

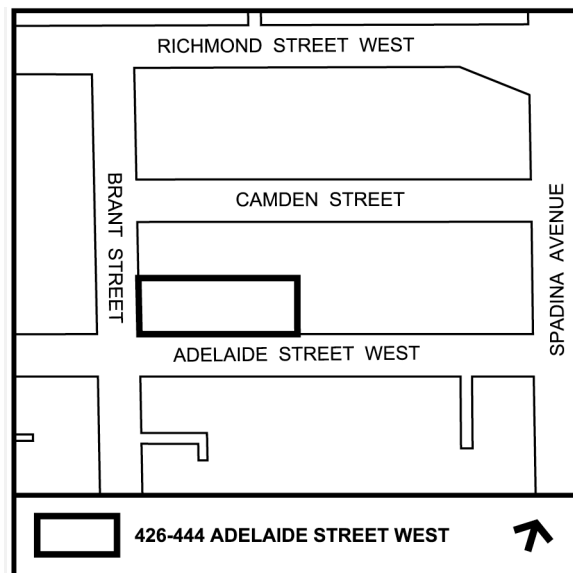
426-444 Adelaide Street West - Zoning Amendment and Site Plan Amendment Applications - Request for Direction Report

Date:	April 2, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	13 106910 STE 20 SA and 12 104040 STE 20 OZ

SUMMARY

This applicant was granted approval by the Ontario Municipal Board (OMB) on June 13, 2012, of variances to Zoning By-law 438-86 to permit an 11-storey (35.3 metres including mechanical penthouse) mixed-use building at 426-444 Adelaide Street West. The proposed development consists of retail uses at grade, 243 residential units above, and 120 parking spaces in three levels of below-grade parking. The OMB did not grant a requested variance for a reduction in indoor amenity space.

The current rezoning and Site Plan Amendment applications are for the same reduction from 486 m² to 98 m² of indoor amenity space that was not supported by City staff, refused by the Committee of Adjustment and refused at the OMB. The applicant appealed the rezoning application to the OMB on January 23, 2013 and appealed the Site Plan Amendment application on February 19, 2013, both on the basis of the City's failure to make a decision on the applications within the timelines prescribed by the *Planning Act*. The applicant has requested that the appeals be consolidated. A hearing date of June 4, 2013 has been set.



This report recommends refusal of the

applications.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the Zoning By-law Amendment and Site Plan Amendment applications at the Ontario Municipal Board for the lands at 426-444 Adelaide Street West.

Financial Impact

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

DECISION HISTORY

An application for Site Plan approval was submitted on July 13, 2011 (file no. 11 237693 STE 20 SA) and an application for Minor Variance was submitted on October 27, 2011 (file no. A0848/11TEY). An application for a Zoning By-law Amendment was also submitted on January 10, 2012, (file no. 12 104040 STE 20 OZ) in anticipation of a potential City work stoppage, which would have cancelled the Committee of Adjustment hearing, as stated by the applicant. The Zoning Amendment application and Minor Variance application reflected the same proposal.

The minor variance application was opposed by Planning staff and refused by the Committee of Adjustment at a hearing on February 22, 2012. The applicant appealed the decision, as well as the Site Plan application, to the Ontario Municipal Board. The OMB decision, issued on June 13, 2012, approved all requested variances with the exception of those relating to the location of visitor bicycle spaces and to the proposed amount of indoor amenity space. Revised Site Plan drawings were submitted to comply with the OMB decision, and the Site Plan Agreement was registered on title on November 28, 2012. The OMB then issued its final order, granting Site Plan approval, on December 5, 2012.

A Site Plan Amendment application (file no. 13 106910 STE 20 SA) and revised drawings for the Zoning By-law Amendment application were submitted on January 16, 2013. The revised plans showed a reduction in the amount of indoor amenity space from the required amount of 486 square metres to 98 square metres. This reduced amount was the amount contemplated in the original application. The applicant then appealed the Zoning By-law Amendment application and the Site Plan Amendment application to the OMB on January 23, 2013 and February 19, 2013 respectively, both on the basis of the City's failure to make a decision on the applications within the timelines prescribed by the *Planning Act*. The applicant has requested that both appeals be consolidated in the same hearing. A one day hearing has been scheduled for June 4, 2013.

ISSUE BACKGROUND

Proposal

The proposed 11-storey mixed-use building was approved by the OMB in a decision dated June 13, 2012, and is made up of retail at grade and 243 residential units above. The height of the proposed building is 35.3 metres, which includes mechanical elements. The proposed density would be approximately 7.8 times the lot area.

The proposal includes a total of 120 parking spaces and 244 bicycle parking spaces (195 resident spaces and 49 visitor spaces). Indoor amenity space is proposed at 0.4 metres per unit, or 98 square metres, and is located on the second floor of the building. See Attachment 4, Application Data Sheet for additional statistics.

Site and Surrounding Area

The subject site is located at the northeast corner of Adelaide Street West and Brant Street. The property is rectangular in shape with an area of 0.2 hectares and approximately 74.2 metres of frontage on Adelaide Street West and approximately 26.6 metres of frontage on Brant Street.

The site is surrounded by the following uses:

- North: To the north of the site is Camden Street and a series of 2 to 3-storey office/commercial buildings with addresses spanning from 45 to 51 Camden Street. To the east of these buildings, at 39 Camden Street, is a vacant parcel currently used as a parking lot. Further east is a 2-storey office/commercial building at 35 Camden Street and an 8-storey residential building at 29 Camden Street.
- South: To the south of the site is Adelaide Street West and a 10-storey office building at the southeast corner of Brant Street and Adelaide Street West. Further south is a 3-storey converted warehouse building at 25 Brant Street that is currently occupied by office uses.
- West: To the west of the site is Brant Street and beyond is St. Andrew's Playground, a park at the northwest corner of Brant Street and Adelaide Street West.
- East: To the east of the subject site is a 2 to 3-storey building currently occupied by a production studio company. The building is located on the east side of the property, with a driveway/surface parking lot on the west side, adjacent to the subject site.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the proposal and have determined that it is generally consistent with the Provincial Policy Statement and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Policy 3.1.2.6 of the Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Each resident of such development will have access to the outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 3 - Zoning Map). The RA Zone permits a range of residential uses, as well as commercial, institutional and limited industrial uses. As part of the RA zoning controls, density standards were replaced by built form objectives expressed through height limits and setbacks. The Zoning By-law permits a maximum building height of 23 metres for this site.

COMMENTS

The rezoning and Site Plan Amendment applications reflect the same proposal that was approved by the OMB with the exception of the proposed amount of indoor amenity space. The applicant has complied with the OMB decision regarding the location of visitor bicycle spaces. The only component of the project which remains contested is the proposed amount of indoor amenity space.

Zoning By-law 438-86 requires 2 square metres of indoor amenity space per unit, or 486 square metres of contiguous indoor space. This application proposes 98 square metres of non-contiguous indoor amenity space, or 0.4 square metres per residential unit.

The Committee of Adjustment application submitted in October, 2011, also proposed 98 square metres of indoor amenity space and a variance was requested. The Committee of Adjustment refused all variances and the applicant appealed the decision to the Ontario Municipal Board. The OMB granted the appeal, with the exception of the variances relating to indoor amenity space and location of visitor bike parking.

The OMB, in a decision dated June 13, 2012 (PL120256), stated that "the intent and purpose of the By-law in requiring residential amenity space in new buildings, appears to be in place to alleviate imposing additional pressure on public facilities, which are for the enjoyment of all the residents". The decision goes on to say that "by providing only 98 m², or 20% of the required residential amenity space, the residents of this development would be dependent for 80% of their recreational or other amenity needs to be provided elsewhere".

As stated in the OMB decision, the applicant's land use planner testified that 98 square metres of indoor amenity space would be sufficient as there are many bars and restaurants in the area. However, the OMB was not satisfied that these facilities represent residential amenity space. The OMB concluded that the variance with respect to indoor amenity space does not meet the intent and purpose of the Zoning By-law, is not appropriate and is not minor, and that there is ample space within the building to comply to a greater degree with the Zoning By-law requirement.

Planning staff agree with the conclusion of the OMB and think that the reduction in indoor amenity space is not supportable either through the Committee of Adjustment or a rezoning process. Both the Official Plan and Zoning By-law speak to the need for amenity space to serve the residents of the building. This space is particularly important in a building that has predominately small units.

In addition, the west precinct of the King-Spadina area has experienced significant residential growth in the last few years, but there has been no corresponding increase in community services and facilities. This creates a greater need for adequate amounts of indoor and outdoor amenity space in new residential buildings in this area as they are developed.

The Zoning By-law defines amenity space as a common area or areas within a lot which are provided for the exclusive use of residents of a building for recreational or social purposes. For larger developments such as this proposal, the number of potential users of these spaces increases. The significant number of potential users of these spaces within the proposed building requires adequate amounts of common space for amenity, recreation and socializing.

Conclusion

Based on the above analysis, Planning staff remain opposed to the reduction in the amount of indoor amenity space as required by the Zoning By-law.

CONTACT

Avery Carr, Assistant Planner

Tel. No. 416-392-0423

Fax No. 416-392-1330

E-mail: acarr2@toronto.ca

SIGNATURE

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

(p:\2013\Cluster B\pln\teycc9381894025) - vc

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2A: North Elevation

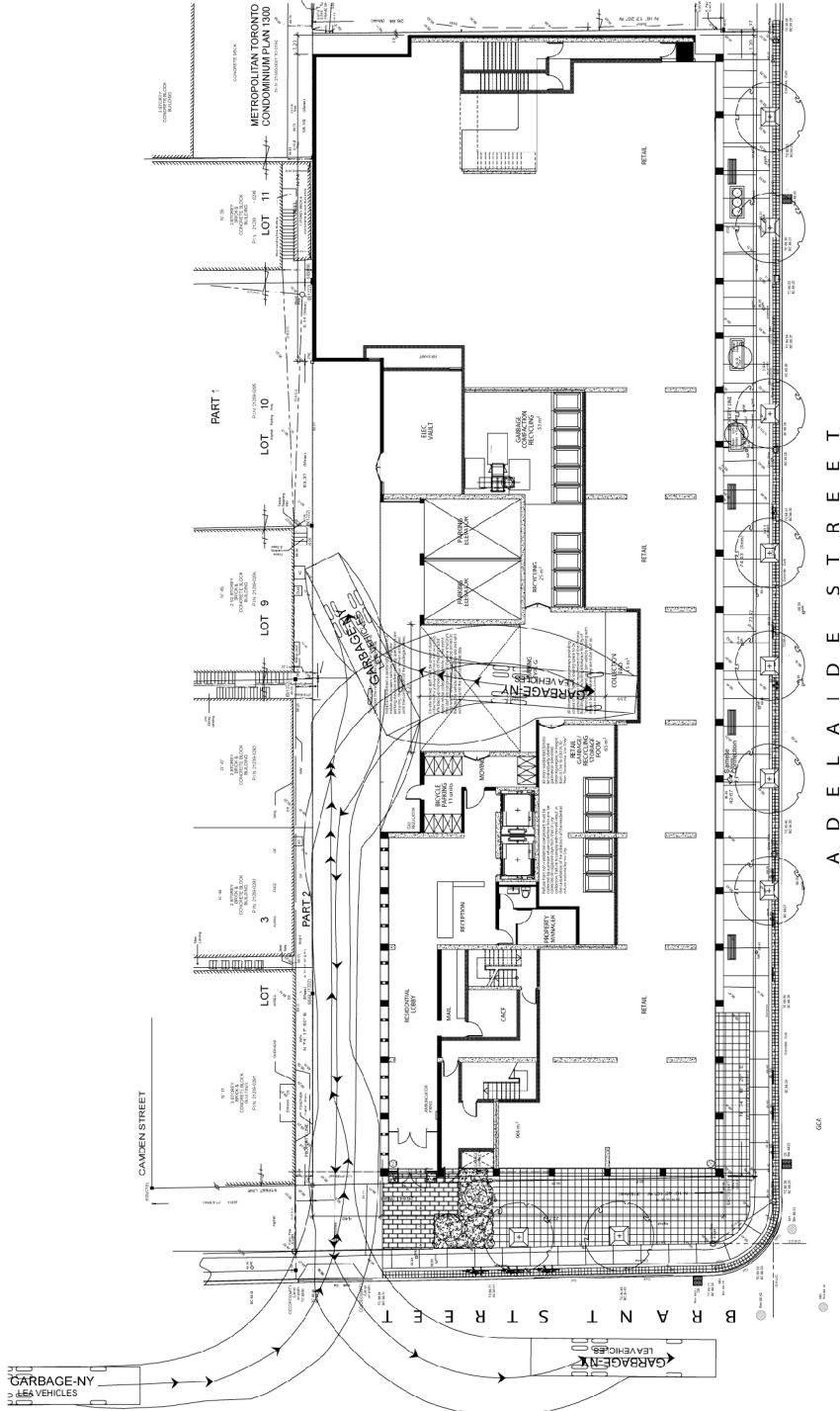
Attachment 2B: South Elevation

Attachment 2C: East and West Elevations

Attachment 3: Zoning Map

Attachment 4: Application Data Sheet

Attachment 1: Site Plan



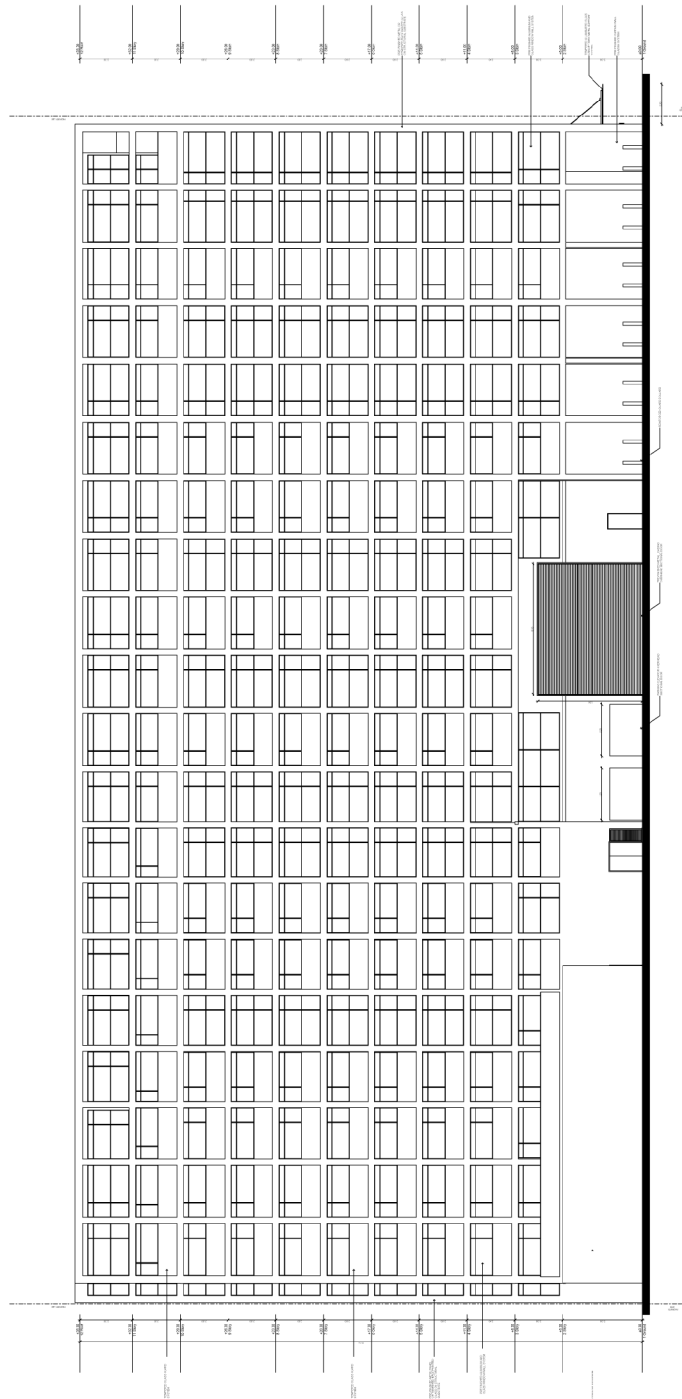
426-444 Adelaide Street West

Ground Floor Plan
 Applicant's Submitted Drawing

File # 12 104040 0Z

Not to Scale
 04/11/2012

Attachment 2A: North Elevation



North Elevation

Elevations

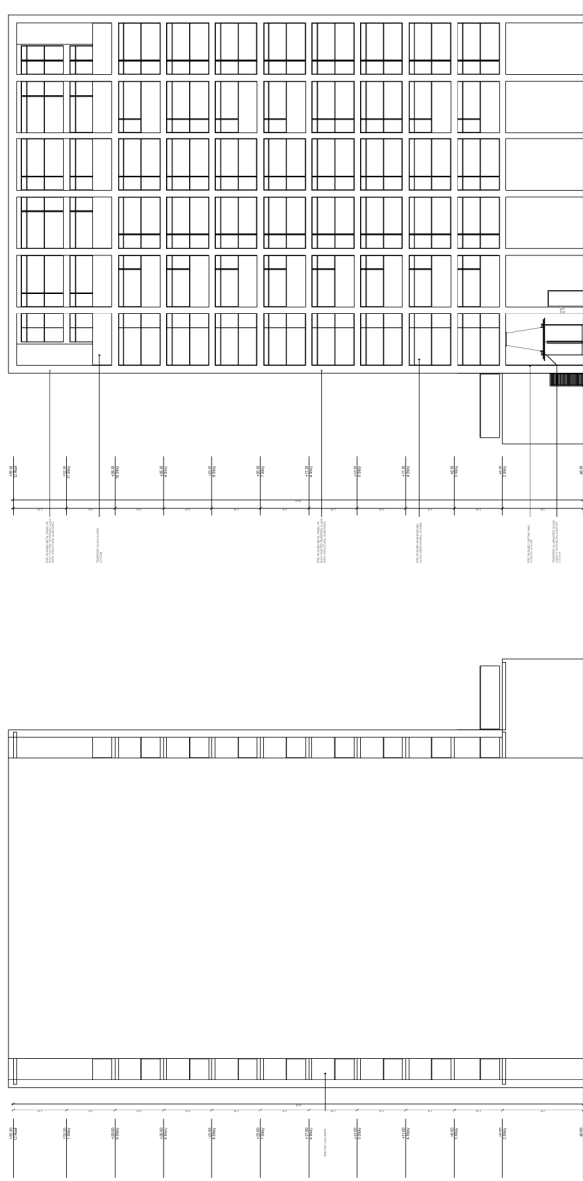
426-444 Adelaide Street West

Applicant's Submitted Drawing

Not to Scale
04/11/2012

File # 12 104040 0Z

Attachment 2C: East and West Elevations



East Elevation

West Elevation

Elevations

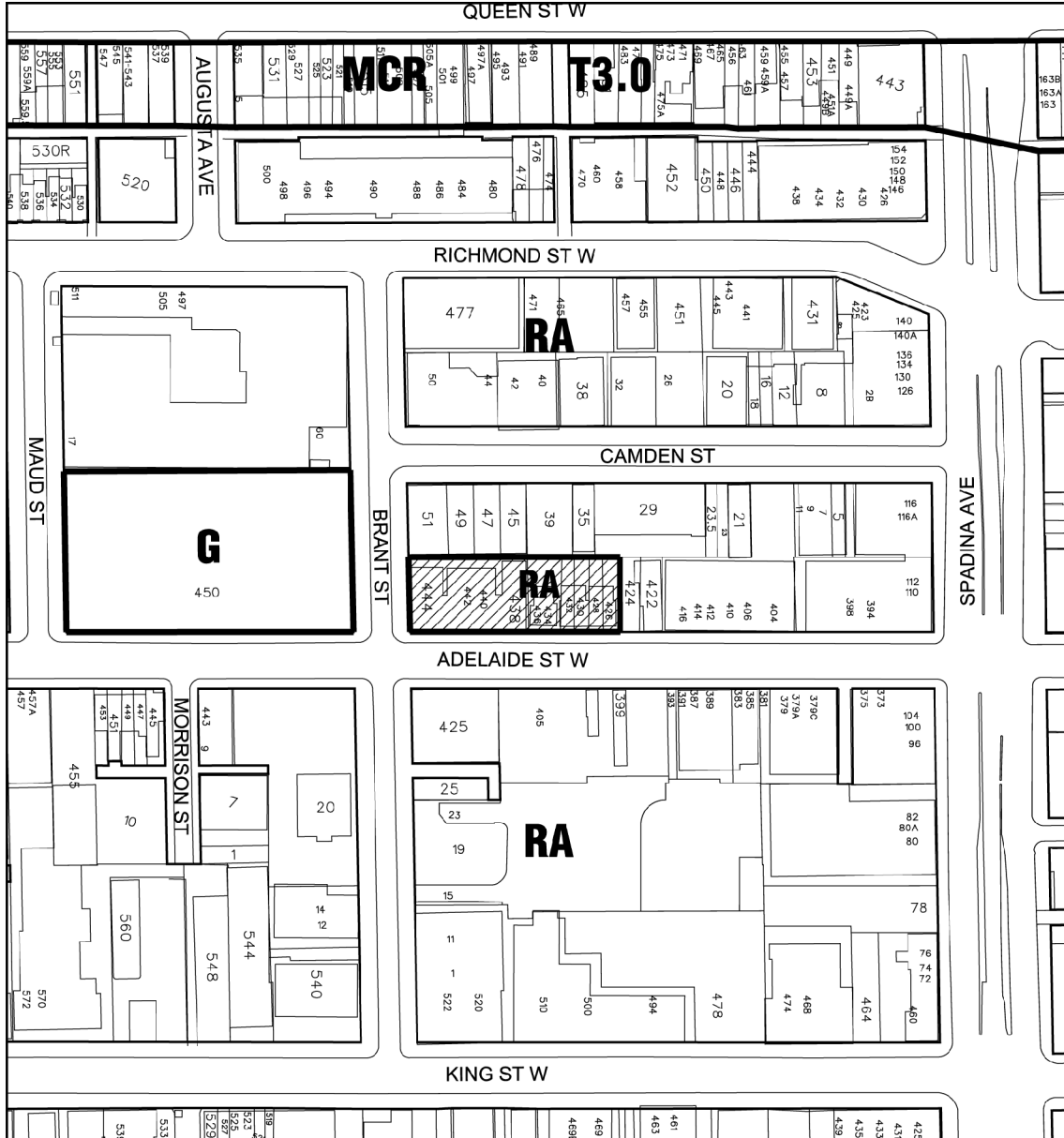
426-444 Adelaide Street West

Applicant's Submitted Drawing

Not to Scale
04/11/2012

File # 12 104040 0Z

Attachment 3: Zoning



426-444 Adelaide Street West

File # 12 104040 OZ

- RA Mixed-Use District
- G Parks District
- MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 04/11/2012

Attachment 4: Application Data Sheet

Application Type	Site Plan Approval	Application Number:	11 237693 STE 20 SA
Details		Application Date:	July 13, 2011
Municipal Address:	434 ADELAIDE ST W		
Location Description:	PLAN D46 PT LOT 7 **GRID S2012		
Project Description:	REVISED SITE PLAN APPLICATION. GFA INCREASES BY 4455m2. Construct a new 11 storey mixed use building with 243 residential units 3 levels below grade parking 120 parking spaces including 1 auto share space. 195 bicycle parking spaces plus 49 visitor bicycle parking spaces.		

Applicant:	Agent:	Architect:	Owner:
KIM KOVAR			BRANT PARK INC

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	
Zoning:	RA	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1986	Height:	Storeys:	11
Frontage (m):	26.6		Metres:	35.6
Depth (m):	74.4			
Total Ground Floor Area (sq. m):	1366			Total
Total Residential GFA (sq. m):	14555		Parking Spaces:	120
Total Non-Residential GFA (sq. m):	908		Loading Docks	1
Total GFA (sq. m):	15463			
Lot Coverage Ratio (%):	68.8			
Floor Space Index:	7.8			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	14555
Bachelor:	65	Retail GFA (sq. m):	908
1 Bedroom:	115	Office GFA (sq. m):	0
2 Bedroom:	39	Industrial GFA (sq. m):	0
3 + Bedroom:	24	Institutional/Other GFA (sq. m):	0
Total Units:	243		

CONTACT:	PLANNER NAME:	Avery Carr, Assistant Planner
	TELEPHONE:	416-392-0423