

**306 Richmond St W - Rezoning Application -
Supplementary Report**

Date:	January 28, 2009
To:	Toronto City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	07 238270 STE 20 OZ

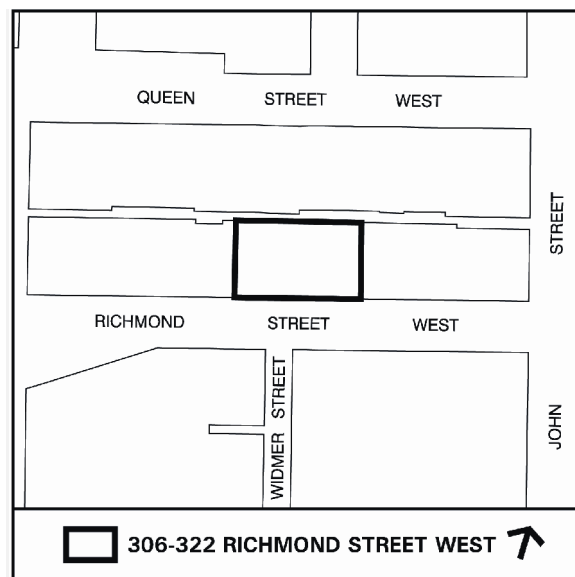
PURPOSE

This report responds to the request of the Toronto and East York Community Council that the Chief Planner report, in consultation with the City Solicitor, on the form of Zoning By-law to permit the proposed 35-storey mixed use building and the associated Section 37 benefits.

RECOMMENDATIONS

If City Council adopts the recommendations of the Toronto and East York Community Council to approve the rezoning application for 306 – 322 Richmond Street West, then Council should,

1. Authorize an amendment to Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law attached as Attachment No. 1.
2. The City Solicitor be authorized to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.



3. Before introducing the necessary Bill to City Council for enactment, require the owner to enter an Agreement pursuant to Section 37 of the Planning Act to secure the following:
- payment of \$50,000 within 30 days of the Zoning By-law, being final and binding for capital improvements to social housing in Ward 20,
 - payment of \$500,000 prior to the issuance of the first above grade building permit, towards streetscape improvements for Richmond Street West between John Street and Spadina Avenue, and John Street between Wellington Street West and Queen Street West.
 - payment of \$150,000 prior to the earliest of first occupancy or condominium registration, towards streetscape improvements for Richmond Street West between John Street and Spadina Avenue, and John Street between Wellington Street West and Queen Street West.
 - the owner shall construct the development in accordance with elevations on file with the Chief Planner, and shall make such refinements to the elevations as are required by, and to the satisfaction of, the Chief Planner, and the owner shall thereafter maintain the building and any replacement building, to the satisfaction of the Chief Planner, in accordance with such elevations and shall further secure these obligations in the associated site plan agreement and any condominium agreement,
 - the owner shall construct the development with such high quality building landscaping features, including plants located throughout the vertical face and balconies/terraces of the Proposed Building, as are required by, and to the satisfaction of, the Chief Planner, and
 - as part of the site plan application the owner shall pay for a peer review of the viability of the landscape features, and provide a letter of credit to secure their installation and maintenance for at least two years,
 - thereafter maintain the said landscaping for the life of the building, and any replacement building, to the satisfaction of the Chief Planner,
 - and shall further secure these obligations in the associated site plan agreement and any condominium agreement,
 - the owner to use reasonable commercial efforts to obtain LEED Platinum Certification of the development and provide to the city documentation respecting certification for the development,
 - the owner shall agree that, at least 10% of the total number of Dwelling Units contained within the building shall contain three or more bedrooms and, for

the purpose of calculating the number of Dwelling Units containing three or more bedrooms,

- (a) in the event the building contains adjacent Dwelling Units, each of which have less than three bedrooms and which are separated by knock-out panels that would allow the two adjacent Dwelling Units to be combined into one Dwelling Unit containing three or more bedroom, then
- (b) each such pair of adjacent Dwelling Units shall be counted as one Dwelling Unit containing three or more bedrooms.

the owner shall enter into an agreement with the City pursuant to Section 37 of the Planning Act, to secure the provision of the said facilities, services and matters, in a form satisfactory to the City Solicitor with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

Financial Impact

The recommendations in this report have no financial impact.

BACKGROUND

On January 13, 2009, the Toronto and East York Community Council considered a Refusal Report regarding a Zoning By-law amendment application to permit a 35-storey, 128.8 metre tall mixed use building for the lands municipally known as 306-322 Richmond Street West (Item TE 22.09). This report reviewed and recommended refusal of the application. The refusal recommendation was based on a number of factors: the development exceeds the 30 metre as-of-right height by 91 metres; the proposed density of 19.5 times the area of the lot exceeds the densities on the City's most intense corridors and areas; the proposed building does not complement or reinforce the warehouse character of Richmond Street West; and, the negative precedent for the area and detrimental affects on the character of the Queen Street West Heritage Conservation District.

Toronto and East York Community Council has recommended that Council approve the Zoning amendment application and requested that the Chief Planner, in consultation with the City Solicitor, report directly to Council at its next meeting on January 27 and 28, 2009 on:

- a. A Zoning By-law to permit the proposed development at 306-322 Richmond Street West, substantially as set out in the applicant's drawings date stamped December 1, 2008, on file with the City Planning Division; and

- b. the services, facilities and matters to be secured pursuant to Section 37 of the Planning Act as a condition of the additional heights and densities; and that the Zoning By-law and confirmation respecting execution of the Section 37 agreement be submitted to the next meeting of Council.

More specifically, the Toronto and East York Community Council made the following recommendations to City Council:

1. City Council approve the application for rezoning of 306-322 Richmond Street West.
2. The proposed Zoning By-law and Section 37 agreement shall:
 - a. secure an appropriate financial contribution to community benefits within Ward 20;
 - b. secure architectural plans, elevations and landscaping including 1:50 elevations to the satisfaction of the Chief Planner, and require the owner, in conjunction with each Site Plan Application, to submit 1:50 scale drawings in conformity with this requirement;
 - c. secure 10% of the proposed residential dwelling units as 3-bedroom units and/or have knock-out panels to enable the conversion;
 - d. prohibit an entertainment facility-nightclub use on the lot, as defined by By-law 301-2006; and,
 - e. address such additional technical issues that may be identified by commenting divisions.
3. The Section 37 Agreement be executed prior to the City Council's passage of the Zoning By-law.

COMMENTS

Planning staff have consulted with the City Solicitor and Buildings Staff to prepare a site-specific Zoning By-law to implement the proposed development. A draft of the by-law in its current form is appended as Attachment 1 and a Section 37 Agreement is being drafted to address the recommendations of Community Council.

Section 37 benefits have since been determined by the Ward Councillor and include:

- payment of \$50,000 within 30 days of the Zoning By-law becoming final and binding for capital improvements to social housing in Ward 20,

- payment of \$500,000 prior to the issuance of the first above grade building permit, towards streetscape improvements for Richmond Street West between John Street and Spadina Avenue, and John Street between Wellington Street West and Queen Street West.
- payment of \$150,000 prior to the earliest of first occupancy or condominium registration, towards streetscape improvements for Richmond Street West between John Street and Spadina Avenue, and Wellington Street West and Queen Street West.
- the owner shall construct the development in accordance with elevations on file with the Chief Planner, and shall make such refinements to the elevations as are required by, and to the satisfaction of, the Chief Planner, and the owner shall thereafter maintain the building and any replacement building, to the satisfaction of the Chief Planner, in accordance with such elevations and shall further secure these obligations in the associated site plan agreement and any condominium agreement,
- the owner shall construct the development with such high quality building landscaping features, including plants located throughout the vertical face and balconies/terraces of the Proposed Building, as are required by, and to the satisfaction of, the Chief Planner, and
 - as part of the site plan application the owner shall pay for a peer review of the viability of the said building landscape features and installation technique, and provide a letter of credit to secure their installation and maintenance for at least two years,
 - thereafter maintain the said landscaping for the life of the building, and any replacement building, to the satisfaction of the Chief Planner,
 - and shall further secure these obligations in the associated site plan agreement and any condominium agreement,
- the owner to use reasonable commercial efforts to obtain LEED Platinum Certification of the development and provide to the city documentation respecting certification for the development,
- the owner shall agree that, at least 10% of the total number of Dwelling Units contained within the building shall contain three or more bedrooms and, for the purpose of calculating the number of Dwelling Units containing three or more bedrooms,
 - (a) in which event the building contains adjacent Dwelling Units, each of which have less than three bedrooms and which are separated by

knock-out panels that would allow the two adjacent Dwelling Units to be combined into one Dwelling Unit containing three or more bedroom, then

- (b) each such pair of adjacent Dwelling Units shall be counted as one Dwelling Unit containing three or more bedrooms.

the owner shall enter into an agreement with the City pursuant to Section 37 of the Planning Act, to secure the provision of the said facilities, services and matters, in a form satisfactory to the City Solicitor with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

The additional elements that were cited in the Community Council recommendation will also be secured the site-specific Zoning By-law.

The provisions of the Official Plan with respect to Taxi Stands as cited in policy 2.4 (12) shall be secured through the Site Plan approval process.

CONTACT

Philip Carvalino, Senior Planner
Tel. No. 416-392-7574
Fax No. 416-392-1130
E-mail: pcarval@toronto.ca

SIGNATURE

Gary Wright, Chief Planner and Executive Director
City Planning Division

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ATTACHMENTS

Attachment 1: Draft Zoning By-law

Attachment 1: Draft Zoning By-law

Authority: Toronto and East York Community Council - Item TE22.09, as amended,
as adopted by City of Toronto Council on January 27 and 28, 2009

Enacted by Council: xx, 2009

CITY OF TORONTO

Bill No.

Draft BY-LAW No. xxx-2009

To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to lands municipally known as 306, 308, 318, 320 and 322 Richmond Street West.

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2009 as 306, 308, 318, 320 and 322 Richmond Street West;

AND WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment;

AND WHEREAS the Council of the City of Toronto, at its meeting on January 27 and 28, 2009, determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site*, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.

3. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
4. Notwithstanding Section 7(1)(a) of *By-law No. 438-86*,
 - (a) no person shall use the *site* or erect or use a building within the *site* for any purpose except one or more of the following uses: an *apartment building*, an *hotel* which may be a suite hotel, and uses *accessory* thereto including an underground *parking garage* which may contain *car-share parking spaces*, and a *sales office*, and
 - (b) for certainty, no person shall use the *site* or erect or use a building within the *site* for the purpose of an *entertainment facility – nightclub*.
5. The maximum combined *residential gross floor area* and *non-residential gross floor area* of all buildings or structures erected within the *site* shall not exceed 28,775 square metres, of which,
 - (a) the maximum *residential gross floor area* shall not exceed 15,458 square metres, and
 - (b) the maximum *non-residential gross floor area* shall not exceed 13,317 square metres.
6. The *site* shall contain no more than,
 - (a) 140 *dwelling units*, and
 - (b) 145 *hotel rooms/suites*.
7. No part of any building or structure erected within the *site*,
 - (a) shall be located above finished ground level other than within a *Building Envelope*, and
 - (b) shall be located below finished ground level within that portion of the *site* abutting the lane and shown as the hatched area on Map 2 attached hereto.
8. The provisions of Section 7(a) of this By-law do not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
Eaves, cornices, ornamental or architectural elements, balustrades, mullions, window sills, bay windows	Maximum 0.3 metre projection, provided the height of the “STRUCTURE” is no higher than that portion of the building to which it is attached.
Parapets	No restriction on the extent of the projection, provided the height of such “STRUCTURE” is not greater than 1.2 metres.
Windscreens	No restriction on the extent of the projection, provided the height of such “STRUCTURE” is not greater than 2 metres.
Fences, safety railings and guardrails	No restriction on the extent of the projection, provided the height of such “STRUCTURE” is not greater than 1.2 metres, with the exception that the height of any fences, safety railings and guardrails located on top of the 10 th storey which may have a height of 1.9 metres.
Unenclosed Balconies and Terraces	no restriction on the extent of the projection, provided it does not extend beyond the <i>Building Envelope</i> of the portion of the building upon which it is located and the terrace has a maximum height of X metres
Pool Enclosure (Removable) one only on the roof of the 11th storey	Maximum projection as shown on Map 2, provided the height of such “STRUCTURE” is not greater than 5 metres,
Stairs, stair enclosures, wheelchair ramps, landings and associated railings, light fixtures and standards, underground garage ramps and landscape features and planters	No restriction on projection or height of “STRUCTURE”

9. Notwithstanding Sections 4(2)(a) and 12 (2) 246 (a) of *By-law No. 438-86*,
- (a) a building or structure erected within the *site* shall, in respect of each corresponding area as identified and shown on Map 2 within each *Building Envelope*, have
- i. a maximum *height* in metres as shown following the symbol “H” on Map 2 attached hereto, and
 - ii. a maximum number of storeys as shown on Map 2 attached hereto.
- (b) no building or structure shall be erected above finished ground level within the *site* outside a *Building Envelope*, other than a structural projection permitted outside a *Building Envelope* by Section 8 hereof.

10. Notwithstanding Sections 4(5)(b) and 12 (2) 246 (e) of *By-law No. 438-86*, the number of *parking spaces* provided and maintained on the *site* shall not be less than the number calculated in accordance with the following minimum ratios, and shall be located in the underground *parking garage*,

<i>bachelor dwelling unit</i>	-	0.30 spaces per <i>dwelling unit</i>
<i>one bedroom dwelling unit</i>	-	0.50 spaces per <i>dwelling unit</i>
<i>two bedroom dwelling unit</i>	-	0.75 spaces per <i>dwelling unit</i>
<i>three bedroom dwelling unit</i>	-	1.2 spaces per <i>dwelling unit</i>
<i>visitor parking</i>	-	0.06 spaces per <i>dwelling unit</i>

11. Notwithstanding the preceding Section, the total number of *parking spaces* required to satisfy parking requirements for residents, but not for visitors, may be reduced, up to a maximum reduction of 15 *parking spaces*, by 5 *parking spaces* for each *car-share parking space* provided and maintained in an underground *parking garage* within the *site*.
12. Notwithstanding Sections 4(8) and 12 (2) 246 (f) of *By-law No. 438-86*, one *loading space - type G* and one *loading space – type B* shall be provided and maintained on the *site*.
13. Notwithstanding Section 4(12) of *By-law No. 438-86*, the requirements contained therein for *residential amenity space* may be satisfied in respect of the *apartment building* by the provision of indoor and outdoor amenity area located within the eleventh storey of the *hotel*, provided,
- (a) the said indoor and outdoor amenity area contains at least XX square metres, and
- (b) all of the said indoor and outdoor amenity area is accessible only to the residents of the *apartment building* and patrons of the *hotel*, and their respective guests.
14. Sections 4(2)(a), 4(5)(b), 4(8) 4(12), 4(14), 4(17); 7(3) Part II 1 (i) & (ii), 3 and 7 E; 12 (2) 246 (a), (e), (f), Section 7(3) PART II 8 as added by *By-law No. 922-2006*, of *By-law No. 438-86* shall not apply to prevent the erection and use of any building or structure within the *site* that is otherwise permitted by this *By-law*, and permission exception 12 (2) 339 of *By-law No. 438-86* shall not apply to the *site*.
15. For the purpose of this *By-law*, the following expressions shall have the following meaning,

- a. “*car-share motor vehicle*” means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *site*,
- b. “*car-share parking space*” means a *parking space* used exclusively for the parking of a *car-share motor vehicle*,
- c. “*Building Envelope*” means a Building Envelope for each height area within the *site*, as shown by an “H” and as outlined by heavy lines on Map 2 attached hereto,
- d. “*By-law No. 438-86*” means By-law No. 438-86, as amended, of the former City of Toronto being, “A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto,”
- e. “*City*” means the City of Toronto,
- f. “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure, and for clarity shall include the highest point of any mechanical penthouse, elevator overruns, stairwell enclosures, or other building elements,
- g. “*owner*” means the registered *owner* of the *site* or any part thereof,
- h. “*parking space*” means an unobstructed area of at least 5.9 metres in length and at least 2.6 metres in width and having a minimum unobstructed vertical clearance at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle, and includes a *parking stacker*,
- i. “*parking stacker*” means *parking stacker* as defined in *By-law No. 438-86* with the exception of the dimensions which may be reduced to not less than 2.6 by 5.6 metres instead of 2.6 by 5.9 metres, and,
- j. “*sales office*” means an office located on the *site* in a temporary building, structure, facility or trailer satisfactory to the *City’s* Chief Planner used exclusively for the sale of *dwelling units* to be erected within the *site*,
- k. “*site*” means those lands outlined by heavy lines on Map 1 attached hereto, and

1. each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.

ENACTED AND PASSED this ____ day of _____, A.D. 2009.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

APPENDIX 1

SECTION 37 PROVISIONS

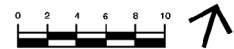
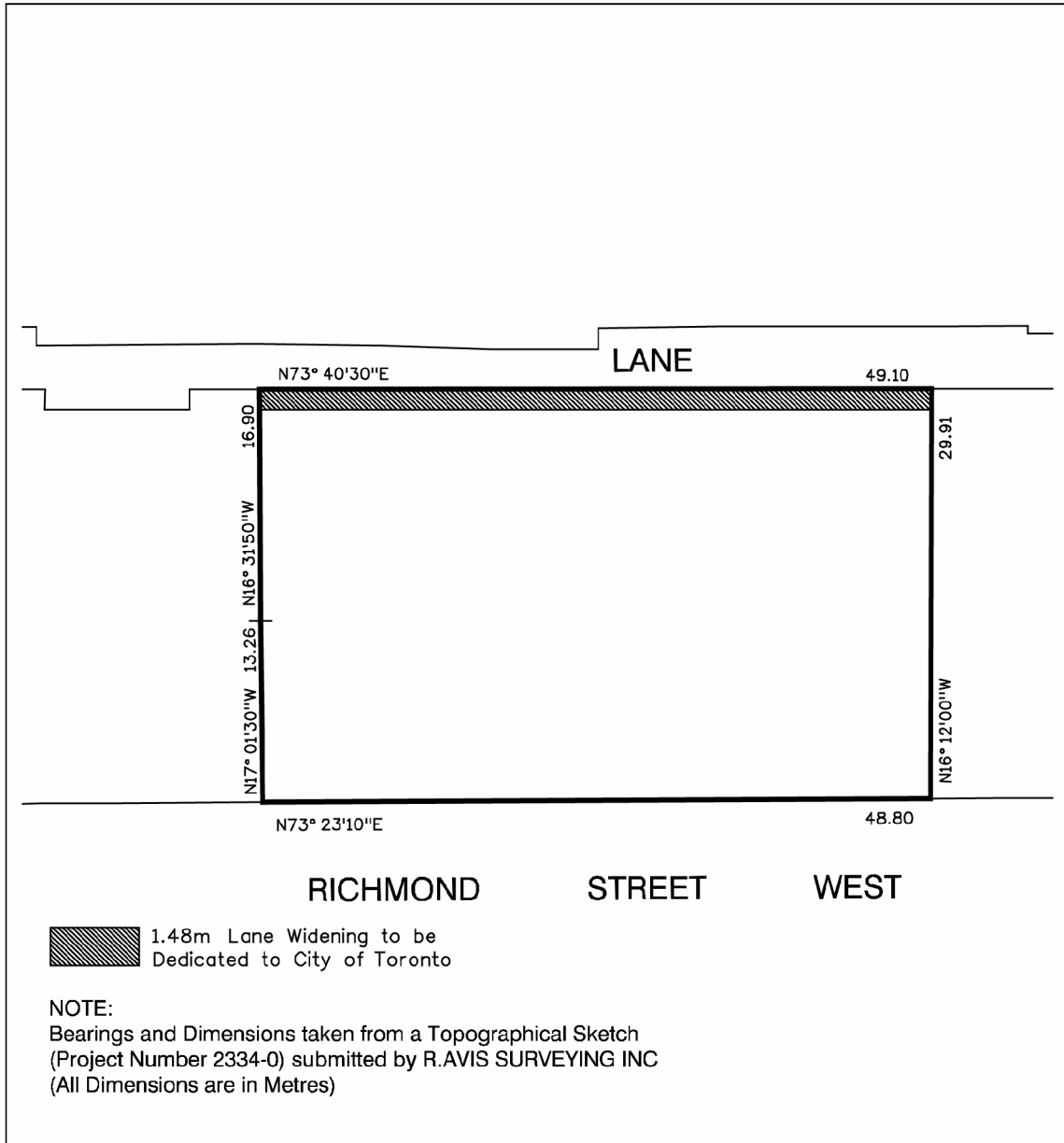
The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* to the *City* in accordance with an agreement or agreements pursuant to Section 37(1) of the *Planning Act*:

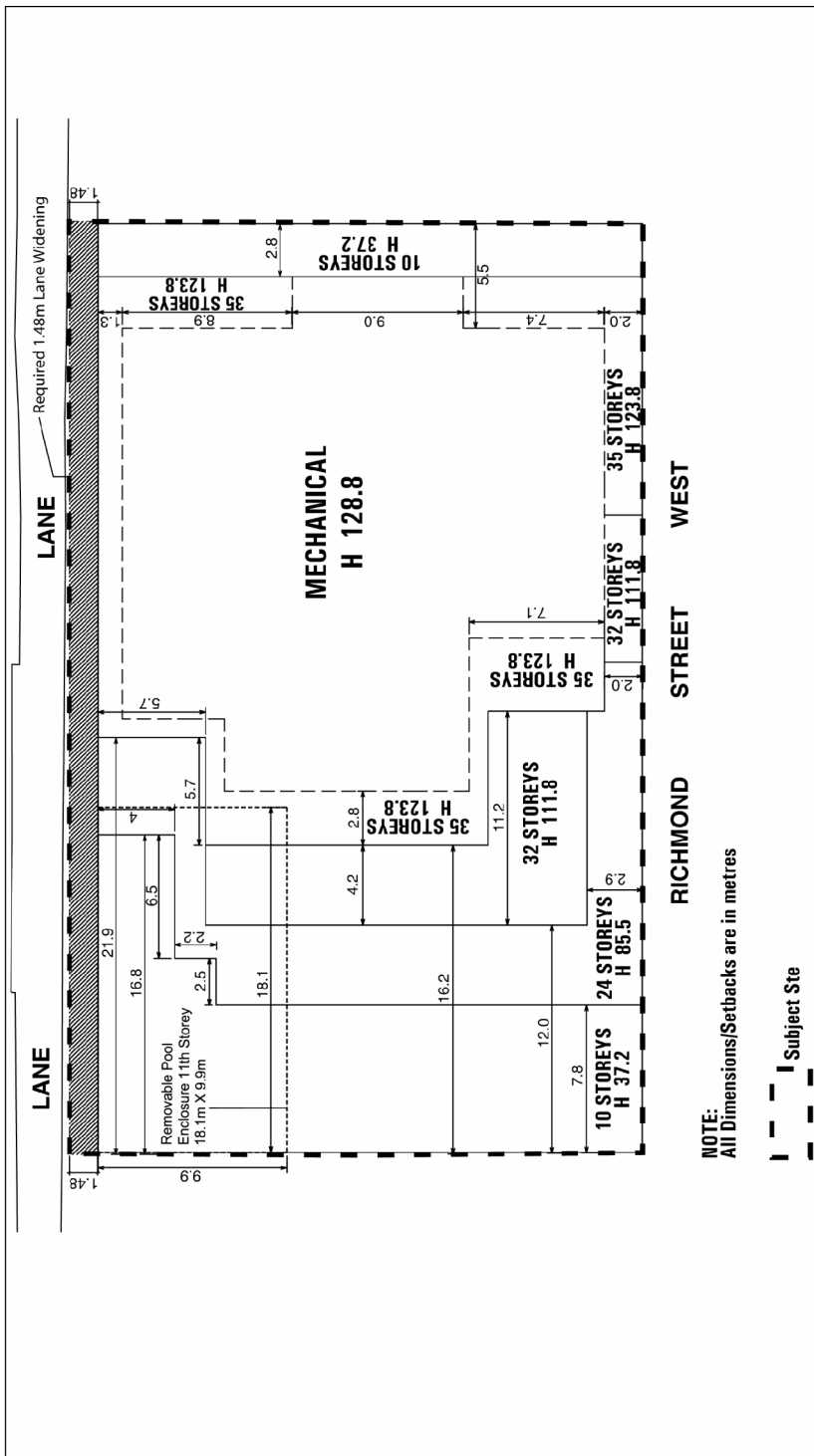
- payment of \$50,000 within 30 days of this By-law coming into full force and effect for capital improvements to social housing in Ward 20,
- payment of \$500,000 prior to the issuance of the first above grade building permit, towards streetscape improvements for Richmond Street West between John Street and Spadina Avenue, and on John Street between Queen Street West and Wellington Street West,
- payment of \$150,000 prior to the earliest of first occupancy or condominium registration, towards streetscape improvements for Richmond Street West between John Street and Spadina Avenue,
- the *owner* shall construct the development in accordance with elevations on file with the Chief Planner, and shall make such refinements to the elevations as are required by, and to the satisfaction of, the Chief Planner, and the *owner* shall thereafter maintain the building and any replacement building, to the satisfaction of the Chief Planner, in accordance with such elevations and shall further secure these obligations in the associated site plan agreement and any condominium agreement,
- the *owner* shall construct the development with such high quality building landscaping features, including plants located throughout the vertical face and balconies/terraces of the Proposed Building, as are required by, and to the satisfaction of, the Chief Planner, and
 - as part of the site plan application the *owner* shall pay for a peer review of the said building landscape features, to determine the long term viability of the landscaping, and to provide a letter of credit to secure their installation and maintenance for at least two years,
 - thereafter maintain the said landscaping for the life of the building, to the satisfaction of the Chief Planner,
 - and shall further secure these obligations in the associated site plan agreement and any condominium agreement,

- the *owner* to use reasonable commercial efforts to obtain LEED Platinum Certification of the development and provide to the city documentation respecting certification for the development,
- the *owner* shall agree that, at least 10% of the total number of Dwelling Units contained within the building shall contain three or more bedrooms and, for the purpose of calculating the number of Dwelling Units containing three or more bedrooms,
 - (c) in the event the building contains adjacent Dwelling Units, each of which have less than three bedrooms and which are separated by knock-out panels that would allow the two adjacent Dwelling Units to be combined into one Dwelling Unit containing three or more bedrooms, then
 - (d) each such pair of adjacent Dwelling Units shall be counted as one Dwelling Unit containing three or more bedrooms.
- the *owner* shall enter into an agreement with the *City* pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters, in a form satisfactory to the City Solicitor with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.

Draft Map 1





306,308,318,320 and 322 Richmond Street West

TORONTO City Planning
Map 2: DRAFT

File # 07_238270

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Not to Scale
01/28/09