

**324-338 Richmond Street West - Zoning Amendment  
Application – Refusal Report**

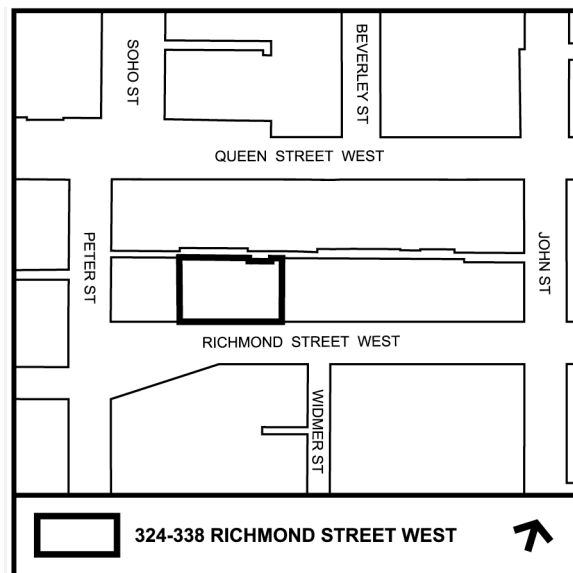
<b>Date:</b>	December 20, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	12 124056 STE 20 OZ

**SUMMARY**

The application proposes to construct a 24-storey mixed-use commercial and residential condominium with 295 residential units, and commercial units at grade. Five levels of below grade parking accommodate 100 residential parking spaces, 2 car-share spaces and 29 commercial pay parking spaces along with 223 bicycle spaces. The height proposed is 74.2 metres to the roof exclusive of the mechanical equipment. The development will have a total of 20,671 square metres of residential and commercial gross floor area.

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

Although additional height is acceptable on the site, the application as currently proposed does not meet the City's Tall Building Guidelines. In particular, the building does not meet the tower separation guidelines and the proposed height casts shadows onto Queen Street and the Queen Street Heritage Conservation District through the noon hour.



## **RECOMMENDATIONS**

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

1. City Council refuse the Zoning By-law Amendment Application for 324-338 Richmond Street West.
2. City Council authorize the City Solicitor, together with City Planning and other appropriate staff, to appear before the Ontario Municipal Board in support of City Council's decision to refuse the application, in the event that the applicant is appealed to the Ontario Municipal Board.
3. City Council authorize City Planning in consultation with the Ward Councillor, to secure services, facilities and/or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner, in consultation with the Ward Councillor, should the proposal be approved in some form by the Ontario Municipal Board.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

### **Planning History for King-Spadina**

In 1996, Council of the former City of Toronto approved Part II Official Plan and Zoning By-law amendments for King-Spadina and King-Parliament (the Kings) that introduced a planning framework aimed to encourage rejuvenation of these historic districts that were instrumental in shaping the City. The Part II Plan for King-Spadina was included as a Secondary Plan in the new City of Toronto Official Plan adopted by Council in 2002. Along with the objectives and policies of the Official Plan, the Secondary Plan seeks to encourage investment in King-Spadina for a broad range of uses in a manner that reinforces its historic built form and, pattern of streets, lanes and parks. These objectives were implemented through the Reinvestment Area (RA) zoning, urban design guidelines and a community improvement plan.

There has been significant investment through new construction and conversions of existing buildings in King-Spadina since the approval of the planning framework in 1996. Along with this investment, a number of issues have arisen related to land use, community services and facilities, quality of life, built form and the public realm.

### **King Spadina Secondary Plan 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 (Official Plan Amendment No. 2, By-law 921-2006 and Zoning By-law Amendment 922-2006).

The amendments to the King-Spadina Secondary Plan (OPA 2) and Zoning By-law amendment 922-2006 are currently under appeal to the Ontario Municipal Board. A number of pre-hearings have taken place and a further pre-hearing was deferred with the consent of all parties, to be brought back on for a pre-hearing at such time as the City requests.

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

Along with the Official Plan and Zoning By-law amendments, in September 2006, Council adopted revised Urban Design Guidelines for King-Spadina. These guidelines seek to reinforce the physical character and identity of King-Spadina. The guidelines provide direction on how to assess development proposals to ensure that new buildings and public realm improvements preserve and reinforce the area's heritage character and maintain an appropriate relationship between new and historic buildings. Also, it provides guidance on "height, massing, setbacks, stepbacks, materials and architectural design details." Further, the guidelines place importance on the protection of sun access to the public realm and ensuring that there is adequate sunlight on both sides of the street at street level particularly east of Spadina Avenue where tall buildings have been approved.

'Urban Scale' guidelines within the document provide further direction on mitigating potential adverse impacts of tall buildings on adjacent and nearby properties, the public realm and on the quality of life of existing and future residents in King-Spadina. They provide direction on matters related to shadow impacts, angular planes, setbacks and light, view and privacy. The guidelines propose angular planes and, 25 metre facing distances for tall building elements, along with height limitations and stepbacks as measures to minimize shadow impacts, ensure adequate sunlight, and strengthen the existing street wall scale to maintain a comfortable pedestrian experience. Consequently, buildings should be positioned and located in such a way that limits their impacts on the public realm and adjacent buildings.

Within this framework, development proposals are also assessed in relation to the impacts on other properties in the area, with similar potential. To ensure that adjacent and nearby properties are not negatively impacted facing distances and setbacks should be addressed within the development site and not exported to adjacent and nearby properties.

### **King Spadina East Precinct Built Form Study**

In April 2008, Council directed staff to undertake a 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 in the East Precinct area.

This study recognizes areas within the East Precinct, identified as First Tier (As-of-Right) Height zones that are intended to maintain the height permission of 30 metres plus 5 metres for a mechanical penthouse. The as-of-right height permission minimizes

shadows, wind and loss of sky view, and appropriately frames the areas' streets and open spaces. 'Second Tier' height zones are also identified subject to a number of considerations, such as; heritage context, podium scale, materiality, proportion and architectural rhythm, preservation of sunlight on parks and meeting Tall Building Guidelines. Appropriate Section 37 contributions for increased height would also be required.

The study identified five character areas in the East Precinct and established an approach to considering development within each area. The subject site is in the 'Warehouse District' character area and in a 'First Tier' height zone (Attachments 3 and 4). The 'Warehouse District' generally includes the Richmond Street and Adelaide Street corridors and is characterized by mid-rise brick and beam buildings, many of historic significance. The mid-rise built form character of the 'Warehouse District' is one of the most distinctive features of the King-Spadina area (Attachment 5). The preservation and enhancement of this character is an important goal of the King-Spadina planning framework. The area provides for a transition in height from the 'Second Tier' height zones to the south down to the low-rise Heritage Conservation District along Queen Street West.

This approach conforms to the recommendations of the 2006 King-Spadina Secondary Plan Review Study, and was endorsed by City Council at its meeting of September 30, October 1, 2009.

### **Toronto Entertainment District BIA Master Plan**

In 2008, the Entertainment District Business Improvement Association (BIA) initiated a Master Plan Study of the BIA that was completed in May 2009 intended to articulate the long-term vision for the BIA and provide guidance for change. Although the boundaries of the BIA are different than those of the King-Spadina it does encompass the East Precinct and complements the planning framework for King-Spadina.

Similar to the Built Form Study, the Master Plan identifies areas of distinct character within the BIA, and three are within the East Precinct of King-Spadina. These include the 'Warehouse Precinct', the 'King Street Precinct' and the 'Front Street Precinct' and they are closely related to the character areas identified in the Built Form Study.

The subject site is in the 'Warehouse Precinct' which is described as, "[d]efined by a concentration of mid-rise 'brick and beam' structures, many of which have historic and architectural significance". This portion of Richmond Street West which is considered to be an area serving "as a transition in scale and character between the newer large scaled developments and the Financial District to the south and east, and the low-rise developments adjacent Queen Street West Heritage Conservation District and neighbourhoods to the north."

The Master Plan also endorses the City of Toronto's Design Criteria for Review of Tall Buildings Proposals (June 2006) for evaluating new development.

Together, these initiatives provide a framework for development in King-Spadina. They encompass the vision for King-Spadina as an area where growth is encouraged, while ensuring that its historic character is maintained and reflected in its buildings and along its streets well into the future.

On April 17, 2012, Toronto and East York Community Council considered a Preliminary Report for this application dated March 21, 2012, from the Director, Community Planning, Toronto and East York District. Toronto and East York Community Council adopted the recommendation within that report and can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE15.22>.

### **Pre-Application Discussion**

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements on October 25th, 2011. Matters discussed included height, tower separation distance and the protection of sunlight onto the Queen Street West Heritage Conservation District. On November 26, 2011 Councillor Vaughan held a meeting where the applicant presented the proposal to the residents. Staff were not in attendance.

## **ISSUE BACKGROUND**

### **Discussions with Applicant**

Staff met with the applicant on July 24, 2012 and discussed concerns regarding the proposed tower height and resultant shadowing on Queen Street West, floor plate size and tower separation and the potential to export unacceptable facing distances to adjacent sites. As follow-up to the meeting, staff issued a formal letter dated, September 24, 2012 to the applicant reaffirming staff's concerns.

### **Proposal**

The applicant proposes the redevelopment of the lands to permit a 24-storey mixed-use commercial/residential condominium containing 295 units with retail space at grade along Richmond Street West. The applicant proposes a total of 131 vehicular parking spaces including 100 residential, 29 commercial pay parking, and 2 car share spaces on 5 levels below grade. Parking will be accessible from Richmond Street West. Also proposed are 223 bicycle parking spaces including 178 spaces for residents, and 45 spaces for visitors. A lane widening is being proposed as the laneway to the north of the site is of a sub-standard width. (Attachment 11).

The proposed height is 74.2 metres excluding the mechanical equipment, and a total of 82 metres including the mechanical equipment. The residential gross floor area is proposed to be 20,401 square metres and in addition, there are 270 square metres for commercial gross floor area yielding a density at 14.8 times the area of the lot. There are two loading spaces, one Type G and one Type B located on the ground floor and accessible from the rear laneway on the north side of the development site.

At the base of the tower is a 10-storey podium (approximately 30.3 metres in height). Approximately 270 square metres of retail space is proposed within the podium of the development. The proposed retail space is located on the west portion of the Richmond Street West frontage where all retail units will be accessed.

The proposal consists of 295 units. The proposed residential unit breakdown is as follows:

<b>Unit Type</b>	<b>Number of Units</b>
Studio	35
One bedroom	184
Two bedroom	55
Three bedroom	21

The applicant proposes that nine of the two bedroom units will be designed so that they can be converted to three bedroom units, if required. The proposed indoor amenity space is to be located on the 2nd and 11th levels for an approximate total of 788 square metres. The proposed outdoor amenity space will be located on the 11th and mechanical rooftop levels for an approximate total of 643 square metres.

### **Site and Surrounding Area**

The site is located on the north side of Richmond Street West between Peter and John Streets. The site is approximately 1400 square metres in area, generally rectangular in shape and has a 48.2 metre frontage on Richmond Street West and a depth of 28.8 metres. The applicant has been given permission to demolish the existing two-storey commercial building and three, three-storey row houses used for commercial purposes on site.

Surrounding uses include:

**North:** an east-west public lane runs the length of the block, beyond which is Queen Street West lined with low-rise mixed-use buildings. This section of Queen Street West is designated as a Heritage Conservation District.

**South:** of the site along Richmond Street West is a variety of mixed-use three-storey commercial buildings. At the south-east corner of Richmond Street West and Peter Street is a recently approved 36-storey mixed-use development. At the south-west corner of Richmond Street West and John Street is the Scotiabank Theatre building.

**East:** of the site is a temporary 'Target' surface parking lot which will be replaced by a proposed 39-storey mixed-use development at 306-322 Richmond Street West that is currently going through the Site Plan application review, adjacent is a 6-storey commercial use building and beyond is a 19-storey National Film Board building at the north west corner of Richmond Street West and John Street.

Staff report for action – Final Report – 324-338 Richmond Street West

West: of the site is a three-storey commercial building, beyond which is a two-storey City Services' building and further west at 134 Peter Street is an approved 17-storey office development.

## **Provincial Policy Statement and Growth Plan**

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 site is located in the *Downtown* and in the King-Spadina Secondary Plan Area. The site is designated ***Regeneration Area*** in the Official Plan (Attachment 12).

### **Policies for *Downtown***

As an area where growth is anticipated and encouraged, the Official Plan provides for new development in the *Downtown* that; builds on the strength of the area as an employment centre, provides for a range of housing opportunities and supports and enhances the speciality retail and entertainment districts. The Official Plan directs growth to the *Downtown* in order to achieve multiple City objectives. Among other things, it promotes the efficient use of municipal services and infrastructure, concentrates jobs and people in areas well-served by transit, promotes mixed use development to increase opportunities for living close to work and to encourage walking and cycling. Improved air quality and reduced greenhouse gas emissions goals being targeted by reducing reliance on the private automobile all in keeping with the vision for a more liveable Greater Toronto Area.

The plan recognizes that the economic success of the downtown goes hand-in-hand with accessibility and that the large increase in downtown activity and development over the past decades has not been accompanied by any significant increase in road capacity but rather has been supported by improvements to transit and by new housing that has put more people within walking distance of their places of work and other activities. Lower parking requirements in the downtown support this approach. Policies that favour this approach are included in the Official Plan, among them, Section 2.2.1.8 which provides

that priority will be given to improving transit access to the *Downtown* while the expansion of automobile commuter and all-day parking will be discouraged.

This reurbanization strategy recognizes that the level of growth will not be uniform across the *Downtown* given its diversity. The policies of Section 2.2.1.6 for the *Downtown* provide that design guidelines specific to districts of historic and distinct character will be developed to ensure new development respects the context of such districts in terms of its fit with existing streets, setbacks, heights and relationship to landmark buildings.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the built form policies of Section 3.1.2.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things this harmony is achieved by: massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings, providing for adequate light and privacy and adequately limiting any resulting shadowing of, and uncomfortable wind conditions, on neighbouring streets and properties. Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1 provide additional direction on how they fit into the existing and planned context and how they are designed. The plan states that although tall buildings are desirable in the right places they don't belong everywhere and are only one form of intensification.

Section 3.1.3.2 requires that tall buildings proposals address key design considerations including:

- meeting the built form principles of the Official Plan;
- demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- demonstrating how the proposed building and site design relate to the existing and planned context;
- providing high quality, comfortable and usable publicly accessible open spaces; and
- meeting the other goals and objectives of the Official Plan.

### **Policies for *Regeneration Areas***

The site is designated *Regeneration Area* in the Official Plan on Map 18 - Land Use Plan. *Regeneration Areas* are made up of a broad range of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses. (Policy 4.7.1) (Attachment 12).

The Official Plan includes development criteria (Policy 4.7.2) to help guide new development in *Regeneration Areas*, including in particular:

Staff report for action – Final Report – 324-338 Richmond Street West



- urban design guidelines related to the unique character of each *Regeneration Area*;
- a greening strategy to plan for tree planting, improvements to existing parks and the acquisition of new parks, open spaces;
- a community services strategy to monitor the need for new community services and facilities and local institutions as new residents are introduced and to ensure they are provided when needed;
- environmental policies to identify and ensure that any necessary cleanup of lands and buildings is achieved, that potential conflicts between industrial and residential, other sensitive land uses or live/work uses are mitigated, and that policies for the staging or phasing of development are considered, where necessary; and
- transportation policies that encourage transit, walking and cycling in preference to private automobile use and ensure the movement of people and goods as the number of businesses, employees and residents increase.

The subject site is within the "Downtown and Central Waterfront" on Map 2 - Urban Structure of the Official Plan. The "Downtown will continue to evolve as a healthy and attractive place to live and work as new development that supports the urbanization strategy and the goals for *Downtown* is attracted to the area". (Policy 2.2.1.1) Sites located within this area offer opportunities for substantial employment and residential growth.

The policies of Section 3.1.5 (Chapter 3 – Building a Successful City) deals with the City's heritage resources. Specifically, policy 3.1.5.1 seeks to conserve significant heritage resources through listing or designating properties and designating areas with a concentration of heritage resources as Heritage Conservation Districts and adopting conservation and design guidelines to maintain and improve their character. Given that the subject site is adjacent to a Heritage Conservation District (HCD), regard will be given to this adjacency with respect to the proposed development and its potential impacts.

The Toronto Official Plan is available on the City's website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm).

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

The subject site is within the King-Spadina Secondary Plan area (Attachment 1). 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, lands and parks.

In particular, the Built Form Policies of Section 3 specify that new buildings will achieve a compatible relationship with their built form context as:

- new buildings for any use will be sited and massed to provide adequate light, view and privacy for neighbouring properties;
- new buildings will achieve a compatible relationship with their built form context through consideration of such matters as, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression; and
- buildings adjacent to streets, parks or open spaces will be massed to provide appropriate proportional relationships and will be designed to minimize the wind and shadowing impacts on the streets, parks or open spaces.

With respect to the Official Plan Amendment No. 2, Zoning By-law 921-2006, the amendment represents Council's most recent position on the planning framework for the King-Spadina Area. The amendment to the Secondary Plan refined certain policies and updated maps to reinforce the original intent of the Secondary Plan to protect and enhance the King-Spadina area's unique physical attributes and heritage warehouse character. Under the Urban Structure, Areas of Importance Policy 3.2, the subject site is within the designated heritage Area (Attachment 2).

### **Design Criteria for Review of Tall Building Proposals**

The City's 'Design Criteria for the Review of Tall Building Proposals' provide guidelines for the design and evaluation of tall buildings in the City. Aimed to implement the built form policies of the City's Official Plan, they include measurable criteria and qualitative indicators to assist in the review of tall building proposals. Criteria and indicators are related to four main areas; site context, site organization, building massing and the pedestrian realm.

In considering site context, in addition to requirements for master plans on larger sites, tall building proposals must address concerns related to transitions between taller buildings and lower scale features nearby. Measures such as height limits, setbacks, stepbacks and angular planes are used to achieve appropriate transitions in scales and the protection of sunlight and sky views.

Design criteria related to site organization address issues of building placement and orientation, location of building entrances, servicing and parking requirements and, enhancement of adjacent open spaces. With respect to tall building massing criteria, the requirements are related to the scale of the building, the size of the floor plates, the provision of a 45 degree angular plane, and the tower separation distances to ensure an appropriate built form.

New tall buildings are expected to enhance the public realm by providing active frontages, and high quality streetscape and landscape design elements. To reduce negative impacts of taller building elements, a minimum setback of 5 metres for the tower from the street edge of the base buildings is required. Other considerations include weather protection, limiting shadowing impacts and uncomfortable wind condition on nearby streets, properties and open spaces, as well as minimizing additional shadowing on neighbouring parks to preserve their utility.

## **Zoning**

The site is zoned 'Reinvestment Area' (RA). (Attachment 11). As part of the RA zoning controls, density standards are replaced by a package of built form objectives expressed through height limits and setbacks. The Zoning By-law permits a height of 30 metres for this site. Section 12(2)246 of the Zoning By-law requires a 3 metre setback above 20 metres on all street frontages.

## **Site Plan Control**

The subject site and development are subject to Site Plan Control. An application for Site Plan Control had not been submitted to date.

## **Reasons for Application**

The applicant has submitted a Zoning By-law Amendment application to permit a building that exceeds the permitted maximum building height of 30 metres by approximately 44.2 metres resulting in a proposed building height of 74.2 metres exclusive of the mechanical equipment. Additional areas of non-compliance with the Zoning By-law are related to upper level setbacks, lotline setbacks, and parking.

## **Community Consultation**

A Community Consultation Meeting was held on May 23, 2012 with Planning staff, the applicant, the Ward Councillor and approximately 12 members of the community. Following presentations by Planning staff and the applicant's consultants, the floor was opened up for comments and questions from the community.

The concerns expressed by residents were that the west elevation design does not represent a good condition and concern for potential negative impacts during construction with regard to the adjacent site.

## **Agency Circulation**

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

## **COMMENTS**

### **Provincial Policy Statement and Growth Plan**

The Provincial Policy Statement (PPS) promotes the appropriate intensification and efficient use of land, recognizing that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns. The Provincial Policy Statement states, in Section 4.5, that the Official Plan is the most important vehicle for implementing the Provincial Policy Statement. Furthermore, Section 4.5 directs municipalities to provide clear direction for the development of the municipality as well as areas suitable for growth.

These requirements are met through the built form and land use policies of the Official Plan, the King-Spadina Secondary Plan and the Zoning By-law.

The Growth Plan for the Greater Golden Horseshoe identifies the *Downtown* as an Urban Growth Area, to which intensification should be directed. Policy 2.2.3.6 requires Official Plans to provide a strategy and policies to achieve intensification targets identified in the Growth Plan. Policy 2.2.3.6 g) requires the Official Plan to identify the appropriate type and scale of development in intensification areas. Policy 2.2.3.7 f) requires intensification areas to be planned to achieve an appropriate transition of built form to adjacent areas.

The proposal is generally consistent with the Provincial Policy Statement and the Growth Plan and an overview of the conformity with the Official Plan is provided below.

### **Conformity with King-Spadina Planning Framework**

The application has been assessed in the context of the planning framework for King-Spadina, the input received from the public, and the comments received by City divisions and agencies through their review and assessment of the application. This includes the amendments to the King-Spadina Secondary Plan and Zoning By-law that were adopted by Council in 2006 and as well as the East Precinct Built Form study considered by Council in 2009 that has provided direction for the review of applications in King-Spadina.

The site is situated on the north side of Richmond Street West in an area of King-Spadina identified as the 'Warehouse District' characterized historic office and manufacturing buildings, along with pockets of lower scale residential building. It is a small site, currently under-developed and situated mid-block adjacent to properties that also have development potential. Given its context, new development on the site will set a precedent for future development in this area.

As a site in the *Downtown* and a *Regeneration Area*, it is an appropriate location for growth. New development however, must conform to the City's growth management strategy along with the objectives and policies that support it. The growth strategy for this area of the City is framed by the King-Spadina Secondary Plan that sets out the desired type and form of physical development for the area to encourage reinvestment for a wide range of uses in the context of an consistent built form that relates to its historic building stock and pattern of street, lanes and parks.

The Secondary Plan is supported by a community improvement plan as well as urban design guidelines to ensure that new buildings and public realm improvements preserve and reinforce the area's unique heritage character. To implement the policies of the Official Plan and Secondary Plan the Reinvestment Area zoning for this area provides for levels of intensification that are consistent with the desired type and form of development.

The current policies of the King Spadina Secondary Plan support development in the area that complements with the historic warehouse character of the area. The 2008 City-initiated Built Form Study and the 2009 Entertainment District Master Plan identified the Richmond and Adelaide corridors of King Spadina as the 'Warehouse District' and noted the importance of protecting and enhancing the character of the area. Since the completion of those studies, City Council has approved a number of tall buildings in the Warehouse District. While these approvals are beginning to change the character of the area however, there is still a large number of lower scale historic buildings in this area.

Acknowledging that tall buildings will be built in the area, Planning Staff have reviewed applications for tall buildings against a number of key principles to try to respect and complement the historic context:

- limit any shadow impacts on the Queen Street Heritage Conservation District to no more than the as-of-right, or at a minimum to eliminate shadows on the north Queen Street sidewalk in the spring and autumn equinox past the noon hour;
- achieve a tower separation of 25 metres; and
- design the podium of buildings and achieve tower setbacks from the podium that comply with the area zoning and reference the height of the immediate context.

The applicant has made a number of changes to the proposal to begin to address these issues however in its current form the application is not supportable.

Other tall buildings have been approved previously in the East Precinct of King Spadina along the Richmond and Adelaide corridor. To the south on the block bounded by King Street West, Widmer Street, Adelaide Street West and John Street, three towers have been approved. These towers meet the City's 25 metre separation requirement on a master planned block that delivers a new home for the Toronto International Film Festival, new publicly accessible open space, preservation of heritage buildings and inclusion of public art.

The developments on the south side of Adelaide Street also mitigate potential negative impacts of tall building elements related to light, view and privacy not only on their own properties but protect for these conditions on adjacent lands.

Along Richmond Street, the project at 306 Richmond immediately to the east was approved by City Council as a stand alone, landmark tower intended to provide a view terminus to Beverly Street. This approval pre-dated the 2008 and 2009 Design Guidelines for the East Precinct. The approved towers to the south-west at 117 and 134 Peter Street more closely achieve the Planning objectives for sunlight on Queen and tower separation than the current proposal that sets a new, more negative precedent for these measures.

## **Land Use**

The proposed mix of residential and commercial uses consistent with the land use provisions of the Official Plan, Secondary Plan and the Zoning By-law.

Staff report for action – Final Report – 324-338 Richmond Street West

## **Height and Massing**

The proposed building height is 24-storeys, 74.2 metres with 5 metres to the mechanical roof and an additional 2.8 metres for the elevator overrun, will exceed the permitted height of 30 metres plus 5 metres for mechanical elements by approximately 44.2 metres. In the King-Spadina Plan Area, the 'Regeneration Area' zoning specifically uses built form controls rather than density. The primary building controls are building height and setbacks.

The proposal requires further changes to building massing and height in relation to its existing and planned context as required by the Official Plan and King-Spadina Secondary Plan, and supported by the King-Spadina Urban Design Guidelines and the Tall Building Criteria.

### **Base Building**

Zoning By-law 438-86, as amended requires a 3 metre tower setback above 20 metres on the street frontage with the intent of limiting the tower's visual impact on the street, open space and properties that are lower in scale. However, the podium element proposes an approximate height of 30.3 metres at 10-storeys. Above this height proposed is a 3 metre setback. Given that the proposed podium element aligns closely in height with the adjacent development at 306-322 Richmond Street West. This part of the proposal is acceptable.

In addition, there is a Zoning By-law side lot line requirement for the portion of the building that exceeds 25 metres as measured from the centre line of the public lane of 7.5 metres. The proposal is for 1.10 metres from the west lot line and 5.7 metres on the east.

### **Tall Building Element – Height and Separation**

Site specific Zoning By-law 921-2006 amends the King-Spadina Secondary Plan Built Form Policy 3.7 to identify a specific area within the East Precinct where proposals for building heights significantly in excess of the existing zoning regulations may be considered. Although the subject site is not within that designated area where tall building proposals may be considered, they are evaluated on their ability to meet the criteria set out in the City's Tall Building Guidelines and among other things, must demonstrate that the proposal does not export facing dimension constraints to adjacent sites.

Access to natural light, the protection of privacy and opportunities for views are important factors that affect living conditions. In order to ensure that people have access to natural light, adequate sky views and that their privacy in their homes is protected, space between tall building is needed and setbacks that exceed the by-law minimums that apply to lower scale buildings are often needed to achieve light, view and privacy in tall buildings. The tall building criteria include a minimum separation of 25 metres between shafts of tall buildings to achieve this. This facing distance can be achieved on the subject site, by requiring a minimum setback of 12.5 metres from property lines for tall buildings elements.

On the west elevation above the podium base on the 11th floor amenity space, there is an 8.4 metre setback to the building face. From the 12th to 24th floors, the setbacks vary from 1.1 metres to 3.0 metres.

On the east elevation above the podium base on the 11th floor amenity space, there is an 5.7 to 8.7 metres range in setback to the building face. From the 12th to 24th floors, the setbacks range from 5.7 to 7.5 metres.

On the north elevation, there are a series of setbacks as the building increases in height. From the grade level, through to the 24th floor, the setbacks range from 3.0 to 13.7 metres. The purpose of this elevation stepping back is to mitigate shadowing on the north sidewalk of Queen Street West and to achieve a 45 degree angular plane. As discussed in the 'Sun and Shadow' content below, the built form massing requires further refinements in order to fully eliminate shadowing past the noon hour in the spring and fall equinoxes.

Given that the laneway will act as a buffer as part of the separation distance from the subject site and combined with the fact that the proposed building steps back. This reduced setback to the north is considered appropriate along the north property line.

On the south side of the building, proposed is a minimal setback at grade of 1.8 metres to the property line. On levels two and three, proposed is a 1.0 metre canopy projection that encroaches into the public-right-of-way, beyond the property line. If that condition were to remain, the applicant would require a Right-of-Way Agreement.

Development proposals must be evaluated not only on their ability to achieve optimum proximity, light, view and privacy conditions, but are also assessed in relation to the impacts on other properties in the same block, with similar potential. The ability of these nearby properties, within their existing and/or planned context, to achieve optimum proximity, light, view and privacy conditions is equally important. To ensure that adjacent and nearby properties are not negatively impacted facing distances and setbacks should be addressed within the development site and not exported to adjacent and nearby properties.

In this case, the reduced east and west setbacks would export the facing distances and setbacks requirements to adjacent properties. There will be impacts on the adjacent property to the east given that there is an approved high-rise mixed-use development that is under construction that would be impacted by this deficient facing distance as well as, the existing low-rise commercial use development to the west. The proposal will negatively impact the ability of these properties to develop in a manner that ensures that adequate light, view and privacy can be provided.

### **Floorplate Size**

The proposed floor plate size far exceeds the guideline maximum standard of 750 square metres. Proposed on levels 12 to 19 are 892 square metres and 861 square metres is proposed on level 20. Floor plate maximums are to ensure an appropriate proportion

between the podium, middle and top elements are maintained and the physical impact is minimized.

### **Rooftop Mechanical Equipment**

Mechanical penthouse equipment is not to be visible, minimally visible from the street level. The objective is to recess it back from all sides as much as possible. However, the proposal is for mechanical equipment that covers the length of the entire south elevation. It is approximately 5 metres in height, with 2.8 metres for an elevator overrun, and it cantilevers over the residential balconies. This in effect becomes a highly visible element that is an undesirable condition. In this proposal, it creates the perception from the pedestrian at street level of experiencing an even taller built form development.

## **Sun, Shadow and Wind**

### **Sun and Shadow**

The applicant has submitted a Shadow Study for the spring and fall equinoxes. The study indicates that the proposed building will create new shadows past 1:18 p.m. onto the north Queen Street West sidewalk. Staff are recommending a reduction in height to ensure that new shadows are not created on the north Queen Street sidewalk in the fall and spring equinoxes beyond the noon hour.

The goal is to improve the hours of sunlight for a more desirable pedestrian condition especially through the mid-day. In addition, with the reduction in height, it is anticipated that it would also eliminate the penetration of the 45 degree angular plane that occurs on the north elevation.

### **Wind**

The applicant has provided a Pedestrian Level Wind Assessment. The wind assessment estimates the pedestrian level wind conditions which may occur if the proposed building is constructed. The analysis is based on historical, local wind conditions and the consultant's microclimate data which has been gathered from analyses of other sites in the area.

Based on the consultant's assessment, wind conditions on and around the site, if redeveloped, are predicted to be reasonably comfortable under normal wind conditions. The consultant has recommended mitigative measures for the outdoor amenity area, private terraces and skydeck area which will experience greater than normal wind conditions. Should the applicant submit a modified proposal, a wind tunnel study is required.

### **Laneway**

On the north side of the building, there is an existing rear laneway with an irregular width between 3.05 metres and 4.57 metres. The owner is proposing to convey a 1.48 metre wide strip of land for lane widening purposes. This will result in lane width of between 4.53 metres and 6.05 metres after the conveyance. When additional conveyances have



been obtained in connection with the redevelopment of properties on the north side of the lane, it is expected that the lane will have an ultimate width of 6.05 metres, which satisfies the Official Plan objective for a minimum lane width of 6.0 metres.

### **Vehicular Parking**

The applicant proposes to provide a total of 131 vehicular parking spaces; 100 resident spaces; 29 pay parking spaces and 2 car share spaces on five levels of below grade parking.

The Zoning By-law requirements for parking in this area are based on Official Plan growth management objectives that seek to reduce auto dependency, improve air quality and discourage commuter and all-day parking in *Downtown* and Secondary Plan objectives that seek to minimize automobile use and encourage only essential parking.

The Zoning By-law requires a total of 187 vehicular parking spaces composed of 169 resident and 18 visitor parking spaces be provided on site. Proposed is a deficiency of 38 residential spaces which includes 29 pay parking spaces to be clarified by the applicant since they are considered to be undesignated, and 18 visitor spaces.

The deficiency in parking for both residents and visitors has not been adequately supported by the parking study provided. The applicant advised that they will have their Transportation Consultant revise the study.

### **Bicycle Parking**

The proposal provides a total of 223 bicycle parking spaces of which; 45 are for visitors and 178 are for residents which achieves the minimum Zoning By-law requirement. The resident bicycle spaces are located on the first level below grade, 16 visitor spaces on the ground level, and 29 visitor spaces on the first level below grade.

### **Servicing, Access**

Servicing for the development is to be located at the southeast corner of the site integrated into the ground floor. This location and the configuration of the driveway through the site allows garbage and servicing vehicles to accommodate all turning manoeuvres on site.

### **Amenity Space**

Section 3.1.2.6 of the Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents, in addition to identifying that each resident will have access to outdoor amenity space. Also, the Zoning By-law requires that a minimum of 2 square metres per dwelling unit of indoor and outdoor amenity space be provided.

The applicant proposes 788 square metres of indoor amenity space and 643 square metres of outdoor amenity space where 590 square metres is required for each. Therefore, the provision of both indoor and outdoor amenity space is sufficient.

## **Heritage**

The applicant submitted a Stage 1 Archaeological Assessment report for Heritage Preservation Services' staff review. The Assessment has recommended that portions of the subject site be subject to Stage 2 archaeological assessment in the form of test trenching. Staff have reviewed the document and should this application be approved, have outlined a series of conditions to be fulfilled.

On September 27, 2007, Zoning By-law 979-2007 was passed thereby adopting the Queen Street West Heritage Conservation District Study. The subject site is adjacent to the Queen Street West Heritage Conservation District. As such, the proposal needs to respond to the area context, including "the shadow impact of new buildings outside the Heritage District should not result in greater shadowing on Queen Street West than what is permitted in this plan". Specifically, the study references how the north sidewalk conditions should be "afforded sunlight for much of the day and during most seasons, particularly in spring, summer and fall".

## **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 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 0.79 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 the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 295 residential units and 270 square metres of non-residential uses on a site with a net area of 1,399 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.393 hectares or 281% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 138 square metres.

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

This is appropriate as an on-site parkland dedication requirement of 0.393 hectares (138 square metres) would not be of a useable size and the site would be encumbered with below grade parking. The actual amount of the cash-in-lieu is determined at the time of issuance of a building permit.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is

required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

Through staff review of the TGS compliance requirements, it has been identified that there are two outstanding matters to resolve with respect to requirements AQ2.1 and 2.3 of the bicycle parking provisions to be satisfied by the applicant in order to meet Tier 1 of the TGS.

### **Section 37**

Section 37 of the Planning Act allows the City to authorize increased density and/or height in return for the provision of services, facilities or matters. The Official Plan contains provisions authorizing these Section 37 matters, provided the density and/or height increases are consistent with the objectives of the Official Plan regarding the building form and physical environment.

Given the increase in proposed height, the Official Plan would require the provision of Section 37 benefits. Discussions regarding Section 37 benefits between the applicant and the City did not occur as there was not an agreement on appropriate development for the site. However, should this application be appealed to the Ontario Municipal Board (OMB), the City Solicitor would need to address Section 37 matters in the event the OMB approved development on this site. This report therefore recommends that the City Solicitor secure such services, facilities and/or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner if a development with an increase in height and density is approved for the site. Benefits could be secured towards streetscaping, affordable housing, and any other local priorities.

## **Conclusion**

The application as currently proposed represents overdevelopment of the site and does not respond appropriately to the Tall Buildings Guidelines or the Queen Street Heritage Conservation District. In particular, the project does not provide adequate tower separation and casts shadows on the north sidewalk of Queen Street West past the noon hour. For these and other reasons cited in this report, the application is not supportable by Planning staff. City Staff recommend that the application be refused.

## **CONTACT**

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Fax No. (416) 392-1330  
E-mail: dsilver2@toronto.ca

## **SIGNATURE**

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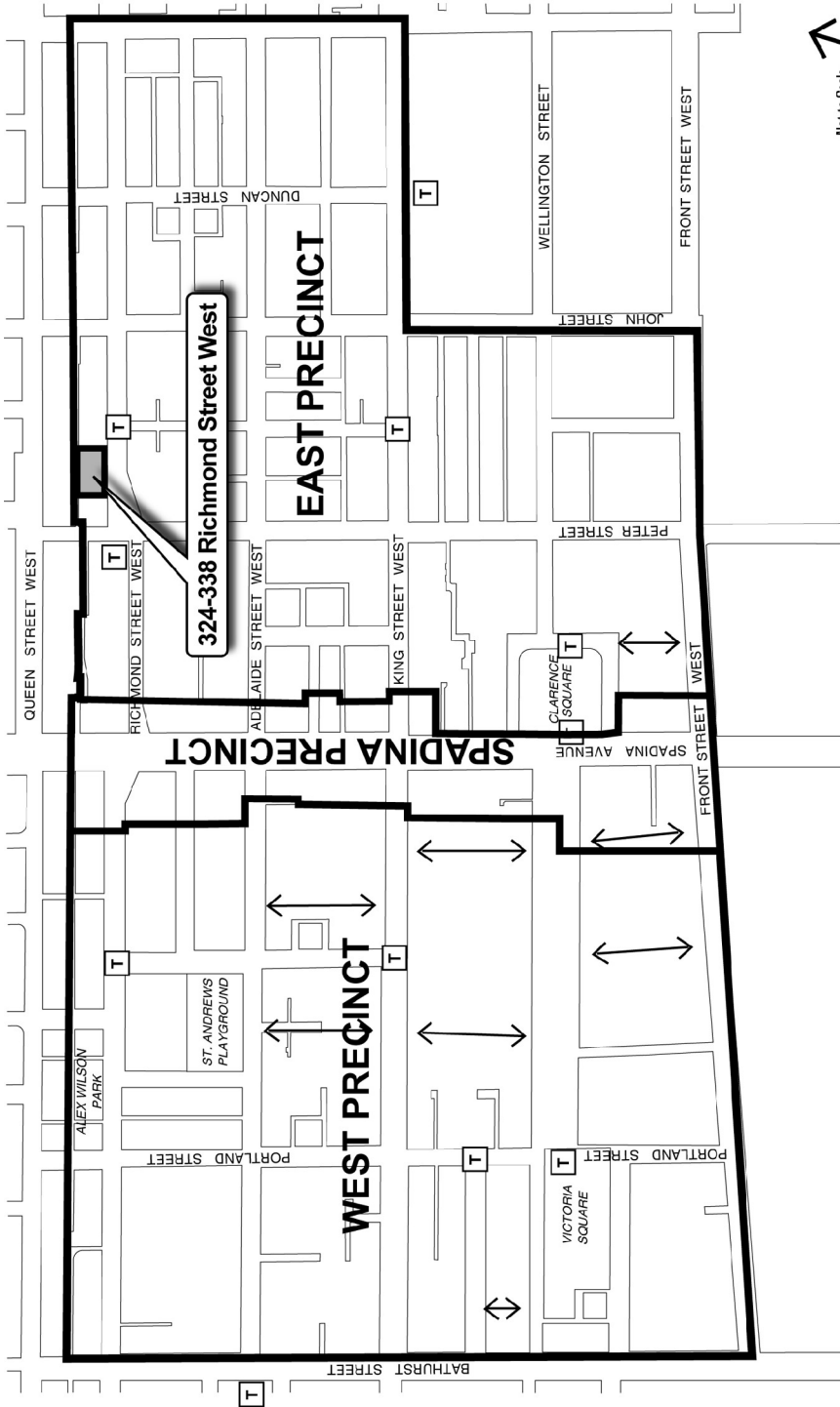
Gregg Lintern, MCIP RRP  
Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: King-Spadina Secondary Plan Review – Urban Structure  
Attachment 2: King-Spadina Secondary Plan Review – Areas of Importance  
Attachment 3: King-Spadina East Precinct Character Areas  
Attachment 4: King-Spadina Precinct Height Areas  
Attachment 5: Site Plan  
Attachment 6: North Elevation  
Attachment 7: South Elevation  
Attachment 8: East Elevation  
Attachment 9: West Elevation  
Attachment 10: Conceptual Rendering  
Attachment 11: Zoning  
Attachment 12: Official Plan  
Attachment 13: Application Data Sheet

**Attachment 1:  
King-Spadina Secondary Plan Review – Urban Structure**



**Official Plan Amendment No. 2 for King-Spadina Secondary Plan**  
MAP 16-1 Urban Structure Plan

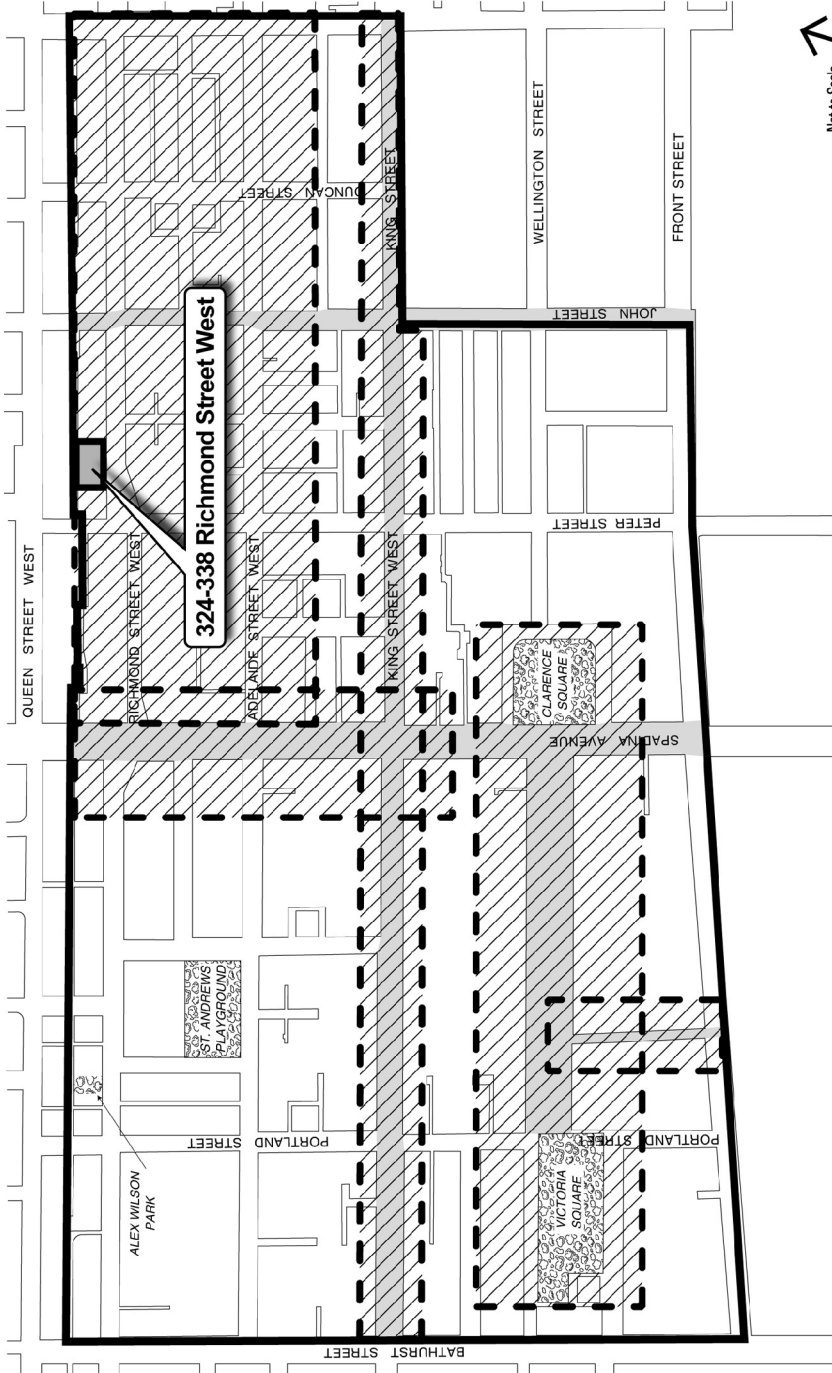
— Secondary Plan Boundary

T View Terminus

↔ Potential Mid-block Connections

July 2006

## Attachment 2: King-Spadina Secondary Plan Review – Areas of Importance



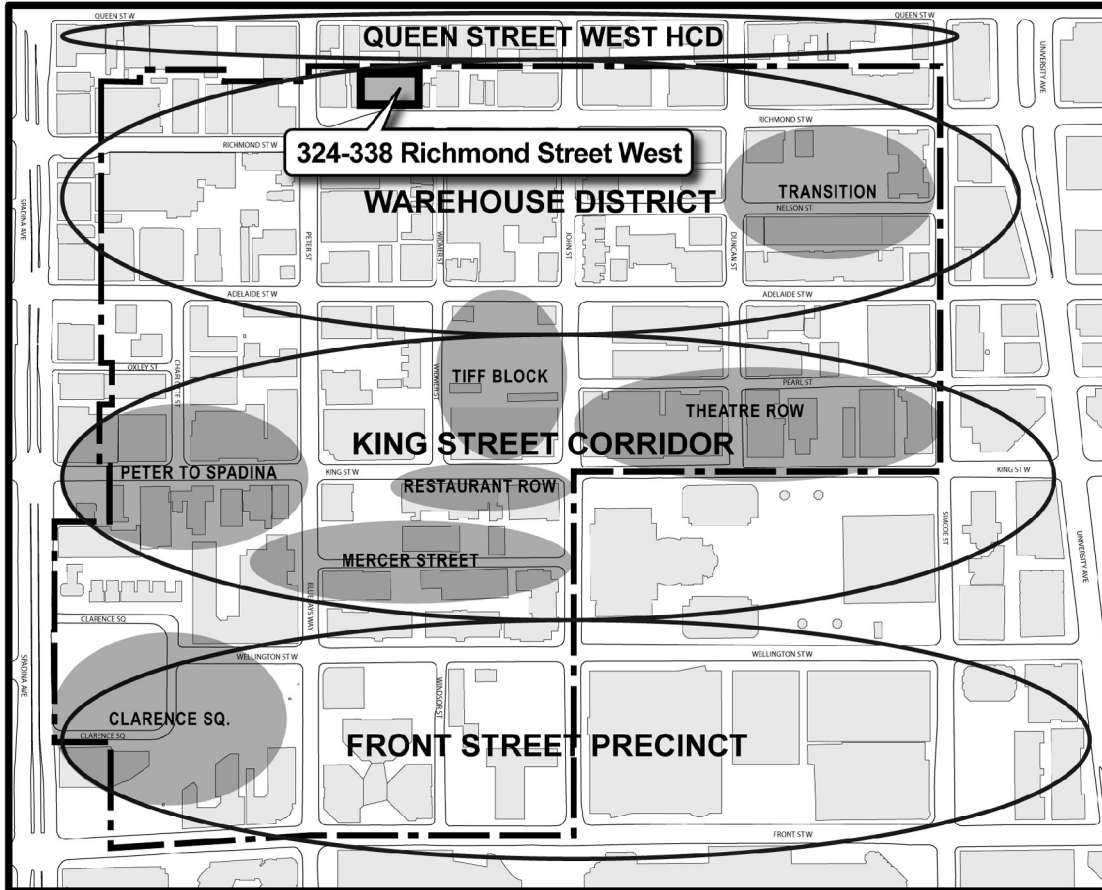
### Official Plan Amendment No. 2 for King-Spadina Secondary Plan MAP 16-2 Areas of Importance






- Secondary Plan Boundary
- Special Character Street
- Public Parks
- Heritage Areas

July 2006

**Attachment 3:  
King-Spadina East Precinct Character Areas**



-  Character Areas
-  Sub-Character Areas
-  East Precinct Boundary

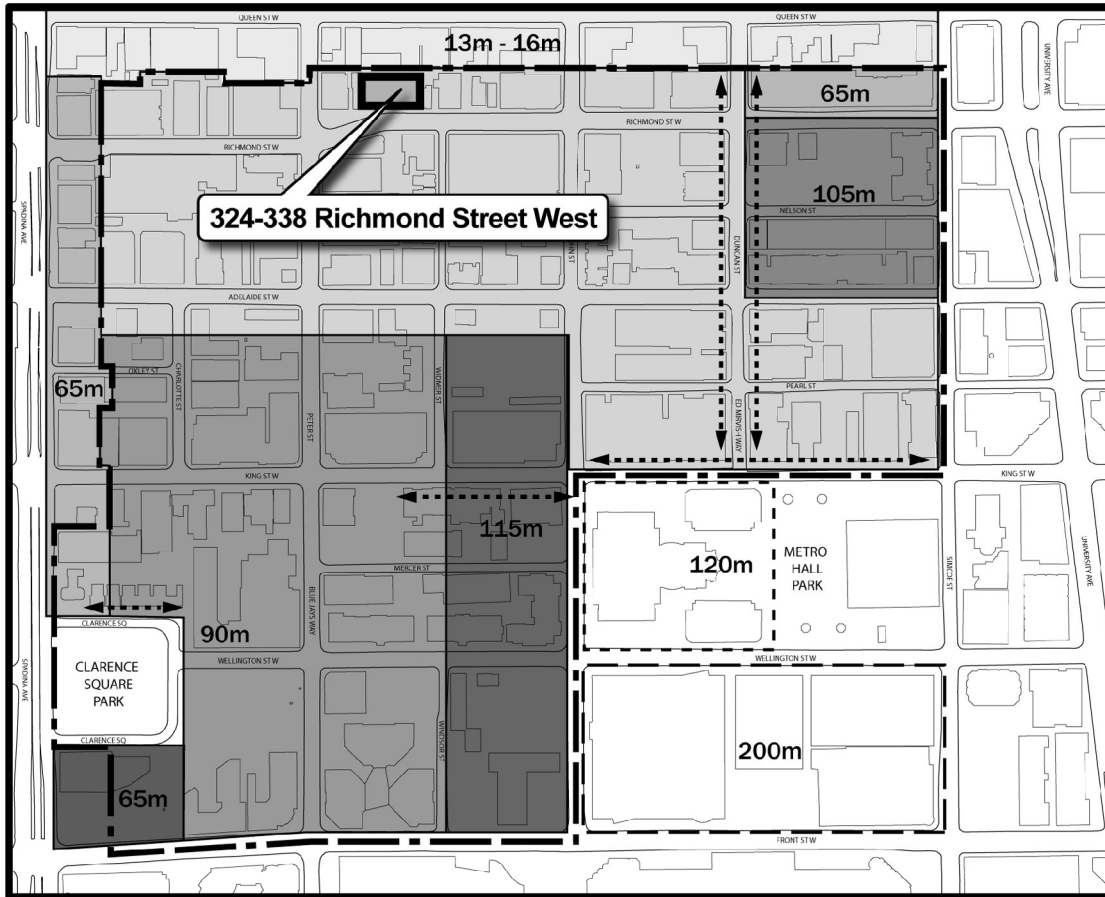
**Character Areas**

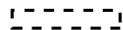
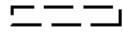

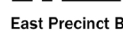
**324-338 Richmond Street West**

Not to Scale   
11/15/2012

File # 12 124056

## Attachment 4: King-Spadina Precinct Height Areas



-  Existing Heights in Metro Hall
-  Existing / Approved Heights in Financial District
-  Properties Contributing to Heritage Character
-  East Precinct Boundary

### Height Areas

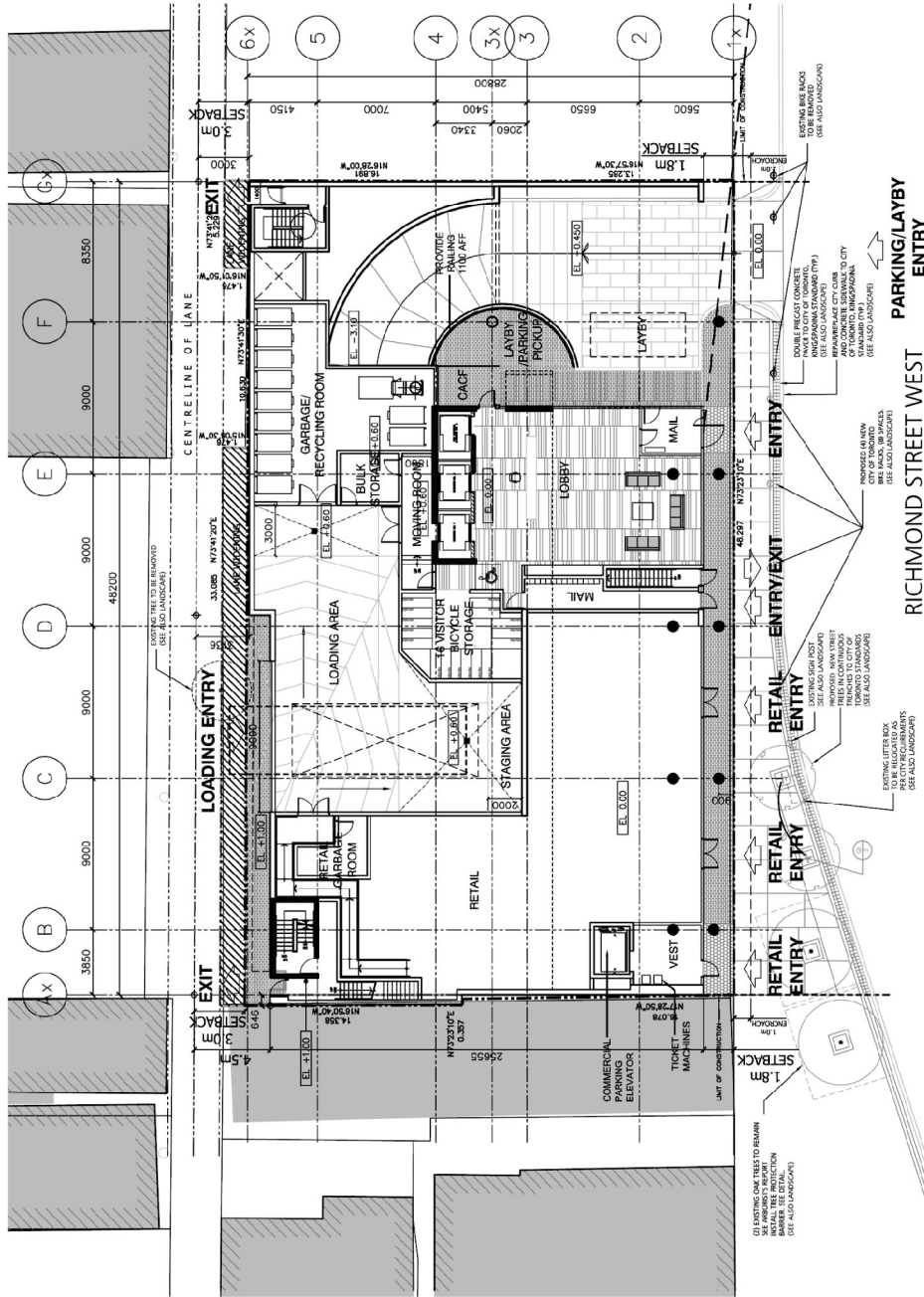
### 324-338 Richmond Street West

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11/15/2012 

File # 12 124056



# Attachment 5: Site Plan



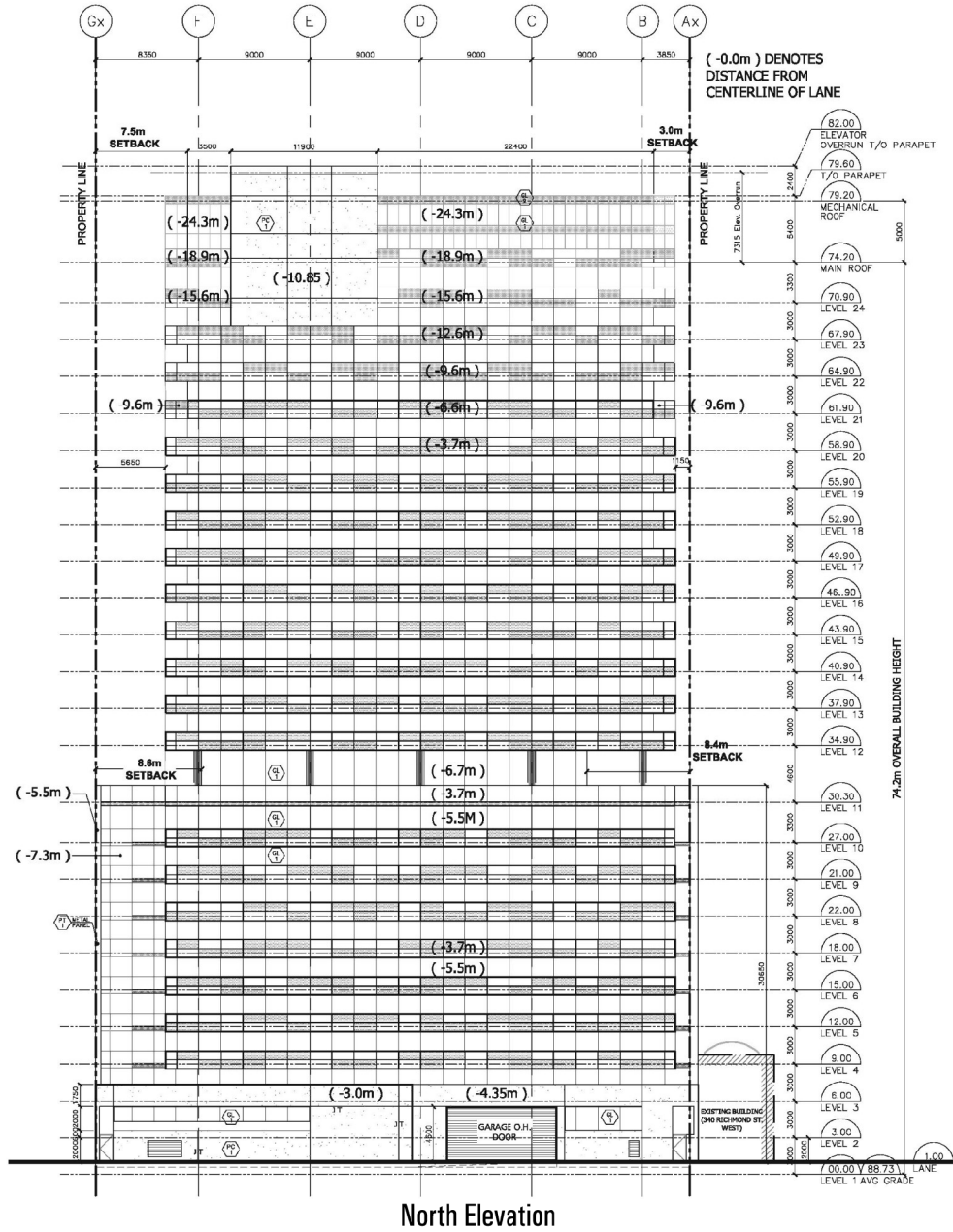
**Site Plan**

**Applicant's Submitted Drawing**

Not to Scale  
03/01/2012

File # 12 124056 0Z

# Attachment 6: North Elevation



## Elevations

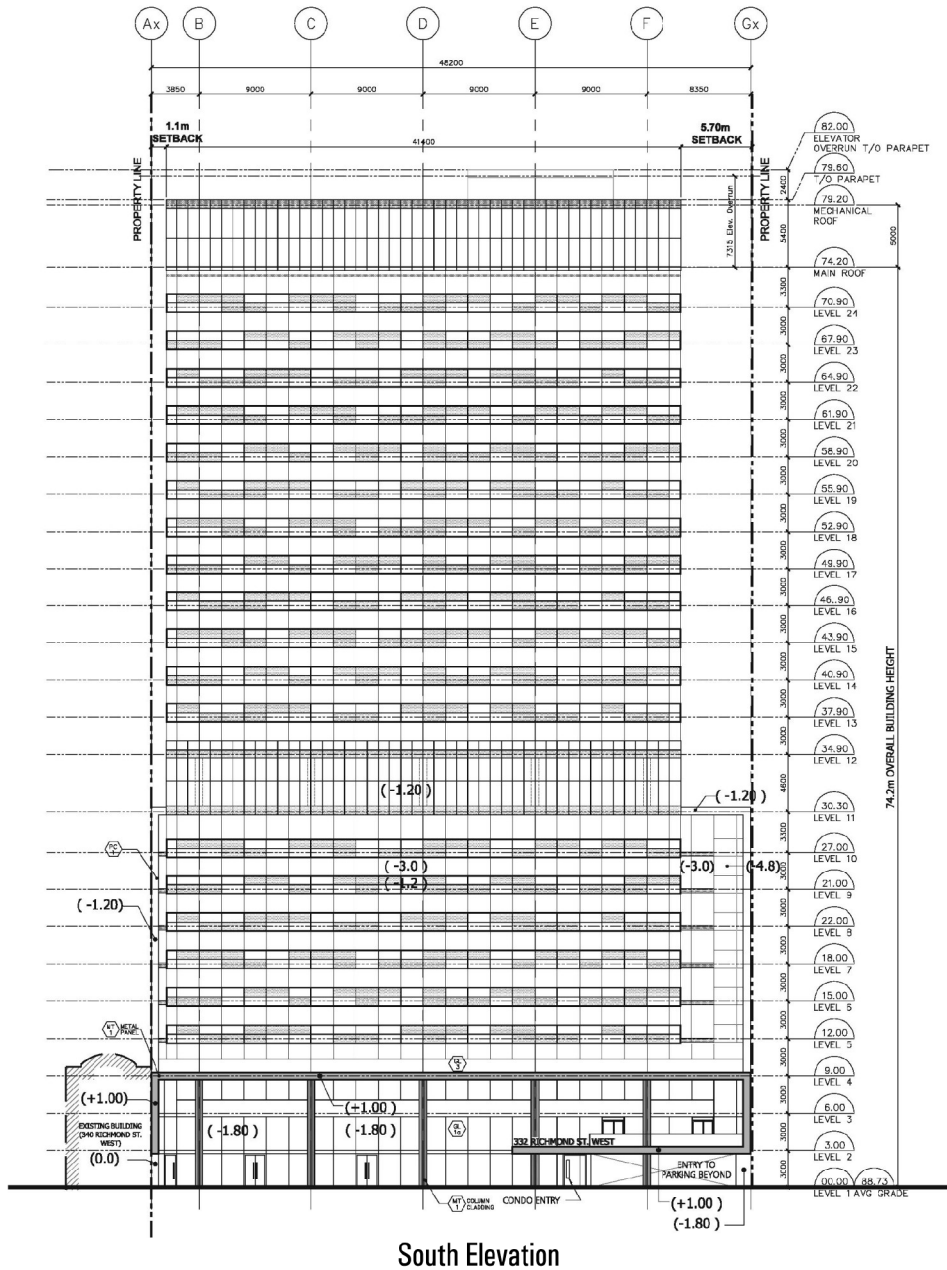
## 324-338 Richmond Street West

Applicant's Submitted Drawing

Not to Scale  
03/01/2012

File # 12 124056 0Z

## Attachment 7: South Elevation



### Elevations

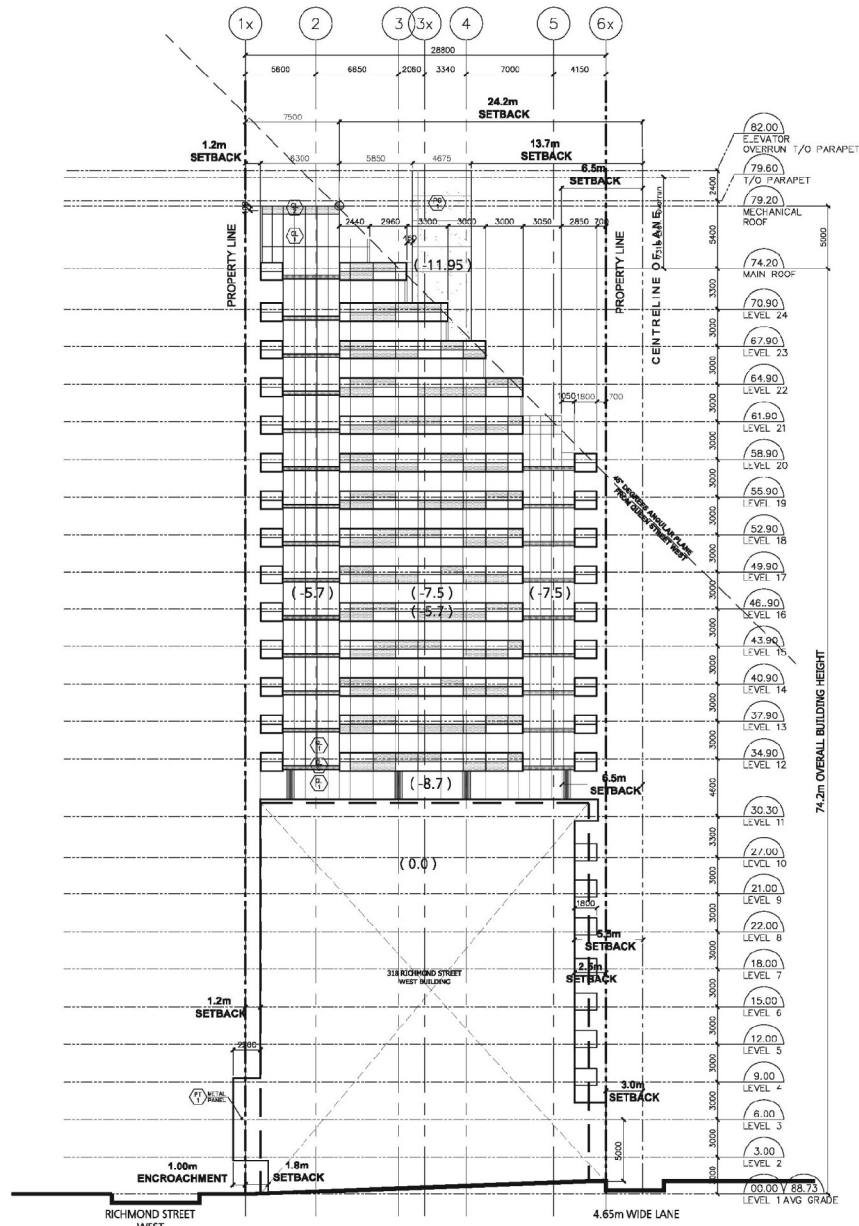
### 324-338 Richmond Street West

Applicant's Submitted Drawing

Not to Scale  
03/01/2012

File # 12 124056 0Z

## Attachment 8: East Elevation



East Elevation

### Elevations

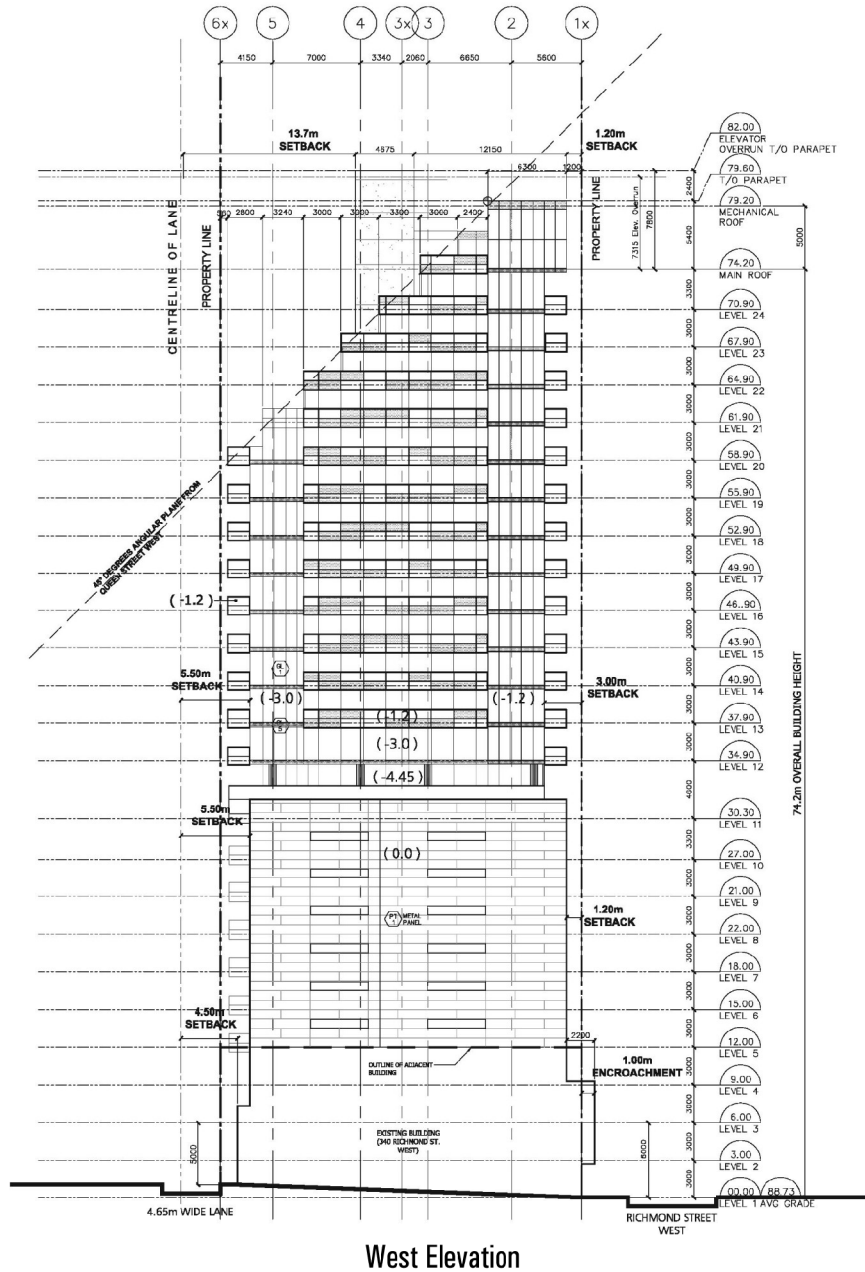
### 324-338 Richmond Street West

Applicant's Submitted Drawing

Not to Scale  
03/01/2012

File # 12 124056 0Z

## Attachment 9: West Elevation



### Elevations

### 324-338 Richmond Street West

Applicant's Submitted Drawing

Not to Scale  
03/01/2012

File # 12 124056 0Z

## Attachment 10: Conceptual Rendering



Looking east along Richmond Street West

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**Architectural Rendering**

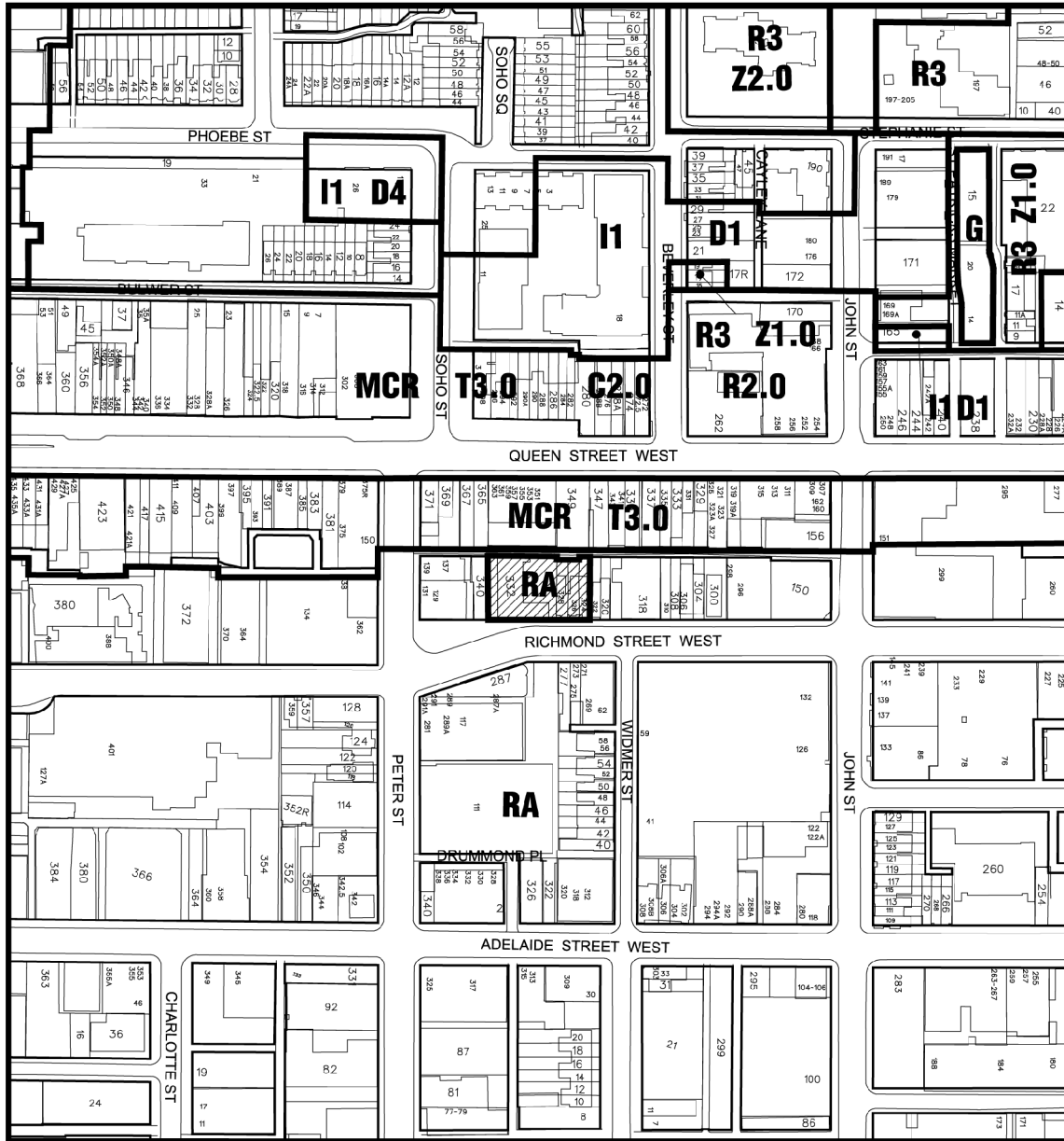
**324-338 Richmond Street West**

Applicant's Drawing

Not to Scale  
12/24/2012

File # 12 124056 02


# Attachment 11: Zoning



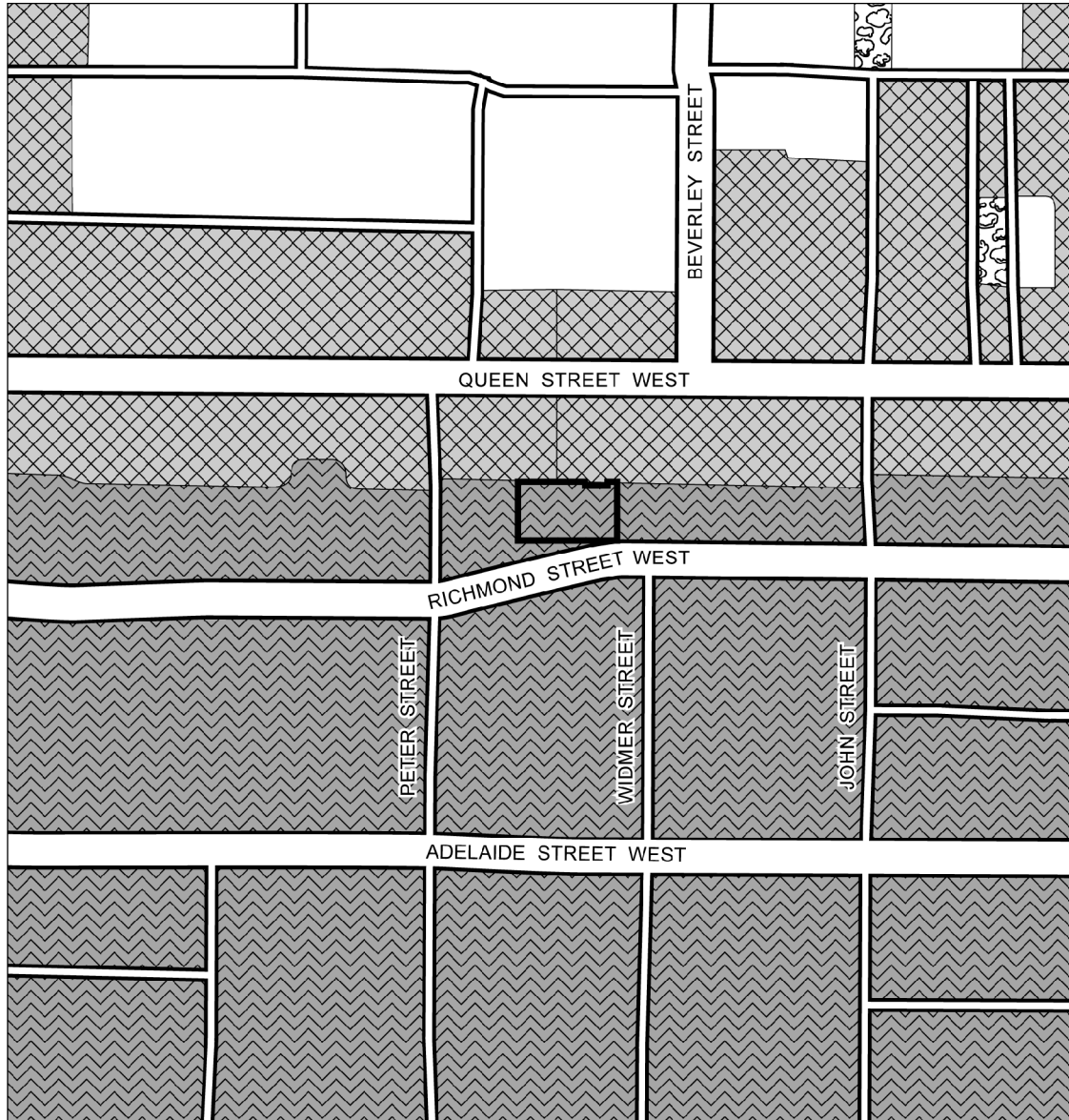
324-338 Richmond Street West

File # 12 124056 0Z

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

  
 Not to Scale  
 Zoning By-law 438-86 (as amended)  
 Extracted 03/02/2012

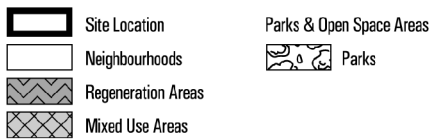
## Attachment 12: Official Plan



**TORONTO** City Planning  
**Official Plan**

**324-338 Richmond Street West**

File # 12 124056 0Z



  
 Not to Scale  
 03/05/2012





