

**444 - 450 Richmond Street West - Zoning Amendment - Request for Direction Report**

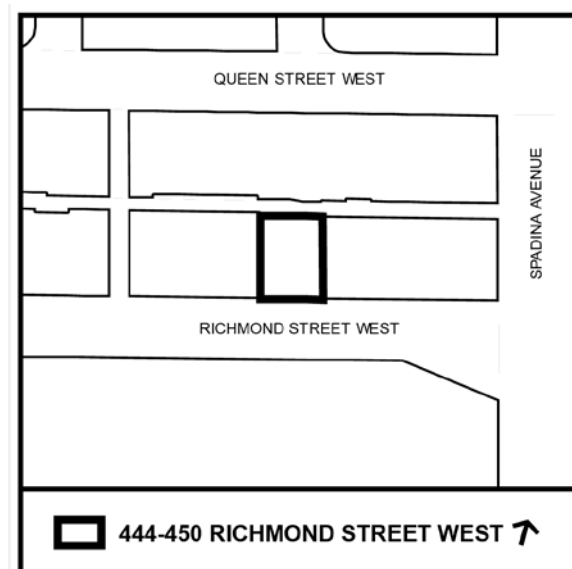
<b>Date:</b>	June 20, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	17 192881 STE 20 OZ

**SUMMARY**

This application proposes a 19-storey building (61.1 metres including mechanical), containing commercial uses on the ground and basement levels, and 111 residential units above, located on the lands located at 444 – 450 Richmond Street West. Five car-share spaces, one vehicle service space and one loading space is proposed at-grade. Bicycle parking is proposed on Level P1 and at-grade.

On November 9, 2017, the applicant appealed the Zoning By-law Amendment application to the former Ontario Municipal Board, which is now the Local Planning Appeal Tribunal (LPAT), due to Council's failure to make a decision. A hearing has not yet been scheduled.

This application proposes the construction of a 19-storey mixed-use building on the site currently being occupied by a commercial surface parking lot. The proposed height of the building, density, inadequate setbacks, and deficiencies in amenity space and parking provision are not supportable. The proposed building represents overdevelopment of a small site.



The proposal 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.

This report reviews the application to amend the Zoning By-law, and recommends that City Council direct the City Solicitor and appropriate City staff attend the LPAT to oppose the application in its present form.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council direct the City Solicitor and appropriate City Planning staff to attend the Local Planning Appeal Tribunal, and to oppose the Zoning By-law Amendment application for 454 – 450 Richmond Street West in its present form for the reasons set out in the report (June 20, 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 the report (June 20, 2018) from the Acting Director, Community Planning, Toronto and East York District, including:
  - a. reducing the proposed height and massing to avoid overdeveloping the site and to limit negative impacts on adjacent properties;
  - b. improving compliance with Council's planning framework for the area including the King-Spadina Urban Design Guidelines;
  - c. increasing the amenity space and parking spaces; and
  - d. improving vehicular access.
3. In the event that the Local Planning Appeal Tribunal (LPAT) allows the appeal in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold the issuance of any Order on the Zoning By-law Amendment appeal for the subject lands until such time as:
  - a. the final form of the Zoning By-law amendments are to the satisfaction of the Acting Director, Community Planning Toronto and East York District and the City Solicitor;
  - b. the owner has addressed the outstanding items in relation to servicing, site access, loading and parking as outlined in the memorandum from Engineering and Construction Services, dated March 20, 2018;
  - c. the owner has submitted a pedestrian level wind study and incorporated into the building design any measures that may be required to mitigate the impact of wind conditions to the satisfaction of the Acting Director, Community

Planning, Toronto and East York District, to be considered through the Site Plan Control approval process; and

- d. 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.
4. City Council authorize the City Solicitor and other City staff to take such necessary steps, as required, to implement the foregoing.
5. City Council direct the City Solicitor to request the LPAT to consolidate the Zoning By-law Amendment appeal of 444-450 Richmond Street West with the Zoning By-law Amendment appeal of 451-457 Richmond Street West currently scheduled for June 10, 2019

### **Financial Impact**

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

## **DECISION HISTORY**

### **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 sought 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 development, and deficiencies in community services and facilities, parks and the public realm.

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 downtown's 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 444-450 Richmond Street West is in the West Precinct.

## **ISSUE BACKGROUND**

### **Proposal**

The site is located on the north side of Richmond Street, west of Spadina Avenue. The application proposes a 19-storey mixed-use building with retail at grade and 18 floors of residential above. The retail will comprise 336 square metres of space on the ground and basement levels, with 111 residential units comprising 8,158 square metres. The overall proposed height is 61.1 metres to the top of the mechanical penthouse.

Vehicular access for loading, garbage and parking is proposed via the north-abutting, rear public laneway, known as, "Graffiti Alley". There are five car-share spaces, one service vehicle space and one loading space proposed at grade at the rear of the building. The proposal includes 100 bicycle spaces for residents located on Level P1 and 12 surface bicycle spaces for visitors.

Indoor amenity space is proposed at 228 square metres, and outdoor amenity space is proposed at 66 square metres.

### **Site and Surrounding Area**

The site is located on the north side of Richmond Street West, west of Spadina Avenue. The property is rectangular in shape, with approximately 21 metres of frontage on Richmond Street West, and a depth of approximately 28 metres for a total lot area of approximately 588 square metres. It is a small site.

The following uses surround the site:

**North:** The northern edge of the property abuts a public lane providing access to the rear of the buildings fronting onto the north side of Richmond Street West, and the rear of buildings fronting onto the south side of Queen Street West. The properties to the north, fronting onto Queen Street West, are predominantly 3-storey buildings, and form part of the Queen Street West Heritage Conservation District.

**South:** Across Richmond Street West, is the western 11-storey portion of a mixed-use building, known as, "Fabrik". To the west is a small surface parking lot and a 3-storey non-residential building subject to a LPAT hearing scheduled for June 10, 2019, proposing a 19-storey mixed-use building at 451-457 Richmond Street West which the City is opposing (Application No. 16 268947 STE 20 OZ). Farther west is another small commercial parking lot, and a 9-storey mixed use building.

East: A 16-storey mixed use building, known as, "The Morgan", at the northwest corner of Spadina Avenue and Richmond Street West.

West: A 3-storey building which will be demolished for the construction of a 17-storey mixed-use building, known as, "The James", opposed by the City but recently approved by LPAT (File No. PL160081), a set of 3-storey row houses, and a 6-storey residential building, along the north side of Richmond Street West.

### **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, including: the orderly development of safe and healthy communities; the conservation of features of significant architectural, cultural and historical interest; the promotion of built form that is well designed and encourages a sense of place; and the appropriate location of growth and development.

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") 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 in order 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; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council, shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

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.

In accordance with Section 3 of the *Planning Act*, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform to the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council, shall also conform to the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform to Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council, shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **Official Plan**

The site is situated in the *Downtown* and is designated *Regeneration Areas* on Map 18 in the Official Plan.

This application has been reviewed against the policies of the City of Toronto Official Plan, the King Spadina Secondary Plan (2006) and the King-Spadina Secondary Plan review, the King Spadina Urban Design Guidelines, the City-Wide Tall Buildings Design Guidelines and subsequent Official Plan Amendment 352 (Updating Tall Building Setbacks Downtown) and TO Core: Planning Toronto's Downtown as follows.

## **Chapter 2 – Shaping the City**

Chapter 2 sets out a range of policies to guide growth and change, ensuring appropriate measures are taken to maintain Toronto's health, liveability and prosperity.

### 2.2.1 - Downtown

Toronto's Official Plan locates the subject site within the *Downtown*. In Chapter Two – Shaping the City, the *Downtown* is identified as an area offering 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 3 - Building a Successful City**

Policy directions on matters that improve quality of life are contained in Chapter 3 of the Official Plan.

#### 3.1.2 – Built Form

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. 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. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

In addition to the policies identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

### **Chapter 4 – Land Use Designations**

#### 4.7 – Regeneration Areas

The site is designated *Regeneration Areas* on Map 18 of the Official Plan. *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 and office uses. The Official Plan contains policies related to *Regeneration Areas* encouraging the restoration, re-use and retention of existing buildings that are for adaptable for re-use so as to encourage a broad mix of commercial, residential, light industrial and live-work uses, thereby revitalizing the 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.



The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

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

The site is situated within the West Precinct of 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 public realm. The major objectives of the Plan include the policy that heritage buildings and other important buildings within the King-Spadina Area, including the West Precinct, 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 as 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 maintained on streets and open spaces;
- The streetscape and open space improvements will be coordinated in new development; and,
- High quality open spaces will be provided.

A major 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.

The King-Spadina Secondary Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

## King Spadina Secondary Plan Review

The King-Spadina Secondary Plan Review began as the "King-Spadina East Precinct Built Form Study". However, at its meeting on July 7, 2015, City Council expanded the boundary to also include the Spadina Precinct. At its meetings on August 25, 2014 and July 7, 2015 City Council endorsed a number of directions for the King-Spadina East Precinct to be used in reviewing current and future development applications including a downward gradation of tower heights from east to west from University Avenue towards Spadina Avenue, employing the city-wide Tall Buildings Guidelines to evaluate towers, particularly with regard to tower spacing and tower floor plates, and protecting the network of mid-block connections and laneways as a defining feature of the public realm, and expanding these connections to further the pedestrian network.

The geographic boundaries of the study were further expanded to include the West Precinct, thereby including the entire King-Spadina Secondary Plan Area by Toronto and East York Community Council at its September 6, 2017 meeting, through their consideration of the Draft Policy Directions Report. Draft policy direction includes:

- Proposed land use redesignation from *Regeneration Areas* to *Mixed Use Areas*;
- Public realm strategy;
- Urban design guidelines;
- Built form policies; and,
- Provision of infrastructure.

The Community Council decision and staff report, which provides a detailed background of the decision history of studies within this Secondary Plan area can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.60>.

King Spadina is one of the highest growth areas in the City of Toronto. The King-Spadina Secondary Plan Review recognizes that this area has evolved from an area of employment (non-residential uses) into an area with a range of uses including residential. 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.

Staff anticipate that the Draft King Spadina Official Plan policies will be posted on the City Planning web site in 2018. A Final Report outlining the proposed Secondary Plan Amendments will be considered at a public meeting of the Toronto and East York Community Council under the *Planning Act*, after a consultation period to allow for public input on the draft policies.

## TOcore – Downtown Plan

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 the Downtown Plan Official Plan Amendment.

At its May 1, 2018 meeting, Planning and Growth Management (PGM) Committee held a Special Public Meeting pursuant to Section 26 of the *Planning Act* and adopted a staff report entitled 'TOcore: Downtown Plan Official Plan Amendment', as amended, that recommended adoption of the Downtown Plan Official Plan Amendment (OPA 406). OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

At its May 22-24, 2018 meeting, City Council adopted OPA 406, as amended. The Council decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>.

Pursuant to Section 26 of the *Planning Act*, the Downtown Plan will be forwarded to the Minister of Municipal Affairs for approval. Council has directed staff to use the policies contained with the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

The OPA – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm and community services and facilities – is the result of a four-year study called TOcore: Planning Downtown. The TOcore study area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

OPA 406 provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain livability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review, under Section 26 of the *Planning Act*, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan. City Council declared that OPA 406 is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan and has regard to matters of provincial interest under Section 2 of the Planning Act.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (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 tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

The Downtown Plan's Policy 6.8.2 requires a minimum of 25 percent of the total gross floor area as non-residential uses for development in the King-Spadina area. Map 41-3 of the Downtown Plan designates the site as *Mixed Use Areas 2 - Intermediate*. Policies 6.25 and 6.26 of the Downtown Plan detail that within *Mixed Use Areas 2* development will include building typologies that respond to their site context, including low-rise, midrise and some tall buildings, and that the scale and massing of buildings will respect and reinforce the existing and planned context of the neighbourhood. Further, Policy 6.27 sets out that development within *Mixed Use Areas 2* will provide for a diverse range of uses, including retail, service, office, institutional and residential.

The site is also located within the King-Spadina *Cultural Precinct*, where Policies 12.5 and 12.6 promote uses that encourage the cultural and creative industries, and provide facilities for such uses, while also encouraging buildings that support the spatial requirement of cultural industries and allow for flexible use of the spaces.

Map 41-12 identifies Richmond Street West a priority cycling route. Map 41-15 locates the site within the *Downtown Film Precinct*, where policies within section 12.14 encourage the provision of physical infrastructure to support the film industry, built-in infrastructures to reduce the need for generators and areas for temporary film trailer parking, pick-p/drop-off areas, accessible loading zones and motor coach parking zones.

### **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. The Guidelines are intended to assist in the implementation of the Official Plan policies for built form, and serve as a unified set of guidelines 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 (2004) support the implementation of the King-Spadina Secondary Plan.

Section 2.5 of the King-Spadina Secondary Plan 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, 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 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, thus making them walkable and accessible.

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.

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. In 2006, when the Guidelines were adopted, the existing and new buildings were within the height regime contemplated by the Zoning By-law. Since then, new construction in the West Precinct generally has been in the range of 35 to 40 metres.

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 though a proposal may meet angular plane requirements, and may be without significant wind or shadow impacts, it 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.

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

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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 link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

### **Growing Up: Planning for Children in New Vertical Communities**

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Growing-Up Draft Urban Design Guidelines will be considered in the review of this proposal.

The Council Decision and draft guidelines are available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.3>

### **Zoning**

The site is zoned Reinvestment Area (RA) in both former City of Toronto Zoning By-law 438-86, as amended (see Attachment 6), and City-Wide Zoning By-law 569-2013 (see Attachment 7). The maximum permitted height is 23 metres, 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 measured from 20 metres above the street line.

The above-noted Zoning By-law provisions are intended to create a building envelope that will allow for buildings to reinforce the historic built form, and meet the objectives 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 located west of Spadina Avenue in the 30-35 metre range. The exceptions are for properties with frontages on Bathurst Street and Spadina Avenue, or those developments which include the conservation, restoration and maintenance of one or more heritage buildings. In cases where additional height is supported, City Planning staff have recommended that it be stepped back from the street frontages, and side lot lines at the upper levels. The site subject to this application is currently vacant and does not front Spadina Avenue or Bathurst Street.

### **Site Plan Control**

The development proposal is subject to Site Plan Control. A Site Plan Approval application has not been submitted at this time.

### **Reasons for Application**

The application proposes a building that exceeds the permitted maximum building height of 23 metres by approximately 38 metres to its highest point. 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.

### **Local Planning Appeal Tribunal**

On November 9, 2017, the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment application to the former Ontario Municipal Board, now Local Planning Appeal Tribunal (LPAT), citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. The LPAT has not yet scheduled a hearing date.

### **Community Consultation**

This application has not had a community consultation meeting. A consultation meeting is anticipated to be scheduled prior to the LPAT hearing date.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

City Planning provided a detailed comment letter dated October 3, 2017, to the applicant providing City Planning's comments and attaching comments from other divisions and agencies on the application's first circulation. To date the applicant has not provided a formal resubmission seeking to address the comments.

## **COMMENTS**

This application represents overdevelopment of a small site and does not meet the current planning framework 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. The site is too small to accommodate a tall building. As a result, the proposal is unable to deliver required setbacks and stepbacks, adequate parking and loading for residents and visitors and amenity space for the residents. It also fails to meet the performance standards required of a tall building to lessen its impact on neighbouring properties and the public realm such as setbacks from the property line to ensure adequate light and sky view.

### **Provincial Policy Statement and Provincial Plans**

The proposed Zoning By-law amendment has been reviewed and evaluated against Section 2 of the *Planning Act*, PPS (2014) and the Growth Plan (2017).

Section 2 of the *Planning Act* sets out matters of provincial interest that City Council shall have regard to in making any decision under the *Planning Act*. Relevant matters of provincial interest include amongst other matters: Section 2(r) the promotion of 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.

In its current form, the proposed development does not have regard to Section 2(r) as it does not have a built form that is well-designed. The proposed development is too tall and its massing is out of scale and inappropriate in its context. If the proposal were approved in its current form, it would set a negative precedent for an increase in height and massing in the West Precinct of King-Spadina.

The Provincial Policy Statement (PPS) contains policies related to managing and directing development, and provides policy direction on matters of provincial interest related to land use planning and development. It requires that sufficient land be made available for intensification and redevelopment; that planning authorities identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account, among other things, the existing building stock or areas; and that they establish and implement minimum targets for intensification and redevelopment within built up areas. While the PPS encourages intensification and efficient development, it recognizes that local context is important and that well-designed built form contributes to overall long-term economic prosperity. In its current form, the proposed development is not a level of intensification that is appropriate when taking into account the local context.

Policy 4.7 of the PPS emphasizes 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.

Further, Policy 1.1.3.3 indicates planning authorities shall identify appropriate locations for intensification and redevelopment. In this context, the Official Plan further implements the direction of the PPS to require appropriate built form to fit harmoniously into its existing and planned context.

The Official Plan, which includes the King-Spadina Secondary Plan, meets the requirements of the PPS. It contains clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas while taking into account the existing building stock, and protects the character of the area consistent with the direction of the PPS. In this context, although the proposed development does represent intensification, it is not consistent with other objectives of the Official Plan to adequately site and mass the new building to provide adequate setbacks and stepbacks. The narrow site cannot accommodate a building of 19 storeys, and also address the applicable policies, such as offering sufficient light, view, and privacy for neighbouring properties and to the public realm. In its current form, the proposed development represents overdevelopment of the site and is not consistent with the PPS.

The Growth Plan builds on the policy foundation established by the PPS and provides more specific land use policies related to managing growth and providing environmental protection for the Greater Golden Horseshoe. Section 2.2.1 provides policies for managing growth and setting minimum density targets and Section 1.2.1. Guiding



Principles, speaks to achieving complete communities, making efficient use of land and transit and providing economic opportunities.

The Growth Plan for the Greater Golden Horseshoe identifies the *Downtown* as an Urban Growth Area (UGC), which is a regional focal point for accommodating population and employment growth in complete communities that are well designed to meet people's needs for daily living throughout an entire lifetime. 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. These policies build on Section 2(r) of the *Planning Act*, which recognizes the promotion of 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 to be a provincial interest that municipalities and the LPAT shall have regard for. The Growth Plan policies also build on PPS Policy 1.7.1(d), which states that long term economic prosperity will be supported by encouraging a sense of place by promoting well-designed built form.

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. 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.

The King-Spadina area is located in the Downtown UGC. Policy 5.2.5.8 of the Growth Plan notes that the identification of *strategic growth areas* are not land use designations and their designation does not alter existing land use designations. The planning framework that governs this site includes the Official Plan, King-Spadina Secondary Plan and associated Urban Design Guidelines, all of which contain policies and guidelines that support a high quality public realm and compact built form. The Downtown UGC is on track to meet its density target of 400 residents and workers per hectare, as set out in the Growth Plan. It is noted that the target is the average of the entire UGC and it is not for any one particular area within the Centre, such as the King-Spadina Secondary Plan Area, to meet this target.

In this context, the Official Plan, the King-Spadina Secondary Plan, the King-Spadina Secondary Plan review, the King-Spadina Urban Design Guidelines (2006), the Tall Buildings Design Guidelines, OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 provide direction on the appropriate scale, massing, height and separation distances between buildings within the King-Spadina area. This proposal, in its current form, has not addressed the policy direction of the Official Plan and its supporting documents, and therefore does not conform to the Growth Plan.

## **Land Use**

The proposed residential and commercial uses are permitted in the Official Plan's *Regeneration Areas* and corresponding RA zoning.

The proposal's use mix of 98% residential (8,119 square metres) and 2% non-residential (178 square metres) falls well short of the Downtown Plan's Policy 6.8.2 requirement that a minimum of 25 per cent of the total gross floor area as non-residential uses for development in the King-Spadina area. The site's redevelopment should provide additional non-residential gross floor area including space for employment-based opportunities, such as office.

## **Richmond Street West Development Proposals**

The proposal is one of several projects along Richmond Street West between Brant Street and Spadina Avenue seeking to revise the City's planned context for this portion of King Spadina as articulated through the area's planning framework.

City Council recently directed the City Solicitor and City Planning to attend a LPAT hearing in opposition to a proposed 19-storey mixed-use building at 451-457 Richmond Street West across the street from the proposed 19-storey building on the subject site. In their current form, these two proposed developments coupled with the recent LPAT-approved 17-storey building ("The James") directly west of the subject site will contribute to a built form that resembles a canyon. This is not the planned context for the West Precinct of the King-Spadina area, which provides clear direction on a mid-rise built form character that is distinct from the built form in the Spadina and East Precincts.

The two 19-storey proposals at 444-450 Richmond Street West and 451-457 Richmond Street West seek to continue the creeping of excessive building mass and heights within the neighbourhood westward from Spadina Avenue. Each new proposal attempts to be taller than the previous one, and if approved, will set a negative precedent for the neighbourhood and erodes the intent of the King-Spadina Secondary Plan.

These proposals are on smaller sites that front on Richmond Street West with its 20 metre right-of-way. Despite this, the proposals are seeking to take their built form cues from Spadina Avenue which, at 36 metres, has a much greater right-of-way width, and also has a different built form context. Between these proposed developments and Spadina Avenue are existing buildings which anchor the northwest and southeast corners of the Spadina Avenue and Richmond Street West intersection and provide built forms that respond to their location. On the northwest corner, the 16-storey (62-metre) mixed use building ("The Morgan") provides upper floor setbacks as its built form moves westward from Spadina Avenue. On the southeast corner, the 18-storey (56-metre) mixed use building ("Fabrik") has its tallest element on the eastern half of the site with the built form stepping down to 14 storeys (42.53 metres) mid-block and then down to 12-storeys (35.82 metres) on the western limit of the site, immediately adjacent to the proposed development at 451-457 Richmond Street West.

Rather than continuing the built form transition westerly, both proposals seek to extend a Spadina Avenue built form approach westerly along Richmond Street West. As discussed in the following sections, the amount and manner of the intensification proposed by the 19-storey (61-metre) building on the subject site is considered to be overdevelopment and does not address the planning framework for the area.

## **Height and Massing**

The proposal's height and massing does not adequately address the built form and public realm policies of the Official Plan, King-Spadina Secondary Plan and King-Spadina Urban Design Guidelines.

The Built Form policies of the Official Plan provide that new development should fit harmoniously within its existing and/or planned context and limit its impact on neighbouring streets, parks, open spaces and properties. The King-Spadina Secondary Plan requires that new buildings achieve a compatible relationship with their built form context through consideration of matters including, height, massing, scale, setbacks, and stepbacks and architectural expression. The Secondary Plan also provides that new buildings for any use will be sited and massed to provide adequate light view and privacy for neighbouring properties.

The King-Spadina Urban Design Guidelines also support these policies and recognize that a distinguishing character of the West Precinct are the low to mid-rise buildings, many of which are historic buildings, that define this area. The Guidelines emphasize that new development should reinforce the continuity of the street wall using existing building heights and setbacks as the guide to ensure compatibility and maintain pedestrian comfort and adequate light penetration. Further, new development should reinforce the character and scale of the existing street wall, and the base of the building should respond proportionally to the width of the street and reinforce the existing building rhythm of the street.

## **Height**

Staff have reviewed the proposed development in the context of efforts to maintain the midrise character in the West Precinct of the King-Spadina Secondary Plan area (those lands west of Spadina Avenue, most of which are subject to a 23 metre height limit in the Zoning By-law). The objective of keeping building heights lower in the West Precinct is to protect the character and scale of the existing heritage fabric of the area and to minimize impacts associated with taller buildings, such as shadows on sidewalks, parks and open spaces and loss of privacy and sky views.

The Draft Policy Directions Report considered by Toronto and East York Community Council on September 6, 2017, states that, in the West Precinct, policies will limit the scale of development to be significantly lower than the East Precinct (the area east of Spadina Avenue). New development will be limited to a maximum height of 45 metres, including all mechanical elements. It further states that this height may not be appropriate for all sites, as development is also regulated by the other policies in the Secondary Plan Update

The proposed building is approximately 57 metres in height, with the mechanical and elevator adding an additional 4 metres, for a total height of 61 metres.

The proposed height of 61 metres is not in keeping with the prevailing built form context in the West Precinct of the King-Spadina Area, or the overall height of existing and approved buildings in the area. The Planning Consultant provided a list of buildings with heights in the King-Spadina Area in their submitted Planning Rationale. However, the list included buildings that are either in different contexts, and/or have frontages along other higher order streets with wider right-of ways, and/or that have been stepped and articulated in a manner to mitigate canyon-like street walls. Other examples of taller buildings highlighted in the Planning Rationale have yet to achieve approvals, as they are currently being reviewed, and, therefore, should not be identified for comparison.

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 small site, if a 19-storey, 61 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*.

### **Massing**

In the context of the King Spadina planning framework, above the established 20-metre base building height, a mid-rise building requires a minimum 5.5 metre setback from any property line that is not a street line as well as from the centre-line of a laneway so as to establish a separation distance of at least 11 metres between the taller elements of buildings on neighbouring properties. Furthermore, a setback of 3.0 metres is required from any street frontage in order to visually minimize the impact of the development from the public realm and create a legible street wall scale that relates to the historic context. Continuous, wrap-around balconies are not permitted to encroach into any of the setback areas.

The proposed development has the following setbacks and setbacks:

- a) South Lot Line - Richmond Street West: 0 metres.

The King-Spadina Urban Design Guidelines emphasizes that 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. Street wall heights are determined by using existing building heights and setbacks as the basis of the design of the street frontage.

The adjacent existing street wall of "The Morgan" building located directly to the east is 20 metres, aligning the right-of-way width of Richmond Street West. In its current form, the proposed development presents a street wall height of 36 metres (Level 12) rather than the required stepping at 20 metres (6 storeys) to maintain a lower streetwall scale

and avoid a canyon effect along Richmond Street West. The proposed building's street wall height should be revised to 20 metres to reflect the adjacent existing street wall.

While the proposal's massing steps back above Level 12, the proposed balconies project into this stepback creating an effective street wall height of 57 metres (Level 18). This proposed massing, coupled with the recently LPAT-approved 17-storey mixed use building ("The James") next door at 452-458 Richmond Street West, would result in a continuous street wall height of just below 60 metres along this portion of Richmond Street West. City Planning staff do not recommend this form of development as it is not in keeping with the street character and will set a precedent for future development. For example, the proposed 19-storey building across the street at 451-457 Richmond Street West is seeking a similar excessive street wall height, and site-by-site approval departing from the planned context as set out in the King-Spadina planning framework will have the unintended consequences of creating a built form that creates a canyon effect overwhelming this portion of Richmond Street West.

b) East and West Lot Lines: 0 metres.

The proposed development will be built to the property line on both the east and west sides. Zero setbacks on the side property lines are permitted up to a height of 20 metres, above which a setback of 5.5 metres is required in the Zoning By-law on either side. A lot line-to-lot line, canyon-style built form, as discussed earlier, is not anticipated by the King-Spadina planning framework. The purpose of this side yard setback is to ensure sufficient facing distances between the proposed building and the adjacent sites, the protection of sky views and the articulation of the side walls to prevent large blank walls.

On its east elevation, the proposal has a 1.55 metre stepback from the property line above Level 12 and provides windows for the residential units on Level 13-19. This substandard setback will have impacts on the west-facing units of the abutting building ("The Morgan") to the east, which City Planning raised in its October 3, 2017 letter. Inadequate separation distances between buildings will negatively impact privacy, and 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 are considered to be "quality of life" issues, which must be evaluated based on the existing and potential development. In addition, the quality of the public realm is compromised by eliminating sky view and limiting sunlight on the public streets and sidewalks.

c) North Lot Line: varied

The proposed development will have varied setbacks from property line: 3.0 metres at grade, 2.13 metres from Level 2 though until Level 17, 7.5 metres at Level 17, 5.44 metres at Level 18, 8.55 metres at Level 19, and 11.66 metres for the mechanical penthouse. All north facing residential units proposed have north facing windows and balconies.

Located just north of Graffiti Alley are the rear yards of mixed-use buildings fronting onto Queen Street West. The properties have south facing windows. The properties located at 467 and 469 Queen Street West, in particular also have south facing, rear yard balconies. City Planning staff are concerned that a sufficient setback along the north side will not be provided to mitigate any potential privacy and overlook issues between the existing residential units to the north, and the proposed residential units facing north. This substandard separation distance could be further intensified should the properties to the north, fronting onto Queen Street West, be redeveloped in a manner that both optimizes the as-of-right height of 16 metres, and extends the buildings closer to their south property lines.

## **Shadow and Wind**

### **Shadow**

Shadow studies submitted by the applicant shows that the additional shadowing on the north side of Queen Street West is gone before noon. There are no parks within the vicinity of this site which experience shadow resulting from this development. However, the cumulative effect of the recently approved 17-storey building located next door at 452-458 Richmond Street West, coupled with the proposed 19-storey building in this application, will result in a wider shadow being cast than is contemplated in the King-Spadina Secondary Plan and the Council-adopted Queen Street West Heritage Conservation District due to the lack of stepbacks on both buildings. Further revisions to the proposal's height and massing as discussed earlier in this report will result in a reduction in the additional shadowing cast.

### **Wind**

The applicant submitted a qualitative wind study from Gradient Wind Engineering Incorporated, dated July 4, 2017. City Planning's October 3, 2017 letter to the applicant requested a pedestrian level wind study to better compare and understand the wind impacts, and that this study could follow revisions to the proposal's built form. As the applicant has not provided any changes to its built form, the requested study has not been submitted. This report recommends securing the requirement for a pedestrian level wind study and incorporating any recommendations should the Zoning By-law Amendment be approved by the LPAT.

### **Unit Breakdown**

The application proposes 111 residential units, of which 45 (40.5%) are 1-bedroom units, 45 (40.5%) are 2-bedroom units, and 21 (19%) are 3-bedroom units. City Planning staff are satisfied with the proposed mix of dwelling units that includes a large number of two and three bedroom units suitable for families with children. This generally supports the objectives the Growth Plan's growth management and housing policies to accommodate, within new development, a broad range of households, including families with children. This proposed unit mix also addresses the Official Plan policies to ensure a diversity of housing types is available in the City to accommodate a greater degree of social and economic diversity among the downtown population, as well as responding to the objectives of the Growing Up Guidelines.

## **Amenity Space**

The Built Form policies of the Official Plan provide that every significant multi-unit residential development provide indoor and outdoor recreation space for building residents. The existing Zoning By-laws require a minimum of 4 square metres of amenity space per dwelling unit overall. The former City of Toronto Zoning By-law 438-86 requires that this be comprised of a minimum of 2 square metres each of indoor and outdoor amenity space. Zoning By-law 569-1013 requires a minimum of 2 square metres of indoor amenity space per unit and permits a minimum of 40 square metres of outdoor amenity space.

The application proposes 228 square metres of indoor amenity space (2.1 square metres per unit) and 66 square metres of outdoor amenity space (0.6 square metres per unit). The outdoor amenity is accessed from 180 square metres of the indoor amenity on the proposal's Level 2.

The proposed outdoor amenity space is well below the requirement amount and is a concern. As discussed earlier in this report, the introduction of setbacks from both the east and west property lines will not only help protect skyview and daylighting, and minimize privacy impacts, but will also help to achieve additional outdoor amenity space. Staff also recommend that the design of the amenity spaces incorporate both indoor and outdoor areas for children and youth, in keeping with the Growing-Up Guidelines.

## **Open Space and Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are subject to this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

In accordance with Chapter 415, Article 111 of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential nature of this proposal is subject to a 2 percent parkland dedication, while the residential component is subject to a 10 percent parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above-grade building permit.

## **Traffic Impact, Parking, and Access**

Former City of Toronto Zoning By-law 438-86, as amended, requires 82 parking spaces for residents, and 4 parking spaces for visitors. City-Wide Zoning By-law 569-2013 requires 79 parking spaces for residents, 11 parking spaces for visitors, 3 parking spaces

for commercial use, and 3 accessible parking spaces. This application proposes zero dedicated parking spaces for residents and visitors. Instead, it proposes 4 substandard sized car-share spaces in lieu of the required parking allocation.

The applicant's Transportation Consultant prepared a Transportation Impact Study indicating that because of the absence of dedicated parking spaces proposed for both the residential and commercial components, the proposal would not generate auto traffic. Transportation Services does not concur with the conclusion that auto trip generation is expected to be minimal as a result of the limited proposed parking supply, and recommend the applicant either comply with the parking standards of the zoning by-law, or the applicant provide a parking study that includes parking utilization surveys of a minimum of three proxy sites in support of the proposed parking supply. To date the applicant has not provided the requested parking study.

This lack of dedicated residential and visitor parking spaces, and the substandard sized car-share spaces, are unacceptable. City Planning staff are concerned the lack of parking will lead to a greater demand for parking off-site.

The application proposes vehicular access via the north-abutting public laneway known as Graffiti Alley. A conveyance of land for lane widening purposes is not required.

The deficiency in parking supply, and the anticipated resulting demand for off-site parking by both residents and visitors, is unacceptable.

### **Lane Widening**

The King Spadina Secondary Plan contains Urban Structure Policy 3.1 requiring that the existing network of public lanes be used and enhanced in accommodating new development. In this instance a lane widening of 0.42 metres for the full extent of the east-west public lane is shown on the proposed plans. In its March 20, 2018 memo, Engineering and Construction Services advise that no additional land is required for the lane from the subject site as the requirement of a 6 metre wide lane has been satisfied.

### **Servicing**

A Type G loading space is required on-site for the shared use of the residential and non-residential uses of the project. This application proposes a "custom-sized" substandard Type C loading space on-site, and is, therefore, inconsistent with the Zoning By-law requirement for a Type G loading space, and unacceptable. In its current form the development would not be eligible for City collection services due to the substandard loading space and is unacceptable.

### **Streetscape**

The building is proposed in a location on Richmond Street West that has a pedestrian right-of-way of approximately 6.3 metres. The application proposes the planting of two new street trees. There are no other streetscape enhancements proposed. Urban Forestry encourage planting a third tree within the right-of-way.



## **Facilities for Dogs**

Given the current rise in dog population in the downtown area, and particularly within condominiums, the applicant is expected to provide on-site dog amenities with proper disposal facilities for the building residents and dog relief stations within the building. This will help to alleviate some of the pressure on the existing neighbourhood parks. The proposal provides a pet wash facility on its P1 level. This will be further reviewed and secured through a future Site Plan Control process.

## **Toronto Green Standard**

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision

The applicant is required to meet Tier 1 of the TGS. The application proposes 0 of the 49 parking spaces required in the TGS. The proposed development does, however, propose 125 long-term residential bicycle parking spaces, which exceeds the 122 space requirement of the TGS, and meets the required 14 visitor bicycle parking spaces.

Should the Zoning By-law Amendment application be approved in some form, the recently submitted Site Plan Control application will be further reviewed for compliance with the Toronto Green Standard.

## **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. City Planning staff recommend that the City Solicitor be directed to request the LPAT, 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 applicant have presented draft by-laws to the LPAT in a form acceptable to the Acting Director, Toronto and East York District and the City Solicitor. This includes 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 Director, Toronto and East York District and the City Solicitor

## **CONCLUSION**

The height and massing of the 19-storey proposal will have a wider impact in the West Precinct that will result in an incompatible built form that could undermine the preservation of the area's historic built form character. The proposal departs from the City's planning framework, including the King-Spadina Urban Design Guidelines, as it proposes an incompatible built form at 6 metres in height in an existing area of low to

mid-rise buildings, with most recent development approvals being in the range of 35 to 40 metres in height.

The proposal represents overdevelopment of a small, mid-block site as it lacks adequate setbacks/stepbacks, which will create negative impacts on the public realm, including diminished privacy and overlook on adjacent properties. The proposal introduces a building typology, in a substandard manner, on a small site where a mid-rise building is anticipated and is unable to provide adequate parking, a standard loading space, and the minimum required residential amenity space.

City Planning staff are prepared to consider a more modest development on the site that is respectful of the area context. Redevelopment projects that complement the heritage character of the area and the existing scale of the heritage street wall 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. City Planning staff are not in support of the application in its present form as it does not represent good planning.

City Planning staff recommend City Council directs the City Solicitor and City Planning staff, as appropriate, to attend the Local Planning Appeal Tribunal, and to oppose the Zoning By-law Amendment application for 454 – 450 Richmond Street West.

## **CONTACT**

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Tel. No. (416) 392-0481  
E-mail: Kirk.Hatcher@toronto.ca

## **SIGNATURE**

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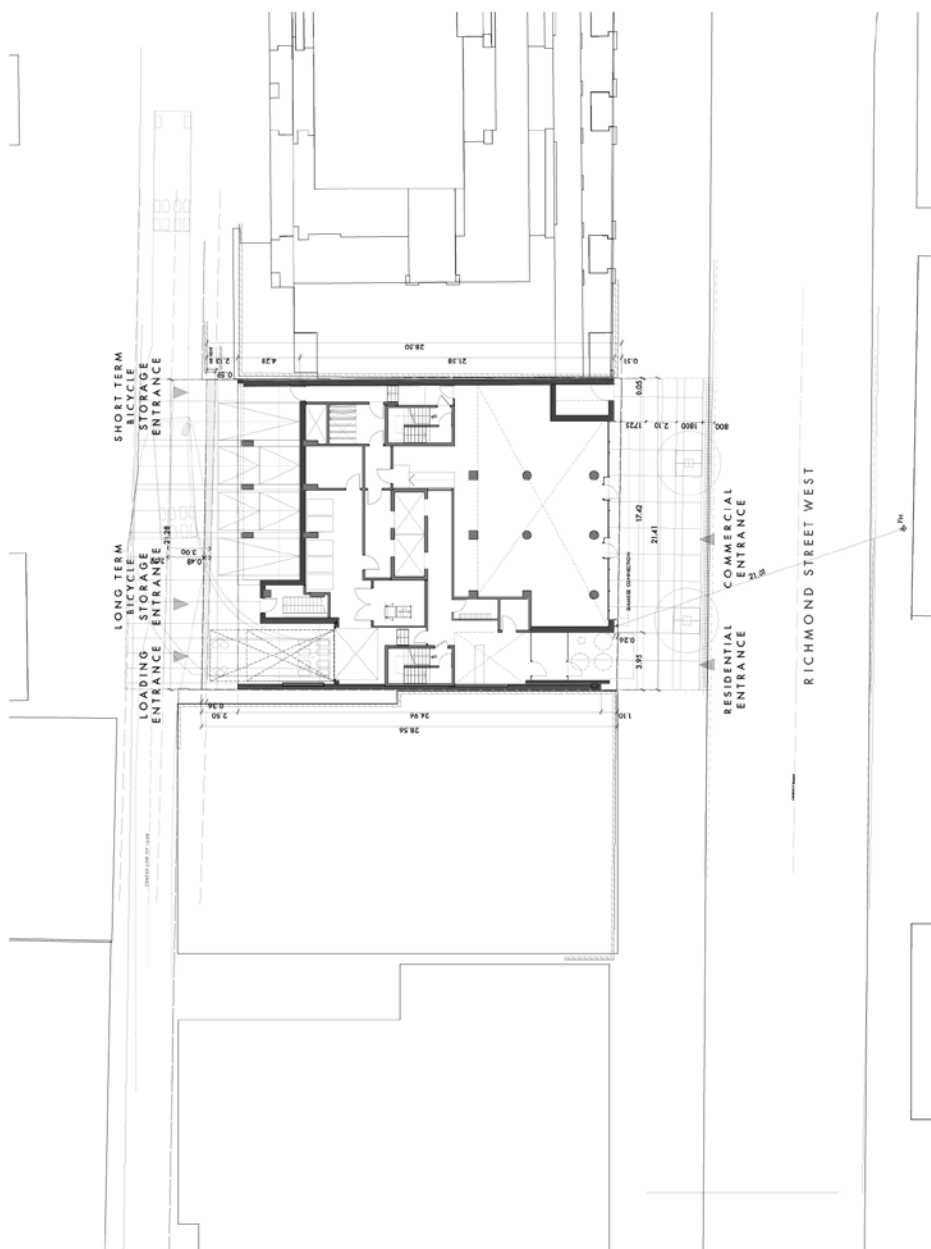
Lynda H Macdonald  
Acting Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: South Elevation  
Attachment 4: East Elevation  
Attachment 5: West Elevation  
Attachment 6: City of Toronto Zoning By-law 438-86  
Attachment 7: City-Wide Zoning By-law 569-2013  
Attachment 8: Application Data Sheet

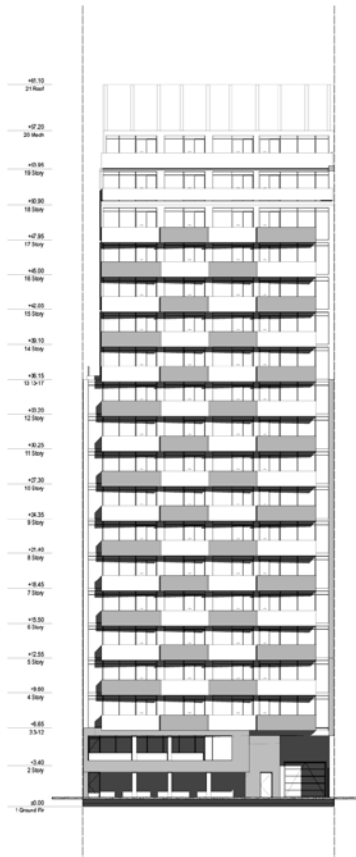
# Attachment 1: Site Plan



**Site Plan**  
Applicant's Submitted Drawing  
Not to Scale  
10/04/2017

**444-450 Richmond Street West**  
File # 17 192881 STE 20.0Z

## Attachment 2: North Elevation



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### North Elevation

Applicant's Submitted Drawing

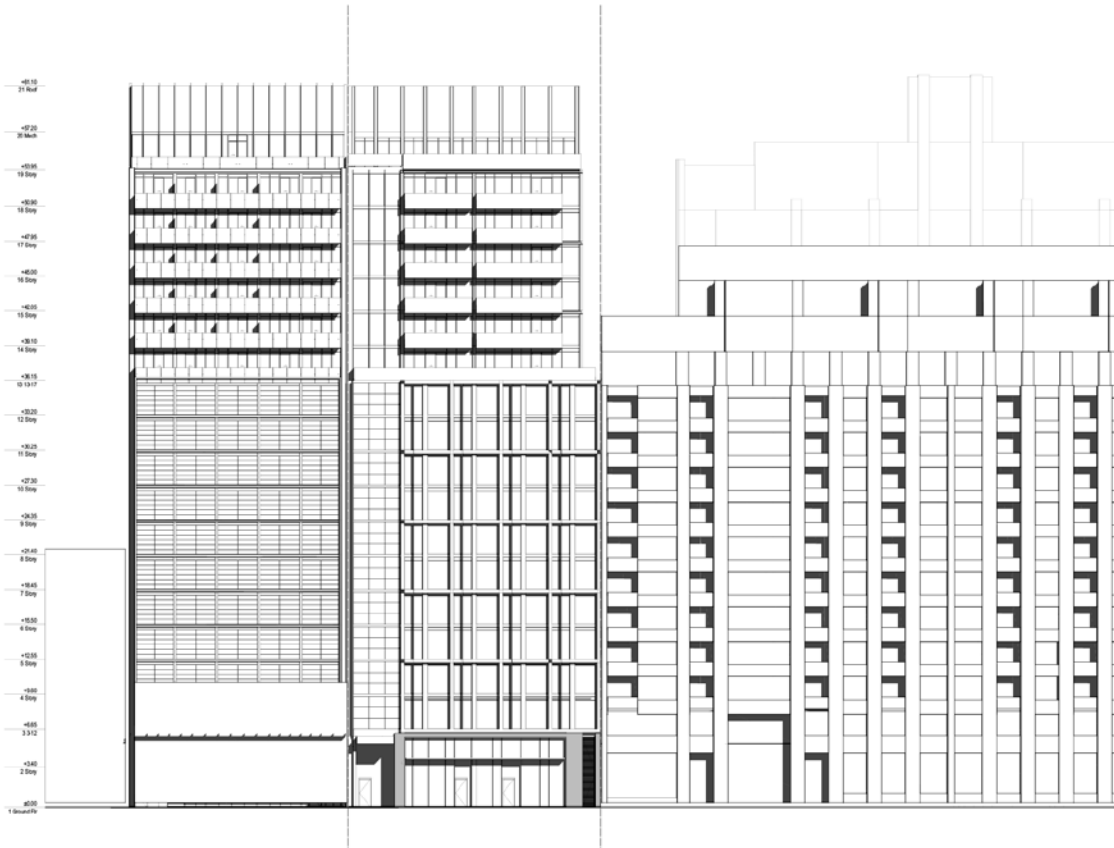
Not to Scale  
10/04/2017

444-450 Richmond Street West

File # 17 192881 STE 20 OZ

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### Attachment 3: South Elevation



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## South Elevation

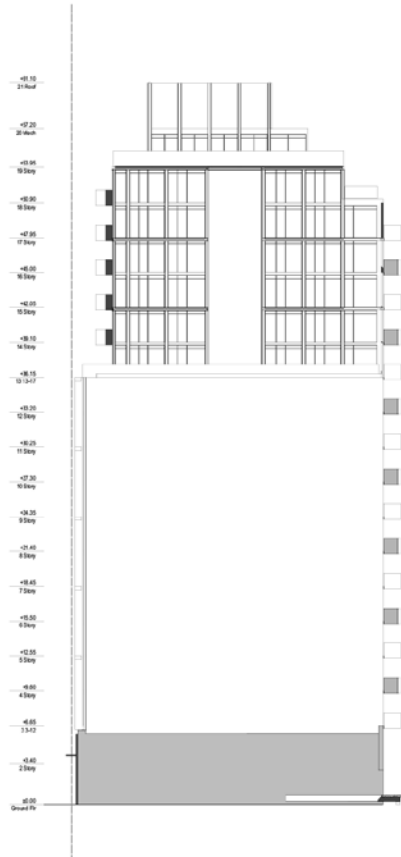
Applicant's Submitted Drawing

Not to Scale  
10/04/2017

444-450 Richmond Street West

File # 17 192881 STE 20 0Z

## Attachment 4: East Elevation



### East Elevation

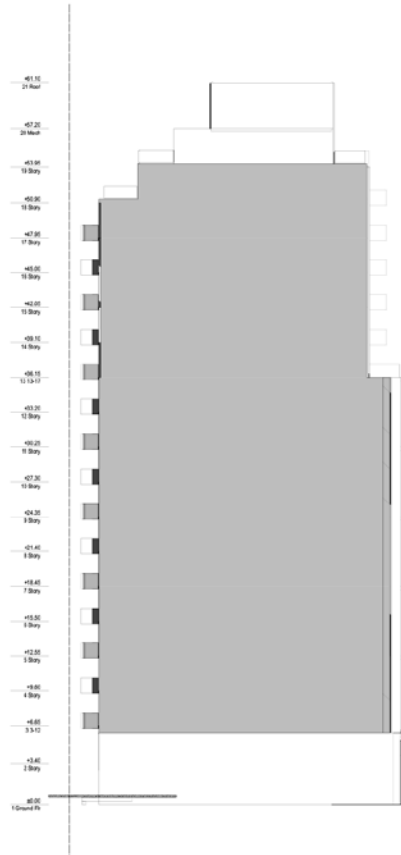
Applicant's Submitted Drawing

Not to Scale  
10/04/2017

444-450 Richmond Street West

File # 17 192881 STE 20 OZ

## Attachment 5: West Elevation



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### West Elevation

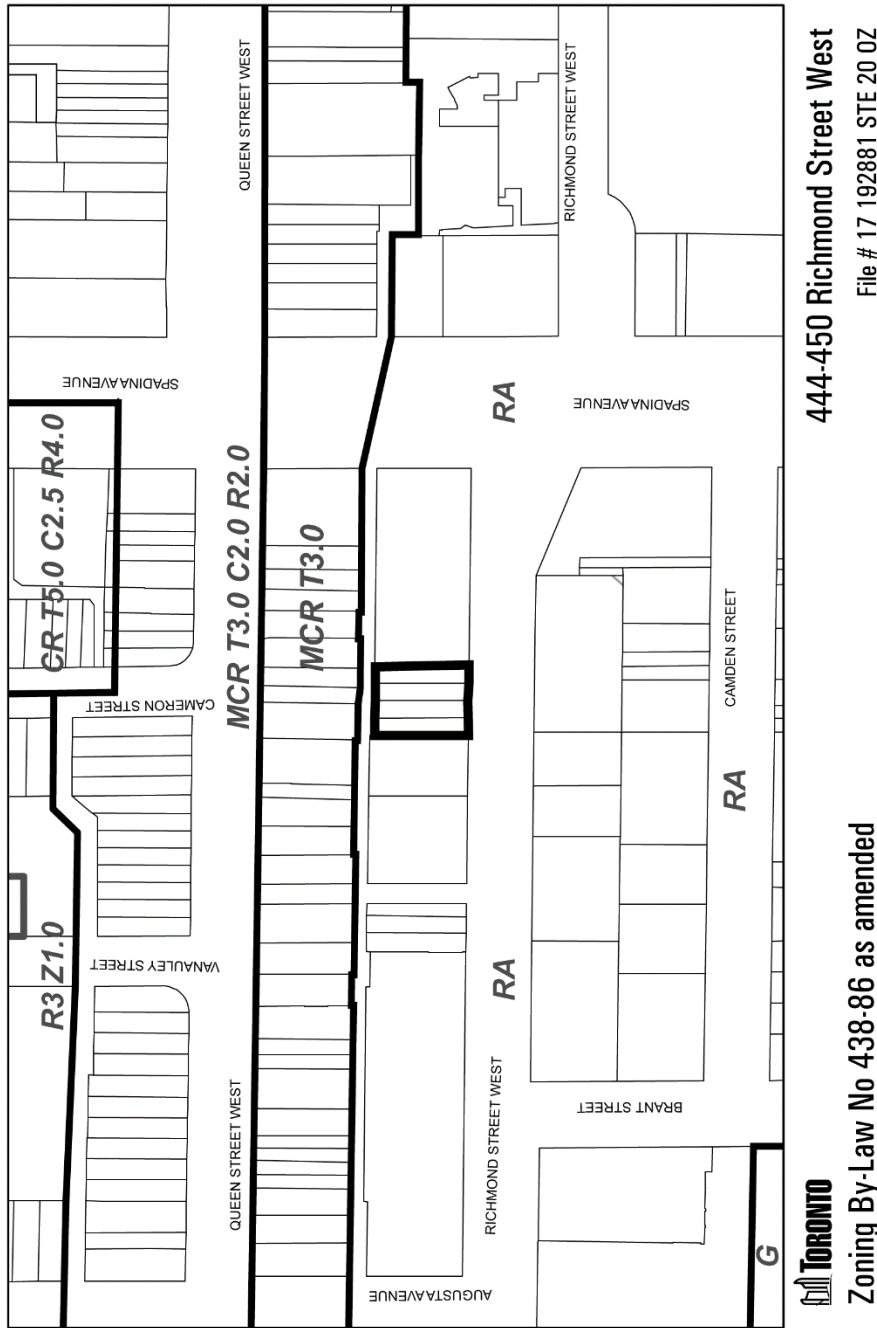
Applicant's Submitted Drawing


Not to Scale  
10/04/2017

444-450 Richmond Street West

File # 17 192881 STE 20 0Z

Attachment 6: City of Toronto Zoning By-law 438-86

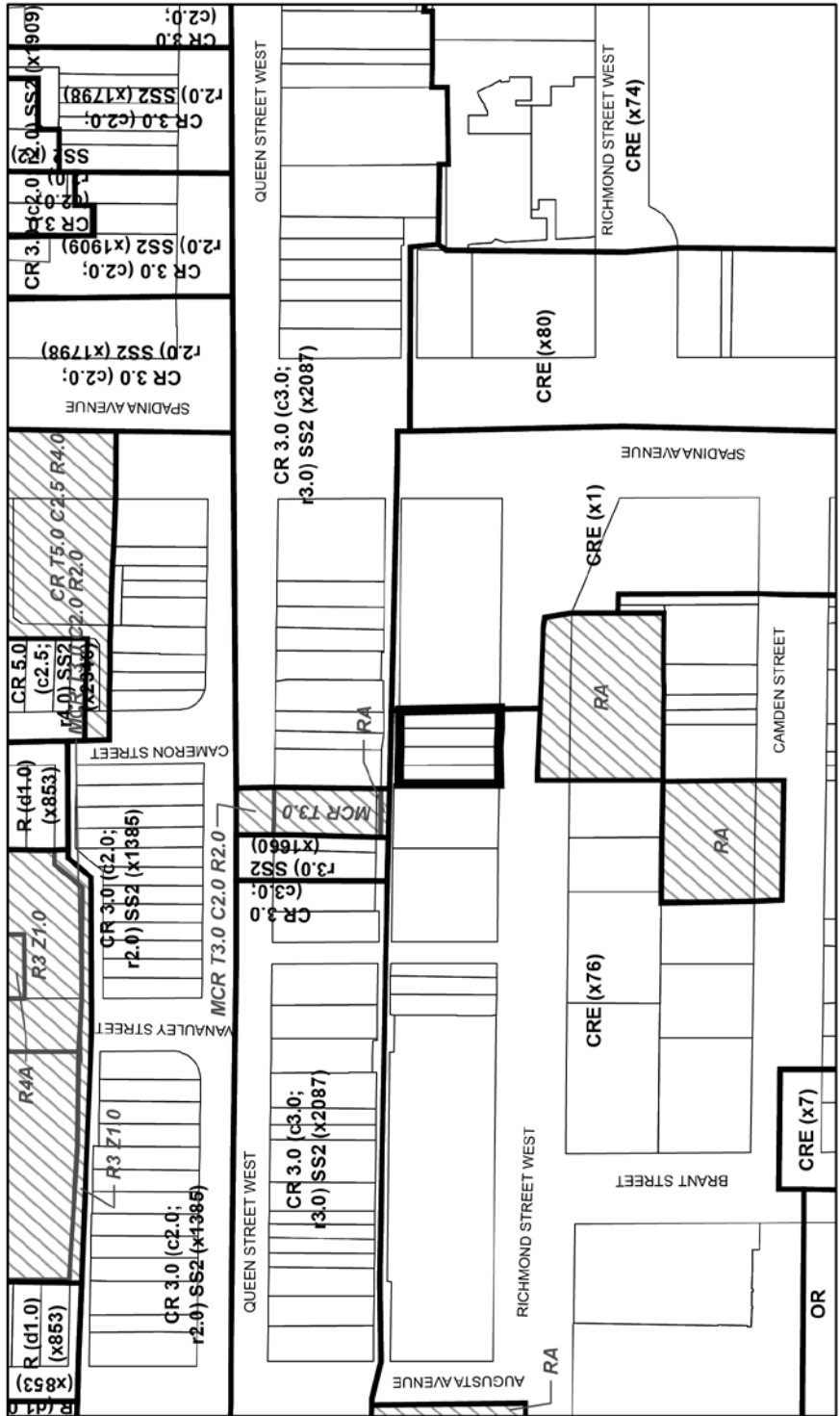


-  Location of Application
- R3 Residential District
- R4A Residential District
- CR Mixed-Use District
- G Parks District
- MCR Mixed-Use District
- RA Mixed-Use District

North Arrow  
 Not to Scale  
 Extracted: 06/21/2018



# Attachment 7: City-Wide Zoning By-law 569-2013



**Toronto**  
**Zoning By-Law No. 569-2013**  
 444-450 Richmond Street West  
 File # 17 192881 STE 20 OZ

- Location of Application
- Residential Commercial
- Residential Employment
- Open Space Recreation
- MCR
- RA
- CRE
- R4A
- R3
- SS2
- SS
- CR
- MCR T3.0
- CR 3.0
- R(d1.0)
- R4A
- R3 Z1.0
- CR 5.0
- CR 75.0
- CRE (x76)
- CRE (x77)
- CRE (x74)
- CRE (x80)

Not to Scale  
 Extracted: 10/04/2017

## Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	17 192881 STE 20 OZ
Details	Rezoning, Standard	Application Date:	July 5, 2017

Municipal Address: 450 RICHMOND ST W  
 Location Description: PLAN 1143 LOT C \*\*GRID S2012  
 Project Description: Zoning By-law Amendment for a 19-storey (including mezzanine) mixed-use building comprised of retail and residential. The project proposes 111 residential condominium units and 336 square metres of retail and service space . On-site parking for 5 car-share spaces and 1 service space is available at grade, accessed from a rear laneway.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
AIRD AND BERLIS		architectsAlliance	450 RICHMOND STREET WEST LIMITED

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	CRE (x76)	Historical Status:
Height Limit (m):	23	Site Plan Control Area: Yes

### PROJECT INFORMATION

Site Area (sq. m):	606	Height:	Storeys:	19
Frontage (m):	21.4		Metres:	57.2
Depth (m):	28.5			
Total Ground Floor Area (sq. m):	451			<b>Total</b>
Total Residential GFA (sq. m):	8158		Parking Spaces:	6
Total Non-Residential GFA (sq. m):	336		Loading Docks	1
Total GFA (sq. m):	8494			
Lot Coverage Ratio (%):	74			
Floor Space Index:	14.02			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m): 8119	39
Bachelor:	0	Retail GFA (sq. m): 178	158
1 Bedroom:	45	Office GFA (sq. m): 0	0
2 Bedroom:	45	Industrial GFA (sq. m): 0	0
3 + Bedroom:	21	Institutional/Other GFA (sq. m): 0	0
Total Units:	111		

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