

AIRD BERLIS

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Our File No. 134191

BY EMAIL

Toronto and East York Community Council

City Clerk's Office, 2nd Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ellen Devlin, Committee Administrator

Dear Community Council Members:

**Re: TEYCC Agenda Item TE30.12
451-457 Richmond Street West - Zoning Amendment Application -
Request for Direction Report**

Aird & Berlis LLP represents 457 Richmond Street West Limited, the owner of the above noted property, located on the south side of Richmond Street, just west of Spadina Avenue (the "subject site").

Our client and its consultant team have had the opportunity to review the February 2, 2018 Request for Direction report with respect to our client's application for a Zoning By-law Amendment for the subject site.

We acknowledge City Planning's recommendation to oppose our client's application; however, we also recognize that staff are seeking direction from Council to carry on discussions with our client. Our client continues to be open to dialogue with the City concerning its application.

The subject site is currently occupied by a 2-1/2 storey non-residential building at 457 Richmond Street West and a surface commercial parking lot at 451 Richmond Street West. It is an underutilized site in an area which has emerged as a vibrant mixed use community, in response to the in-force Official Plan policies. The subject site is proposed to be redeveloped with a 19 storey (including mezzanine), 57m mixed-use building with 97m² of retail at grade and 139 residential units above.

We note that Planning staff's primary objection to our client's application appears to be the proposed demolition of the 2-1/2 storey commercial building located at 457 Richmond Street West.

457 Richmond Street West is identified as "contributing" in the King-Spadina Heritage Conservation District ("HCD") Plan and was only recently included in the City's Heritage Register as part of the City's batch listing of 94 properties in the King-Spadina HCD in December 2017

Notwithstanding that 457 Richmond was not included on the City's Heritage Inventory at the time of our client's appeal, a Heritage Impact Assessment ("HIA") was prepared by our client's heritage architect and submitted as part of the application. The HIA notes that the building at 457

Richmond Street West was constructed in 1950, outside of the Period of Significance identified in the HCD Plan, and is inconsistent with the current context of the immediate area both in scale and design. The HIA further finds that the building, "is not rare or unique and does not exhibit a high degree of craftsmanship or technical achievement being of a construction technology common in the period of its construction and is somewhat altered."

The Request for Direction report makes reference to "analyses" undertaken of 457 Richmond Street West undertaken by City Planning Staff in both its report to City Council recommending the property's inclusion on the Heritage Register and the HCD study undertaken by the City's consultant. In our view, Planning Staff's report dealing with the batch listing contains a description rather than an analysis of the building. Moreover, the description contained therein is misleading as it states that the building represents "a key building typology in King-Spadina, dating back to the early to mid-1900s" despite the fact that the building was constructed in 1950 and falls outside of the HCD's Period of Significance (1880s to 1940s). We also note that the HCD Study includes no specific analysis of the building. **If staff are in fact relying on separate "analyses" used in the preparation of the batch listing and HCD Study we request that this be provided so that our client and its consultant can review the material. If, as we anticipate, no such "analyses" was separately undertaken we would appreciate confirmation of same.**

In light of the above, it is our client's position that staff's focus on the conservation of the building on 457 Richmond Street West is unwarranted. Moreover, it is clear that many of the planning and urban design comments are derived from the inaccurate depiction of the heritage value of the building and the resulting emphasis on retention.

With respect to the staff report's comments concerning the office replacement policy in OPA 231 (which remain under appeal), our client's land use planner has undertaken a review of the actual GFA of 457 Richmond Street West using as-built drawings. His analysis has determined when Zoning By-law 438-86's definition of "Non-residential GFA" is applied, the building's total GFA is 696.97 m². This calculation reflects the fact that Zoning By-law 438-86 exempts, among other items, basement GFA if, as is the case here, it was constructed prior to January 31, 1976. By comparison, our client's land use planner has found that Zoning By-law 569-2013's definition of "Non-residential GFA" would calculate the building as having 917.6 m² of GFA.

Accordingly, both Zoning By-law 438-86 and Zoning By-law 569-2013 would confirm 457 Richmond Street West as being less than 1000 m² of employment space. As a result, contrary to staff's opinion, the building is exempt from the requirements of OPA 231 even in its current form under appeal.

As noted, our client believes that further discussions with City staff would be beneficial and welcomes the opportunity to continue that dialogue, with the above matters taken into consideration.

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Yours truly,

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