

TORONTO STAFF REPORT

March 14, 2003

To: Toronto East York Community Council

From: Director, Community Planning, South District

Subject: Final Report
Application to amend Zoning By-law 438-86, as amended
100 Queen's Park, The Royal Ontario Museum
The Royal Ontario Museum
202017, TE CMB 2002 0018
Trinity-Spadina, Ward 20

Purpose:

This report reviews and recommends approval of an application to amend Zoning By-law 438-86, as amended, for a 3716 square metre (40,000 square feet) addition to the existing Royal Ontario Museum to create 6 additional galleries oriented towards the Bloor Street frontage, office space, a restaurant and a café.

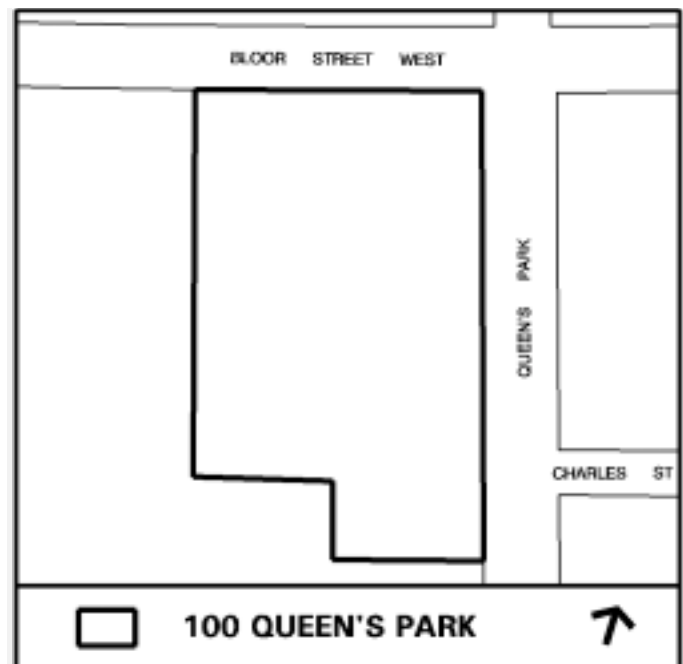
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) amend the Zoning By-law 438-86, as amended, for the City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;



- (3) prior to the issuance of a building permit, require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act;
- (4) approve, under Part IV of the *Ontario Heritage Act*, the alterations to the property at 100 Queen's Park illustrated on drawings HD-01, HD-02, H-01, H-02, H-03 dated January 27, 2003, prepared by E.R.A. Architects Inc. (Attachments No. 3, 4, 5, 6, 7), subject to the following conditions:
 - (i) prior to the issuance of any above-grade permit under the Building Code Act 1992, the owner shall be required to provide to the satisfaction of the Manager, Heritage Preservation Services:
 - (a) a complete Conservation Plan, to include the Phase One Restoration Plan required prior to demolition of the Terrace Gallery and a detailed description of all additional restoration work relating to the heritage defining features of the property;
 - (b) a letter of credit in a form and in an amount satisfactory to the Manager, Heritage Preservation Services, to secure all restoration work included in the Conservation Plan that is additional to that outlined in the Phase One Restoration Plan;
 - (ii) prior to the issuance of the first building permit including excavation and shoring but not including a demolition permit under the Building Code Act 1992, the owner shall enter into and register on title a Heritage Easement Agreement for the property, to the satisfaction of the City Solicitor and the Manager, Heritage Preservation Services;
 - (iii) prior to Site Plan Approval, the owner shall submit a detailed landscape plan for the Queen's Park frontage of the property that also illustrates any proposed changes to the existing vegetation adjacent to the heritage facades, to the satisfaction of the Manager, Heritage Preservation Services;
- (5) grant authority for the execution of a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* with the owner of 100 Queen's Park, using substantially the form of easement agreement prepared in February 1987 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Manager, Heritage Preservation Services;
- (6) require the owner to:
 - (a) provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;

- (b) make a cash payment-in-lieu of providing the parking required under the provisions of the Zoning By-law for the proposed expansion, or alternatively, secure off-site leased parking, in the event that the proposed expansion is not included in a Heritage Easement Agreement;
- (c) maintain the existing loading facilities on this site, and access thereto, to serve the expanded ROM building;
- (d) submit documentation, prior to the issuance of a building permit, to the satisfaction of the Commissioner of Works and Emergency Services and the City Solicitor, identifying the arrangements in place for the shared use of the driveway access to the loading facilities over the abutting lands to the south;
- (e) implement the “Charter Bus Management Plan” upon opening of the ROM expansion, as outlined in the report entitled “Renaissance ROM Expansion – Transportation Review”, dated February 2003, prepared by BA Consulting Group Limited;
- (f) submit, for the review and acceptance of the Commissioner of Works and Emergency Services, within 6 months after the opening of the ROM expansion, an assessment of the effectiveness of the Charter Bus Management Plan;
- (g) implement any changes to the Charter Bus Management Plan deemed appropriate by the Commissioner of Works and Emergency Services, based on the assessment referred to in Condition No. 6 (f) above, at no cost to the City;
- (h) prior to the issuance of a building permit, enter into an encroachment agreement with the City of Toronto with respect to the proposed building expansion into the Bloor Street West right-of-way;
- (i) continue to provide and maintain private garbage collection for this development;
- (j) submit to the Commissioner of Works and Emergency Services:
 - (i) a Reference Plan of survey in metric units and referenced to the Ontario Coordinate System, delineating thereon by separate PARTS the lands and any appurtenant rights-of-way and easements required for the preparation of legal descriptions;
 - (ii) final approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed additions to enable the preparation of building envelope plans;

that such plans to be submitted at least three weeks prior to the introduction of Bills in Council;

- (7) advise the owner:
- (a) of the need to receive the approval of the Commissioner of Works and Emergency Services and obtain any necessary construction permits for all work to be carried out within the abutting public rights-of-way on Bloor Street West and Queen's Park, including the proposed extension of the bus layby on Queen's Park;
 - (b) of the need to advise Traffic Operations staff 6 months prior to the scheduled construction of the layby extension so that the necessary reports can be prepared and by-laws enacted to facilitate the construction;
 - (c) that in the event that improvements are required as a condition of Site Plan Approval to enhance the east-west pedestrian route located to the south of the existing building, the owner will be required to install, at no cost to the City, signage and surface treatments in this area, to the satisfaction of the Commissioner of Works and Emergency Services, to minimize the conflicts between pedestrians and loading vehicles/activity;
 - (d) that the City will continue with City collection services of recyclable materials from this development;
 - (e) that in the event that new service connections are required, the applicant is required to submit a site servicing plan to the Commissioner of Works and Emergency Services, for review and acceptance;
 - (f) that the issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code; and
 - (g) that the proposal is subject to Education Development Charges, pursuant to the Toronto Catholic District School Board By-law 2001 No.148.

Background:

Proposal

This proposal for the Royal Ontario Museum (ROM) was the result of an international design competition completed in the early part of 2002. The winner of the competition, Studio Daniel Libeskind, has worked closely with the ROM staff to create a proposal that is both bold and innovative while respecting and enhancing the heritage character of the original building. The basic building block of the addition is in the form of crystal shapes or interlocking prismatic forms, located primarily within the northern court of the existing 'H' shaped building. These forms are set back from the historic facades, only touching them as required to allow for pedestrian connections between the old and new structures, and to close the new form against the existing heritage building.

The existing above grade building is 55 454sq.m. This figure includes the Terrace Gallery (8989 sq.m) which will be demolished to permit the construction of the new addition. When completed the new addition will be 12 705 sq.m above grade. This will increase the total above grade area of the Museum to 59 710 sq.m which is 3716 sq.m larger than the existing building.

The purpose of the addition is to create six new gallery spaces oriented toward the Bloor Street frontage to accommodate the growing number of collections contained within the Museum, as well as office space, a restaurant and café. The main entrance of the museum will be moved from Queen's Park to Bloor Street which will return the Museum's formal entrance to Bloor Street. The group entrance will remain at the south end of the building. The Queen's Park entrance will be retained as a ceremonial entrance for formal functions.

The height of the addition will vary with the location of each crystal formation. At its highest point the crystal formation will rise to a height of approximately 37m. The crystal attached to the Bloor Street facade will encroach into the public right-of-way over Bloor Street approximately 3.91m. It is set back approximately 1m from the south curb of Bloor Street at a height of 23m.

Some interior alterations will occur concurrently.

Landscape changes are proposed for the area surrounding the Museum including the location of a Music Garden on the Bloor Street frontage adjacent to Philosopher's Walk. Other changes include the restoration of the Queen's Park frontage to a landscaping scheme similar to its original condition and the removal and possible relocation of trees from the area where the addition will be located.

Site History

The ROM is not only the largest museum in Canada but as a museum of both natural history and human civilisation is unique in its function. In the 90 years since it first opened its doors, the ROM has undergone several renovations and additions that reflect the evolution and development of the City as a whole. In 1914, the original building was constructed on the western edge of the site to allow for expansion to the east towards Queen's Park. At the same time the architects, Darling and Pearson, provided a Master Plan to guide expansion. The H-shaped building proposed in that Plan was constructed in 1933. With the exception of a small office addition built in 1937, no major changes occurred to the Museum until 1984 when the Terrace Gallery was added to the north side of the 'H' and offices were added to the south section.

The ROM was listed in June 1973 on the City's first Inventory of Heritage Properties. A report requesting designation of the property under Part IV of the *Ontario Heritage Act* has been approved by the Toronto Preservation Board and submitted to the April 1, 2003 City Council meeting for approval. The applicant has agreed to enter into a Heritage Easement Agreement with the City as part of the development approval process.

Site and Surrounding Area

The site is located at the southwest corner of Bloor Street and Queen's Park. It is surrounded by the following uses:

- North: Park Plaza Hotel, mixed commercial/residential uses on Bloor Street;
- East: Gardiner Museum of Ceramic Art, mixed commercial/residential uses on Bloor Street, Victoria College;
- South: Planetarium; Faculty of Music Building; and
- West: Philosopher's Walk, the Royal Conservatory of Music, Varsity lands.

Official Plan

Owned by the Province, the location of the Museum is within the boundaries of the University of Toronto Area Part II Plan contained in By-law 1997-0274 that forms Section 19.49 of the former City of Toronto Part I Plan. This is maintained in the newly enacted Official Plan.

The University is in the area designated as 'Institutional Area of Special Identity', and described as a "unique and valuable environment" that forms the core of the University of Toronto Area. Section 5.1.5 of the Part II Plan requires that:

"Prior to, or in conjunction with, the approval of any undertaking or agreement pursuant to Section 41 of the Planning Act pertaining to any portion of the land known municipally in the year 1996 as 100 Queen's Park that approves the construction of more than 500 square metres of *non-residential gross floor area* beyond the walls of the building existing thereon on December 31, 1996, the property known municipally on December 31, 1996 as 100 Queen's Park shall be designated under Part IV of the *Ontario Heritage Act*."

Zoning By-law 438-86, As Amended

Section 12 (310) of Zoning By-law 438-86, as amended, imposes development constraints with respect to height and building envelopes for 28 identified sites in the University of Toronto Area. The Museum site, Site 27, has a building envelope that permits a maximum height ranging from 4m to 12m on the Bloor Street side.

Site Plan Control

An application for Site Plan Approval has been filed and is being processed.

Reasons for Application

The as-of-right Zoning By-law building envelope for Development Site No. 27 is for an area north of the existing Terrace Gallery. It does not anticipate the proposed demolition of that

gallery or the unique shape of the new proposal. Therefore, relief from the By-law is required to accommodate the portions of the crystals located outside the building envelope and the build to lines. The proposal also exceeds the permitted heights for the building envelope and the portion outside the building envelope by a maximum of 25m. Other variances may include the provision of parking spaces and setbacks.

Community Consultation

A public meeting was held on November 18, 2002 at the Royal Conservatory of Music building at 273 Bloor Street West. Approximately 40 individuals attended. The concerns were primarily related to the impact of the encroachment on Bloor Street, tree removal and landscaping, materiality, heritage preservation, and bus parking.

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 and are attached as Attachment No.5.

Comments:

During the course of discussions with the community and staff the following issues have been resolved:

Massing

The formation of the addition in the shape of crystals is an imaginative and creative response to the need to develop within the context created by the existing heritage building. During the design process, the actual massing of the building has been reduced by approximately 14 percent as the collection requirements and design details have been finalized.

Heritage Considerations

The ROM is an important heritage building in the City of Toronto that has undergone several additions since it was first constructed in 1914. In recognition of its history and the need to accommodate a major addition, Heritage Preservation Services staff recommended that 100 Queen's Park as it currently exists be designated under Part IV of the *Ontario Heritage Act* and that consent be given for the demolition of the portion of the building known as the Terrace Gallery. The Toronto Preservation Board endorsed the staff recommendations. This report was subsequently adopted without amendment by City Council at its meeting on November 26, 27, 28, and 29, 2002. No objections were received to this designation.

The first phase of the construction requires the demolition of the Terrace Gallery in order to allow for the construction of the crystals in the same area. Fortunately, the connections between the heritage facades and the Terrace Gallery at the foundation, slab and roofline were constructed

in a manner that will allow for it to be demolished in a relatively uncomplicated manner. Measures will be in place to protect the heritage façade of the Museum during the demolition.

Of major concern to the Museum and the community at large is the method of attaching the new building to the existing building in a manner that is not damaging to any part of the heritage building. Staff has worked closely with the design team to ensure a solution that is sensitive and workable. Three options have been developed and the choice of option will depend on the nature of the actual connection.

With the new design and with the removal of the Terrace escalators and bridges, the historic face of the original centre block will be highlighted and much more visible through the new addition. The roof plane of the crystal will intersect this wall, and while some portions of the upper wall and parapet may be concealed, the objective is to reveal as much of this façade as possible.

Heritage Easement Agreement

The Museum has agreed to enter into a Heritage Easement Agreement that will apply to the entire building including both the historic structure and the new additions. This is a departure from the standard practise of applying the agreement only to those portions of a building that are considered to be of heritage value at the time of the application. Part of the reason for this departure is to ensure that the crystal formations are properly maintained over time in order to protect the visual integrity of the existing heritage structure. Another significant reason for the Heritage Easement Agreement is the anticipation that the crystal formation will be seen as a cultural heritage landmark, and a symbol of the ROM as a national asset.

A report from the Commissioner of Economic Development, Culture and Tourism (dated February 5, 2003) also before this Council recommends approval of the alterations to the property and recommends that Council grant authority for the execution of a Heritage Easement Agreement for the Museum. At the request of the Commissioner of Economic Development, Culture and Tourism, this report also contains recommendations related to heritage preservation.

Design Considerations

This expansion and renovation of the ROM is a unique transformation that creates a new architectural landmark in the City of Toronto. The formation of the crystals over the existing heritage structure boldly reflects both the past and the future. During the course of discussions with the architectural team and City staff, the nature and magnitude of the intervention of the new building into the heritage structure was modified and changed to allow for maximum visibility of both key elements; heritage and the proposed building addition. In an effort to avoid the crystal formations overwhelming the heritage features, the location of the crystals was positioned to allow a clear view of the existing structure.

It is important to note that at the same time as the addition is being done, significant restorations are being made to the existing building including the re-opening of windows that are currently sealed up. This will bring light and animation to the adjacent public realm.

Staff raised the concern that the height of the crystals at the Bloor Street frontage had the potential to interfere with pedestrian traffic if it was not of a sufficient height above the sidewalk. The angle of the crystals has been modified so that the height at street level is well above that of a pedestrian.

The materiality of the crystals has received significant media attention as its details have been finalized. In deference to the sensitive nature of some of the collections and the dramatic exterior design, up to twenty percent of the exterior of the addition will be transparent. The majority of the crystal's cladding is proposed to be brushed stainless steel with glass striations.

Encroachment Agreement

A report from the Commissioner of Works and Emergency Services (dated December 30, 2002) also before this Council recommends approval of the construction and maintenance of a portion of the building that will encroach into the public right-of-way on Bloor Street subject to the ROM entering into an encroachment agreement with the City.

The crystal formation will extend approximately 3.9m onto the public right-of-way of Bloor Street at approximately 23.8m above street level. The encroachment will extend for approximately 5.8m higher. It will be set back approximately 1.0m back of the Bloor Street curb. This location is within the 4m setback required by the existing by-law but is above ground level. The actual foundations of the crystal are set back the required 4m from the property line.

The community raised the concern that there is a potential for snow and ice accumulation on this overhang with the potential to injure either persons or property. Staff share this concern and consequently, the Commissioner of Works and Emergency Services has requested that prior to the issuance of a construction permit for work to be done within the public right-of-way, the ROM provide an engineer's report to satisfactorily address these concerns.

Landscaping

The landscaping of this proposal is an integral component of the vision and overall design of the Museum. There are three important aspects to the landscaping: the Queen's Park frontage, the Bloor Street frontage and the area adjacent to Philosopher's Walk. The challenge has been to enhance these frontages in a manner that complements the proposal as a whole while preserving the particular characteristics of each area.

i) Queen's Park Frontage

Historically, there was a well-established lawn with a few large deciduous trees along Queen's Park that provided a green foreground to showcase the formal façade of the building. The proposed landscape design for Queen's Park reinstates elements of this historic landscape plan. To accomplish this change, it is proposed that the crabapple trees at the northeast corner of the building that currently block views to the east façade be removed as they are not of historical significance. Similarly, the selective removal of some of a dense grouping of ginkgo trees located south of the main entrance on Queen's

Park is an option that could open up visibility to the historic façade, provide more room for the remaining trees to grow, and ultimately improve the health of the sod beneath the trees. These trees are not protected under the Private Tree By-law.

The large white oak located on the Queen's Park frontage is a heritage tree that has existed on the site since before the original ROM building was developed in 1914. Staff has been assured that all measures will be taken to ensure there is zero to minimal impact on it during construction. The large Norway maple south of the white oak will also remain as it is in good health and is consistent with the heritage landscape theme.

ii) Bloor Street Frontage

The proposal is planned so that the public sidewalk and building setback are coherently designed to provide an entrance plaza extending from Queen's Park to Philosopher's Walk on the Bloor Street frontage. There are a number of mature trees currently located in this area, nine of which the applicant is planning to remove due to construction sequence and activity. Replacement trees will be introduced to this area at such time as it is possible to ensure the health of the tree stock, prior to the completion of the project.

The University of Toronto Area By-law requires a 4m setback from the Bloor Street property line between Queen's Park and St. George Street to allow for the planting of a double row of trees. This has been accomplished at the new student residence at Bloor and St. George Streets and is anticipated in the redevelopment of the Royal Conservatory of Music where physically possible. The applicant has requested relief from this as it is believed that it will detract from the visual impact of the crystal and the primary entrance of the Museum. Staff will continue to work to resolve this issue prior to the completion of the Site Plan Approval process.

iii) Area Adjacent to Philosopher's Walk

It is important to note that the condition and appearance of Philosopher's Walk and the landscaped areas immediately adjacent to it are of significance not just to students and faculty of the University and patrons of the ROM and Conservatory, but to citizens of Toronto generally. During the course of the community discussions on this proposal, its potential impacts on Philosopher's Walk have been a consistent concern. At the community meeting, for example, concern was expressed that trees would be removed from Philosopher's Walk. While the ROM and Conservatory sites project a short distance into the Walk, the majority of the Walk is owned by the University and will remain untouched by this proposal.

However, the proposed changes to the landscaped areas on the ROM Bloor Street frontage will have a visual impact on Philosopher's Walk. For example, to complete the landscape elements on Bloor Street, a Music Garden is proposed for the area stretching from the edge of the crystal to the edge of Philosopher's Walk. This new landscape element is intended to restore visibility of the Museum's original main entrance, the west wing. A number of mature trees are proposed to be removed to accommodate this.

While no trees will be removed from the Walk itself, two trees that are in poor condition are slated for removal from the western edge of the site. Approximately 5 trees will be planted in the same area where they will be placed in such a manner as to enhance the western façade of the building. Trees will also be used to create a screen for the proposed Music Garden.

A concern was also raised that the height of the Music Garden above Philosopher's Walk will transform an area that is now open and sloping into a hard edged space between the Music Garden and the Conservatory. While the Music Garden proposal will require the introduction of a wall, it is intended that the Music Garden will be a place to overlook Philosopher's Walk. The resolution of this detail will be addressed during the completion of the Site Plan Approval process.

Philosopher's Walk is an important component in the provision of open space and walkways through the University and the surrounding area. Concerns have been raised that the introduction of the proposals at the Royal Conservatory of Music to the west and the ROM to the east will negatively impact on the health and appearance of the existing landscaping. City staff has committed to bringing representatives from all of the affected parties together to discuss these impacts and possible interventions to ensure the continued preservation and enhancement of the walkway.

It is important to note that the Commissioner of Economic Development, Culture and Tourism will be submitting a report to this Council on the disposition of trees that are regulated by the *Injury or Destruction in Defined Areas By-law*, Article 3 of Chapter 331 of the former City of Toronto Municipal Code (Private Tree By-law). Should Council approve this development application, Council will also need to authorize the Commissioner of Economic Development, Culture and Tourism to issue a permit for the removal of specific trees.

Parking/Loading/Access

Currently, the ROM does not provide on-site parking. The parking demand is accommodated in the public parking facilities located at Bloor Street and Bedford Road and elsewhere in the vicinity of the site. Concern was raised at the public meeting that this lack of parking would negatively impact the University of Toronto parking lots. However, in accordance with the Zoning By-law, the proposed ROM addition will not require parking, provided the applicant enters into a Heritage Easement Agreement for both the old and new portions of the building. Should the Heritage Easement Agreement not apply to the new addition, a parking requirement of 13 spaces would be generated. In this case, the Commissioner of Works and Emergency Services is prepared to accept a cash payment-in-lieu or alternatively, off-site leased parking secured to the satisfaction of the Commissioner of Works and Emergency Services.

Similarly, no additional loading spaces are required by the Zoning By-law to service the proposed expansion, provided that the ROM, including the expansion, is subject to a Heritage Easement Agreement.

Access to parking and loading is achieved off Queen's Park at the south end of the site through a shared arrangement with the University of Toronto. The Commissioner of Works and Emergency Services has indicated that this is satisfactory provided the ROM submits adequate documentation of the arrangements with the University.

A question was raised at the public meeting as to how charter and school bus parking was to be provided. Approximately 155,000 students visited the ROM last year, which is expected to increase to about 215,000 students annually after the proposed expansion. Based on the consultant's study, demand for the bus passenger loading zone on the Queen's Park frontage is already exceeded by school bus activity. The projected increase in student arrivals will likely exacerbate this situation. The Commissioner of Works and Emergency Services has, therefore, concluded that the "Charter Bus Management Plan" which is intended to minimize the impact of buses on traffic operations along Queen's Park is a key element of the transportation strategy for the proposed expansion. In addition to an expansion of the bus layby on Queen's Park, the elements of this plan include pre-arrival consultation, an on-street bus operation procedure, and arrangements for off-site parking. While the Plan is generally acceptable, the Commissioner of Works and Emergency Services is recommending that the consultant submit, within 6 months of the opening of the ROM expansion, a monitoring study outlining the Plan's effectiveness and recommending any modifications that may be required. These are to be implemented at no cost to the City.

In conjunction with the transportation study, the ROM is recommending that a Wheeltrans stop be introduced on Bloor Street West, approximately 30 m west of Queen's Park. This will require the introduction of a "No Standing" zone at this location to accommodate Wheeltrans vehicles. Staff is currently reviewing this proposal and, if appropriate, will report separately to Community Council on this matter.

One area of concern is the location of the existing pedestrian route on the south side of the building that runs parallel to the service driveway. This driveway serves the abutting loading facilities, and at the same time connects Queen's Park and Philosopher's Walk. In connection with its informal function as a pedestrian route, there have been discussions related to the improvement of this area to create a more suitable environment for pedestrians. This raises the concern that the conflicts between pedestrians and the loading activity in this area could be significant and potentially hazardous, particularly since there are no controls on Queen's Park, at its intersection with this pedestrian walkway, to safely facilitate crossings of Queen's Park at this location. The applicant has not recommended the installation of traffic control signals at this location, nor has this installation been determined to be feasible by City staff. Consequently, if improvements are required to be made to this area to improve the pedestrian environment, the Commissioner of Works and Emergency Services has advised that signage and pavement treatments will be required to be provided by the applicant to minimize these potential conflicts. These improvements, if required, will be included in the Site Plan Approval Agreement.

Conclusion:

The ROM is an invaluable resource for Toronto and Canada as a whole. It is an important component of the cultural area stretching from Queen's Park to St. George that includes the

Gardiner Museum of Ceramic Art, the Royal Conservatory of Music and the Bata Shoe Museum as well as University of Toronto facilities. With the new design receiving international attention and a Heritage Easement Agreement securing the conservation and maintenance of this valuable heritage building, the ROM will remain an important anchor to this area.

Contact:

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Ted Tyndorf
Director, Community Planning, South District

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List of Attachments:

Application Data Sheet
Attachment 1: Site Plan
Attachment 2: North and South Elevations
Attachment 3: East and West Elevations
Attachment 4: Zoning
Attachment 5: Agency Comments
Attachment 6: Draft Zoning By-law Amendment

Application Data Sheet

Combination

Site Plan Approval:	Yes	File Number:	202017
Rezoning:	Yes	Application Number:	TE CMB 2002 0018
O.P.A.:	No	Application Date:	09/23/2002
		Revised Date:	12/03/2002

Municipal Address: 100 Queen's Park

Nearest Intersection: Bloor Street West and Queen's Park/Avenue Road

Project Description: Renovation/Expansion of Museum

Architect:

Bregman + Hamann Architects
481 University Avenue, Suite 300
Toronto, Ontario, M5G 2H4

Owner:

Royal Ontario Museum
100 Queen's Park
Toronto, Ontario, M5S 2C6
(416) 586-5879

PLANNING CONTROLS (For verification refer to Chief Building Official)

Official Plan Designation:	Institutional Area	Site Specific Provision:	1997-0274; 1997-0275
Zoning District:	Q	Historical Status:	Listed
Height Limit (m):	18/12/9/4	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area:	20369	Height:	Storeys:	5
Frontage:	189.4		Metres:	37.06
Depth:	115.4			
Ground Floor GFA:	11942	Indoor	Type	
Residential GFA:	0	Parking Spaces:	0	
Non-Residential GFA:	59710.0	Loading Docks:	4	A
Total GFA:	59710.0			

DWELLING UNITS

Tenure Type:	N/A
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3+ Bedroom:	0
Total Units:	0
Total Proposed Density:	3.3

FLOOR AREA BREAKDOWN

	Above Grade
Residential GFA:	0
Retail GFA:	1456.9
Office GFA:	8535
Industrial GFA:	0
Institutional/Other GFA:	59710.0

COMMENTS

Current Status: Open

<u>Latest Event</u>	<u>Actual Date</u>
Suppl. Submission	02/19/2003
Suppl. Submission	12/19/2002
Revision	12/03/2002
Suppl. Submission	10/24/2002
Suppl. Submission	09/23/2002
Received	09/23/2002

Data Valid: March 7, 2003

Area: District - C

Planner: Helen Coombs Phone: (416) 392-7613

Planning Office: Toronto - South (TE)

**Attachment 5
Agency Comments**

1. Works and Emergency Services, Technical Services (March 7, 2003)

This is in reference to the application submitted on behalf of the owner, Royal Ontario Museum, for the renovation and expansion of the Royal Ontario Museum (ROM), at premises No. 100 Queen's Park, which includes the construction of a new Crystal building on Bloor Street West. The existing building has been designated as a historical structure by Heritage Toronto.

The following comments and recommendations are based on Drawing Nos.:

- A/LOC/SD/101, A/LOC/SD/102, A/P/SD/201 to A/P/SD/209, A/E/SD/501, A/E/SD/502, prepared by Studio Daniel Libeskind and B + H Architects, date stamped by your Department as September 23, 2002;
- A/S/SD/401, A/E/SD/511, A/E/SD/512, date stamped by your Department as December 19, 2002, prepared by Studio Daniel Libeskind and B + H Architects;
- A/LOC/SD/120rev.A, prepared by Studio Daniel Libeskind and B + H Architects, date stamped December 3, 2002; and
- TR-1, L-1 and L-3 prepared by Quinn Design Associates Inc., date stamped by your Department as February 19, 2003.

Please advise us if any changes or modifications are required to the conditions identified in this memorandum.

Recommendations:

1. That the owner be required, to:
 - (a) Provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;
 - (b) Make a cash payment-in-lieu of providing the parking required under the provisions of the Zoning By-law for the proposed expansion, or alternatively, secure off-site leased parking, in the event that the proposed expansion is not included in a Heritage Easement Agreement;
 - (c) Maintain the existing loading facilities on this site, and access thereto, to serve the expanded ROM building;

- (d) Submit documentation, prior to the issuance of a building permit, for the review and acceptance of the Commissioner of Works and Emergency Services and the City Solicitor, identifying the arrangements in place for the use of the driveway access to the loading facilities over the abutting lands to the south;
- (e) Implement the “Charter Bus Management Plan” upon opening of the ROM expansion, as outlined in the report entitled “Renaissance ROM Expansion – Transportation Review”, dated February 2003, prepared by BA Consulting Group Limited;
- (f) Submit, for the review and acceptance of the Commissioner of Works and Emergency Services, within 6 months after the opening of the ROM expansion, an assessment of the effectiveness of the Charter Bus Management Plan;
- (g) Implement any changes to the Charter Bus Management Plan deemed appropriate by the Commissioner of Works and Emergency Services, based on the assessment referred to in Condition No. 1(e) above, at no cost to the City;
- (h) Enter into an encroachment agreement with the City of Toronto with respect to the proposed building expansion into the Bloor Street West right-of-way;
- (i) Continue to provide and maintain private garbage collection for this development;
- (j) Submit to the Commissioner of Works and Emergency Services:
 - (i) if registered agreements are to be entered into, a Reference Plan of survey in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands and any appurtenant rights-of-way and easements required for the preparation of legal descriptions;
 - (ii) provide final approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed additions to enable the preparation of building envelope plans;

that such plans be submitted at least three weeks prior to the introduction of Bills in Council;

2. That the owner be advised:

- (a) Of the need to receive the approval of the Commissioner of Works and Emergency Services and obtain any necessary construction permits for all work to be carried out within the abutting public rights-of-way on Bloor Street West and Queen’s Park, including the proposed extension of the bus layby on Queen’s Park;

- (b) Of the need to advise Traffic Operations staff 6 months prior to the scheduled construction of the layby extension so that the necessary reports can be prepared and by-laws enacted to facilitate the construction;
- (c) That in the event that improvements are made to enhance the east-west pedestrian route located to the south of the existing building, the owner will be required to install, at no cost to the City, signage and surface treatments in this area, to the satisfaction of the Commissioner of Works and Emergency Services, to minimize the conflicts between pedestrians and loading vehicles/activity;
- (d) That the City will continue with City collection services of recyclable materials from this development; and
- (e) That in the event that new service connections are required, the applicant is required to submit a site servicing plan to the Commissioner of Works and Emergency Services, for review and acceptance.

Comments:

Roadways

A bus layby exists on the west side of Queen's Park, abutting the ROM which can accommodate approximately 5 buses. The applicant proposes to extend this layby approximately 15 m northerly in order to accommodate additional buses. Although this is acceptable, in principle, a detailed review of the proposed layby extension will be undertaken upon submission of an application for this work in the public right-of-way. Furthermore, this layby extension is conditional upon the relocation of a designated vendor permit parking space to an alternate location.

In addition, it will be necessary for staff to report to City Council on the proposed layby extension in order to have the necessary by-law enacted to facilitate its construction.

Sidewalks/Public Boulevards/Streetscaping

In addition to the building expansion over the Bloor Street West right-of-way, as discussed below, the proposal includes the installation of hard landscaping and other decorative elements within the public right-of-way, approval for which must be received from this Department. For further information in this regard, and to discuss application requirements with staff, the applicant should contact Right of Way Management, District 1, Construction Activities at (416) 392-7877. Further revisions to the plans may be required as part of the detailed review of the application for work within the public right-of-way.

Encroachments

The proposed ROM expansion to the north of the existing building will extend approximately 3.91 m into the Bloor Street West right-of-way, commencing approximately 23.9 m above street

level and extending a further 8.9 m above. City Council, at its meeting of February 4, 5, and 6, 2003, in dealing with this matter (Clause 38 of Report No. 1 of the Toronto East York Community Council) approved the proposed encroachment “subject to City Council enacting the associated Zoning By-law Amendment, and further subject to the applicant obtaining the requisite site plan approval...” The property owner is also required to enter into an encroachment agreement with the City of Toronto for the encroachment of the building expansion and any other encroachments within the abutting public rights-of-way.

Parking

There is no on-site parking currently provided for the ROM. All parking demand generated by the ROM is accommodated in public parking facilities in the area, particularly the 399-space Toronto Parking Authority lot at Bedford Road and Bloor Street West (Carpark No. 58). Staff of the Buildings Division have advised that, in accordance with Section 4(9) of the Zoning By-law, the proposed ROM addition will not require parking, provided that the applicant enters into a Heritage Easement Agreement for the entire building (including the new addition).

In the event that the addition is not subject to the Heritage Easement Agreement, then the Zoning By-law would require the provision of 13 parking spaces for the additional museum space, based on 1 space for each 175 m² of total floor area. The consultant has identified several reasons why it would be reasonable to satisfy this Zoning By-law requirement off-site, including the following:

- parking cannot be practically provided on-site;
- the parking requirement can be accommodated in the area public parking facilities;
- there are no on-street parking issues in the area or residential neighbourhood concerns that would be impacted by ROM parking activity; and
- the ROM already has an arrangement with the Toronto Parking Authority (TPA) for use of their Bedford lot for their patrons.

The arrangement with the TPA is in the form of a parking fee discount that is granted upon presentation of a voucher that is obtained from the ROM’s admissions desk.

Given that the proposed expansion would be exempt from the parking provisions of the Zoning By-law should the entire building be subject to a Heritage Easement Agreement, and for the reasons outlined above, we are prepared to accept the non-provision of parking for this expansion. If, however, the proposed addition is not subject to the Heritage Easement Agreement, then, the applicant is required to make a cash payment-in-lieu of parking, or alternatively, secure off-site leased parking to satisfy the parking requirements of the Zoning By-law.

Loading

Currently, 4-Type A loading spaces are provided to serve the ROM, which are located on the south side of the building with access provided from Queen's Park via a right-in/right-out only. The driveway serving the loading facilities is located on University of Toronto lands to the south (the Edward Johnson Building). An additional 8 informal parking spaces are provided in the loading area to accommodate small delivery vehicles.

BA Consulting Group Limited has undertaken a Transportation Review of the proposed ROM Expansion which includes an assessment of the loading activity generated by the existing and proposed uses. The surveys, taken on 5 consecutive weekdays in September and October 2002, recorded time of arrival, time of departure, type of vehicle, and purpose of trip for each vehicle. The survey results indicate that 90% of the ROM loading activity was accommodated within the formal loading area, while the remainder was accommodated on the adjacent access driveway. The consultant did not observe any queuing of vehicles, or any loading activity, on the abutting public streets.

The consultant has indicated that the proposed expansion is not expected to significantly increase loading activity. In any event, no additional loading spaces are required by the Zoning By-law in conjunction with the proposed expansion, provided that the ROM, including the expansion, is subject to a Heritage Easement Agreement. Even if the ROM was not subject to such agreement, the Zoning By-law would require only 2-Type B loading spaces for the entire building. For these reasons, the existing loading spaces are adequate for the proposed expansion of the ROM and no additional loading spaces are required in connection with this application.

Driveway Access

As indicated above, the existing loading facilities are accessed from Queen's Park via a driveway over University of Toronto lands. This is acceptable provided that the owner submit documentation, for review and acceptance, identifying the arrangements for the shared use of this driveway.

Transportation Review

A Transportation Review was submitted by BA Group Transportation Consultants addressing several matters related to the proposed expansion, including the parking and loading activity addressed above. The other issues are discussed below.

Charter Bus Passenger Loading Zone

The biggest impact, from a transportation impact, related to the proposed expansion is likely related to the increase in charter bus and school activity. Approximately 155,000 students visited the ROM last year, which is expected to increase to about 215,000 students annually after the proposed expansion. BA Group surveyed the bus passenger loading activity for one-day period in November 2002. Based on their observations, the consultant has indicated that currently, the "capacity of the lay-by component of the bus passenger loading zone is sometimes exceeded by

school bus activity. This results in buses sometimes being illegally parked in the curb lane along Queen's Park, or staging two abreast along with the passenger loading area." With the projected increase in student patronage, this problem is expected to worsen, even with the proposed extension of the layby noted above.

Therefore, the "Charter Bus Management Plan", is a key element of the transportation strategy for the proposed ROM expansion. BA Group has outlined several elements of the plan, which are intended to minimize the impact of buses on traffic operations along Queen's Park. In addition to the expansion of the bus layby on Queen's Park discussed above, the elements of this site plan include pre-arrival consultation, an on-street bus operation procedure, and arrangements for off-site parking. The Charter Bus Management Plan is generally acceptable. In addition, we recommend that the consult submit, within 6 months of the opening of the ROM expansion, a monitoring study outlining the effectiveness of the Charter Bus Management Plan. Any recommended modifications to the strategy will have to be implemented at no cost to the City.

Passenger Loading Zone on Bloor Street West

Currently, "No Stopping" restrictions are in effect during the morning and afternoon peak periods, and "No Parking" at all other times, on Bloor Street West along the frontage of this site. BA Group Limited has indicated that the existing regulations would adequately accommodate pick-up and drop-off activity at this location. Accordingly, they are not recommending any changes to these regulations.

The consultant is recommending the introduction of a wheeltrans stop on Bloor Street West, approximately 30 m west of Queen's Park. This will require the introduction of a "No Standing" zone at this location, with a "disabled persons" tab to accommodate wheeltrans vehicles. Staff are currently reviewing this proposal and, if appropriate, will report separately to Community Council on this matter.

Mid-Block Pedestrian Route

A pedestrian route currently exists along the south side of the building, along the service driveway serving the abutting loading facilities, connection Queen's Park and Philosopher's Walk. There have been discussions related to the improvement of this area to create a more suitable environment for pedestrians.

Although it is recognized that this is an existing route for pedestrians, there is concern with any improvements made to this area designed to encourage additional pedestrian traffic. Firstly, the conflicts between pedestrians and the loading activity in this area would be significant and potentially hazardous. Secondly, there are no controls on Queen's Park, at its intersection with this pedestrian walkway, to safely facilitate crossings of Queen's Park at this location. The applicant has not recommended the installation of traffic control signals at this location, nor has this installation been determined to be feasible by City staff.

As a result of the foregoing, in the event that any improvements are made to this area that are designed to enhance the pedestrian environment, the applicant is advised that signage and pavement treatments will be required to minimize these potential conflicts.

Solid Waste and Recycling

While the City will continue to collect all recyclable materials from this site, the applicant is to continue with the collection of garbage using a private waste collection firm.

Storm Drainage

It is the policy of City Council to require the infiltration of storm water run-off into the ground for all new buildings, whenever possible. Therefore, additional storm connections to the City sewer system will only be permitted if it can be demonstrated that infiltrating storm water into the ground is not feasible. Further information regarding storm drainage can be obtained by contacting Mr. Chris Mills, of this Department at 338-1068.

Sanitary Drainage

Sanitary sewers are available in the abutting road systems on Bloor Street West, Queen's Park and along Philosopher's Walk, to serve this project.

Water Supply

Water supply is available in the abutting road systems of Bloor Street West and Queen's Park to serve this project.

Service Connections

No service connections appear to be contemplated at this time however if this changes at a later date, a site servicing drawing will have to be submitted to this Department for review and acceptance.

Construction Permits

Approval for any work to be carried out within the public right-of-way must be received from this Department. Changes may be required as a result of the detailed review of the application for work within the public right-of-way. For further information, the applicant should contact Right-of-Way Management Section, District 1, Construction Activities at 392-7877.

2. Heritage Preservation Services (March 14, 2003)

Further to discussions with Legal we understand the need to revise Recommendation (1)(ii) of our February 5, 2003 report to the TPB entitled, "100 Queen's Park (Royal Ontario Museum)

Alterations to a Designated Property and Request for Authority to Enter into a Heritage Easement Agreement.

We have no objection to this revision and understand Recommendation (1)(ii) of this report as revised will read:

"prior to the issuance of the first building permit including excavation and shoring but not including a demolition permit under the Building Code Act 1992, the owner shall enter into and register on title a Heritage Easement Agreement for the property, to the satisfaction of the City Solicitor and the Manager, Heritage Preservation Services;"

We will prepare the necessary technical amendment to ensure this change is made at the time this report is considered by TEY Community Council at its meeting on April 1 and 2, 2003.

(March 10, 2003)

In a report to the Toronto Preservation Board from the Commissioner of EDCT dated February 5, 2003, the following recommendations to Council were made as pertaining to the approval of alterations to the designated property at 100 Queen's Park and the request for authority for the execution of a Heritage Easement Agreement with the owner of the property:

It is recommended that:

- (1) City Council approve, under Part IV of the Ontario Heritage Act, the alterations to the property at 100 Queen's Park illustrated on drawings HD-01, HD-02, H-01, H-02, H-03 dated January 27, 2003, prepared by E.R.A. Architects Inc. (Attachments No. 3, 4, 5, 6, 7), subject to the following conditions:
 - (i) prior to the issuance of any above-grade permit under the Building Code Act 1992, the owner provide to the satisfaction of the Manager, Heritage Preservation Services:
 - (a) a complete Conservation Plan, to include the Phase One Restoration Plan required prior to demolition of the Terrace Gallery and a detailed description of all additional restoration work relating to the heritage defining features of the property;
 - (b) a letter of credit in a form and in an amount satisfactory to the Manager, Heritage Preservation Services, to secure all restoration work included in the Conservation Plan that is additional to that outlined in the Phase One Restoration Plan;
 - (ii) prior to the issuance of any above-grade permit under the Building Code Act 1992, the owner shall enter into and register on title a Heritage Easement

Agreement for the property, to the satisfaction of the City Solicitor and the Manager, Heritage Preservation Services;

- (iii) prior to Site Plan Approval, the owner shall submit a detailed landscape plan for the Queen's Park frontage of the property that also illustrates any proposed changes to the existing vegetation adjacent to the heritage facades, to the satisfaction of the Manager, Heritage Preservation Services;
- (2) Authority be granted by City Council for the execution of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 100 Queen's Park, using substantially the form of easement agreement prepared in February 1987 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Manager, Heritage Preservation Services;
- (3) the Commissioner of Urban Development Services be requested to include the above recommendations in the report on Rezoning Application No.202017 (TECMB20020018); and
- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Please be advised that at its meeting of February 19, 2003 the Toronto Preservation Board moved the above staff recommendations with the following amendment:

“The Board urges the Architect to ensure that the new structure's transparency be maximized to ensure that the historical building is visible from the street, including where the new and old parts of the building are attached.”

This staff report and the Toronto Preservation Board amendment will be considered by City Council at its April meeting.

In accordance with recommendation (3) above, please include the staff recommendations in your report on Rezoning Application No. 202017.

3. Economic Development, Culture & Tourism, Policy & Development (March 4, 2003)

The applicant has applied for approval to renovate and expand the Royal Ontario Museum.

The amalgamation of the new City of Toronto will bring a new parkland dedication by-law. Although these comments are premised on former City of Toronto by-laws and Official Plan policies, if the application is approved subsequent to adoption of a new parkland dedication by-law for the new City of Toronto, the latter shall prevail.

The institutional nature of this development proposal exempts it from the parks levy 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.

The applicant should contact Mr. Mark Procnier, Supervisor, Urban Forestry Planning and Protection at 416-392-7390 for specifications regarding existing and proposed trees within the road allowance.

**Attachment 6
Draft Zoning By-law Amendment**

Authority:

Enacted By Council:

CITY OF TORONTO

Bill No.

BY-LAW No. _____-2003

To amend By-law No. 438-86, as amended, the Zoning By-law of the former City of Toronto, respecting lands known as 100 Queen's Park:

WHEREAS the Council of the City of Toronto has been requested to amend the Zoning By-law pursuant to Section 34 of the *Planning Act*, R. S. O. 1990, c.P. 13, as amended, respecting the lands municipally known in the year 2002 as 100 Queen's Park;

WHEREAS the Toronto East York Community Council conducted a public meeting on April 1, 2003 under Section 34 of the *Planning Act* regarding the aforesaid Zoning By-law amendment;

WHEREAS the Council of the City of Toronto, at its meeting held April 14, 15 and 16, 2003, determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

WHEREAS the *owner* of the lands has agreed to enter into a Heritage Easement Agreement with the City of Toronto to secure the conservation and maintenance of the existing building on the lands and the proposed addition; and

THEREFORE the Council of the City of Toronto **HEREBY ENACTS** as follows:

1. None of the provisions of Sections 4(2)(a), 12(2) 309, 12(2) 310(a)(1), 12(2) 310(a)(2) and 12(2) 310(a)(3) of the aforesaid By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of an addition to the existing building on the lands municipally known in the year 2002 as 100 Queen's Park provided:
 - (1) the *lot* consists of at least the lands shown outlined by a heavy line on Map 1 attached to and forming part of this by-law;
 - (2) the *height* of the building and structures within the heavy lines do not exceed the *height* set out on Map 2 attached to and forming a part of this by-law;

- (3) no part of the building or any other permitted structure to be erected or used on the *lot* above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Map 2;
 - (4) the upper and lower surfaces of the planes of the additions do not exceed the angles as shown on Map 3;
 - (5) the *owner* of the *lot* enters into and registers on title a Heritage Easement Agreement with the City of Toronto pursuant to Section 37 of the *Ontario Heritage Act* respecting the existing building at 100 Queen's Park and the proposed addition to secure the conservation and maintenance of the existing building and addition;
2. For the purposes of this by-law:
- (a) "*grade*" means xxx metres, Geodatic Datum;
 - (b) "*lot*" means the lands delineated by a heavy line on Map 1; and
 - (c) each other word or expression that is italicized in this by-law shall have the same meaning as each such word or expression as defined in the aforesaid By-law No. 438-86, as amended.

ENACTED AND PASSED this _____ day of _____ A.D. 2003.

Deputy Mayor

City Clerk