

429 to 455 Richmond Street East, 69 and 75 Ontario Street – Zoning By-law Amendment Application – Preliminary Report

Date: February 25, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward 13 - Toronto Centre

Planning Application Number: 19 265929 STE 13 OZ

Date Application Deemed Complete: January 27, 2020

Potential Heritage Buildings on Site: Yes

Current Uses on Site: 2 commercial buildings of 1 and 2 storeys; and 2 residential buildings of 2 storeys

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application for a 35 storey building located at 429 to 455 Richmond Street East, 69 and 75 Ontario Street. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 429 to 455 Richmond Street East, 69 and 75 Ontario Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Application Description

This application proposes to amend the zoning by-law for the property at 429 to 455 Richmond Street East, 69 and 75 Ontario Street to permit a tall building of 34-storeys (113.85 metres including the mechanical penthouse) containing: 16,431 square metres of residential gross floor area resulting in 251 dwelling units; 384 square metres of retail gross floor area; and 58 vehicular parking spaces within a 4-level underground garage.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1 and 2 of this report for a three dimensional representation of the project in context, Attachment 3 for the location map, Attachment 4 for the proposed site plan drawing and Attachment 6 for the application data.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 Greater Golden Horseshoe 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 with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as Downtown on Map 2, and designated Regeneration Areas on Map 18 of the Official Plan.

See Attachment 5 of this report for the land use designation of the Official Plan.

Official Plan Amendment 352 - Updating Tall Building Setbacks Downtown

On October 5-7, 2016, City Council adopted Official Plan Amendment 352 - Downtown Tall Building Setback Area ("OPA 352"). OPA 352 is currently under appeal before the Local Planning Appeal Tribunal. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of all buildings in the Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide detailed performance standards for portions of buildings above 24 metres in height. The owner of the subject site are appellants on the appeals of OPA 352 and Zoning By-laws 1106-2017 and 1107-2016.

Further background information can be found at www.toronto.ca/tocore

The Downtown Plan

City Council adopted OPA 406 at its meeting on May 22-24, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area.

On August 9, 2018 the City's application under Section 26 of the Planning Act was sent to the Minister of Municipal Affairs and Housing ("MMAH") for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019. Since this application was submitted after June 5, 2019, OPA 406, the new Downtown Secondary Plan, applies to this application. The in-force Downtown Plan may be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

The site is designated Mixed Use Areas 2 - Intermediate. Development in Mixed Use Areas 2 will include building typologies that respond to their site context, including mid-rise and some tall buildings. Specific policy direction articulated in the King-Parliament Secondary Plan is to be read together with the Downtown Plan.

Non-residential uses will be protected and promoted in the King-Parliament Secondary Plan Area, especially uses related to the culture sector.

King-Parliament Secondary Plan

The site is within the boundary of the King-Parliament Secondary Plan. The main objective of the Secondary Plan is to encourage reinvestment in the area for a mixture of uses that reinforces the historic built form and public realm, while ensuring growth is mutually compatible and complements the existing built form character and scale of the area. The King-Parliament Secondary Plan may be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/9063-cp-official-plan-SP-15-KingParliament.pdf>

The site is designated Regeneration Area 'A' (Jarvis-Parliament) in the Secondary Plan.

King-Parliament Secondary Plan Review

On May 22, 2018, City Council directed staff to undertake a review of the King-Parliament Secondary Plan and the area north of Queen Street East between Jarvis Street and River Street. The review focuses on three themes being built form, public realm and heritage. On October 29, 2019, City Council directed staff to apply the policies of the proposed King-Parliament Plan on current development applications, and directed staff to bring forward a recommended King-Parliament Secondary Plan and updated Zoning By-law to City Council by the third quarter of 2020. The proposed King-Parliament Secondary Plan can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-138215.pdf>

Official Plan Amendment to Further Protect Heritage Views of St. James Cathedral

On April 23, 2013, Council adopted Official Plan Amendment 199 ("OPA 199") to establish revised heritage policies in the Official Plan as part of the 5-year review. Additional policies were also added to the Public Realm section (3.1.1) to provide for the protection of important views to landmark buildings and structures, important natural heritage views and the downtown/financial district skyline. The amendment was forwarded to the MMAH and was subsequently approved in November 2013. Following the Minister's approval, the amendment was appealed to the Ontario Municipal Board ("OMB"). After a series of OMB mediation sessions, the OMB on May 12, 2015 issued a decision which brought OPA 199 into force and effect with minor modifications. A copy of the OMB decision can be found here:

<http://www.omb.gov.on.ca/edecisions/pl131323-May-12-2015.pdf>

Through the OMB's decision a set of new Official Plan policies came into effect, including Policy 3.1.1.9 and Policy 3.1.1.10 which established view protection policies from the public realm to prominent buildings, structures and landscapes and natural features, including the view of the St. James Cathedral spire from King Street East at Church Street (southwest and northwest corners), and Front Street East (north side) across from Farquhars Lane.

A city-initiated Official Plan Amendment is underway to clarify, through enhanced study, the existing view protection policies in the Official Plan as they affect the silhouette views associated with City Hall, Old City Hall and St. James Cathedral. On July 23, 2018, City Council directed staff to use the proposed policies and diagrams contained in the latest status report to inform the evaluation of current and future development applications in the surrounding area. The status report can be found here:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-118130.pdf>

Zoning By-laws

The site is zoned Reinvestment Area (RA), with a maximum building height of 26 metres, in the former City of Toronto Zoning By-law 438-86, as amended. This zoning category permits a range of uses.

The site is zoned Commercial Residential Employment (CRE) (x41) in the city-wide Zoning By-law 569-2013, as amended. The standards of By-law 438-86 are carried forward into By-law 569-2013 for the site.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- King-Parliament Urban Design Guidelines;
- City-wide Tall Building Design Guidelines; and
- Growing Up: Planning for Children in New Vertical Communities Draft Urban Design Guidelines; among others.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

COMMENTS

Reasons for the Application

The proposal requires amendments to Zoning By-laws 438-86 and 569-2013 for the site at 429 to 455 Richmond Street East, 69 and 75 Ontario Street to vary performance standards, including: the increase in overall height; elimination of building setbacks; reduction in residential amenity standards; and reduction in vehicular parking standards; among others.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Staff will continue to evaluate this planning application for consistency with the PPS (2014) and conformity with the Growth Plan (2019). Given the recognition in Provincial

Policy of the importance of official plans and long term planning, conformity with the PPS and the Growth Plan will be informed by conformity with the Official Plan.

Official Plan Conformity

Staff will continue to evaluate this planning application against the Official Plan to determine the application's conformity to the Official Plan.

Built Form, Planned and Built Context

Staff will continue to assess the suitability and appropriateness of the proposed height, massing, and other built form issues based on Section 2 (d), (p), (q) and (r) of the Planning Act; the PPS; the Growth Plan; the City's Official Plan policies; OPA 352; the proposed heritage view protection policies; the current and proposed King-Parliament Secondary Plan policies; the Downtown Secondary Plan's policies; and the City's Design Guidelines.

The following preliminary issues have been identified:

- The suitability of the proposed height and massing, including setbacks and stepbacks, in relation to the area's existing and planned built form character and scale;
- The appropriateness of the tower floor plate dimensions and tower setbacks and separation distances;
- The appropriateness of the base building's mass and height;
- The need for additional pedestrian sidewalk space on Richmond Street East as part of the redevelopment;
- The provision of adequate amenity space and the appropriate mix and size of dwelling units;
- The impacts of new shadowing on the public realm and private open spaces. A Sun-Shadow Study was submitted and is currently under review by City staff;
- The impacts of any changes to the pedestrian level wind conditions along abutting and nearby streets, and surrounding properties. A Pedestrian Wind Assessment was submitted and is currently under review by City staff; and
- The demolition of the property at 431 Richmond Street East, which has the potential to hold cultural heritage value, and the appropriate conservation of heritage resources adjacent to the site. A Heritage Impact Assessment was submitted and is currently under review by City staff.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). There are 5 trees on or within proximity of the subject site. An Arborist Report and a Tree Preservation Plan were submitted and are currently under review.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. A Stage 1 Archaeological Assessment was submitted and is currently under review.

Heritage Conservation

The property at 431 Richmond Street East was identified as having the potential to hold cultural heritage value through the Cultural Heritage Resource Assessment done as part of the King-Parliament Secondary Plan review. Staff will be researching and evaluating the property using the criteria prescribed under the Ontario Heritage Act for determining significance. If the property is found to meet the Provincial criteria staff will be seeking its conservation through the development proposal.

The subject site is located within the proposed St. James Cathedral Silhouette View Corridor Area Site and Area Specific Policy. Staff will be reviewing the impacts of the proposal to the proposed silhouette line of the St. James Cathedral Spire and Clock Tower when viewed from the sidewalk at the northwest and southwest corners of King Street East and Church Street.

The subject site is adjacent to the property at 411 Richmond Street East, designated under Part IV of the Ontario Heritage Act and included in the City's Heritage Register and the property at 78 Ontario Street, under intention to designate under Part IV of the Ontario Heritage Act and included in the City's Heritage Register. A Heritage Impact Assessment was submitted and is currently under review by City staff.

Infrastructure/Servicing Capacity

Staff are reviewing the application to determine if there is sufficient infrastructure capacity to accommodate the proposed development and the cumulative impact of all the proposed developments in the area. With regard to stormwater, the proposed development will need to meet the requirements of the City of Toronto's Wet Weather Flow Management Guidelines. The proposed development will also need to ensure the discharging of groundwater to the City's sewer system can be adequately supported.

A Functional Servicing and Stormwater Management Report, a Geotechnical Report, and a Geohydrology Report were submitted and are currently under review by City staff.

Transportation Impacts

A 4-level underground garage that provides 58 vehicular parking spaces for the development is proposed to be accessed from a shared driveway with the under

construction condominium to the south on Ontario Street. A loading space is proposed to be accessed on Richmond Street East. A Transportation Impact Study has been submitted and is under review by City staff to evaluate the effects of the development on the transportation system, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Staff will assess the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future population.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The proposal at its current height will be subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. City staff intends to apply Section 37 provisions of the Planning Act should the proposal be approved in some form.

Toronto Green Standard

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. Performance measures for the Tier 1 development features to be secured through the zoning by-law process include: automobile infrastructure; cycling infrastructure; and storage and collection of recycling and organic waste.

A TGS Checklist was submitted and is currently under review by City staff for compliance with the Tier 1 performance measures. Staff will encourage the applicant to achieve Tier 2 performance measures or higher as part of the review process.

Other Matters

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

Henry Tang, Senior Planner, (416) 392-7572 henry.tang@toronto.ca

SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,
Director, Community Planning,
Toronto and East York District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context Looking Southwest

Attachment 2: 3D Model of Proposal in Context Looking Northwest

Attachment 3: Location Map

Attachment 4: Site Plan

Attachment 5: Official Plan Map

Attachment 6: Application Data Sheet

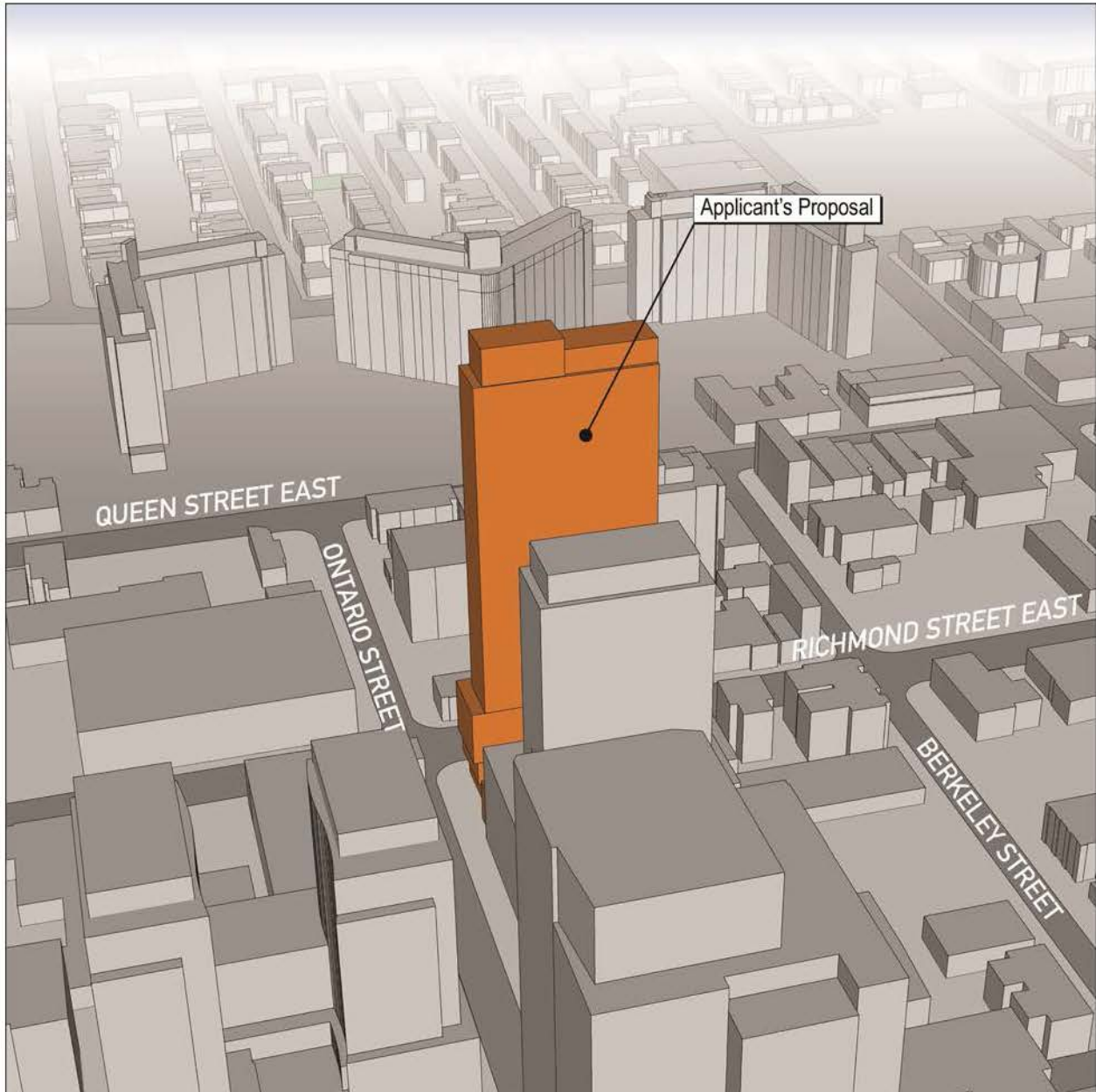
Attachment 1: 3D Model of Proposal in Context Looking Southwest



View of Applicant's Proposal Looking Southwest

↙
02/04/2020

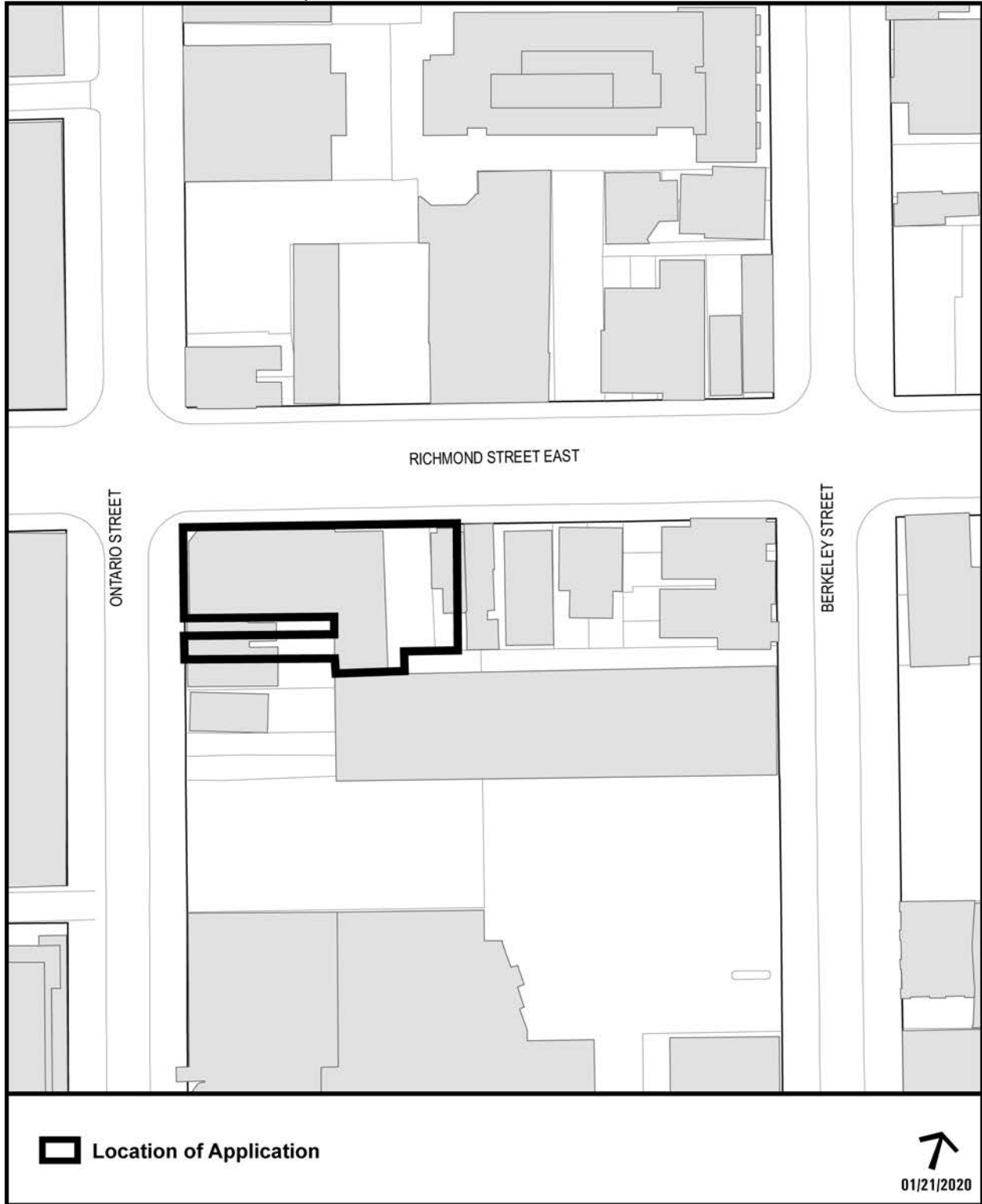
Attachment 2: 3D Model of Proposal in Context Looking Northeast



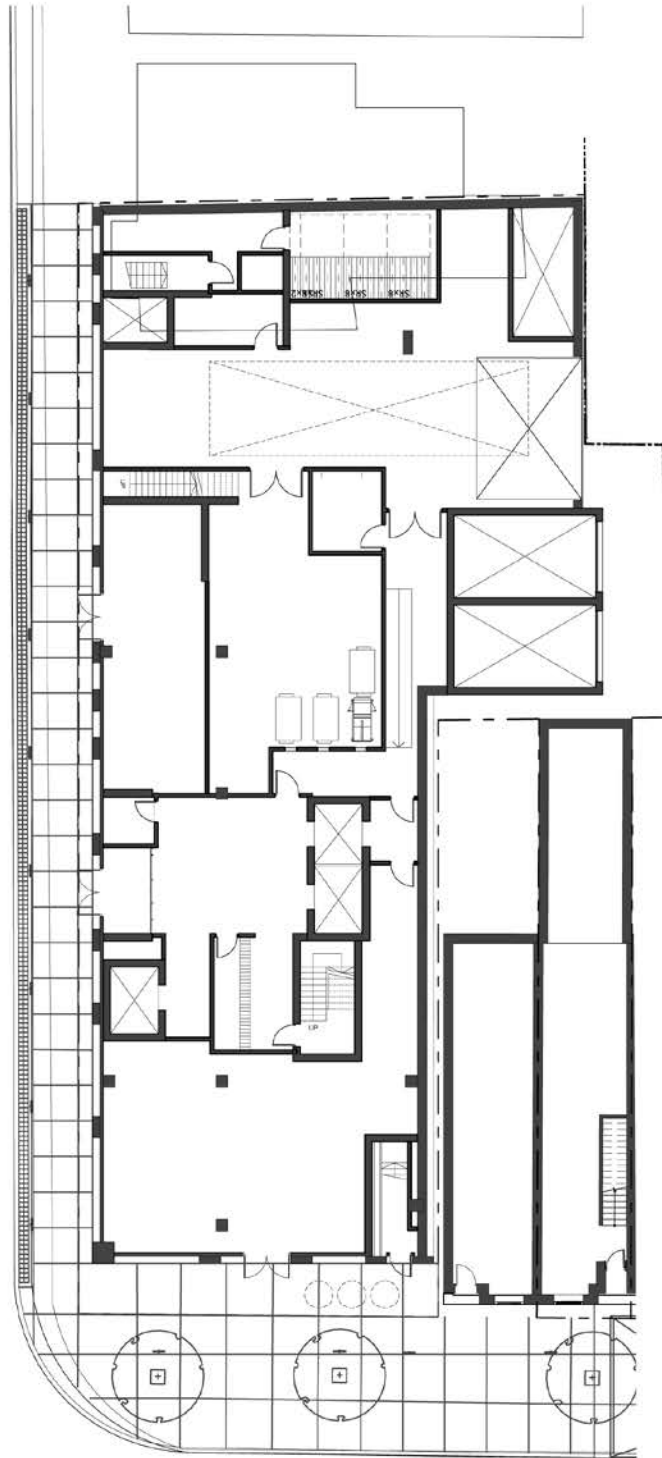
View of Applicant's Proposal Looking Northeast



Attachment 3: Location Map

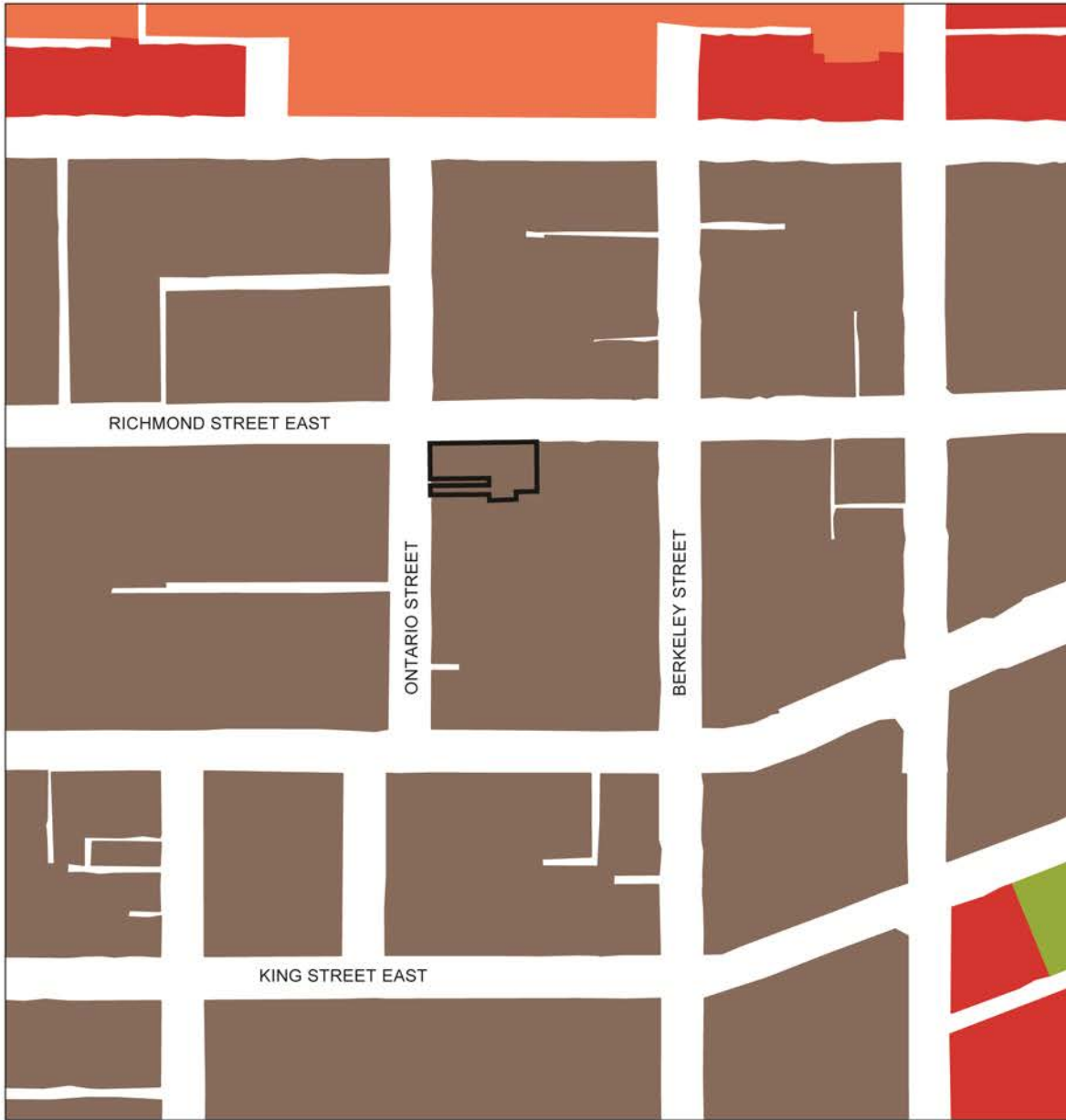


Attachment 4: Site Plan



Site Plan

Attachment 5: Official Plan Map



429, 431, and 455 Richmond St. E. & 69 and 75 Ontario St.

Official Plan Land Use Map #18

File # 19 265929 STE 13 0Z

- | | | |
|--|--|--|
|  Location of Application |  Parks & Open Space Areas |  Regeneration Areas |
|  Apartment Neighbourhoods |  Parks | |
|  Mixed Use Areas | | |

↑
Not to Scale
01/21/2020

Attachment 6: Application Data Sheet

Municipal Address: 75 ONTARIO ST Date Received: December 31, 2019

Application Number: 19 265929 STE 13 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law amendment to permit a 35-storey building (113.85 metres including the mechanical penthouse) containing: 16,431.5 square metres of residential space resulting in 251 dwelling units; 384.4 square metres of retail space; and 58 parking spaces.

Applicant	Agent	Architect	Owner
Kim Kovar		architectsAlliance	Bel Ontario Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	
Zoning:	CRE (x41)	Heritage Designation:	N
Height Limit (m):	26	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1,107 Frontage (m): 23 Depth (m): 21

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			789	789
Residential GFA (sq m):			16,432	16,432
Non-Residential GFA (sq m):			384	384
Total GFA (sq m):			16,816	16,816
Height - Storeys:	3	3	35	35
Height - Metres:			108	108

Lot Coverage Ratio (%): 71.25 Floor Space Index: 15.19

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	16,432	
Retail GFA:	384	

Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	1			
Freehold:				
Condominium:			251	251
Other:				
Total Units:	1		251	251

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			179	37	35
Total Units:			179	37	35

Parking and Loading

Parking Spaces:	58	Bicycle Parking Spaces:	260	Loading Docks:	1
-----------------	----	-------------------------	-----	----------------	---

CONTACT:

Henry Tang, Senior Planner, Community Planning
 (416) 392-7572
 Henry.Tang@toronto.ca