

**306 - 322 Richmond Street West
– Rezoning and Site Plan Applications – Final Report**

Date:	December 11, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	07 238270 STE 20 OZ

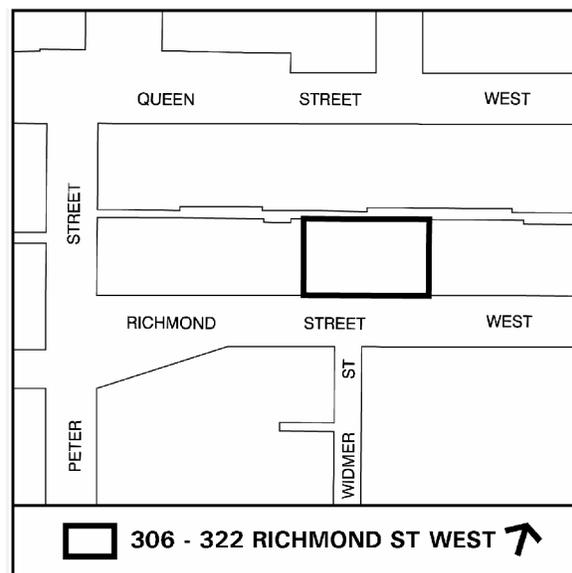
SUMMARY

These applications were made on or after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The rezoning application originally proposed to redevelop the lands at 306-322 Richmond Street West, with a 19-storey (64 metre) mixed-use building. A Preliminary Report regarding this proposal was considered by Community Council in August 2007, and a Community Consultation meeting was held on June 19, 2007.

In March 2008, the application and supporting studies were revised to reflect a proposed development of a 35-storey (125.1 metres) mixed-use building consisting of approximately 4,459 square metres of retail, commercial, and office uses, with approximately 22,040 square metres of residential gross floor area, resulting in 322 residential dwelling units.

On June 25th, 2008, the proposed development was revised to a thirty-five storey building (121.7 metres plus 5 metres for the mechanical penthouse), comprised of 150 hotel suite units and 150 residential dwelling units (68 1-bedroom; 58 2-bedroom units and 24 3-bedroom units).



The current rendition of the development that is the subject of this report was submitted on December 1, 2008, which maintains the 35 storey building form with a slightly taller building of 123.3 metres (plus 5 metres for the mechanical penthouse). The building is now proposed to consist of 141 Hotel Suites and 130 residential dwelling units (1 studio unit, 29 one bedroom units, 50 one bedroom plus den, 10 two bedroom units, 27 two bedroom plus den units, and 13 three bedroom units). The application proposes to accommodate the expected parking demand within 5 levels of below-grade parking, comprised of 7 standard parking spaces, 1 car share space, 99 car stacker spaces, and 16 valet stacked parking spaces. A total of 109 bicycle parking spaces are also proposed.

This report reviews and recommends refusal of the application to amend the Zoning By-law. Refusal is based on a number of factors. The development exceeds the 30 metre as-of-right height by 91 metres. It has a density of 19.5x the area of the lot, exceeding that of proposed developments on the City's most intense corridors including the Shangri-la on University Avenue and One Bloor Street East. In addition, the building does not complement the warehouse character of Richmond Street, creates a negative precedent for the area and detrimentally affects the character of the Queen Street West Heritage Conservation District.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse Zoning By-law Amendment application 07 238270 STE 20 OZ respecting the proposal to construct a 35-storey building; and,
2. City Council instruct the City Solicitor, together with the appropriate staff to attend the Ontario Municipal Board hearing, and retain any experts as needed, in support of the position recommended in this report.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Site History

The subject properties are located within the King-Spadina Secondary Plan area. In 1996 City Council for the former City of Toronto enacted Official Plan and Zoning By-law amendments for the subject site and surrounding King-Spadina area to provide for redevelopment in the area and encourage its managed transformation from a historical industrial manufacturing area, to a mixed-use urban neighbourhood. In 2005, a review of

the King-Spadina Secondary Plan was undertaken to review and evaluate specific matters related to entertainment uses in the area, community services and facilities, built form and the public realm. The study was completed in 2006. The Final Report can be viewed at the following link: http://www.toronto.ca/planning/king_spadina.htm.

The fundamental goal of the King-Spadina planning framework was to encourage reinvestment and redevelopment for the area with a built form that reinforces the historic physical context. City Council enacted amendments to the King-Spadina Secondary Plan and regulating Zoning By-law (By-laws 921-2006 and 922-2006 respectively) which introduced limited modifications to the planning framework. These amendments are currently under appeal by the applicant in their entirety.

In April 2008 Toronto and East York Community Council, directed Planning Staff to review the existing built form policies in the East Precinct of King-Spadina (the area generally bounded by Spadina Avenue, Simcoe Street, properties on the north side of Richmond Street West, and properties on the north side of Front Street West), as noted in motion no. TE 14-70. The study will specifically address the following:

- (1) The public policy goals and objectives of the Official Plan;
- (2) The goals and objectives of the King-Spadina Secondary Plan;
- (3) The emerging “Living Downtown Study” principles;
- (4) The heritage character of the area including enhancements to the area’s heritage policy framework;
- (5) The maintaining and enhancing of employment opportunities in the area; and,
- (6) The impact on pedestrian safety and the public realm.

Although the Built Form study report has yet to be concluded or considered by Community Council, staff note that the subject properties are located in a unique character quadrant of the East Precinct of King-Spadina Secondary Plan area, which has the largest concentration of historic warehouse form buildings, reflecting the fundamental policy framework of the King-Spadina Secondary Plan. The lands are also located immediately south of the Queen Street West Heritage Conservation District, which is an internationally recognized historic area of the City.

Preliminary built form findings by staff that stem from the ongoing Built Form Review, have concluded that the area within which the subject lands are located, is not an appropriate location for tall buildings that compromise the goals and objectives of the Secondary Plan policies with respect to built form and physical context. There are no building heights that approach the proposed 35 storeys, in existing or approved developments within the immediate area. Staff recognize that there are a very limited

number of tall buildings in the East Precinct of the King-Spadina Secondary Plan area, but none have penetrated into this area of predominately warehouse character buildings.

The adverse impacts related to shadows, sky views and massing of the proposed building are of significant concern, as they relate to the Queen Street West Heritage Conservation District and to the properties designated *Neighbourhoods* in the Official Plan located north of Queen Street West. Moreover, properties that are located immediately to the north of the lands, which front onto the south side of Queen Street West, have zoning height restrictions that limit buildings to a maximum of 13 metres, at the front lot line, with a 45 degree angular plane to regulate any additional height, to a maximum building height of 16 metres. The objective associated with these zoning regulations is to prevent shadow impacts on the north side of the Queen Street West and beyond onto properties that are designated *Neighbourhoods* in the Official Plan.

Proposal

The revised application proposes a 35 storey (123.3m – 404.5 ft.) mixed-use building, exclusive of the mechanical penthouse, which would add another 5 metres, whereas a building height of 30 metres is permitted. The proposed gross floor area is comprised of 13,274.86 square metres (142,894 square feet) of non-residential gross floor area, and 15,433.14 square metres (166,126 square feet) of residential gross floor area, with a floor space index ratio of 19.5.

The unit mix is now 141 Hotel Suites and 130 residential dwelling units (1 studio unit, 29 one bedroom units, 50 one bedroom plus den, 10 two bedroom units, 27 two bedroom plus den units, and 13 three bedroom units). The application proposes to accommodate the expected parking demand within 5 levels of below-grade parking, comprised of 7 parking spaces, 1 car share space, 99 car stacked spaces, and 16 valet stacked parking spaces. The By-law parking requirement for parking is 132 parking spaces to accommodate the proposal. A total of 109 bicycle parking spaces are also proposed (see Attachment 4 - Application Data Sheet).

Vehicular access to the site is proposed via a driveway on the western edge of the property. This driveway will flow directly from Richmond Street West to the public laneway abutting the property to the north. The ramp leading to the lower levels of parking runs perpendicular to the driveway aisle at the north end of the site, abutting the public lane to the north. Access to the proposed two loading facilities will be provided by the public laneway (see Attachment 1 - Site Plan). With Richmond Street West being a four-lane one-way westbound right-of-way, traffic flows will be restricted to right-in and right-out only.

The base of the building, being the first nine floors, will rise 32.4 metres from grade and house hotel suite units and rooms from the fourth floor to the ninth. The ground floor will accommodate the waste and loading facilities at the rear, provide a restaurant and bar in the front of the building, and entry and lobby functions associated with the hotel, residence and ballroom uses, also in the front portion of the building, which front and

wrap around to the driveway on the west side of the property. The second and third floors of the podium are proposed to accommodate a restaurant/bar/entertainment facility and their related administrative area requirements.

The balance of the building from the tenth floor to the thirty-fifth floor is proposed to accommodate residential dwelling units, hotel suites and units, and indoor amenities. This portion of the building is designed with a series of floor indents and cantilevered floors that resemble a vertical rendition of the Habitat Olympic building in Montreal.

The June 25, 2008 proposed development, which was presented to the public at the June 17, 2008 Community Consultation meeting, and that was reported to Community Council on July 7, 2008 (TE 14.34), is similar to the current rendition, with respect to built form and massing. The Preliminary Report can be accessed at:

<http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-14221.pdf>

Site and Surrounding Area

The site is located on the north side of Richmond Street West between Peter Street and John Street, within the East Precinct of the King-Spadina Secondary Plan Area. The site is surrounded by the following uses:

North: An east-west public lane runs the length of the block, beyond which is Queen Street West. A lane widening conveyance will be required, which will be addressed through the site plan process. The area of Queen Street West to the north of the site is a mixed-use zone. This section of Queen Street West is also a designated Heritage Conservation District.

South: The site fronts onto the north side of Richmond Street West which is a one-way westbound street with a right-of-way width of approximately 20 metres. On the south side of Richmond Street West, there are a variety of mixed-use buildings from two storey historic buildings to the Scotiabank Theatre Toronto.

East: Immediately east of the site are three-storey buildings beyond which is the National Film Board office at the northwest corner of Richmond and John Streets. The National Film Board office is approximately 45 metres (148 feet) in height.

West: Buildings ranging between two and three-storeys in height to the Peter Street intersection.

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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are located within the Downtown and Central Waterfront designation of the Official Plan, as illustrated on Map 2 – Urban Structure and further illustrated on Map 6 – Downtown and Central Waterfront Boundaries. The site is further designated as Regeneration Areas on Map 18 – Land Use Designations, and is located within the King-Spadina Secondary Plan area, which forms Chapter 6.16 of the Official Plan.

Zoning

The lands are zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 4 - Zoning Map). As part of the RA zoning regulations, density standards were replaced by a built form envelope expressed through height limits, setbacks and stepbacks. The maximum permitted building height is 30m. The proposed building height for this development is 123.3 metres plus 5 metres for the mechanical penthouse, a difference of 98.3 metres in excess of the allowable, or 4.1 times greater. A modest stepback is proposed for a portion of the building at the tenth floor (32.4 metres), whereas a 3 metre stepback is required at the 20 metre height level. As there are no density regulations for this zoning category and the proposed height of the development is well outside the scope of the in force regulations, staff also applied the Council adopted Tall Building guidelines as a performance measure in reviewing this development. An evaluation of these standards will be provided in the land use section of this report below. A detailed evaluation of zoning non-compliance is provided as Attachment – 5 Agency Comments.

Site Plan Control

An application for Site Plan approval was been submitted (07 238254 STE 20 SA) concurrently with this application. A Taxi Stand must be accommodated to satisfy Official Plan policies. Should Council refuse the zoning amendments sought, the Site Plan application would be refused in turn (see Attachment 5 – Agency Comments).

Reasons for Application

The application does not conform with the height, stepback, and parking regulations of the implementing Reinvestment Area zoning designation of By-law 438-86, as amended.

Community Consultation

On May 30, 2007 and July 9, 2007, at community meetings hosted by the local Councillor, the applicant presented their proposal for the site. On October 29, 2007 a community consultation meeting was hosted by City Planning, where a 19-storey development was presented. No one attended this meeting.

A further community consultation meeting was held on June 17, 2008, which presented a 35-storey proposal, which is substantially similar to the current proposal. This meeting was initiated by the Planning Division and also included two other proposed developments in the general area, as well as elements of the Built Form Study being undertaken by Planning Staff.

Area resident comments were both favourable and critical of the proposed buildings design and height. There were approximately 85 persons in attendance for the combined consultation meeting.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application. (see Attachment 5 - Agency Comments)

COMMENTS

Scale, Mass and Height

The scale, mass, and form of the proposed development are not supportable. There are many intensification opportunities that exist in King-Spadina Secondary Plan area, which would not conflict with the goals and objectives of the Plan or Zoning By-law, and would serve to reinforce the historic scale and mass of the area.

The Official Plan, which must be read and interpreted as a cohesive whole, anticipates and directs growth to the Downtown, but recognizes that growth will not be spread uniformly. It is further understood that while the population mix may change over time, there are areas where the physical setting will remain unchanged. The Plan also provides policy guidance to accommodate development that “focuses on the Financial District as the prime location for the development of prestige commercial office buildings and landmark buildings that shape the skyline” (Chapter 2, policy 1 c)).

Although this proposed building has been described as a landmark building, it is not located in the Financial District. It is located within an area of historic warehouse form buildings, many of which are well below the permitted maximum building height. To reflect the intensification objectives of the Provincial Policy Statement and the Official Plan, the in-force policies can accommodate significant intensification in the area, within the as-of-right height permissions.

The Plan also provides guidance with respect to improving the quality of the Downtown by encouraging a full range of housing opportunities in areas, including Regeneration Areas, that are sensitive to their physical context. The Plan envisions “Design guidelines specific to districts or historic character will be developed and applied to ensure new development respects the context of such districts in terms of the development’s fit with existing streets, setbacks, heights and relationship to landmark buildings” (Chapter 2, policy 6). Although the development provides a range of residential dwelling unit sizes, this proposal does not respect the historic context.

The King-Spadina Secondary Plan area is regulated by design-based zoning standards coupled with Secondary Plan policies that balance objectives of reinvestment through a wide range of permitted land uses, while serving to encourage intensification goals, by reinforcing the district’s physical warehouse character, in terms of height, setback, and relationship to the streets, in an appropriate scale.

The Secondary Plan reaffirms the objective of the Official Plan by encouraging reinvestment, a mixture of compatible land uses, encouragement of employment uses, the retention and re-use of Heritage buildings, and provides policy direction on built form.

The plan states that “new buildings will achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, stepbacks, roof line, and profile and architectural character and expression;”. The proposed building does not achieve a compatible relationship through any of the cited criteria. There are no structures that approach the proposed height, scale or mass of the proposed building in the immediate area. In addition, the building does not complement the character of the area.

There are approximately four approved developments in the east precinct of King-Spadina which are similar to this proposal, but none are located within this central area which has a large concentration of historic warehouse buildings.

Chapter 3 policies of the Official Plan for Tall Buildings are not satisfied as the proposed building does not serve to reinforce the overall City structure or meet the built form principles of the Official Plan. In addition, this area is not identified in the Plan as suitable for Tall Buildings. While the proposed development generally satisfies the

objectives of the Regeneration Areas policies in Chapter 4 of the Plan, the Plan recognizes that each district is unique and stipulates that a framework for new development will be set out in a Secondary Plan.

Further, if this application is approved, it will fetter the ability of abutting properties to develop. An approval of this application may result in further pressure for land consolidation and for similar developments.

A potential mid-block connection is identified by the Secondary Plan in the area in the immediate vicinity of the subject lands. Staff is evaluating the potential of this site to accommodate the connection.

The RA zoning specifically uses built form controls rather than density. The primary built form controls are building height and setbacks. The applicant is proposing a building height of 123.3 metres. The King-Spadina planning framework sets out a height permission of 30 metres with up to an additional 5 metres for rooftop mechanical elements only. The recently completed (2006) King Spadina Plan Review included a built form analysis with specific consideration given to building heights in the East Precinct, being that portion of the Secondary Plan area east of Spadina Avenue. This study followed a December 2005 charrette that considered the potential for 'tall buildings' in the East Precinct. Both the charrette and the Plan Review concluded that there were limited opportunities for buildings of substantially increased height in the East Precinct. A further Built Form review has essentially concluded that Tall Buildings are not appropriate for this area of the East Precinct as well.

In the area within which the subject site is located, along Richmond and Adelaide, there is a high concentration of existing former industrial warehouse building which are representative of the King-Spadina planning vision for a built form that is consistent with and reinforces this historic built form. A large number of these buildings have been identified as buildings of interest for additional Heritage study. There were two building on the subject lands that were similarly identified as part of the 2005 Plan review that have since been demolished.

As the applicant is proposing a building that is 123.3 metres in height, staff are recommending refusal of the application on the basis of building height, which in conjunction with other characteristics of the proposal, creates a development that does not respect the fundamental policies of the King-Spadina Secondary Plan. The proposal will result in a negative physical presence that may prompt additional pressures for similar future developments in this area and further erode the historic physical character of the area.

Sun, Shadow, Wind

The Secondary Plan also states that “ new buildings for any use will be sited and massed to provide adequate light, view and privacy for neighbouring properties” with appropriate proportional relationships to minimize wind and shadow impacts on streets, parks and open spaces.

The site is directly south of Queen Street West which is subject to a zoning for building heights of 16 metres and a 45 degree angular plane from the street line at the 13 metres height level. The purpose of the angular plane is to ensure sun and sky views at pedestrian level on Queen Street West. The subject site is directly south of Queen Street West and therefore sun and shadow impacts on Queen Street West were evaluated with the expectation that shadows from the applicant’s proposal would not extend beyond the as-of-right development impacts of the south side of Queen Street West.

The shadow study submitted by the applicant in support of their proposal identifies a spring/fall equinox shadow impact at 9:18 a.m. well beyond the as-of-right shadows on the south side of Queen Street West. The shadows affect the Ogden Junior School site, north of Bulwer Street and properties that are designated Neighbourhoods in the Official Plan. The shadows continue well past the north side Queen Street West through the day, and affect the courtyard of the City/CTV site at 4:18 pm, culminating in shadows that cross not only John Street, but Duncan Street as well by 5:18 pm.

Traffic Impact, Access, Parking, Storm Water Management

A Traffic Impact Study prepared by MMM Group was submitted in support of the application. Staff has reviewed the study and additional information dated October 23, 2008, and is satisfied in principle. Vehicle and servicing access is proposed off of Richmond Street West due to the constraints posed by the variable width of the public lane to the rear of the site. The Technical Services Division has confirmed that because of this situation access from Richmond Street West rather than the public lane is acceptable. The vehicle ramp for underground parking is located at the rear of the site, as is the loading area (See Attachment 1 – Site Plan). The applicant is still investigating the feasibility of providing service access solely from the public lane through the site plan process.

The September 2008 Functional Servicing and Stormwater Management Report submitted by the applicant is generally acceptable in principle, subject to additional detail requirements. A \$27,930.00 cash-in-lieu of storm water management fee will be required.

Toronto Green Development Standard

An updated Green Development Checklist has not been submitted with the last two revisions to the development. However, the proponent has indicated that the following environmental initiatives will be implemented as part of the development:

1. This project will seek LEED Silver Certification. LEED features and practices will include Erosion & Sedimentation Control, Storm Water Management, Heat Island Effect, Commissioning, Recycled Content in building materials, Construction Waste Diversion, Low Emitting Paints / Adhesives / Sealants;
2. High Efficiency Mechanical Equipment: Heat Recovery Ventilator for the hotel suites and Energy Recovery Ventilators for each residential suite. All central mechanical equipment in the building will be high efficiency (boilers, make-up-air units, etc.) and they will all be monitored by BAS (Building Automation System - intelligent system that monitors performance);
3. The building envelope has been designed with a high R-Value and low-e double glazed windows. There is also +40% solid exterior which will substantially increase the energy efficiency of the building as compared to the current trend to maximize glazing in condominiums;
4. Rain Water Retrieval System - all roofs / terraces in the building will collect and divert rainwater to a central cistern for re-use (irrigation for all the planters);
5. Energy Conservation - hotel suites will be connected to the BAS which will regulate suite temperature based on suite occupancy / vacancy. All residential suites will have programmable thermostats and energy efficient appliances and light fixtures. Corridors and parking level lighting will be connected to motion sensors; and,
6. Planters on terraces will provide natural shading in the summer and contribute to City greenery / trees. Planters will be irrigated via rainwater recycling system.

Section 37

Although the proposed development qualifies for Section 37 community benefits, there have been no discussions or negotiations with respect to securing benefits. Staff is recommending that the application be refused and are of the opinion that the development, as proposed, does not represent good planning.

It is estimated that the development charges for this project will be \$2,033,907.04. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

Staff is recommending that Council refuse the application to amend the Zoning By-law. The development exceeds the 30 metre as-of-right height by 91 metres. It has a density of 19.5x the area of the lot, exceeding development densities on the City's most intense corridors such as the Shangri-La on University Avenue and the proposed development at One Bloor Street East. In addition, the building does not complement the warehouse character of Richmond Street, creates a negative precedent for the area and detrimentally affects the character of the Queen Street West Heritage Conservation District. In the opinion of staff this application does not represent good planning.

CONTACT

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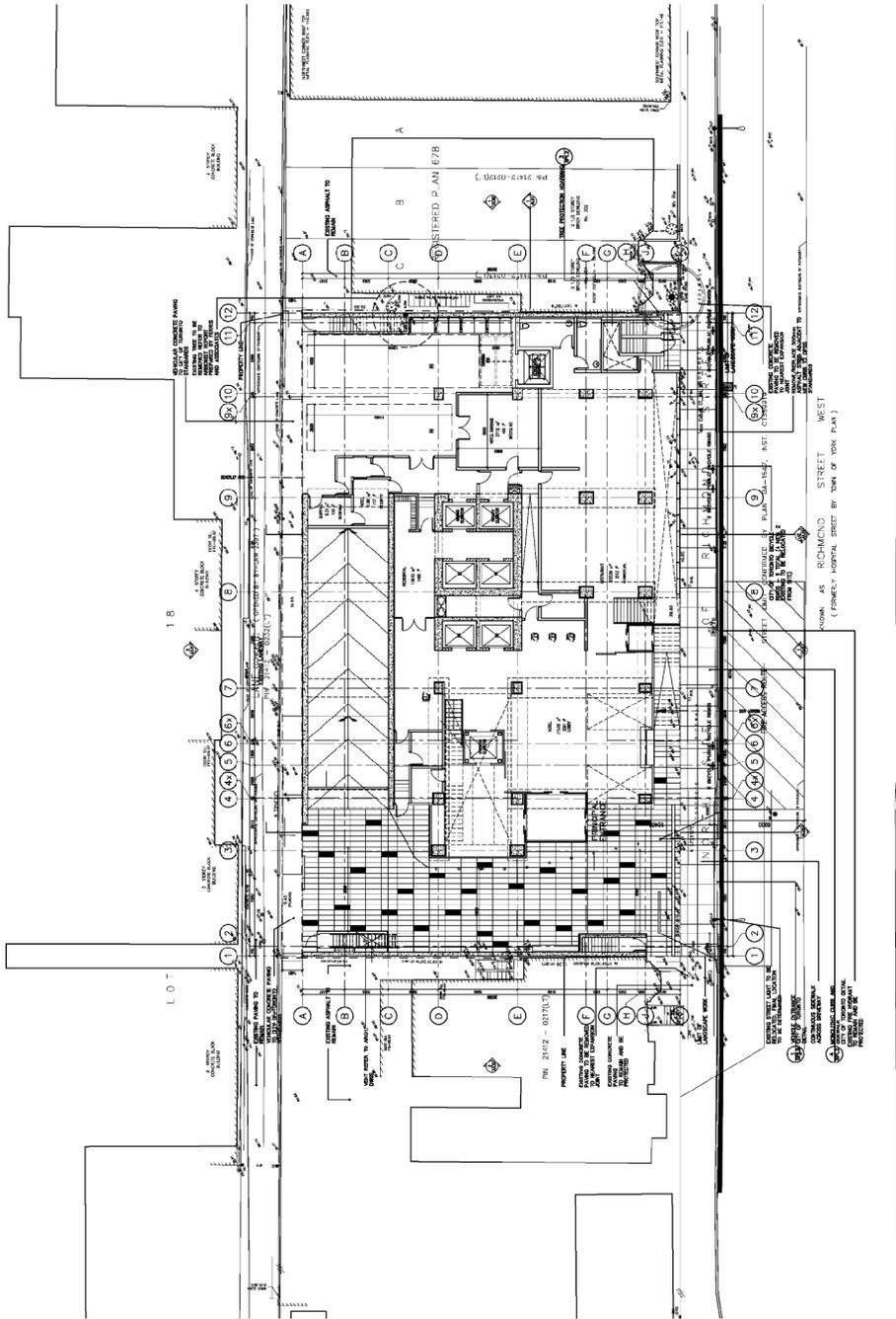
Raymond David, Acting Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Agency Comments

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

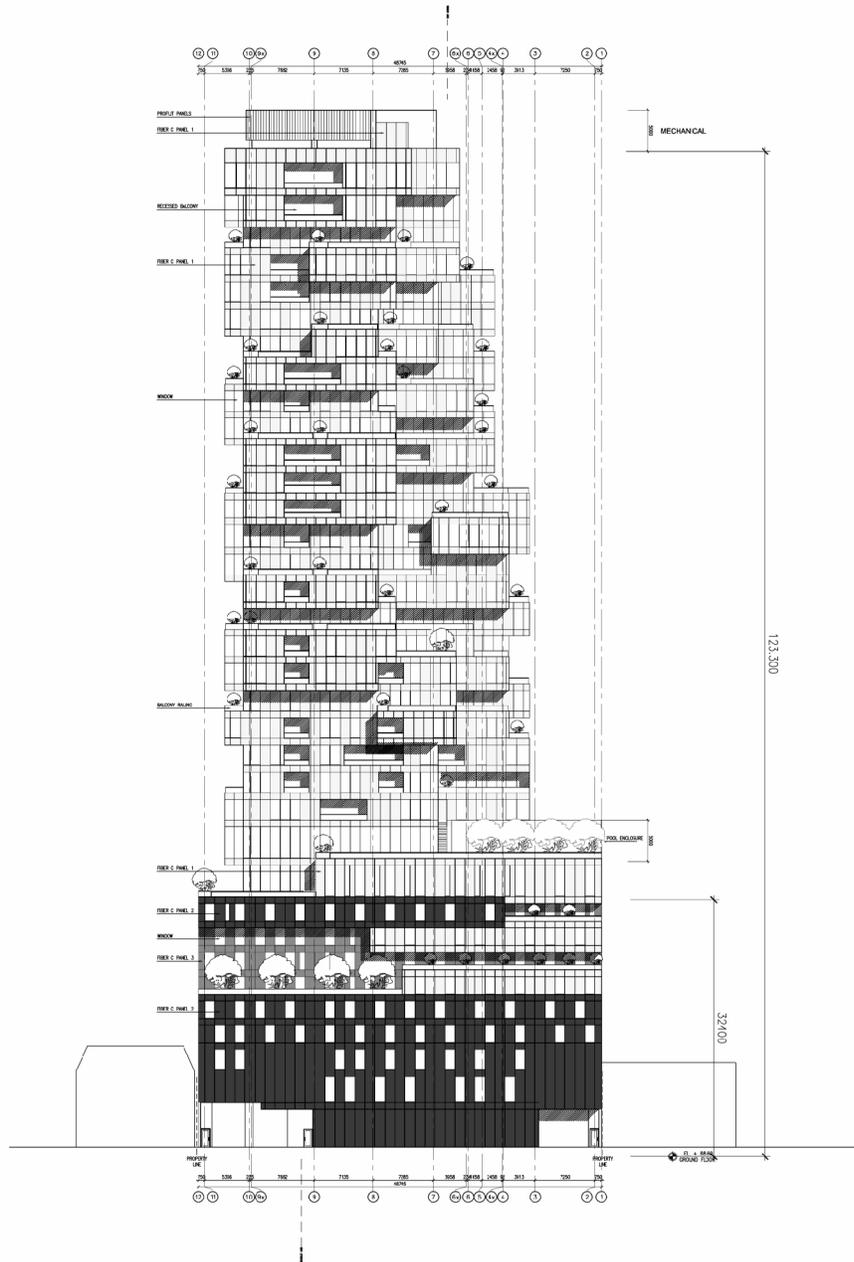
Not to Scale
1/20/08



306 - 322 Richmond Street West

File # 07_238270

Attachment 2: Elevations



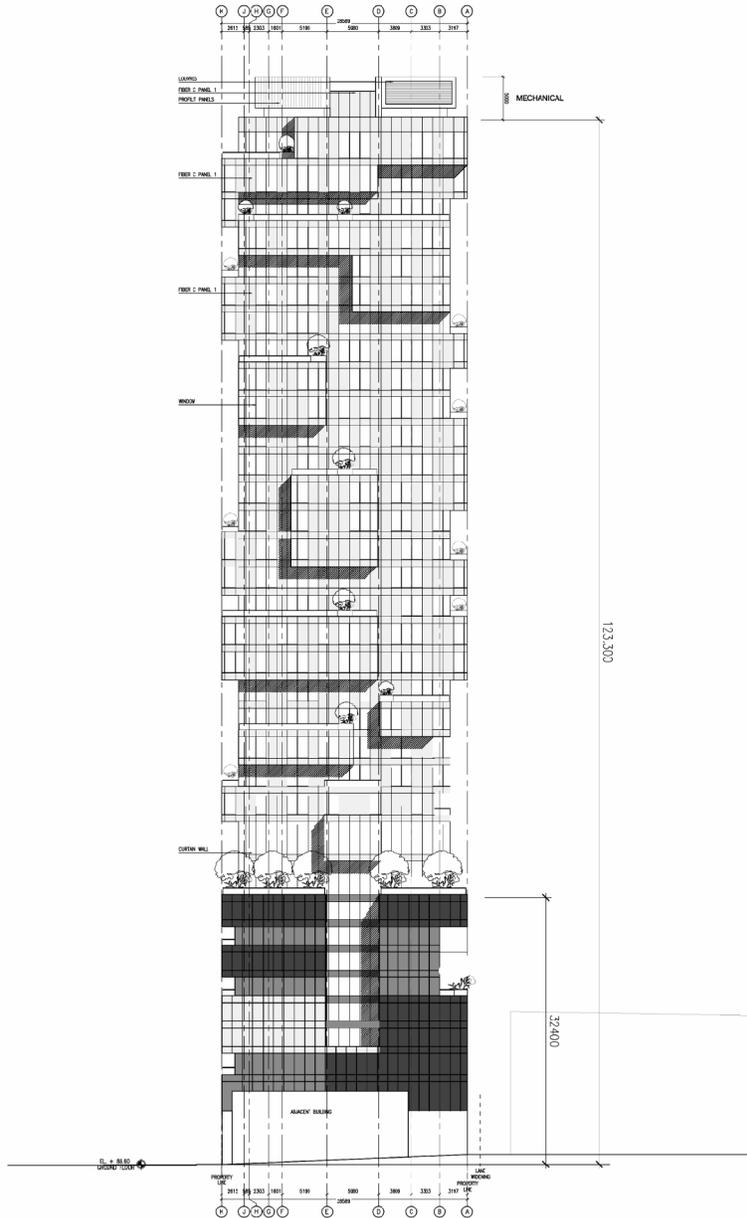
North Elevation

306 - 322 Richmond Street West

Applicant's Submitted Drawing

Not to Scale
12/01/03

File # 07_238270



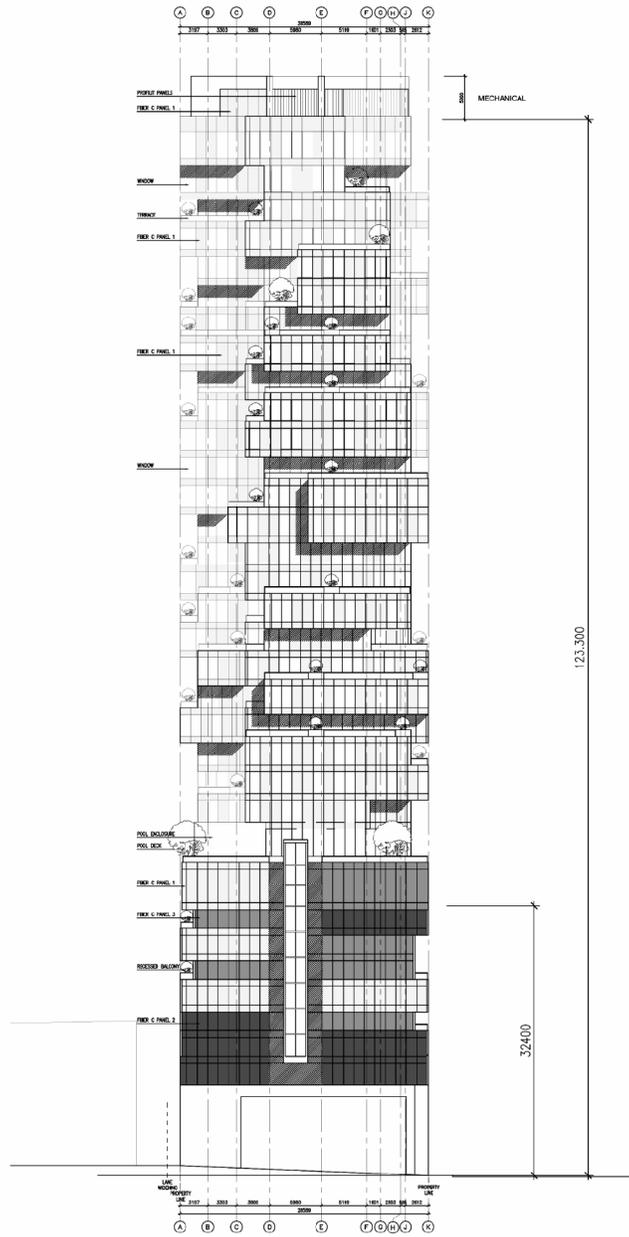
East Elevation

306 - 322 Richmond Street West

Applicant's Submitted Drawing

Not to Scale
12/01/03

File # 07_238270



West Elevation

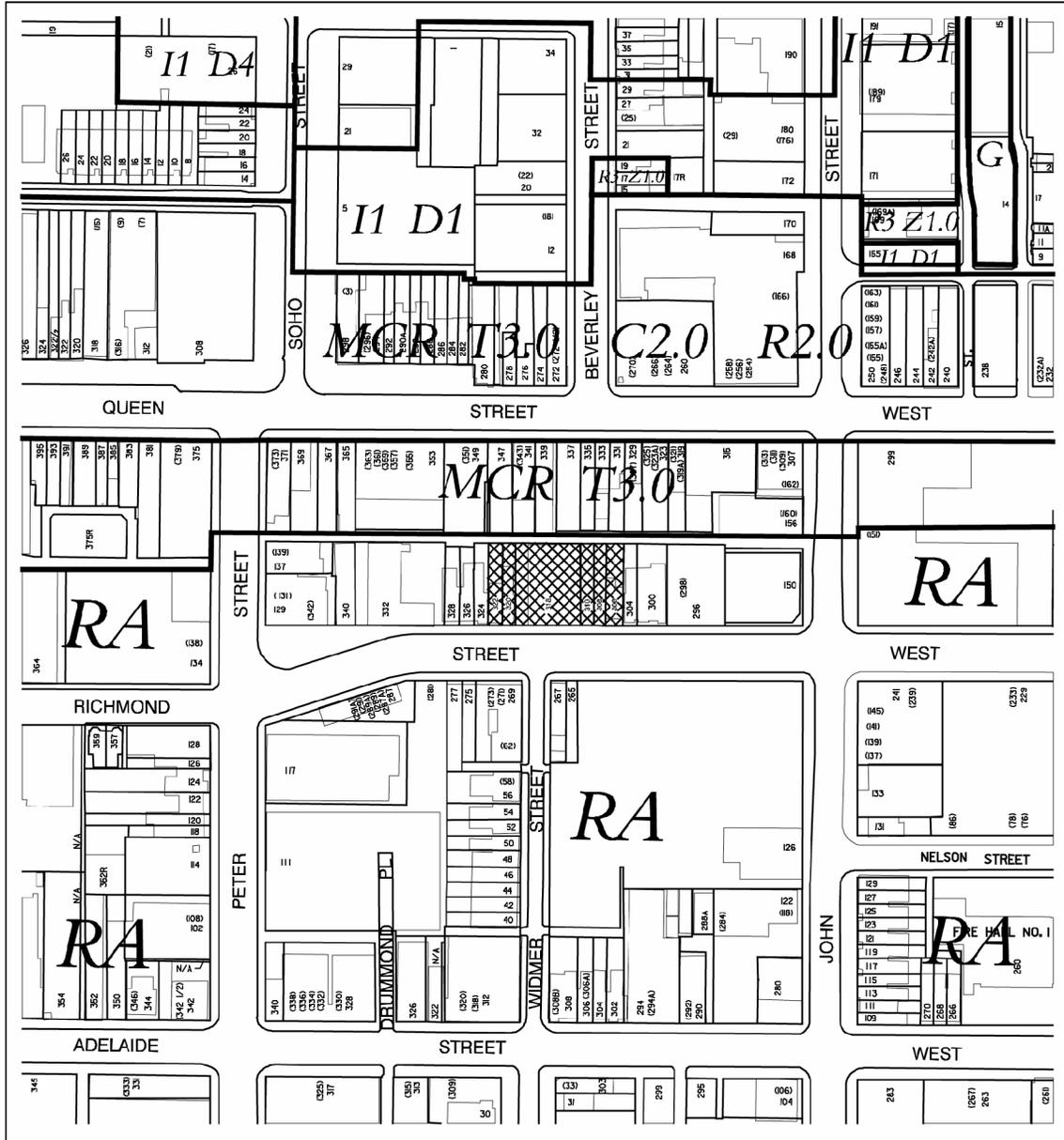
306 - 322 Richmond Street West

Applicant's Submitted Drawing

Not to Scale
12/01/03

File # 07_238270

Attachment 3 : Zoning



306 - 322 Richmond Street West

File # 07_238270

- G Parks District
- R3 Residential District
- MCR Mixed-Use District
- RA Mixed-Use District
- I1 Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/24/07 - DR

Attachment 4 : Application Data Sheet

Application Type	Rezoning	Application Number:	07 238270 STE 20 OZ
Details	Rezoning, Standard	Application Date:	June 29, 2007

Municipal Address: 306 RICHMOND ST W
 Location Description: TOWN YORK PT LT18 **GRID S2013
 Project Description: A proposed mixed use building having a height of 35 stories inclusive of a 9 storey podium.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN DRYER KAROL			318 RSW DEVELOPMENT INC

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	
Zoning:	RA	Historical Status:	
Height Limit (m):	30	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1471.6	Height:	Storeys:	35	
Frontage (m):	48.8		Metres:	123.3	
Depth (m):	29.91				
Total Ground Floor Area (sq. m):	963				Total
Total Residential GFA (sq. m):	15433.14		Parking Spaces:	242	
Total Non-Residential GFA (sq. m):	13293.46		Loading Docks	2	
Total GFA (sq. m):	28726.6				
Lot Coverage Ratio (%):	65				
Floor Space Index:	19.5				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	15433.14	0
Bachelor:	1	Retail GFA (sq. m):	3300.4	0
1 Bedroom:	79	Office GFA (sq. m):	0	0
2 Bedroom:	37	Industrial GFA (sq. m):	0	0
3 + Bedroom:	13	Institutional/Other GFA (sq. m):	9993.06	0
Total Units:	130			

CONTACT: **PLANNER NAME:** **Philip Carvalino, Senior Planner**
TELEPHONE: **416-392-7574**

Attachment 5 : Agency Comments

a) Heritage Preservation Service



Barbara Leonhardt, Director Policy & Research
City Planning Division

Heritage Preservation Services
City Hall
100 Queen Street West
Suite A18
Toronto ON M5H 2N2

Memorandu

Tel: (416) 338-1079
Fax: (416) 392-1973

Date: October 31, 2008

To: To: Lynda Macdonald, Manager West District, City Planning
Attn: Philip Carvalino, Planner

From: Mary L. MacDonald, Acting Manager, Heritage Preservation Services
(HPS)

Refer to: Dan DiBartolo, Preservation Officer, HPS

Re: 306-322 Richmond Street West
File No. 07 238270 STE 20 OZ
Zoning By-law Amendment

Heritage Preservation Services (HPS) has reviewed the proposed project and has the following comments. These comments are preliminary only and based upon the current project as submitted.

Background:

The subject property consists of a development site located on the north side of Richmond Street west between Peter and John Streets. The site is currently occupied by two low-rise structures at the western portion of the lot along the Richmond Street West frontage. These buildings lack integrity for consideration as heritage resources. A surface parking lot occupies the remainder of the site.

The site is adjacent at both side property lines to circa late 19th century row houses and in close proximity to other residential and commercial structures. The attached row houses, adjacent and east of the site, at 300-304 Richmond Street West, are an especially fine example of late 19th century residential structures and they exhibit a high degree of architectural integrity. Other structures along the along the both sides of the subject block face exhibit architectural styles integral to earlier periods of the district's development.

The project site is located within the King-Spadina Secondary Plan Area. This plan sets out a policy framework that assesses the impact of new development relative to the built characteristics of the district's historic built typology.

The rear of the site also both abuts and is adjacent with properties with frontage upon the south side of Queen Street West. These adjacent properties are within the Queen Street West Heritage Conservation District designated under Part V of the Ontario Heritage Act.

King-Spadina Secondary Plan Area

The subject property is within the King-Spadina Secondary Plan area. A primary objective of this plan is to use the historic fabric of the area to assess new development. The scale, massing, and street relationships of the historic building stock form the basis for all new development in the King-Spadina Secondary Plan area. Moreover, applicable plan area guidelines articulate that new development should maintain and reinforce the existing building heights of the area in conjunction with the relationships of buildings to one another along the street and the design of buildings at the street level.

The above mentioned guidelines seek not only to preserve individual buildings, but also reinforce the patterns of buildings that create distinct streetscapes. This streetscape approach will ensure that new development respects the historic pattern that is characteristic along the street and within the plan area.

The Queen Street West Heritage Conservation District

Adjacent Inventoried Resources ("Adjacencies")

The Provincial Policy Statement (PPS, 2005) policy 2.6.3 for development and site alteration on adjacent lands to a protected heritage property provides that mitigative measures or alternative development approaches may be required to conserve the heritage attributes of a protected heritage property.

The Heritage Attributes per Section 5.4 of the Queen Street West HCD provide that the defining characteristics of the district and thus the block of Queen Street West between John and Peter Streets, consist of:

- Building heights/scale between two and four stories
- Existing building heights allow sunlight to reach the north side of Queen Street West. The north side of Queen Street West is afforded sunlight for much of the day and during most seasons, particularly in spring, summer and fall.

Further to the above stated attributes, Guidelines for new development outside the district are addressed in Section 5.4 as follows:

- “The shadow impact of new buildings outside the Heritage District should not result in greater shadowing on Queen Street west than what is permitted by this plan”

Proposal:

The proposal is to construct a new 35-storey mixed use building at 306-322 Richmond Street West. The mixed use structure would consist of a mix of retail, hotel and residential uses.

A nine storey podium is proposed at the Richmond Street West frontage. Along this frontage, the shaft or body of the tower wall plane rises from the podium with minimal discernable setback between its wall plane and that of the podium. The design scheme of the podium contains a sequence of multi-level glass curtain wall elements that are further articulated architecturally with balconies and horizontal cementitious elements. The visual effect of the podium, along the street frontage, is one in which the mass of the podium elevation plane is arranged horizontally rather than paginated into vertical rhythms that would respond to historic development patterns in the district. Also, the podium design effect is one in which glazed surfaces predominate (relative to opaque cladding) in terms of exterior surface materials proposed for use.

Heritage Comments: Comments are provided addressing archaeological and design concerns respectively.

Archaeological Resource Comments:

1. The applicant shall retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the Final Draft - Standards and Guidelines for Consulting Archaeologists, September 2006, Ministry of Culture.
2. Should the archaeological assessment process continue beyond a Stage 1 assessment, any recommendations for Stage 2 - 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation.
3. Prior to **zoning approval** the consultant archaeologist shall submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk.
4. No demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation

Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

If you have any further questions, please contact Susan Hughes of our office at (416) 338-1096.

Built Heritage Resource Comments:

The project site consists of an infill project at the north side of Richmond Street between John and Peter Streets. The subject property is located at a transitional site between the above described low scale HCD and the mid to high rise buildings that are either approved or under construction southward from the project site.

Additionally, the project site occupies a large site within the King-Spadina Plan area, adjacent to the above described Queen Street West HCD. Upon the subject block of the project site, the architectural context consists of a variety of historic/heritage buildings from circa 1880's masonry residential row house structures to early 20th century commercial structures. Though many of these buildings are not individually included on the City's Heritage Inventory, they do contribute markedly to the texture and character of this portion of the King-Spadina Plan area and also serve as a contextual built form transition between new development within the district to the south and the Queen Street West HCD directly north of the site.

In sum, the project has been assessed relative to both its adjacency to the HCD and primary objectives contained within the King-Spadina's Plan. The intent of the primary objective of the plan is to retain and enhance historic fabric through assessment of new development against the existing historic built form in terms of scale, massing, architectural articulation and materials.

The following comments are preliminary only and based upon the current project as submitted.

Adverse Impact on Heritage Resources of adjacent HCD

Staff believes that the project would impact the setting of the HCD in terms of: (1) its overwhelming scale and height related to its close proximity to the low-rise character of the adjacent HCD; and, (2) shadow impacts at the north side of Queen Street West due the proposed structures height and mass.

The project as proposed is not compatible in terms of scale, height or massing with the above mentioned heritage attributes of the HCD. Moreover, the proposed project will diminish and overwhelm the visual importance of the two to four story heritage structures along the Queen Street West frontage within the HCD.

Shadow Impact studies submitted by the applicant demonstrate that the project would shadow public sidewalks at the north side of Queen Street West during much of the year, especially during the spring and fall. The shadow's impact would oscillate in an arc during the day within a two block stretch of Queen Street west extending from approximately Beverly Street to McCaul Streets.

King-Spadina Secondary Plan Area-Richmond Street West Streetscape

Scale, Form, Architectural Features and Material

The proposed project, specifically along the Richmond Street West frontage is not compatible in terms of scale, form, use of architectural features and material, with either the above mentioned streetscape and objectives set forth in the King-Spadina Secondary Plan.

Firstly, the scale and height of the project significantly impacts the low and mid-rise scale that currently exists along the Richmond Street West frontage.

Secondly, the project's podium does not relate architecturally with adjacent structures or other historic buildings on the block face. At the Richmond Street West frontage, there still remains a well established pattern of individual buildings on narrow lot frontages. The podium design instead employs large horizontal surface areas of glazing with other design elements that do not break the podium elevation plane markedly.

Also, the podium cap or termination does not relate with the heights of nearby heritage structures. In effect, the project scale, height, and design scheme would effectively sever the visual integrity of this streetscape as seen from the surrounding public rights of way. Moreover, the project would fragment the historically distinctive character of the street within the East Precinct of the King Spadina Plan area.

In advance of the completion of the "Built Form Review" mentioned above, it is difficult for Heritage Preservation Services staff to comment on the degree of impact that this proposal might have on the heritage values of the greater East portion of the King-Spadina Secondary Plan area. Nevertheless, staff considers the existing project and design on the above mentioned HCD and street frontage to be out of character with the area's built physical and cultural heritage.

Although the district is quite large and contains a wide variety of building form, new construction should maintain its essential character by relating to the prevailing height, mass, proportions, rhythm and composition of both existing heritage resources and district architectural character. Moreover, use of materials and appropriate finishes can further lend the project design both compatibility with nearby heritage resources as well as the character of other structures on the block and within the district.

The Provincial Policy Statement (PPS, 2005) policy 2.6.3 for development and site alteration at or adjacent to protected heritage property provides that mitigative measures

or alternative development approaches may be required to conserve the heritage attributes of a protected heritage property.

Thus, Heritage Preservation Services *cannot support the project* with its current design scheme.

Design Recommendations:

That a design based mitigation strategy be developed to reduce and mitigate adverse visual impact of the development on the above mentioned HCD as well as the existing heritage character of the district. This strategy can be achieved through the following design modifications:

Scale and Massing

The overwhelming scale of the project would adversely impact existing heritage character and setting of the adjacent HCD, individual buildings and surrounding streetscapes within the King-Spadina Plan area. The proposed project scale and height should be altered so that it contextually corresponds with prevailing building heights in the immediate vicinity.

So that the scale and shadow of the project does not adversely impact the scale and setting of existing built form and setting of the HCD, a 45 degree angular plane should be utilized from the north side of Queen Street West in order to devise an appropriate building height to mitigate impacts potentially affecting the designated HCD.

Street Wall Design Considerations (Form and Materials)

- a. The site is adjacent at both side property lines to circa late 19th century row houses and in close proximity to other residential and commercial structures from earlier periods of the district's development. In general, the existing architectural rhythms and proportions which have been established by narrow historic lot width or bay width ("fine grain") should be repeated in new structures. It is instructive to note most historic fenestration in the area is vertically oriented and "punched".

The podium level at the "base" of the project contain large glass areas or a curtain wall system that should be broken vertically and horizontally into smaller surface areas so that the scale of glazed areas is compatible with that of neighbouring buildings. Additionally, architectural elements should be employed to paginate the podium façade into stronger vertical elements

- b. As stated above, many of the historic 19th and 20th century structures along the street and within the Plan area and contain facades with punched

windows. The current design of the podium building wall do not relate with the proportionate ratio of glazed to exterior surface material extant at either the adjacent inventoried resource or along the street frontage. Please change the proportion of these elements to better relate with the existing historic character. .

- c. Appropriate exterior cladding materials should be used that compliment the existing resources and the already existing character of the district. At the podium building walls at the street frontages, cladding material such as brick, stone and concrete (simulated to look like terra cotta or stone) should be used. Exposed concrete cladding at the podium level is not an appropriate material for use and is not compatible with materials used at surrounding historic properties.
- d. At the top portion of the podium some form of definitive horizontal articulation can be used to define the street wall height and frame the portion of the building's façade that marks the pedestrian zone. This element should have a scale that is legible from the ground.

If you have any questions or concerns, please contact Dan M. DiBartolo at (416) 338-1093.

Mary L. MacDonald, Acting Manager
Heritage Preservation Services

b) Urban Forestry, Tree Protection & Plan Review

DATE: July 7, 2008

TO: Gary Wright, Director, Community Planning, South District
Toronto City Hall – 18th Floor, East Tower
Attention: Philip Carvalino, Toronto City Hall - 18th Floor, East

Tower

Telephone: 416-392-7574 Fax: 416-392-1330

FROM: Mark Ventresca, Supervisor, Tree Protection & Plan Review
50 Booth Avenue, 2nd Floor

Attention: Gary R. LeBlanc, 50 Booth Avenue, 2nd Floor

Telephone: 416-392-0494 Fax: 416-392-7277

**RE: Application for Approval of Plans – Zoning By-law Amendment,
Site Plan Control
306 – 322 Richmond Street West
Application No. 07 238270 STE 20 OZ**

This memorandum acknowledges that Urban Forestry, Tree Protection & Plan Review (TPPR) has received your revised circulation of June 27, 2008 related to the Zoning By-law Amendment and Site Plan Control Applications to construct a thirty-five storey mixed-use building at 306 – 322 Richmond Street West. City of Toronto Municipal Code Chapter 813, Trees, Article II, ‘Trees on City Streets’ (commonly referred to as the “City Street Tree By-law”), protects City owned trees situated on City road allowance. City of Toronto Municipal Code Chapter 813, Trees, Article III, ‘Private Tree Protection’ (commonly referred to as the “Private Tree By-law”), protects trees situated on private property which have a diameter of 30 cm or more. The information below represents comments from Urban Forestry, TPPR with respect to the City Street Tree By-law and the Private Tree By-law. The comments below do not include those of Urban Forestry, Ravine Protection.

Toronto’s urban forest plays an important role in making Toronto a clean and beautiful city. Trees significantly enhance all new development and renewal projects, enhancing both the quality and value of our environment. The city’s Official Plan recommends policies that have been adopted by City Council that call for an increase in the amount of tree canopy coverage. City Council has adopted the objective of increasing the existing 17 percent tree canopy coverage to between 30 to 40 percent.

The planting of large growing shade trees on both public and private lands should be an important objective for all development projects. The early co-ordination of utilities and other infrastructure elements with the soil volume and air space required to permit the

growth of large growing trees is particularly important. The conditions for tree planting must be considered integral to the design, planning and construction of projects.

Plans/reports that were reviewed include:

- Arborist Report prepared by Ferris + Associates Inc., dated March 26, 2007 and date stamped as received by Community Planning on July 3, 2007
- Site Plan, Drawing No. A1.01, prepared by Teeple Architects, date stamped as received by Community Planning on June 27, 2008
- Parking Plan 1, Drawing No. A2.01, prepared by Teeple Architects, date stamped as received by Community Planning on June 27, 2008
- Landscape Plan/Tree Preservation Plan, Drawing No. SPL-1, prepared by Ferris + Associates Inc., date stamped as received by Community Planning on June 27, 2008

Revisions and Additional Information Required Prior to Notice of Approval Conditions

The privately owned trees, inventoried as tree nos. T1, T2 and T3, indicated in the Arborist Report prepared by Ferris + Associates Inc., dated March 26, 2007 and date stamped as received by Community Planning on July 3, 2007, meet the criteria for protection under the City of Toronto's Private Tree By-law. The development proposes the removal of tree no. T2 and the retention of tree nos. T1 and T3. Tree nos. T1 and T3 are situated on adjacent private properties. It appears that Tree no. T2 may be a mutually owned tree. Tree no T1 is a sufficient distance away from the proposed development site that the tree should not be injured. It appears that the crown of Tree no. T3 will be impacted by the new building as proposed. As such, a permit to injure Tree no. T3 and remove Tree no. T2 is required.

The applicant must provide a detailed tree preservation plan for review by Urban Forestry, outlining the measures that will be implemented to protect the privately owned trees to be retained, during all phases of construction activity. This includes the provision of tree protection notes and graphics on the Site Plan, Landscape Plan, Grading Plan, Site Servicing Plan and all other relevant plans for the subject development.

Where it is not possible to retain a tree on private property that qualifies for protection under the City of Toronto's Private Tree By-law, or where construction activity will encroach upon a protected tree's minimum tree protection zone, it will be necessary for the applicant to submit an application requesting permission to injure or destroy the trees in question to Urban Forestry. There is a fee of \$300 for each tree included in an application. Payment may be made by certified cheque or money order, and must be submitted with the application.

The applicant should be advised that the determination of ownership of any subject tree(s) is the responsibility of the applicant and any civil or common-law issues which may exist between property owners with respect to trees, must be resolved by the applicant. As the proposal will impact Tree nos. T2 and T3 on the neighbouring property

of 304 Richmond Street West, I suggest that the applicant consult with adjacent property owner to discuss tree protection and removal.

Where tree planting to replace trees removed is not physically possible on site at a replacement ratio of 3:1, the General Manager of Parks, Forestry & Recreation will accept a cash in lieu payment in an amount equal to 120 percent of the cost of replanting and maintaining the trees for a period of two years. Only large growing shade tree species will be counted in the 3:1 replacement ratio. For this development, the applicant is proposing to remove one (1) tree protected under the provisions of the Private Tree By-law, which would require three (3) replacement trees to be planted. The landscape plan which accompanies this development proposal indicates that no trees will be planted on the site. As such the applicant is required to provide a cash in lieu payment for three (3) trees at a value of \$583.00 per tree for a total of \$1,749.00.

A composite utility plan indicating the location of all existing and proposed underground and aboveground utilities is required, to the satisfaction of all utility companies and Urban Forestry.

Advisory Comments

Prior to the installation of tree protection barriers on City road allowance, the owner may be required to obtain a permit from Right of Way Management of the Transportation Services Division of the City of Toronto.

Urban Forestry, Tree Protection & Plan Review does not object to the issuance of Notice of Approval conditions, in principle, subject to the following conditions:

RECOMMENDED CONDITIONS OF APPROVAL

Pre-approval Conditions

The owner shall conduct an investigation of underground utilities prior to new tree planting within the City road allowance. If planting is not possible due to a utility conflict, a utility locate information sheet from the respective utility company must be provided to the Supervisor of Urban Forestry, Tree Protection & Plan Review.

Post-approval Conditions

Prior to any construction or grading activities taking place, tree protection barriers shall be installed in the locations indicated on the approved plans. Such barriers must be installed to the satisfaction of Urban Forestry, Tree Protection & Plan Review on behalf of the General Manager of Parks, Forestry & Recreation.

Once the tree protection barriers have been installed, and other tree protection measures undertaken, the applicant/owner shall notify Gary LeBlanc, Urban Forestry Planner at 416-392-0494 to arrange for an inspection of the site and approval of aforementioned tree

protection requirements. The owner must not proceed with any construction related or grading activities until clearance has been received from Urban Forestry that the tree protection barriers have been installed in accordance with the above noted plan.

Tree protection barriers must remain in place and in good condition during construction and must not be altered or moved. Established tree protection zones must not be used as construction access, storage or staging areas. Grade changes are not permitted within established tree protection zones. Tree protection barriers may be removed once development and all site activities are complete and only when Urban Forestry has approved its removal.

The applicant shall have a qualified company implement the approved Landscape Plan and all approved tree preservation and maintenance strategies to the satisfaction of Urban Forestry. As well, prior to construction or grading activities, where necessary to ensure the health and vigour of trees to be preserved, tree maintenance measures must be undertaken by a certified arborist or other qualified expert and according to currently accepted sound arboricultural practices.

The site shall be developed and maintained in accordance with the approved plans and conditions of approval associated with the Site Plan, Grading Plan, Landscape Plan, Building Permit and Tree Permit(s)/Approvals. Any proposed revisions/alterations to the approved plans or permits that affect trees must be approved by Urban Forestry, on behalf of the General Manager of Parks, Forestry & Recreation.

The owner agrees to notify all Builders, contractors and agents of all tree protection requirements where any part of the development will be carried out by them on behalf of the owner.

Please contact Gary LeBlanc at 416-392-0494 or gleblanc@toronto.ca if you require additional information.

ORIGINAL SIGNED BY G. LeBLANC

Mark Ventresca
Supervisor, Tree Protection & Plan Review

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c) Parks, Forestry and Recreation, Policy and Development

September 24, 2008

To: Raymond David, Community Planning South District
Attention: Philip Carvalino

From: Randy Jones, Acting Supervisor, Development Applications

Subject: **306 Richmond St. W.**
Zoning Amendment Application 07 238270 STE 20 OZ
318 RSW Development Inc.
Ward – 20

Application

The Owner has applied to develop the above noted property with a mixed use building having a height of 35 storeys. The development would consist of 150 residential units, hotel and retail uses. In response to your circulation, which includes the plans prepared by Teeple Architects (date stamped by City Planning June 27, 2008), the Policy and Development Section of the Parks, Forestry and Recreation Division advises as follows.

Applicability of Parkland Dedication

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 3.00+ hectares of local parkland per 1,000 people. The site is in the highest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

Calculation of Parkland Dedication

The application proposes 150 residential units on a total site area of .1471 hectares (1,471m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.2 hectares (2,000m²). However, a cap of 10% applies and hence the parkland dedication for the residential component of the development would be 0.0147 hectares (147m²).

The non residential component of the development would be subject to a 2% parkland dedication requirement under Chapter 165 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the Planning Act RSO 1990, c.P.13.

Proposal for Dedication of Parkland

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of .0147 hectares (147m²) would not be of a useable size and the site would be encumbered with below grade parking.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Advisory Comments

If the owner of the property enters into a Section 37 Agreement with the City as part of this development application, this department requests to be involved in the negotiations.

Comments regarding any necessary street tree plantings and requirements under the private tree protection by-law or the Ravine By-law will be forwarded directly to your attention by Urban Forestry.

Randy Jones
Acting Supervisor, Development Applications

cc: Anne Marra, Director, Facilities and Capital Management (Attention: Gary Short)
Sandy Straw, Manager Parks, Toronto East York District & Parks By-law Enforcement
Unit
Mark Procunier, Manager, Urban Forestry Planning (Attention: Mark Ventresca)