

306-322 Richmond Street West – Amendment to Section 37 Agreement

Date:	May 17, 2012
To:	Toronto East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward No. 20 - Trinity-Spadina
Reference Number:	File No. 07 238254 STE 20 SA

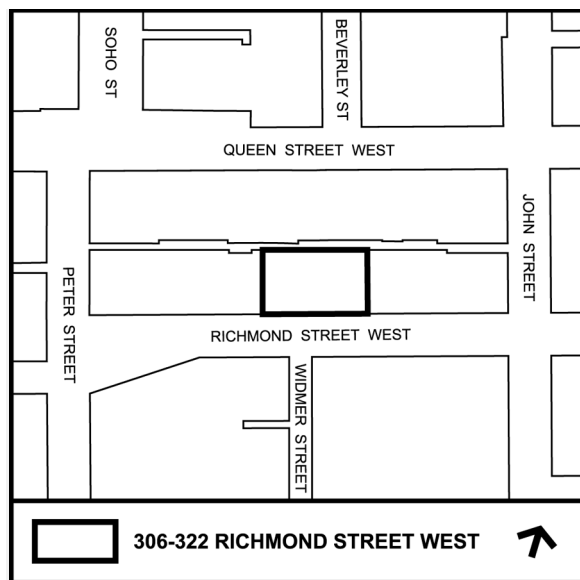
SUMMARY

A Section 37 Agreement was registered on title in February 2009 for the property at 306-322 Richmond Street West in conjunction with a Zoning By-law Amendment. The agreement secures among other matters, landscaping provisions, green development performance standards and building elevations for a residential condominium with commercial and hotel uses. Now under new ownership, proposed is a residential condominium with commercial uses, updated green development standards, and modified landscaping provisions. The Section 37 Agreement must be amended to reflect these changes.

RECOMMENDATIONS

The City Planning Division recommends that:

- In the event the owner of the site at 306-322 Richmond Street West obtains variances from the Committee of Adjustment granting relief from the Section 37 provisions of By-law No. 283-2009, all as set out in the report of the Director, Community Planning, Toronto and East York District, dated May 17, 2012, authority be



granted to amend the Section 37 Agreement accordingly.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In July 2007 the owner of 306-322 Richmond Street West, 318 RSW Development Inc. made an application to amend the Zoning By-law to permit the development of a 19-storey commercial and residential mixed-use building. On April 1, 2008, a revised building proposal was submitted by the same owner for a 35-storey mixed-use building containing commercial, residential and hotel uses. A Supplementary Report on the Zoning Amendment application with the site specific Zoning By-law No. 283-2009 was adopted by City Council on January 27 and 28, 2009. A Section 37 Agreement was registered on title on February 24, 2009.

The development proposed high quality landscaping features with plants located on the vertical building face and balconies/terraces. At the same time, staff had concerns with the viability of the landscaping and secured \$10,000 for third-party peer review of the vertical landscaping.

The site has been subject to a Committee of Adjustment application File No. A125/10TEY approved on April 21, 2010 for variances to several performance standards.

In December 2011 the new owner, 310 Richmond Street West Limited submitted a Site Plan application for a residential condominium with commercial uses however, without the hotel use. Elements of the building have been changed along with the elimination of the vertical landscaping. The Site Plan application is subject to a May 30, 2012 Committee of Adjustment application, File No. A0970/11TEY for variances to several performance standards.

COMMENTS

The new owner has made a formal request to the City that the Section 37 Agreement be amended to reflect the changes in the current development application. Below is a list of the requested changes:

- the elimination of references to the 'hotel' use that is no longer part of the development application;
- deleting the requirement to install and maintain the vertical landscaping on the building face and balconies/terraces;
- amending the requirement for the Green Development Standards Checklist to reflect the Toronto Green Standards Checklist, Tier 1 as currently implemented;
- amending the financial landscaping security from the previously required 120% of

the estimated costs to 75 % which reflects the securities required with current development applications;

- redirecting the \$10,000 for third-party peer review of landscaping materials to streetscaping initiatives in the vicinity of the subject site in consultation with the Ward Councillor, and to be paid with the first above-grade permit;
- updating the current owner information;
- deleting Schedule 'E' Green Development Standard Checklist;
- deleting Schedule 'F' Elevations; and
- deleting Schedule 'G', the List of Section 37 Agreement Pre-conditions (for reference only).

For clarity, the actual Zoning By-law number title in the Section 37 Agreement will be updated from "xxx-2009" to the in-force and in-effect Zoning By-law No. 283-2009.

In addition, the applicant will submit an application to the Committee of Adjustment, provided City Council approve this request to amend the Section 37 Agreement, to amend the site specific Zoning By-law 283-2009 to reflect the Section 37 changes. Attachment 1 to this report contains a summary of the zoning provisions related to Section 37 that the owner is seeking relief from.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Summary of Proposed Changes to the Zoning By-law related to Section 37

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to the Zoning By-law related to Section 37**

- payment of \$150,000 prior to the earliest of condominium registration of any part of the residential, but not the *hotel*, component of the proposed building or two years after the first occupancy of any part of the proposed building that is not within a condominium, towards streetscape improvements for Richmond Street West between John Street and Spadina Avenue.

To remove the text contained in the above clause "but not the *hotel*".

- 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.

To delete above clause.

- 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.

To delete above clause.

- as part of the site plan application the *owner* shall pay, to a maximum of \$10,000.00, for a peer review of the said building landscape features, and provide a letter of credit to secure their installation and maintenance for at least two years.

To amend the above clause to redirect \$10,000.00 to landscape the area streetscape.

- thereafter maintain the said landscaping for the life of the building, and any replacement building, to the satisfaction of the Chief Planner.

To delete above clause.

- and shall further secure these obligations in the associated site plan agreement and any condominium agreement.

To delete above clause.

- the *owner* shall attempt to use the most current technologies and design principles, including green technologies and principles of sustainability and universal accessibility and energy efficiency and shall construct the proposed building so as to incorporate and fulfil the responses shown on the Green Development Standard Checklist accepted by the Chief Planner.

To delete above clause.