

**181, 199, 203 Richmond Street West and 10 Nelson Street – Rezoning Application – Final Report**

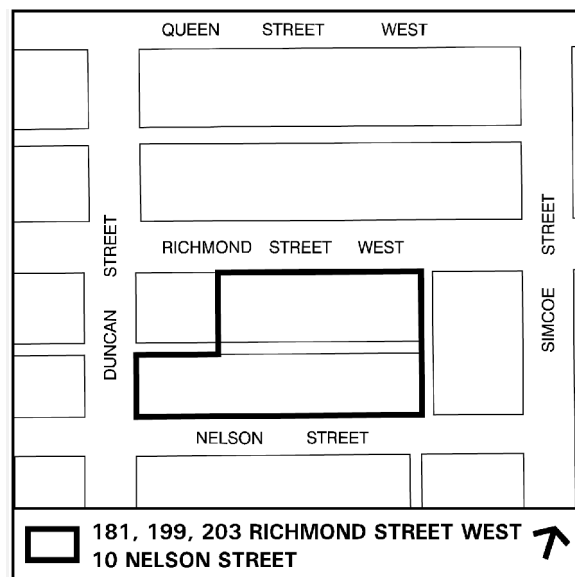
<b>Date:</b>	April 8, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	08-146250 STE 20 OZ

**SUMMARY**

This application was made on April 23, 2008 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes a mixed use building containing approximately 742 residential units at 181, 199, 203 Richmond Street West and 10 Nelson Street. The proposal consists of two towers of 41 storeys (west tower) and 31 storeys (east tower) atop a podium ranging from 5 storeys on Nelson Street to 8 storeys on Richmond Street West. The proposal includes proposed gallery space for the Ontario College of Art and Design (OCAD), on Richmond Street West.

The proposal replaces a surface parking lot with retail, a residential condominium and space for OCAD uses. It is consistent with the King Spadina East Precinct Built Form Study in that it is located within an area that can accommodate tall buildings without destabilizing the warehouse built form or heritage character of the area. The proposal meets many of the goals of the King Spadina Secondary Plan. It generally meets the intent of the 2004 and 2006 King Spadina Urban Design Guidelines and the City’s Tall Building Guidelines (Design Criteria for Review of Tall Building Proposals).



This report reviews and recommends approval of the application to amend the Zoning By-law.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86, as amended, for 181, 199, 203 Richmond Street West and 10 Nelson Street, substantially in accordance with the draft Zoning By-law Amendment to be available at or before the Toronto and East York Community Council meeting on April 27, 2010.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills for enactment, City Council authorize the appropriate City officials and require the owner to execute an Agreement pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the following facilities, services and matters:
  - a. An indexed cash contribution of \$1,000,000.00 prior to the first above-grade building permit for Phase 2 of the project, of which 10% will be allocated to affordable housing in Ward 20, and the remainder for the provision of one of more of the following:
    - design development supporting the John Street streetscape project;
    - design development supporting streetscape improvements to Richmond Street West
    - streetscape improvements to John Street, Nelson Street and/ or Richmond Street West; and
    - Heritage Conservation District Studies in the King Spadina East Precinct;
  - b. The provision of a minimum of 743 sq. m space in Phase 1, accessed from the Richmond Street frontage adjacent to the property at 205 Richmond Street West, for use as a gallery space by the Ontario College of Art and Design (OCAD);
  - c. Access in favour of OCAD to loading at 205 Richmond Street West;
  - d. A contribution of not less than one percent of the estimated gross construction costs for Phase I of the project towards upgrades to the OCAD space, prior to obtaining any above-grade building permits;

- e. A public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost for Phase 2 of the project prior to any above-grade building permit;

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support the development;

- f. Architectural plans, elevations and landscaping including 1:50 scale elevations, will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application, submit 1:50 scale drawings in conformity with this requirement for the five storey podium;
- g. The owner shall incorporate in the construction of the buildings and thereafter maintain exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- h. The owner shall provide a minimum of ten percent (10%) of the residential units in the building having at least three bedrooms, or be convertible to three or more bedrooms;
- i. The owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, City Planning Division, date-stamped as received April 8, 2009;
- j. The owner shall provide and maintain an irrigation system, at the applicant's expense, for proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirements to maintain in good order and operation;
- k. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support the development; and
- l. The owner shall provide, maintain and operate transportation demand measures, facilities and strategies as stipulated in the applicant's Traffic Impact Study accepted by the General Manager, Transportation Services.

4. City Council require, prior to the enactment of Bills, written confirmation to the Chief Planner and Executive Director, City Planning Division from the Executive Director of Technical Services that all outstanding issues with respect to the applicant's Traffic Impact Study and Functional Servicing Study have been addressed to his satisfaction.

### **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 setbacks 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 35 m.

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. The applicant was not one of the parties to file an appeal.

### **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. This 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, 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 approved by City Council at its meeting of September 30 and October 1, 2009. Further work by staff will involve preparation of detailed guidelines regarding urban design, built form and performance criteria to guide future development, and the development of a revised Secondary Plan and Zoning By-law for the King-Spadina East Precinct.

The subject site is within a Second Tier height area where staff has identified the potential for some additional height beyond the current as-of-right permission.

## **ISSUE BACKGROUND**

### **Discussions with the Applicant**

The original application submitted in April 2008 consisted of two residential towers having heights of 39 storeys and 18 storeys, connected by a two storey podium. The 39 storey tower was proposed to be located at the north east corner of Nelson Street and Duncan Street. A lower 18 storey, “S” shaped building was located between Richmond and Nelson Streets. The proposed density was 11.5 times the area of the lot. Staff expressed concerns about the relationship of the S-shaped massing to the street and the built form of the warehouse buildings in the area.

A subsequent application replaced the 18 storey, “S” shaped building with a tower form, and increased the height of the 39-storey tower, resulting in a proposal for two 47 storey glass towers atop a 4-8 storey podium. The density had been increased to 12.34 times the area of the lot. The revised design improved separation distances to adjacent development and created slim floor plates of approximately 457-555 square metres for the towers. A major concern with this second iteration of the application was its shadow impacts on Queen Street West, particularly given the Queen Street West Heritage Conservation District Plan, which requires shadow impacts of new buildings outside of the Heritage District to be no greater than what is permitted by the Heritage District Plan.

The applicant has subsequently modified the application to address many of Planning staff’s concerns with regard to height, shadow impacts on Queen Street West and details of podium design and massing. Specifically, the applicant removed shadow from the north sidewalk of Queen Street West after 11:15 am at the spring and fall equinoxes.

### **Current Proposal**

The most recent proposal was submitted on March 15, 2010. The proposal now consists of 742 residential units (59,309 square metres of residential uses); 743 square metres of community space on the ground floor (proposed for use by OCAD as gallery space); 245 square metres of office uses; and 484 square metres of grade-level retail and restaurant uses. The residential units include 94 three-bedroom and townhouse units, or 12 percent of the total number of units. The total proposed density is 11.49 times the area of the lot. The proposed building form consists of two glass towers on top of two podiums linked above grade. The east tower has a height of 31-storeys (96.85 metres including the mechanical penthouse roof and architectural feature), and the west tower has a height of 41-storeys (131.15 metres including the mechanical penthouse roof and architectural

feature). The tower floor plates are a maximum of 685 square meters (gross construction area).

The height of the two podium buildings ranges from five storeys on Nelson Street to eight storeys on Richmond and Duncan Streets, to reflect the datum line of the existing OCAD building at 205 Richmond Street West. The proposed podium uses include ground floor retail, restaurant, office and OCAD gallery space, as well as residential units fronting onto Nelson Street.

The proposal provides indoor and outdoor residential amenity space at the required rate of 2.0 square metres per unit.

A total of 536 parking spaces have been proposed, including 60 spaces for visitors. A total of 557 bicycle parking spaces have been provided for residents and visitors. Some bicycle parking spaces will be provided for the use of OCAD students and staff.

Refer to Attachment No. 7 for additional project data.

The proposed project is intended to be constructed in two phases. The first phase will include the east tower and the second phase will include the west tower.

### **Site and Surrounding Area**

The subject lands are 4,911 square metres in area, bisected by a portion of a public lane proposed to be acquired from the City. The lane has an area of 364 square metres. The total site area is 5,275 square metres.

The lands are currently used for surface commercial parking. Two vacant non-residential buildings, a four storey commercial office building at 199 Richmond Street West and a two storey commercial building at 203 Richmond Street West, were issued demolition permits in February 2008, prior to the application, and have been demolished.

The subject lands are surrounded by the following land uses:

**West:** Duncan Street. Immediately adjacent to the site is a seven storey warehouse-style building at 205 Richmond Street West, owned and occupied by the Ontario College of Art and Design (OCAD). Along the west side of Duncan Street are warehouse-style office buildings of between five and eight storeys in height, with commercial uses. Further west is a surface parking lot and a variety of two and three storey buildings along John Street, occupied by entertainment, office and restaurant uses. The King Spadina East Precinct Built Form Study identifies the general area to the west of the site as the Warehouse District.

**North:** The northern boundary of the site is Richmond Street West. A variety of office buildings and a residential apartment building are located on the north side of Richmond Street West. The heights of these buildings range from 6 to 14 storeys. Queen Street West is a Heritage Conservation District, located one block north of

the subject lands, and contains a variety of retail and restaurant uses generally within two to four storey buildings.

East: Directly east of the subject lands, across the north-south oriented public lane, is the 17-storey "University Plaza" condominium building. On the east side of Simcoe St. is the Shangri-La hotel and condominium development (63 storeys). The east side of Simcoe Street is beyond the King-Spadina planning area.

South: Nelson Street is the southern boundary of the subject lands. To the south of Nelson Street are the Boutique I & II residential condominiums having approved heights of 15 and 35 storeys respectively. These buildings are currently under construction and near completion. The King Spadina East Precinct Built Form Study identifies the general area to the south of the site as part of the Warehouse District, and includes the unique Theatre Row streetscape.

### **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 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. Section 3.1.2 Built Form provides policies aimed at ensuring that new development will be located, organized and massed to fit harmoniously with its existing and/or planned context; and that 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. Section 3.1.3 of the Plan 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. Heritage policies in Section 3.1.5 of the Official Plan require that development adjacent to listed or designated heritage buildings respect the scale, character and form of the heritage buildings.

The site is designated as a *Regeneration Area*, the boundaries of which correspond with the boundaries of the King-Spadina Secondary Plan Area. The *Regeneration Area* designation permits a wide range of uses, including the proposed residential and commercial uses. Section 4.7.2 of the Official Plan provides development criteria in Regeneration Areas, which is to be guided by a Secondary Plan.

### **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 – 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. Further, Section 4 – Heritage, seeks compatible relationships between new developments and heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression. Section 6.3 of the Secondary Plan specifically encourages the removal of surface parking lots. Duncan Street is identified in the Secondary Plan as a smaller neighbourhood street with a distinctive character.

### **King-Spadina Secondary Plan Review**

OPA No. 2 (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 Secondary Plan, re-emphasizing that



new development should respond to the unique physical character of the area, including the scale and character of historic buildings and the pattern of the public realm.

A new Policy 3.2 (c) states that development throughout the King Spadina Area is to reinforce the historic built form context, and that Heritage Areas as identified in Map 16-2 of OPA 2 are to be considered for district designation under Part V of the *Ontario Heritage Act* (the subject site is within a Heritage Area). New Policy 3.7 notes that additional height significantly in excess of existing zoning regulations may be considered for the north side of King Street between Spadina and John Streets. This does not include the subject site, however, the King Spadina East Precinct Built Form Study undertaken in 2008 and 2009 identified additional areas that are potentially suitable for tall building development. Policy 3.7 further states that where tall buildings are contemplated, proposals must demonstrate that they do not export facing distance constraints onto adjacent sites and that they do not preclude other appropriate tall buildings in the area.

### **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. One of these localized areas is the block bounded by Richmond Street West, Duncan Street, Adelaide Street West and Simcoe Street, which contains the subject site. This is a Second Tier height area adjacent to the Shangri-La development, and which includes the Boutique development, which is now under construction and partially occupied. This area was identified as a Transition area from the heights along University Avenue, to the lower heights of the Warehouse District, with the potential for heights up to 105 m, subject to meeting appropriate performance criteria including the objectives of the King-Spadina Secondary Plan, the 2006 King-Spadina Urban Design Guidelines and the City's Tall Building Guidelines, as well as providing an appropriate Section 37 contribution. The Built Form Study also recognizes that most height increases beyond the Second Tier may be appropriate.

### **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.

## **King-Spadina Urban Design Guidelines**

The King-Spadina Urban Design Guidelines (2004) support the King-Spadina Secondary Plan. These guidelines encourage new buildings along Duncan Street to be built to the existing setback line, with some variations permitted to allow outdoor restaurant areas, and encourage the massing and articulation of new buildings to be based on the prevalent (warehouse) building types in the area. The guidelines also include a 3 hour sunlight standard at mid-day between March and September for Duncan Street.

Updated King-Spadina Urban Design Guidelines were endorsed by City Council in September 2006. The updated Guidelines reinforce the physical character and identity of the area, in particular the unique heritage character. They support the Secondary Plan by providing specific direction for preserving and reinforcing the qualities that have made King Spadina such an important asset to the fabric of the City.

The 2006 Guidelines seek to encourage buildings with podiums that relate to nearby historic buildings, and evaluate tall buildings, where they are appropriate, in terms of massing, 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, setbacks between 3 and 9 metres are encouraged for tall portions of buildings so as to not overwhelm the street wall.

In addition to these Guidelines, 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 including the massing of buildings, building floor plates and spatial separation. Guidelines include ensuring transitions in scale between tall buildings and lower development, consistent front yard setbacks, demonstrating that the area's character and appearance of the setting of adjacent heritage buildings is preserved and enhanced.

On sites adjacent to lower scaled buildings on the block or across the street, base buildings are to be appropriately scaled; the taller building shaft should have an appropriate setback from the base in a manner that limits its visual impact. The base of a tall building is encouraged to be set parallel to the street and front property line and respect and reflect the urban grain and scale of surrounding historic buildings.

Other guidelines seek to ensure appropriate street proportion of the base building, articulation of tower floorplates that are larger than 743 sq. m (gross construction area) to break down the mass of the building, and facing distances of 25 metres between towers in order to achieve appropriate light and privacy, including minimum side and rear yard tower setbacks of 12.5 metres.

## **Site Plan Control**

The proposed development is subject to site plan approval. No site plan submission has been made to date.

## **Reasons for Application**

The proposal requires variances from Zoning By-law 438-86, as amended, including:

- a variance to the permitted height of 30 m; and
- a variance to the requirement for a setback of 3 m beyond a height of 20 m.

## **Community Consultation**

Two Community Consultation meetings were held to discuss this project. The first meeting was held June 17, 2008, to present the first iteration of the proposal, which consisted of a 39 storey tower and an S-shaped 18 storey building. This meeting included participation from residents of the building at 140 Simcoe Street, adjacent to the site. The main concerns raised at the meeting related to the 18-storey building, and included the interruption of west views, a small separation distance to adjacent buildings, the interface of the S-shape with Richmond Street, and maintaining reference to the area's warehouse style through the design of the podium. Other concerns related to sidewalk space on Duncan Street, and servicing and loading within the north-south lane to the east of the site.

A second meeting on January 20, 2009 presented the revised proposal with two 47 storey glass towers on top of rectangular podiums. Comments included wanting more of a warehouse feel to the podium, concerns about traffic generation, and shadows on Queen Street.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## **COMMENTS**

Staff are generally supportive of this development proposal. There are a few issues that will require discussion and resolution at the site plan stage, and these are discussed below.

## **Provincial Policy Statement and Provincial Plans**

Section 4.5 of the PPS provides that the official plan is the most important vehicle for implementation of the PPS. The application proposes intensification on a large site where it can be accommodated and identified as appropriate for a tall building. While much taller than contemplated by the in-force planning framework, it represents an acceptable intensification. Aside from the issue of height, the proposal meets the general intent of the Official Plan and the King-Spadina Secondary Plan. In addition, it falls

within a Second Tier height areas as identified in the King Spadina East Precinct Built Form Study, the recommendations of which were approved by Council in September 2009.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by proposing appropriate intensification within the Downtown, which is identified as an Urban Growth Area. It is within an area that has been identified as suitable for tall building intensification.

## **Land Use**

The replacement of a large surface parking lot with a residential mixed use development is consistent with the land use policy direction of the Official Plan and the King-Spadina Secondary Plan.

## **Height, Tower Setbacks and Tower Separation**

The proposed development is on the eastern edge of the Warehouse District, within a Second Tier height area as identified in the King Spadina East Precinct Built Form Study. The proposal's height of 131.15 m exceeds the 105 m Second Tier height limit recommended by the Built Form Study. Staff have been working cooperatively with this applicant to reduce the tower height to minimize the shadow impacts on the Queen Street West Heritage Conservation District, and are of the opinion that this proposal generally meets the direction of the Built Form Study, and that the additional height can be accommodated.

The tower floor plates of approximately 685 square metres meet the recommendations of the Tall Building Guidelines. The off-set towers achieve a separation of 20 m.

The towers step back approximately 1.4 m from the podium and approximately 2.5 m from the property line along the Richmond Street and Nelson Street frontages, and approximately 5.1 m from the podium and approximately 6.1 m from the property line along the Duncan Street frontage. The west tower is separated from the adjacent OCAD building at 205 Richmond by approximately 7 metres. The uses at 205 Richmond are non-residential, and therefore less sensitive to the proximity of the proposed tower. Discussions have occurred between OCAD and the applicant with respect to this issue and OCAD is satisfied that the proximity will not affect their use of their building.

The east tower is separated from the existing residential building at 140 Simcoe Street (University Plaza) by 21.6 m which provides the minimum 12.5 m tower setback within the property. Similarly, the west tower is separated by approximately 18 m from the Boutique I development.

## **Podium and Streetscape**

The podium contains retail, office, OCAD gallery and residential uses. The current proposal contains residential uses at grade along the Nelson Street frontage. Staff are encouraging the applicant to consider retail, restaurant or live-work uses along Nelson Street, to provide additional street animation and amenities for the residents of the

proposed building and the Boutique development on the south side of Nelson. The site-specific zoning by-law will provide flexibility for the ground floor uses, allowing for a potential evolution during site plan review, and the developer's subsequent marketing stage.

Staff are generally satisfied with the design changes that the applicant has made to the proposal's podium. The podium is parallel to the street and generally consistent in height with the streetwalls of Richmond, Duncan and Nelson Streets. However, some design issues respecting the podium remain unresolved.

The current design pulls the podium away from the streetwall along Duncan Street. While this creates more sidewalk space, staff would prefer to see the podium follow the prevailing streetwall along Duncan Street, which has buildings built right up to the street line. In addition, the applicant is proposing projecting balconies on the podium. Staff are of the opinion that the setback and balconies interrupt the coherence and diminish the integrity of the strong streetwall form of the surrounding buildings. This issue will be resolved in the final form of the by-law.

Staff will be seeking podium materials such as brick, and other refinements to the podium design, that complement the heritage character and rhythm of the warehouse buildings along Richmond and Duncan Streets. The detailed design and materials of the podium will be further refined during the Site Plan review process.

City staff have developed a preliminary design for the Nelson Street streetscape. The recent and proposed development provides an opportunity to create a park-like, pedestrian-oriented street with wide sidewalks, plantings and public art. The applicant is proposing a setback of approximately 3.8 m along much of Nelson Street to accommodate residential patio areas and outdoor retail or plaza space, as well as a continuous double-row of street trees, wide sidewalks and street furniture. As noted above, staff will encourage additional retail, restaurant and commercial uses to further animate Nelson Street. Additional streetscape details will be coordinated at the Site Plan review stage.

The laneway to the east of the site is proposed to be re-designed to support increased north-south pedestrian traffic between Richmond Street West and Nelson Street. This includes a dedication of land to increase the paved width of the lane to 6.0 metres, and a 2.2 to 2.5 metre sidewalk with a cantilevered second storey above for weather protection.

## **Heritage**

The podium massing generally relates well to surrounding heritage. As noted above, further design details will be secured during the Site Plan review stage.

The applicant has undertaken a Stage 2 Archaeological Assessment to determine the likelihood of significant archaeological artifacts on the site. The assessment found some archaeological features from a post-1870 time frame, which were documented and collected. However, much of the site's original soils had been disturbed and replaced

with new fill. The assessment concluded that there was little potential to find significant deposits on the site, and that further archaeological investigation was not warranted or recommended.

### **Sun, Shadow, Wind**

The proposal's towers create relatively slim shadows, and the 20 m separation between the two off-set towers on the site allows adequate sky view and access to sunlight.

The Queen Street West Heritage Conservation District to the north of the site is subject to an angular plane intended to ensure that the shadow impact of new buildings outside of the Heritage District does not result in greater shadowing on Queen Street West than what would be permitted by the Heritage Conservation District Plan. Through discussion with the applicant, the height of the towers has been reduced such that there is no shadow impact on the north side of Queen Street West after 11:15 am in spring and fall.

The 2004 King-Spadina Urban Design Guidelines include a 3 hour sunlight standard at mid-day between March and September for Duncan Street. The proposal casts shadows on Duncan Street beyond an as-of-right level in the morning, however, the shadows have moved off both sides of Duncan Street by approximately 12:15 pm.

The proposal does not shadow any public park.

A pedestrian level wind study was submitted on April 1, 2010. The study did not identify any significant issues related to wind or identify the need for any wind mitigation measures.

### **Traffic Impact, Access, Parking and Servicing**

The applicant's Traffic Impact Study concluded that the traffic impacts from this proposal will be acceptable, subject to the implementation of transportation demand management (TDM) measures to mitigate the traffic impacts of the proposal. Technical Services staff require the implementation of these TDM measures as a condition of approval, and these will be secured as a legal convenience in the Section 37 agreement.

The development includes 536 vehicular parking spaces and 557 bicycle parking spaces. This supply exceeds the King-Spadina parking requirements of the zoning by-law.

Vehicular and loading access to the proposed development is via an existing public lane abutting the east side of the development and adjacent to the University Plaza development. The current proposal shows two entrance driveways from the lane. Technical Services staff have suggested the consolidation of the two driveways. This may be explored further during Site Plan review.

The loading complies with the King-Spadina Zoning B-law. Loading access has been configured to allow access for OCAD's loading requirements related to both the proposed gallery space in the subject proposal, as well as the OCAD building adjacent to the site at 205 Richmond Street West.

The proposal requires the closing of part of a public lane running east-west from Duncan Street. The applicant has agreed to a strata conveyance of the lane, with the City retaining ownership above an approximate height of 130 m. The amendment to the Zoning By-law will be conditional on the closing of this lane. In addition, the applicant will be dedicating a 0.72 metre wide strip of land along the north-south lane to the east of the site, in order to widen it to 6 m.

A supplemental report on Technical Services issues will be provided.

### **Open Space/Parkland**

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 0.42 to 0.78 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 742 residential units on a site of 0.5275 hectares (5,275m<sup>2</sup>). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.9893 hectares (9,893m<sup>2</sup>). However, a cap of 10% applies and hence the parkland dedication for the residential component of the development would be 0.05275 hectares (527.5m<sup>2</sup>).

The retail and office component of the proposal is less than 1,000 m<sup>2</sup> and is therefore exempt from the parkland dedication requirements under section 165-7 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 proposes to satisfy the parkland dedication through cash-in-lieu. This is appropriate as an on-site parkland dedication would not be of a useable size and the site would be fully encumbered with below grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of the issuance of the building permit.

### **Toronto Green Standard**

The application is not subject to the new mandatory Green Development Standard. However, the applicant has indicated that a number of green features will be included in the project. These include most of the requirements related to air quality, energy, water, solid waste, and ecology. The green features included in the applicant's submitted Green Checklist will be referenced in the Section 37 agreement. Further refinements are expected through the Site Plan review process. The Site Plan application will be subject to the new mandatory Green Standard and the new Green Roof By-law.

### **Section 37**

This application is subject to a contribution pursuant to Section 37 of the Planning Act. A contribution has been negotiated, in consultation with the Ward Councillor, that is consistent with the Section 37 contributions of recent approvals in King-Spadina.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

- a. An indexed cash contribution of \$1,000,000.00 prior to the first above-grade building permit for Phase 2 of the project, of which 10% will be allocated to affordable housing in Ward 20, and the remainder for the provision of one of more of the following:
  - design development supporting the John Street streetscape project;
  - design development supporting streetscape improvements to Richmond Street West
  - streetscape improvements to John Street, Nelson Street and/ or Richmond Street West; and
  - Heritage Conservation District Studies in the King Spadina East Precinct;
- b. The provision of a minimum of 743 sq. m space in Phase 1, accessed from the Richmond Street frontage adjacent to the property at 205 Richmond Street West, for use as a gallery space by the Ontario College of Art and Design (OCAD), part of which space will include;
- c. access in favour of OCAD to loading at 205 Richmond Street West;
- d. a contribution of not less than one percent the estimated gross construction costs for Phase I of the project prior to obtaining any above-grade building permits towards upgrades to the OCAD space;
- e. A public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost for Phase II of the project prior to any above-grade building permit;

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support the development:

- f. Architectural plans, elevations and landscaping including 1:50 scale elevations, will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application submit 1:50 scale drawings in conformity with this requirement for the five storey podium;
- g. The owner shall incorporate in the construction of the buildings and thereafter maintain exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- h. The owner shall provide a minimum of ten percent (10%) of the residential units in the building having at least three bedrooms, or be convertible to three or more bedrooms;



- i. The owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, City Planning Division, date-stamped as received April 8, 2009;
- j. The owner shall provide and maintain an irrigation system, at the applicant's expense, for proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirements to maintain in good order and operation;
- k. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support the development;
- l. The owner shall provide, maintain and operate transportation demand measures, facilities and strategies as stipulated in the applicant's Traffic Impact Study accepted by the General Manager, Transportation Services.

### **Development Charges**

It is estimated that the development charges for this project will be approximately \$2,402,830. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONCLUSION**

The proposal provides a generally desirable redevelopment of a parking lot with a mixed use building containing gallery space for OCAD. The proposal provides an appropriately-scaled podium and will specifically contribute to the planned improvement of the Nelson Street streetscape. Its shadow impacts on Queen Street have been contained to an acceptable level. The proposal is generally consistent with the direction of the King-Spadina East Precinct Built Form Study in that it is located in a Second Tier height area that can accommodate tall buildings, and meets the intent of the Tall Building Guidelines.

## **CONTACT**

Christopher Dunn, Community Planner

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Fax No. 416-392-1330

E-mail: cdunn@toronto.ca

## **SIGNATURE**

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

(P:\2010\Cluster B\pln\teycc8957026037.doc)

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: West Elevation

Attachment 4: South Elevation

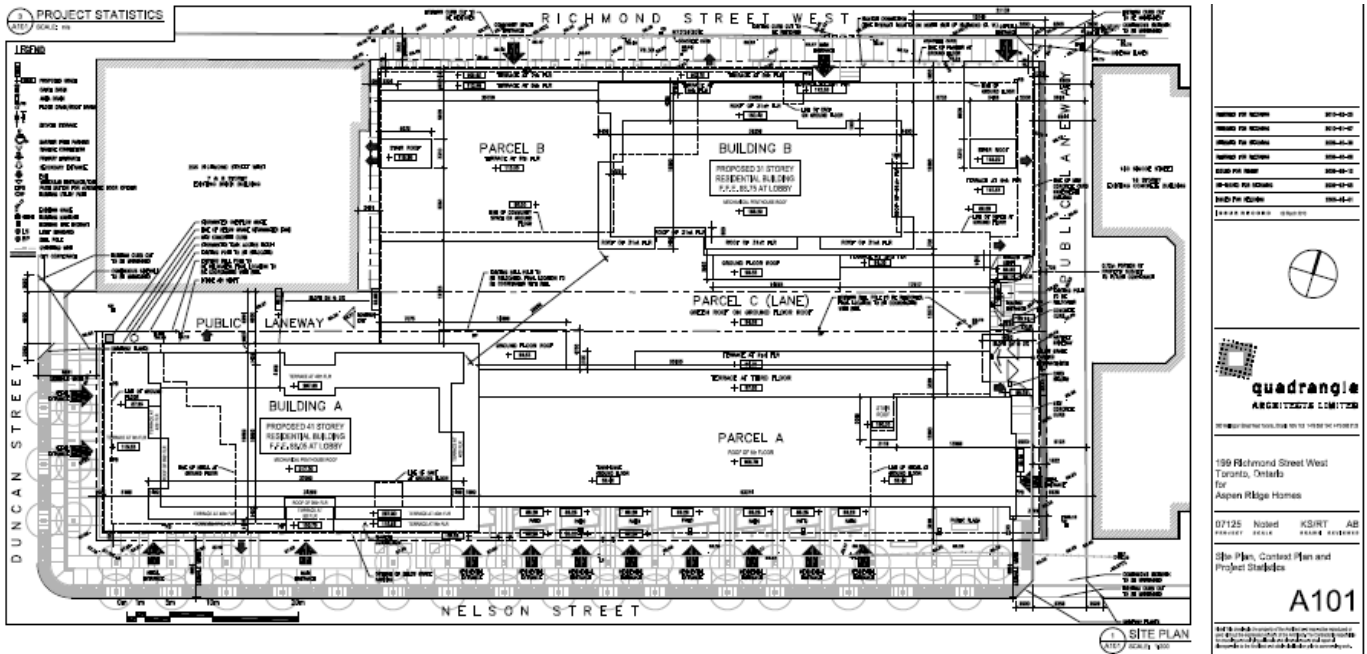
Attachment 5: East Elevation

Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



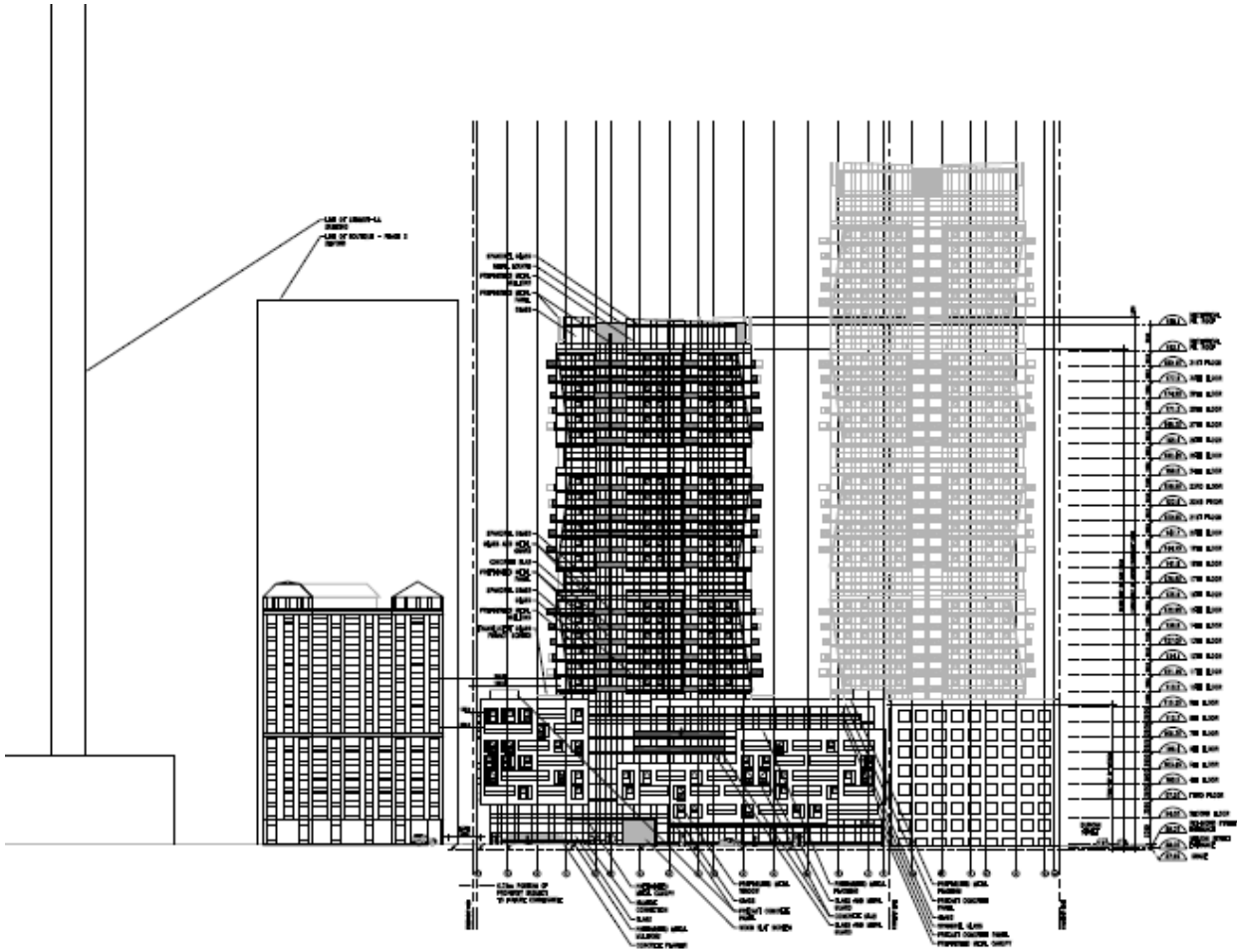
**Site Plan  
Nelson St.**

**181,199,203 Richmond St. W. and 10**

Applicant's Submitted Drawing  
Not to Scale ↗

File # 08 146250 STE 20 OZ

**Attachment 2: North Elevation**



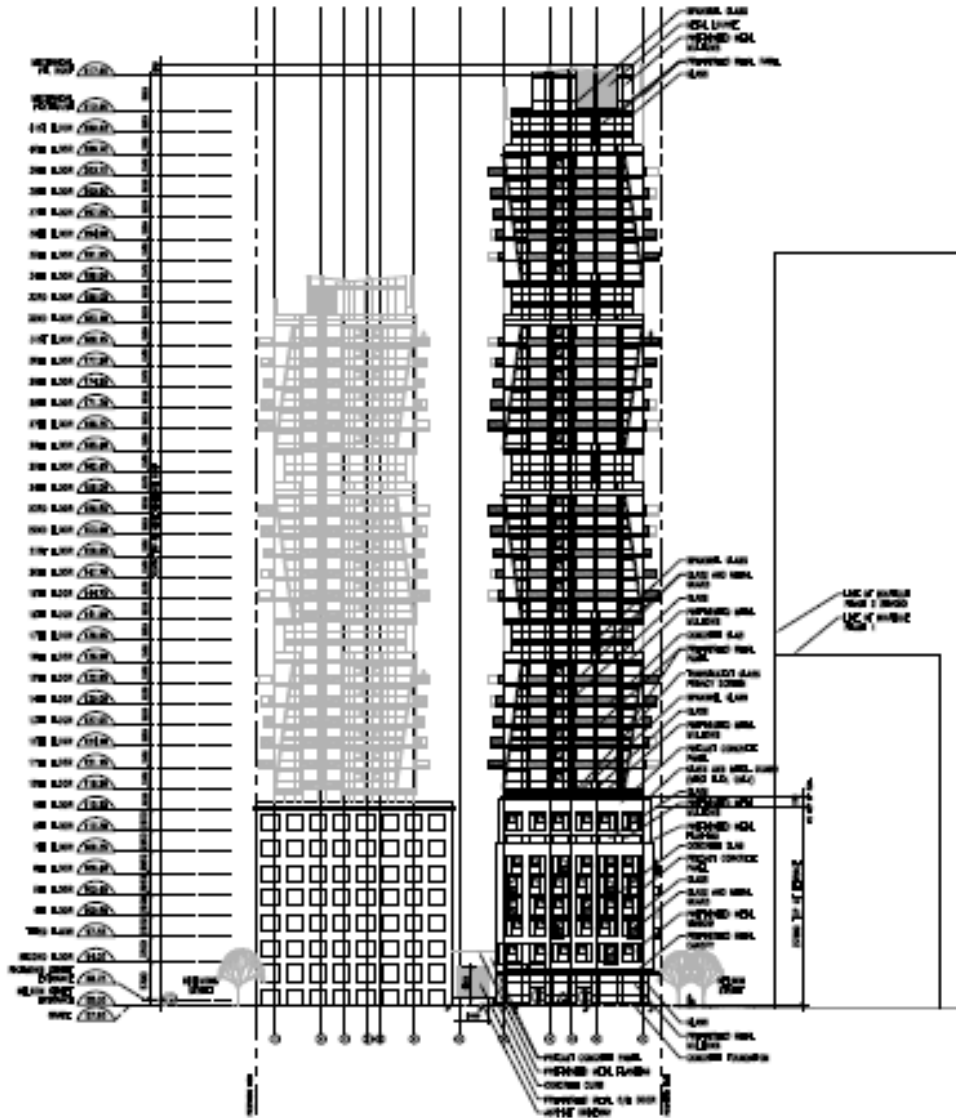
**North Elevation  
Nelson St.**

**181,199,203 Richmond St. W. and 10**

Applicant's Submitted Drawing  
Not to Scale

File # 08 146250 STE 20 OZ

### Attachment 3: West Elevation



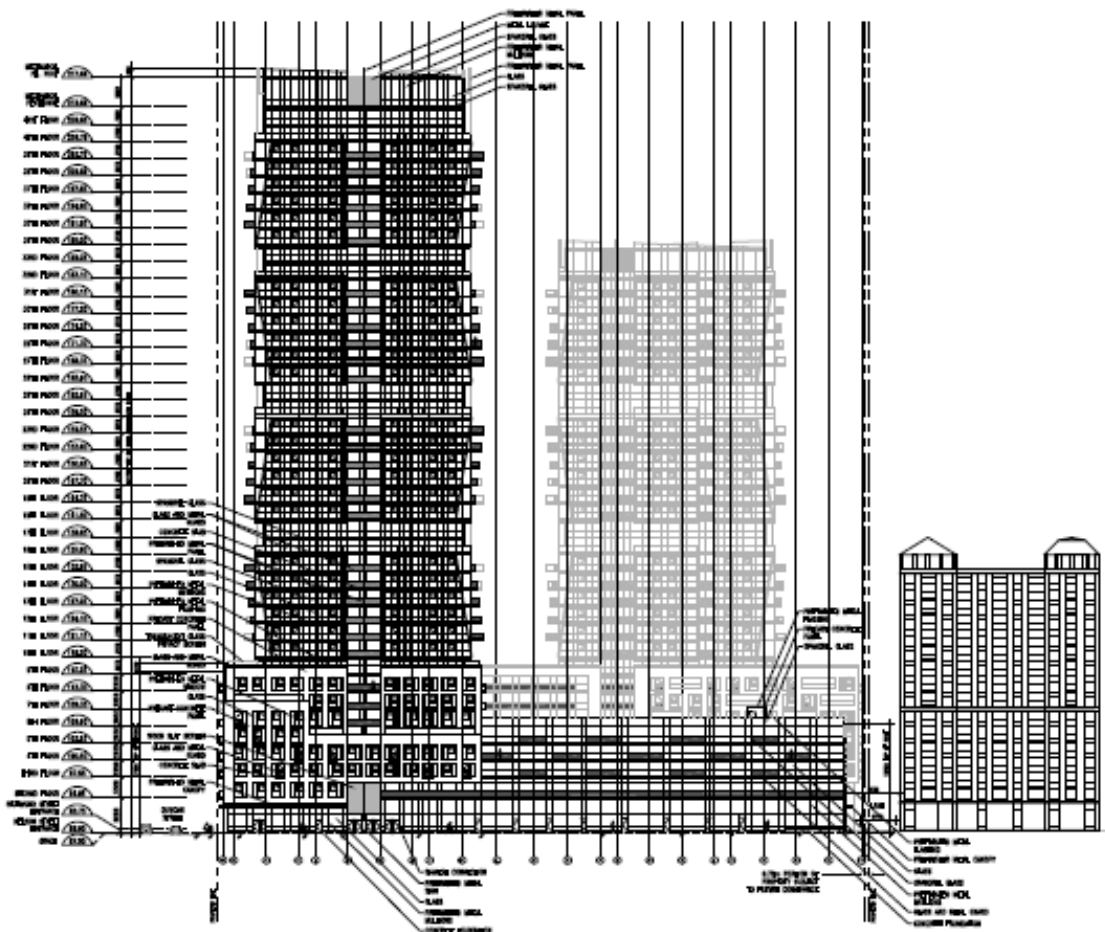
## West Elevation Nelson St.

181,199,203 Richmond St. W. and 10

Applicant's Submitted Drawing  
Not to Scale

File # 08 146250 STE 20 OZ

### Attachment 4: South Elevation



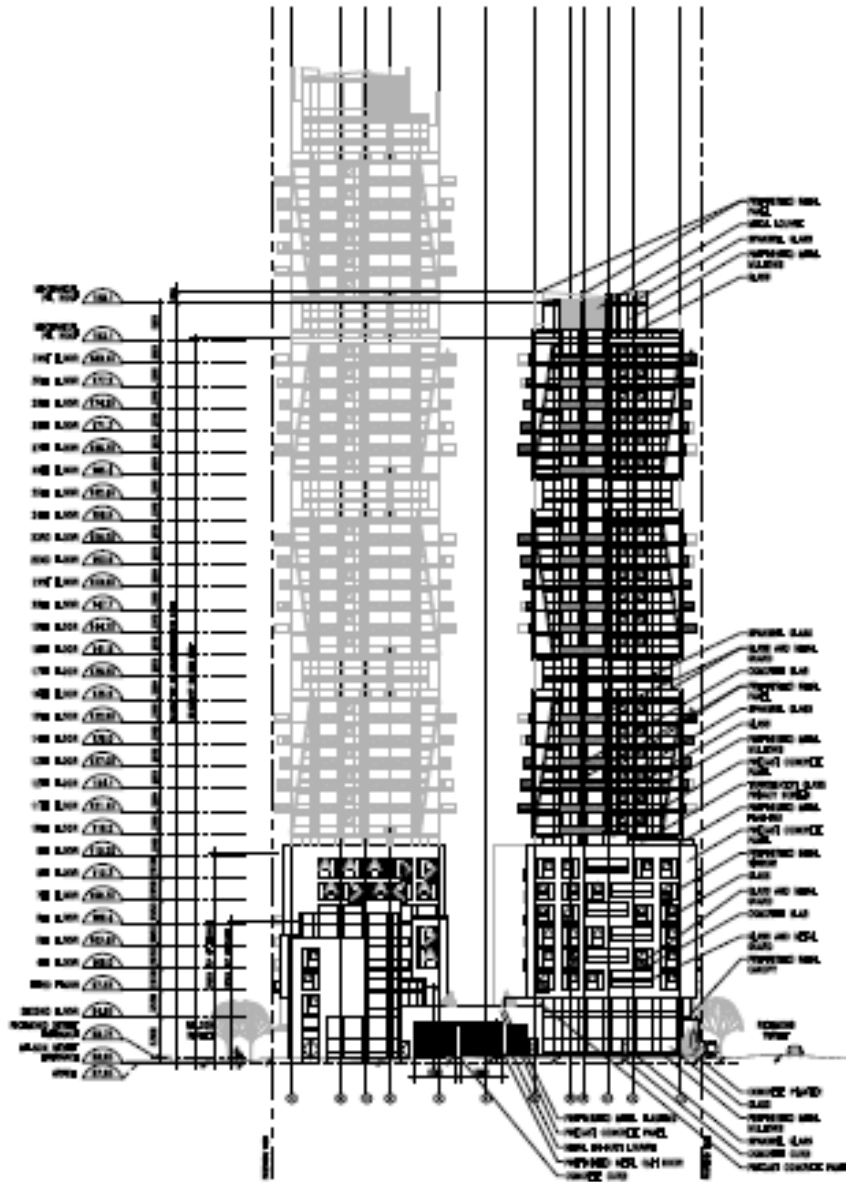
## South Elevation Nelson St.

181,199,203 Richmond St. W. and 10

Applicant's Submitted Drawing  
Not to Scale

File # 08 146250 STE 20 OZ

Attachment 5: East Elevation



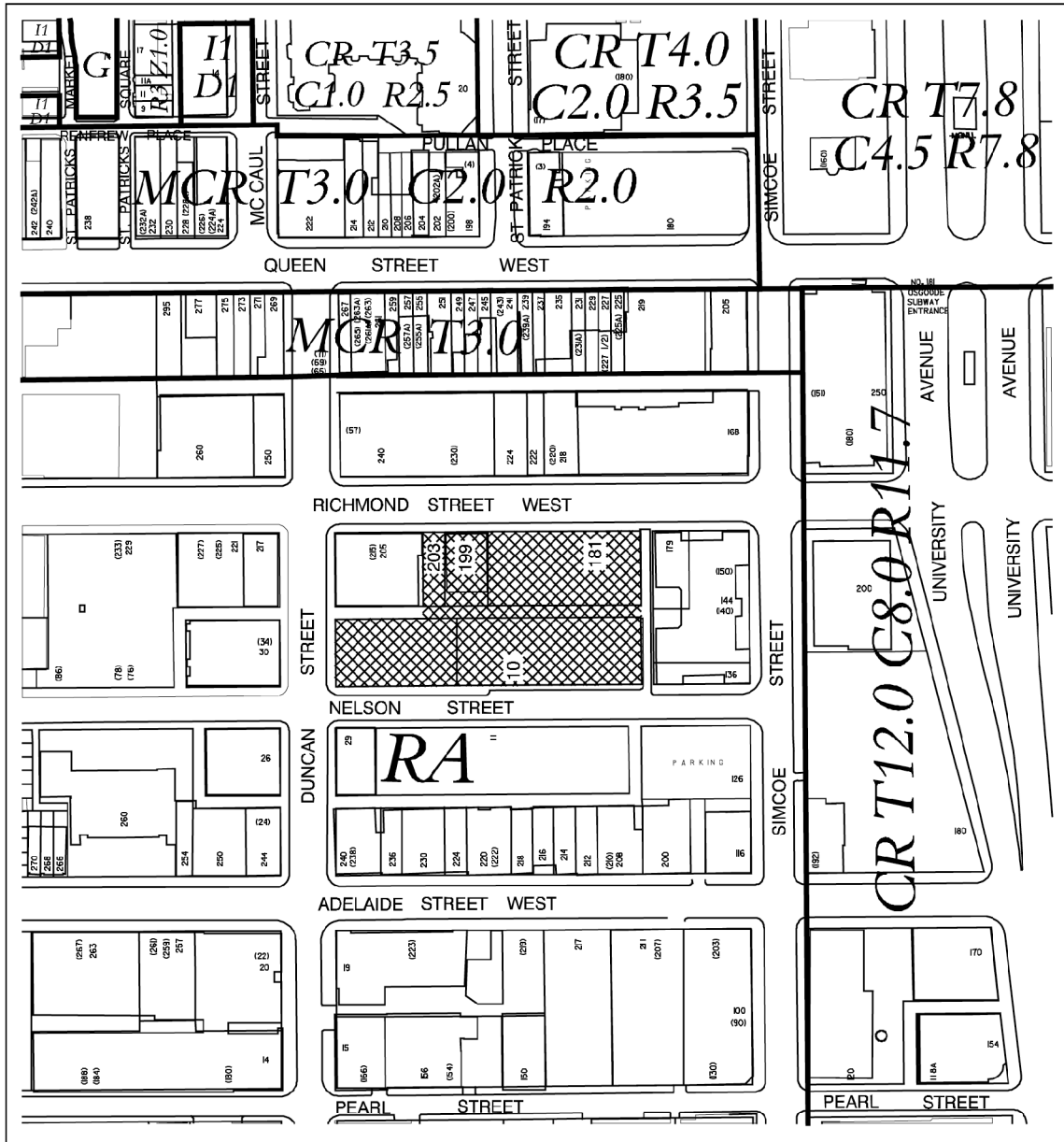
**East Elevation  
Nelson St.**

**181,199,203 Richmond St. W. and 10**

Applicant's Submitted Drawing  
Not to Scale

File # 08 146250 STE 20 OZ

# Attachment 6: Zoning



181, 199, 203 Richmond Street West  
 10 Nelson Road  
 File # 08\_146250

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



Not to Scale  
 Zoning By-law 438-86 as amended  
 Extracted 05/26/08 - AA



## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	08 146250 STE 20 OZ
Details	Rezoning, Standard	Application Date:	April 11, 2008
Municipal Address:	181 RICHMOND ST W		
Location Description:	PL 17 LT1 TO 4 PT LT5 **GRID S2013		
Project Description:	Zoning amendment application for re-developement of the site for a mixed use building containing 628 dwelling units (58754m2 of residential gfa) and 1,908m2 of non residential gross floor area in a 39 and 18 storey tower connected by a two storey podium. Revised submission April 2009 for a mixed use building containing 765 dwelling units (62,388m2 of residential gfa) and 1,399m2 of non-residential gfa in two 47-storey towers atop two podiums that range from four to eight storeys. Revised submission October 2009 reduces tower heights to 31 and 41 storeys with 742 residential units.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
N. Barry Lyon Consultants Limited		Quadrangle Architects Limited	Aspen Ridge Homes Richmond LTD

### 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):	5275	Height:	Storeys:	41
Frontage (m):	111.7		Metres:	129.75
Depth (m):	0			
Total Ground Floor Area (sq. m):	3146			<b>Total</b>
Total Residential GFA (sq. m):	59309		Parking Spaces:	536
Total Non-Residential GFA (sq. m):	1317		Loading Docks	2
Total GFA (sq. m):	60626			
Lot Coverage Ratio (%):	59.6			
Floor Space Index:	11.49			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	198
1 Bedroom:	352
2 Bedroom:	90
3 + Bedroom:	102
Total Units:	742

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	59309	0
Retail GFA (sq. m):	484	0
Office GFA (sq. m):	245	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	743	0

**CONTACT: PLANNER NAME: Christopher Dunn**  
**TELEPHONE: 416-397-4077**

## **Attachment 8: Draft Zoning By-law Amendment**

To be available at the April 27, 2010 Toronto and East York Community Council meeting.