

465-471 Richmond Street West and 38 Camden Street – Zoning Amendment Application - Request for Direction Report

Date: August 17, 2020

To: Toronto and East York Community Council

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

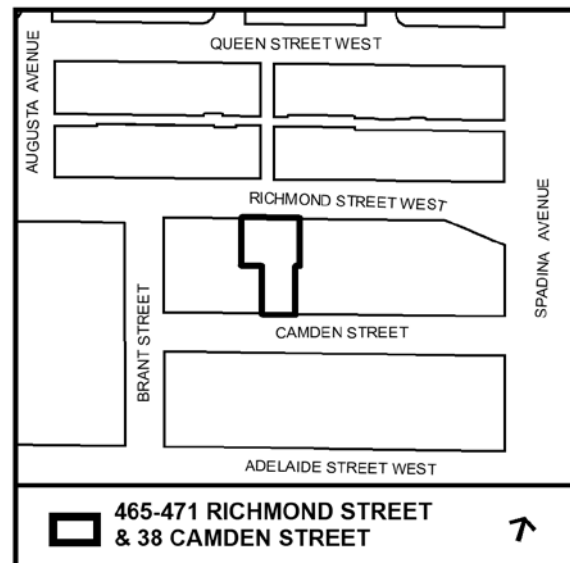
Wards: Ward 10 – Spadina-Fort York

Planning Application Number: 19 182800 STE 10 OZ

SUMMARY

On January 14, 2020, the applicant filed an appeal of the Zoning By-law Amendment application to the 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 first case management conference was scheduled for May 13, 2020, however, this was postponed due to the Covid-19 Emergency Order. New hearing dates have not been set at this time.

The application proposes a 17-storey (51.2 metres including mechanical penthouse) hotel building fronting 465-471 Richmond Street West and a 15-storey (44.25 metres including mechanical penthouse) hotel building fronting 38 Camden Street. The 2 hotel components would be connected by a common, 2-storey base building. The existing significant built heritage resource on the designated heritage property at 38 Camden Street is proposed to be demolished. The applicant has filed a demolition application under the Ontario Heritage Act.



The proposal is not supportable in its current form as it proposes the demolition of the existing significant built heritage

resource on the heritage property at 38 Camden Street. In addition, the proposed built form, height and lack of building setbacks and stepbacks from adjacent properties would create negative impacts, such as limiting access to sunlight and sky-view, and would impact adequate privacy, and as such the proposed development, in its current form, does not fit within its existing and planned context.

The application is not consistent with the Provincial Policy Statement, does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, does not conform to the City's Official Plan, the Downtown Secondary Plan or the King-Spadina Secondary Plan. Specifically, the proposed development fails to be consistent or conform to policy matters related to heritage conservation, height and built form compatibility with neighbouring properties.

The purpose of this report is to seek City Council's direction for the City Solicitor and appropriate City Staff to attend at the LPAT and oppose the applicant's development proposal in its current form. Staff are also seeking direction to continue discussions with the applicant in order to resolve the issues raised in this report.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District recommends that:

1. City Council direct the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 465-471 Richmond Street West and 38 Camden Street (File No. 19 182800 STE 10 OZ) in its current form for the reasons set out in the report dated August 17, 2020 from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor and appropriate staff to seek revisions to the application and continue discussions with the applicant in an attempt to resolve the issues outlined in the report dated August 17, 2020 from the Director, Community Planning, Toronto and East York District regarding the Zoning By-law Amendment application 465-471 Richmond Street West and 38 Camden Street (File No. 19 182800 STE 10 OZ), to the satisfaction of the Chief Planner and Executive Director, City Planning, and to report back to City Council on the outcome of discussions, if necessary.
3. In the event the Local Planning Appeal Tribunal approves the Zoning By-law Amendment application, in whole or in part, City Council authorize the City Solicitor to request that the Local Planning Appeal Tribunal withhold its Order(s) approving the application until such time as:

- a) the Tribunal has been advised by the City Solicitor that the proposed Zoning By-law Amendments are in a form satisfactory to the City;
 - b) the owner has provided for the withdrawal of their appeal of the King-Spadina Heritage Conservation District Plan;
 - c) The owner has provided for the withdrawal of their appeal of Official Plan Amendment 486, the King-Spadina Secondary Plan (2020);
 - d) the owner has provided a satisfactory and acceptable Functional Servicing and Stormwater Management Report satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, and secured any upgrades and/or improvements as may be necessary to facilitate the proposed development, and confirmation that the amending by-laws do not require any modifications to address the accepted Functional Servicing and Stormwater Management Report, all to the satisfaction of the Chief Engineer and Executive Director, Engineer and Construction Services, and the City Solicitor (where necessary); and
 - e) appropriate Section 37 benefits are secured for the redevelopment of the site, and such matters as may be required to support the development are secured in a Section 37 agreement satisfactory to the Chief Planner and Executive Director, City Planning, and such agreement is executed and registered on title to the lands satisfactory to the City Solicitor.
4. City Council authorize the City Solicitor and City staff to take any necessary steps to implement the foregoing.

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On October 2, 2017, City Council adopted Item TE26.14, and in accordance with Section 41 of the Ontario Heritage Act, designated by by-law the King-Spadina Heritage Conservation District (HCD) and King-Spadina Heritage Conservation District Plan under Part V of the Ontario Heritage Act. The boundaries of the HCD include the subject properties.

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

Pre-application meetings were held on June 3, 2018 and April 25, 2019. The application was submitted on July 4, 2019 with additional information submitted on September 12, 2019, upon which time it was deemed complete.

On December 17, 2019, City Council stated its intent to designate the property at 38 Camden Street (with the entrance address of 40 Camden Street) under Part IV, Section 29 of the Ontario Heritage Act. No objections were filed regarding the designation. City Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE11.8>

The property at 38 Camden Street is designated under Part IV of the Ontario Heritage Act by By-law 236-2020. The Designation By-law may be found here: <https://www.toronto.ca/legdocs/bylaws/2020/law0236.pdf>

ISSUE BACKGROUND

Proposal

The proposed Zoning By-law Amendment application seeks to re-develop the site with two hotel buildings in two tower elements, on top of a 2-storey base building. The tower facing Richmond Street West would be 17-storeys tall with a height of 51.2 metres (including the mechanical penthouse) and the tower facing Camden Street would be 15-storeys tall with a height of 44.25 metres (also including the mechanical penthouse). A separation distance of 11 metres, interior to the site, would be provided between the two tower elements. The building on the designated heritage property at 38 Camden Street is proposed be demolished. A demolition application has been filed with the City regarding a request to demolish the heritage property under s. 34 of the Ontario Heritage Act.

The portion of the proposal fronting Richmond Street West would be located right on the Richmond Street property line before stepping back 2.5 metres starting at the second storey. Along the east and west sides, the development would be located right on the property lines for the full height of the building.

Similarly, the portion of the proposed development fronting Camden Street would be located right on the east and west side property lines, with the exception of the ground floor, which would be setback 1.5 metres from the east property line. Along Camden Street itself, the first two storeys would be setback 1.6 metres from the street right-of-way with the exception of a small piece of the building located close to the west property line, which would be right on the property line. Starting at the third storey, the entire building would be setback two metres from Camden Street.

As noted above, the two tower elements would be setback 11 metres from one another starting at the third storey. The roof of the 2 storey podium is proposed to be a green roof that would not have any roof access.

Pedestrian access to the hotel would be off of both Richmond Street West and Camden Street. Restaurants are proposed to be located within the ground floor of the Richmond Street portion of the proposal and the mezzanine level of the Camden Street portion. Above this, a total of 375 hotel suites are proposed.

Vehicular and loading access would be off of Richmond Street West via a garage entrance located along the eastern side of the site. Access to the underground garage would be by a car elevator. A total of 35 parking spaces would be provided within a 3-storey below-grade parking garage and the loading space would be provided at grade internal to the building, in the form of two combined Type B and C loading spaces.

A total of 21 bicycle parking spaces are proposed, also within the below-grade parking garage.

For additional details, please see Attachment 1: Application Data Sheet, Attachment 2: Location Map, Attachment 7: Site Plan, Attachment 8: Ground Floor Plan, and Attachments 9-13: Elevations and 3D Model.

Site and Surrounding Area

The site is located west of Spadina Avenue on the south side of Richmond Street West and is within the King-Spadina area. The subject site is I-shaped, with a frontage of 31.8 metres along Richmond Street west and 18.25 metres along Camden Street. The resulting site area is 1,334 square metres.

In addition, the site is situated in the King-Spadina Heritage Conservation District, adopted by City Council on October 2, 2017.

The site contains a surface parking lot at 465 Richmond Street West, a 2-storey commercial building at 471 Richmond Street West and a 2-storey building on the designated heritage property at 38 Camden Street.

The surrounding built form context is varied with a range of uses and building types, including low to high rise buildings with office, residential and commercial uses. The historical character of this part of the King-Spadina neighbourhood includes an enclave of surviving mid-20th century commercial buildings that are listed and designated on the City of Toronto's Heritage Register.

To the immediate east of the subject site at 451-457 Richmond Street West is a 2 and a 1/2-storey building, located along the easterly lot line of the subject site, which contained commercial uses, and a surface parking lot. A rezoning application for a 19-storey building, at 57 metres including the mechanical penthouse, on this site was approved by the LPAT in 2019. This LPAT approved development provides a 5.5 metre setback from its west property line above the 12th floor (at 33.9 metres). Further east is the Fabrik Condos at 435 Richmond Street West, which is a 17-storey mixed-use building that was constructed in 2015.

To the immediate west of the subject site along Richmond Street West is the Soho Lofts Starwood Centre, a mixed-use, live-work building converted from a previous office building constructed in the early 1980s. This 10-storey building is located approximately 2 metres from its east property line for the full height of that building and has both primary and secondary windows facing into the subject site.

On the north side of Richmond Street West is a 7-storey commercial building and a row of 2 1/2-storey row houses. Northeast of the site, the LPAT approved a 17-storey, at 58 metres (including the mechanical penthouse), mixed-use building at 452-458 Richmond Street West in 2018. East of that site, is 450 Richmond Street West, which is the subject of a proposed 19-storey mixed-use proposal that is currently appealed to the LPAT.

To the east of the subject site along Camden Street is the Thirty Two Camden Lofts, an 11-storey residential building, a 2-storey office building and two 2 and a 1/2-storey office buildings. To the immediate west of the subject site along Camden Street is 40-42 Camden Street, known as the Zen Lofts, which is a 9-storey residential building that has north-facing windows and balconies that face the subject site.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

The Planning Act, 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 Planning Act

Section 2 of the Planning Act sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of a built form that,
 - i. is well designed;
 - ii. encourages a sense of place;
 - iii. provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) (2020) 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:

- Encouraging a sense of place in communities, by promoting well-designed built form, and by conserving features that help define local character, including built heritage resources and cultural heritage landscapes.
- 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; and
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit.

The provincial policy-led planning system recognizes and addresses the complex interrelationships 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 2020. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS 2020. The PPS 2020 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 2020 recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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 PPS 2020 came into effect on May 1, 2020. All planning decisions shall be consistent with the PPS 2020.

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 (2019)") 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 (2019) 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:

- Conserving irreplaceable cultural heritage resources;
- 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;
- Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- 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 (2019) 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 (2019) 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 (2019). Comments, submissions or advice affecting planning matters that are provided by Council shall also conform with the Growth Plan (2019).

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of this Report.

Official Plan

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. 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 conservation and environmental stewardship, may be applicable to any application.

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. The subject lands are situated within the Downtown.

Section 2.2.1 Downtown: The Heart of Toronto: in this section, the Official Plan provides direction on Downtown as a growth area that will continue to evolve as a healthy and attractive place to live and work. As an area where growth is anticipated and encouraged, the Official Plan provides for new development in the Downtown that: achieves a minimum combined growth target of 400 jobs and residents per hectare; builds on the strength of the area as an employment centre; and provides for a range of housing opportunities.

The Official Plan directs growth to the Downtown in order to achieve multiple City objectives. Among other matters, it promotes efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, and provides increased opportunity for living close to work, to encourage walking and cycling, all in keeping with the vision for a more liveable city.

While Downtown is identified as an area offering opportunities for substantial employment and residential growth, this growth is not anticipated to be uniform. Design guidelines specific to districts of historic or distinct character will be implemented to ensure new development respects the context of such districts in terms of the fit of the new development with existing streets, set backs, heights and relationship to landmark buildings.

The Official Plan recognizes that as the population of the Downtown increases, ensuring that public amenities and infrastructure are maintained and upgraded, enhancing existing parks and acquiring new parks, and preserving and strengthening the range and quality of social, health, community services and local institutions, are essential to improve the quality of life for Downtown residents.

The Downtown policies of the Official Plan are further refined through the Downtown Secondary Plan and King-Spadina Secondary Plan as discussed in this Report.

Chapter 3 - Building a Successful City

Section 3.1.1 Public Realm: This section of the Official Plan recognizes the essential role of our streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in architecture, landscape architecture and urban design in public works and private developments to ensure that the public realm is functional, beautiful, comfortable, safe and accessible.

Section 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. 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.

Section 3.1.3 specifically outlines the built form policies for tall buildings and specify that tall buildings are desirable in the right places, however they do not belong everywhere. The policies direct that tall buildings come with larger civic responsibilities and obligations, where tall building proposals will need to demonstrate how the proposal will contribute to and reinforce the overall City structure. Policy 3.1.3.2 e) specifies that tall buildings will provide high quality, comfortable and usable publicly accessible open space areas. The policies also emphasize that these developments need to demonstrate how the proposal fit within their existing and planned contexts.

Section 3.1.5 Heritage Conservation: This section contains policies related to the conservation of Toronto's cultural heritage, significant buildings, properties, districts, landscapes and archaeological sites. Policy 3.1.5.4 states that heritage resources on the City's Heritage Register will be conserved and maintained. Additionally, Policy 3.1.5.26 states that, when new construction on, or adjacent to, a property on the Heritage Register does occur, it will be designed to conserve the cultural heritage values, attributes and character of that property, and will mitigate visual and physical impact on it. Further, Policy 3.1.5.27 discourages the retention of facades alone and encourages conservation of whole or substantial portions of buildings. Finally, Policies 3.1.5.32-33 deal specifically with development within Heritage Conservation Districts (HCD) to ensure the integrity of the district's heritage values, attributes and character are conserved in accordance with the HCD Plans.

Chapter 4 - Land Use Designations

The subject lands are identified as Regeneration Areas on Map 18 in the Official Plan. (Attachment 3). However, since the proposal is subject to Downtown Secondary Plan policies, the Mixed Use Areas policies apply.

Section 4.7 Regeneration Areas: the Official Plan describes Regeneration Areas as containing a broad mix of uses including commercial, residential, light industrial, parks and open space, institutional, live/work and utility, all of which are permitted within Regeneration Areas in order to promote reinvestment and revitalization. The framework for new development within Regeneration Areas is

set out in a Secondary Plan intended to promote the desired type and form of physical development for an area.

The policies of Section 4.7.1 provide for the restoration, re-use and retention of existing buildings that are economically adaptable for re-use, particularly heritage buildings and structures in Regeneration Areas. Section 4.7.2 sets out the intent of Secondary Plans for Regeneration Areas and provides that they will guide the revitalization of the area through, among other matters:

- Urban Design Guidelines related to the unique character of the area;
- Strategies to promote greening and community improvements; and
- A heritage strategy identifying important heritage resources, conserving them and ensuring new buildings are compatible with adjacent heritage resources.

Section 4.5 Mixed Use Areas: the Official Plan describes Mixed Use Areas as being made up of a broad range of commercial, residential and institutional uses, as well as, parks, open spaces and utilities.

Policy 4.5.2 guides development in Mixed Use Areas by requiring that development will, among other matters:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and
- provide an attractive, comfortable and safe pedestrian environment.

Chapter 5 - Implementation

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the Planning Act. The proposed density of the application meets the Official Plan's threshold for Section 37 considerations.

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

The Downtown Plan

City Council adopted OPA 406 on July 27, 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, approving a modified version of the Downtown Plan. As the application was deemed complete on September 12, 2019, the application is subject to the Downtown Secondary Plan.

Section 3 of the Downtown Plan outlines the goals for development within the Downtown area to create complete communities. Policy 3.3 directs that new buildings will fit within their existing and planned context, conserve heritage attributes, expand and improve the public realm, create a comfortable microclimate, provide compatibility between differing scales of development and include indoor and outdoor amenities for both residents and workers.

While there is substantial development within the Downtown, there is a predominance of small development sites within the Downtown that require coordination and collaboration. Policy 3.18 directs that property owners should coordinate and collaborate to achieve the objectives of the Plan and to achieve complete communities.

Section 4 of the Downtown Plan outlines how growth will be directed and distributed. Policy 4.1 notes that growth is encouraged on lands designated Mixed Use Areas 1, Mixed Use Areas 2, Mixed Use Areas 3, Regeneration Areas and Institutional Areas. While the policies direct that the highest density of development should be directed to Mixed Use Areas in close proximity to existing or planned transit stations, policy 4.2 clarifies that not all areas will experience the same amount of intensification. Development intensity will be determined by the policies of the Official Plan, the Downtown Plan and other applicable Secondary Plans and Site and Area Specific Policies.

Under the Downtown Plan, the subject lands are designated as Mixed Use Areas 2 - Intermediate on Map 41-3-B (Attachment 4). The Plan directs that development within Mixed Use Areas 2 will include building typologies that respond to their site context, including mid-rise and some tall buildings. Policy 6.25 outlines that the scale and massing of buildings in Mixed Use Areas 2 will be compatible with the context of the neighbourhood, including prevailing heights, massing, scale, density, and building type. However, Policy 6.22 recognizes that not all sites can accommodate the maximum scale of development, as development will be required to address site specific characteristics including heritage buildings on-site, lot constraints, and impacts on adjacent buildings, potentially resulting in a lower-scale building.

Section 9 of the Downtown Plan contains the built form policies that are to be applied on an area-wide basis to address potential negative impacts associated with intensification. The policies emphasize the importance of development

contributing to the livability of the surrounding context by providing access to sunlight, natural light, openness and sky-view; and maintaining adequate privacy. Policy 9.1.4 also directs that development will be encouraged to demonstrate a high standard of heritage conservation.

The policies also provide direction for base buildings, including that base buildings will generally fit compatibly within the existing and planned context of neighbouring streetwall heights. Policy 9.9 directs that development will generally provide a transition from the base building to relate to adjacent properties with a lower-scale context, as may be required to achieve the objectives of the Downtown Plan. Where there is a property on the Heritage Register on the site, policy 9.10 notes that base buildings on these sites will be compatible with the streetwall height, articulation and proportion, materiality and alignment of the heritage building.

Policy 9.14 directs that development will be located and massed to define and frame the edges of the public realm with good street proportion, providing for comfortable sun and wind conditions on the public realm and neighbouring properties by stepping back building mass above the streetwall height to allow daylight and sunlight to penetrate to the street and lower building levels. This is further articulated in Policy 9.21, which specifically outlines that development will address microclimatic conditions, including limiting shadow and uncomfortable wind conditions, by reducing the floorplates of tall buildings above the base building and reducing the overall height and scale. This policy also emphasizes that reducing the size of and setting back the tall building elements on a site are measures to be used to mitigate the impacts of tall buildings on their surrounding context.

The built form policies also emphasize that although existing and approved buildings form part of the existing and planned context, the siting, massing, height and design of a building on one site will not necessarily be a precedent for development on an adjacent or nearby site (Policy 9.11).

The policies also outline how development can be designed to mitigate its impacts on neighbouring properties to provide access to sunlight and sky-views as well as establish a human scale. Policy 9.22 notes that development may be required to provide built form transition where necessary to create a more liveable environment in the public realm. Policy 9.23 directs that transition in development scale can be achieved through the different combination of angular planes, stepping height limits, location and orientation of the building, the use of setbacks and stepbacks of building mass, separation distances, as well as other means to achieve compatibility with the surrounding uses and built form. Policy 9.24 of the Plan outlines that development may be required to transition in scale if the proposed is of a greater intensity and scale than the adjacent and surrounding planning context; and if the development is adjacent to a property designated under Part IV of the Ontario Heritage Act. While transition in scale

can take different forms, policy 9.27 clearly directs that where transition is desirable to achieve compatibility, transition will generally be provided within the development site itself.

The site is also within the King-Spadina Cultural Precinct, as identified on Map 41-14 of the Downtown Plan. The policies of the Plan encourage the clustering of culture sector economic activities, jobs and cultural spaces within this Precinct.

King Spadina Secondary Plan (1996)

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.

The in-effect King Spadina Secondary Plan (1996) outlines that the King-Spadina Area is an important employment area. Accordingly, the retention and promotion of commercial and light industrial uses including media, design and fashion businesses within the area is a priority. In addition, a major objective of the Plan is that heritage buildings and other important buildings within the Secondary Plan area will be retained, restored and re-used (policy 2.5).

A key principle of the Secondary Plan is that the heritage buildings in King-Spadina are essential elements of the area's physical character that will be retained, conserved, rehabilitated, re-used and restored. Policy 4.2 directs that the height of buildings on a lot containing a heritage building may be increased beyond the height specified in the zoning by-law, only if the historic conservation, restoration and maintenance of such heritage buildings are secured. Policy 4.3 further directs that new buildings should be compatible with heritage buildings in their context through, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.

Policy 3.6 outlines the general built form principles for development within the King-Spadina area, including:

- new buildings for any use will be sited and massed to provide adequate light, view and privacy for neighbouring properties;
- 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;
- buildings adjacent to streets, parks or open spaces will be massed to provide appropriate proportional relationships and will be designed to minimize the wind and shadowing impacts on the streets, parks or open spaces; and
- new developments will provide comprehensive, high quality, co-ordinated streetscape and open space improvements to promote greening, landscape enhancement, access, orientation and confidence of personal safety within King-Spadina.

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.

OPA 486 - King-Spadina Secondary Plan (2020)

King-Spadina is one of the highest growth areas in the downtown and also has a strong heritage character, as noted above. A Final Report outlining the updated King-Spadina Secondary Plan was considered at a statutory public meeting before Toronto and East York Community Council on January 8, 2020. The recommendations in the report were adopted by City Council on January 29, 2020. The final report and OPA 486: King-Spadina Secondary Plan (2020) are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE12.4>

OPA 486 recognizes that this area has evolved from an area of employment (non-residential uses) into an area with a range and mix of uses. It recognizes 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.

The subject property is within the West Precinct of the King-Spadina Secondary Plan (2020), which has a distinct character defined by historic buildings and new developments, historic parks, and a lower scale of development than the East Precinct. This is consistent with the Mixed Use Areas 2 designation that is in-force through the Downtown Plan. The West Precinct has continued to be defined by lower buildings that complement the warehouse character of the Precinct. The policies in the Plan require that new development meet a consistent maximum building height of 50 metres, including the mechanical penthouse and all projections, with the exception of an exit stair for roof access and elevator overrun.

In addition, the Secondary Plan requires a minimum 3 metre setback above the base building, with no projections permitted. The policies specify that where heritage resources are on, or adjacent to the site, greater setbacks may be required to appropriately address adjacent heritage buildings. The policies also note that above the base building, development will include setbacks from adjacent properties to provide separation distances between buildings that protect access to light, view and privacy. A minimum setback of 5.5 metres will be provided from any property line that is not adjacent to a public street or public lane.

OPA 486 has been appealed to the LPAT and the applicant for the subject development has filed a site-specific appeal.

Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown

On October 5, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area as part of the TOcore: Planning Toronto's Downtown study.

By-law 1105-2016 implements OPA 352 and was enacted on November 9, 2016. The OPA creates Site and Area Specific Policy 517 which identifies the geographic area to which this site and area specific policy applies and sets out detailed policies for Tall Buildings including among other things, the objectives that tall building development will have, and the components that will form the basis of performance standards in the zoning by-law to achieve these policies.

The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of a tall building in the Downtown which would be implemented through an area specific Zoning By-law. The intent is that these policies would ensure that future growth positively contributes to the liveability, sustainability and health of Toronto's Downtown. More specifically, policies establish the reasoning for tower setbacks and recognize that not all sites can accommodate tall buildings.

Area-specific Zoning By-laws 1106-2016 and 1107-2016 were adopted at the same time as OPA 352, and establish detailed performance standards for portions of buildings above 24 metres in height.

City Council's decision document, OPA 352, amending zoning by-laws and the Final Report can be found here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7> Both OPA 352 and the implementing by-law are currently under appeal.

King-Spadina Heritage Conservation District

The site is within the King-Spadina Heritage Conservation District (HCD). The HCD Plan was adopted at the October 2-4, 2017, City Council meeting, recommending the designation of the King-Spadina HCD Plan under Part V of the Ontario Heritage Act. City Council adopted further revisions to the King-Spadina HCD Plan on October 29 & 30, 2019 in an effort to address concerns raised by the appellants. The HCD Plan is currently under appeal at the LPAT.

The overall objective of the HCD Plan is the protection, conservation and management of the area's heritage attributes, including contributing properties, so that the District's cultural heritage value is protected in the long-term.

Heritage Conservation

38 Camden Street, part of the development site, was identified as a contributing property in the King-Spadina HCD study process. It contains a 2-story commercial building dating to 1952, and is part of a collection of extant heritage properties developed in the post-World War II era on Camden Street in the King-Spadina neighbourhood.

This property was listed on the City's Heritage Register on December 5-8, 2017. On December 17, 2019, City Council stated its intention to designate the property at 38 Camden Street under Part IV, Section 29 of the Ontario Heritage Act for its design, associative and contextual value. The final report and decision of City Council are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE11.8>

The property is designated under Part IV of the Ontario Heritage Act through designation by-law 236-2020. No objections for filed in response to this designation. The applicant has filed a demolition application under the Ontario Heritage Act related to this proposal. A report recommending refusal of the application to demolish the heritage property is scheduled to be considered by the Toronto Preservation Board on August 27 and by City Council on September 30, 2020.

Zoning By-laws

The site is zoned Reinvestment Area (RA) in former City of Toronto Zoning By-law 438-86. This zoning category permits a range of residential, commercial, institutional and limited industrial uses. The current zoning permits a maximum building height of 23 metres for this site plus 5 metres for a mechanical penthouse, if a 3 metre stepback at 20 metres is provided. A minimum 7.5 metre setback from both the side and rear lot lines for areas located farther than 25 metres from the street lot line is required. A minimum 3 metre stepback above the conserved heritage buildings is also required. The RA zoning category does not include maximum density provisions but rather, the building envelope is established through the noted performance standards, including height, setbacks and stepbacks.

Under City-Wide Zoning By-law 569-2013, the site is also zoned CRE (x76) (Commercial Residential Employment), which is substantially the same as Zoning By-law 438-86 with regards to use, height and built form as the former City By-law. Please see Attachment 6: Zoning for additional details.

Site Plan Control

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

Design Guidelines

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

- Tall Buildings Design Guidelines
- Mid-Rise Design Guidelines
- King-Spadina Urban Design Guidelines
- Growing Up: Planning for Children in New Vertical Communities Guidelines

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

CONSULTATION SUMMARY

A community consultation meeting for the proposal was held on November 14, 2019, and the following comments were brought up:

- The proposed setback between the development and the existing building at 477 Richmond Street West is not appropriate given there are windows in the existing building to the west that will face onto a blank wall.
- Loading and access to parking should be on the west side of the property.
- The applicant should speak to 477 Richmond Street West to try to consolidate parking and services so this space would not be required in the proposed development.
- Concerns with the hotel use fronting onto Camden Street and the potential added noise and traffic associated.
- Concerns with the proposed bar/restaurant on the roof and the associated balcony.
- The height proposed along Camden Street is not appropriate. The proposed height is not consistent with the adjacent buildings along Camden Street.
- Concerns with access to sunlight from adjacent properties on all sides.
- Concerns with the snow drift from the proposal and the potential added snow load on the roof of 42 Camden Street.

- Residents are entitled to some natural light. There are residential uses on the adjacent sites and the interests of existing residents need to be protected.
- Concerns that the proposed façade along Camden Street does not match or is not compatible with the heritage buildings on the street. Should incorporate brick into the first few floors.
- Concerns with access for fire services if there is a fire in the north side of 40-42 Camden Street, the Zen Lofts.

The comments have been considered in City Planning staff's recommendation to oppose the application at the Local Planning Appeal Tribunal. The applicant has not submitted any changes to the proposal since the application was filed on September 12, 2019. City staff have met with the applicant prior to and subsequent to the appeal to the Local Planning Appeal Tribunal on January 14, 2020, to discuss possible revisions to the proposed development.

Reasons for the Application

At overall heights of 51.2 metres and 44.25 metres, the proposal exceeds the maximum 23 metre height, including mechanical penthouse, permitted by the in-force Zoning By-law. In addition, there are deficiencies with other performance standards within the Zoning By-law, including required setbacks, parking and loading standards.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to arrive at the conclusion that the proposed development cannot be supported in its current form.

COMMENTS

Planning Act

Section 2 of the Planning Act requires municipalities to have regard for matters of provincial interest, including, as noted in Section 2(d), the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest and in 2(r), the promotion of a built form that is well-designed and encourages a sense of place.

The proposal, in its current form does not have regard to the provincial interests outlined in Section 2d) and 2 r), as the proposal does not conserve the significant cultural heritage resource on the site, and the proposed built form is not well-designed and does not encourage a sense of place due to its impacts on adjacent properties and is not compatible with the existing and planned surrounding context.

These provincial interests and others are further articulated through Provincial Policy Statements that are released from time to time and through other area-specific Provincial Plans, such as the Growth Plan (2019).

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019).

Provincial Policy Statement, 2020

On February 28, 2020, the Government of Ontario released the new PPS 2020, which replaced the PPS 2014. The policies in the PPS 2020 came into effect on May 1, 2020.

The PPS 2020 maintains the intent of the policies in the PPS 2014. The PPS 2020 maintains that long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes through policy 1.7.1 e). While the PPS 2020 still maintains the promotion of opportunities for sustainable tourism development, which may include hotel uses, this development shall not be undertaken at the expense of conserving significant built heritage resources. Consistent with the PPS 2014, the PPS 2020, under Part III, speaks to ensuring the requirements of Provincial Plans, including the policies of the Provincial Policy Statement, must be independently satisfied. The redevelopment of this site is required to conserve the significant built heritage resources at 38 Camden Street.

In addition, policy 2.6.1 in the PPS 2020 maintains that significant built heritage resources and significant cultural heritage landscapes shall be conserved. A change that has been made to the definition of significant built heritage resources, which now states these are resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act. The revised definition makes it sufficiently clear that a designated property under the Ontario Heritage Act, is a significant built heritage resource. The PPS 2014 definition had tied “significance” of a property to the application of criteria recommended by the Province. In accordance with Policy 3.1.5.2 of the City’s Official Plan, the City has always applied the criteria under Ontario Regulation 9/06 when evaluating properties for the City’s heritage register. This is a mandatory requirement for designating properties under Part IV, Section 29 of the Ontario Heritage Act. As was in the PPS 2014 and implemented through the City’s Official Plan, the PPS 2020 does not change that intent, and rather clarifies and explicitly states that designated heritage properties are significant built heritage resources, which shall be conserved. As the property at 38 Camden Street is designated under Part IV,

Section 29 of the Ontario Heritage Act, the proposal, in its current form, is not consistent with these in-effect policies in the PPS 2020.

Policy 4.6 of the PPS 2020, maintains that the Official Plan is the most important vehicle for implementation of the PPS 2020. The PPS 2020 policies that are applied to this proposal have not changed in any significant manner compared to the same policies in the PPS 2014. The City of Toronto has established a vision and policy framework for this area and has implemented the PPS 2014 through the City's Official Plan. As the policies in the PPS 2020 are consistent with its predecessor, the City's Official Plan effectively implements the policy direction in the PPS 2020 as well. The proposal is not consistent with these overall policy outcomes of the PPS 2020 as further articulated by the City's Official Plan, including the Downtown Secondary Plan and King-Spadina Secondary Plan.

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

A key goal of the Growth Plan (2019) is for 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 municipal official plan policies, site design and urban design standards.

Section 2.2.1.4 a) and c) supports complete communities that feature a diverse mix of land uses, including residential and employment uses, which provide a diverse range and mix of housing options to accommodate people at all stages of life and accommodate the needs of all household sizes and incomes. Subsection e) directs the provision of a more compact built form and a vibrant public realm that are well designed to meet people's needs for daily living throughout an entire lifetime. In addition, complete communities provide convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes.

Policy 2.2.2.3(b) requires intensification areas to be planned to achieve an appropriate type and scale of development and 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 are provincial interests that decision makers shall have regard to. The Growth Plan (2019) policies also build PPS (2020) Policy 1.7.1(e), which states that long term economic prosperity will be supported by encouraging a sense of place by promoting well-designed built form, and by conserving features that help define character, including built heritage resources.

Section 4.2.7 directs that municipalities conserve cultural heritage resources in order to foster a sense of place and benefit communities.

While, in general, the proposed development makes use of existing transit and infrastructure, the proposed level of intensification, scale and built form relationships, and absence of conservation of the cultural heritage resource does not conform to the Growth Plan (2019). The development does not mitigate its impacts on the existing context, and therefore does not conform with the Growth Plan (2019). While the proposed use may be appropriate for the site and may add service-based employment to the site, the lack of heritage conservation and a built form that is not contextually appropriate, and would not positively contribute to the existing and planned context. With modifications to the proposed development, the subject site can be intensified in a manner that conserves the built heritage resource on site, while addressing its relationship with the surrounding context and enhancing the existing public realm.

For the reasons noted above, the current proposal does not have regard to relevant matters of provincial interest in Section 2 of the Planning Act, is not consistent with the PPS (2020), and does not conform to the Growth Plan (2019). The proposal's scale, mass and height does not recognize and respect the local built form and policy context, both existing and planned.

Conformity with the Planning Framework for King-Spadina

The application has been assessed in the context of the planning framework for the King-Spadina area, which includes the Official Plan, the King-Spadina Secondary Plan (1996), the Downtown Secondary Plan, OPA 486: King-Spadina Secondary Plan (2020), King-Spadina Heritage Conservation District study, and the Mid-Rise Building Performance Standards. As outlined below, the development, as currently proposed, does not meet the objectives of the King-Spadina planning framework. The proposal fails to be compatible with the built form context of the adjacent properties, the policy framework of the King-Spadina neighbourhood, and would not provide sensitive infill development and investment that is contextually and historically sensitive.

Land Use

The proposed use of a hotel is acceptable for this site as it meets the intent of the applicable policy framework.

The King-Spadina area is a diverse, mixed-use neighbourhood in the City with a large concentration of jobs in the culture sector, rapidly-growing residential communities, historic and well-used parks, animated commercial main streets, a lively arts scene including theatres, live music venues and galleries, and a vibrant nighttime economy. Situated within walking distance of the Financial District and the waterfront, King-Spadina will continue to draw businesses, residents and visitors as it further evolves from an industrial district to a true mixed-use neighbourhood.

According to a November 3, 2017 study by the City's Economic Development and Culture Division, "Ensuring a Robust Hotel Supply to Strengthen Tourism", the number of available hotel rooms in the City has stagnated since 2000 compared to the rest of the Greater Toronto Area. Specific to Downtown Toronto, there has been a lack of hotel room growth due to high costs associated with building and operating a new hotel, and better return on investment for alternative developments. This study was adopted by Council on January 31 and February 1, 2018 by City Council and can be found here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.ED25.5>

The Downtown Plan outlines that Mixed Use Areas will help achieve a number of objectives in the Plan by accommodating a range and mix of uses, including hotels. In addition, Policy 6.10 in the Downtown Plan directs that development within the King-Spadina area will be encouraged to include uses that complement and enhance the culture sector and support opportunities to grow the culture sector economy in the area.

The proposed hotel use meets the intent of these policies in the Downtown Plan by supporting the strong and vibrant tourism industry in the City and serving the businesses and visitors to the neighbourhood and surrounding area. While the proposed use is supported through the policies and the need for hotel space in the Downtown, the proposed built form fails to conform with the applicable built form policies, and does not respect or fit within the existing and planned surrounding context.

Heritage

As the development proposes the full demolition of the existing significant built heritage resource on the heritage designated property at 38 Camden Street, the proposed development cannot be supported. The proposed development does not meet the intent of the in-effect policies that requires heritage buildings be conserved.

On December 17, 2019, City Council stated its intention to designate the property at 38 Camden Street (with the entrance address of 40 Camden Street) under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance. No objections were filed in response to this designation.

The City of Toronto's Official Plan policies emphasize that properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada. In addition, proposed development on or adjacent to a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained.

Part of the vision in the Downtown Plan is that new buildings will be shaped and scaled to fit within their setting, conserve heritage, improve liveability of the public spaces surrounding them and provide the amenities needed by residents and workers. This is further articulated in policies 3.3 and 9.1 in the Downtown Plan that directs development to fit within their existing and planned context, and demonstrate a high standard of heritage conservation. Policy 12.4 of the Plan strongly encourages the adaptive re-use of properties on the Heritage Register for the cultural sector.

In addition, Policy 2.5 in the in-effect King-Spadina Secondary Plan explicitly requires that heritage buildings will be retained, restored and re-used. Section 4 of the Plan emphasizes that heritage buildings, like the property designated at 38 Camden Street, are essential elements of the physical character in King-Spadina, and that new buildings should achieve a compatible relationship with heritage buildings in their context. This is also reflected in OPA 486, which outlines in its vision that the area's identity comes from its heritage character and that development will conserve and complement these heritage resources.

A Heritage Impact Assessment (HIA) prepared by ERA Architects and dated May 29, 2019 was submitted in support of the application. Heritage Planning staff have reviewed this report and do not support the application to amend the Zoning by-law as it presupposes the demolition of the built heritage resource on the protected heritage property at 38 Camden Street. A demolition application has been filed for the property at 38 Camden Street. Any development of this property is required to conserve this built heritage resource. The development, as currently proposed, does not conform to the Official Plan, Downtown Plan and King-Spadina Secondary Plan policies that require the conservation of built heritage resources.

Height, Massing, Setbacks and Stepbacks

The proposed building is not set back from the Richmond Street West and Camden Street property lines resulting in a sidewalk zone of 3.0 metres from the curb to the building face, which does not meet the intent of the Tall Building Design Guidelines, which requires a minimum 6 metre sidewalk zone. The proposed building does not provide any stepbacks above the base building; therefore, the proposed built form would not adequately limit its impacts on the surrounding residents' and pedestrians' access to sunlight, sky view and privacy. Without adequate stepbacks over the base building, the proposed development would negatively contribute to the public realm as it would create a canyon effect on both streets. The built form, as current proposed, would not allow for any public realm improvements to be made. The built form as proposed is unacceptable for reasons outlined below.

The consistent principle in all of the Official Plan, Downtown Secondary Plan and King-Spadina Secondary Plans built form policies is that new buildings will be sited for adequate light, view, privacy and compatibility with the surrounding built form context.

Section 3.1.2.3 of the City's Official Plan requires that new development "fit harmoniously into its existing and/or planned context". The proposed development fails to comply with these policies in the Official Plan. This is further articulated in Section 3 of the Downtown Plan, which directs that development will fit within their existing and planned context, conserve heritage attributes, expand and improve the public realm, create a comfortable microclimate, provide compatibility between differing scales of development and include indoor and outdoor amenities for both residents and workers.

Section 9 of the Downtown Plan contains the built form policies that are to be applied to address potential negative impacts associated with intensification. The policies emphasize the importance of development contributing to the livability of the surrounding context by providing access to sunlight, natural light, openness and sky-view; and maintaining adequate privacy.

It is important to note that the Downtown Plan also emphasizes that although existing and approved buildings form part of the existing and planned context, the siting, massing, height and design of a building on one site will not necessarily be a precedent for development on an adjacent or nearby site (Policy 9.11).

The King-Spadina Secondary Plan (1996) and OPA 486: King-Spadina Secondary Plan (2020) emphasizes the importance of reinforcing the characteristics and qualities of the area through attention to built form, heritage and public realm. Section 3 of the King-Spadina Secondary Plan (1996) and policies 6.10 – 6.14 of OPA 486 contain policies directing that new development will be sited and massed to provide adequate light, view and privacy for neighbouring properties, in addition to conserving heritage resources.

Richmond Street West Building:

The proposed hotel building fronting Richmond Street West would have a height, including the mechanical penthouse, of 51.2 metres fronting Richmond Street West, which is too tall for the existing and planned context. Policy 6.11 of OPA 486 directs that within the West Precinct, development will have maximum heights of 50 metres, including the mechanical penthouse, when the appropriate setbacks and stepbacks are provided. As proposed, the Richmond Street West building exceeds the height limit for this site in OPA 486.

Policy 6.3.1 in OPA 486 requires that development will provide stepbacks on all elevations facing public streets of a minimum of 3 metres above the height of the

streetwall or base building to ensure that the proposed development is integrated with the existing and planned context of the surrounding area. As currently proposed, the base building along Richmond Street West is proposed to be 7 metres in height with a setback of 2.5 metres. The proposed building would not provide the required setback over the base building and would not maintain a continuous streetwall, as adjacent properties generally have a streetwall height of 25 metres or more. The Richmond Street West building does not conform to Policy 6.3.1 in OPA 486 and Policy 9.8.2 in the Downtown Plan, which requires that base buildings will generally fit compatibly within the existing and planned context of neighbouring streetwall heights.

The building at 477 Richmond Street West to the immediate west of the subject site, commonly known as the Soho Lofts Starwood Centre, is a mixed-use, live-work building converted from a previous office building constructed in the early 1980s. This 10-storey building, which predates the current King-Spadina planning framework, is located approximately 2 metres from its east property line for the full height of the building. As the proposed development would be located directly on its east and west side property lines, the separation distance between this building and the proposed building would be approximately 2 metres, the entirety of which is located on the Starwood Centre property. There are residential units that contain only east-facing windows and these would be significantly blocked by the proposed development which would stand 7 storeys taller than the Starwood Centre. This creates unfavourable and undesirable conditions for the units containing east-facing windows in the Starwood Centre Property.

Policy 6.14 of OPA 486 specifically outlines that above the base building, minimum setbacks of 5.5 metres from the side property lines are required within the West Precinct of the King-Spadina area. These setbacks are required to achieve an 11 metre (or greater) separation distance between adjacent buildings to protect for light, skyview and privacy and to mitigate unfavourable shadow conditions for the proposed development, neighbouring properties and the surrounding public realm. The proposed development contemplates a blank wall on the site's west property line to the full height of the Richmond Street building (51.2 metres with mechanical penthouse), that would be 2 metres away from primary windows in the adjacent residential building, significantly diminishing the adjacent residents' access to natural light and sky view.

To the immediate east of the subject property is 451-457 Richmond Street West, which is the site of a recently LPAT-approved development for a 19-storey mixed-use building. This adjacent development would have west-facing windows above the 12th storey (at 33.9 metres) that are set back 5.5 metres from its west property line and that face into the subject site. As outlined in OPA 486, to achieve the 11-metre separation distance between this future development at 451-457 Richmond Street West and any potential development on the subject site, a 5.5 metre setback above a taller base building would be required.

However, the proposed development is located on the shared property line for the full height of the building and does not propose its 5.5 metre share of the separation distance. A blank wall on the shared property line for the full height of the proposed building on the subject site would negatively impact the neighbouring property at 451-457 Richmond Street West and its future residents.

As currently proposed, the development does not conform to Section 3.1.2.3 of the Official Plan, Policy 9.1.2 of the Downtown Plan, Policy 3.6 d) of the King Spadina Secondary Plan and fails to maintain the intent of Policy 6.13 of OPA 486 due to the potential negative impacts on adjacent properties, including access to sunlight and sky-view, improving the public realm, and maintaining adequate privacy. In addition, the proposed development does not conform to Policy 9.14 in the Downtown Plan, which requires development to be designed to provide for comfortable sun and wind conditions on the public realm and neighbouring properties by stepping back building mass to allow daylight and sunlight to penetrate to the street and lower building levels. In addition, policies 9.25 and 9.26 in the Downtown Plan directs that compatibility and transition between a tall building and a mid-rise building or a tall building to another tall building is to be achieved through the application of separation distances and noticeable stepping down of height. As currently proposed, the development does not meet the objectives of these policies.

Camden Street Building

At 44.25 metres, including the mechanical penthouse, the overall building height proposed for the Camden Street portion of the development respects the existing and planned context as outlined in Policy 6.11 in OPA 486.

To the immediate west of the site is a nine-storey, approximately 28 metre tall, residential building located on the shared property line, which was approved in 2004. The proposed Camden Street building does not have any east-facing windows and any revisions to the proposal should maintain this condition with no east-facing windows. On the east side of the site is a 12-storey, 35 metre tall residential building approved by the Committee of Adjustment in 2012. This neighbouring building is located 1.2 metres from its west property line and has west-facing secondary windows.

The proposed building is located mostly right on the side property lines for its full height. To protect for access to sunlight, skyview and privacy and to mitigate unfavourable shadow conditions for the building itself, adjacent properties and for the surrounding public realm, and to maintain the intent of Policy 6.14 in OPA 486, side stepbacks are required for the taller element from the base building. As the site is located in the middle of the block, stepbacks of at least 5.5 metres along the east and west sides above the base building are required. As currently proposed, the development along Camden Street does not achieve an

appropriate built form relationship to the adjacent properties and does not maintain the intent of the policies in OPA 486.

The proposed base building along Camden Street would be set back 1.6 metres from the front property line, and above this, the taller portion of the proposed building would step back an additional 0.40 metres. The 0.40 metre stepback of the 13-storey taller portion of the building above the two-storey base building would not be sufficient to visually break up the mass of the building and does not maintain the intent of Policy 6.3.1 in OPA 486, which requires a front stepback of 3 metres above base building. As noted above, the conservation of the heritage building on 38 Camden Street is required, and will necessitate a revision to the stepback requirements for the new development above the designated heritage building.

Public Realm

As currently proposed, the built form would create a canyon effect on both Richmond Street West and Camden Street as the required stepbacks are not provided over the base buildings; negatively impacting the pedestrian environment along both streets. The proposed built form also does not provide for a mid-block connection identified in OPA 486. In addition, the lack of setbacks along the property lines does not provide space for public realm enhancements on the subject property and mitigate the impacts of the proposed development on neighbouring properties.

A healthy and vibrant public realm is a key component of building complete communities for new and existing residents, workers and visitors. Policy 6.1 of the King-Spadina Secondary Plan directs that streetscape improvements that promote a healthy and vibrant pedestrian environment will be encouraged in the public rights-of-way and adjacent privately-owned lands. The Downtown Parks and Public Realm Plan, that was developed to support and implement the Downtown Plan, outlines that local places provide an opportunity to reimagine the physical design of small spaces that form our everyday experience of the public realm, including parkettes, laneways, and Privately-Owned Publicly Accessible Spaces (POPS). These small spaces have the potential to be designed to form part of the public realm to contribute to the public realm system, and are opportunities to mitigate impacts on neighbouring properties by setting buildings back, using green walls, murals, adding lighting and planting.

As identified in OPA 486, there is a planned or potential mid-block connection identified on the site to connect Richmond Street West and Camden Street, as seen on Map 16-4B. One of the objectives of the Plan is to build on the network of laneways and mid-block connections that contribute to the heritage character of King-Spadina to enhance the public realm and serve the needs of people who live, work and visit the area.

In addition, OPA 486 identifies potential public realm enhancements on the site on Richmond Street West and Camden Street as seen on Map 16-4C. These are important locations within the King-Spadina area where public realm enhancements will be prioritized, and the policies note that development will contribute to enhancing, improving and expanding the public realm.

The subject site presents an opportunity to incorporate a mid-block connection to connect Richmond Street West to Camden Street, and public realm enhancements on the site. Potential public realm enhancements would not only help achieve the objectives of the Downtown Plan, the King-Spadina Secondary Plan and OPA 486 to create a more vibrant public realm, it would also help mitigate the proposed development's impacts on neighbouring properties. The existing building at 32 Camden Street is setback 1.2 metres from this subject site. As currently proposed, the design of the development does not identify how public realm improvements can be made to the site.

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 the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

All non-residential use is subject to a 2% parkland dedication. The applicant will be required to satisfy the parkland dedication requirements through a cash-in-lieu contribution.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit.

Streetscape

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). The proposed development would add one tree along the Camden Street frontage of the site. There are two trees on City property that are adjacent to the site along Camden Street that may be impacted by the construction of the proposed development.

Urban Forestry staff have noted there is a preference to add one additional tree along the Camden Street streetscape and add three trees along the Richmond Street West streetscape. Urban Forestry staff have also noted that a composite

utility plan is required indicating the location of all existing and proposed underground and aboveground utilities to ensure that the design shall be organized to avoid conflicts with existing City trees and any new tree planting areas.

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.

Servicing and Transportation

The applicant has submitted a Site Servicing and Stormwater Management Brief, Hydrological Report, Geotechnical Investigation, and Transportation Impact Assessment, which will be reviewed in detail by appropriate staff to ensure that there is sufficient infrastructure capacity to accommodate the proposed development.

Engineering and Construction Services staff require that the applicant provide revisions and additional information regarding the plans and studies that were submitted as part of the application. These comments were outlined in a letter dated September 19, 2019 forwarded to the applicant. These comments have yet to be addressed by the applicant.

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 proposed development is required to comply with Tier 1 performance standards and the applicant will be encouraged to pursue higher levels of sustainability through Tiers 2-4.

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 Chief Planner and Executive Director, City Planning 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 Chief Planner and Executive Director, City Planning and the City Solicitor.

CONCLUSION

The proposal has been reviewed against the policies of the Planning Act, the PPS (2020), the Growth Plan (2019), the Toronto Official Plan, the Downtown Secondary Plan, King-Spadina Secondary Plan (1996) and OPA 486 – King-Spadina Secondary Plan update and City-approved Guidelines. It is the opinion of City Staff that the proposed development is not consistent with the PPS (2020), and does not conform with the Growth Plan (2019). Further, the proposal does not conform with, or maintain the intent and purpose of, the City of Toronto's Official Plan, including the Downtown Secondary Plan and the King-Spadina Secondary Plan (1996). The proposal also fails to maintain the intent and purpose of OPA 486: King-Spadina Secondary Plan (2020), as adopted by City Council, and does not address the relevant urban design guidelines.

City Planning staff is not in support of the proposal in its current form. There are outstanding issues with the built form, building height, massing, transition, and failure to conserve the designated heritage property at 38 Camden Street on the site, and its relationship to the existing buildings that are adjacent to the site. Additionally, some circulated agencies require revisions to supporting reports and plans to finalize their review of the proposal, which may raise further concerns and comments from other divisions not contemplated in this report.

Staff recommend that City Council direct the City Solicitor, and appropriate City staff, to attend the LPAT and oppose the application in its current form. This report also recommends City Council direct City staff to continue discussions with the applicant to attempt to resolve the outstanding issues detailed in this report.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Downtown Plan Land Use Map
Attachment 5: OPA 486 Land Use Map
Attachment 6: Existing Zoning By-law Map
Attachment 7: Site Plan
Attachment 8: Ground Floor Plan
Attachment 9: North Elevation
Attachment 10: South Elevation
Attachment 11: East Elevation
Attachment 12: 3D Model of Proposal in Context - North-Facing View
Attachment 13: 3D Model of Proposal in Context - South-Facing View

Attachment 1: Application Data Sheet

Municipal Address: 471 RICHMOND ST W **Date Received:** July 4, 2019

Application Number: 19 182800 STE 10 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment application to facilitate the redevelopment of the site with 2 hotel towers (17 storeys fronting Richmond Street West and 15 storeys fronting Camden Street). The 2 components will be connected by a common 2-storey podium, with 3 levels of underground parking below. The listed heritage building at 38 Camden Street is not proposed to be conserved.

Applicant	Agent	Architect	Owner
DEVINE PARK LLP	DEVINE PARK LLP	SWEENEY & CO	MANGA HOTELS (RICHMOND) INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	N
Zoning:	CRE (x76)	Heritage Designation:	Y
Height Limit (m):	23M	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1,334 Frontage (m): 32 Depth (m): 27

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	738		1,259	1,259
Residential GFA (sq m):				
Non-Residential GFA (sq m):	1,476		14,177	14,177
Total GFA (sq m):	1,476		14,177	14,177
Height - Storeys:	2		15 & 17	15 & 17
Height - Metres:			44 & 51	44 & 51

Lot Coverage Ratio (%): 94.38

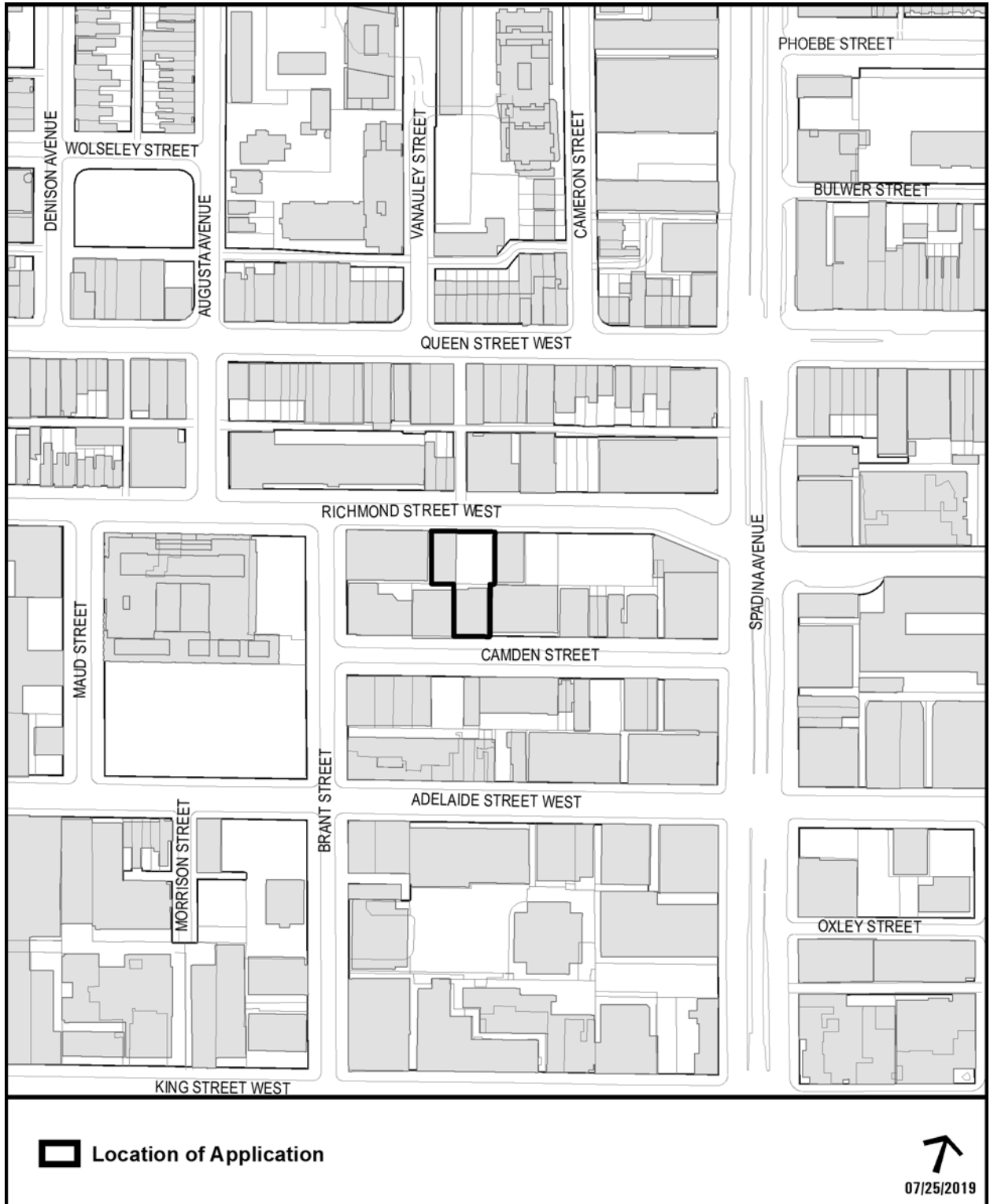
Floor Space Index: 10.63

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:		
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	14,177	

Parking and Loading

Parking Spaces: 35 Bicycle Parking Spaces: 21 Loading Docks: 2

Attachment 2: Location Map



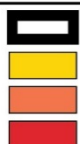
Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

**465-471 Richmond Street West
& 38 Camden Street**

File # 19 182800 STE 10 02



Location of Application

Neighbourhoods

Apartment Neighbourhoods

Mixed Use Areas

Parks & Open Space Areas

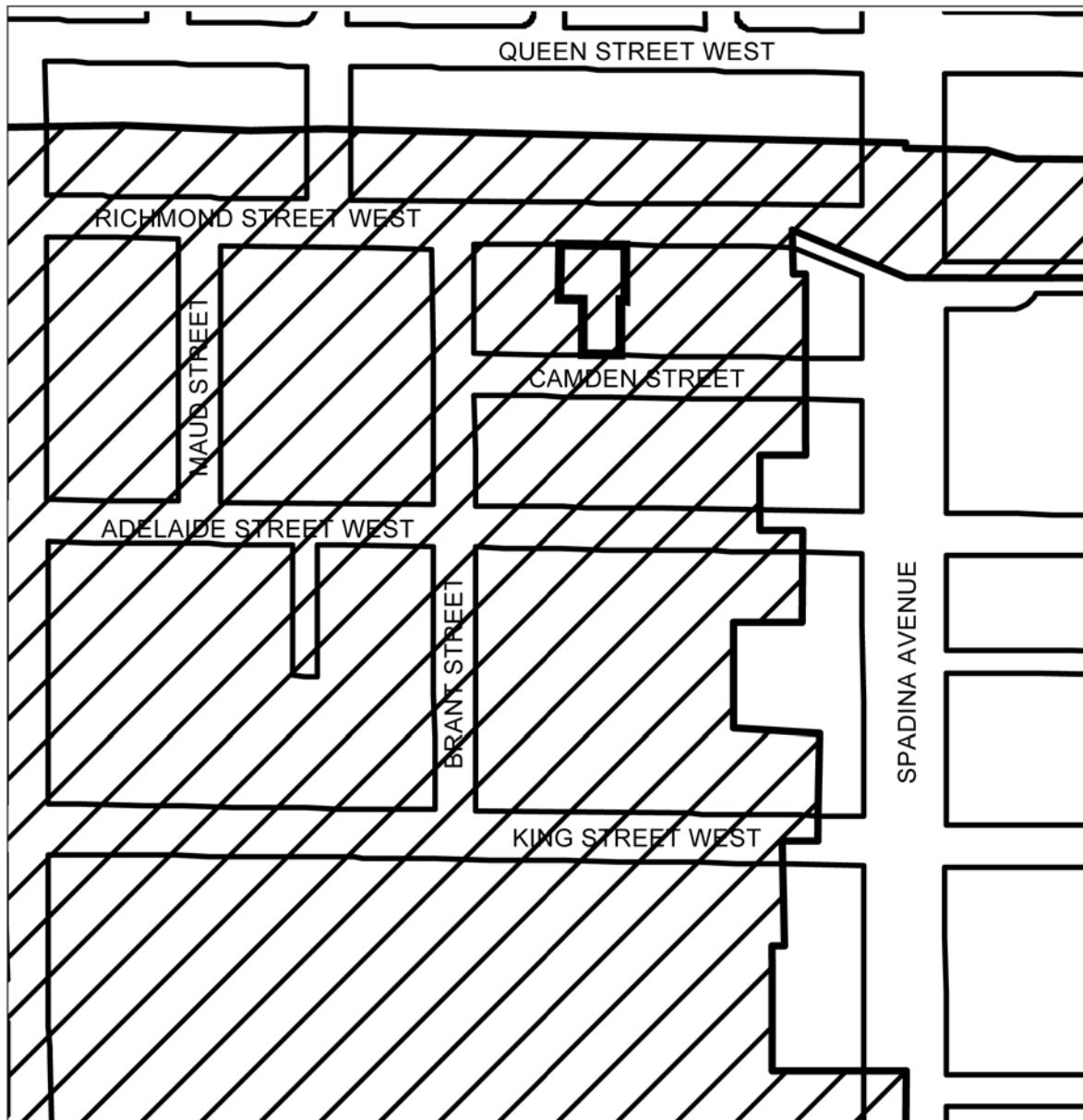
Parks

Regeneration Areas



Not to Scale
07/25/2019

Attachment 4: Downtown Plan Land Use Map



Downtown Plan Map #41-3-B

Mixed Use Areas 2 - Intermediate

465-471 Richmond Street West
& 38 Camden Street

File # 19 182800 STE 10 OZ



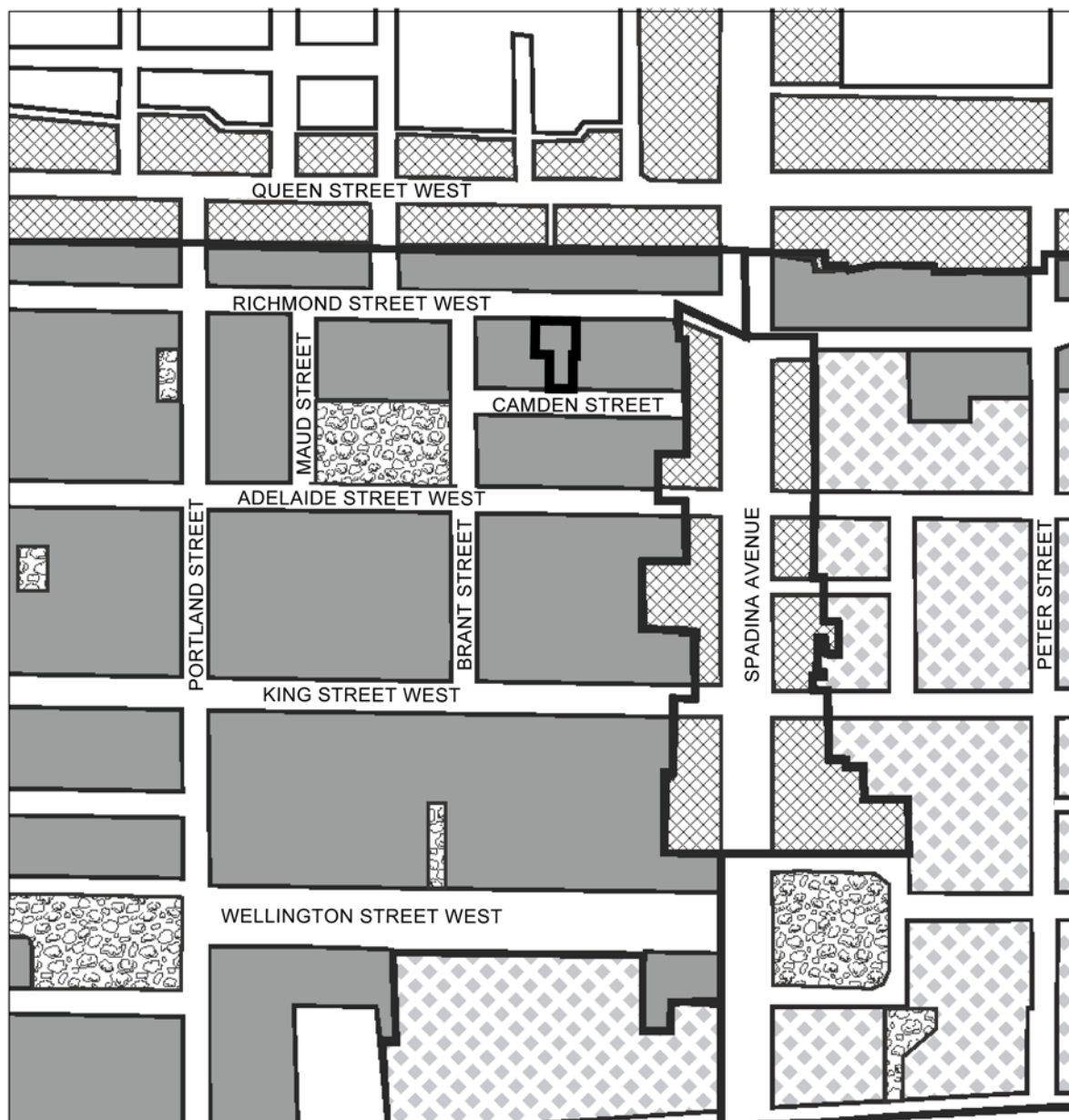
Location of Application

Mixed Use Areas 2 - Intermediate



Not to Scale
03/11/2020

Attachment 5: OPA 486 Land Use Map



King-Spadina Secondary Plan Map #16-2 Land Use Map

465-471 Richmond Street West
& 38 Camden Street
File # 19 182800 STE 10 0Z



Location of Application
Secondary Plan Boundary
Mixed Use Area 1



Mixed Use Area 2
Mixed Use Area 3

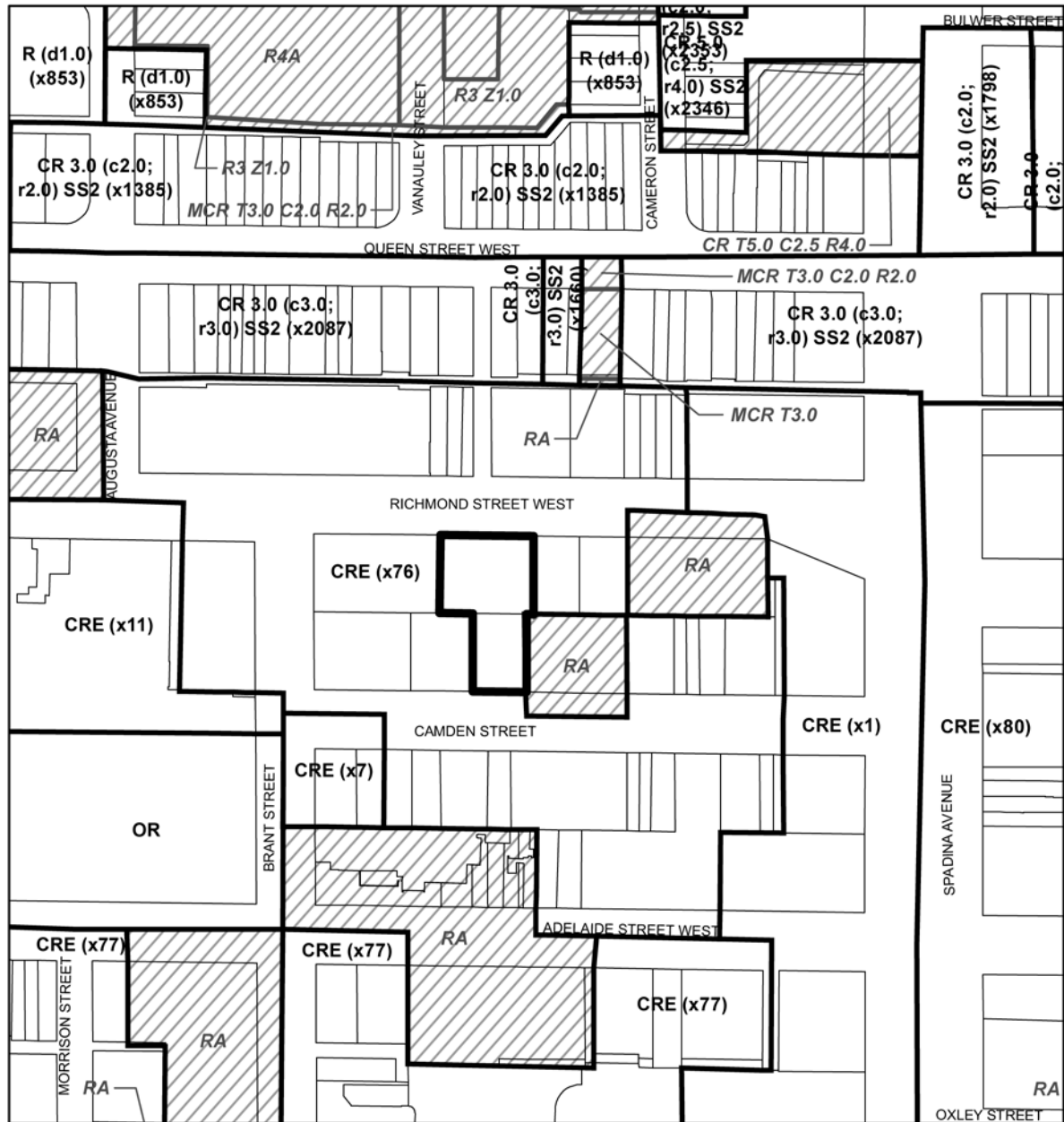


Neighbourhoods
Parks



Not to Scale
03/03/2020

Attachment 6: Existing Zoning By-law Map



Zoning By-law 569-2013

465-471 Richmond Street West & 38 Camden Street

File # 19 182800 STE 10 0Z



R Residential
CR Commercial Residential
CRE Commercial Residential Employment
OR Open Space Recreation



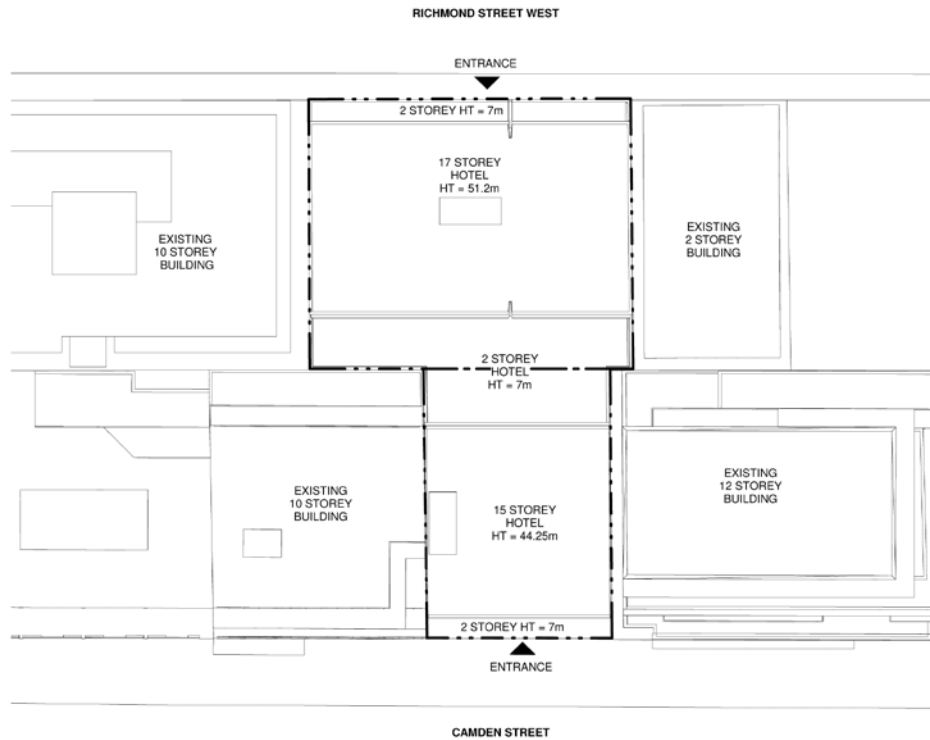
See Former City of Toronto By-law No. 438-86

R3 Residential District
R4A Residential District
CR Mixed-Use District
MCR Mixed-Use District
RA Mixed-Use District



Not to Scale
Extracted: 07/25/2019

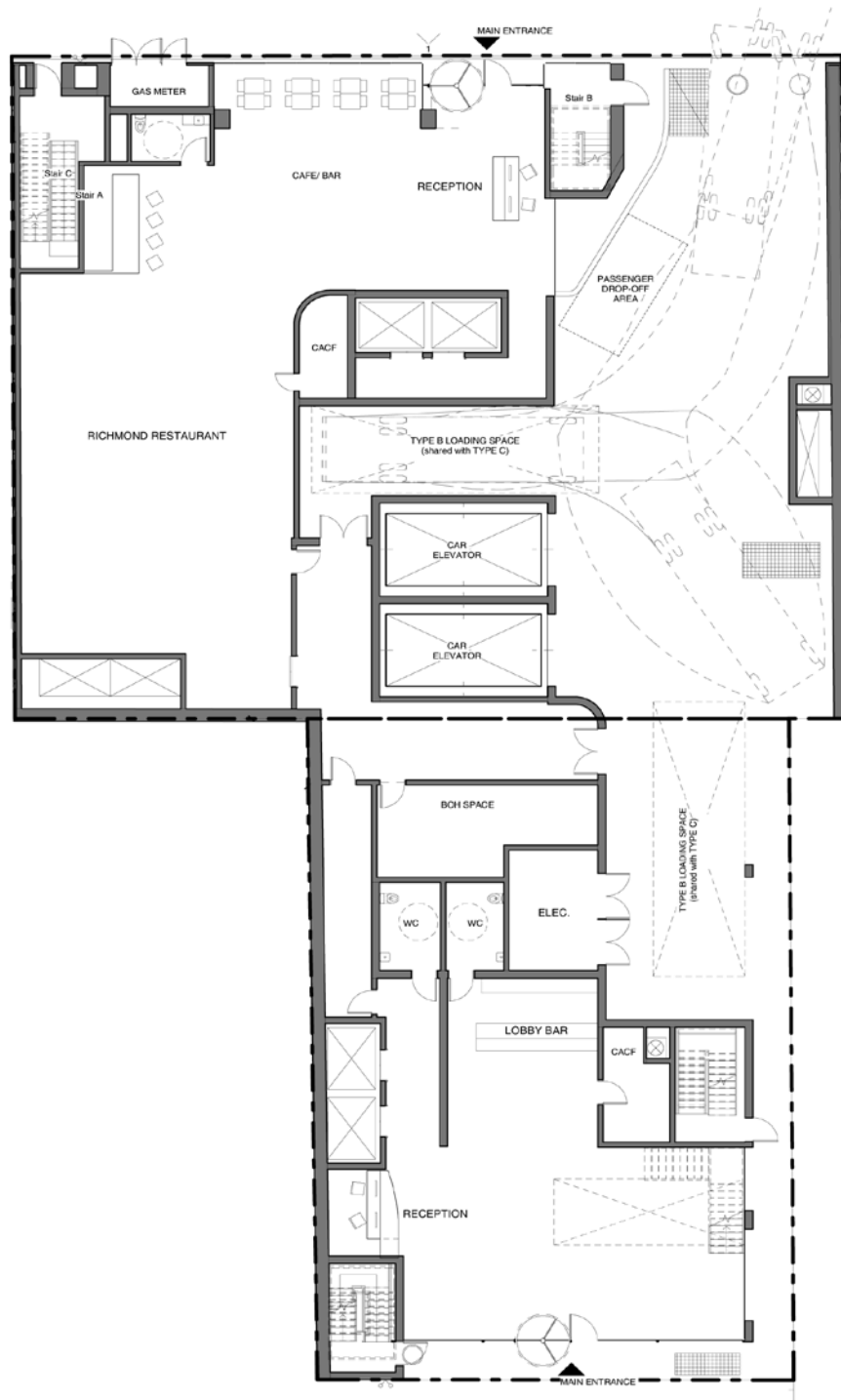
Attachment 7: Site Plan



Site Plan



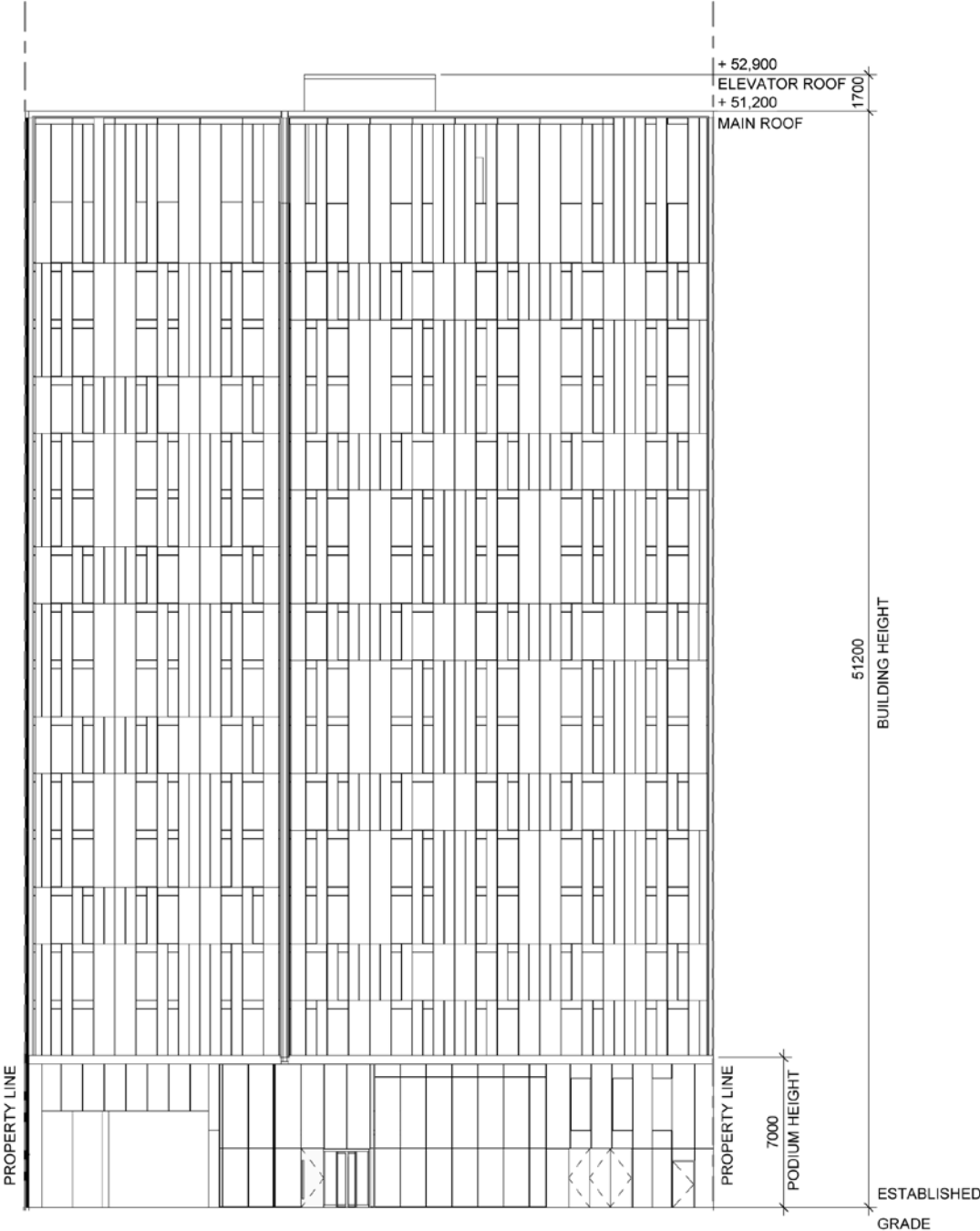
Attachment 8: Ground Floor Plan



Ground Floor Plan

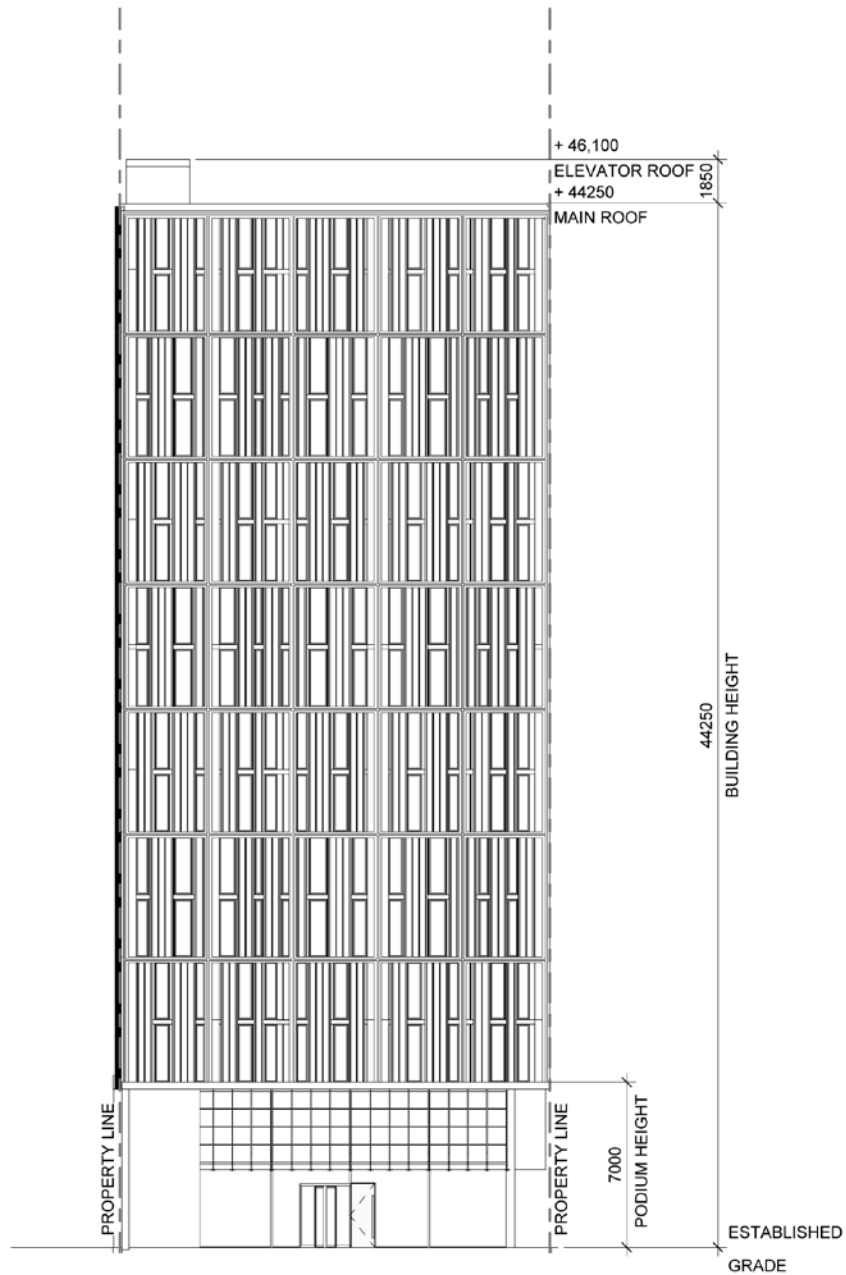


Attachment 9: North Elevation



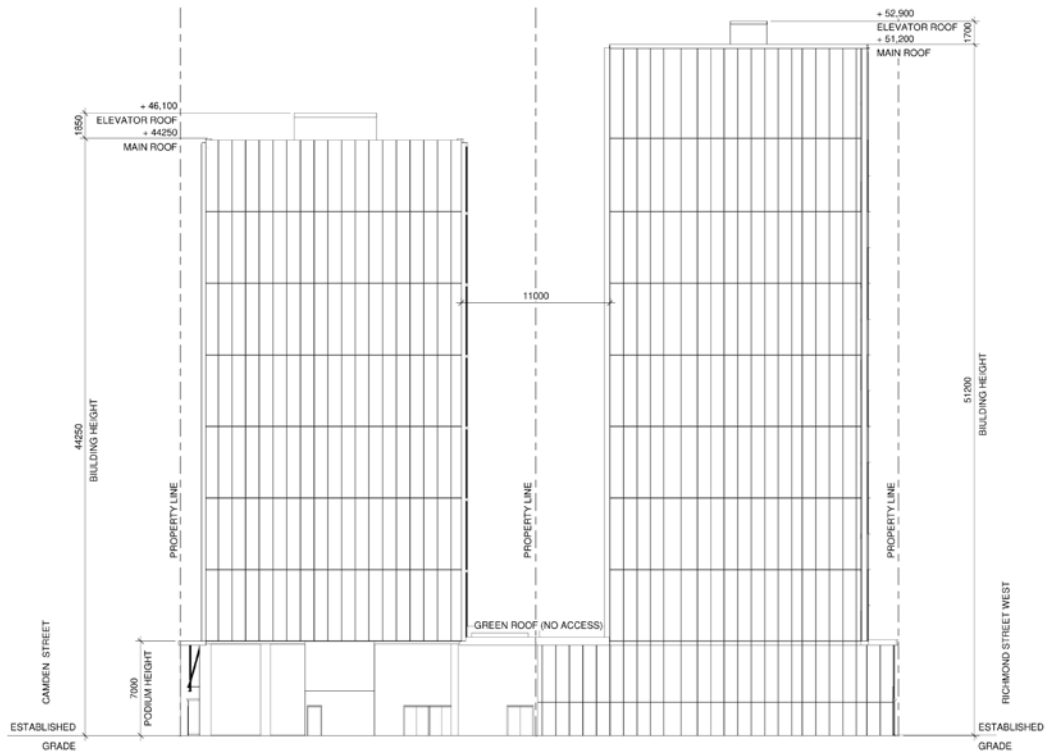
North Elevation

Attachment 10: South Elevation



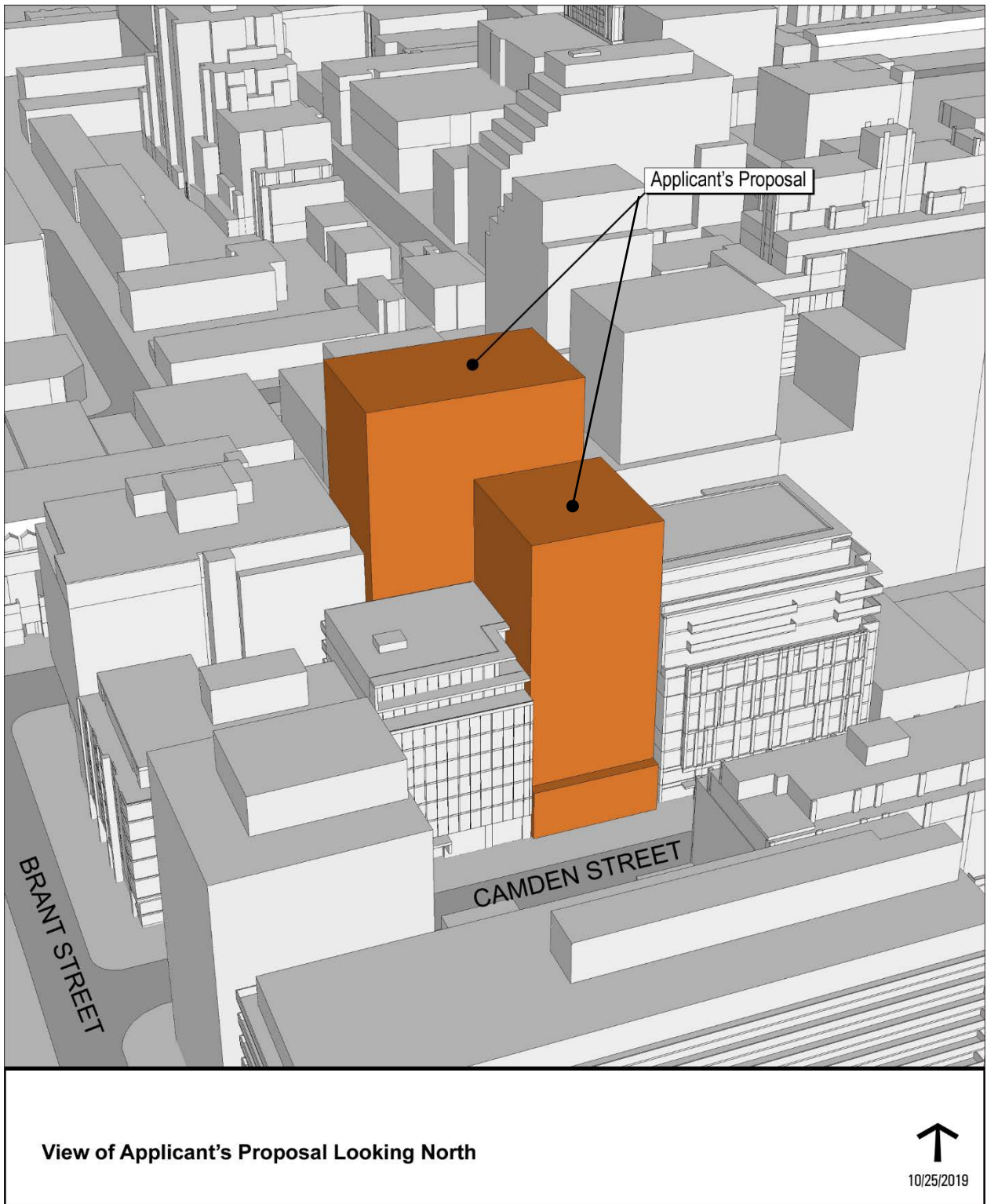
South Elevation

Attachment 11: East Elevation



East Elevation

Attachment 12: 3D Model of Proposal in Context - North-Facing View



Attachment 13: 3D Model of Proposal in Context - South-Facing View

