

## **15 Richmond Street East – Official Plan and Zoning By-law Amendment Application – Appeal Report**

Date: October 27, 2023

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

**Planning Application Numbers: 22 204563 STE 13 OZ**

### **SUMMARY**

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On September 16, 2022, an Official Plan and Zoning By-law Amendment application was submitted to permit a 71-storey (230.85 metres, including mechanical penthouse) mixed-use building, containing 565 dwelling units and 126 square metres of non-residential gross floor area. The existing 21-storey building on site is proposed to be retained and incorporated into the proposed development. The proposal provides 126 square metres of retail space and does not replace the existing 13,205 square metres of non-residential gross floor area (including hotel use).

On August 9, 2023, the applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame in the Planning Act.

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

### **RECOMMENDATIONS**

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

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Official Plan and Zoning By-law Amendment appeal for the lands at 15 Richmond Street East and to continue discussions with the applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

- a. the final form and content of the draft Official Plan Amendment and Zoning By-law Amendment are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; and
- b. the owner has at its sole cost and expense:
  - i. submitted a revised Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report ("Engineering Reports"), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
  - ii. secured the design and provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development; and
  - iii. ensured the implementation of the accepted Engineering Reports does not require changes to the proposed amending By-laws or any such required changes have been made to the proposed amending By-laws, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new infrastructure or upgrades to existing municipal servicing infrastructure as may be required.

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

## **FINANCIAL IMPACT**

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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.

## **THE SITE**

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**Description:** The site is generally rectangular in shape and has an area of 1,082 square metres, with frontages of 28.6 metres on Richmond Street East and 37.8 metres on Victoria Street.

**Existing Uses:** The site contains a 21-storey hotel with ground floor retail uses.

## THE APPLICATION

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**Description:** A 71-storey (230.85 metres, including mechanical penthouse) mixed-use building, containing 565 dwelling units and 126 square metres of non-residential (retail) gross floor area. The existing 21-storey building on the site is proposed to be retained, and included as part of the proposal.

**Land Use:** The application proposes 126 square metres of retail space, where the existing building contains 13,205 square metres of non-residential gross floor area, including the hotel use.

**Density:** 37.58 times the area of the lot.

**Dwelling Units:** The proposed mixed-use building contains a total of 565 dwelling units. In total, the proposed development would include 330 one-bedroom (58%), 169 two-bedroom (30%), and 66 three-bedroom (12%) units.

**Access, Parking, and Loading:** Vehicular access to the site is proposed to be provided from the existing shared access on Richmond Street East with 151 Yonge Street, with an additional vehicular exit on Victoria Street. A total of 21 parking spaces are proposed to serve the development, consisting of 7 visitor parking spaces and 14 resident parking spaces within a three-level underground garage. The building proposes a Type 'G' loading space. A total of 571 bicycle parking spaces are provided.

### Additional Information

See Attachments 2, 3, and 6 of this report for a three-dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet, respectively. 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: [www.toronto.ca/15RichmondStE](http://www.toronto.ca/15RichmondStE).

### Reason for the Applications

The Official Plan Amendment is required because the proposal does not comply with Policy 6.2.2 of the Downtown Secondary Plan, which requires that development in the Financial District ensure no net loss of office and overall non-residential gross floor area.

The Zoning By-law Amendment is required to amend Zoning By-law 569-2013 to provide relief from various performance standards, including floor space index, building height, and building setbacks. Additional amendments to the Zoning By-law may be identified as part of the appeal process.

**Site Plan Control:** A Site Plan Control application (File Number 22 204562 STE 13 SA) was submitted on September 16, 2022. The application has been referred to the OLT. Under the Municipal Code, Site Plan approval and instructing the City Solicitor on appeal is delegated to the Chief Planner or their designate.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of Council in respect of the exercise of any authority that affects planning and cultural heritage matters shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

### **Official Plan**

The site is located on lands within the Downtown and Central Waterfront area and is designated Mixed Use Areas in the [Official Plan](#). See Attachment 4 of this report for the Official Plan Land Use Map.

### **Downtown Plan**

The site is designated Mixed Use Areas 1 - Growth, and located within the Financial District in the [Downtown Plan](#). The Downtown Plan requires that development in the Financial District ensure no net loss of office and overall non-residential gross floor area.

### **Zoning**

The site is zoned Commercial Residential CR 12.0 (c8.0; r11.7) SS1 (x2337). This zoning category permits a wide array of commercial, residential, and institutional uses. See Attachment 5 of this report for the existing [Zoning By-law](#) Map.

### **Design Guidelines**

The following [design guidelines](#) have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Downtown Tall Building Design Guidelines;
- Growing Up Guidelines: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines; and
- Retail Design Manual.

### **Toronto Green Standard**

The [Toronto Green Standard](#) 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.

## **COMMUNITY CONSULTATION**

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A virtual Community Consultation Meeting was hosted by City staff on February 9, 2023. Approximately 40 people participated, as well as a representative from the Ward Councillor's office and the applicant. At the meeting, City staff and the applicant's consultants provided presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting.

Issues raised at the meeting and through written comments and phone calls include:

- Support for reuse of the existing building for sustainability reasons;
- Support for provision of residential uses;
- Concerns about loss of hotels in the downtown in recent years and negative impact on tourism;
- Increased traffic, increased demand on existing parking supply, and insufficient space for deliveries and drop-offs;
- Construction noise;
- Insufficient setbacks and tower separation; and
- Need for animation of Victoria Street.

## **COMMENTS**

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The site is located in the Financial District where office and retail uses will continue to be paramount and development will ensure no net loss of office and overall non-residential gross floor area.

The Financial District is the largest concentration of employment in Canada. With limited remaining development capacity within proximity of Union Station, the intent of the in-force policies is to ensure the existing agglomeration of non-residential uses is retained. To continue to support the competitiveness of the Financial District, the area must provide a range of amenities, such as hotel and convention centre space. The provision of hotel uses is also needed to support tourism, a key industry in Toronto's diverse economy.

### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform to provincial plans.

The proposal is inconsistent with Policy 1.3.1 in the PPS relating to providing for an appropriate mix and range of employment uses and supporting economic activities and ancillary uses, with regard for long-term and future needs, and Policy 1.7.1 relating to the provision of opportunities for sustainable tourism development. The proposal does not conform with Policy 2.2.1.4(a) in the Growth Plan relating to supporting the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, Policy 2.2.3(c) which directs urban growth centres (i.e. Downtown Toronto) to be planned to serve as high-density major employment centres, and Policy 2.2.5.1(d) relating to integrating and aligning land use planning and economic development goals and strategies to retain and attract employment.

## **Land Uses**

The proposed provision of 126 square metres of retail space does not replace the existing 13,205 square metres of non-residential gross floor area as required by the Financial District policies of the Downtown Plan. The applicant has not demonstrated that this proposal is appropriate for this site to the City's satisfaction.

## **The Building**

The proposed development consists of 565 dwelling units within a 71-storey tower on a site with an area of 1,082 square metres. The resulting Floor Space Index is 37.58 times the lot area. The application has not demonstrated, to the City's satisfaction, that a 71-storey tower can be accommodated on this site.

The proposed massing, tower separation, setbacks, and stepbacks do not conform to the Official Plan or the Downtown Secondary Plan, and do not meet the intent of the Tall Building Design Guidelines and Downtown Tall Building Design Guidelines.

The applicant has not adequately demonstrated that the proposed tower is compatible with the existing and planned context and can provide appropriate tower separation distances from neighbouring properties. The proposed western and southern setbacks and tower separation distances impact the redevelopment potential of neighbouring properties.

The proposed new tower portion of the building is setback 0 metres from the northern property line along Richmond Street East, with only a 1.5-metre architectural reveal at Levels 24 and 25. Richmond Street East, between the east side of York Street and the west side of Victoria Street, is a High Street where the Canyon Form typology is supported in the Downtown Tall Building Design Guidelines. Along Canyon Form street segments, the base building height of tall building should be built to the height of the existing street wall line and provide sufficient stepbacks according to the Tall Building Design Guidelines. The proposed 0-metre tower setback and 1.5-metre architectural reveal does not meet the intent of the guidelines.

## **Streetscape**

Due to the applicant's proposal to retain the existing building on site, which was constructed up to north and east property lines, there are limited opportunities for streetscape improvements. City Planning will continue to work with the applicant to ensure the proposed streetscape is consistent with the public realm objectives of the Official Plan.

## **Tree Preservation**

The applicant is proposing to preserve the 6 existing City-owned street trees along Victoria Street that are regulated by the public tree by-laws, and to remove 1 dead tree along Richmond Street East. City staff will continue to work with the applicant to preserve and increase the amount of healthy trees as a part of this development, and to explore opportunities for new trees along the Richmond Street East frontage. Materials have not been submitted to determine if tree planting locations along Richmond Street East are viable.

## **Shadow**

The Sun/Shadow Study submitted in support of the application show the proposed building casts minor shadow on adjacent properties and the public realm. The proposed development does not cast shadow on Sun Protected Parks and Open Spaces in the Downtown Plan (i.e. Nathan Phillips Square and St. James Park) between March 21 to September 21 from 10:18AM to 4:18PM.

## **Wind**

City staff have reviewed the pedestrian level wind study for the proposed development prepared by Rowan Williams Davies and Irwin Inc. dated September 9, 2022. The wind study states that the proposed building is taller than most buildings that currently exist in the immediate vicinity and it is therefore expected to slightly increase wind speeds around the site. However, wind conditions at the ground level including main entrances, sidewalks, and walkways, remain appropriate for the intended use without mitigation. Implementation of acceptable wind mitigation features are required to improve the comfort of the outdoor amenity area and extend its use through the shoulder seasons.

## **Parkland Dedication**

In accordance with Chapter 415, Article III of the Toronto Municipal Code, Parks, Forestry and Recreation staff have requested that the applicant satisfy the parkland dedication requirement through cash-in-lieu.

## **Unit Mix**

A total of 565 residential units are proposed, consisting of 330 one-bedroom (58%), 169 two-bedroom (30%), and 66 three-bedroom (12%) units.

The unit mix meets the policy direction of the Official Plan to provide a full range of housing and meets the unit mix requirements of the Downtown Plan to provide a minimum of 15% two-bedroom units and 10% three-bedroom units. The application will need to meet the Downtown Plan requirements for an additional 15% of units that can be converted into two or three-bedroom units within new developments.

## **Heritage**

The site is adjacent to several heritage properties that are designated under Part IV of the Ontario Heritage Act. Staff will continue to work with the applicant on the design of the proposed building to, particularly at the lower portion of the building, maintain the historic character of the area as established by the adjacent heritage properties. Staff agree with the applicant's Heritage Impact Assessment recommendation for heritage interpretation for the Allen Theatre in the form of a plaque or sign.

## **Amenity Space**

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per dwelling unit. The application is proposing 1,684 square metres (2.98 square meters per unit) of indoor amenity space, and 165 square metres (0.29 square meters per unit) of outdoor amenity space. The proposed total amenity space does not meet the requirements of Zoning By-law 569-2013. City Planning has also requested the applicant allocate amenity space for pets according to the City's Pet Friendly Design Guidelines.

## **Servicing**

Engineering and Construction Services staff have reviewed the Functional Servicing and Stormwater Management Report and associated plans and require further revisions to the reports and drawings.

In the event the Ontario Land Tribunal allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the provision of a satisfactory set of engineering reports that provide confirmation of water, sanitary, and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, including implementation of any required upgrades which may be secured through the use of holding provisions.



## **Further Issues**

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputations made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, City Planning staff may continue to identify further issues or supplement the reasons provided in this report.

## **CONTACT**

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## **SIGNATURE**

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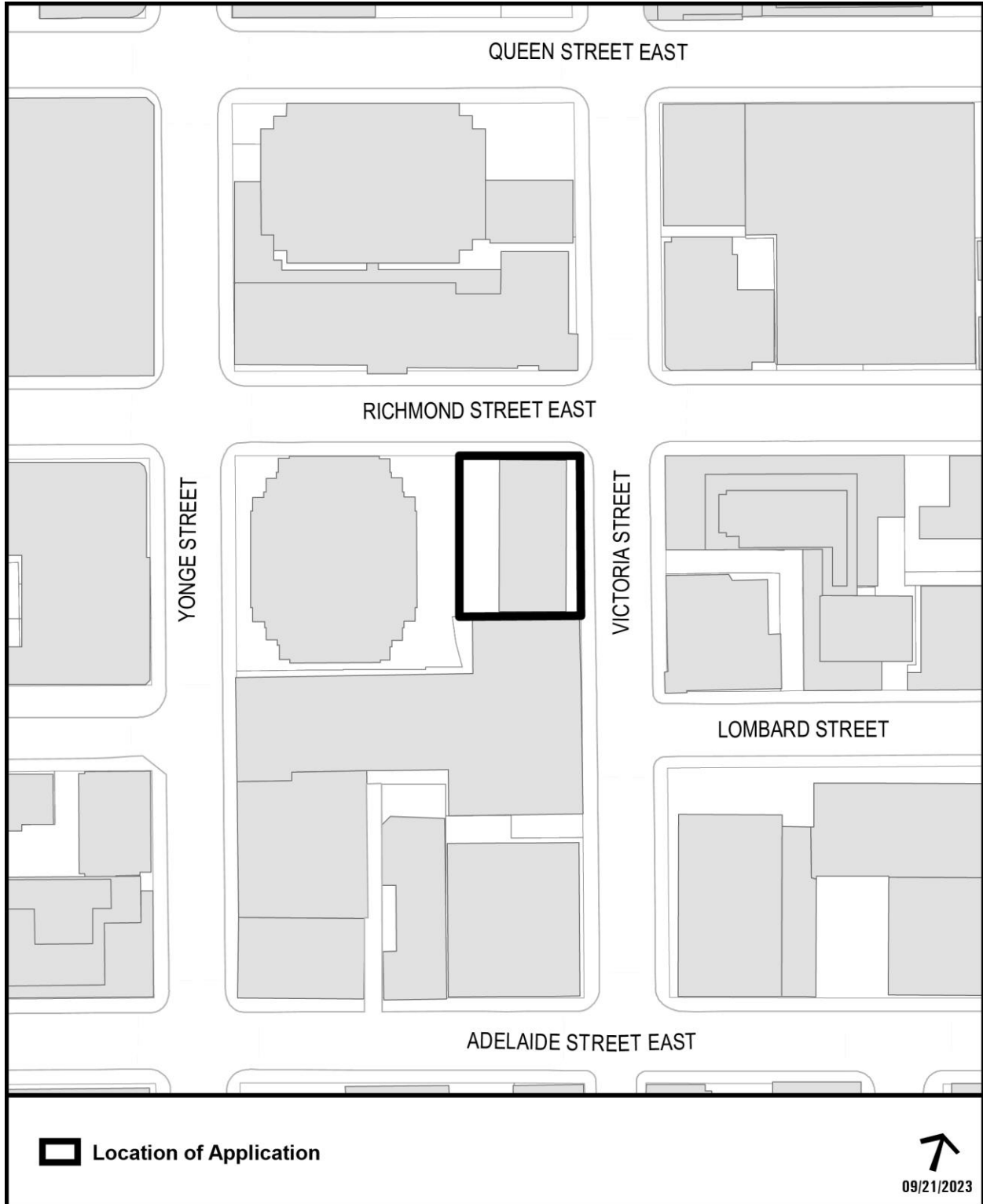
Oren Tamir  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

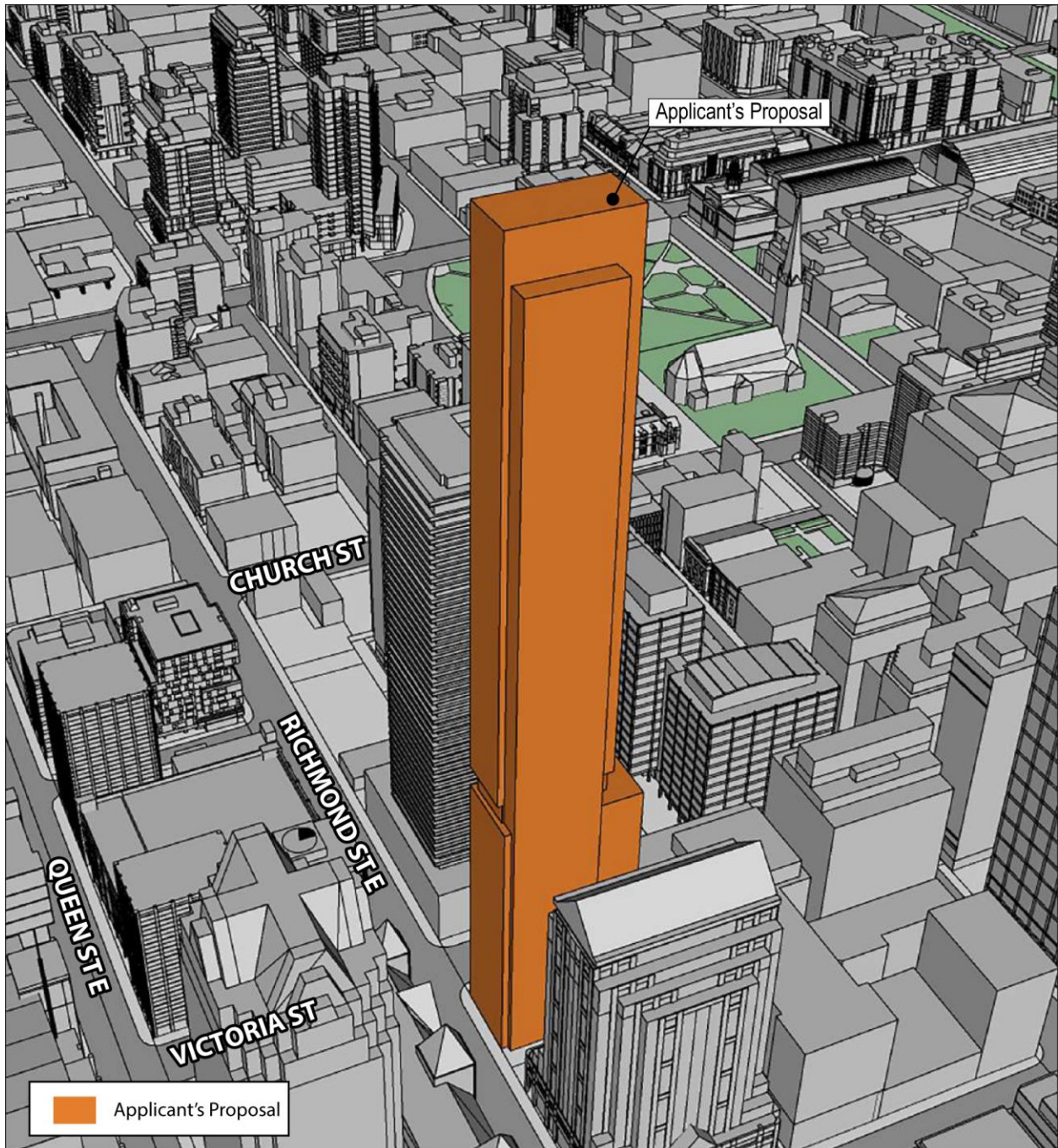
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Attachment 1: Location Map  
Attachment 2: 3D Model of Proposal in Context  
Attachment 3: Site Plan  
Attachment 4: Official Plan Map  
Attachment 5: Zoning By-law Map  
Attachment 6: Application Data Sheet

Attachment 1: Location Map



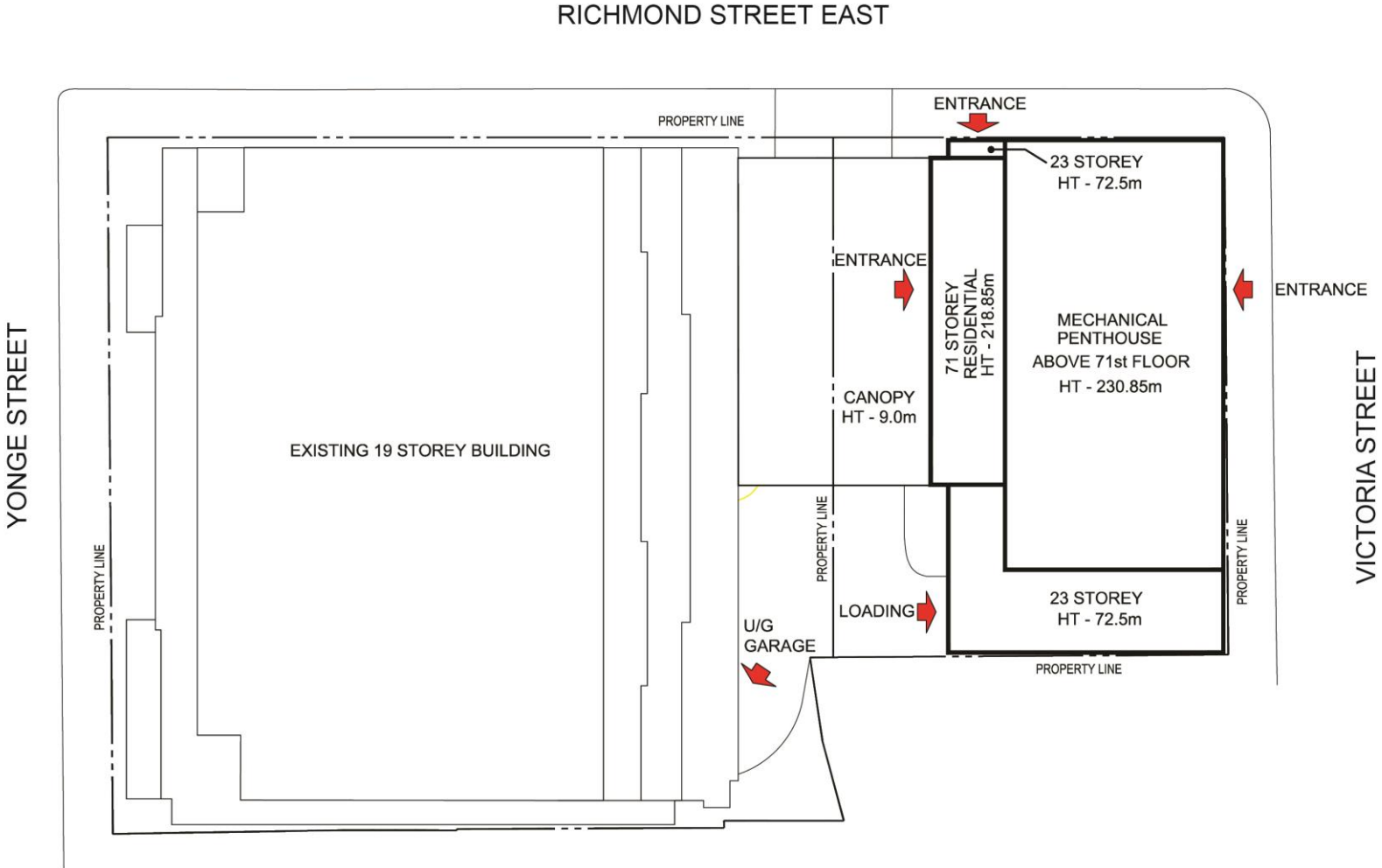
Attachment 2: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Southeast



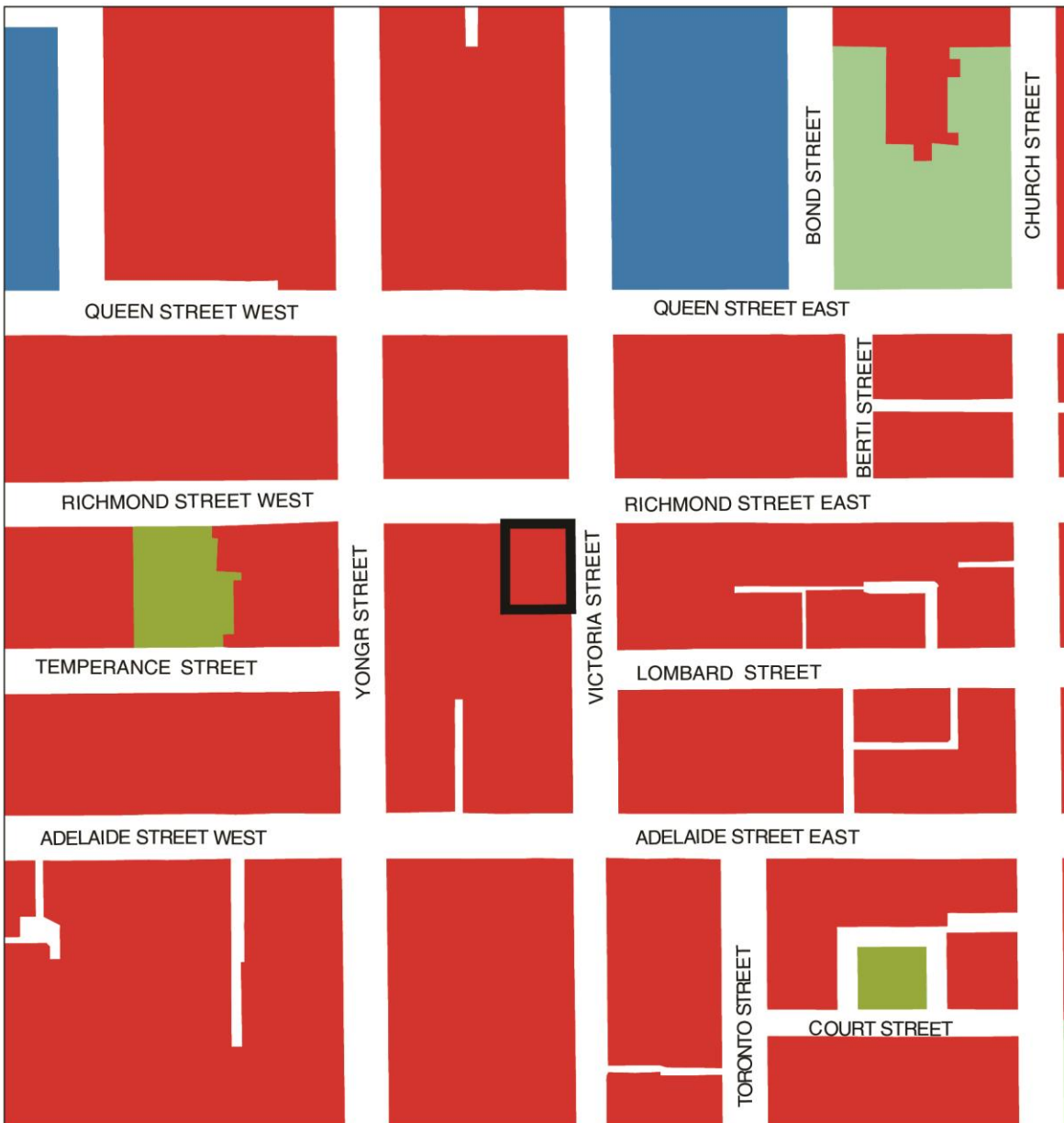
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Site Plan



Attachment 4: Official Plan Map



Official Plan Land Use Map #18

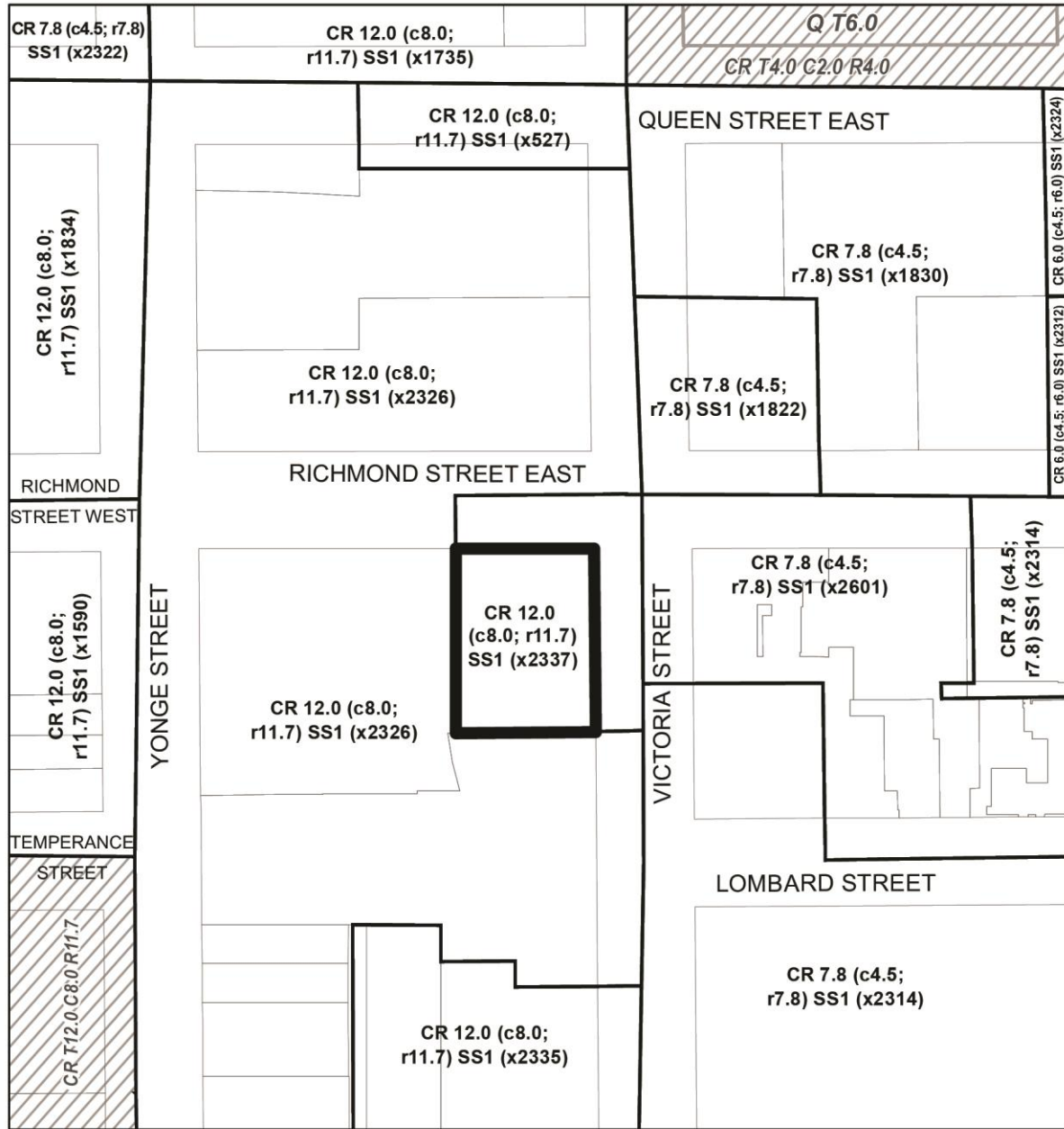
15 Richmond Street East

File # 22 204563 STE 13 0Z

- Location of Application
- Parks
- Institutional Areas
- Mixed Use Areas
- Other Open Space Areas

Not to Scale
   
 Extracted: 09/19/2022

Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

15 Richmond Street East

File # 22 204563 STE 13 0Z

Location of Application

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

CR Commercial Residential

CR Mixed-Use District

Q Mixed-Use District



Not to Scale  
Extracted: 09/21/2023

## Attachment 6: Application Data Sheet

Municipal Address: 15 Richmond Street East Date Received: September 16, 2022

Application Number: 22 204563 STE 13 OZ

Application Type: OPA and Rezoning

Project Description: Official Plan and Zoning By-law Amendment application to permit a 71-storey mixed-use building.

Applicant	Agent	Architect	Owner
Bousfields Inc.	Peter Smith	WZMH Architects	Centennial Hotels Limited

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: CR 12.0 (c8.0; r11.7) SS1 (x2337) Heritage Designation:

Height Limit (m): 76 Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 1,083 Frontage (m): 29 Depth (m): 38

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			769	769
Residential GFA (sq m):			40,557	40,557
Non-Residential GFA (sq m):	13,205		126	126
Total GFA (sq m):	13,205		40,683	40,683
Height - Storeys:	21		71	71
Height - Metres:			231	231

Lot Coverage Ratio (%): 70.98 Floor Space Index: 37.58

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	40,557	
Retail GFA:	126	
Office GFA:		

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			565	565
Other:				
Total Units:			565	565

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			330	169	66
Total Units:			330	169	66

Parking and Loading

Parking Spaces:	21	Bicycle Parking Spaces:	571	Loading Docks:	1
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