

429-455 Richmond Street East and 69-75 Ontario Street - Zoning Amendment Application – Request for Direction Report

Date: November 2, 2021

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

SUMMARY

The Zoning By-law Amendment application was submitted on December 31, 2019, and was deemed complete on January 28, 2020. The current application proposes to permit a 38-storey (128.5 metres including the mechanical penthouse), 21,653 square metre mixed-use building containing 354 dwelling units, 394 square metres of retail space, 357 bike spaces and 76 vehicle parking spaces at 429-455 Richmond Street East and 69-75 Ontario Street.

On April 1, 2021, the applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the 120-day time frame under the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the Zoning By-law Amendment appeal for the lands at 429-455 Richmond Street East and 69-75 Ontario Street and to continue discussions with the owner in an attempt to resolve outstanding issues.
2. Council authorize the City Solicitor to request that the issuance of any final Order(s) be withheld until such time as the City Solicitor advises that:

- a) the final form and content of the Zoning By-law Amendments are to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- b) the owner has addressed all outstanding issues raised by Parks, Forestry and Recreation as they relate to a parkland dedication, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;
- c) the owner has submitted a Transportation Demand Management plan, to the satisfaction of the General Manager of Transportation Services;
- d) the owner has submitted a revised pedestrian level wind study to the satisfaction of the Chief Planner and Executive Director, City Planning, with any required wind mitigation measures implemented through the Site Plan Approval process to the satisfaction of the Chief Planner and Executive Director, City Planning;
- e) the owner has submitted revised Functional Servicing and Stormwater Management, Hydrogeological and Geotechnical Reports, and any other related engineering reports and drawings, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and has agreed that the design and implementation of municipal infrastructure will be at the owner's sole cost and expense for any upgrades or improvements to City infrastructure identified in the approved Functional Servicing and Stormwater Management, Hydrogeological and/or Geotechnical Reports, with such improvements being secured to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- f) the owner has entered into and registered on title to the lands, an agreement with the City pursuant to Section 37 of the Planning Act, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing community benefits and other matters in support of the development.

3. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division 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

A pre-application meeting was held on September 30, 2019. The application was submitted on December 31, 2019 and deemed complete on January 28, 2020. A Preliminary Report on the application was adopted by Toronto and East York Community Council on March 12, 2020 authorizing staff to conduct a community

consultation meeting with an expanded notification area. The decision of the Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE14.32>

SITE AND SURROUNDING AREA

Site Description and Dimensions: Located at the southeast corner of Richmond Street East and Ontario Street, the site has an area of approximately 1,107 square metres, and has frontages of approximately 47.1 metres on Richmond Street East and 23.4 metres on Ontario Street.

Existing Use on Site: Two commercial buildings of one and two storeys, three houseform buildings of three storeys containing commercial and residential uses, including one rental dwelling unit, and surface parking areas.

Surrounding Uses:

North: On the north side of Richmond Street East are one- and two-storey commercial buildings and a semi-detached dwelling. To the northwest of the site is the Hamilton Brewing Association Building at 78-82 Ontario Street, which is under Intention to Designate under Part IV of the Ontario Heritage Act, and is included as part of an approved development of the larger block including 24-, 25- and 33-storey buildings and a park (File No. 16 118638 STE 29 OZ).

South: A three-storey houseform building containing commercial uses and a recently constructed 25-storey mixed use building with retail on the ground floor and dwelling units above.

East: A four-storey residential building, a place of worship that is listed on the City's Heritage Register and a three-storey semi-detached dwelling.

West: On the west side of Ontario Street is the three-storey Gendron Manufacturing Company Building at 411 Richmond Street East, which contains office uses and is designated under Part IV of the Ontario Heritage Act.

THE APPLICATION

Description

Height: 38 storeys (128.5 metres, including a 6.9 metre mechanical penthouse).

Density: Floor Space Index of 19.6 times the area of the lot.

Uses: Mixed-use building containing retail uses on the ground floor and dwelling units above.

Unit count: 354 dwelling units, of which 83 (23.4%) are studio units, 174 (49.2%) are one-bedroom units, 60 (16.9%) are two-bedroom units, and 37 (10.5%) are three-bedroom units, and 50 (14.1%) of the total units that can be converted to create additional two- or three-bedroom units.

Detailed project information, including all plans and reports submitted as part of the application, can be found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments: 1-5 of this report for a location map, application data, three dimensional representations of the project in context, and a site plan of the proposal.

Reasons for Application

Amendments to Zoning By-laws 438-86 and 569-2013 are proposed to vary performance standards including building height, building setbacks, amenity space and vehicle parking requirements. Additional amendments to the Zoning By-law may be identified as part of the ongoing application review.

Site Plan Control

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

POLICY CONSIDERATIONS

Official Plan Designation: Regeneration Areas. The site is also designated Mixed Use Areas 2 – Intermediate in the Downtown Plan, and is within Regeneration Area 'A' (Jarvis-Parliament) of the King-Parliament Secondary Plan.

Zoning: The site is zoned Reinvestment Area (RA) in former City of Toronto Zoning By-law 438-86, as amended, which permits a wide range of residential, commercial, industrial, recreational and institutional uses, and a maximum building height of 26 metres. 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.

Additional information: Applicable policy documents can be found in Attachment 6: Policy Considerations.

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on December 14, 2020 for the originally proposed application for a 34-storey building containing 251 dwelling units and 384 square metres of retail on the ground floor. Approximately 35

people participated, as well as the Ward Councillor. Following presentations by City staff and the applicant, attendees raised a range of issues with the proposal including:

- Overall height of the proposal is too tall in relation to the character of the area and has negative shadow impacts
- Adequacy of the separation distances between buildings and privacy for occupants
- Need for more open space and parkland
- Address uncomfortable pedestrian conditions on Richmond Street East, and provide greater setbacks and canopies for pedestrians on Ontario Street
- Viability of small retail spaces in this location
- Need for visitor parking spaces

COMMENTS

The proposal has been reviewed against the Planning Act, PPS, Growth Plan and Official Plan policies, planning studies and design guidelines.

Planning Act

The review of this application has had regard for the relevant matters of provincial interest set out under Section 2 of the Planning Act.

Provincial Policy Statement (2020)

Planning staff have reviewed the current proposal against the policies of the PPS (as described in Attachment 6: Policy Considerations) and find that while the proposed intensification and land uses are generally consistent with the PPS, the proposal is not consistent with PPS policies concerning appropriate development standards. These inconsistencies include the proposed built form, potential servicing capacity and the appropriate range and mix of residential unit types, including affordable housing.

Growth Plan (2020)

Planning staff have reviewed the current proposal against the policies of the Growth Plan (as described in Attachment 6: Policy Considerations) and find the proposal does not conform to policies relating to complete communities, built form and the implementation of appropriate development standards through the Official Plan and other supporting documents.

Land Use

The proposed residential and retail uses align with the Regeneration Areas designation, the Mixed Use Areas 2 – Intermediate designation in the Downtown Plan and the Regeneration Area 'A' policies of the King-Parliament Secondary Plan.

Built Form

Planning staff have reviewed the proposed built form against the policies of the Official Plan, the Downtown Plan, and the King-Parliament Secondary Plan, and relevant design guidelines, as well as the Council-adopted updated King-Parliament Secondary Plan, OPAs 352, 479 and 480, and the emerging direction to enhance view corridor protection policies for St. James Cathedral identified below and in Attachment 6: Policy Considerations. Planning Staff have concerns with the proposed built form in relation to the context, and size and configuration of the site.

Massing

The proposed building massing, including setbacks, stepbacks and separation distances, is not acceptable and does not achieve the policies of the Official Plan, Downtown Plan, King-Parliament Secondary Plan or the Tall Building Design Guidelines.

The proposed setback of approximately one metre from the north property line along the Richmond Street East frontage to the ground floor and mezzanine levels of the building would result in a sidewalk zone of approximately 3.7 metres along Richmond Street East measured from the curb to the building face. This would not provide sufficient space for the pedestrian clearway, and tree planting and street furniture zones along the street.

The base building is proposed to cantilever above the ground level space of the Richmond Street East frontage by approximately one metre and above the Ontario Street frontage by approximately 1.4 metres starting at a height of approximately seven metres, which is not consistent with the character of the area. On the south side of the property, the proposed base building massing and unit orientation, with a minimal setback of approximately 3.7 metres and windows overlooking the adjacent property, does not provide a suitable interface with the property to the south.

The proposed base building height of seven storeys and approximately 25.1 metres along both street frontages is taller than the existing and planned streetwall context of the area and should be reduced to be more compatible with the context.

The proposed setbacks to the tower from adjacent properties are not sufficient and do not achieve the setbacks required by the Tall Building Guidelines or applicable policies and performance standards, particularly along the east side of the property where a setback of approximately 5.5 metres is proposed.

Height

The proposed height, in conjunction with the range of other issues with the proposal outlined in this report, exceeds what would be considered appropriate based on the existing and planned context.

Heritage

The site is located adjacent to the Gendron Manufacturing Company Building at 411 Richmond Street East, which is designated under Part IV of the Ontario Heritage Act, and the Hamilton Brewing Association Building at 78-82 Ontario Street, which is under Intention to Designate. The proposal should be designed to mitigate any impacts on the cultural heritage value of the adjacent heritage resources, and to ensure that the proposed development conserves and enhances the cultural heritage value of the adjacent properties.

Wind

The submitted pedestrian level wind assessment concludes that all entrances and adjacent sidewalk zones are anticipated to be comfortable for the intended uses during all seasons of the year. The outdoor amenity spaces on the second and eighth floors are also anticipated to be comfortable for the intended uses during all seasons of the year with the exception of the west side of the eighth floor amenity area, which may require vertical wind screening along its north and west sides. The wind conditions on the outdoor amenity terrace are unacceptable and must be appropriately mitigated.

Streetscape

The proposed streetscape along Richmond Street East is unacceptable as it does not provide sufficient space to accommodate an appropriate pedestrian clearway along with the planting of street trees and a street furniture zone. Additionally, the cantilevered second floor that extends above both Richmond Street East and Ontario Street should be reduced to limit its impact on the quality of the public realm and better accommodate street trees, particularly along Richmond Street East.

The proposed consolidated access driveway that would be shared with the 53-65 Ontario Street site to the south of the subject property is a positive element of the application as it would limit vehicular impacts on the public realm and pedestrian movement along Ontario Street. The shared driveway access is required to be secured over the long-term between the adjacent buildings through a mutual/shared access agreement for the subject site and 53-65 Ontario Street.

Transportation Services staff require the provision for a curb bump-out (extension) along the Ontario Street frontage to reduce the pavement width and to reduce the curb radius at the southeast corner of Ontario Street and Richmond Street East. This redesign will improve pedestrian safety by reducing pedestrian crossing distances, improving vehicle operator visibility, improving pedestrian visibility, increasing sidewalk areas and reducing vehicle turning speeds. Staff will work with the applicant through the review of any future Site Plan Control application to refine the landscaping and construction details, should the proposal be approved by the OLT in some form.

Traffic Impact, Parking and Loading

The Transportation Impact Study report in support of the application concludes that the site impacts on the area's transportation network are anticipated to be minimal under future conditions. Transportation Services staff accept the conclusions of the submitted

report, but note that the submitted Transportation Demand Management plan will need to be reviewed and accepted.

Transportation Services staff have reviewed the proposed parking supply of 357 bike parking spaces and 76 vehicle spaces, and have determined that it is acceptable, subject to implementation of Transportation Demand Management measures.

A Type 'G' Loading Space is proposed at the rear of the site, accessed from the shared driveway. Solid Waste Management Services and Transportation Services staff have determined that this is acceptable.

Housing

Based on the Council-adopted Official Plan Amendment 453, the applicant should provide an acceptable tenant assistance plan for the one existing rental unit on the site that would be lost through the proposal.

The proposed mix of units and provision of convertible units generally supports the unit mix objectives of the Growing Up Guidelines, Downtown Plan, Official Plan housing policies, and the Growth Plan's growth management and housing policies. However, only 14 of the 354 total units (4.0%) are proposed two-bedroom units larger than 87 square metres and five of the 354 total units (1.4%) are proposed three-bedroom units larger than 100 square metres. This does not adequately support the unit size objectives of the Growing Up Guidelines to accommodate within new development a broad range of households, including families with children, and should be revised to include additional larger two- and three-bedroom units.

Amenity Space

The amenity space provided on-site should be increased. Amenity space is proposed to be provided at a rate of 1.96 square metres of indoor amenity space per dwelling unit and 1.43 square metres of outdoor amenity space per dwelling unit, resulting in a combined rate of 3.39 square metres of amenity space for each dwelling unit. Zoning By-law 438-86 requires a minimum of 2.0 square metres per unit each of indoor and outdoor amenity space, and Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit.

Tree Preservation

The Arborist Report and Tree Preservation Plan submitted in support of the application indicate that one tree in the municipal right-of-way and four trees on the site that qualify for protection are proposed to be removed. Currently, three large growing shade trees are proposed to be planted in the municipal right-of-way only along Ontario Street where sufficient space is proposed to accommodate the planting of trees. Additional trees should be planted in a continuous row along both street frontages, with sufficient space and planting conditions to permit long-term growth of the trees.

Parkland

The City of Toronto Parkland Strategy is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. According to the Strategy's methodology, the site is currently in an area with 4 to 12 square metres of parkland per person, which is below the city-wide average provision of 28 square metres of parkland per person (2016). The site is also within Areas of Parkland Need per Figure 18 of the Parkland Strategy, which highlights areas where the City will focus and prioritize park acquisition.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 4,720 square metres or 426% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 109 square metres.

Staff have requested that the parkland dedication requirement be provided off-site at 102 Berkeley Street, which is under the same ownership and in close proximity to the subject site, in fulfillment of the requirements under Section 42 of the Planning Act. This off-site dedication would enlarge a park that is proposed along Berkeley Street through a Zoning By-law Amendment application at 49 Ontario Street and 84-96 Berkeley Street (File No. 19 244188 STE 13 OZ). The off-site parkland dedication should be positioned at the southern edge of 102 Berkeley Street in order to abut the on-site parkland dedication that is proposed on the adjacent site to the south. This would create an overall larger park for the new residents of this block and contribute to the park needs of the existing community.

Parks, Forestry and Recreation staff would accept these lands as parkland dedication provided that the lands can be conveyed environmentally clean, free and clear of all encumbrances, and meet other applicable conditions that will be determined through further review of the application. Any parkland dedication would be required to be conveyed prior to issuance of the first above-grade building permit for the site, should the proposal be approved by the OLT in some form.

Toronto Green Standard

The applicant is required to meet Tier 1 of the Toronto Green Standard, and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2050 or sooner. Should the proposal be approved in some form by the OLT, applicable performance measures for the Tier 1 development features would be secured in the site-specific Zoning By-laws at a minimum and others through a future Site Plan Control application.

Servicing

A Functional Servicing and Stormwater Management Report and associated reports and plans have been submitted for the site and are currently under review by Engineering and Construction Services. The recommendations of this report recommend that, should the OLT approve the application, the City Solicitor request that

the OLT withhold its final Order pending the confirmation that the existing municipal infrastructure is adequate to service the proposed development and to determine the nature of any upgrades that may be required to the existing infrastructure to support the proposed development, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. The owner will be responsible to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, should it be determined that improvements to such infrastructure are required to support the development.

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.

Section 37 benefits have not been discussed with the applicant because staff are of the opinion that the proposal, as currently constituted, is not good planning. Should the proposal be approved in some form by the OLT, it is recommended that City Council authorize City staff to negotiate an appropriate agreement for Section 37 benefits with the applicant, in consultation with the Ward Councillor.

Conclusion

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, the Downtown Plan, the King-Parliament Secondary Plan, and relevant design guidelines intended to implement Official Plan policies, as well as the Council-adopted updated King-Parliament Secondary Plan, OPAs 352, 453, 479 and 480, and the emerging direction to enhance applicable view corridor protection policies.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions of materials submitted in support of the proposal and through deputation made by members of the public to Community Council. In addition, Planning staff may be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, in addition to the issues specifically addressed above, Planning staff

may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Planning staff may report back to City Council as necessary.

CONTACT

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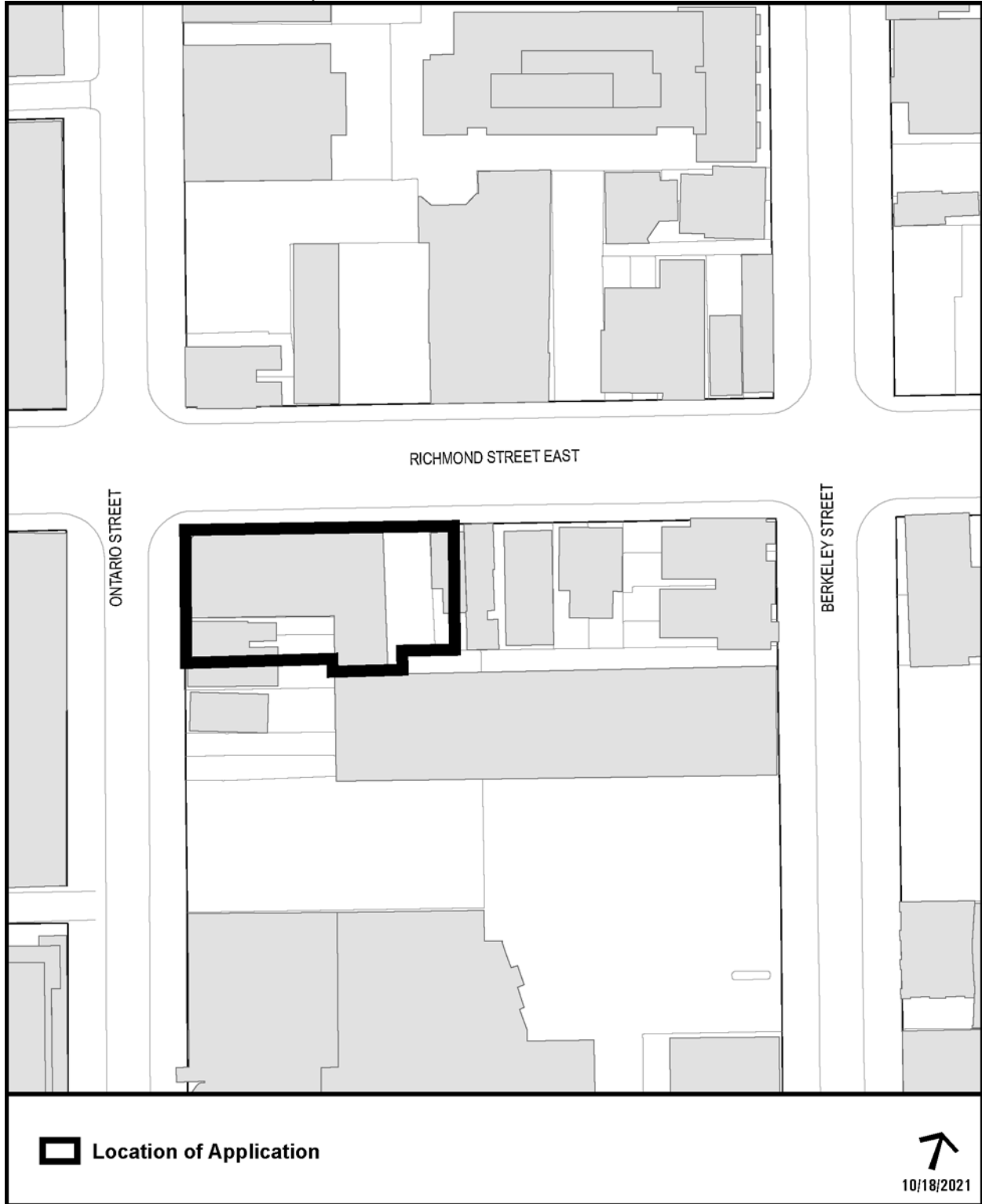
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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA, Director
Community Planning, Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Southwest
Attachment 4: 3D Model of Proposal in Context Looking Northeast
Attachment 5: Site Plan
Attachment 6: Policy Considerations
Attachment 7: Official Plan Land Use Map
Attachment 8: Downtown Plan Land Use Map
Attachment 9: King-Parliament Secondary Plan Map
Attachment 10: Existing Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 429-455 Richmond Street East and 69-75 Ontario Street Date Received: December 31, 2019

Application Number: 19 265929 STE 13 OZ

Application Type: Rezoning

Project Description: Zoning By-law amendment to permit a 38-storey (128.5 metres including the mechanical penthouse), 21,653 square metre mixed-use building containing 354 dwelling units, 394 square metres of retail space, 357 bike spaces and 76 vehicle parking spaces.

Applicant	Agent	Architect	Owner
Kim M Kovar, Aird and Berlis LLP		architectsAlliance	Bel-Ontario Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	N
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): 47.1 Depth (m): 23.4

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			947	947
Residential GFA (sq m):	255		21,258	21,258
Non-Residential GFA (sq m):	776		394	394
Total GFA (sq m):	1,032		21,652	21,652
Height - Storeys:	3		38	38
Height - Metres:			128	128

Lot Coverage Ratio (%): 85.55 Floor Space Index: 19.56

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 21,258
 Retail GFA: 394

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	1			
Condominium:			354	354
Total Units:	1		354	354

	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:				
Proposed:	83	174	60	37
Total Units:	83	174	60	37

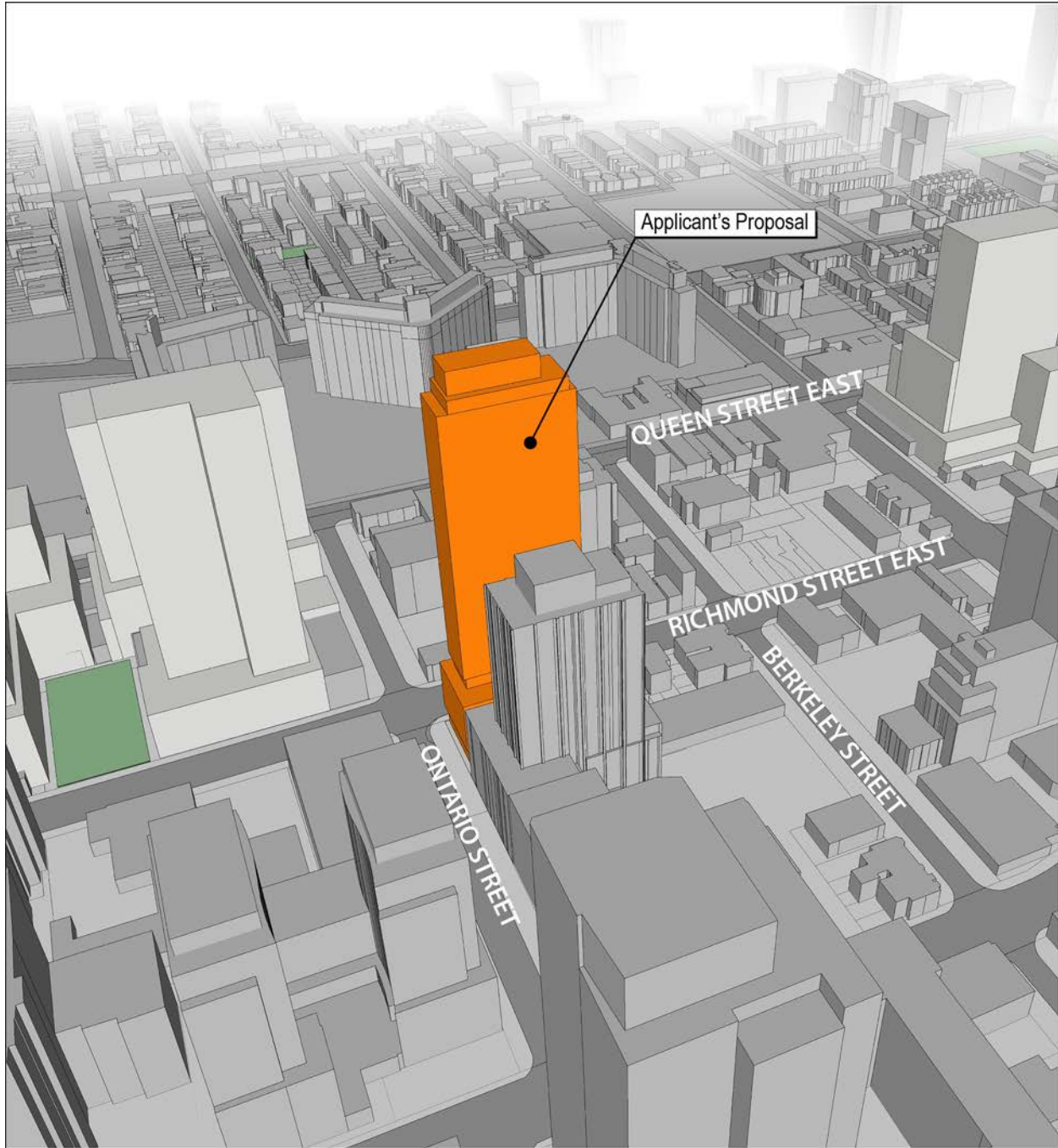
Parking and Loading

Parking Spaces: 76 Bicycle Parking Spaces: 357 Loading Docks: 1

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

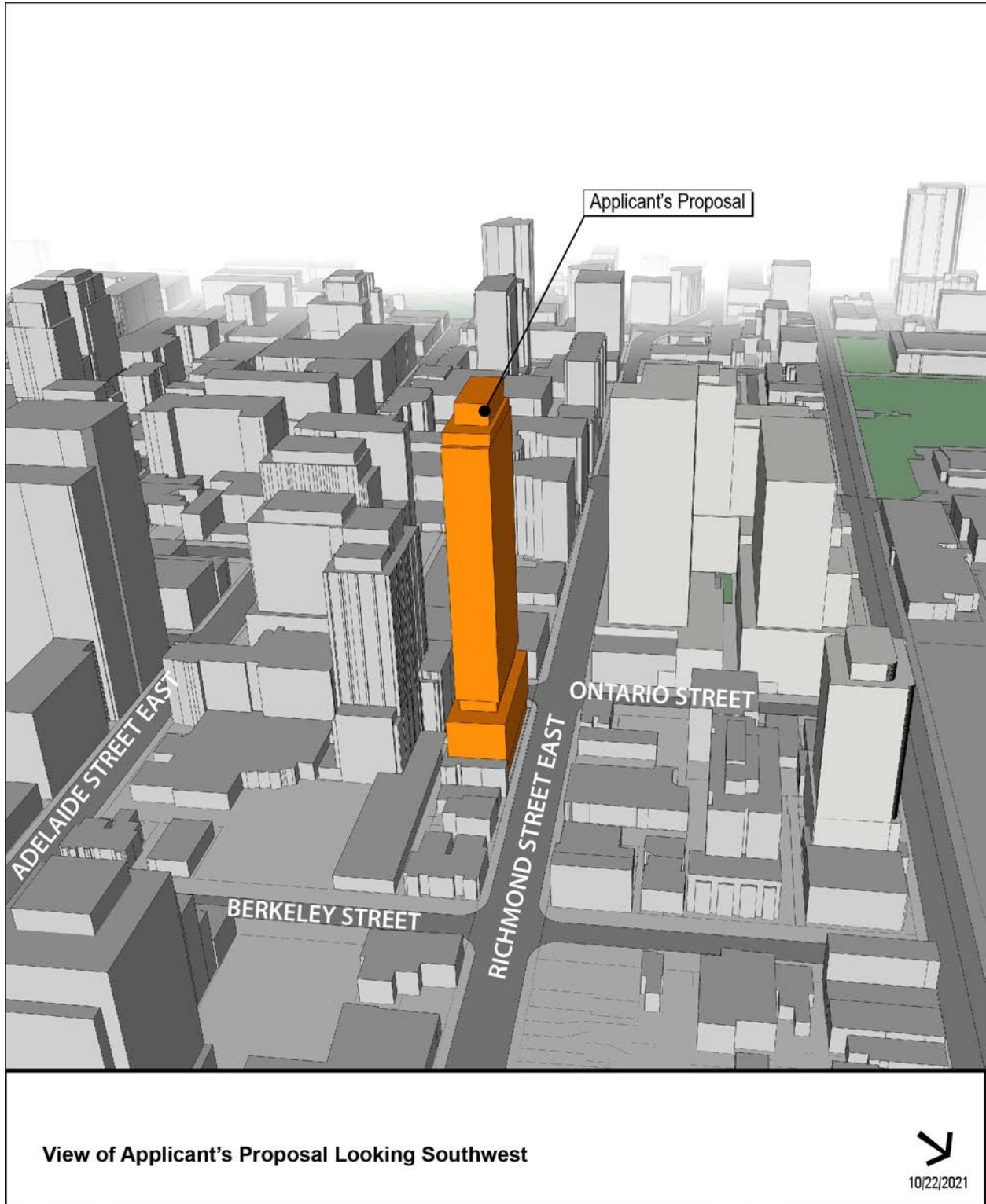


View of Applicant's Proposal Looking Northeast



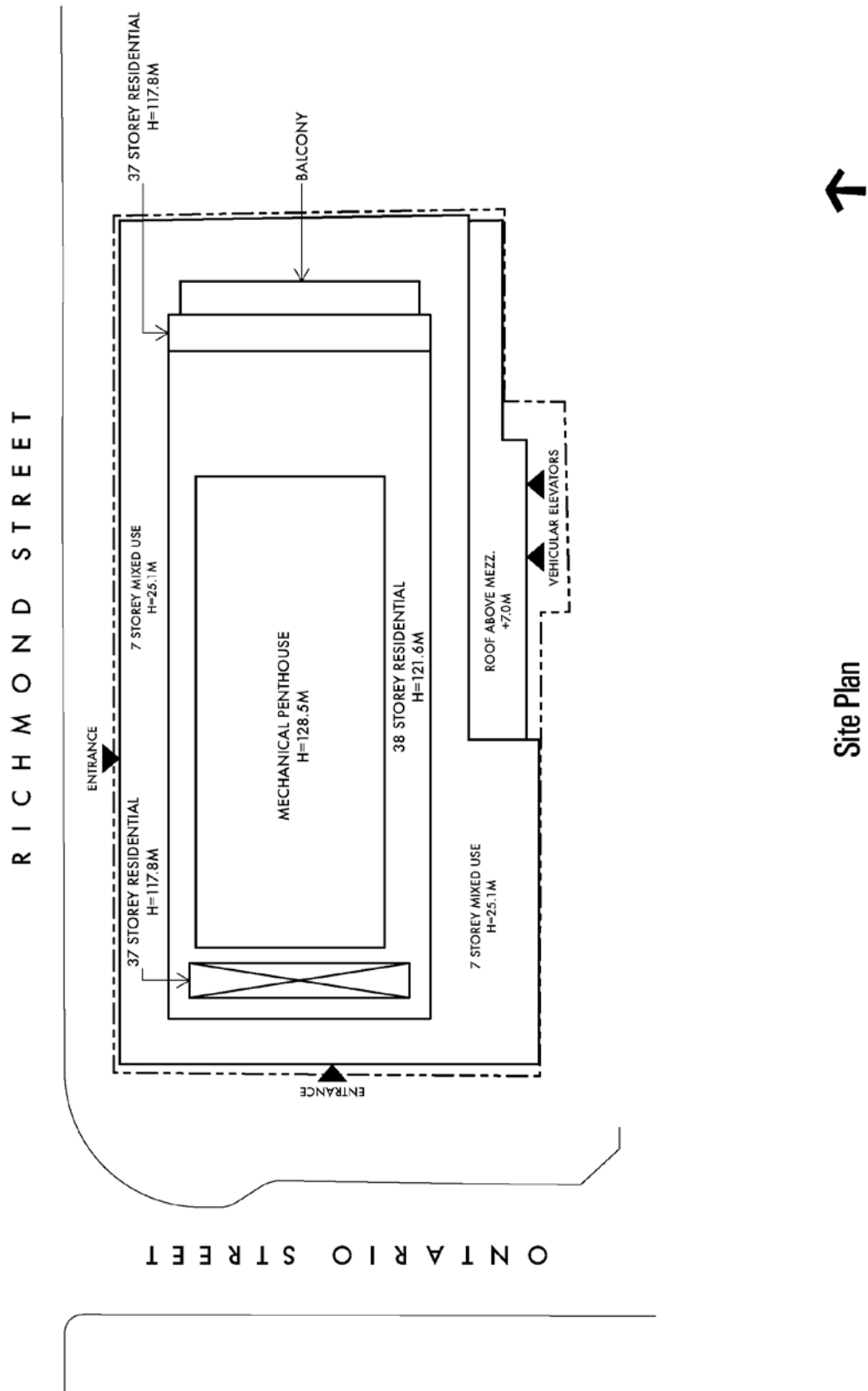
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Attachment 4: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Southwest

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Attachment 6: Policy Considerations

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

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.

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

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

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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

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

The PPS 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."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) 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.

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, and better connected 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.

Planning for Major Transit Station Areas

The Growth Plan contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an

approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Toronto Official Plan

The City of Toronto Official Plan (the "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.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also 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 of community benefits in the form of capital facilities.

The site is designated Regeneration Areas as shown on Land Use Map 18. See Attachment 7 of this report for the Official Plan Land Use Map.

Downtown Plan

Official Plan Amendment 406 ("OPA 406" or the "Downtown Plan") is now in force and effect. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Secondary Plan. It applies to all applications deemed complete after June 5, 2019. The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the midtown rail corridor and Rosedale Valley Road to the north and the Don River to the east.

The site is designated Mixed Use Areas 2 - Intermediate on Map 41-3-B. Development within Mixed Use Areas 2 will include building typologies that respond to their site context including mid-rise and some tall buildings. The scale and massing of buildings will be compatible with the existing and planned context of the neighbourhood, including the prevailing heights, massing, scale, density and building type. Specific policy direction articulated in the King-Parliament Secondary Plan is to be read together with the Downtown Plan.

The in-force Downtown Plan may be found here:

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

See Attachment 8 for the site's Downtown Plan Mixed Use Area designation.

King-Parliament Secondary Plan

The site is within the boundary of the King-Parliament Secondary Plan ("KPSP"). The main objectives of the KPSP 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 site is designated Regeneration Area 'A' (Jarvis Parliament) on Map 15-1 - Land Use Plan. The area designated Regeneration Area 'A' in the KPSP is targeted for significant growth, having a mix of compatible land uses including commercial, industrial, institutional, residential, live/work and entertainment uses within new buildings and existing ones, including the numerous historically and architecturally significant buildings in the area.

The King-Parliament Secondary Plan can be found here:

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

See Attachment 9 for the site's Secondary Plan land use designation.

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.

On May 5, 2021, City Council approved the updated King-Parliament Secondary Plan and supplementary Zoning By-laws. The applicant has appealed both the Secondary Plan and the supplementary Zoning By-law.

The site is located in the Old Town Policy Area, which is intended to accommodate context-specific growth that is responsive to the form and scale of surrounding buildings, and will support a balance of residential, commercial and institutional uses.

The site has a maximum height of 90 metres, with minimum setbacks of three metres from property lines to a building in the applicable supplementary Zoning By-laws.

The updated King-Parliament Secondary Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/planning-studiesinitiatives/king-parliament-secondary-plan-review/>

Official Plan Amendment 352 - Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted OPA 352 – Downtown Tall Building Setback Area. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016

and 1107-2016, which provide the detailed performance standards for portions of buildings above 24 metres in height. OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 were appealed to the OLT following City Council's adoption of the planning instruments.

On November 25, 2020 and February 2, 2021, City Council approved modifications to OPA 352 and the Zoning By-laws with the intention of resolving the appeals.

On May 28, 2021, the LPAT partially approved modifications to OPA 352 and the Zoning By-laws; however, OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 remain under appeal for this site.

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

Official Plan Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, St. James Cathedral being one of those properties. The existing protected view is looking north to the spire of St. James Cathedral. The City has initiated an Official Plan Amendment process with the intent of modifying this view corridor to enhance the view protection policies to and beyond St. James Cathedral. The site is located within an area that could potentially intrude on the protected building silhouette of the St. James Cathedral Spire and Clocktower against the sky.

The draft Amendment can be found here:

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

Official Plan Amendment 453 - Policies to Address the Loss of Dwelling Rooms

On July 18, 2019, City Council adopted Official Plan Amendment 453, which amends Housing Policy Section 3.2.1 of the Official Plan in part to address the loss of dwelling rooms through redevelopment proposals. This amendment also includes the new Policy 3.2.1.12, which states that new development that would have the effect of removing all or part of a private building or related group of buildings, and would result in the loss of one or more rental units or dwelling rooms will not be approved unless an acceptable tenant relocation and assistance plan is provided to lessen hardship for existing tenants. Official Plan Amendment 453 has been appealed to the LPAT.

City Council's decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH6.1>.

One existing rental dwelling unit located at 455 Richmond Street East would be lost due to the development proposal.

Official Plan Amendments 479 and 480 - Public Realm and Built Form Official Plan Policies

On September 21, 2020 the Minister of Municipal Affairs and Housing Issued Notices of Decision approving Official Plan Amendments ("OPAs") 479 and 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan

Review. The OPAs replace Sections 3.1.1, 3.1.2, and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Zoning By-law Amendment application for this site was submitted prior to the approval of OPA 470 and OPA 480 and has therefore been reviewed in the context of the previously approved sections of the Official Plan as well as OPA 479 and OPA 480.

City Council's decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

Zoning By-laws

The site is zoned Reinvestment Area (RA) in former City of Toronto Zoning By-law 438-86, as amended, which permits a wide range of residential, commercial, industrial, recreational and institutional uses and a maximum building height of 26 metres.

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/>

As part of the recent King-Parliament Secondary Plan Review, the site was rezoned from CRE (x41) to CR SS1 (x339) under Zoning By-law 569-2013. The amending by-law (By-law 393-2021) updated zone categories for the Old Town Policy Area to be consistent with existing and planned Mixed Use Areas land use designations in the Downtown Plan as well as maximum permitted building heights. This zone permits a wide range of residential, commercial, and institutional uses and a height of 90.0 metres.

Amending By-law 393-2021 may be found here:

<https://www.toronto.ca/legdocs/bylaws/2021/law0393.pdf>

See Attachment 11 of this report for the existing Zoning By-law Map.

Design Guidelines

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

- City-wide Tall Building Design Guidelines;
- King-Parliament Urban Design Guidelines;
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings;
- Growing Up Guidelines: Planning for Children in New Vertical Communities; and
- Retail Design Manual.

Other guidelines that are relevant to the review of this application include Best Practices for Bird-Friendly Glass, Best Practices for Effective Lighting and Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan/guidelines/design-guidelines/>

City-wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development Applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

The Tall Building Design Guidelines may be found here:

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

King-Parliament Urban Design Guidelines

The King-Parliament Urban Design Guidelines correspond to the policy direction of the King-Parliament Secondary Plan.

The King-Parliament Urban Design Guidelines can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/08/8fde-Toronto-Urban-Design-Guidelines-King-Parliament.pdf>

Growing Up Guidelines: Planning for Children in New Vertical Communities

In July 2020, City Council adopted updated Growing Up Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals greater than 20 residential units and future city-wide and area-based planning frameworks. The objective of the Growing Up Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The Growing Up Guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studies/initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

The guidelines may be found here: <https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/pet-friendly-designguidelines-for-high-density-communities/>

Retail Design Manual

On October 27, 2020, City Council adopted the Retail Design Manual. The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces by providing aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses.

The Retail Design Manual can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf>

Heritage

The property at 431 Richmond Street East was identified as a potential heritage resource in the Cultural Heritage Resource Assessment, prepared as part of the King-Parliament Secondary Plan. Following additional research and evaluation, Heritage Planning staff determined that the property would not be recommended for inclusion on the City's Heritage Register. None of the other properties that comprise the site have potential cultural heritage value.

The site is located adjacent to the Gendron Manufacturing Company Building at 411 Richmond Street East, which is designated under Part IV of the Ontario Heritage Act, and the Hamilton Brewing Association Building at 78-82 Ontario Street, which is under Intention to Designate. Policy 2.6.3 of the PPS states that planning authorities shall not permit development and site alterations on adjacent lands to protected heritage property except where it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. The policies in section 3.1.5 of the Official Plan require development that is adjacent to heritage resources to ensure the integrity of the heritage property's cultural heritage value and attributes are retained. Tall Building Design Guideline 1.6 further states that tall buildings are to respect and complement the scale, character, form and setting of adjacent heritage properties.

Urban Forestry/Environment

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).

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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Applications must use the documentation required for the version of the Toronto Green Standard in effect at the time of the initial application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018.

Visit: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>.

Attachment 7: Official Plan Land Use Map



429 - 455 Richmond Street East and 69 - 75 Ontario Street

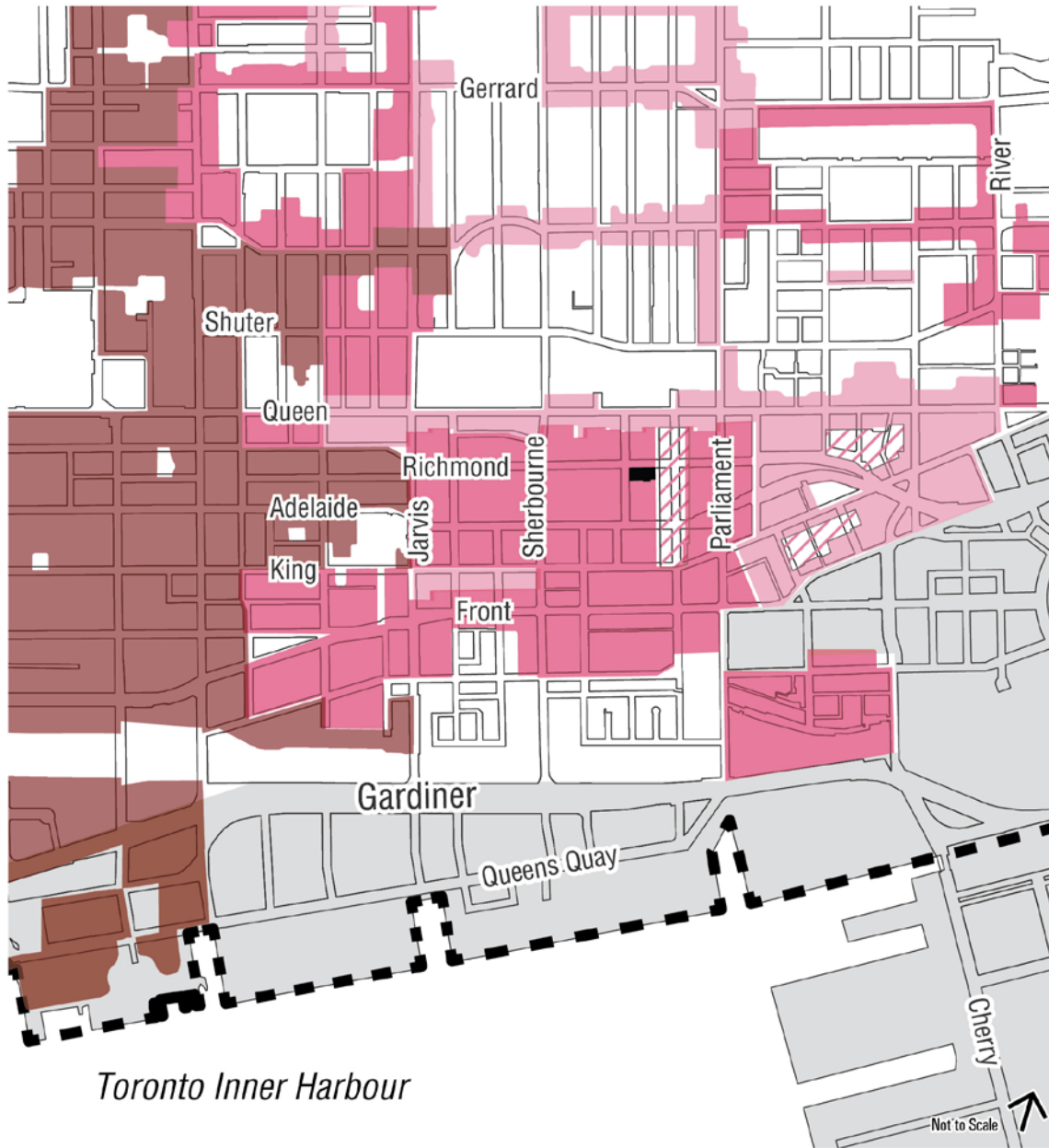
Official Plan Land Use Map #18

File # 19 265929 STE 13 0Z

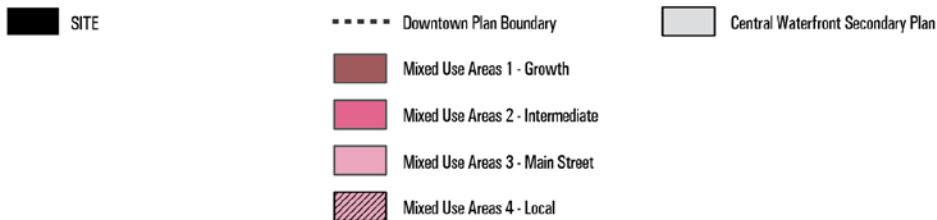


↑
Not to Scale
10/18/2021

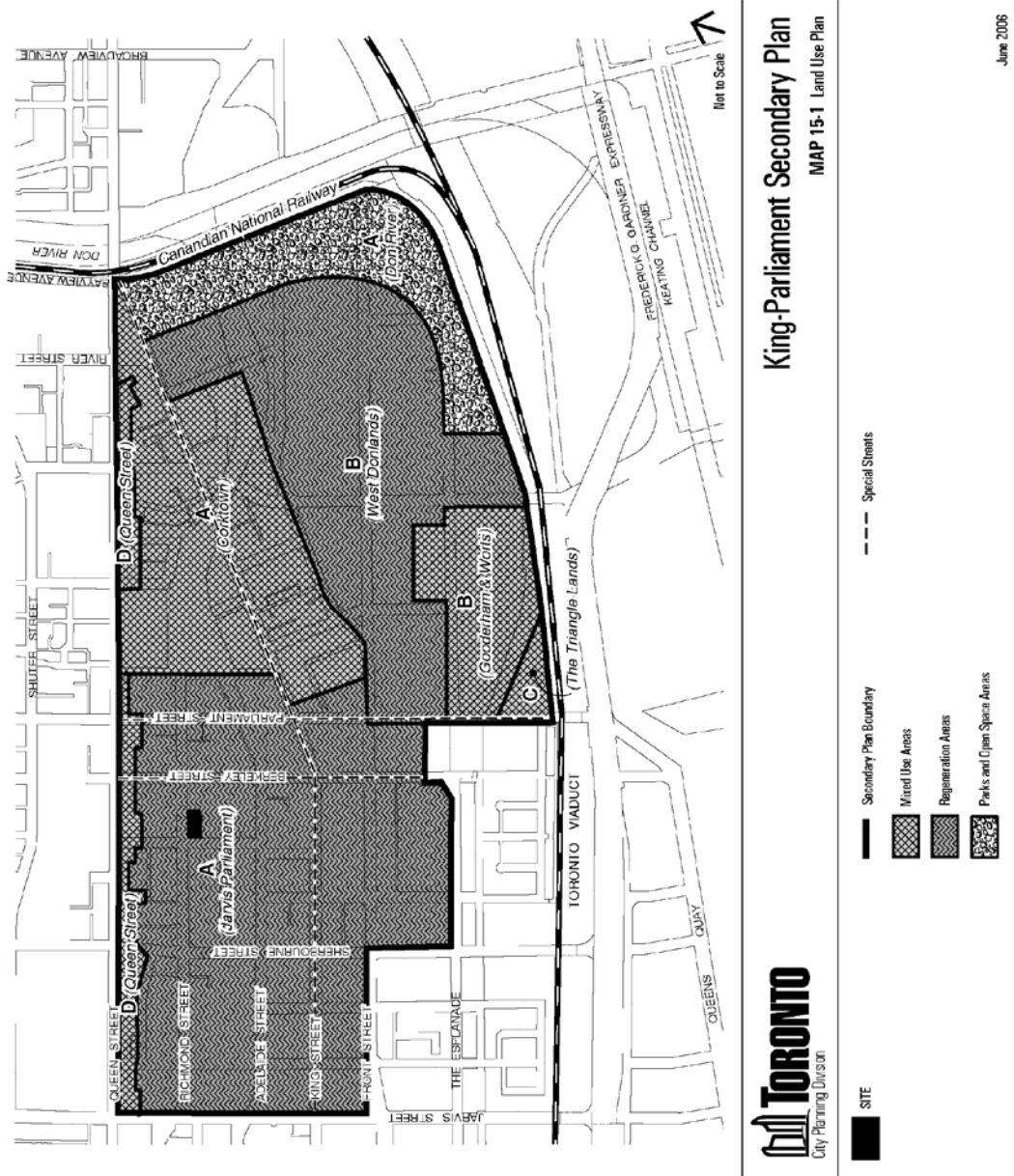
Attachment 8: Downtown Plan Land Use Map



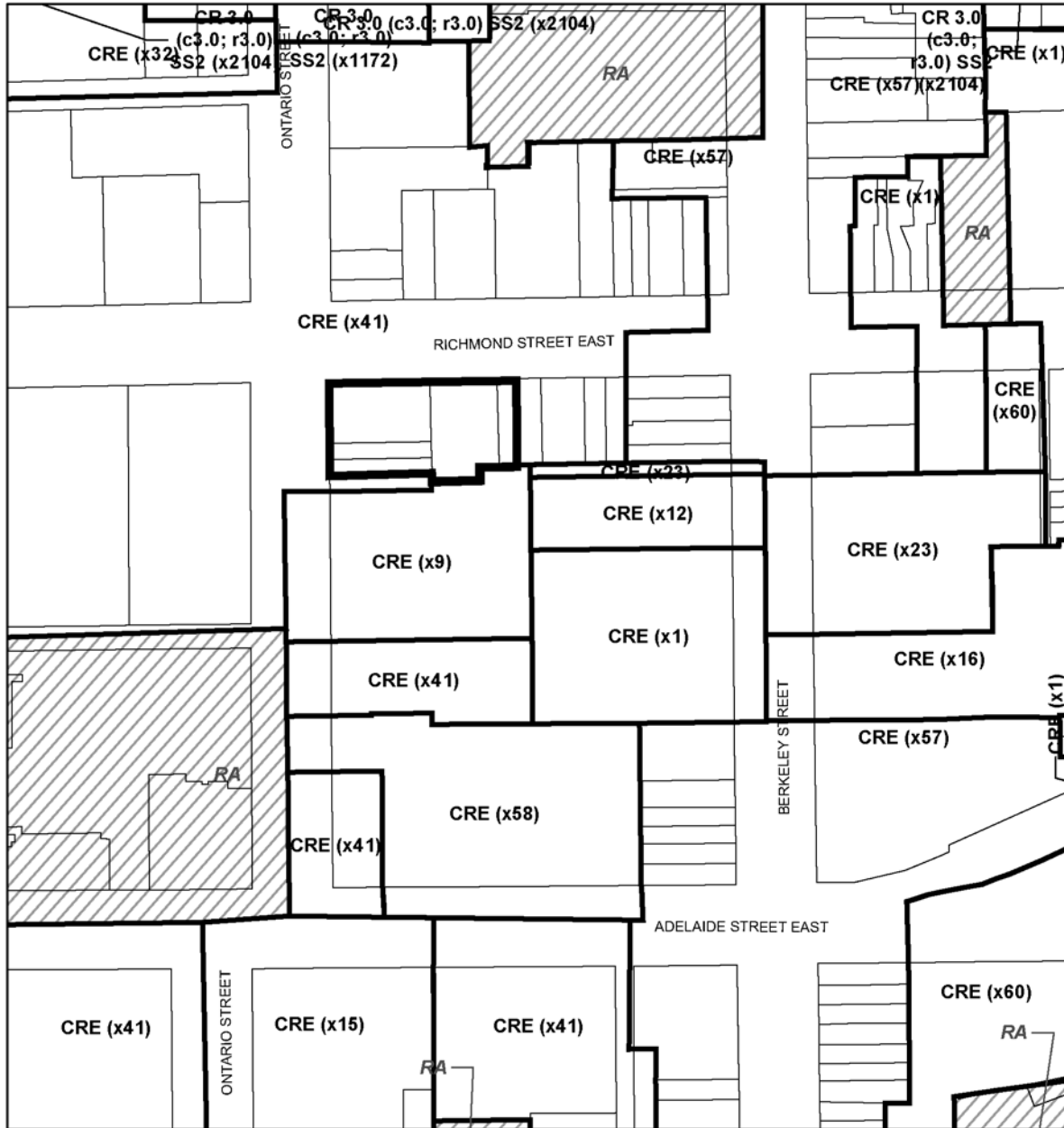
Downtown Plan
MAP 41-3 Mixed Use Areas



Attachment 9: King-Parliament Secondary Plan Map




Attachment 10: Existing Zoning By-law Map



Zoning By-law 569-2013

429-455 Richmond Street East
and 69-75 Ontario Street
File # 19 265929 STE 13 OZ

 Location of Application

 See Former City of Toronto By-law No. 438-86
RA Mixed-Use District

CR Commercial Residential **CRE** Commercial Residential Employment



Not to Scale
Extracted: 10/18/2021