seeking relief from the current Zoning By-law with respect to density, building height, number of parking spaces, size of some parking spaces, setbacks, building depth, landscaped open space, contiguous amenity space and more than one building on a lot.

Community Consultation

The first community consultation meeting was held at Walmer Road Baptist Church on March 8, 2004. Over 100 members of the public attended this meeting. Most of the nearby owners and area residents had concerns about the height, and potential impact of

the proposed 8-storey apartment building. As a result of the concerns raised at the meeting a working group was established. It consisted of adjacent house and condominium unit owners, an Annex Residents Association (ARA) representative, the Councillor's representative, the applicant, her consultants and City staff. The working group has been meeting on a monthly basis at City Hall for the past year.

A second community meeting was held at the Walmer Road Baptist Church on March 2, 2005. Approximately 45 residents attended this meeting. The residents attending the meeting acknowledged the revisions to the original proposal achieved through the working committee process. Outstanding issues that were raised by the nearby home owners included improved landscaping, tree preservation, privacy screening from the proposed apartment building, increased setbacks for the proposed townhouses at Bernard Avenue and Walmer Road as well as concern about future impact on parking permits on the adjacent streets. City planning staff have received letters and written comments from the two meetings and have continued discussions with the working group members leading to this final report and draft by-laws.

Agency Circulation

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

Comments:

Issues

1. Height

The proposed 6 storey (18 metre) building is located within a medium density residence area, permitting buildings to a maximum height of 14 metres or approximately 5 storeys. The building is surrounded by apartment buildings to the south and north ranging from 10 to 22-storeys, along with 2 - 2 1/2 storeys houses to the west and a combination of a 5-storey nursing home and 2 1/2 storey houses to the east. The proposed building height would not set a precedent in the neighbourhood and, as described in Sections 2 and 3 below, would not create negative visual or shadow impacts.

2. Siting and Massing

The proposed apartment building has a 12.5 metre setback from the rear property line of the houses in the Low Density Residence Area to the west. Further the apartment building steps-back 1 metre at the fourth floor, 3 metres on the fifth floor and 5 metres on the sixth floor. These step-backs create a reduced fifth and sixth floors and result from the applicant responding to the working group's concerns with overlook and privacy. The terraces have been designed with privacy screens and planters to further reduce overlook onto the neighbour's property to the west and south as well as the tenants to the

north. The setback and step-backs are secured in the draft zoning by-law while the planters and screens will be secured in the Site Plan Undertaking.

Some concerns were raised throughout the working committee discussions regarding the amount of glazing along the west elevation of the 6-storey apartment building. As a result the owner has agreed to use opaque glass in the lower portions of the French balconies and for one of the three panes of glass for each of the bedroom windows on the first three floors facing west. These details will be secured in the Site Plan Undertaking.

The proposed 3-storey townhouses generally line up with the Walmer Road house abutting the proposed stacked townhouses in terms of the front wall setback. They have bay windows that project 0.48 metres beyond the front wall at the main and second floor levels. This is consistent with the bay windows on a number of the existing houses on the east side of Walmer Road within this block. The building material specified for the stacked townhouses is brick. The townhouse design and materials were well received at the community consultation meeting and the brick material will be secured in the Section 37 Agreement. Some members of the community raised concerns respecting the need to design the proposed townhouse at the corner Walmer Road and Bernard Avenue with a setback similar to that is found on the other three corners and encouraged the landscaping of the Bernard Avenue boulevard. The applicant undertook a survey of the other three corner properties set-back and as a result of that review and the request of City Planning staff, the applicant increased the proposed building set-back to 2.5 metres from the property line.

3. Shadow Impact

The applicant has submitted shadow studies for the proposal to illustrate shadows that would be created by the six storey apartment building at different times of the year and during different times of the day.

The applicant's shadow study demonstrates that the adjacent houses on Walmer Road are shadowed for only a small portion of the day. For example, shadows on the east facades of 83 to 97 Walmer Road occur during the September 21 autumnal equinox for less than one hour in the morning between approximately 9:00 am and 10:00 am. No shadowing occurs on these buildings during March or June.

Shadows fall on a small portion of the rear yards of 77 to 83 Walmer Road and 87A to 95 Walmer Road for less than one hour on the morning of June 21, between approximately 9:00 am and 10:00 am.

Shadows from the proposed development fall across Spadina Road on a small portion of the north-west façade of 123 Spadina Road a (nursing home) after (4:00 pm) on March 21.

4. Noise and Lighting

As a result of the proposed apartment building being within 12.5 metres of the rear property line of the residential houses on Walmer Road, a concern was raised by the working committee with respect to possible mechanical noise and lighting spill-over from the project. The applicant has responded that the building will have central air conditioning and not window units that can generate noise in the summer months. The applicant has indicated on the Site Plan drawings that lighting for the rear yard will be at grade level and the terrace lighting will be recessed to prevent spillover on adjacent residential properties. These issues will be secured in the conditions and drawings of the Site Plan Undertaking.

5. Parking and Access

The proposed 152 parking spaces are provided in an underground garage with the exception of 3 visitor parking spaces located on the surface adjacent to the Bernard Avenue building entrance. The zoning by-law requires 181 parking spaces for the apartment buildings and townhouses, 1 space for 97 Walmer Road, 4 spaces for 81 Walmer Road and 19 visitor parking spaces for an overall total of 205 parking spaces. Therefore, there is a proposed shortfall of 50 parking spaces.

The applicants traffic consultants completed a Transportation Assessment for the proposed development in July 2003. That study was updated in the winter of 2005 based on current usage of the existing parking facilities in response to concerns raised by the working committee with respect to possible future parking demands. City Works staff believe based on their review of the original and updated data and their review of other comparable apartments buildings in the area that the parking being provided is acceptable. This is due in large part to the sites mid-town location in close proximity to the subway.

The by-law requirements being applied for the proposed building and stacked-townhouses are calculated at a rate of 0.3 spaces per bachelor, 0.5 spaces per 1 bedroom, 0.75 spaces per two bedroom, 1.2 spaces per three bedroom or more and 0.06 spaces per unit for visitors. The existing building is being required to provide a minimum of 79 spaces consisting of 65 spaces for tenants and 13 spaces for visitors and 1 space will be required for the existing house at 97 Walmer Road.

The proposed underground parking garage is proposed to be accessed from Spadina Road. The existing underground garage gains access from Bernard Avenue. However, neighbourhood representatives on the working committee requested that the entrance and exit be relocated to Spadina Road and that the existing driveway access of Bernard Avenue be used only for service vehicles with a gate restricting access through the building site.

Public Works staff reviewed this issue and responded that based on policies and guidelines associated with the City's Road Classification system, access onto arterial roads such as Spadina Road should not be permitted when alternative access to local roads such as Bernard Avenue was available. However, Works staff recognizes the possibility of traffic infiltration through the community and agreed to the 6.06 metre wide driveway off of Spadina Road. In accordance with Road Classification "Decision Routing" this access must be approved by the Toronto and East York Community Council as outlined in recommendation ten of this report.

6. Open Space / Landscaping

By-law 438-86 requires that an apartment building provide 50% of the area for the lot as landscaped open space. The applicant is proposing 2,703 square metres of the lot (43%) to be landscaped. The amount of landscaped open space currently provided is 2,088, which is (33%) of the lot. This is a result of most of the area at grade being an asphalt parking lot.

The applicant is proposing a substantial amount of planting in the rear yard to both provide a dense landscape screen and providing a passive recreational area for residents of the building. The landscape plan provides for a variety of trees of large caliper and substantial scrub planting at the western end of the property line. There will be over 90 tree species planted including mature White Cedars with a height of 450 cm (15 ft.), Hemlock, White Spruce, Red Maple, Red Oak, Bur Oak, Ironwood, London Planetree, with calipers ranging from 70mm to 80mm. In excess of 700 shrubs are to be planted in both the rear and side yards as well as on the roof terraces.

7. Tree Preservation and Tree Protection

Tree preservation has been raised as an issue by the working committee after the applicant requested to remove ten existing trees. The Ward Councillor is deciding as to whether to request a separate report from Forestry to City Council on the matter after receiving an objection from at least one local resident. Discussions are underway with City Forestry staff as to whether a Manitoba Maple tree can be preserved as it provides screening for Walmer Road residents.

A number of the adjacent residents on Walmer Road are concerned with the protection of large trees on the owners property during the construction phase of the project because of their proximity to the existing underground garage. Forestry staff will be requesting an engineer's opinion on this matter. Any conditions of approval respecting tree protection will be secured in the Site Plan Undertaking.

8. Heritage

The existing 22-storey apartment building at 100 Spadina Road is a significant example of the notable Toronto architect, Uno Prii. It was designed in a modern style as interpreted by Uno Prii, and exhibits the slab tower with buttresses. The building was

clad with pink and white concrete and white brick. Repair work and repainting of the building was undertaken last summer under the direction of the new owner. Important exterior features include the applied diamond motif over the fourth floor balconies and the building sides, and the pattern of fenestration.

This report recommends that the applicant enter into a Heritage Easement Agreement for this building prior to Site Plan Approval being given and submit a landscape plan that is acceptable to the Manager of Heritage Preservation Services. The revised plans for this project have removed the linkages to the existing apartment building and better defined the lands occupied by the building. The recommendations of this report will ensure any future proposed alteration or improvement is consistent with the original design. City Heritage Preservation Services staff have requested that a Condition Assessment of the building's exterior be completed satisfactory to Manager, Heritage Preservation Services.

The correction of any deficiencies is to be secured through a Letter of Credit prior to the issuance of any building permits. The Heritage Easement Agreement will ensure that the building is permanently protected. The Heritage Preservation Services report dated April 19, 2005 is being sent to be dealt with at the May 31, 2005 Community Council meeting.

9. Rental Housing

The building will provide rental housing to be secured for a period of twenty years. The addition of 91 primarily one and two bedroom units and 10 two-bedroom townhouse units will add rental capacity for students and small families.

10. Section 37

The applicant has agreed to provide funding for community benefits as can be requested by the City under Section 37 of the Planning Act.

At the time of issuance of a building permit(excluding excavation and shoring) the applicant will provide \$250,000.00 to the City, above the standard 5% parks contribution, for use in improving park space within the neighbourhood.

The Section 37 Agreement will secure the retention of the existing rental apartment building and improvements that enhance the long term viability of the rental building and improvements that create a net benefit for the existing tenants. The Section 37 Agreement will also require the owners to provide a Construction Mitigation Plan and Tenant Communication Strategy.

The design and materials for the proposed stacked-townhouses on Walmer Road will be secured in the Section 37 Agreement.

The applicant has agreed to secure both the proposed 91 apartment building units, as well as maintain the existing 213 apartment building units at 100 Spadina Road as rental

apartments and 3 units in the semi-detached house on 97 Walmer Road by the Section 37 Agreement.

11. Development Charges

It is estimated that Development Charges for this project will be \$425,158.00. This is an estimate and the actual charge is assessed and collected upon issuance of the Building Permit.

Conclusions:

The proposed apartment building and stacked townhouses at 100 Spadina Road and 97 Walmer Road provide an acceptable residential rental intensification with close proximity to the Spadina Subway system as well as nearby shopping and entertainment opportunities along the Bloor Street West (Annex) commercial strip. The height and density on this site are recommended based on a design that meets the development criteria for infill development in Medium and Low Density Residence Areas (Apartment Neighbourhoods and Neighbourhoods) policies in both the in-force Official Plan (Part I and II) as well as the guidelines of the New Official Plan. Features of this project include multiple setbacks to the west elevations and reduced height and massing that limit shadowing on the residences and buildings to the east and west.

Also extensive tree and scrub planting is proposed for the rear and side yards as well as planters on the upper floor terraces, in addition to preserving the best of the existing large trees on-site. The proposed development will also secure community benefits in terms of retaining and upgrading of the 216 existing residential apartment units for next 20 years in addition to a cash contribution for local parks under Section 37 of the Planning Act.

Contact:

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Email:bbrooks@toronto.ca

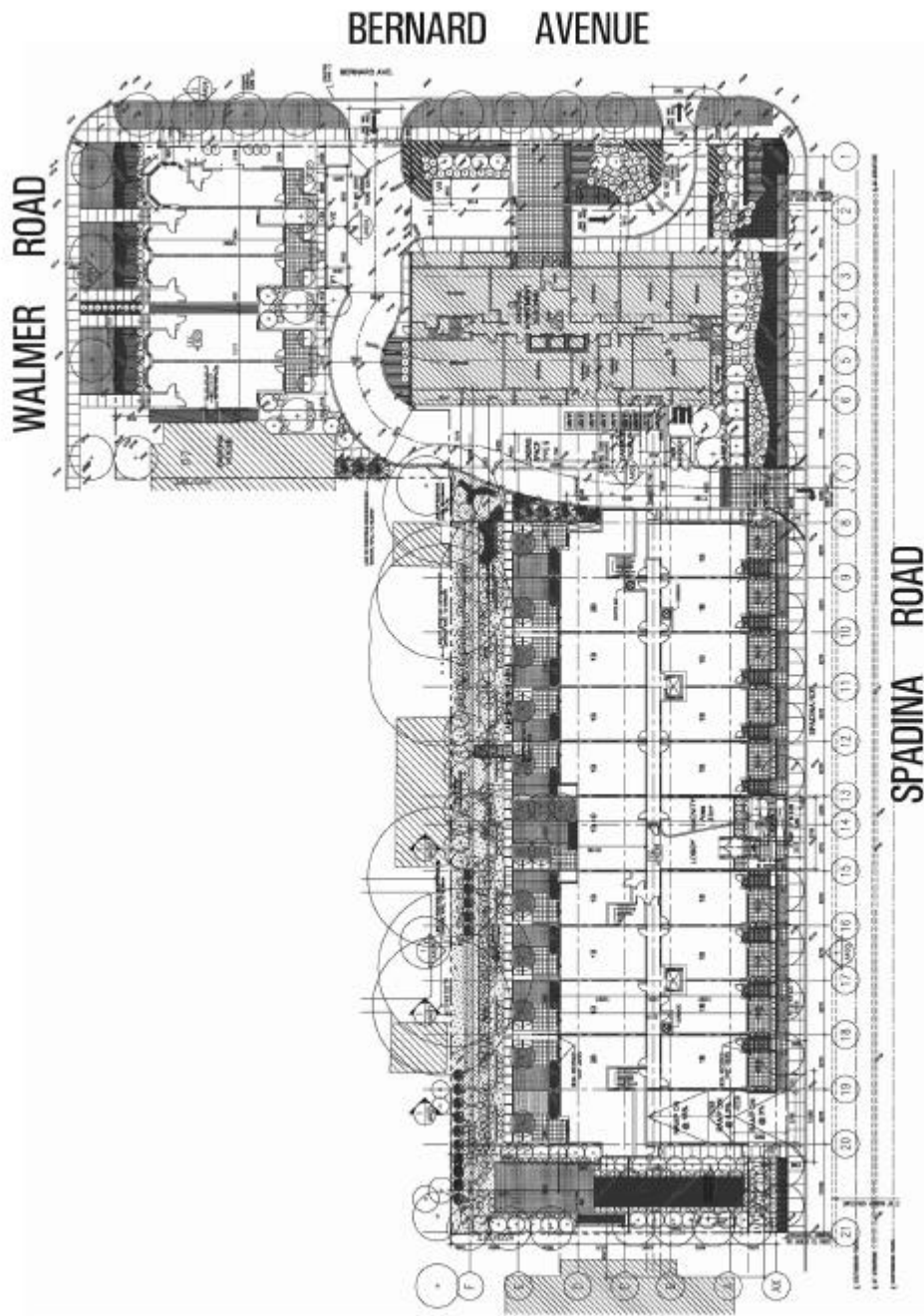
Gary Wright, MCIP, RPP
Director, Community Planning, South District

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List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: West Elevation and Townhouse Elevations
- Attachment 3: East Elevation
- Attachment 4: Building Section
- Attachment 5: Zoning
- Attachment 6: Official Plan
- Attachment 7: Application Data Sheet
- Attachment 8: Draft Official Plan Amendment
- Attachment 9: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

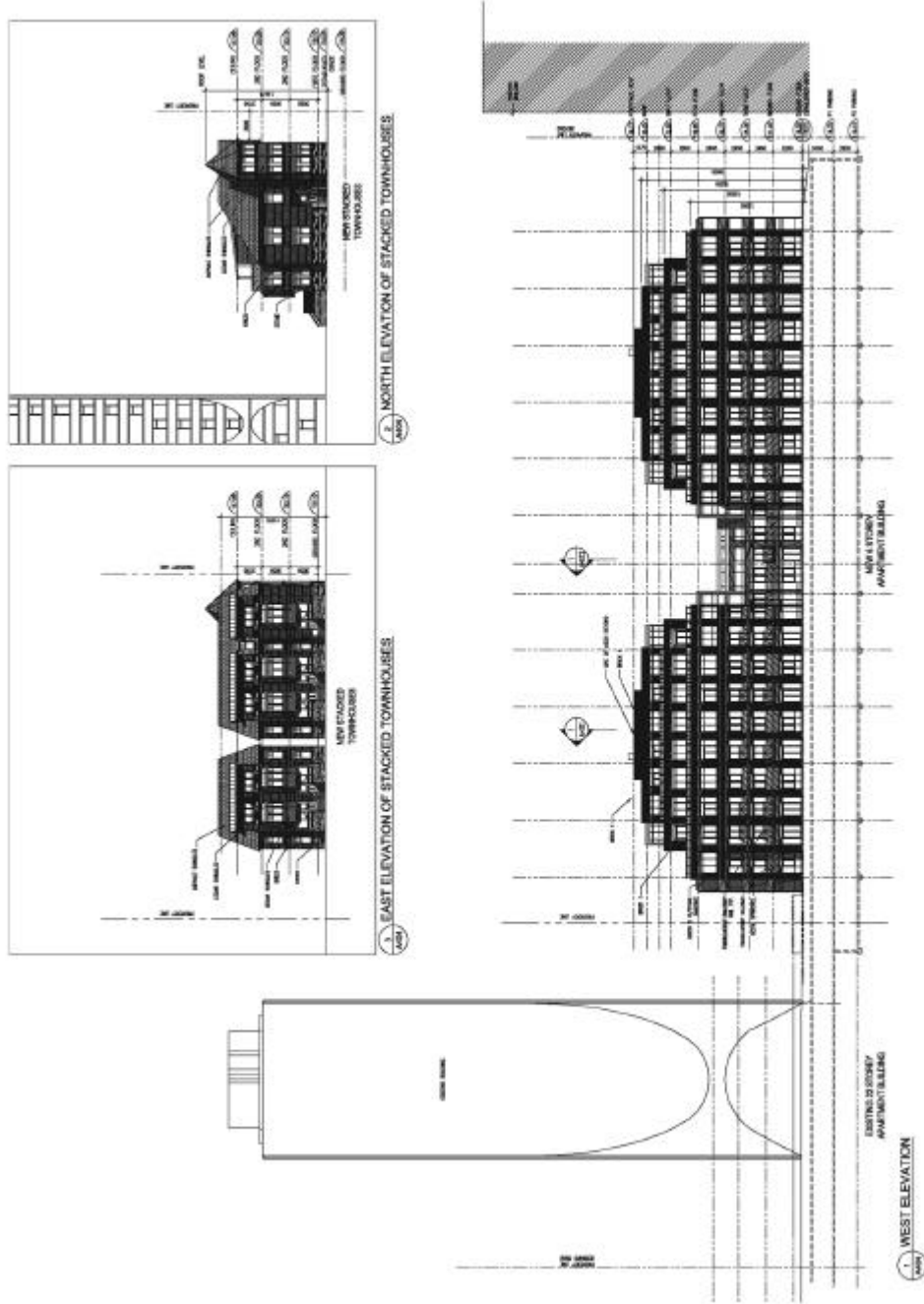
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100 Spadina Road & 97 Walmer Road

File #s 03_171253 & 03_171266

Attachment 2: West Elevation and Townhouse Elevations



Elevations

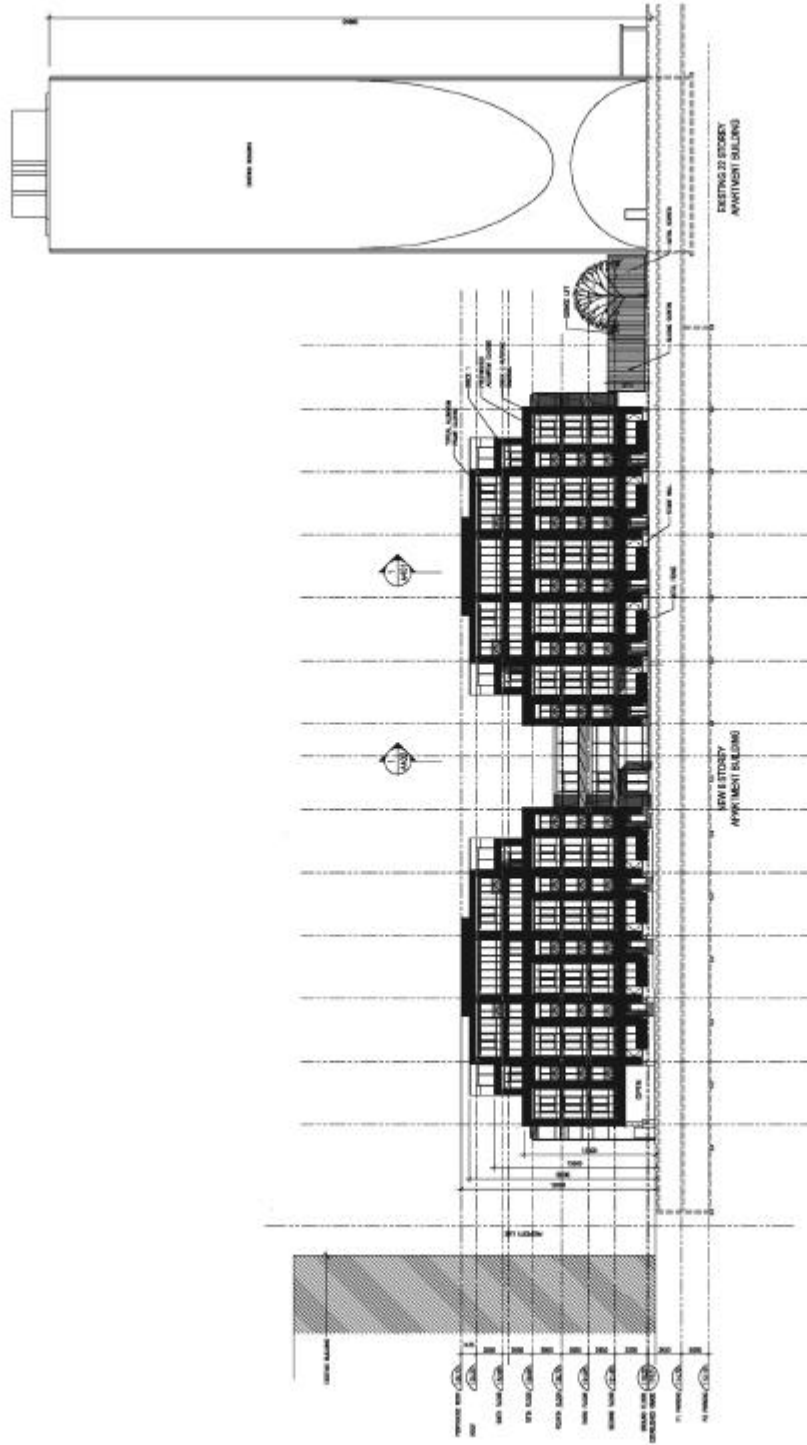
Applicant's Submitted Drawing

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100 Spadina Road & 97 Walmer Road

File #s 03_171253 & 03_171266

Attachment 3: East Elevation



Spadina (East) Elevation

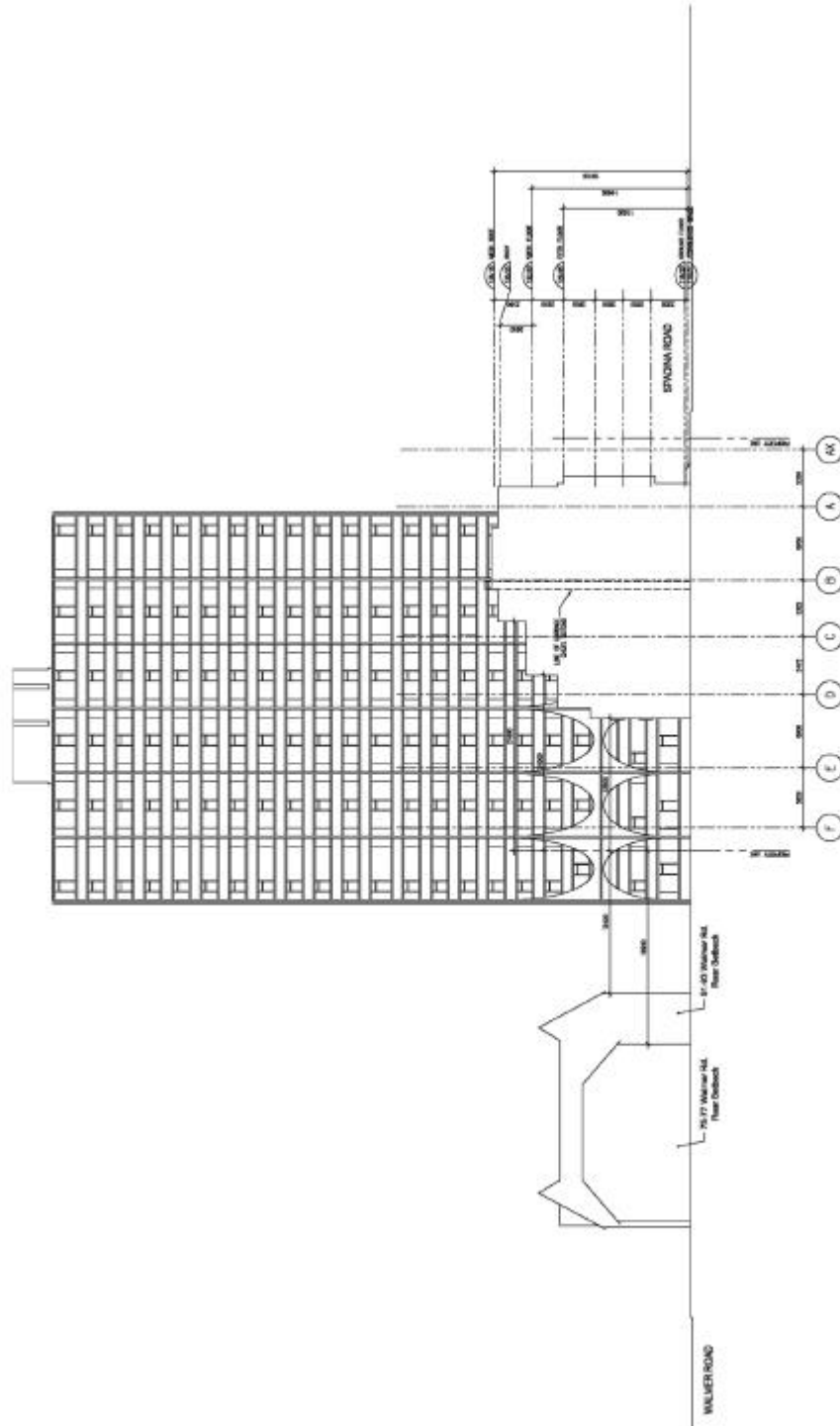
Applicant's Submitted Drawing

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100 Spadina Road & 97 Walmer Road

File #s 03_171253 & 03_171266

Attachment 4: Building Section



Section

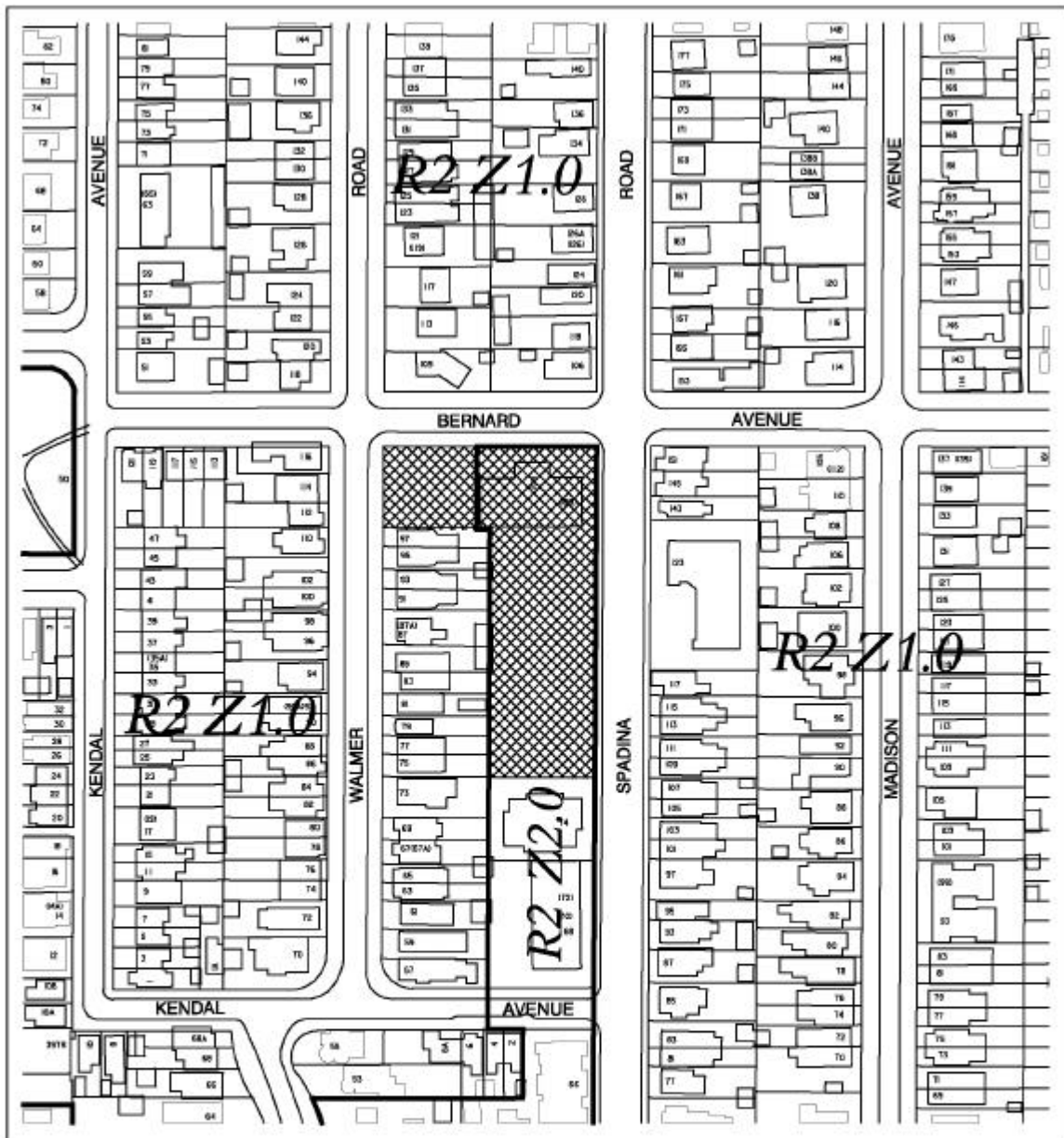
100 Spadina Road & 97 Walmer Road

Applicant's Submitted Drawing

Not to Scale
04/19/05

File #'s 03_171253 & 03_171266

Attachment 5: Zoning (Map)



Toronto Urban Development Services
Zoning

100 Spadina Road & 97 Walmer Road

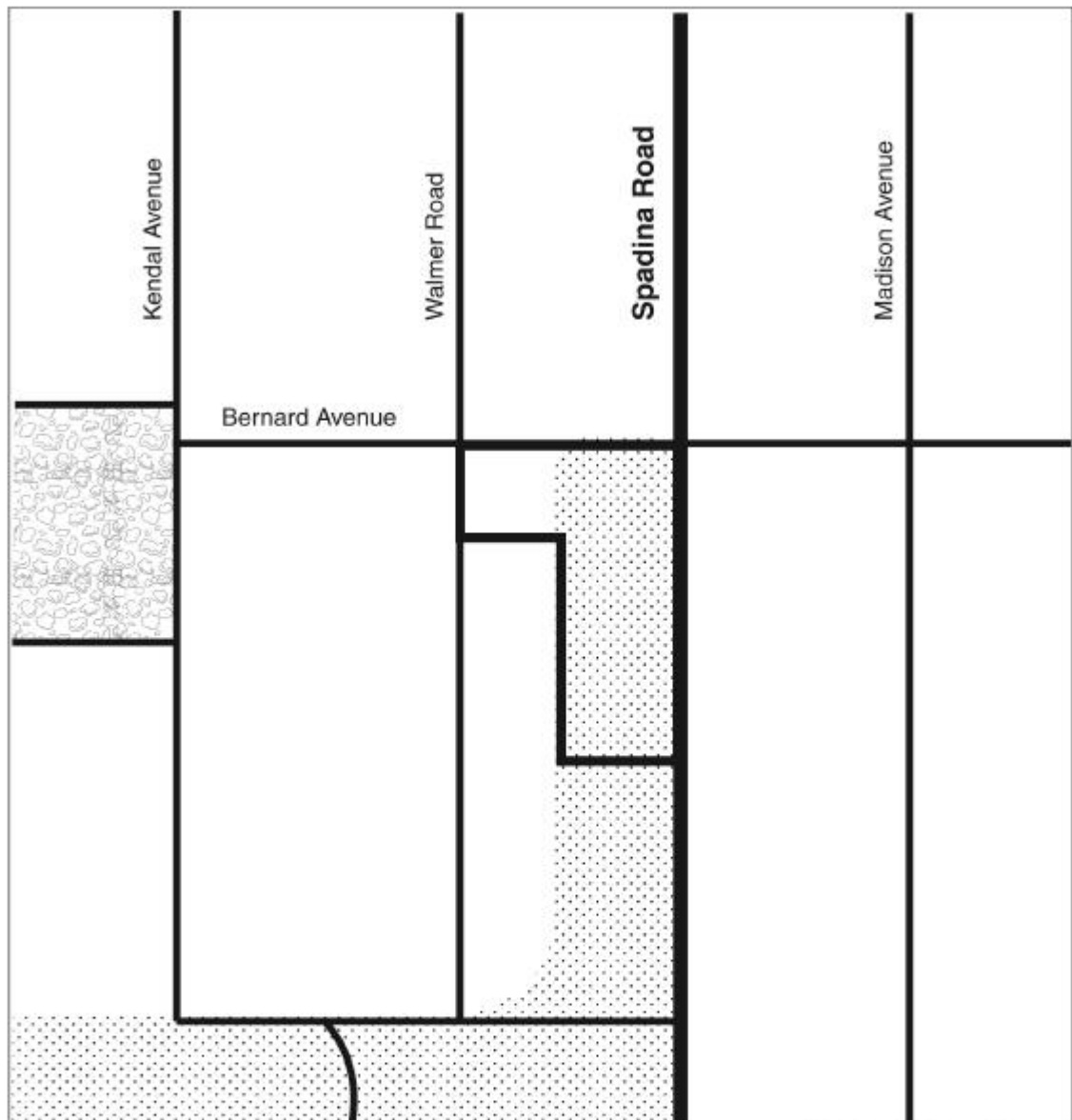
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R2 Residential Zone



Not to Scale
Zoning By-law 438-86 as amended
Extracted 04/19/05 - DR

Attachment 6: Official Plan (Map)



 **Toronto** Urban Development Services
Official Plan

100 Spadina Road
& 97 Walmer Road

File #'s 03_171253 & 03_171266




Not to Scale
04/19/05

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	03 171253 STE 20 OZ
Details	OPA & Rezoning, Standard	Application Date:	September 3, 2003
Municipal Address:	97 WALMER RD AND 100 SPADINA RD Toronto ON		
Location Description:	PL 698 PT LT149 **GRID S2002		
Project Description:	This property also includes 100 Spadina Road - Existing a 22-storey rental apartment building. Construct a 6-storey apartment building facing Spadina Road and 10 3-storey stacked townhouse units facing Walmer Road - the project also includes Site Plan Approval		

Applicant:

MCCARTHY
TETRAULT LLP
CYNTHIA
MACDOUGALL

Agent:

Architect:

Owner:

HANFROW HOLDINGS
G.P. INC

PLANNING CONTROLS

Official Plan Designation:	Medium Density Residence Area A	Site Specific Provision:	622-91
Zoning:	R2 Z2.0, R2 Z1.0	Historical Status:	Y
Height Limit (m):	14, 12	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	6360	Height:	Storeys:	6
Frontage (m):	125		Metres:	18.149
Depth (m):	78			
Total Ground Floor Area (sq. m):	3362			Total
Total Residential GFA (sq. m):	20801		Parking Spaces:	152
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	20801			
Lot Coverage Ratio (%):	40.7			
Floor Space Index:	3.34			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	3
1 Bedroom:	73
2 Bedroom:	15
3 + Bedroom:	0
Total Units:	307

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	8469	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:

PLANNER NAME:

Barry Brooks, Senior Planner

TELEPHONE:

(416) 392-1316

Attachment 8: Draft Official Plan Amendment

Authority: Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2005
Enacted by Council: ~, 2005

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2005

**To adopt an amendment to the Official Plan for the former City of Toronto
respecting the lands municipally known in the year 2005 as No. 109 Bernard
Avenue, 100 Spadina Road, and 97 Walmer Rd.**

WHEREAS authority is given to Council under the Planning Act, R.S.O. 1990, c.P. 13,
as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the
public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The text and map annexed hereto as Schedule “A” are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan amendment No. xxxxxx

ENACTED AND PASSED this ~ day of ~, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE "A"

1. Section 18 of the former City of Toronto Official Plan is hereby amended by adding the following Section 18 ____ and the attached Map ____.

"18 Lands municipally known in the year 2005 as No. 100 Spadina Road, 109 Bernard Avenue and 97 Walmer Road.

Notwithstanding any of the provisions of this Plan, City Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18__, to maintain the existing 22-storey apartment building and accessory underground parking garage on the site as well as the existing semi-detached house and permit the erection and use of a 6-storey apartment building and 5 stacked-townhouses on the site provided:

- (1) the *residential gross floor area* erected and used on the lot does not exceed:
 - (i) 7,200 squares metres within *Building A*;
 - (ii) an aggregate of 1,710 square metres within *Building "D" and Building "E"*; and,
 - (iii) within the *Existing Buildings*, the amount of *residential gross floor area* located within each such building on May 1, 2005, together with any additional *residential gross floor area* resulting from internal modifications to such buildings as permitted by this By-law or By-law No. 438-86;
- (2) the owner enters into a registered Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the City respecting the apartment building currently existing on the site in order to conserve the existing heritage building;
- (3) pursuant to Section 37 of the *Planning Act*, such by-law requires the owner of the lands to provide the City of Toronto, in return for the residential density and height permission thereby granted, the following facilities, services and matters:
 - (a) provides and maintains the existing 216 rental units located within *Building "B" and Building "C"* as rental for a minimum period of at least 20 years from the date *Building "A"* is first occupied as a rental building, with no application to convert *Building "B"* and

Building “C” to condominium or to demolish such buildings or rental units, during that time period;

- (b) makes improvements
 - (i) to *Building “B”* respecting heritage restoration and related facilities in accordance with a Heritage Easement Agreement between the *owner* and the City, and
 - (ii) to the lot, the *Existing Building*, and in other way related to the construction of the development permitted by this By-law, the costs of which the *owner* shall not pass through in any form to residents of the *Existing Buildings*, and the *owner* shall not apply to any tribunal or otherwise including under the *Tenant Protection Act*, or any successor legislation, for the purpose of obtaining any increase in rent above the Guidelines established under that Act or any successor Act in relation to the Existing Buildings and the residents of the Existing Buildings, arising from the cost of such improvements;
- (c) provides and maintains the new *dwelling units* in *Building “A”* and maintains them as rental for at least 20 years commencing from the date of initial occupancy of each such unit no application to convert such buildings to condominium or to demolish such buildings or rental units, during that time period;
- (d) provides to the City and carries out in accordance with, a Construction Mitigation Plan and Tenant Communication Strategy, for tenants of the *Existing Buildings*, satisfactory to the City, prior to the issuance of the first building permit;
- (e) pays to the City the sum of \$250,000.00 prior to the issuance of the first building permit, to be used for local park improvements in the neighbourhood of the *lot*;
- (f) constructs *Building “D”* and *Building “E”* using brick to the satisfaction of the City’s Director of Urban Design;
- (g) provides a Construction Mitigation and Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director of Urban Development Services, prior to the issuance of the first building permit for the proposed additional residential buildings; and

- (4) The owner enters into and registers on title to the *lot* an agreement with the City pursuant to Section 37 of the *Planning Act*, as a first charge to secure the facilities, services and matters set forth in paragraph (3) of this By-law.
- (5) For the purpose of this By-law:
 - (a) “*Building A*”, “*Building B*”, “*Building C*”, “*Building D*”, “*Building E*” mean Building A, Building B, Building C, Building D and Building E as shown on the attached Map 2;
 - (b) “*Existing Building*” means the buildings located on the *lot* in the year 2005 and shown as such on Map 2;
 - (c) all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law No. 438-86, as amended, except as herein provided.

Attachment 9: Draft Zoning By-law Amendment

Authority: Toronto Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2005
Enacted by Council: ~, 2005

CITY OF TORONTO
Bill No. ~
BY-LAW No. ~-2005

**To amend ~ Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
No. 109 Bernard Avenue, 100 Spadina Road, and 97 Walmer Rd**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law;

WHEREAS pursuant to Section 37 of the *Planning Act* the Council of a municipality may in a By-law passed pursuant to Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the By-law in return for the provision of such facilities, services and matters as are set out in the By-law;

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may required the owner to enter into one or more agreements with the municipality in respect of the facilities, services or matters;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, are to be permitted in return for the provision of facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the “City”); and

WHEREAS the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2 with respect to the definitions of the terms *lot*, *grade*, and *height*, Sections 4(2)(a)(i) and (ii), 4(5)(a),(b), (c) and (d), 4(11)(b) and (c), 4(12), 4(13), 4(16), 6(1), 6(3) PART I 1, 6(3) PART II 3, 6(3) PART II 4, 6(3) PART II 5, 6(3) PART II 6, 6(3) PART III and 6(3) PART IV 2, 12 (2) 280 of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of *residential buildings* containing *dwelling units* and *accessory* uses thereto, including a *parking garage*, together with the retention of the *Existing Buildings* on the lands municipally known in the year 2005 as 109 Bernard Avenue, 100 Spadina Road and 97 Walmer Road (hereafter referred to as the “*lot*”) provided:
 - (a) the *lot* consists of the lands delineated by heavy lines on the attached Map 1;
 - (b) the *residential gross floor area* erected and used on the *lot* *does not* exceed:
 - (i) 7,200 square metres within *Building “A”*;
 - (ii) an aggregate of 1,710 square metres within *Building “D”* and *Building “E”*; and,
 - (iii) within the *Existing Buildings*, the amount of *residential gross floor area* located within each such building on May 1, 2005, together with any additional *residential gross floor area* resulting from internal modifications to such buildings as permitted by this By-law or By-law No. 438-86;
 - (c) no portion of any building above *grade* on the *lot* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 with the exception of the permitted projections described in Section 6(3) PART II 8 of By-law No. 438-86;
 - (d) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2, except for the following:
 - (i) railings extending to a maximum vertical projection of 1.5 metres;

- (ii) chimney stacks and vents may exceed the *height* limit on the attached Map 2 by no more than 2.0 metres;
 - (iii) fences, decorative walls and screens extending to a maximum vertical projection of 2.0 metres above *grade* and, for fences, decorative walls and screens located on a roof terrace, a maximum of 2.0 metres above the finished level of the applicable roof terrace; and,
 - (iv) *Existing Buildings* located on the *lot*, for which the height shall *not* exceed the *height* of such buildings as they existed on the *lot* in the year 2005;
- (e) *parking spaces* for the residents of, and visitors to the buildings are provided and maintained on the *lot* in accordance with the following:
- (i) for *Building “A”*, *Building “D”* and *Building “E”*:
 - A. a minimum of 0.3 *parking spaces* per bachelor *dwelling unit* for residents;
 - B. a minimum of 0.5 *parking spaces* per one bedroom *dwelling unit* for residents;
 - C. a minimum of 0.75 *parking spaces* per two bedroom *dwelling unit* for residents;
 - D. a minimum of 1.2 *parking spaces* per three or more *bedroom dwelling unit* for residents; and,
 - E. a minimum of 0.06 *parking spaces* per *dwelling unit* for visitors to each such building, of which up to 16 may be *substandard parking spaces*;
 - (ii) for *Building “B”*, a minimum of 79 *parking spaces* consisting of not less than 65 *parking spaces* for residents and not less than 13 *parking spaces* for visitors; and
 - (iii) for *Building “C”*, a minimum of 1 *parking space*;
- (f) for the use of *Building “A”* and *Building “B”* at least one *loading space – type “G”* is provided and maintained on the *lot*;
- (g) not less than 81 *bicycle parking spaces-occupant* and not less than 20 *bicycle parking spaces - visitor* shall be provided on the *lot*,

- (i) for use without charge by the residents and visitors to *Building “A”* and *Building “B”*.
- (h) no *residential gross floor area* other than within the *Existing Buildings* shall be erected on the *lot* unless *residential amenity space* for the use of the residents of both *Building “A”* and *Building “B”* is provided and maintained as follows:
 - (i) within *Building “A”*, for the use of the residents of both *Building “A”* and *Building “B”*, without charge:
 - A. at least 160 square metres of indoor *residential amenity space* in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom; and
 - B. at least 2 square metres per *dwelling unit* within *Building A* of outdoor *residential amenity space* of which at least 30 square metres is to be provided in a location adjoining or directly accessible from indoor *residential amenity space*;
 - (ii) within *Building “B”* for the use of the residents of both *Building “A”* and *Building “B”*:
 - A. at least 210 square metres of indoor *residential amenity space* in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom; and
- (i) not less than 43 per cent of the *lot* area shall consist of *landscaped open space*.
- (j) the *owner* of the *lot*, at its expense, provides and maintains the following facilities, services and matters, subject to and in accordance with the agreement pursuant to Section 37 of the *Planning Act* required in paragraph (k) herein,
 - (i) provides and maintains the existing 216 rental units located within *Building “B”* and *Building “C”* as rental for a minimum period of at least 20 years from the date *Building “A”* is first occupied as a rental building, with no application to convert *Building “B”* and *Building “C”* to condominium or to demolish such buildings or rental units, during that time period;

- (ii) makes improvements
 - A. to *Building “B”* respecting heritage restoration and related facilities in accordance with a Heritage Easement Agreement between the *owner* and the City, and
 - B. to the *lot*, the *Existing Buildings*, *residential amenity space*, bicycle parking, *parking spaces* and in any other way related to the construction of the development permitted by this By-law, the costs of which the *owner* shall not pass through in any form to residents of the *Existing Buildings*, and the *owner* shall not apply to any tribunal or otherwise including under the *Tenant Protection Act*, or any successor legislation, for the purpose of obtaining any increase in rent above the Guidelines established under that Act or any successor Act in relation to the *Existing Buildings* and the residents of the *Existing Buildings*, arising from the cost of such improvements;
- (iii) provides and maintains the new *dwelling units* in *Building “A”*, and maintains them as rental for at least 20 years commencing from the date of initial occupancy of each such unit with no application to convert such buildings to condominium or to demolish such buildings or rental units, during that time period;
- (iv) provides to the City and carries out in accordance with, a Construction Mitigation Plan and Tenant Communication Strategy, for tenants of the *Existing Buildings*, satisfactory to the City, prior to the issuance of the first building permit;
- (v) pays to the City the sum of \$250,000.00 prior to the issuance of the first building permit, to be used for local park improvements in the neighbourhood of the *lot*; and
- (vi) constructs *Building “D”* and *Building “E”* using brick cladding to the satisfaction of the City’s Director of Urban Design; and
- (vii) enters into a Heritage Easement Agreement respecting *Building B”* with the City to the satisfaction of the City’s Manager of Heritage Preservation Services, prior to the earlier of the issuance of any site plan approval or building permit connected with this By-law; and

- (viii) provides the City with:
 - A. a Condition Assessment for *Building “B”* to the satisfaction of the City’s Manager of Heritage Preservation Services prior to the earlier of, the issuance of any site plan approval or building permit connected with this By-law, and remedies any deficiencies identified in the Condition Assessment; and
 - B. a Letter of Credit in an amount satisfactory to the Chief Planner, to secure the remediation of all deficiencies identified in the Condition Assessment; and
- (k) enters into and registers on title to the *lot* an agreement with the City pursuant to Section 37 of the *Planning Act*, as a first charge to secure the facilities, services and matters set forth in paragraph (j) of this By-law.
- 2. None of the provisions of By-law 438-86, as amended, shall apply to prevent the provision and maintenance for gain of 4 *parking spaces* on the *lot* for the exclusive use of the residents of the lands municipally known in the year 2005 as 81 Madison Avenue.
- 3. For the purposes of this By-law:
 - (a) “*Building A*”, “*Building B*”, “*Building C*”, “*Building D*”, “*Building E*” mean Building A, Building B, Building C, Building D and Building E as shown on the attached Map 2;
 - (b) “*Existing Buildings*” means the buildings located on the *lot* in the year 2005 and shown as such on Map 2;
 - (c) “*grade*” means 118.01 metres Canadian Geodetic Datum;
 - (d) “*height*” means the vertical distance between *grade* and
 - (i) in the case of a pitched roof building, the mean height level between the eaves and the ridge of the roof, and
 - (ii) in the case of another kind of roof, the highest point of the roof except for those elements prescribed in this By-law;
 - (e) “*substandard parking space*” means a *parking space* having dimensions of not less than 5.0 metres in length and not less than 2.6 metres in width;

- (f) all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law No. 438-86, as amended, except as herein provided.

ENACTED AND PASSED this ~ day of ~, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)