

# **TORONTO** STAFF REPORT

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August 29, 2002

To: Midtown Community Council

From: Director, Community Planning, South District

Subject: Final Report  
Application to amend the Official Plan and Zoning By-law 438-86  
262 & 264 St. Clair Avenue West and 288 Russell Hill Road  
Great Gulf (St. Clair) Ltd.  
202006, TD CMB 20020005  
St. Paul's, Ward 22

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a 6 storey, 24 unit residential apartment building on the northwest corner of St. Clair Avenue West and Russell Hill Road.

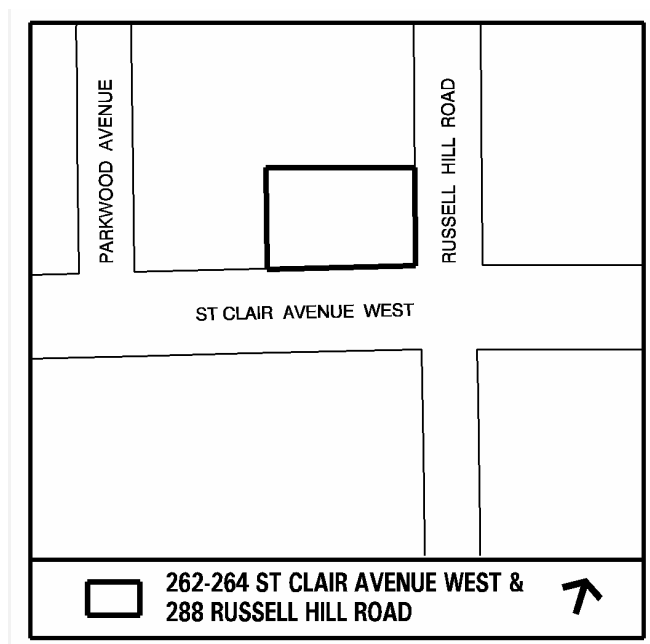
Financial Implications and Impact Statement:

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 6;
- (2) amend Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7;
- (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 and to introduce the Bills in Council to give effect thereto, and

- (4) require that, before introducing the necessary Bills to City Council for enactment, the applicant enter into a Site Plan Undertaking with the Commissioner of Urban Development Services, under Section 41 of the Planning Act.

### Background:

#### Proposal

The applicant proposes to redevelop the subject lands with a six storey, 24-unit residential apartment building with a residential gross floor area of approximately 5,295 square metres and a building height of 20.9 metres. A total of 55 parking spaces, including 6 visitor parking spaces, are proposed in a two-level below grade parking garage with access from St. Clair Avenue West. Parking for 19 bicycles will also be provided in the garage.

Construction of the new building would require the demolition of three buildings: two heritage buildings at 262 and 264 St. Clair Avenue West and the house at 288 Russell Hill Road.

#### Site History

Great Gulf (St. Clair) Limited previously filed an application to amend the Official Plan and Zoning By-law for the three properties subject to the current application, as well as the properties at 276 St. Clair Avenue West, 9 Parkwood Avenue, and 290 Russell Hill Road. Council refused the application in 2000, primarily on the basis that the redevelopment would result in a loss of rental housing and the proposal to construct a single 7-storey, 27 metre high building was not appropriate in terms of height, density, and massing.

The applicant appealed the application to the Ontario Municipal Board. The proposal which was brought forward at the OMB contained three alternate developments, all providing for a 7-storey, 50 unit apartment building along the entire southern portion of the site. The alternate developments set out different ways of developing the northern portion of the site to provide approximately 5 to 35 replacement rental units, whereas 54 rental units were proposed to be demolished.

The OMB in its decision dated September 13, 2001, refused the applications. However, in the Decision and over the course of the hearing, the Board commented on development principles that, if taken into account, could result in an acceptable proposal.

#### Site and Surrounding Area

The subject lands are located on the northwest corner of St. Clair Avenue West and Russell Hill Road, comprising three properties with a total site area of approximately 1934 square metres. City Council at its meeting of July 4, 5, and 6, 2000, designated the properties at 262 St. Clair Avenue West (Alexander Davidson House) and 264 St. Clair Avenue West (Alexander Davidson

Coach House) for architectural and historical reasons under Part IV of the Ontario Heritage Act (designation By-law numbers 407-2000 and 408-2000 respectively).

The subject lands do not include the three adjacent properties which had been included in the earlier application that was refused by the OMB. The three excluded properties are a 48-unit rental apartment building abutting to the west at 276 St. Clair Avenue West, a house abutting to the north at 290 Russell Hill Road, and a house to the northwest at 9 Parkwood Avenue. The applicant has advised that the 48-unit rental building will be retained as rental, and the two houses are to be sold separately.

The neighbourhoods to the north and south of St. Clair Avenue West are predominantly developed with detached housing. St. Clair Avenue West, between Spadina and Avenue Roads, contains a mix of house form and low-to-medium rise apartment buildings. The north side of St. Clair Avenue West contains a mix of medium rise apartment buildings (4 to 5 storeys in height) and low-rise house form buildings. The south side of St. Clair Avenue contains a number of medium rise apartment buildings (7 to 8 storeys in height) and house form buildings. To the southwest of the subject lands is Sir Winston Churchill Park.

#### Official Plan

The site is designated “High Density Residence Area” by the Part I Official Plan. This designation provides for residential buildings having a gross floor area of up to 2.0 times the area of the lot.

#### Zoning By-law

*The subject lands are zoned R4 Z2.0 with a height limit of 14.0 metres. This zoning permits most residential building types to a maximum gross floor area of 2.0 times the area of the lot.*

#### Site Plan Control

The project is subject to Site Plan Control. An application for Site Plan Approval has been submitted. This Report recommends that the applicant sign a Site Plan Control Undertaking before Bills giving effect to any Official Plan or Zoning By-law Amendment are introduced in Council.

#### Reasons for Application

The proposed density of 2.74 times coverage exceeds the density limit of 2.0 times coverage in the Official Plan. The proposal exceeds the limits set in the Zoning By-law for density and height, as well as other development standards such as building setbacks. The proposed height of approximately 20.9 metres exceeds the permitted height limit of 14.0 metres.

## Community Consultation

A community consultation meeting was hosted by the Urban Development Services Department the evening of June 26, 2002. Approximately 45 people attended the meeting as well as the local Councillor. Most of the residents who spoke at the meeting were opposed to the proposed height of 6-storeys and felt that the current height limit of 14 metres (4 to 4.5 storeys) should be respected. Some residents were concerned that a precedent would be set, resulting in further 6 storey buildings being proposed on the north side of St. Clair Avenue West, between Spadina and Avenue Roads, where none currently exist. The potential negative impacts of the proposed building (shadows, loss of privacy, loss of heritage buildings, loss of rental units, and traffic) were also raised as concerns.

As a result of the community consultation meeting, five letters of objection were received by the City outlining similar concerns expressed at the community meeting.

## 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:

### Height and Massing

The proposed height of the building exceeds the current height limit by approximately 7 metres. The building has been designed to provide a base building of approximately 14 metres, respecting the prevailing low-rise character of the area. To mitigate the impact of the additional height, the proposal incorporates terracing at the upper levels above 14 metres. As a result, the total floor area of the sixth floor is approximately half the size of the first to fourth floors. In addition, the mechanical penthouse which originally extended a further height of 5 metres above the proposed 21-metre height, has now been enclosed into the sixth floor, except for a small (0.7 metre) elevator shaft overrun.

The proposal was prepared taking into account the Board's decision on the previous application. At the OMB hearing, staff suggested that a building with a maximum height of 17 to 20 metres could be considered if it were designed to have a base of 14 metres with terracing of the upper floors above 14 metres. It is the opinion of staff that the current proposal respects the general intent of the current height limit in the Zoning By-law. It is also consistent with the emerging policy pertaining to height for this portion of St. Clair Avenue West as outlined in Policy 221 of the new Toronto Official Plan which states that "Development in the Apartment Neighbourhood area will generally be in the range of 4 to 6 storeys in height".

Shadow studies were submitted by the applicant which illustrate an acceptable level of shadowing on the adjacent area. At limited times, shadowing occurs on the abutting property to the north at 290 Russell Hill Road, on the eastern portion of 276 St. Clair Avenue West, and on

the Russell Hill road allowance to the east of the subject lands. The incorporation of terracing into the design of the building has reduced both the visual appearance and shadow impact of the building's mass. The increased shadowing impact of the fifth and sixth floors from the 14 metre, 4-storey base of the proposed building is minimal and, at times, not existent. The virtual elimination of the mechanical penthouse further reduces the shadow impact.

#### Site Access Assessment

The applicant is proposing to have the access to the parking garage from St. Clair Avenue West. A Site Access Assessment Report prepared by Marshall Macklin Monaghan was submitted to the City for review. The Report concludes that 'the proposed site driveway is not expected to detrimentally impact the operations of St. Clair Avenue West'. The Report indicates that there are more than sufficient 'gaps' to accommodate the eastbound left turns into the proposed driveway and adjacent driveway to the west (276 St. Clair Avenue West) from St. Clair Avenue West and southbound left turns from both driveways onto St. Clair Avenue West. The Report has been reviewed by Works and Emergency Services staff who concur with its conclusions.

#### Heritage

The construction of the development will require demolition of the two heritage buildings at 262 and 264 St. Clair Avenue West. The applicant is prepared to document the existing buildings by way of measured drawings and photographs, and re-use, as much as reasonably possible, interior elements which have been identified as architecturally significant within the proposed building. For example, the wood panelling of the living room of 262 St. Clair Avenue West will be re-used. Photography and measured drawings of both structures would be filed as a record in the City Archives. This will be a condition of Site Plan Approval to the satisfaction of Heritage Preservation Services staff. Commemoration, which recognizes the buildings previously located on the site once the development is completed, will also be a condition of Site Plan approval.

It should be noted that in the Ontario Municipal Board decision on the previous application the Board stated that the City's position on the preservation of the heritage buildings was not convincing. It was further noted that there were instances where the City had granted relief and exceptions and the Board found that the City's position requiring conservation of the historic home "in situ" lacked persuasion. Heritage Preservation Services staff have looked at various options for preservation and have concluded that as a minimum, recording, documentation, and commemoration should be conditions of approval. Although it would be ideal to try to preserve all heritage buildings, Heritage Preservation Services staff and Planning staff are of the opinion that in this instance recording, documentation, and commemoration are acceptable.

#### Tree Preservation

A number of City owned trees surrounding the property contribute significantly to the character of the area. The applicant has submitted an arborist report and landscape plan which has been reviewed by Urban Forestry Services staff. All existing trees on the City road allowance are proposed to be retained. Several privately owned trees on the subject lands are also proposed to be preserved. Urban Forestry Services staff advise that two privately owned trees proposed to be

preserved are in poor condition and should be removed and replaced with large growing shade trees. Arrangements in this regard will be secured as a condition of Site Plan approval.

#### Existing Rental Units

The demolition of the three existing buildings on the subject lands would impact on six rental units consisting of one 2-storey, 2-bedroom house, one 2-bedroom unit, three 1-bedroom units, and 1 bachelor unit. The owner has indicated that they would permit tenants of the units to be demolished to move into vacant units in the rental apartment building at 276 St. Clair Avenue West. Generally, tenants have been offered 1-bedroom units at rents equal to or less than the rents they now pay. In addition, the owner will provide financial assistance to tenants to help pay for moving costs, with details of the amount and timing to be worked out with the tenants. To date, four out of the six tenants have accepted the applicant's relocation offer and some tenants have already moved into 276 St. Clair Avenue West. The applicant's offer was also extended to the tenants of the two adjacent houses which formed part of the previous application, and which are currently for sale (9 Parkwood Avenue and 290 Russell Hill Road). The assistance package offered by the applicant to the tenants is reasonable and acceptable to staff. It provides each tenant with the option of having an affordable rental unit in a building adjacent to their current location, as well as financial assistance for moving costs.

#### Conclusions:

The proposed 6-storey, 24 unit apartment building has been designed to minimize the visual and shadowing impact on the surrounding area. The proposal presents an opportunity to intensify a site which is well served by public transit and is close to a subway station, while still maintaining the general intent of the existing and emerging Official Plan and Zoning By-law designations for this portion of St. Clair Avenue West. With a building base of 14 metres and an overall height of approximately 21 metres, the potential negative impacts of this development have either been mitigated or are negligible. As conditions of Site Plan approval, recording, documentation, and commemoration of the two existing heritage buildings to be demolished will be required. The applicant has offered a voluntary assistance package to 6 tenants affected by the proposed construction, the majority of whom have accepted the package.

For the reasons stated above, I recommend approval of the amendments requested.

Contact:

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Beate Bowron  
Director, Community Planning, South District

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List of Attachments:

Application Data Sheet  
Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Elevations  
Attachment 4: Zoning  
Attachment 5: Official Plan  
Attachment 6: Draft Official Plan Amendment  
Attachment 7: Draft Zoning By-law Amendment

**APPLICATION DATA SHEET**

**Combination**

Site Plan Approval: Yes File Number: **202006**  
Rezoning: Yes Application Number: **TD CMB 2002 0005**  
O.P.A.: Yes Application Date: 03/13/2002  
Municipal Address: 264 St. Clair Ave W  
262 St. Clair Ave W  
288 Russell Hill Rd

Project Description: 6 storey residential condominium

**Architect:**

QUADRANGLE ARCHITECTS LIMITED  
380 Wellington Street West  
(416) 598-1240

**Owner:**

GREAT GULF (ST. CLAIR) LTD.  
250 Lesmill Road  
(416) 449-1340

**PLANNING CONTROLS (For verification refer to Chief Building Official)**

Official Plan Designation: Site Specific Provision: No  
Zoning District: R4 Z2.0 Historical Status: 262 & 264 St Clair Av. W are designated  
Height Limit (m): 14 Site Plan Control Area: Yes

**PROJECT INFORMATION**

Site Area: 1934.89 **Height:** Storeys: 6  
Frontage: 53.49 Meters: 20.9  
Depth: 35.33

	<b>Indoor Type</b>	<b>OutdoorType</b>
Ground Floor GFA: 987.7	Parking Spaces: 55	0
Residential GFA: 5295	Loading Docks: 0	0
Non-Residential GFA:	0	0 0
Total GFA: 5295	0	0

**DWELLING UNITS**

**Tenure Type:** Condominium  
Rooms: 0  
Bachelor: 0  
1 Bedroom: 0  
2 Bedroom: 0  
3+ Bedroom: 0  
Total Units: 24  
Total Proposed Density: 2.74

**FLOOR AREA BREAKDOWN**

**Above Grade Below Grade**  
Residential GFA: 5295  
Retail GFA: 0  
Office GFA: 0  
Industrial GFA: 0  
Industrial/Other GFA: 0

**COMMENTS**

Current Status:	Open	<u>Latest Event</u>	<u>Actual Date</u>
		Suppl. Submission	03/26/2002
		Suppl. Submission	03/25/2002
		Suppl. Submission	03/22/2002
		Suppl. Submission	03/20/2002
		Received	03/13/2002
Data Valid:	Aug 12, 2002	Planner: Nanos, Joe	Phone:(416) 396-7037
Area:	District - C	Planning Office:	Toronto - North (TD)

Attachment 6

Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding as Section 18.xxx the following text and map:

"18.xxx        Lands known as No. 262 & 264 St. Clair Avenue West, and 288 Russell Hill Road

Notwithstanding the provisions of the Official Plan for the City of Toronto, Council may pass by-laws respecting the *lot* shown delineated by heavy lines on Map 18.xxx attached hereto to permit the erection and use of a residential *apartment building* provided:

- (1)     the total *residential gross floor area* of the building does not exceed 5,400 square metres; and
- (2)     the building contains not more than 24 dwelling units.

Attachment 7

Draft Zoning By-law Amendment

To amend By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2002 as 262 & 264 St. Clair Avenue West, and 288 Russell Hill Road

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

1. None of the provisions of Sections 4(2)(a), 4(16), 6(3) PART I 1, 6(3) PART II 2 (iii), 6(3) PART II 3.(A)(I), 6(3) PART II 3.F(II), 6(3) PART II 4, 6(3) PART II 5(i), and 6(3) PART III 1(b), of Zoning By-law No. 438-86, as amended, 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”, shall apply to prevent the erection and use of an addition to the existing apartment building together with the continued use of the existing apartment building on the lands shown on Plan 1 attached to and forming part of this By-law, provided:
  - (1) the *lot* comprises that land delineated by heavy lines on Plan 1 attached hereto;
  - (2) the total *residential gross floor area* of the building does not exceed 5,400 square metres;
  - (3) the *height* of any building to be erected shall not exceed 21 metres exclusive of rooftop facilities, elements and structures to a maximum of 1 metre, otherwise permitted in Section 4(2)(a)(i) of By-law 438-86, as amended;
  - (4) the building contains not more than 24 dwelling units;
  - (5) the front lot line setback is not less than 6 metres;
  - (6) the flanking street setback is not less than 4.5 metres;
  - (7) the side lot line setback is not less than 3.3 metres.
  - (8) the rear yard setback is not less than 7 metres,
  - (9) the *landscaped open space* of the *lot* is not less than 38% of the area of the *lot*;
  - (10) the building depth is not more than 40 metres; and
2. For the purposes of this By-law each word or expression which is italicized has the same meaning as each such word or expression contained in By-law No. 438-86, as amended.