



STAFF REPORT ACTION REQUIRED

604 to 618 Richmond Street West–Zoning Amendment Application – Request for Direction Report

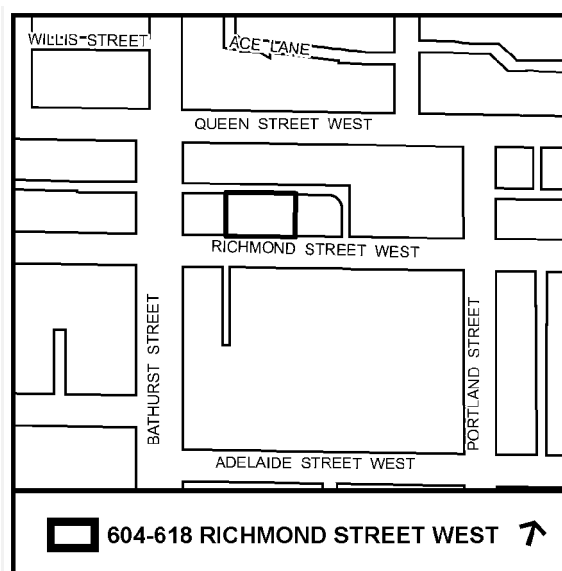
Date:	July 24, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	13 254795 STE 20 OZ

SUMMARY

This application proposes to amend former City of Toronto Zoning By-law 438-86 to permit the development of a 14-storey mixed-use building with commercial uses at grade and 220 residential units above the ground floor at 604, 606, 610, 614, 616 and 618 Richmond Street West. The proposal includes 5 levels of below grade parking including 101 residential parking spaces and 10 visitor parking spaces.

The applicant has appealed the application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on their request for a Zoning By-law Amendment.

This application involves the demolition of a related group of buildings which contain 7 residential dwelling units, at least 3 of which were last used for rental purposes. A Rental Housing Demolition application was also submitted under Section 111 of the *City of Toronto Act* to demolish the residential rental units on the site pursuant to Chapter 667 of the Municipal Code. The City's decision on the Rental Demolition application is not appealable by the applicant to the Ontario Municipal Board.



The proposed height of the building at 46.3 metres to the top of the roof is not in keeping with the surrounding context and built form of the West Precinct and the applicable planning framework in the King-Spadina Secondary Plan Area. The height of the building constitutes over-development of a relatively small property, in an area of predominantly low to mid-rise buildings with maximum heights of 30 to 35 metres. Approval of this application would not only support a building which is substantially different from the existing context and zoning by-law permissions but would also set a negative precedent for future development that will undermine the City's vision for this area.

This report reviews the application to amend the Zoning By-law and recommends that City Council direct the City Solicitor and City staff as appropriate attend at the Ontario Municipal Board to oppose the application in its present form. Should the OMB approve the redevelopment proposal, authorization is being sought from Council to permit staff to allow the demolition of this limited number of residential units under both Municipal Code Chapter 667 and Section 33 of the Planning Act, subject to certain conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and City staff as appropriate to attend the Ontario Municipal Board hearing and to oppose the Zoning By-law Amendment application for 604 to 618 Richmond Street West in its present form for the reasons set out in this report (July 24, 2014) from the Director, Community Planning, Toronto and East York District.
2. City Council authorize City staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report, including:
 - a. reducing the proposed height and massing so as not to overdevelop the site and to limit negative impacts on adjacent properties to the north;
 - b. improving compliance with Council's approved planning framework for the area including the King-Spadina Urban Design Guidelines; and
 - c. increasing the amenity space and visitor parking spaces.
3. City Council authorize the Chief Planner and Executive Director, City Planning Division, 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.
4. City Council direct staff, in the event that the Ontario Municipal Board allows the appeal in whole or in part, to request that the Board withhold any order to approve a Zoning By-law Amendment for the subject lands until such time as a site plan

agreement has been entered into between the City and the owner and any pre-conditions to site plan approval are fulfilled including addressing parking spaces and access, loading and servicing issues, as outlined in the memo from the Manager, Development Engineering, Toronto and East York District dated December 10, 2013.

5. City Council approve, in the event that the Ontario Municipal Board allows the appeal in whole or in part and the Board's final order comes into force and effect, the application to demolish the existing residential buildings at 604, 608, 610, 612, 614 and 618 Richmond Street West, including the 3 residential rental dwelling units, pursuant to Municipal Code Chapters 667 and 363.
6. City Council authorize, in the event that the Ontario Municipal Board allows the appeal in whole or in part and the Board's final order comes into force and effect:
 - a) the Chief Planner and Executive Director, City Planning, to issue a preliminary approval of the application under Municipal Code Chapter 667 for the existing residential rental housing buildings when the following has occurred:
 - i) the zoning by-law amendment for the proposed development has come into full force and effect; and
 - ii) the issuance of the Notice of Approval Conditions for site plan approval for the development by the Chief Planner or her designate, pursuant to Section 41 of the Planning Act, 1990;
 - b) the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner, has given the preliminary approval in Recommendation 7a) above for the existing rental housing buildings;
 - c) the Chief Building Official to issue a permit under Section 33 of the Planning Act for the demolition of residential dwelling units no earlier than the date of issuance of a building permit for the shoring and excavation for the residential development permitted by the zoning amendment. This authorization is for the lands on which the existing rental buildings are situated, and after the Chief Planner has given the preliminary approval in Recommendation 7a) above which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:
 - i) the owner erect a residential building on the site no later than four (4) years from the day demolition of the buildings is commenced; and
 - ii) should the owner fail to complete the new building within the time specified in condition 7c) i) above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for

each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

7. City Council authorize the appropriate City Officials, in event that the Ontario Municipal Board approve the application for rezoning, to issue the required permits under Section 111 of the City of Toronto Act, and Section 33 of the Planning Act in keeping with the standard practices followed in these circumstances.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report on this application was sent to the January 15, 2014 Toronto and East York Community Council. The report can be found here:

<http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-64719.pdf>

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 at encouraging 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, 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 the level of intensification, land use conflicts presented by entertainment facilities, the high volume of residential applications as well as deficiencies in community services and facilities and the public realm.

In 2006 City Council enacted amendments to the King-Spadina Secondary Plan and the Zoning By-law and adopted new urban design guidelines for the area (Official Plan Amendment No. 2/By-law 921-2006 and Zoning By-law Amendment 922-2006). The amendments are currently under appeal to the Ontario Municipal Board. A series of pre-hearing conferences have resulted in many appeals being withdrawn or settled. The appeal has been deferred indefinitely on consent of all parties. As of the date of the writing of this report, no date for a hearing has been set, and the matter remains deferred. Also in 2006, City Council adopted design criteria for the review of tall building

proposals that implement the built form policies of the Official Plan. These apply throughout the City including King-Spadina.

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

Over the last decade, development in the East Precinct (Simcoe Street to Spadina Avenue) and West Precinct (Spadina Avenue to Bathurst Street) of King Spadina has evolved differently. The East Precinct, which is closer to the downtown Financial District has become a neighbourhood of high density towers. The West Precinct, which still includes many low-rise and house form buildings, has maintained a significantly lower scale with most recent new developments in the form of mid-rise buildings. The application for 604-618 Richmond Street West is in the West Precinct.

ISSUE BACKGROUND

Proposal

The site is located east of Bathurst Street on the north side of Richmond Street West. The applicant proposes to construct a 14-storey mixed-use building with retail at grade and 13 levels of residential above. The proposed development will comprise 220 residential units at a total gross floor area of 15,206 square metres as well as an additional 445.71 square metres of at-grade retail space. The height of the proposed building is 46 metres to the top of the main roof with an additional 3.5 metres to the top of the elevator over run.

Vehicular access for loading, garbage and parking, is proposed via the rear public laneway, Perry Lane, located north of the site. Included in the proposal are 5 below-grade parking levels which will contain a total of 111 vehicle parking spaces, 101 are resident parking spaces and 10 are for residential visitors. The proposal also includes 220 bicycle parking spaces, of which 198 spaces are for residents, 22 spaces are for visitors of the residential use, and no spaces are provided for the retail use.

Indoor amenity space is proposed at 0.95 square metres (209 square metres) per unit and outdoor amenity space is proposed at 0.16 square metres (352 square metres) per unit respectively per unit. This is below the By-law requirement of 2.0 metres per unit or 440 square metres each.

To allow for the development to occur, the applicant is proposing to demolish 7 vacant buildings which now exist on the site. The buildings located at 604, 608, 610, 612, 614 and 618 Richmond Street West contain a total of 7 dwelling units, at least 3 of which were last used for rental purposes. An additional building at 616 Richmond Street West consisted of a single commercial unit.

Revisions

The applicant submitted a revised proposal on April 15, 2014 that contained minor revisions to the initial submission dated October 23, 2013. The revisions to the building include a decrease in at-grade retail gross floor area from 498 square metres to 446 square metres. The entrance of the building was moved slightly to the west in order to reconfigure the lobby of the residential building. The indoor amenity space was increased from 160 square metres to 209 square metres. An additional parking level, P5, was added as well as reconfigurations to the other parking levels.

Table 1: Original and Final Proposal

	Original Proposal	Final Proposal
Height (excluding mechanical)	45.38 metres	46.30
Density	11.39 times lot area	11.26 times lot area
North Setback/Stepback from centre line of lane	<ul style="list-style-type: none">• 3 metres at grade• 5.5 metres at Level 2 to Level 10• 7.5 metres at Level 11 to Level 14	<ul style="list-style-type: none">• 3 metres at grade• 3 metres and 5.5 metres at Level 2• 5.5 metres at Level 3 to Level 10• 7.5 metres at Level 11 to Level 14
South Setback/Stepback from front lot line	3 metres at Level 11	3 metres at Level 11
East and West Setback/Stepback from side lot lines	None provided	None provided
Units	220	220

The proposed density of has marginally decreased from 11.39 to 11.26 times the area of the lot and the height has been increased from 45.38 to 46.30 metres (excluding mechanicals). Generally, the setbacks remain unchanged (see Table 1 above). Additionally, Level 2 is higher in the revised proposal at 5.4 metres as opposed to 4.5 metres, which accounts for the height increase of the building by 0.92 metres.

Please see Attachments 1 and 2A-D for drawings of the proposal, and Attachment 6 for the Application Data Sheet.

Site and Surrounding Area

The subject site is located east of Bathurst Street on the north side of Richmond Street West. The property is rectangular in shape with approximately 47 metres of frontage along Richmond Street West and a depth of approximately 29.5 metres. The property is approximately 1,389.8 square metres in area. The site is an amalgamation of seven properties which are currently occupied by low-rise residential and commercial buildings. The site is surrounded by the following uses:

North: The northern edge of the site is defined by a public lane (Perry Lane) which has an existing right-of-way of 4.8 metres and provides access to the rear of existing properties from 590 to 618 Richmond Street West. On the north side of Perry Lane is a vacant lot that has frontage along Queen Street West and is flanked on either side by 2 to 3 storey main street mixed-use buildings. The Queen Street properties are within the Queen Street West Heritage Conservation District.

South: The southern edge of the site is defined by Richmond Street West. On the south side of Richmond Street is a 12-storey office building, 2 and 5-storey warehouse buildings and a 2-storey semi-detached dwelling.

West: The property to the immediate west of the site is a 6-storey warehouse building with office and retail uses at grade along Richmond Street West and Bathurst Street with residential uses above.

East: To the east of the subject site are 2-storey rowhouses with residential and commercial uses.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. Recently updated, the housing policies of the PPS require municipalities to provide for an appropriate range and mix of housing, including affordable housing, to meet the needs of current and future residents. 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; and planning for a range and mix of housing. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings.

Chapter Three – Building a Successful City identifies that most of the City’s future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Section 3.1.2 Built Form provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.4 seek to ensure that development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties. Meeting these objectives requires creating consistent setbacks from the street, massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and /or planned street proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and limiting shadow impacts on streets, open spaces and parks.

The site is designated as a *Regeneration Area*, the boundaries of which correspond with the boundaries of the King-Spadina Secondary Plan Area. The *Regeneration Area* designation permits a wide range of uses, including the proposed residential and commercial uses. Section 4.7.2 of the Official Plan provides development criteria in Regeneration Areas, which is to be guided by a Secondary Plan. The Secondary Plan will provide guidance through urban design guidelines related to each *Regeneration Area*’s unique character, greening, community improvement and community services strategies, and a heritage strategy identifying important resources, conserving them and ensuring new buildings are compatible with adjacent heritage resources, and environmental and transportation strategies.

The Official Plan also contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units.

Applicants proposing to demolish 6 or more rental housing units, except where all of the units are above the mid-range rent category are required by Policy 3.2.1.6 to replace the rental units with the same number, size and type of units and maintain them with rents similar to the existing units on the site. An acceptable tenant relocation and assistance plan is also required to address moving costs, alternative accommodation, and other assistance to lessen hardship.

King-Spadina Secondary Plan

The subject site is located within the King-Spadina Secondary Plan area (see Attachment 5). The King-Spadina Secondary Plan (Chapter 6.16 of the Official Plan) provides a framework for reinvestment and development, the fundamental intent of which is to encourage reinvestment for a wide range of uses in the context of a consistent built form that relates to the historic building stock and the pattern of streets, lanes and parks.

In particular the policies of Section 3.6 – General Built Form Principles specify that:

- New buildings will locate along the front property line in such a way that they define and form edges along the streets, parks, public squares and mid-block pedestrian routes.
- Lower levels of new buildings associated with the pedestrian realm will be sited and organized such that they enhance the public nature of streets, open space and pedestrian routes, provide public uses which are directly accessible from grade level, encourage servicing and vehicular parking to be accessed from rear lanes and encourage the design and location of servicing and vehicular parking so as to minimize pedestrian/vehicular conflicts.
- New buildings will be sited and massed to provide adequate light, view and privacy for neighbouring properties.
- New buildings will achieve a compatible relationship with the built form context through height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.
- Buildings adjacent to streets, parks or open spaces will be massed to provide appropriate proportional relationships and will be designed to minimize wind and shadowing impacts on the street, parks or open spaces.
- New developments will provide comprehensive, high, quality, co-ordinated streetscape and open space improvements to promote greening, landscape enhancement, access, orientation and confidence of personal safety within King-Spadina.

King-Spadina Secondary Plan Review

City staff are currently undertaking a review of the built form and policy framework in the East Precinct of King-Spadina. A status report on this review will be available at the same meeting as this report. Although the review focuses on the East Precinct, it acknowledges that it has evolved and will continue to have a different character than the West Precinct. The review will set clear policy direction in the area to guide built form matters including building height, the emergence of towers in East King-Spadina, and measures that will assist with the growth management concerns raised by area residents.

City Planning has also begun a Heritage Conservation District Study in King-Spadina. Phase 1 of the Study is now complete and recommended boundaries for the HCD were reported out to Council. This site is not within those boundaries.

King-Spadina Urban Design Guidelines

The King-Spadina Urban Design Guidelines (2004) support the implementation of the King-Spadina Secondary Plan.

Section 2.5 contains the overall Guidelines. New development should be compatible with existing heritage buildings in terms of massing, height, setbacks, stepbacks and materials. New development within the context of existing adjacent buildings, should define and

contribute to a high quality public realm. Development should reinforce the character and scale of the existing street wall in the immediate surrounding area. In addition, the scale of the building brought to the sidewalk should respond proportionally to the width of the right-of-way.

The Public Realm section of the guidelines identifies that development should contribute to an improved and enhanced public realm consistent with the streetscape improvement strategy of the King-Spadina Community Improvement Plan.

Section 4.3.3 Built Form, identifies that new development in the West Precinct has a distinguishing character of uniform height, scale and massing, producing an effect of a maturing mid-rise neighbourhood which is different from Spadina Avenue and the East Precinct.

Section 4.4 details the Street Hierarchy, noting that Secondary Streets such as Richmond Street do not support transit but contribute significantly to the quality of the public realm and comprise the largest area of streetscape development, making them walkable and accessible.

Section 5.2.1 states that the street wall should be designed to ensure pedestrian comfort and adequate light penetration which can be achieved through a 1:1 ratio of building height to street width. New development should reinforce the continuity of the street wall of a particular street using existing building heights and setbacks as the basis for the design of the street frontage.

Section 5.4.1 Building Heights, states that the West Precinct is characterized by a homogenous form of low to mid-rise warehouse, office and mixed-use building patterns. In 2006, when the Guidelines were adopted the existing and new buildings were within the height regime contemplated by the Zoning By-law. However, since then new construction generally has not exceeded a maximum of 30 to 35 metres.

The Guidelines state that any application seeking an increase in height above the height limits set out in the Zoning By-law, portions of the building above the height limit will be required to demonstrate no undue impacts on light, view, privacy and sunlight access on nearby properties.

Section 5.4.3 Angular Planes and Stepbacks states that where buildings are permitted to be higher than the street wall height, a stepback will be required that is large enough to ensure that the higher portion does not overwhelm and detract from the consistency of the street wall from the perspective of the pedestrian experience. It also notes that the mere fact that a proposal meets angular plane requirements and has no significant wind or shadow impacts may not mean it is acceptable in the context.

Section 5.4.4 Light, View and Privacy states that tall building elements (i.e. above the as-of-right height permissions) should be evaluated on their ability to achieve optimum proximity, light, view and privacy conditions, as well as on their impact on other properties on the same block with similar potentials.

Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 3 - Zoning Map). The maximum permitted height is 23 metres for 604 to 616 Richmond Street West and 26 metres for 618 Richmond Street West, with a maximum permitted height at the street line (i.e., street wall height) of 20 metres. The Zoning By-law requires that where building heights exceed 20 metres, the building shall be located within a 44 degree angular plane measures from 20 metres above the street line.

The above noted Zoning By-law provisions are intended to create a building envelope which will allow for buildings which reinforce the historic built form and meet the objectives as outlined in the King-Spadina Secondary Plan. As part of efforts to address the policies in the King-Spadina Secondary Plan, City Planning staff have consistently worked to keep height limits in the King-Spadina Secondary Plan area west of Spadina Avenue in the 30-34 metre range. The exception is for properties with frontages on Bathurst Street or those developments which include the conservation, restoration and maintenance of one or more heritage buildings. In cases where additional height is supported, staff have recommended that it be stepped back from the street frontages.

By-law 922-2006, implementing the zoning by-law amendments arising from the 2006 King-Spadina Secondary Plan review, added provisions that included requirements for windows of dwelling units to maintain a minimum separation of 15 metres, and comply with the angular plane as per the previous zoning by-law. By-law 922-2006 is under appeal to the Ontario Municipal Board.

Site Plan Control

An application for Site Plan Control was submitted on October 23, 2013 and is under review. The Site Plan Control application has not been appealed to the Ontario Municipal Board.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), which established Chapter 667 of the City's Municipal Code, is one of the tools which implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without a permit issued by the City under Section 111 of the *City of Toronto Act*. Proposals involving six or more rental housing units or where there is a related application for a Zoning By-law amendment require a decision by City Council under Section 111 of the *City of Toronto Act*.

Under Chapter 667 a building or related group of buildings containing one or more rental units, where there are six or more dwelling units, is defined as a Residential Rental Property and a rental housing demolition application is required to be filed "without delay" when there is a related planning application to the City. Failure to submit an application, the knowing provision of false or misleading information, or interference with a tenant's reasonable enjoyment of a rental unit is an offence under this chapter and may be subject to penalty.

Council may refuse an application or approve the demolition with conditions which typically involve the replacement of rental housing and assistance to any tenants affected by the proposed demolition, before a Section 111 permit is issued. The conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition. Approval of related planning applications, such as a zoning by-law amendment, should be conditional upon the applicant receiving a Section 111 permit.

If the demolition of rental housing is approved under Municipal Code 667, approval to issue a demolition permit for residential buildings under Municipal Code 363 and Section 33 of the *Planning Act* is also required. The by-law provides for the co-ordination of these approvals and issuance of the permit. Typically, City Council receives a joint report on the related planning applications as well as the application under Municipal Code 667 so that the decisions on demolition and redevelopment may be made at the same meeting. Unlike *Planning Act* applications, City Council decisions to approve or refuse rental housing demolitions under Section 111 of the *City of Toronto Act* are not subject to any appeal to the Ontario Municipal Board.

Reasons for Application

The application proposes a building that exceeds the permitted maximum building height of 23 metres by 23 metres for the proposed Richmond Street West building. Other areas of non-compliance include, but are not limited to, reduced building setbacks and stepbacks; maximum building height at the street line; required indoor and outdoor residential amenity space; and number of residential and visitor parking spaces.

Ontario Municipal Board Appeal

On June 2, 2014 the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment application to the Ontario Municipal Board, citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*.

Community Consultation

The local Councillor held a pre-application community meeting on December 2, 2013. Following the Preliminary Report going to TEYCC on January 15, 2014, a formal community meeting was held by Planning Staff on February 3, 2014. The issues raised at

these meetings by members of the public included, building height, street wall height, traffic on Perry Lane, impact on light, view, privacy on adjacent buildings, and building massing.

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 Provincial Plans

The application proposes intensification within a built-up urban area near higher-order transportation but the proposal does not respect the level of intensification set out in the Official Plan and Secondary Plan for the area. Policy 4.7 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS. Comprehensive, integrated and long-term planning is best achieved through municipal official plans, which shall identify provincial interests and set out appropriate land use designations and policies.

The built form policies of the Official Plan and the King-Spadina Secondary Plan place great emphasis on ensuring that new buildings achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, roof line and profile, architectural character and expression. Intensification is appropriate in this part of the City; however, the development as proposed is not appropriate as it does not meet the Official Plan policies to adequately site and mass the new building to provide adequate setbacks and stepbacks. The site cannot accommodate a building of 14 storeys and also provide for the applicable policies, such as offering adequate light, view and privacy for neighbouring properties, as the property itself is too narrow.

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.

Although the application proposes to intensify the site, the amount and manner of intensification proposed is considered overdevelopment of the site and does not adequately address the existing policy framework of the Official Plan.

Land Use

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

Height and Massing

The proposed development is located on a constrained site (29 metres deep by 47 metres wide) on Richmond Street West in the interior of the West Precinct of the King-Spadina Area. The policies contained in the Official Plan, King-Spadina Secondary Plan, King-Spadina Urban Design Guidelines and the applicable provisions of the City's Zoning By-law prescribe that a building on this site should be low to mid-rise in height. These policies and guidelines seek to maintain the existing warehouse character of the area that is predominantly low to mid-rise buildings that are uniform in height, scale and massing. New buildings in the King-Spadina West Precinct are predominantly 35 metres in height or less (including the mechanical penthouse) with the taller portions of buildings having substantial setbacks from the street.

The Applicant's Planning Consultant prepared a Planning Rationale in support of the application stating that the proposed building typology is a mid-rise building rather than a high-rise point tower. It also notes that the Mid-Rise Guidelines performance standards were used in evaluating the proposed built form. The rationale did not acknowledge a number of key performance standards in the guidelines including the 1:1 ratio of height of the building to width of the street right-of-way and required setbacks and stepbacks.

Height

The proposed building is approximately 46.3 metres in height, with the mechanical and elevator overrun adding an additional 3.55 metres for a total height of 49.85 metres.

The proposed heights of 46.3 metres is not in keeping with the existing built form context of the historic streetwall buildings in the West Precinct of the King-Spadina Area or the overall height existing and approved buildings in the area. The planning consultant provided a list of buildings with heights in the King-Spadina Area in their Planning Rationale. The list included buildings that front on both Bathurst Street and Spadina Avenue along with those at 431 to 445 Richmond Street West and 523 to 525 Adelaide Street. These taller buildings are located in different contexts and in the case of the Bathurst and Spadina examples are fronting on much wider streets affording the opportunity for more height. Notwithstanding those examples, the majority of buildings in the East Precinct (existing or proposed) are less than 35 metres tall.

The proposed building sits at the east end of the East Precinct surrounded by low scale buildings on a standard 20 m right of way. Although staff accept that a mid-rise building in the order of 10 storeys could be accommodated on this site, the proposal for 14 storeys is out of scale with the street and would set a negative precedent creating a canyon effect on a fine grain street. This continued "creeping" of heights within the neighbourhood as each new project attempts to be taller than the previous one sets a negative precedent for the neighbourhood and erodes the intent of the plan. The proposal, at height of 46.3 metres represents overdevelopment of the site, and does not provide appropriate stepping or separation distances to adjacent existing or future developments.

The proposed building presents a streetwall straight up to 33.26 metres (Level 11) rather than the stepping at 20 metres (6 storeys) required by the Plan to maintain a lower streetwall scale again eroding the character and historic scale of the street.

Massing

The proposed development has the following setbacks:

- a) South side - Richmond Street West: 3 metres at Level 11 (33.26 metres)

As per the King-Spadina Urban Design Guidelines new buildings, should be uniform in height, scale and massing, and contribute to the West Precinct's mid-rise neighbourhood character. The Zoning By-law requires that the building be setback 3 metres above 20 metres along Richmond Street. The purpose of this setback for new buildings is to maintain and reinforce a consistent street wall along the street edge. Street walls should reflect a 1:1 relation of building height to right-of-way width, which in this instance is 20 metres. Additionally, street wall heights are determined by using existing building heights and setbacks as the basis of the design of the street frontage. Within the context of the surrounding area, i.e., west of Brant Street along Richmond Street West, newer developments such as the 156 Richmond Street West (base height of 5 storeys), 553 Richmond Street West (base height of 7 storeys) have base heights that are between 5 to 7 storeys that relate to the immediate context and/or adjacent buildings. 167 Bathurst, located to the east of the subject site is approximately 6 storeys high. The proposed building's street wall height should be 20 metres to reflect the adjacent existing street wall to the east and the right-of-way width of Richmond Street West.

The subject site has approximately 47.3 metres of frontage on Richmond Street West. If the proposed building is permitted to have a street wall of 33.26 metres (Level 11) this will result in a wide and high street wall which could lead to other properties on the street being redeveloped in a similar manner, resulting in a continuous street wall height of 33 metres along this portion of Richmond Street West. Staff do not recommend that this be permitted as it will set a precedent for future development and will negatively impact the character of the street as well as the pedestrian environment.

- b) East and west sides: 0 metres on either side above 20 metres

The proposed building will be built to the edge of the property line on both the east and west side. No setbacks on the side property lines is permitted up to a height of 20 metres, above which a setback of 5.5 metres is required on either side. A canyon-style built form

is not anticipated by the guidelines in the area. The purpose of this setback is to ensure sufficient facing distance between the proposed building and the adjacent sites, the protection of sky views, and the articulation of the side walls to prevent large black walls.

To the west of the site is an existing 6-storey mixed-use building (165 Bathurst Street) and to the immediate east are low-rise residential dwelling units. The west side of the building is proposed to have a 1 metre wide window wall from Level 11 to Level 14. The applicant provided Staff with a letter from the property owner of 165 Bathurst Street which states that there are no intentions to redevelop the site. The issue of whether the adjacent owners plan to redevelop in the near future. Despite the immediate plans of the adjacent owner, the City must look to the longer term and the fact that ultimately the adjacent property may become a development site. The issue of separation could impact west facing units but is also important to provide distance between buildings to allow for light on and sky view from public sidewalks.

The King-Spadina Urban Design Guidelines contain provisions related to the importance of protecting privacy in a high density neighbourhood. Light, view and privacy, "quality of life" issues, which must be evaluated based on the existing and potential development.

- c) North side from centreline of Perry Lane: 3 metres at grade, 3 metres and 5.5 metres at Level 2, 5.5 metres from Level 2 to Level 10, and 7.5 metres from Level 11 to top of the roof.

The proposed building will be setback approximately 3 metres at grade and Level 2. The outdoor amenity space of approximately 36 square metres is located on Level 2. Located just north of Perry Lane are mixed-use buildings that front onto Queen Street. There are four properties (627, 629, 631 and 633 Queen Street West) that have south facing windows, some with balconies. 635 Queen Street is being redeveloped with a 2 storey addition that will be constructed up to the rear property line and will have 4 residential units, 2 of which will have south facing windows.

The north side of the building is required to be setback 3.3 metres from the centreline of the lane. At present the 3 metre setback is being provided due to lane widening of 0.6 metres and 2.4 metres from the centreline of the lane. Additionally, on the north side of the building are balconies that project 1.8 metres project into the 3 metre setback, thus reducing the north setback to 1.3 metres from Level 2 to Level 11 and a setback of 3.4 metres from Level 12 to level 14. Staff are not satisfied with the insufficient setbacks being provided on the north side of the building. The lack of separation between the proposed amenity space and the surrounding residential units would create unacceptable noise, privacy and overlook impacts for the properties on the north side of the lane.

Staff encouraged the applicant to revise the built form to include a setback of 5.5 metres on the east and west and 3 metres on the south sides would have created sufficient space to accommodate the required exterior amenity space of 440 square metre in a more appropriate location.

Shadow and Wind

Shadow

Shadow studies submitted by the applicant show no increased shadow impact to Queen Street West and the proposed building does not cast increased shade on any public streets. The shadow studies reveal that the mixed-use buildings that front onto Queen Street West and Perry Lane would be in shade for most of the day, however it is likely that an as-of-right building of 23 metres would also cast a similar shadow on these properties.

Wind

The applicant submitted a Wind Assessment from GME – Gradient Microclimate Engineering Inc, dated November 1, 2013. Overall, the study concluded that, "based on wind tunnel test results, meteorological data analysis, and experience with similar developments in Toronto, the wind conditions over the study site at the ground level will be acceptable for the intended pedestrian uses of all tested spaces on an annual basis. The results are considered comfortable over many areas and acceptable in all areas for common pedestrian activities classified as sitting, standing and walking." The Study's findings are acceptable to staff.

Traffic Impact, Access, Parking

The development is proposed to be accessed via a right-in/right-out on Perry Lane. Left turns will be prohibited from the site and will be announced via the installation of appropriate signing. Perry Lane is proposed to be widened from 4.8 metres to 5.4 metres, through a strata conveyance of 0.6 metres for a minimum depth of 1.2 metres from the finished grade. The underground parking garage would encroach onto the widened Perry Lane. Transportation Staff have signed off on the encroachment provided it does not extend beyond the limit of the lane widening and requires a strata conveyance.

Development Engineering has identified a number of proposed encroachments into the Richmond Street West public right-of-way and the public lane that are not permitted. These include, but are not limited to the exhaust shaft, door openings, a canopy and bicycle racks, among other things. The proposed canopy along the south side of the building along with the proposed boulevard café will require approval of separate applications and execution of encroachment agreements through Right-of-Way Management.

The proposed sidewalk pedestrian clearway is 1.9 metres, whereas the required clearance is a minimum of 2.1 metres. While the addition of a boulevard café along Richmond Street West may add to the animation of the street, a reduced pedestrian sidewalk is not acceptable. Richmond Street West has an existing sidewalk width of 6.3 metres which is large for a downtown street but is required for pedestrian volumes and should not be encumbered.

The proposal includes 111 residential parking spaces and 10 visitor parking spaces. The proposed parking meets the Zoning By-law 569-2013 requirements with the exception of the visitor parking spaces which are 12 spaces short. As the application is proposed in an area of high demand for parking to serve area businesses and entertainment facilities with overlapping peak demand. Area residents and condominium owners across the City have noted the lack of visitor parking in new buildings as a significant concern.

Servicing

A Type G loading space is proposed for the shared use of the residential and non-residential uses of the project and is consistent with the Zoning By-law requirement and considered acceptable by Development Engineering Staff. However, the traffic consultants plans identify that the typical City size garbage truck cannot successfully manoeuvre through the turn on Perry Lane to exit onto Richmond Street West. Given that the garbage truck cannot move into and out of the site, Solid Waste cannot accept the proposed servicing for the residential component of the building which will have to be addressed prior to any approval.

Streetscape

The building is proposed in a location on Richmond Street West that has a large public-right-of-way of approximately 6.3 metres. The proposal includes a 3.5 metre deep boulevard café (on the west side) and canopy (which extends the entire width of the lot) which are subject to separate encroachment agreements and applications. The proposed pedestrian sidewalk clearance is 1.9 metres, instead of the required 2.1 metres.

This portion of Richmond Street West, has a wide public right-of-way, that could benefit greatly from appropriate landscaping to enhance the streetscape. The proposed development does not propose the planting of any new street trees or other streetscape enhancements, other than the boulevard café that may animate the street but will encumber the right-of-way. Planning Staff do not support the proposed boulevard café and canopy in their current form, and would consider these elements if reduced in depth and designed in a manner to protect and preserve the existing black walnut trees.

The applicant proposes to remove the existing City owned street trees no. 468, 469, 471, C1 and C2 and to preserve tree no. 471 as identified on the Landscape Plans. Of these trees, 468 and 470 are black walnut trees. Urban Forestry does not support the removal of these trees. Planning and Urban Forestry met with the applicant to discuss options to preserve the trees, including possible relocation on Richmond Street West. The applicant has not provided staff with an update or a resolution.

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.

The applicant is required to meet Tier 1 of the TGS. The TGS requires 123 residential parking spaces, while the proposal has 111 parking spaces. Additionally, the proposed development is providing the required number of bicycle parking spaces, i.e., 198 residential bicycle parking spaces and 22 visitor bicycle parking spaces. The proposed development will incorporate a green roof of 514 square metres, which is 50% of the available roof space of 1028 square metres.

Should the zoning amendment application be approved in some form, a site plan control application will be required prior to the development and would be further reviewed for compliance with the Toronto Green Standards.

Rental Housing

A Rental Housing Demolition Application under Chapter 667, pursuant to Section 111 of the City of Toronto Act was filed and subsequently completed in April 2014.

Based on information submitted by the applicant there are a total of 7 residential dwelling units on the proposed development site. A site visit by City Planning staff and additional information submitted by the applicant indicated that at least 3 of these dwelling units were used for rental purposes. All of the rental units are currently unoccupied, and appear to have been vacated between January and July of 2013. The City's policy for applications involving demolition of rental housing is to maintain residential rental tenancies, and the buildings' occupancy, until such time as redevelopment has been approved.

As only 3 units within this related group of buildings were considered residential rental units, the City's Official Plan policies on the replacement of rental housing do not apply. Though the Official Plan policy is to seek a mix of housing, including by tenure and affordability, the applicant is proposing to provide all of the 220 residential units as condominiums.

As there are 6 or more existing residential units (7 in total in this case), and some have been used for rental purposes, a permit under Section 111 of the *City of Toronto Act*/Chapter 667 of the Municipal Code is required. The existing rental units are currently vacant and a tenant relocation and assistance plan is not applicable at this time. Staff recommend that, should the Ontario Municipal Board approve the application for rezoning, City Council authorize the appropriate City Officials to issue the required permits under Section 111 of the *City of Toronto Act*, and Section 33 of the *Planning Act* in keeping with the standard practices followed in these circumstances.

CONCLUSION

The proposal departs from the City's planning framework, including the King-Spadina Urban Design Guidelines, as it proposes an incompatible built form at 46 metres in an existing area of low to mid-rise buildings, with most recent development approvals having a maximum height of 30 to 35 metres. The proposal represents overdevelopment of a small site as it lacks adequate setbacks/stepbacks which will create negative impacts in terms of privacy and overlook on adjacent properties and the public realm. The height and massing of the proposal will have a wider impact in the West Precinct that will result

in a negative precedent that could undermine the preservation of the area's historic built form.

City Planning staff are prepared to consider a more modest development on the site that is respectful of the existing and planned context, including heritage character of the area and existing uniform scale and massing. Redevelopment projects that complement the heritage character of the area and the existing scale of the heritage streetwall, are supported by the King-Spadina Secondary Plan and King-Spadina Urban Design Guidelines. The proposed height and massing overwhelm the streetscape and are detrimental to the character of this portion of the King-Spadina area. Staff are not in support of the application in its present form as it does not represent good planning.

CONTACT

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SIGNATURE

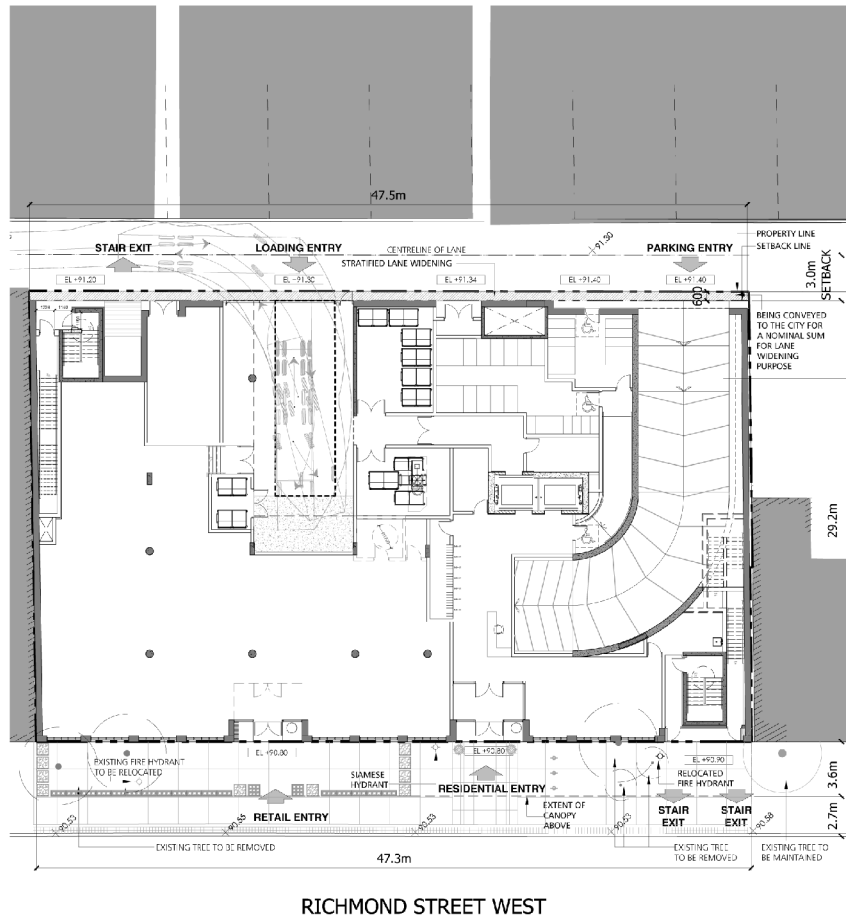
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2A to D: Elevations
Attachment 3: Zoning By-law 438-86
Attachment 4: Zoning By-law 569-2013
Attachment 5: King-Spadina Secondary Plan
Attachment 6: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

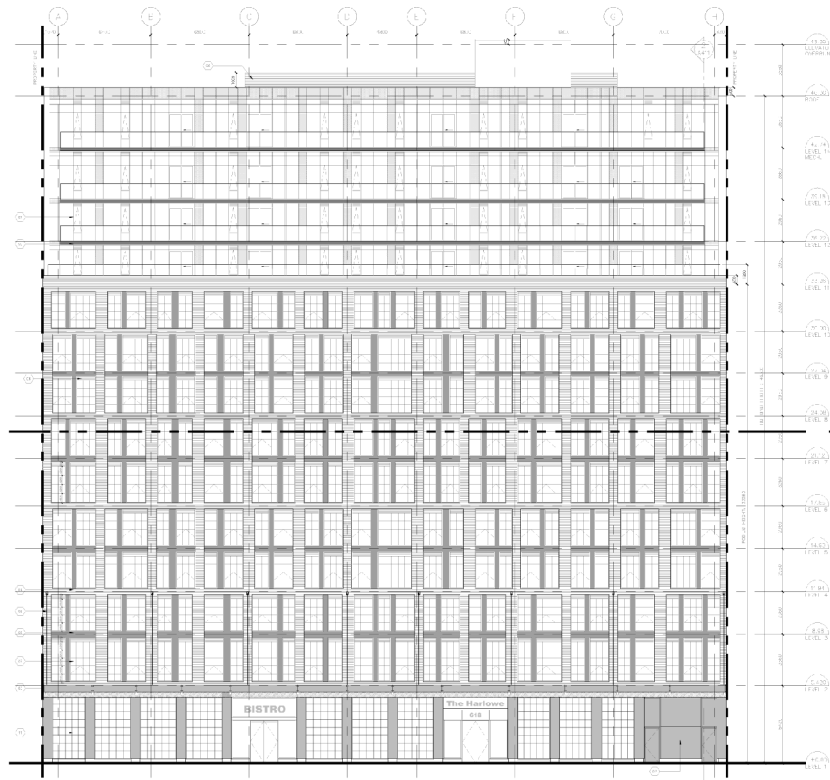
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06/27/2014



604-618 Richmond Street West

File # 13 254795 STE 20 02

Attachment 2A: South Elevation



South Elevation

South Elevation

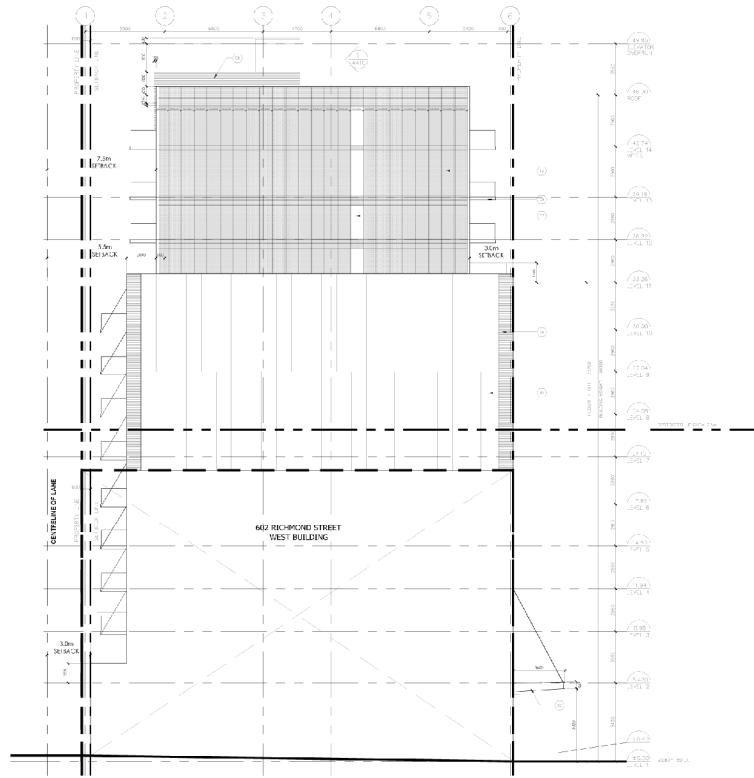
Applicant's Submitted Drawing

Not to Scale
06/27/2014

604 -618 Richmond Street West

File # 13 254795 STE 20 02

Attachment 2B: West Elevation



West Elevation

West Elevation

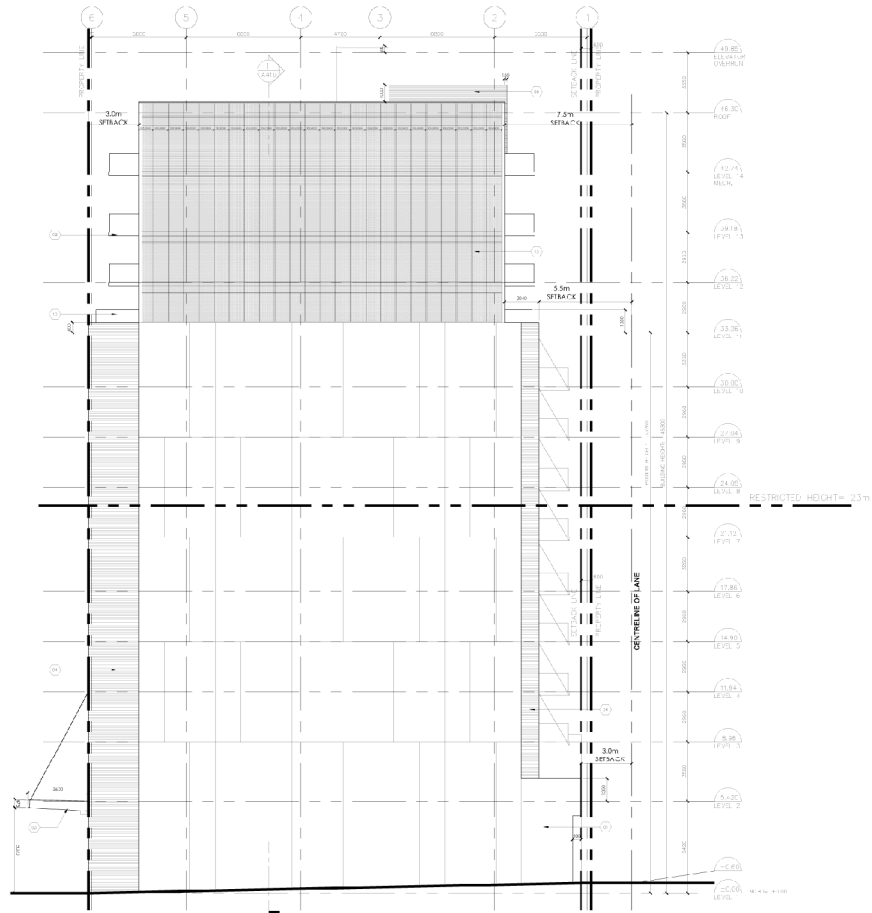
Applicant's Submitted Drawing

Not to Scale
06/27/2014

604 -618 Richmond Street West

File # 13 254795 STE 20 02

Attachment 2C: East Elevation



East Elevation

East Elevation

Applicant's Submitted Drawing

Not to Scale
06/27/2014

604 -618 Richmond Street West

File # 13 254795 STE 20 02

Attachment 2D: North Elevation



North Elevation

North Elevation

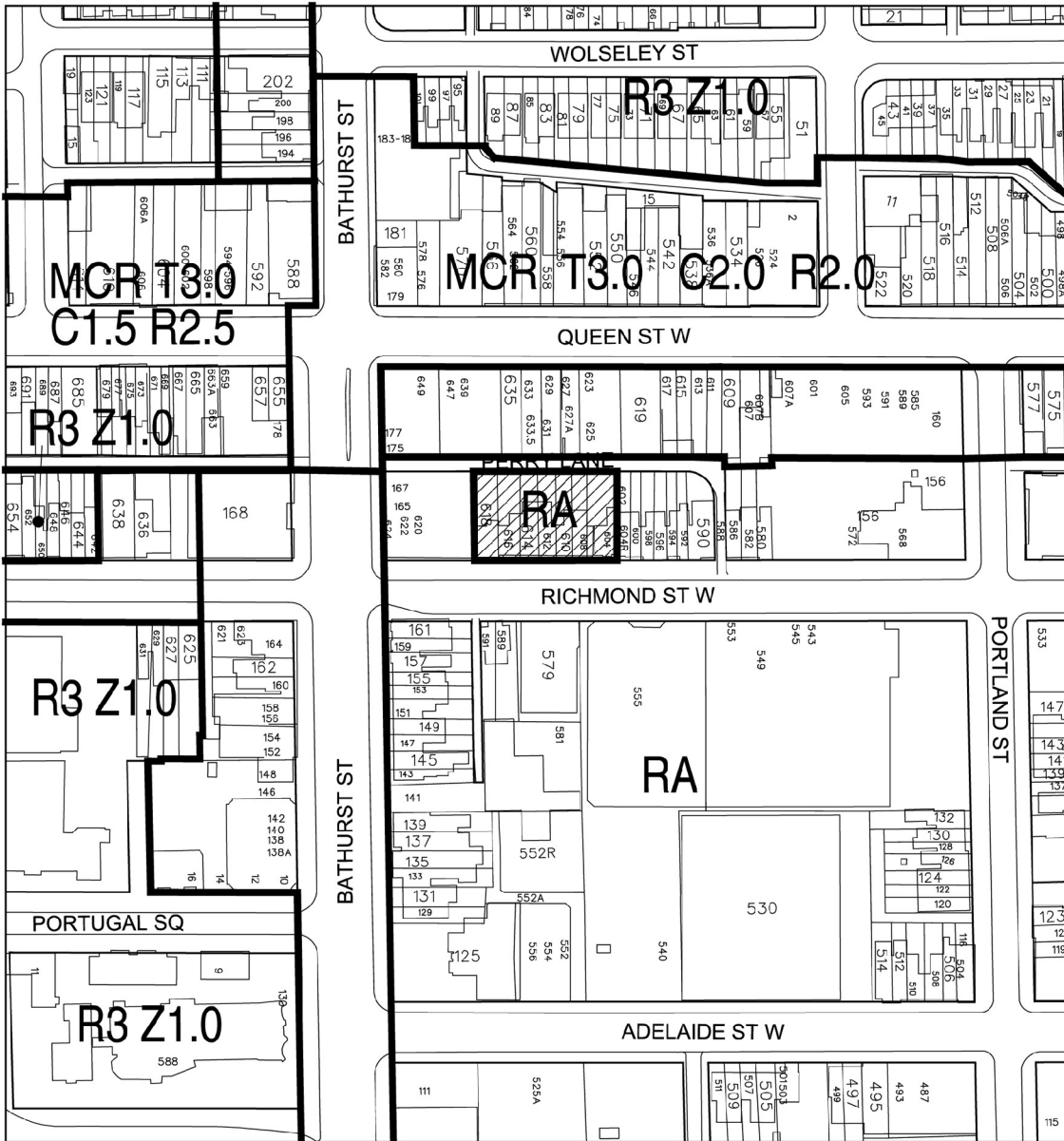
Applicant's Submitted Drawing

Not to Scale
06/27/2014

604 -618 Richmond Street West

File # 13 254795 STE 20 02

Attachment 3: Zoning By-law 438-86



TORONTO City Planning
Zoning

604-618 Richmond Street West

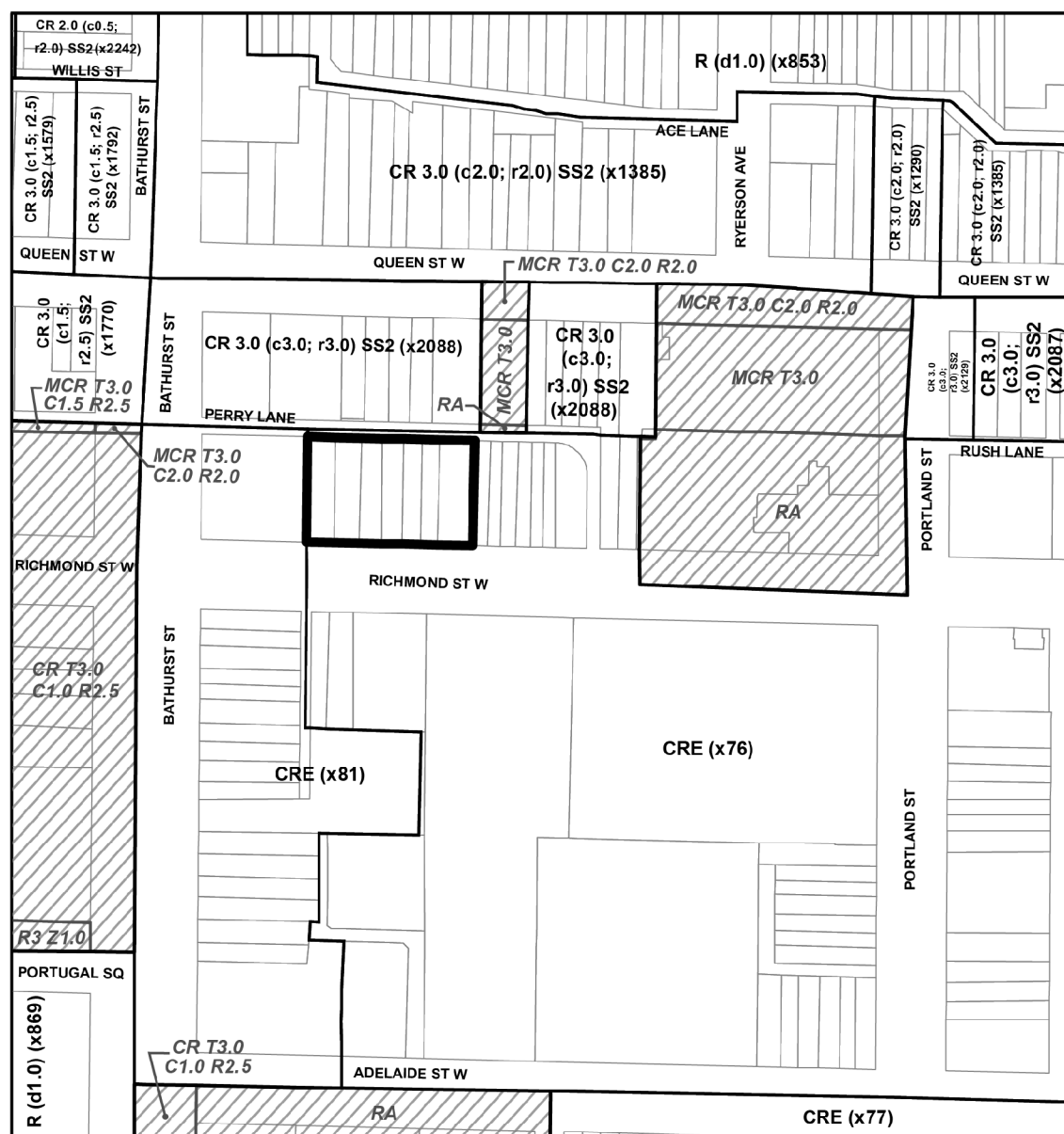
File # 13 254795 0Z

RA Mixed-Use District
MCR Mixed-Use District
R3 Residential District



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 07/21/2014

Attachment 4: Zoning By-law 569-2013



Zoning By-law 569-2013

604-618 Richmond Street West

File # 13 254795 STE 20 0Z



Location of Application

R	Residential
CR	Commercial Residential
CRE	Commercial Residential Employment



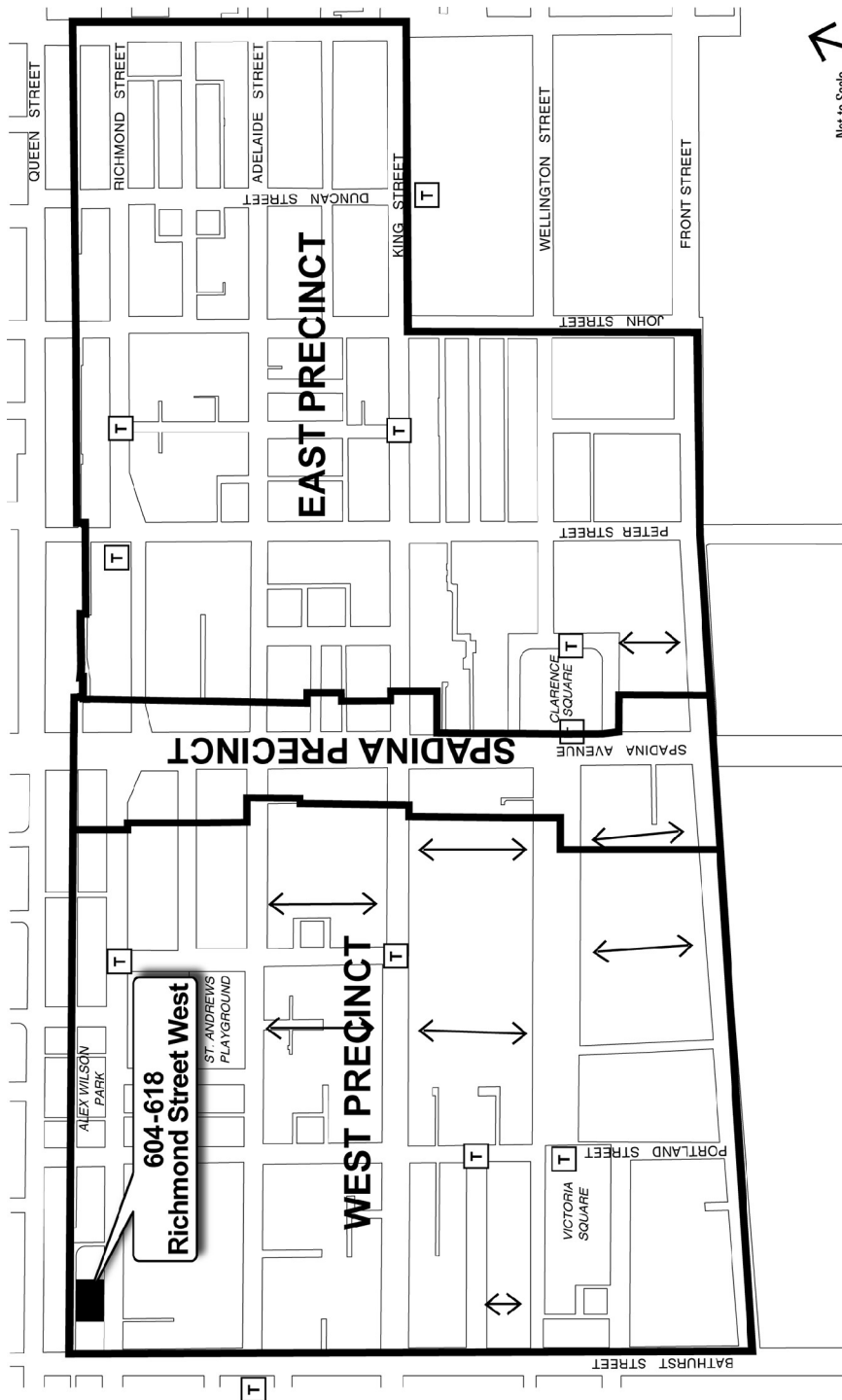
See Former City of Toronto Bylaw No. 438-86

R3	Residential District
RA	Residential District
CR	Mixed-Use District
MCR	Mixed-Use District



Not to Scale
Extracted 11/29/2013

Attachment 5: King-Spadina Secondary Plan



Secondary Plan Boundary

View Terminus

Potential Mid-block Connections

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

July 2006

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	13 254795 STE 20 OZ
Details	Rezoning, Standard	Application Date:	October 22, 2013

Municipal Address:	604 RICHMOND ST W
Location Description:	PLAN D111 PT LOTS 21 & 22 **GRID S2012
Project Description:	To demolish existing residential and commercial buildings located on 604,606,610,614,616,&618 Richmond ST W (1.13 ha site) and construct a new 14-storey mixed use building containing commercial uses at grade and 220 residential units above the ground floor. The total proposed residential GFA is ~15000 m2 and the total proposed non-residential retail GFA is ~450 m2. The proposal includes 4 1/2 level of below grade parking spaces including 101 residential parking spaces, 10 visitor parking spaces.

Applicant:	Agent:	Architect:	Owner:
AIRD & BERLIS LLP		CORE	THE HARLOWE INC

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	King-Spadina
Zoning:	RA	Historical Status:	
Height Limit (m):	23, 26	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1389.83	Height:	Storeys:	14
Frontage (m):	47.3		Metres:	49.85
Depth (m):	29.2			
Total Ground Floor Area (sq. m):	1341			Total
Total Residential GFA (sq. m):	14990		Parking Spaces:	111
Total Non-Residential GFA (sq. m):	457		Loading Docks	1
Total GFA (sq. m):	15447			
Lot Coverage Ratio (%):	96.5			
Floor Space Index:	11.1			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	14990	0
Bachelor:	102	Retail GFA (sq. m):	457	0
1 Bedroom:	92	Office GFA (sq. m):	0	0
2 Bedroom:	4	Industrial GFA (sq. m):	0	0
3 + Bedroom:	22	Institutional/Other GFA (sq. m):	0	0
Total Units:	220			

CONTACT:	PLANNER NAME:	Charlene Miranda, Planner
	TELEPHONE:	(416) 392-9434