

**451-457 Richmond Street West - Zoning Amendment  
Application - Request for Direction Report**

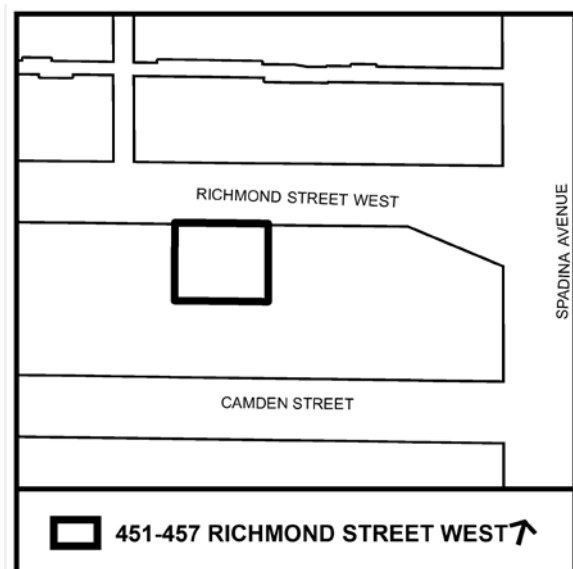
<b>Date:</b>	February 2, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	16 268947 STE 20 OZ

**SUMMARY**

This application proposes to redevelop the site at 451-457 Richmond Street West with a 19-storey mixed-use building containing retail uses at grade and 139 residential units above. The building will have a height of 57 metres, including the mechanical penthouse.

The proposed development is not supportable because it represents an overdevelopment of the site, both in terms of built form and density and fails to conserve the existing heritage building. The proposal does not conform with Official Plan heritage and built form policies nor does it satisfactorily respond to the King Spadina built form urban design guidelines. Issues raised by the proposal include:

- The proposed height at 19-storeys (57 metres) is not in keeping with the existing and planned context for the King-Spadina West Precinct which is intended to be of a mid-rise warehouse character;
- The proposed built form is not consistent with the King Spadina Secondary Plan and Built Form Guidelines which require new buildings to achieve a compatible relationship with the surrounding context through consideration of such



matters as height, massing, scale, architectural character and expression;

- The heritage property on the site is not being conserved consistent with the heritage policies in the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Official Plan and the King Spadina Heritage Conservation District Plan; and
- Appropriateness of the proposed reduction in outdoor amenity space.

The purpose of this report is to seek Council's direction for the City Solicitor and other appropriate City staff to attend an Ontario Municipal Board hearing in opposition to the applicant's current development proposal and appeal.

## **RECOMMENDATIONS**

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### **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 451-457 Richmond Street West in its present form for reasons set out in the report (February 2, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize City Planning staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report, including:
  - a. conserving the heritage property at 457 Richmond Street West consistent with the Official Plan and King Spadine Heritage Conservation District Plan;
  - b. reducing the proposed height and massing and increasing building setbacks to avoid overdevelopment of the site and to limit the negative impacts on adjacent properties;
  - c. improving compliance with Council's approved planning framework for the area including the King-Spadina Urban Design Guidelines (2006); and
  - d. improving compliance with emerging policies reflected in the King Spadina Secondary Plan review.
3. City Council authorize the Acting 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*, should the proposal be approved in some form by the Ontario Municipal Board.

4. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s) until:
  - a) the final form of the Zoning By-law amendments are to the satisfaction of the satisfactory to the Acting Director, Community Planning, Toronto East York District and the City Solicitor;
  - b) the owner has entered into a Heritage Easement Agreement with the City for the property at 457 Richmond Street West to the satisfaction of the Senior Manager, Heritage Preservation Services including execution and registration of such agreement to the satisfaction of the City Solicitor;
  - c) the owner has provided a Conservation Plan prepared by a qualified heritage consultant for the property at 457 Richmond Street West to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - d) the owner has addressed the outstanding items in relation to servicing outlined in the memorandum from Engineering and Construction Services dated February 8, 2017; and
  - e) community benefits and other matters in support of the development as are determined appropriate are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Acting Director Community Planning, Toronto and East York District and the City Solicitor.
5. City Council authorize the City Solicitor and other City staff to take such necessary steps, as required, to implement the foregoing.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **DECISION HISTORY**

Staff prepared a preliminary report for the April 4, 2017 meeting of the Toronto and East York Community Council. The report identified a number of issues raised by the proposal, including heritage conservation, height, setbacks and office replacement.

### **ISSUE BACKGROUND**

#### **Proposal**

The Zoning By-law amendment proposes to demolish the existing listed heritage building located at 457 Richmond Street West and redevelop the site with a 19-storey building having a height of 57 metres, including a wrapped mechanical penthouse. The proposed building will contain retail uses at grade, 139 residential units located on floors 2-19 and two-levels of below grade parking containing 26 parking spaces. A total of 139 bicycle parking spaces will also be located within the parking garage. Indoor amenity space will

be located at the rear of the building, on the ground floor with a small adjoining outdoor amenity area. A total of 23 square metres of outdoor amenity space and 278 square metres of indoor amenity space is proposed.

The proposed residential unit breakdown is as follows:

Type of Residential Unit	Number of Units	Percentage of Total
Bachelor	40	29
One-Bedroom	55	40
Two-Bedroom	27	19
Three-Bedroom	17	12
Total	139	100

A slightly recessed parking and loading entrance will be accessed via Richmond Street West, at the eastern end of the site. The residential entrance, also slightly recessed from the front façade, will be located at the opposite, western end of the building and the retail entrance will be located in between.

The base-building portion of the proposal will be 12-storeys, or 36.75 metres in height. It will extend to the front and side property lines and will be setback 5.6 meters from the rear property line starting at the third storey. An additional setback of approximately 3.18 metres will be provided at the centre of the building at the rear to accommodate the ground level outdoor amenity space. Floors 13-19 will be stepped back an average of 3.4 metres from the front façade, 5.66 metres from the west side façade and the rear and east side walls will line-up with the base building below. The proposed sidewalk width is approximately 3.2 metres.

### **Site and Surrounding Area**

The site, located on the south side of Richmond Street West half way between Spadina Avenue on the east and Brant Street on the west, has a frontage of approximately 32 metres and a depth of approximately 27 metres for a total lot area of 845 square metres. The site currently contains a commercial parking lot and a 2.5-storey heritage commercial building constructed in the early 1950s.

North: Immediately north of the site across the street is a listed heritage property at 460 Richmond Street West containing a seven-storey building. Just east of this, also on the north side of Richmond Street West, is a development proposal at 452-458 Richmond Street West for 'James', an 18-storey mixed-use building measuring 61 metres in height which is currently subject to a hearing before the Ontario Municipal Board (File No. PL160081). Further east is a small surface parking lot subject to a development proposal for a 19-storey mixed-use building (City File No. 17- 192881 STE 20 OZ) and the Morgan, a 16-storey mixed-use building with frontage on Spadina Avenue.

On the west side of the heritage building at 460 Richmond Street West are three, 2.5-storey row houses followed by a six-storey residential condominium development at 500 Richmond Street West.

- East: Adjacent to the site on the east side is Fabrik, a mixed-use development approved by the Ontario Municipal Board which contains three height elements and steps down in height from its tallest, 18-storey, element located closest to Spadina, to 14-storeys in the middle to 12-storeys for the portion closest to the subject site.
- West: Immediately west of the subject site is a small surface parking lot, a two-storey commercial building and a 12-storey former commercial building which has been converted to residential uses at the south-east corner of Richmond Street West and Brant Street.
- South: Immediately south of the subject site, fronting the north side of Camden Street, is a 12-storey mixed-use building at 32 Camden Street. To the east of this are a series of two and three-storey commercial buildings and an eight-storey building fronting Spadina Avenue. To the west of 32 Camden Street is a three-storey commercial building and a 10-storey residential building followed by an eight-storey residential building.

### ***Planning Act, Provincial Policy Statement and Provincial Plans***

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include: the orderly development of safe and healthy communities; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; the conservation of features of significant architectural, cultural, historical and archaeological or scientific interest; the appropriate location of growth and development; and the promotion of a built form that is well designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Provincial Policy Statement (PPS) (2014) provides policy direction Province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;

- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit;
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character;
- Conserving significant built heritage resources and significant cultural heritage landscapes; and
- Ensuring development and site alteration adjacent to protected heritage properties are evaluated to ensure the heritage attributes are conserved.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. Policy 4.7 further states that the Official Plan is the most important vehicle for implementing the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities , recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure;
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and,

- Conserving cultural heritage resources, including built heritage resources, in order to foster a sense of place and benefit communities.

Like other provincial plans, the Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

## **Official Plan**

### Chapter Two – Shaping the City

The subject site is located within the *Downtown*, as identified on the Official Plan's Urban Structure map. Chapter Two – Shaping the City identifies that the *Downtown* area offers opportunities for substantial growth, but it is not anticipated that this growth will 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, setbacks, heights and relationship to historic and landmark buildings.

### Chapter Three – Building a Successful City

Chapter Three of the Official Plan 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 transition in scale to neighbouring existing and/or planned buildings, and limiting shadow impacts on streets, open spaces and parks.

### Heritage Conservation:

The heritage policies contained in Section 3.1.5 of the Official Plan provide the policy framework for heritage conservation. In particular, Policy 3.1.5.4 states that heritage resources on the City's Heritage Register will be conserved and further, Policy 3.1.5.6 encourages the adaptive re-use of heritage properties. Additionally, Policy 3.1.5.26 states that, when new construction on, or adjacent to, a property on the Heritage Register does occur, it will be designed to conserve the cultural heritage values, attributes and character of that property and will mitigate visual and physical impact on it. Finally, Policy 3.1.5.27 discourages the retention of facades alone and encourages conservation of whole or substantial portions of buildings.

#### Chapter Four – Land Use Designations

The Official Plan designates the site as *Regeneration Areas* within the Downtown. *Regeneration Areas* are one of the key areas of the City expected to accommodate growth and in order to facilitate this, the designation permits a wide range of uses, including the proposed commercial uses. The Official Plan contains policies related to *Regeneration Areas* encouraging the restoration, re-use and retention of existing buildings that are economically adaptable for re-use so as to encourage a broad mix of commercial, residential, light industrial and live-work uses, thereby revitalizing areas of the City that are vacant or underused. Section 4.7.2 of the Official Plan provides development criteria in *Regeneration Areas*, to be guided by a Secondary Plan, which, in this case, is the King Spadina Secondary Plan.

#### Chapter Five – Implementation

Chapter Five provides guidance to understand and interpret the Official Plan. In particular, Section 5.6, Policy 1 indicates that the Official Plan should be read as a whole in order to understand its comprehensive and integrative intent as a policy framework. Additionally, Section 1.5 How to Read this Plan in Chapter One indicates that the Official Plan is a comprehensive and cohesive whole. The proposed application was evaluated against the policies described above as well as the policies of the Official Plan as a whole.

### **King-Spadina Secondary Plan (2006)**

The subject site is situated within the King-Spadina Secondary Plan Area found in Chapter 6.16 of the Official Plan. The King-Spadina Secondary Plan emphasizes reinforcement of the characteristics and qualities of the area through special attention to built form, heritage and the public realm. The major objectives of the Plan include the policy that heritage buildings and other important buildings within the King-Spadina Area will be retained, restored and re-used.

The policies of Section 3 - Built Form and in particular the policies of Section 3.6 – General Built Form Principles specify that:

- buildings are to be located along the front property line to define edges along streets and lower levels are to provide public uses accessed from the street;
- servicing and parking are encouraged to be accessed from lanes rather than streets to minimize pedestrian/vehicular conflicts;
- new buildings will be sited for adequate light, view and privacy and compatibility with the built form context;
- new buildings will achieve a compatible relationship with their built form context through consideration of such matters of building height, massing, scale, setbacks, stepbacks, roof line and profile, and architectural character and expression;
- appropriate proportional relationships to streets and open spaces will be provided, and wind and shadow impacts will be minimized on streets and open spaces;



- streetscape and open space improvements will be coordinated in new development; and
- high quality open spaces will be provided.

Additionally, the policies of Section 4 – Heritage – specify that:

- heritage buildings in the King-Spadina Area are essential elements of the physical character. In this regard, the City will seek the retention, conservation, rehabilitation, re-use and restoration of heritage buildings by means of one or more appropriate legal agreements;
- the height of buildings or structures on a lot containing one or more heritage buildings, may be increased above the height limit otherwise specified in the Zoning By-law if the historic conservation restoration and maintenance of such heritage buildings are secured through a satisfactory agreement between the owner and the City pursuant to Section 37 of the Planning Act; and
- new buildings should achieve a compatible relationship with heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.

A primary objective of the King Spadina Secondary Plan is to use the historic fabric of the area as the context within which to assess new development. Additionally, achieving a mixture of compatible land uses and retaining and promoting commercial and light industrial uses is another major objective of the plan.

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

Urban Design guidelines, in conjunction with the Official Plan policies, work together to achieve optimal building siting and design that enhances the public realm, while respecting and reinforcing the surrounding built environment and context. Guidelines are crucial planning tools that assist in testing the appropriateness of development applications in the policy context. They are intended to assist in the implementation of the Official Plan policies for built form, and serve as a unified set of directions for the evaluation of development applications.

The Official Plan (Section 5.3.2: Implementation Plans and Strategies for City- Building, Policy 1) states that Guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban Design Guidelines, specifically, are intended "to provide a more detailed framework for built form and public improvements in growth areas." The King-Spadina Urban Design Guidelines support the implementation of the King-Spadina Secondary Plan. These Guidelines state that 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.

Section 4.3.3 Built Form of the Guidelines recognizes 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 5 contains the built form guidelines that expand on Section 4. Section 5.2.1 emphasizes that the street wall should be designed to ensure pedestrian comfort and adequate light penetration. This can be achieved through a 1:1 ratio of building height relative 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.

Further, Section 5.4.1 Building Heights, affirms that the West Precinct is characterized by a homogenous form of low to mid-rise warehouse, office, and mixed-use building patterns. The Guidelines state that applications displaying portions of buildings above the height limit set out in the Zoning By-law 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 stipulates 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. This section also considers that, even in situations where a particular development meets angular plane requirements and does not cause significant wind or shadow impacts, the height may still not necessarily be acceptable within its context.

Section 5.4.4 Light, View and Privacy states that taller 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.

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

King Spadina is one of the highest growth areas in the downtown and it has a strongly influential heritage character. An estimated 50,000 people will live in King Spadina and the area will accommodate space for an estimated 50,000 jobs. The King-Spadina Secondary Plan is under review, recognizing that the Secondary Plan area has evolved from an area of employment (non-residential uses) into an area with a range of uses including residential. It is expected that the updated Secondary Plan will recognize that while the area will continue to grow and change, it must do so in a way that positively contributes to liveability, is better supported by hard infrastructure and community infrastructure, and more carefully responds to the strong heritage and character of the area.

At its meeting on July 7, 2015, City Council also expanded the boundary of the King-Spadina East Precinct Built Form Study to include the Spadina Precinct. Further, at its meeting on September 6, 2017, Toronto and East York Community Council expanded the Study boundary to include the West Precinct. The Secondary Plan is currently under review and a final report on the draft Secondary Plan policies are anticipated to be before the Toronto and East York Community Council in 2018.

### **King–Spadina Heritage Conservation District Study**

At its meeting of October 2, 2012, City Council authorized the study of the King-Spadina neighbourhood as a potential Heritage Conservation District (HCD) under Part V of the Ontario Heritage Act.

On October 2, 2017, Toronto City Council adopted recommendations to designate the King-Spadina Heritage Conservation District under Part V of the Ontario Heritage Act and adopted the King-Spadina HCD Plan.

The final report and decision of City Council are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

On December 5, 6, 7 & 8, 2017, City Council included the property at 457 Richmond Street West on the City's Heritage Register.

The final report and decision of City Council are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE28.12>

### **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

In Policy 1 in Section 5.3.2 - Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1. The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

## **Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown**

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. The implementing By-law (no. 1105-2016) was enacted on November 9, 2016 and provides the detailed performance standards for portions of buildings above 24 metres in height. Both OPA 352 and the implementing by-law are currently under appeal. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of a tall building in the Downtown which would be implemented through an area specific Zoning By-law. The intent is that these policies would ensure that future growth positively contributes to the liveability, sustainability and health of Toronto's Downtown. More specifically, policies establish the reasoning for tower setbacks and recognize that not all sites can accommodate tall buildings and address base building heights.

Notwithstanding the Tall Building Design Guidelines and OPA 352, a building at the height proposed in this location would not be suitable.

### **TOcore: Planning Toronto's Downtown**

TOcore: Planning Downtown is an inter-divisional study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city.

TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

Building on Downtown's existing planning framework and drawing on best practices within City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed Staff to consider the policies contained within the Proposed Downtown Plan in the review of all development applications within the Downtown going forward:

6. City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

More information on Council direction pertaining to TOcore can be accessed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.1>. Further background information can be accessed at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

## **OPA 231**

At its meeting of December 16, 17 and 18, 2013, City Council adopted amendments to the Official Plan (OPA 231) to implement the results of the Official Plan and Municipal Comprehensive Review for Economic Health and Employment Lands Policies and Designations and Recommendations of Conversion Requests. Among other matters, OPA 231 introduced amendments aimed to stimulate the growth of new office space and maintain current concentrations of office space in the downtown and near rapid transit. The report and Council direction is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?Item=2013.PG28.2>

OPA 231 was approved by the Minister of Municipal Affairs and Housing in July 2014. Portions of the amendment are under appeal at the Ontario Municipal Board. Although not in full force and effect, OPA 231 represents Council's long-term land use planning direction.

OPA 231 promotes new office development in transit rich areas of the City and includes a policy requiring the replacement of office space in certain circumstances. Specifically, Policy 3.1.5.9 requires the replacement and increase of office space on properties that have more than 1,000 square metres of existing office space; the new development includes a residential component; and the property is located in a *Mixed Use Area* or *Regeneration Area* within the Downtown and Central Waterfront, a Centre, or within 500 metres of a subway, LRT, or GO Train Station. This policy is under appeal to the OMB, therefore, it is relevant but not determinative in terms of the Official Plan policy framework.

The existing building at 457 Richmond Street West is located within a *Regeneration Area* in the Downtown and contains approximately 1,060 square metres of office space.

## **Community Consultation**

A community consultation meeting was held on February 28, 2017 and was attended by approximately 60 members of the public. Some comments raised included concern over the overall height of the development, the proposed parking ratio and the proposed setbacks from the rear (south) and side (east) lot line. There was also some concern raised over the proposal to demolish the existing heritage building located at 457 Richmond Street West. At the time of the community consultation meeting this property was

identified as contributing in the King Spadina Heritage Conservation District Plan and has since been included on the City's Heritage Register.

### **Reasons for the Application**

The proposed development does not comply with the in-force Zoning By-law as it exceeds the permitted height of 23 metres by approximately 34 metres, resulting in a total building height of 57 metres, including the wrapped mechanical penthouse. Other areas of non-compliance include, but are not limited to, reduced building stepbacks, required outdoor residential amenity space and number of residential and visitor parking spaces.

### **COMMENTS**

This application does not conserve the heritage property, represents over-development of the site and does not meet the current planning framework, the King Spadina HCD Plan or the emerging policy direction for the King-Spadina West Precinct. The proposal for a tall building is not compatible and does not complement the existing built form character and scale of the area.

### ***Planning Act, Provincial Policy Statement and Provincial Plans***

Section 2 of the *Planning Act* requires municipalities to have regard for matters of provincial interest, including, as noted in Section 2(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest and in 2(r), the promotion of a built form that is well-designed and encourages a sense of place. In its current form, the proposed development does not have regard for these policies of the *Planning Act*.

The Provincial Policy Statement (PPS) encourages intensification and efficient development. However, it recognizes that local context is important and that well-designed built form contributes toward overall long-term economic prosperity. To this end, Policy 4.7 of the PPS identifies the Official Plan as being the most important vehicle for implementing the PPS. Further, Policy 1.1.3.3 indicates that planning authorities shall identify appropriate locations for intensification and redevelopment. The City of Toronto Official Plan establishes areas for intensification and includes policies to encourage intensification, provided that this can occur in the context of other applicable policies.

The application proposes to intensify the subject site located in an area where re-development and intensification are encouraged by the Official Plan, however, it does not respect the level of intensification set out in the Official Plan and the King-Spadina Secondary Plan and has not met the overall objectives of these plans.

Policy 2.6.1 of the PPS requires that significant built heritage resources and cultural landscapes shall be conserved. The proposed development is inconsistent with this policy because it proposes to demolish and not conserve the existing heritage building at 457 Richmond Street West.

The Growth Plan for the Greater Golden Horseshoe identifies the *Downtown* as an urban growth centre, which is a regional focal point for accommodating population and employment growth in complete communities which are well designed to meet people's needs for daily living throughout an entire lifetime. Policy 2.2.2.4 of the Growth Plan directs municipalities to develop a strategy to achieve minimum intensification targets which will identify the appropriate type and scale of development as well as transition of built form towards adjacent areas. Further, Policy 5.2.5.6 states that, in planning to achieve the minimum intensification and density targets of the Plan, municipalities will develop and implement urban design and Official Plan policies, including other supporting documents, which direct the development of a high quality public realm and compact built form.

In this regard, the King-Spadina Secondary Plan, in conjunction with the Urban Design Guidelines and the Secondary Plan review, provides direction on built form, massing and scale of development for King-Spadina, including the West Precinct. This proposal is not consistent with the Growth Plan as it does not provide an appropriate scale of development as required by the King-Spadina Secondary Plan.

Further, Policy 2.2.3.2 of the Growth Plan directs urban growth centres to achieve a minimum density target of 400 residents and jobs combined per hectare by 2031. As previously noted, the *Downtown*, within which the subject site is located, is identified as an urban growth centre. This urban growth centre is on track to meet the density targets as set out in the Growth Plan. It is noted that the target is the average of the entire urban growth centre and it is not for any one particular area within the centre. This proposal is not required to meet or contribute to the minimum density target for the *Downtown* Toronto urban growth centre.

Additionally, this proposal is also not consistent with Policy 4.2.7.1 of the Growth Plan which indicates that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities. This proposal does not conserve the existing heritage building on site.

## **Land Use**

The proposed development consists of residential and commercial retail uses, and therefore complies with the use permission in the *Regeneration Areas* designation in the King-Spadina Secondary Plan.

## **Heritage Conservation**

The subject site contains the heritage property at 457 Richmond Street West, included on the City's Heritage Register by City Council on December 5, 6, 7 & 8, 2017. Further, the site is located within the King-Spadina HCD, adopted by City Council on October 2, 2017.

A Heritage Impact Assessment was submitted with the application, prepared by Philip Goldsmith Architect, dated December 15, 2016, which maintains that the property at 457 Richmond Street West contains neither sufficient cultural heritage value under the

Provincial criteria, Reg. 9/06 of the Ontario Heritage Act, to warrant designation under Part IV, nor contributes to the heritage character of the King-Spadina HCD. Both the analyses undertaken by City Planning staff included in the report to City Council recommending its inclusion on the Heritage Register and the HCD study undertaken by the City's consultants has determined that the property at 457 Richmond Street West does, in fact, contain sufficient cultural heritage value under Reg. O/96 and contributes to the heritage character of the district.

The policies in the Official Plan and Provincial legislation require the conservation of heritage properties. The King-Spadina HCD Plan stipulates that the demolition of heritage properties shall not be permitted. The King-Spadina HCD Plan also includes policies and guidelines relating to street wall height, setbacks, new construction and more, the full set of which can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

As a contributing property with a commercial detached building that contains three fenestrated elevations fully visible from the public realm, it is expected that the heritage building will be retained and that new development will support the long-term conservation of the property as well as the cultural heritage value of the King-Spadina HCD. A revised application which conserves this heritage property is thereby required.

## **Height**

The proposal will have an overall building height of 57 metres, including the mechanical penthouse. This exceeds the emerging King-Spadina policy direction for the West Precinct and does not conform with the built form principles set out in the King Spadina Secondary Plan requiring new development to be compatible with and to complement its surrounding context. The context that should be maintained in the West Precinct is that of a midrise typology with a historical warehouse character that is no more than 45 metres tall, including the mechanical penthouse.

The proposed building attempts to match the height of the adjacent building to the east at 431-445 Richmond Street West (Fabrik). However, the Fabrik building, which was approved as part of a negotiated settlement through the Ontario Municipal Board, is located at the south-west corner of Richmond Street West and Spadina Avenue and takes its height cues from Spadina Avenue which, at 36 metres, has a much greater right-of-way width than the 20 metres found on Richmond Street West, and also has a different built form context. The negotiated settlement was premised on the principle that, in order to transition between the slightly taller built form of Spadina Avenue and the midrise warehouse character of the West Precinct, heights ought to reduce moving east to west along Richmond Street West. In response to this premise, the tallest, 56 metre tall element of the Fabrik building is located on the eastern half of the site and the building then steps down to 14 storeys (42.53 metres) midblock and then down to 12-storeys (35.82 metres) on the western limit of the site, immediately adjacent to the subject site.



### Base Building Height

The height of the proposed base building is 12 storeys (36.75 metres). The existing By-law permits a base building height of 20 metres with a three-metre stepback above from any lot line that abuts a street line. As noted above, a revised application that conserves the existing heritage property at 457 Richmond Street West is required and this will inform an appropriate base building height.

### **Massing**

The massing of the proposed building will be significantly altered once a revised application that conserves the existing heritage property at 457 Richmond Street West is submitted.

The following are setbacks for levels above the base building height as currently proposed:

#### Front (north) Façade

The development proposes a 3.0 metre stepback from the front façade above the base building. Balconies, measuring 1.5 metres in depth, encroach into this stepback.

#### Rear (south) Façade

The base of the proposed building is stepped back from the rear (south) lot line by 5.56 metres, starting at the third floor. Third floor terraces encroach into the majority of this stepback. Above this, at floors 4-18, balconies measuring approximately 1.5 metres in depth also encroach into this stepback. Only the 19<sup>th</sup> floor does not contain any south-facing balconies.

It should be noted that the subject site is immediately adjacent to a residential building to the south, located at 32 Camden Street which is 12-storeys (35 metres) tall. The first two storeys of this building are generally located lot-line-to-lot line and a stepback of 5.5 metres, starting at the third storey, is provided. Balconies encroach into this stepback. Any revisions to the proposal to incorporate the existing heritage building must also have regard for this existing condition to the south and ensure that appropriate separation distances are achieved to protect privacy, skyview and sunlight and liveability.

#### East Façade

The proposed building is located right on the east side lot line and is therefore immediately adjacent to the 12-storey element of the Fabrik building to the east, which itself is located right on its west side property line. This 12-storey element contains west-facing windows which will be completely blocked by the proposed development. Although these windows are frosted, based on the approved Site Plan drawings, some of these are bedroom and living room windows.

Any revisions to the proposal to conserve the existing heritage property must also have regard for this existing condition to the east to ensure that appropriate separation distances are achieved to protect privacy, skyview and sunlight and liveability.

### West Façade

The proposed building is located approximately 5.5 metres from the west property line for the full height of the building.

It should be noted that taller buildings come with greater responsibilities which, in part, require greater separation distances. While a tall building is not supportable on this site, if a 19-storey, 57 metre tall building was being contemplated, it would have to comply with the separation distance requirements for tall buildings specified by the Tall Building Design Guidelines as well as OPA 352 related to tall building setbacks in the *Downtown*.

Ultimately however, detailed comments outlining appropriate height, setback and setback requirements cannot be provided until a revised application conserving the existing heritage property is submitted. Staff welcome the opportunity to further meet with the applicant to discuss these details once a revised application is received. The above heritage, height and massing comments were provided to the applicant in writing on July 17, 2017 in response to the original submission of the zoning amendment application. Revisions to the proposal to reflect any of these comments have not been received to date but, staff welcome the opportunity to discuss these with the applicant to work-out an agreeable solution.

### **Sun, Shadow and Wind**

A Qualitative Pedestrian Wind Level Assessment submitted with the application shows no adverse impacts created by the proposed development. Shadow studies submitted by the applicant also show that there is no impact on the Queen Street West HCD during any time of the day at the spring and fall equinox or during the summer months. There are no parks within the vicinity of this site which experience shadow resulting from this development.

### **Amenity Space**

Amenity space, equalling 2.0 square metres per unit for a total of 278 square metres of each, indoor and outdoor space, is required for this development. The actual provision of amenity space will match the required indoor amenity space but will fall short of the outdoor amenity space by 255 square metres (as only 23 square metres are proposed). At a proposed ratio of only 0.16 square metres per unit, the amount of outdoor amenity space should be increased.

### **Parking and Loading**

The proposed development includes 26 resident vehicular parking spaces and zero visitor spaces whereas 88 resident and 8 visitor spaces are required. Transportation Services staff reviewed the submitted Traffic Impact Study and note that satisfactory justification for the reduction in the resident parking requirement has not been submitted.

Transportation Services staff therefore require that additional information or an increase in the resident parking supply be provided. However, Transportation Services staff did concur with the non-provision of on-site visitor parking given the supply of surplus parking available in public parking facilities within walking distance of the site. On-site loading will be provided within the form of one Type G loading space which staff find acceptable, however further revisions to the proposed truck turning movements are required.

### **Bicycle Parking**

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents of the City. The development proposes to provide 125 resident bicycle parking spaces and 14 visitor bicycle parking spaces which equal the supply required by the Zoning By-law, and is therefore acceptable.

### **Servicing**

Engineering and Construction Services staff require a revised Functional Servicing Report to provide updated results of a hydrant flow test and also to assess the capacity of the watermain with respect to domestic demand and fire flow demand. This information must be provided and reviewed by Engineering and Construction Services staff before the approval of a site specific Zoning By-law to allow for the redevelopment of the site.

### **Public Realm**

A minimum pedestrian clearway of 2.1 metres is proposed within the Richmond Street West boulevard which, at the time of receipt of this application, was deemed acceptable.

### **Tenure**

The proposed tenure is condominium.

### **OPA 231**

The existing building at 457 Richmond Street West is located within a *Regeneration Area* in the Downtown and contains approximately 1,060 square metres of office space and is therefore subject to OPA 231, currently under appeal. As the development proposes to demolish the existing office building and not replace any of the existing office use, the proposal contravenes OPA 231.

### **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. To this end, the development proposes the required number (125 and 14) long-term and short-term bicycle parking spaces respectfully. Should the Zoning By-law Amendment application be approved in some form, the subsequent Site Plan Control application will be further reviewed for compliance with the TGS.

### **Section 37**

Section 37 of the Planning Act allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the required S. 42 Planning Act parkland dedication, public art; streetscape improvements on the public boulevard not abutting the site; Heritage Conservation District studies identified in the Official Plan; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan. The community benefits must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and may relate to planning issues associated with the development (e.g. local shortage of parkland). No discussions were advanced as the development review process had not resulted in an agreement on the proposal.

City Planning staff recommend that the City Solicitor be directed to request the Ontario Municipal Board, in the event it determines to allow the appeals in whole or in part, to withhold any order that may approve the development until such time as the City and the owner have presented draft by-laws to the Board in a form acceptable to the Acting Chief Planner and the City Solicitor, in consultation with Toronto Building, including providing for the appropriate Section 37 benefits to be determined and incorporated into any zoning by-law amendment and a satisfactory Section 37 agreement has been entered into as between the City and the owner and registered on title, all to the satisfaction of the Acting Chief Planner and Executive Director, City Planning Division and the City Solicitor.

### **CONCLUSION**

Staff have reviewed the application submitted for 451-457 Richmond Street West on December 20, 2016 and determined that the proposal is not consistent with the policies of the Provincial Policy Statement and does not conform with the Growth Plan for the Greater Golden Horseshoe. Additionally, the proposal does not conform with the Official Plan, including the King-Spadina Secondary Plan or the King Spadina Heritage Conservation District Plan, as well as with the intent of Council approved guidelines such as the King-Spadina Urban Design Guidelines which support the Official Plan and the Tall Building Design Guidelines. It is also not consistent with Council endorsed directions of the King-Spadina Secondary Plan Review.

It is the opinion of City Planning staff that the proposal, in its current form, constitutes overdevelopment of the site, is not good planning and is not in the public interest. It is recommended that the City Solicitor, together with City Planning and other appropriate

staff be directed to attend the Ontario Municipal Board hearing in opposition to the appeal.

## **CONTACT**

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Tel. No. 416-392-7216  
E-mail: Joanna.Kimont@toronto.ca

## **SIGNATURE**

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Lynda H. Macdonald  
Acting, Director, Community Planning  
Toronto and East York District

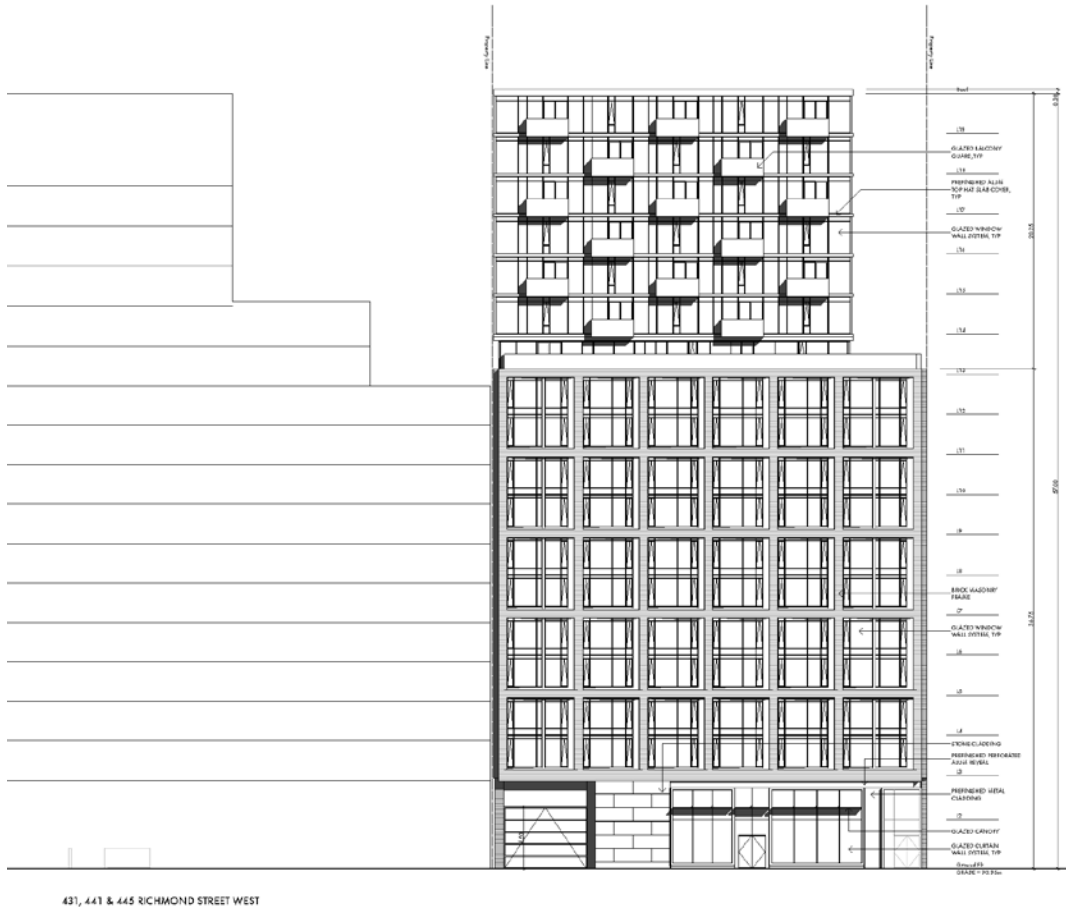
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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: East Elevation  
Attachment 4: South Elevation  
Attachment 5: West Elevation  
Attachment 6: Zoning  
Attachment 7: Application Data Sheet



# Attachment 2: North Elevation



## North Elevation

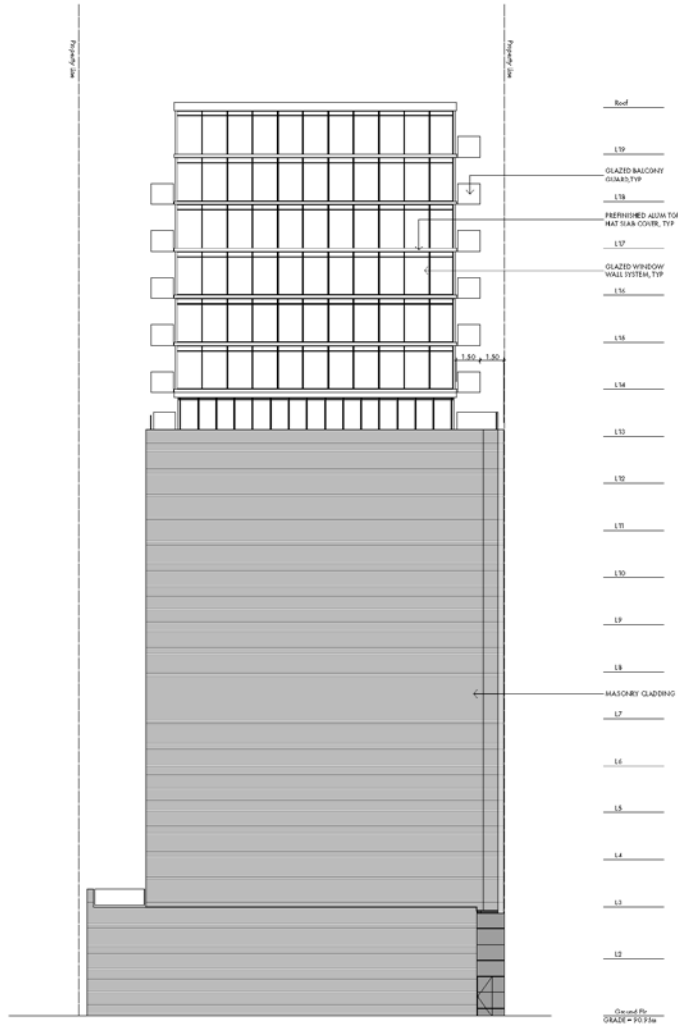
451-457 Richmond Street West

Applicant's Submitted Drawing

Not to Scale  
01/13/2017

File # 16 268947 STE 20 0Z

### Attachment 3: East Elevation



EAST Elevation  
SCALE: 1:150

## East Elevation

Applicant's Submitted Drawing

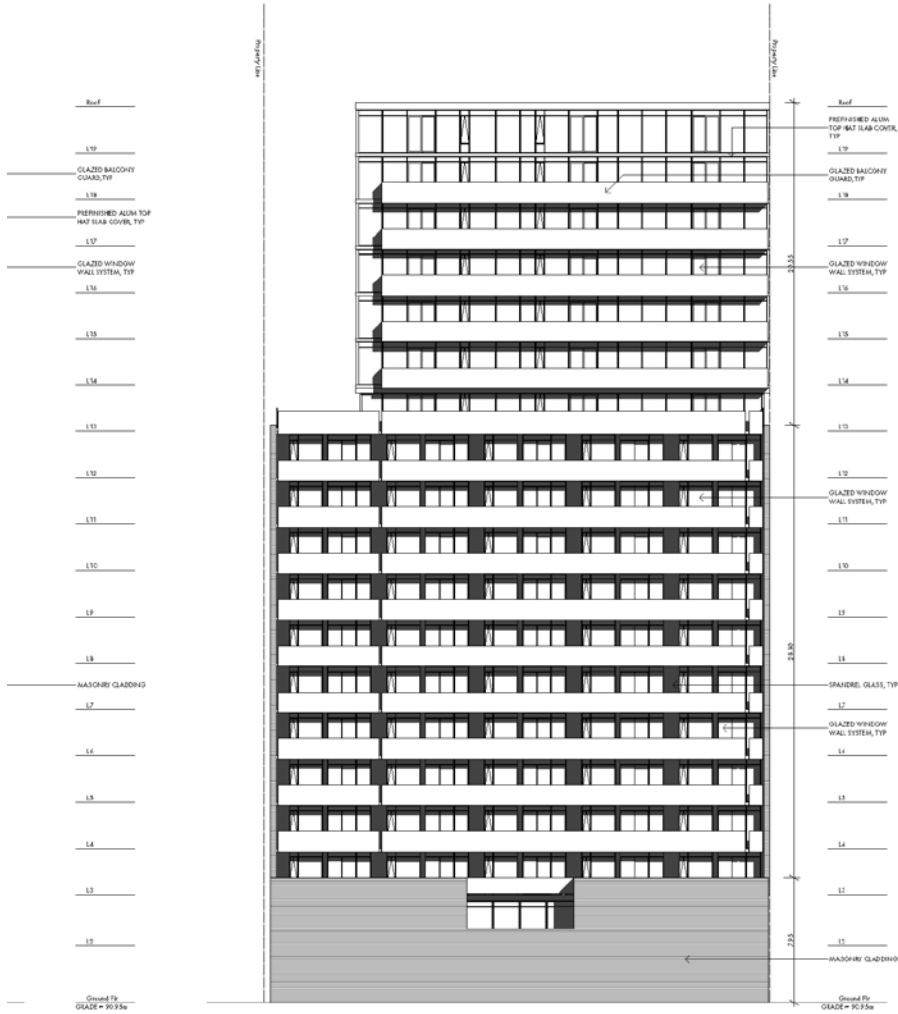
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01/13/2017

## 451-457 Richmond Street West

File # 16 268947 STE 20 OZ



## Attachment 4: South Elevation



SOUTH Elevation

SCALE: 1:150

### South Elevation

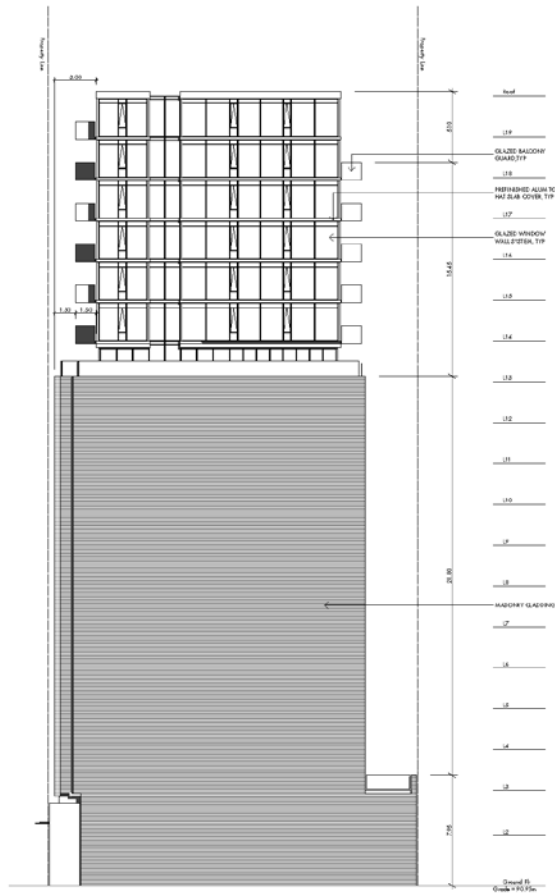
Applicant's Submitted Drawing

Not to Scale  
01/13/2017

451-457 Richmond Street West

File # 16 268947 STE 20 0Z

# Attachment 5: West Elevation



WEST Elevation  
SCALE: 1:150

## West Elevation

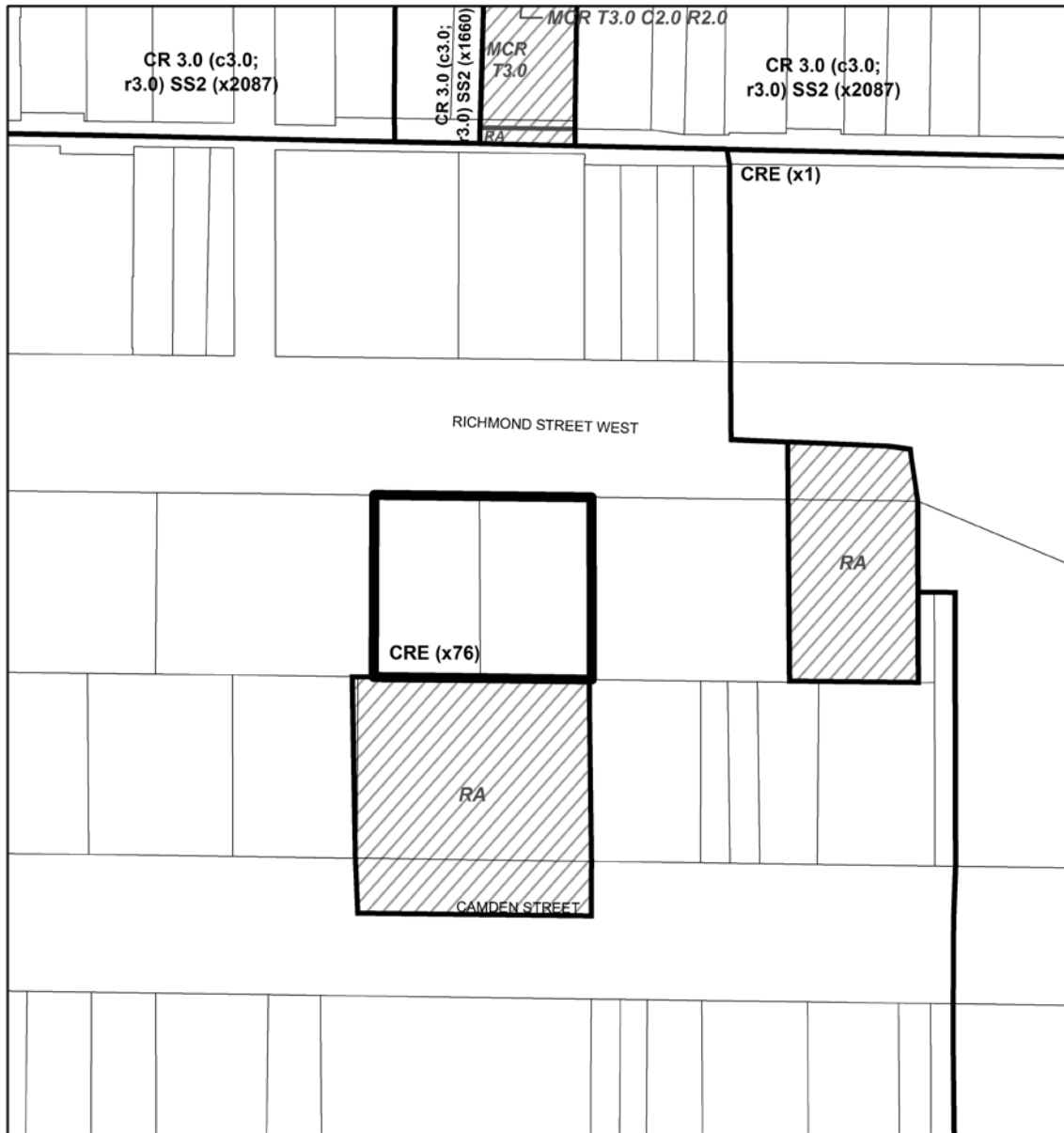
Applicant's Submitted Drawing

Not to Scale  
01/13/2017

## 451-457 Richmond Street West

File # 16 268947 STE 20 0Z

## Attachment 6: Zoning



**451-457 Richmond Street West**

**Zoning By-Law No. 569-2013**

File # 16 268947 STE 20 0Z

Location of Application  
CR Commercial Residential

See Former City of Toronto By-Law No. 438-86  
MCR Mixed-Use District  
RA Mixed-Use District  
CRE Commercial Residential Employment

↑  
Not to Scale  
Extracted: 01/13/2017

