

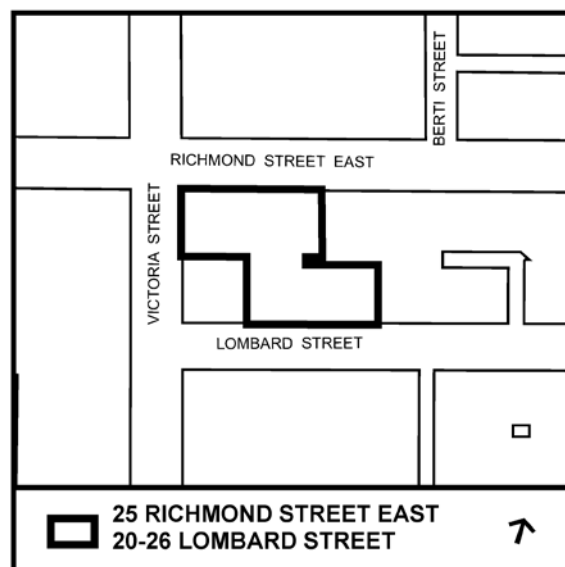
**20-26 Lombard Street and 25 Richmond Street East –  
Zoning By-law Amendment and Site Plan Application-  
Supplementary Request for Directions**

<b>Date:</b>	August 21, 2014
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 28 Toronto-Rosedale
<b>Reference Number:</b>	P:\2014\Cluster B\PLN\City Council\CC14139

**SUMMARY**

The purpose of this report is to request direction from City Council regarding the pending Ontario Municipal Board hearing on the application for a Zoning By-law amendment at 20-26 Lombard Street and 25 Richmond Street.

On August 12, 2014, Toronto and East York Community Council adopted the recommendations of the July 16, 2014, Request for Direction Report which included a recommendation that staff continue discussions with the applicant concerning appropriate building height for the site. Discussions have continued and the applicant has revised the proposal to address staff’s concerns regarding the proposed building height. Based on the revised proposal, staff are recommending that a settlement be supported.



## RECOMMENDATIONS

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**The City Planning Division recommends deleting the recommendations of the Toronto and East York Community Council and replace with the following:**

1. City Council authorize staff to attend the Ontario Municipal Board hearing in support of a settlement on the development proposal at 20-26 Lombard and 25 Richmond Street East based on the following:
  - a. The applicant's July 7, 2014, revisions as described in the report dated July 16, 2014 as further revised and reflected in the applicant's revised plans dated August 12, 2014, and the applicant's correspondence dated August 18, 2014, and described in the Supplementary Request for Directions Report dated August 21, 2014, from the Chief Planner and Executive Director, City Planning Division (the Chief Planner), all to the satisfaction of the Chief Planner;
  - b. The owner entering into and registering an Agreement under Section 37 of the Planning Act to secure the following payments and/or capital improvements to be included in the zoning by-law amendment, all to the satisfaction of the Chief Planner and the City Solicitor and prior to any Order issuing by the Ontario Municipal Board:
    - i. The provision of a financial contribution to the City in the amount of \$3,000,000, prior to the issuance of the first above-grade building permit for the subject site, with the contribution to be used by the City towards the following capital improvements, all to the satisfaction of the Chief Planner in consultation with the local Councillor:
      - A. A cash payment of \$500,000 towards the North St. Lawrence Market redevelopment;
      - B. A cash payment of \$500,000 towards the implementation of Heritage Lighting and/or Interpretation Master Plan for Old Town Toronto;
      - C. A cash payment of \$1,500,000 towards local streetscape and/or park improvements in the vicinity of the subject site; and
      - D. A cash payment of \$500,000 towards the First Parliament Building site;
  - c. In the event any of the cash contributions required in Recommendation 1. b. i. A. to D. above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner

and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject site.

- d. The required cash contributions pursuant to Recommendation 1.b. i. A. to D. above are to be indexed upwardly in accordance with the Statistics Canada Non-Residential building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the day the payment is made.
2. City Council authorize the City Solicitor request that the OMB withhold its Order on the Zoning By-law Amendment appeal pending:
    - a. Receipt of confirmation from the City Solicitor that the final form of the amendment to the former City of Toronto Zoning By-law is to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
    - b. Receipt of confirmation from the City Solicitor of the satisfactory execution and registration of the Section 37 Agreement required in Recommendation 1. b. above; and
    - c. Receipt of confirmation from the City Solicitor that the owner has submitted a Functional Servicing Report satisfactory to the Executive Director of Engineering and Construction Services and that the owner has made satisfactory arrangements with the City's Engineering and Construction Services for the construction of any improvements to the municipal infrastructure should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report accepted by the Executive Director of Engineering and Construction Services.
  3. City Council authorize the City Solicitor request that the OMB withhold its Order on the Site Plan Control Approval appeal pending the following:
    - a. Receipt of confirmation from the City Solicitor that the Pre-approval Conditions of Site Plan Approval set out in a Notice of Approval Conditions issued by the Chief Planner have been fulfilled to the satisfaction of the Chief Planner;
    - b. Receipt of confirmation from the City Solicitor that the Applicant has entered into and registered a Site Plan Agreement pursuant to Section 114 of the City of Toronto Act, 2006, with such agreement to include amongst other matters, the Post approval Conditions of Site Plan Approval set out in a Notice of Approval Conditions issued by the Chief Planner, all to the satisfaction of the Chief Planner and City Solicitor;

4. City Council authorize the City Solicitor and other City staff to take such actions, as are required, to implement the above recommendations.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The Ontario Municipal Board (OMB) has set aside 12 days for a hearing, beginning March 9, 2015.

### **ISSUE BACKGROUND**

In July 2013, Great Gulf, the applicant, submitted an application for a 50-storey mixed-use development at the property at 20-26 Lombard Street and 25 Richmond Street East. The preliminary report dated September 10, 2013, raised several issues with the application, in particular, the proposed building height. During the review process, several meetings were held with City staff and the applicant to address concerns and no resolution was reached pertaining to the proposed building height.

On February 18, 2014 the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment and Site Plan Control application to the Ontario Municipal Board (OMB), citing Council's failure to make a decision on the applications within the prescribed timelines of the Planning Act. A prehearing was held and the OMB has scheduled a second pre-hearing for November 4, 2014 and the hearing of the appeals commencing March 9, 2015 for 12 days.

At its meeting of August 12, 2014, Toronto and East York Community Council adopted a Request for Direction Report from the Director, Community Planning Toronto and East York District dated July 16, 2014. The report described revisions made by the applicant and recommended that City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff and outside experts be retained as necessary to: oppose the applicant's appeal respecting the Zoning Bylaw Amendment application and attend the Ontario Municipal Board hearing in opposition to such appeal; continue discussions with the applicant on a revised proposal which addresses the issues set out in the July 16, 2014 report of City Planning; and recommended that City Planning be authorized in consultation with the Ward Councillor to secure services, facilities or matters pursuant to Section 37 of the Planning Act as may be required by the Chief Planner should the proposal be approved in some form by the Ontario Municipal Board.

The report identified that although the proposed land use for the site was appropriate, the proposed building height was not appropriate and Planning staff would continue to work with the applicant to try to achieve an appropriate building height that is more reflective of its surrounding context of up to 45 storeys in height.

The Request for Directions report identified that Planning staff would report back directly to City Council, if Planning staff and the applicant were able to resolve the height issue outlined in the July 16, 2014 report.

## **COMMENTS**

Planning staff and the applicant have been able to resolve the building height issue outlined in the July 16, 2014 Request for Directions Report from the Director, Toronto and East York District to the satisfaction of City Planning staff.

### **Further Revised Application**

Discussions between the applicant and Planning staff continued and the applicant has now further revised their July 7, 2014, revised application as it relates to the proposed building height such that Planning staff are able to recommend a settlement of the Zoning By-law Amendment appeal. The applicant has further revised their application, submitting revised plans dated August 12, 2014, and a letter dated August 18, 2014, describing the latest revisions. A summary of the changes are as follows:

- A reduction in the maximum number of storeys from 50 storeys to 45 storeys;
- A reduction in the overall maximum building height from 159 metres to 142 metres excluding mechanical equipment, and from 165 metres to 154 metres including mechanical equipment;
- A reduction in the maximum residential gross floor area from 52,455 square metres to 51,342 square metres;
- The upper outdoor amenity space is relocated from the 45<sup>th</sup> storey to the penthouse level;
- An increase in the height of the mechanical penthouse from 6 metres to 12 metres on the southerly portion of the building;
- A reduction in resident parking supply from 242 to 241 parking spaces;
- An increase in residential visitor parking supply from 43 to 45 spaces;
- A reduction in the number of dwelling units from 689 to 681 dwelling units; and
- A revision to the residential unit mix to provide 3 studio units, 465 1-bedroom units, 197 2-bedroom units and 4 3-bedroom units from 3 studios units, 468 1-bedroom units, 218 2-bedroom units and no 3-bedroom units.

The revised application has addressed Planning staff's concerns regarding the proposed building height.

## **Height**

The July 16, 2014 Request for Direction staff report states that the initial 50-storey building is too tall in the context and should be more reflective of its surrounding context. The latest revisions propose a 45-storey tower with a height of 142 metres (154 metres including mechanical elements). The revised building height is more appropriate with respect to the existing and planned context of the area which is on a site that is not within the Financial District.

The Spire condominium building located at 33 Lombard Street is approximately 45-storeys and 150 metres in height, including the mechanical penthouse. Although the Spire development received a density transfer from the St. James Church to achieve this height, it does provide some context for height in the area.

It is important to note, that the portion of the proposed tower facing Lombard Street is approximately 154 metres in height due to a 12 metre in height mechanical penthouse, while the portion of the proposed tower facing Richmond Street East is approximately 142 metres in height. The 12 metre in height mechanical penthouse on the south portion of the tower acts as an architectural expression that provides the appearance of staggered height, which in turn presents the impression of a two tower development rather than one bulky tower. No residential gross floor area is permitted within the 12 metre high mechanical penthouse.

The modifications made to the proposal have addressed the building height concern outlined in July 16, 2014, Request for Direction Report from the Director, Community Planning, Toronto and East York District. Although the overall density and number of proposed units have been reduced slightly, the modifications made to the proposed building height provides for an improved development that is less intrusive and is more reflective of its surrounding context.

In light of the proposed height and density increases on the site, appropriate Section 37 benefits should be secured in both the final form of the Zoning By-law Amendment and through a Section 37 Agreement to be registered on the lands and are set out in the Recommendations to this report.

Should Council so direct, Planning and other City staff will work with the applicant to finalize a draft Zoning By-law Amendment to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor prior to the issuance of any Board Order in this matter and request the OMB to hold its Order respecting the Zoning By-law Amendment Appeal pending confirmation of same by the City Solicitor and the execution and registration of a Section 37 Agreement satisfactory to the Chief Planner and the City Solicitor.

## **Site Plan Approval**

Through the Site Plan process, staff will work with the applicant on several outstanding issues. These include, amongst other matters, securing appropriate building materials and

articulation to reflect the existing character of the area, and securing appropriate landscaping, streetscape details and aisle widths.

Should Council so direct, Planning and other City staff will work with the applicant to finalize the site plan approval, including the execution and registration of an appropriate site plan agreement and ensuring pre-approval conditions are met, requesting the OMB to hold its Order on the Site Plan Approval appeal pending registration of such agreement and completion of the pre-approval conditions set forth in a Notice of Approval Conditions issued by the Chief Planner, all to the satisfaction of the Chief Planner and the City Solicitor.

### **Community Response to Settlement Offer**

On August 21, 2014, the local Ward Councillor and Planning staff held a meeting with the community to discuss the settlement offer. Many issues were raised with respect to the revised proposal, some of which may be addressed through the Site Plan process. The community feels that there should be further reductions in the proposed building height.

### **Section 37**

The application in its current form should be subject to Section 37 contributions under the *Planning Act*. The Ward Councillor has been consulted in regard to these matters. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. The provision of a financial contribution to the City in the amount of \$3,000,000, prior to the issuance of the first above-grade building permit, for the subject site, indexed upwardly from the date of the Section 37 Agreement to the date of each such payment, with the contribution to be used by the City towards the following capital improvements, all to the satisfaction of the Chief Planner in consultation with the local Councillor:
  - a. A cash payment of \$500,000 towards the North St. Lawrence redevelopment;
  - b. A cash payment of \$ 500,000 towards the implementation of Heritage Lighting and/or Interpretation Master Plan for Old Town Toronto;
  - c. A cash payment of \$1,500,000 towards local streetscape and/or park improvements in the vicinity of the subject site;
  - d. A cash payment of \$500,000 towards the First Parliament Building site;

with provision that in the event any of the above required Section 37 cash contributions have not been used for the intended purpose within three years of the by-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject site.

## **CONTACT**

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## **SIGNATURE**

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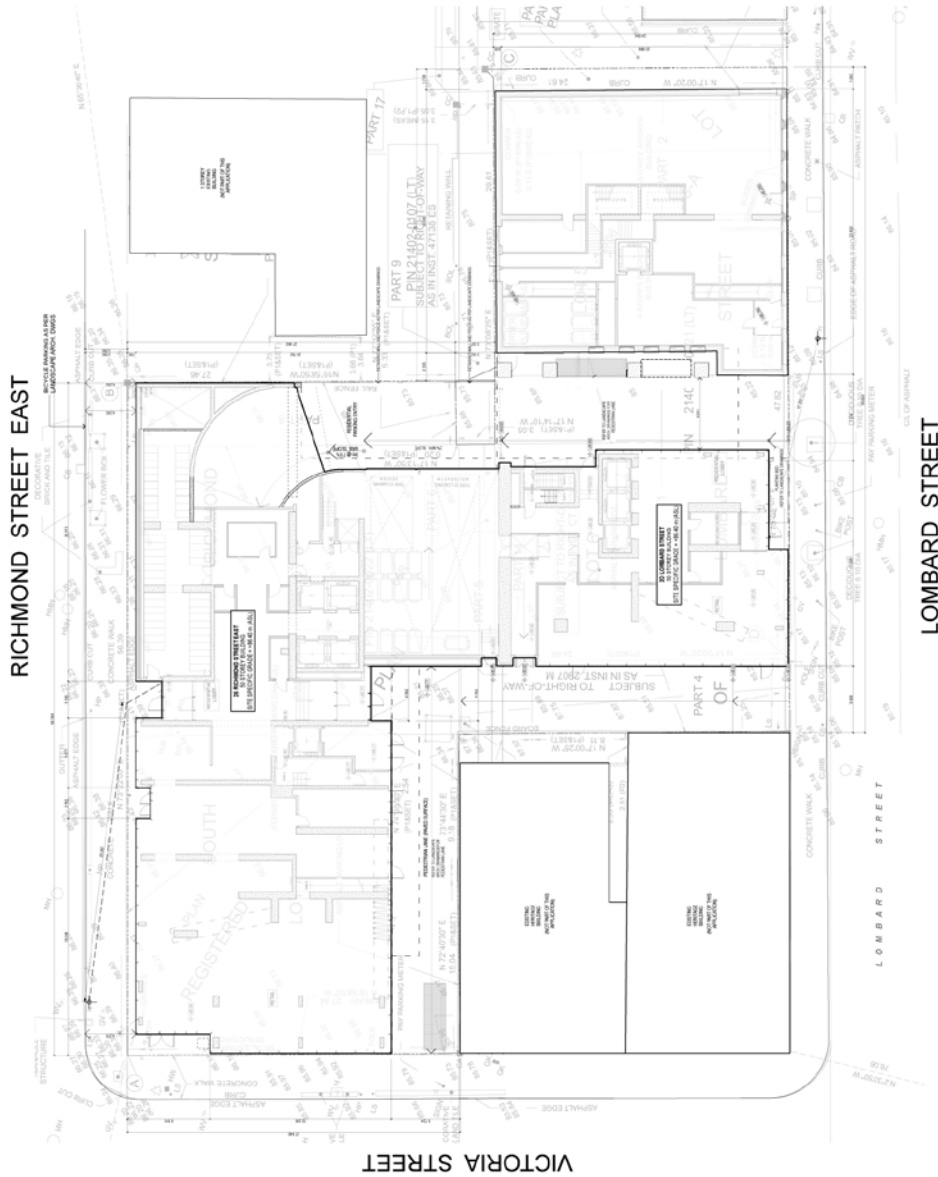
Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: South Elevation  
Attachment 2: West Elevation  
Attachment 2: East Elevation



# Attachment 1: Site Plan



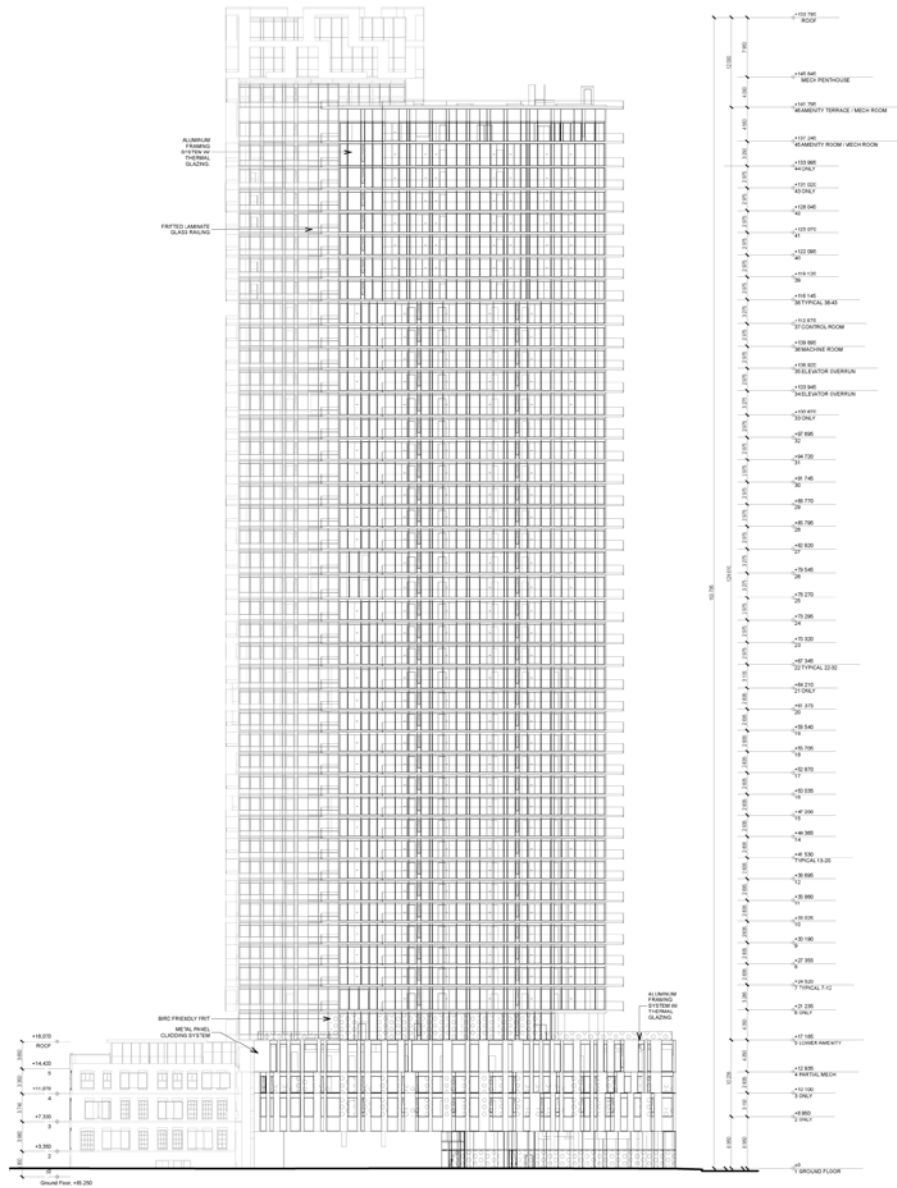
**Site Plan**  
**Applicant's Submitted Drawing**

Not to Scale

08/21/2014

File # 13 197153 STE 28 0Z

# Attachment 2: North Elevation



North Elevation

## Elevations

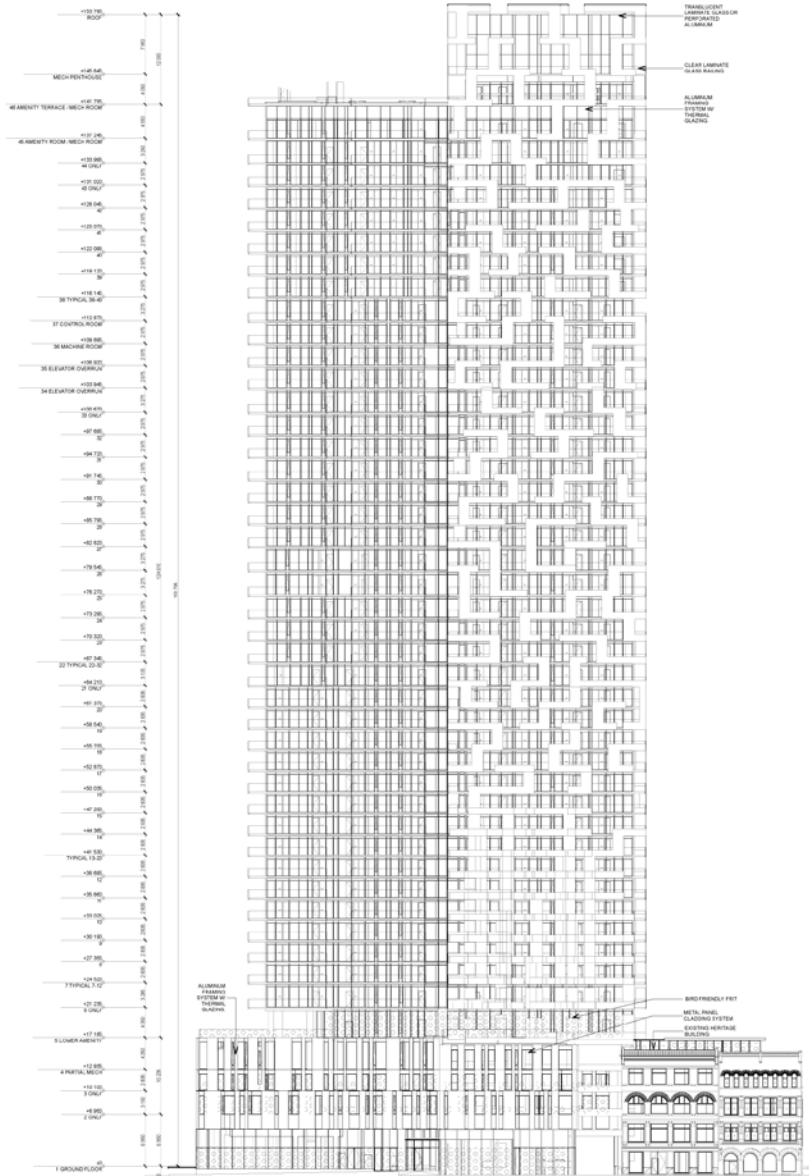
## 25 Richmond Street East and 20-26 Lombard Street

Applicant's Submitted Drawing

Not to Scale  
07/14/2014

File # 13 197153 STE 28 OZ

### Attachment 3: South Elevation



South Elevation

## Elevations

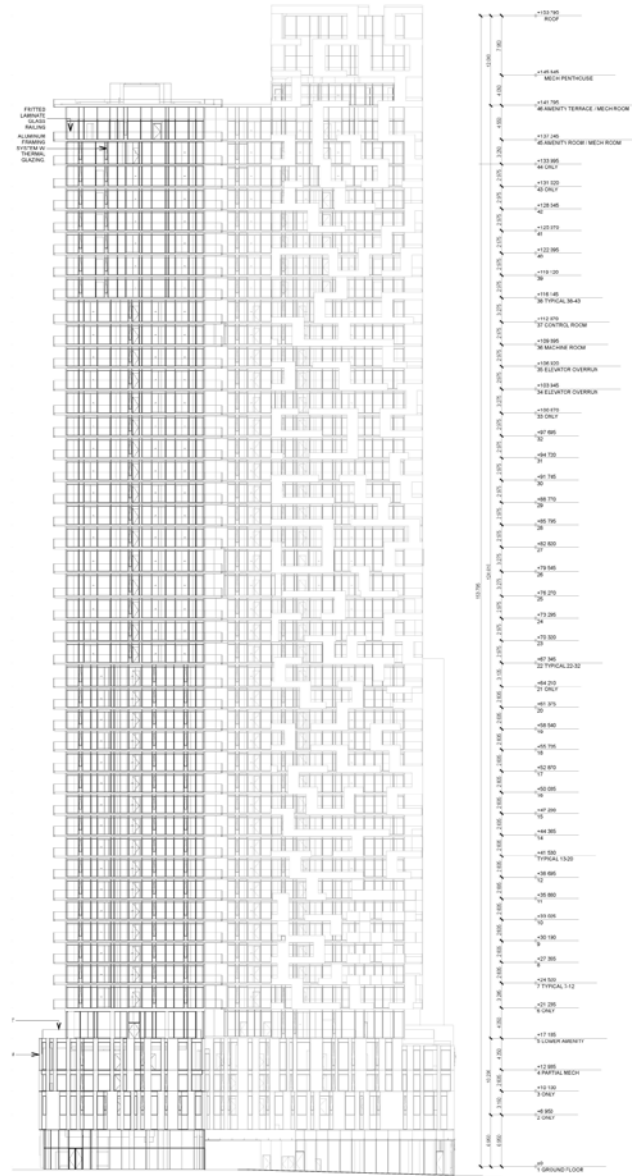
## 25 Richmond Street East and 20-26 Lombard Street

Applicant's Submitted Drawing

Not to Scale  
07/14/2014

File # 13 197153 STE 28 OZ

# Attachment 4: West Elevation



West Elevation

## Elevations

## 25 Richmond Street East and 20-26 Lombard Street

Applicant's Submitted Drawing

Not to Scale  
07/14/2014

File # 13 197153 STE 28 OZ

