

117 Peter St. and 287 Richmond St. W – Rezoning – Preliminary Report

Date:	January 20, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	09 154905 STE 20 OZ

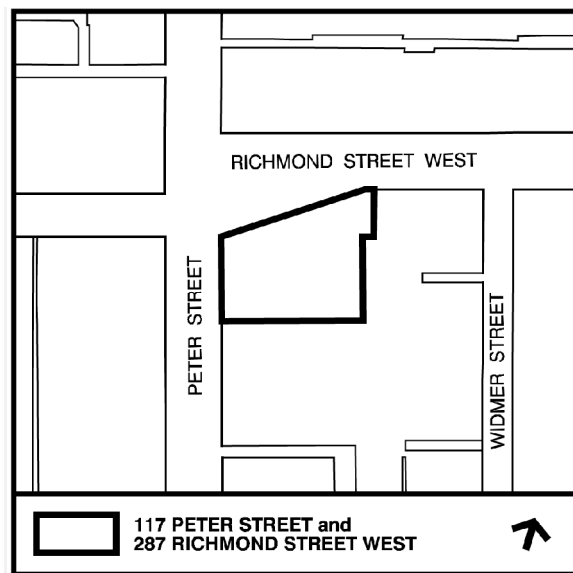
SUMMARY

This application was made on August 7, 2009 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes a 29-storey mixed use building at 117 Peter St. and 287 Richmond St. West, at a height of approximately 98.6 m. The proposal originally included approximately 297 residential units and 171 hotel suites, with a restaurant at grade, however staff understand that the hotel use may not be going forward and that the project may undergo some redesign. Parking for vehicles and bicycles is proposed to be provided in four below-grade levels.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application.

Staff do not support the application in its current form but would like to work with the applicant to resolve issues. Staff have indicated to the applicant that the height and massing of the proposal is not appropriate in the context of King-Spadina's policy framework and the goals of preserving heritage fabric and scale. The site is located within the Warehouse District as identified in the recent King



Spadina East Precinct Built Form Study, and is not a location appropriate for the proposed height, which exceeds the permitted height by more than 60 metres. In addition to the height, the tower floor plate creates a large building mass that could overwhelm the prevailing built form and heritage context of Richmond and Peter Streets.

A community consultation meeting was held on January 19, 2010.

Staff will seek to work with the applicant to achieve changes that will result in a proposal that is appropriate for the Warehouse District. It is anticipated that a final report for the subject application will be submitted in mid-2010.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff continue to work with the applicant to achieve a height and built form that is consistent with the policies and goals of the King-Spadina Secondary Plan and the King Spadina East Precinct Built Form Study.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

King-Spadina Built Form Review

In 2005, a review of the King-Spadina Secondary Plan was initiated by Council to evaluate specific matters related to entertainment uses in the area, community infrastructure, built form policies and the policies related to the public realm. In September 2006, City Council enacted amendments to the King-Spadina Secondary Plan and RA zoning to update the planning framework for the Plan area which resulted in Official Plan Amendment 921-2006 and Zoning By-law Amendment 922-2006. These amendments to the Secondary Plan represent Council's current position on the planning framework for the King-Spadina Plan Area. The amendments to the Secondary Plan refined certain policies and updated maps to reinforce the original intent of the Plan to protect and enhance the area's unique physical attributes and heritage warehouse character. A new policy 3.7 provides criteria for considering tall buildings in certain parts of the East Precinct, which include stepbacks above the base building and a requirement to not export facing distance constraints onto adjacent sites. The Zoning By-law amendment includes a provision that permits an additional 5 metres of building height, including mechanicals, subject to the mechanicals being wrapped and falling within a 45 degree angular plane from the street, for a total height of 35m.

These amendments are currently under appeal to the Ontario Municipal Board by some area owners and developers. A series of pre-hearing conferences have resulted in many appeals being withdrawn or settled. The hearing has been deferred with the consent of all parties, until May 2010.

King-Spadina East Precinct Built Form Study

In April 2008, Council directed staff to undertake a further study of the built form in the East Precinct of the King-Spadina Secondary Plan Area in response to the large number of applications that continued to challenge the planning framework of the area. The study recognizes areas within the East Precinct, which have been identified as Second Tier height areas, that can accommodate more height than currently permitted as-of-right. Additional height is subject to meeting the criteria for development as set out in the King-Spadina Secondary Plan, the 2006 King-Spadina Urban Design Guidelines, the City's Tall Building Guidelines, and providing an appropriate Section 37 contribution. Any proposal seeking a Second Tier height beyond the current zoning permission of 30 m plus 5 m for mechanical will be required to undergo a rezoning process. This framework was endorsed by City Council at its meeting of September 30/ October 1, 2009. The subject site is not within a Second Tier height area.

Staff are preparing detailed guidelines regarding urban design, built form and performance criteria to guide future development, and a revised Secondary Plan and Zoning By-law for the King-Spadina East Precinct.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant in early 2009 to discuss the proposal. At the time, staff indicated that the proposed height and massing of the building were inappropriate in the context of the existing and emerging policy framework in the King Spadina area.

Community Consultation

A community consultation meeting was held on January 19, 2010. The Ward Councillor and approximately 30 members of the public were in attendance. At the meeting, the applicant presented revised plans that removed the hotel, reconfigured the ground floor and reduced the floor plate of the building. The revisions also included architectural design changes and an increase to the proposed height of the building to 32 storeys. The revised plans have not yet been submitted to staff for review. The meeting participants raised a number of issues, including:

- the nature of a proposed setback and colonnade to provide open space at street level;
- the impact of the proposal on traffic and implications if Richmond Street becomes a two-way street;
- questions about the size of the tower floor plate; and
- comments about the design and materials of the proposal.

ISSUE BACKGROUND

Proposal

The current proposal on file consists of a 7 storey podium occupying the majority of the site, and a 22 storey tower above, with an overall height of approximately 98.6 m including mechanical elements. Approximately 297 residential units and 171 hotel suites are proposed, with the hotel component occupying the podium of the building. Residential amenity space is on the 8th floor. A restaurant is proposed at grade. The total gross floor area proposed is approximately 29,524 sq. m, for a density of approximately 13.9 times the area of the lot. Staff have been informed that the market conditions for the hotel use are not favourable and that the hotel will likely not be included in the proposal.

The proposal currently provides 201 vehicular parking spaces and 210 bicycle parking spaces. Two loading spaces are proposed to serve the residential, hotel and restaurant functions. These statistics may change with the disappearance of the hotel use.

Access to the hotel lobby is proposed from Peter Street. The residential lobby is proposed to be accessed from Richmond Street. Vehicular access to the underground parking and loading area is proposed from Peter Street at the south end of the site. These access arrangements are subject to change if the building is redesigned without the hotel.

Attachment 7: Application Data Sheet contains additional statistics for the current proposal.

Staff are expecting a revised proposal similar to what was presented at the January 19, 2010 community meeting.

Site and Surrounding Area

The site is located at the southeast corner of Richmond and Peter Streets. The site is irregular in shape and has a size of approximately 2120 square metres with a frontage of approximately 30.48 m on Peter Street and 53.96 m on Richmond St. The site contains two existing buildings: a three storey warehouse commercial building at 117 Peter Street and a two-to-three-storey wedge-shaped commercial building at 287 Richmond St W.

The subject site is surrounded by the following uses:

North: to the north of the site is a two-storey building at 129 Peter Street, currently under renovation to become a City Housing Referral and Assessment Centre as well as shelter facility for homeless persons, and the Queen Street West Heritage Conservation District. To the northeast are a number of two to three storey warehouse style buildings containing commercial uses, and a parking lot at 306-322 Richmond that has Council approval for a 35 storey development intended to be a landmark visual terminus for Beverly and Widmer Streets and as such is not to be considered as a precedent for the Warehouse District.

East: to the immediate east of the site is a laneway approximately 3.3 m wide. It appears that this lane is subject to an easement and right of way, the nature of which are not clear. Adjacent to the lane is a parking lot and driveway to the below grade parking for the office building at 111 Peter Street. East of the parking lot are a series of three storey house-form buildings that contain commercial uses. Further east across Widmer Street is the building containing the Scotiabank Theatre, Chapters and a number of other commercial and restaurant uses.

South: To the immediate south is a nine-storey office building at 111 Peter Street and . Further south across Adelaide Street is the 16-storey (50 m) Hilton Garden Inn at 92 Peter Street.

West: To the west of the site are low-scale 1 and 2 storey buildings, some of which are houses converted to commercial use, and the 4-storey designated building at 401 Richmond Street West. On the north side of Richmond Street at 134 Peter Street is a site that has received OMB approval for a 16 storey (72 m) office building that incorporates two heritage buildings (a site plan application for 134 Peter St. is pending). Further west are a number of warehouse character buildings, and the 14-storey (42 m) District Lofts building at 388 Richmond St. W.

Provincial Policy Statement and Provincial Plans

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

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

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings.

Chapter Three – Building a Successful City identifies that most of the City’s future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Development will be located, organized and massed to fit harmoniously with its existing and/or planned context. Development will limit its impacts on neighbouring properties and the public realm by respecting street proportions, creating appropriate transitions in scale, providing for adequate light and privacy, and limiting shadow and wind impacts. This section of the Plan also contains specific policies on tall buildings and built form principles to be applied to the location and design of tall buildings, including locating buildings parallel to the street, with clearly visible entrances and ground floor uses with views to the street; locating and organizing parking and servicing to minimize impacts; providing an appropriate scale for adjacent streets; minimizing shadowing, loss of sky view and wind impacts; contribution to the skyline character; and fit within the local context.

The site is designated *Regeneration Area* in the Official Plan, which permits the proposed residential, hotel and commercial uses.

Section 2.4 Policy 12 of the Official Plan requires that hotels make provision for a taxi stand on private property.

King-Spadina Secondary Plan

The subject site is located within the King-Spadina Secondary Plan area. The King-Spadina Secondary Plan (Chapter 6.16 of the Official Plan) provides a framework for reinvestment and development, the fundamental intent of which is to encourage reinvestment for a wide range of uses in the context of a consistent built form that relates to the historic building stock and the pattern of streets, lanes and parks.

In particular the policies of Section 3 – Urban Structure and Built Form specify that new buildings will achieve a compatible relationship with their built form context through consideration of such matters of building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression. The policies encourage buildings to be located along the street edge with lower levels providing public uses accessed from the street; encourage servicing and parking to be accessed from rear lanes; site new buildings for adequate light, view and privacy; encourage compatibility with the built form context; provide appropriate proportional relationships to streets and open spaces; and minimize wind and shadow impacts on streets and open spaces. This section also identifies Peter Street as a smaller neighbourhood street with a distinctive character.

The site is located at a jog in Richmond Street West. The Urban Structure Plan shows the northeast corner of the site as a potential view terminus.

By-law 921-2006, which is under appeal to the Ontario Municipal Board, proposed amendments to the King-Spadina Secondary Plan that are intended to further clarify and

reinforce the fundamental intent of the Plan, re-emphasizing that new development should respond to the unique physical character of the area.

King-Spadina Urban Design Guidelines

The King-Spadina Urban Design Guidelines (2004) support the implementation of the King-Spadina Secondary Plan with detailed guidelines for areas of special identity and special streets. The site is located on Peter Street, identified as a special street. The guidelines seek to ensure that new development respects the massing, height, setback, orientation and character of the industrial buildings prevalent on the street. Building articulation and fenestration should be based on the articulation of the historic building facades. Peter Street is also subject to a 3 hour sunlight standard at mid-day between March and September.

Updated King-Spadina Urban Design Guidelines were endorsed by City Council in September 2006. The updated Guidelines encourage buildings with podiums that relate to nearby historic buildings, and evaluate tall buildings in terms of massing and height and impacts on light, view, privacy, sunlight access and wind conditions, as well as ensuring that the potential for other sites appropriate for tall buildings to develop in a similar manner is maintained. As well, stepbacks between 3 and 9m are encouraged for tall portions of buildings so as to not overwhelm the street wall. The updated guidelines do not identify the subject site as a terminus location.

The Urban Design Guidelines also state that tall buildings are to be assessed in accordance with the City's Tall Building Design Guidelines, including guidelines for tower separation, floor plate and sky view and shadow impacts.

City of Toronto Tall Building Guidelines

The Tall Building Guidelines provide direction on matters related to the scale of buildings, building floor plates and spatial separation. Key criteria in the Guidelines are minimum facing distances of 25 metres between towers in order to achieve appropriate light and privacy, minimum side and rear yard tower setbacks of 12.5 m, and articulation of tower floor plates that are larger than 743 sq. m. to break down the massing of the building.

King-Spadina East Precinct Built Form Study

The findings of the King-Spadina East Precinct Built Form Study include the principle that heights decrease generally from east to west (University Avenue to Spadina Avenue), and from south to north (Front Street to Queen Street). Within this general height trend are areas of localized conditions. The subject site is within the Warehouse District as identified by the Built Form Study. Preservation of existing heritage and heritage character buildings within the Warehouse District, and preservation of the warehouse scale, are fundamental goals of all King-Spadina planning policies and studies. The Warehouse District is not a Second Tier height area, and is not considered appropriate for development beyond the as-of-right height of 30 m plus 5 m mechanical.

Additional considerations for this particular site include shadow impacts on Queen Street West, which has been identified as a sunlight street subject to angular plane provisions in Section 12(2)260 of Zoning By-law 438-86; and effects of the proposed height on the perception of a coherent heritage scale in both the Warehouse District and the Queen West Heritage Conservation District.

Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended. The RA zoning permits a range of uses and a maximum building height of 30 metres for this site. An additional 5 metres is permitted for rooftop mechanical elements. The Zoning By-law also contains a number of requirements related to building setbacks from the side and rear lot lines. Section 12(2)246 of the Zoning By-law requires a 3-metre setback above 20 metres on all street frontages.

By-law 922-2006, implementing the zoning by-law amendments arising from the 2006 King-Spadina Secondary Plan review, added provisions that included requirements for windows of dwelling units to maintain a separation of 15 m, and 7.5 m to a lot line that is not a public street. By-law 922-2006 is under appeal to the Ontario Municipal Board.

Site Plan Control

This proposal is subject to Site Plan Control. An application has not been submitted.

Reasons for the Application

The current proposal on file does not comply with the Zoning By-law as it exceeds the permitted height of 30 m by more than 60 m, and does not comply with required setbacks and setbacks, and parking and loading requirements. Staff understand that the expected revisions increase the height of the proposal.

Additional areas of non-compliance with the Zoning By-law may be identified through further review of the application.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning rationale
- Shadow study
- Qualitative (preliminary) wind study
- Traffic Impact Study
- Servicing and Storm Water Management Report
- Tree Declaration
- Green Development Standard Checklist (prior to mandatory requirements)
- Phase 1 Environmental Site Assessment Report
- Phase 2 Environmental Soil and Groundwater Investigation Report

A Heritage Impact Study was not included in the initial submission. The outstanding material was submitted on October 16, 2009 and a Notification of Complete Application was subsequently issued on October 22, 2009.

Issues to be Resolved

The issues to be resolved include, but are not necessarily limited to the following:

Height and Massing

The proposed height is well in excess of the permitted height of 30 m and disrupts the heritage scale that the King Spadina planning framework seeks to maintain. While the site is identified as a potential view terminus in the King-Spadina Secondary Plan's Urban Structure Plan, significant height is not an appropriate terminus in this location.

The orientation of the tower creates a large slab approximately 43 m long along Richmond Street West. Because of the angle created by the jog in Richmond Street, this "long edge" of the building is the predominant mass that is seen from the north, south and west. Only the east elevation will appear to be a thinner tower, with a width of approximately 18 m. The building setbacks of the current proposal on file do not meet the by-law requirements and the tower setbacks do not meet the 12.5 m setback guideline of the Tall Building Design Guidelines.

Attachments 2 to 5 contain elevations of the current proposal submitted by the applicant.

The proposal's height and massing overwhelm the scale of surrounding development and as a result the proposal does not achieve a compatible relationship with its built form context. In its current form, the proposal has the potential to set a negative precedent for the Warehouse District.

Shadows

In the morning hours in spring and fall, the proposed building casts some shadow on the north sidewalk of Richmond Street beyond those that would be cast by as-of-right buildings. In summer, the proposal creates shadow impacts on Richmond Street, particularly on the open space in front of the future Assessment and Referral centre at 129 Peter Street, directly to the north of the subject site. Most of this open space is shadowed by the proposal between approximately 10 am and 2 pm in the summer. In an as-of-right scenario, the shadow would not impact this open space to the same degree.

Heritage

In response to comments from staff, the applicant has proposed to explore incorporating the façade of the site's existing building at 117 Peter Street into the proposal. The existing building is not included in the City's Inventory of Heritage Properties but is of a style that adds to the overall heritage character of the Warehouse District.

The revised plans presented at the community meeting show a preliminary concept for incorporating the façade. While this is a positive step that may help to provide a podium design that is more in keeping with the surrounding warehouse character, it does not address the fundamental issues of inappropriate building height and massing.

The proposal's relationship to the character of the Queen Street West Heritage Conservation District, and the physical heritage character of the Warehouse District area remain issues to be resolved.

Parking and Loading

The proposed parking and loading supply does not meet the requirements of the zoning by-law. The removal of the hotel from the project may assist in achieving the zoning requirements.

Easement and Right-of-Way

There is an easement and right-of-way within a lane along the east side of the property. The building as proposed will encroach into this area both above and below grade. The nature and purpose of the easement and right-of-way must be clarified to determine whether they remain necessary, or will require amendment as a result of this proposal or an alternate proposal.

Green Development Standard

This application was submitted prior to January 31, 2010 and is not subject to the mandatory Green Development Standard. However, the applicant will be encouraged to incorporate at least the Tier 1 standards into the development in the event that resolution is achieved on height and massing. The applicant proposes a green roof and other green features that will achieve a LEED Silver certification.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Identification and securing of community benefits under Section 37 of the Planning Act will be assessed should the proposed development, or some version thereof, advance.

CONCLUSION

Staff are prepared to work with the applicant on an alternative proposal that will relate appropriately to the heritage scale and context of the Warehouse District, through integration of the existing warehouse building on the site, a reduction in height, and a reduction of the massing along Richmond Street.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Site Plan

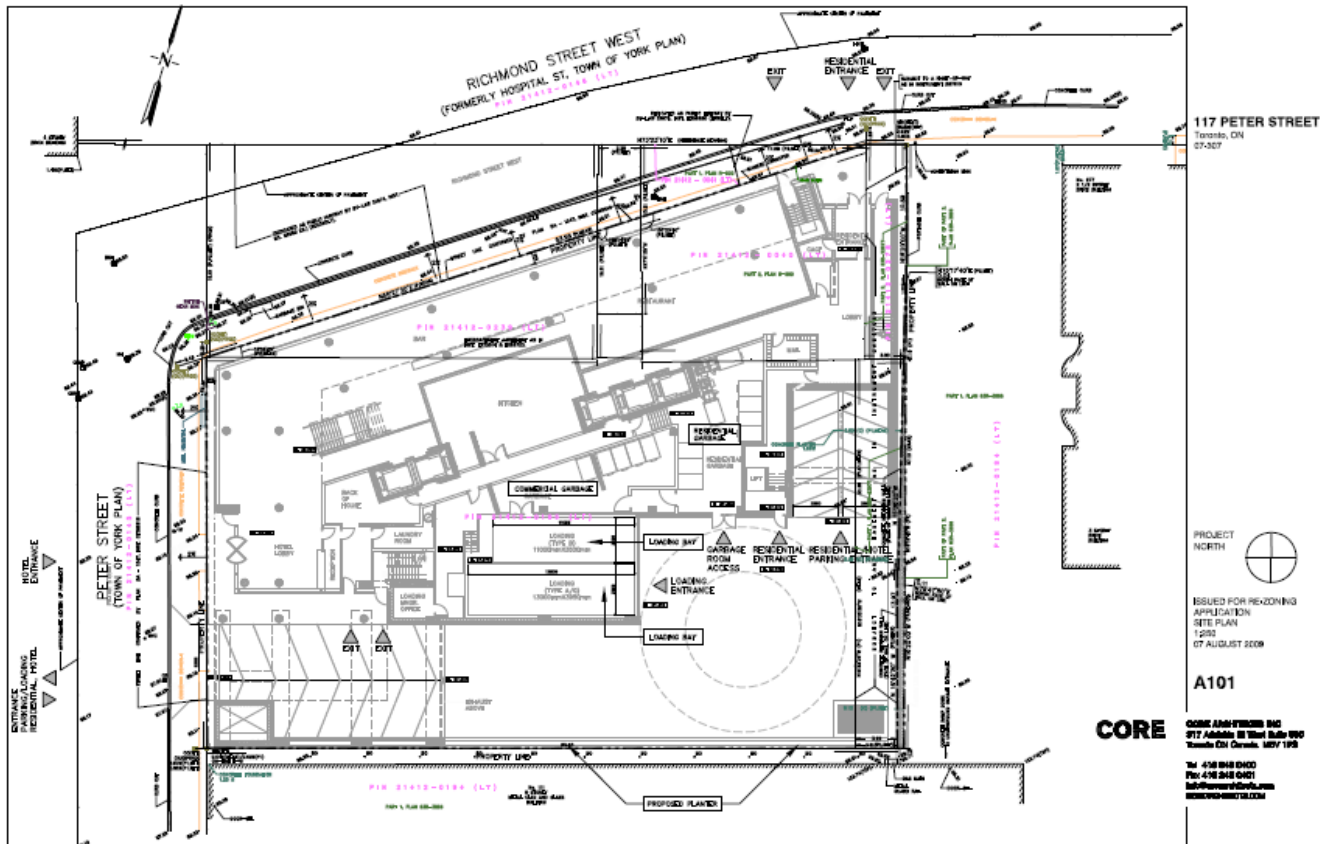
Attachment 2: North and West Elevations

Attachment 3: South and East Elevations

Attachment 4: Zoning

Attachment 5: Application Data Sheet

Attachment 1: Site Plan



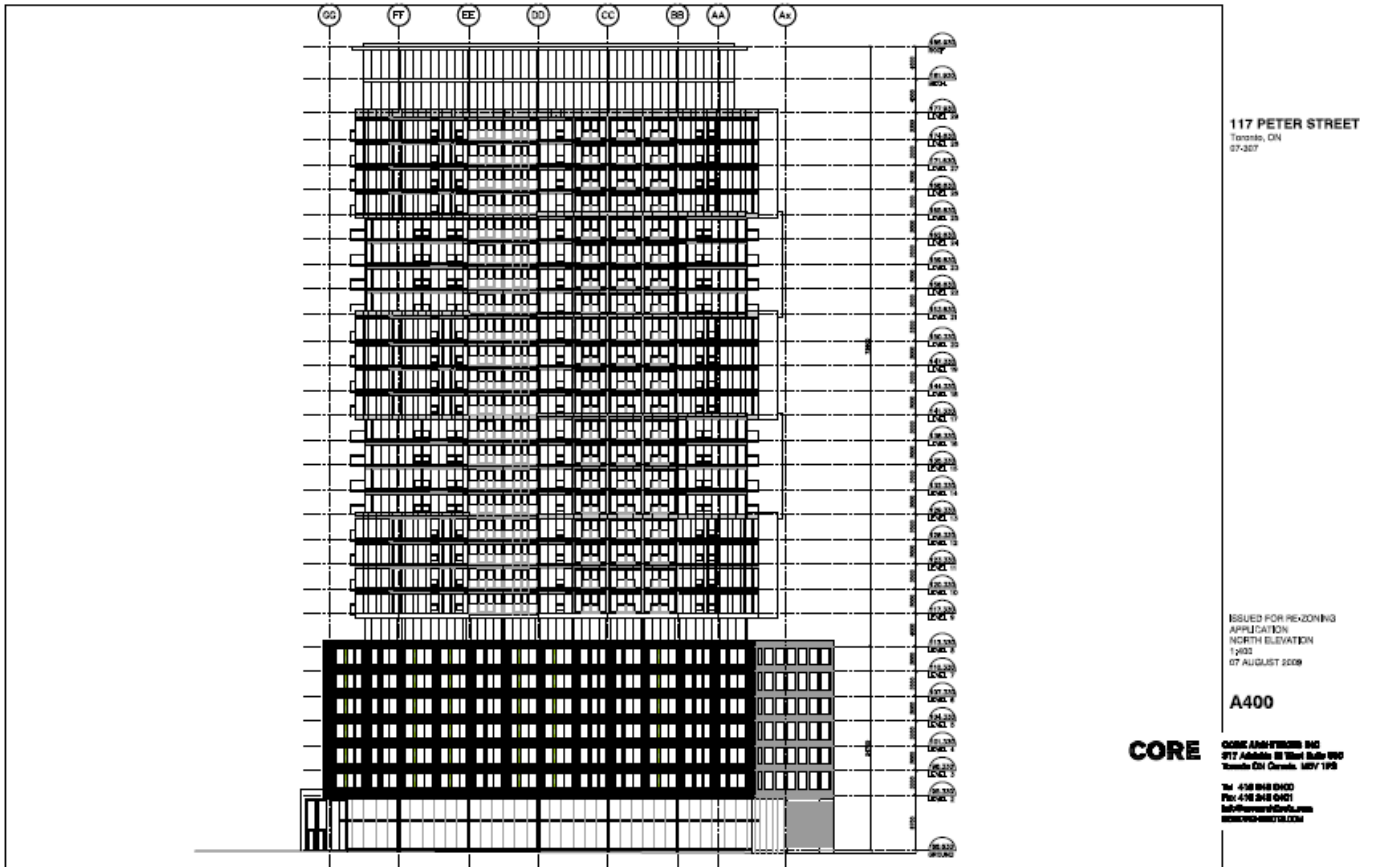
Site Plan Street W

117 Peter Street, 287 Richmond

Applicant's Submitted Drawing
Not to Scale

File # 09 154905 STE 20 OZ

Attachment 2: North Elevation



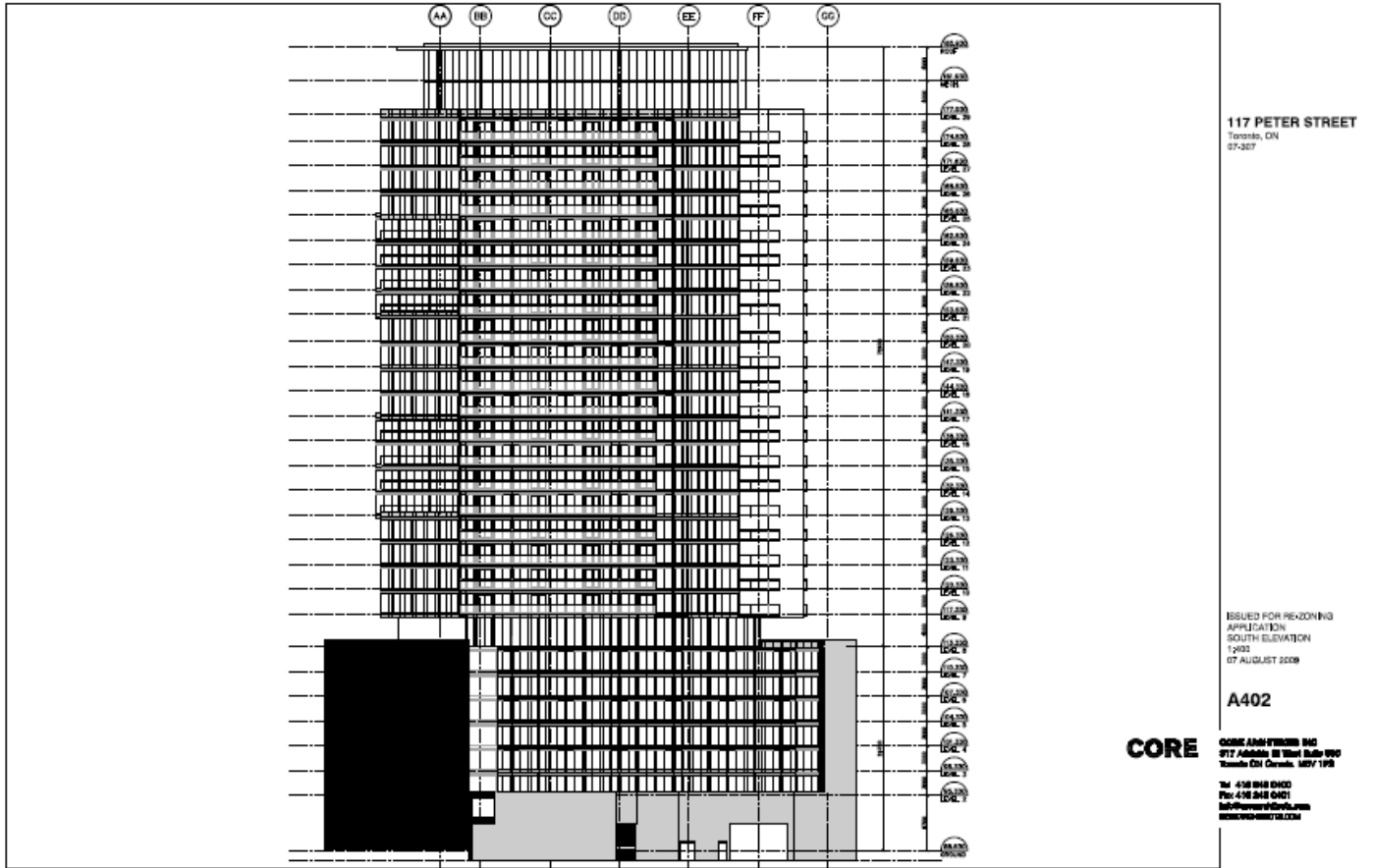
North Elevation Street W

117 Peter Street, 287 Richmond

Applicant's Submitted Drawing
Not to Scale

File # 09 154905 STE 20 OZ

Attachment 4: South Elevation



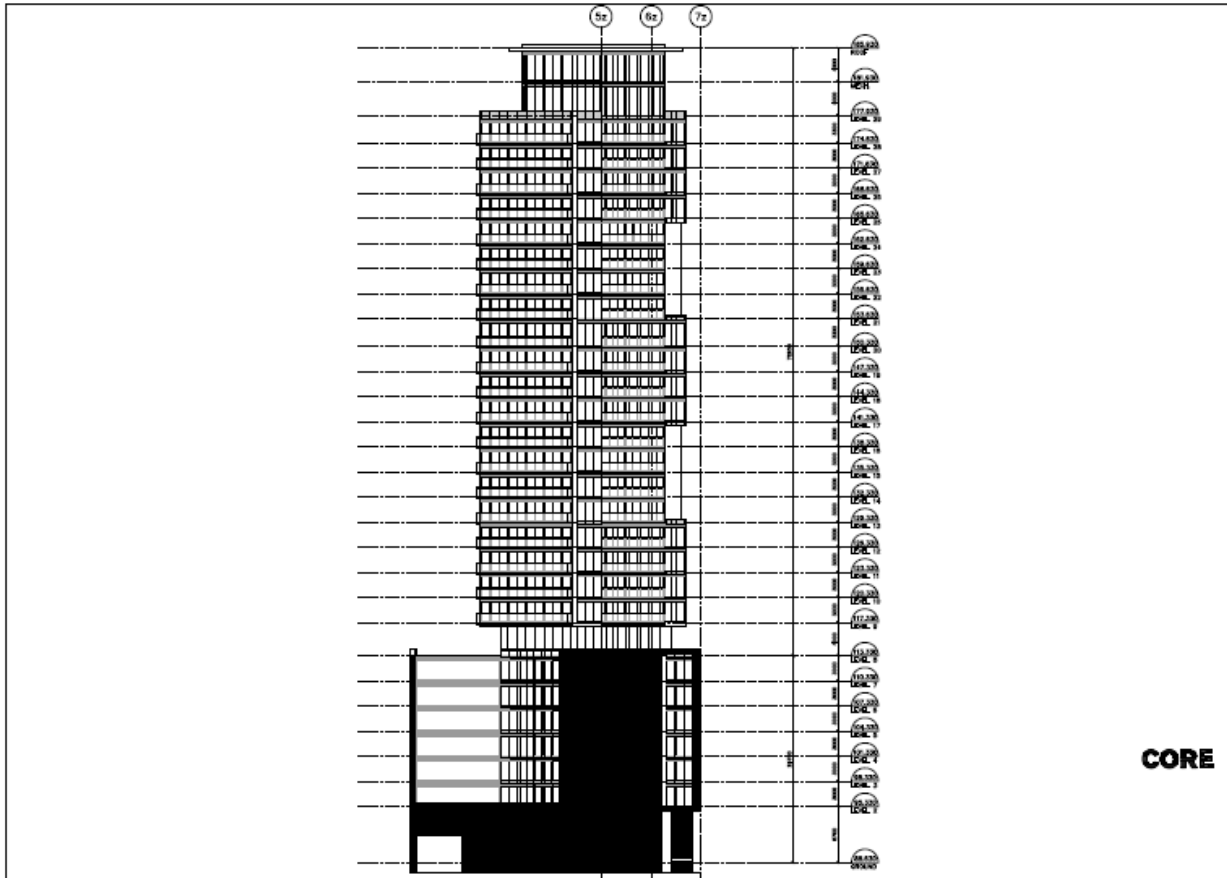
South Elevation Street W

117 Peter Street, 287 Richmond

Applicant's Submitted Drawing
Not to Scale

File # 09 154905 STE 20 OZ

Attachment 5: East Elevation



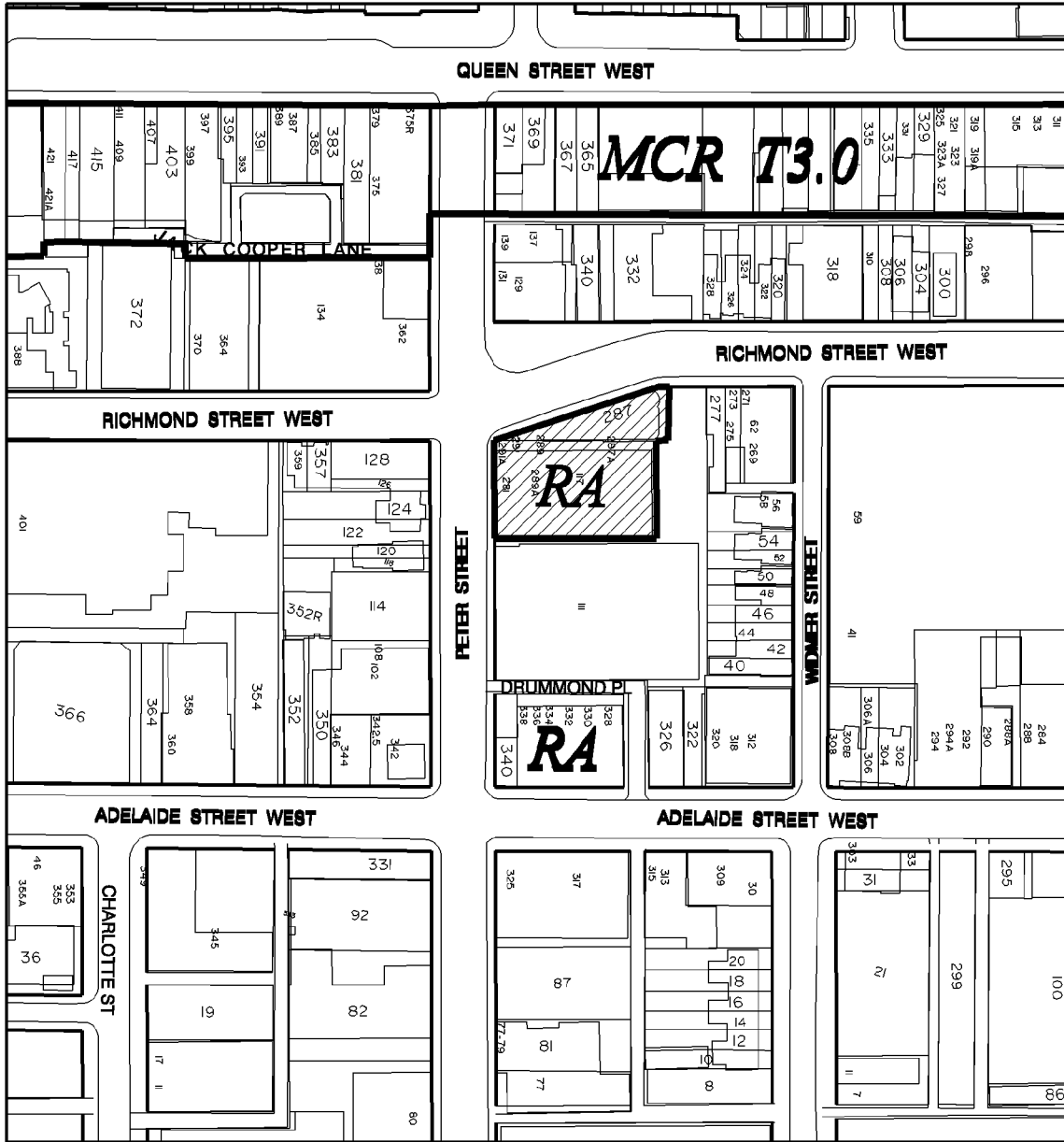
East Elevation Street W

Applicant's Submitted Drawing
Not to Scale

117 Peter Street, 287 Richmond

File # 09 154905 STE 20 OZ

Attachment 6: Zoning



117 Peter Street and 287 Richmond Street West

File # 09_154905

RA Reinvestment Area District
MCR Mixed-Use District



Not to Scale
Zoning By-law 436-88 as amended
Extracted 01/15/2010

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	09 154905 STE 20 OZ
Details	Rezoning, Standard	Application Date:	August 7, 2009

Municipal Address: 117 PETER ST
 Location Description: PL TOWN OF YORK PT LT19 **GRID S2013
 Project Description: Rezoning application for a proposed Mixed use hotel / Condominium - 29 stories in height - 4 levels below grade parking - 201 parking spaces - 297 units.

Applicant:	Agent:	Architect:	Owner:
MCCARTHY TETRAULT LLP		CORE ARCHITECTS	RICHMOND-PETER 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):	2120.13	Height:	Storeys:	29
Frontage (m):	57		Metres:	98.64
Depth (m):	varies			
Total Ground Floor Area (sq. m):	1317.8			Total
Total Residential GFA (sq. m):	19161		Parking Spaces:	201
Total Non-Residential GFA (sq. m):	10363		Loading Docks	2
Total GFA (sq. m):	29524			
Lot Coverage Ratio (%):	62.2			
Floor Space Index:	13.9			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	19161
Bachelor:	80	Retail GFA (sq. m):	0
1 Bedroom:	148	Office GFA (sq. m):	0
2 Bedroom:	45	Industrial GFA (sq. m):	0
3 + Bedroom:	24	Institutional/Other GFA (sq. m):	10363
Total Units:	297		

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