

86-108 Lombard Street and 103 Richmond Street East – Zoning By-law Amendment Application – Appeal Report

Date: September 9, 2024

To: Toronto and East York Community Council

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

Ward: 13 - Toronto-Centre

Planning Application Number: 22 192723 STE 13 OZ

SUMMARY

On August 26, 2022, a Zoning By-law Amendment application was submitted to permit a 59-storey (216 metres, including mechanical penthouse) mixed-use building containing 480 dwelling units, 4,321 square metres of office space, and 616 square metres of retail space. The former City Morgue building at 86 Lombard Street is designated under Part IV of the Ontario Heritage Act and is proposed to be relocated to the eastern portion of the site. A mid-block connection between Richmond Street East and Lombard Street and a public open space are proposed.

On March 26, 2024, the applicant appealed the 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

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 Zoning By-law Amendment appeal for the lands at 86-108 Lombard Street and 103 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 Zoning By-law Amendment 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 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 at their sole cost and expense has:

i. submitted a revised Servicing Report and Stormwater Management Report, 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 provided financial securities in respect of 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, according to the Engineering Reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;

iii. ensured that implementation of the accepted Engineering Reports does not require changes to the proposed amending By-law or that any required changes have been made to the proposed amending By-law 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 municipal servicing infrastructure or upgrades to existing municipal servicing infrastructure, as may be required;

iv. submitted an updated Transportation Impact Study, to the satisfaction of the General Manager, Transportation Services;

v. relevant conditions as may be set out in an approved heritage permit application under the Ontario Heritage Act, that is approved before or concurrent with any order of the Ontario Land Tribunal withholding approval of the Zoning By-law Amendment.

3. City Council authorizes 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

On October 1, 1979, City Council passed Designation By-law 846-79 to designate the property at 86 Lombard Street under Part IV of the Ontario Heritage Act. A copy of the Designation By-law can be found here:

<https://www.heritagetrust.on.ca/en/oha/details/file?id=2670>.

The applicant appealed to the Ontario Land Tribunal the lack of decision by the City on the Zoning By-law Amendment application for the development on March 26, 2024, which has assigned OLT Case No. OLT-24-000371. The first Case Management Conference (CMC) took place on July 9, 2024 and a second CMC is scheduled for November 8, 2024.

THE SITE

Description

The site is generally rectangular in shape with a portion that extends to Richmond Street East and has an area of approximately 2,035 square metres, frontages of approximately 64 metres along Lombard Street and 10.5 metres on Richmond Street East, and a general depth of approximately 27 metres.

Existing Uses

Two 4-storey office buildings, the former City Morgue building, and a surface parking lot.

Heritage

The property at 86 Lombard Street was designated under Part IV, Section 29 of the Ontario Heritage Act through Designation By-law 846-79 and contains a an Edwardian Classical brick and stone building constructed in 1907. The site is adjacent to 110 Lombard Street (the Lombard St. Firehall), a property designated under Part IV of the Ontario Heritage Act.

THE APPLICATION

Description

A 59-storey (216 metres, including mechanical penthouse) mixed-use building containing 480 dwelling units, 4,321 square metres of office space, and 616 square metres of retail space. The existing heritage building at 86 Lombard Street is proposed to be relocated to the eastern portion of the site.

Density

The proposal has a density of 19 times the area of the site.

Dwelling Units

The proposal contains 480 dwelling units, consisting of 23 studio (5%), 262 one-bedroom (55%), 142 two-bedroom (29%), and 53 three-bedroom (11%) units.

Non-Residential Uses

The proposal contains 4,321 square metres of office space to replace the existing 4,197 square metres of office space, and 616 square metres of retail space.

Public Realm

A mid-block connection connecting Lombard Street and Richmond Street East and public open space are proposed.

Heritage

The former City Morgue building is proposed to be relocated to the eastern portion of the site and setback further from Lombard Street to support the proposed public open space.

Amenity Space

The application is proposing 2.2 square metres of indoor amenity space, and 1.1 square metres of outdoor amenity space, for a total of 3.3 square metres per unit.

Access, Parking, and Loading

A total of 56 vehicle parking spaces (46 residential and 10 accessible) are proposed within a three-level underground garage. One shared Type 'G' and two Type 'C' loading spaces are proposed. Vehicular access to the underground parking is proposed along Lombard Street and through a car elevator. A total of 523 bicycle parking spaces (498 long-term and 25 short-term) are provided.

Additional Information

See Attachments 1, 5, 6, and 7 of this report for a three-dimensional representation of the project in context, a site plan of the proposal, elevations, and the Application Data Sheet. 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:

<http://www.toronto.ca/100LombardSt>.

Reason for the Application

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 192721 STE 13 SA) was submitted on August 26, 2022.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects planning matters shall be consistent with the Provincial Policy Statement (PPS), the Provincial Planning Statement 2024 (where applicable) and shall conform to provincial plans.

Official Plan

The site is located on lands within the Downtown and Central Waterfront area which is a the City's Downtown Urban Growth Centre. The site is designated Mixed Use Areas in the Official Plan, which are made up of a range of commercial, residential, and institutional uses, as well as parks and open spaces. See Attachment 3 of this report for the Official Plan Land Use Map. The site is also subject to the Official Plan heritage policies.

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

Downtown Plan

The site is designated Mixed Use Areas 2 – Intermediate in the Downtown Plan. Development in Mixed Use Areas 2 will include building typologies that respond to their site context, including midrise and some tall buildings.

The Downtown Secondary Plan can be found here: <https://www.toronto.ca/wp-content/uploads/2022/06/962d-cityplanning-official-plan-41-secondary-plan-downtown-plan.pdf>.

Tall Building Setback Area Specific Policy (SASP) 517

SASP 517 applies to the site and provides development criteria for tall building development proposals within the downtown. In addition to considerations for tall buildings, SASP 517 identifies that the proposal shall have regard for a comfortable pedestrian realm, consideration for development proposals on other sites within the block, access to sunlight, views between towers, and wind conditions on and around the subject site.

Zoning

The site is zoned Commercial Residential CR 4.0 (c0.5; r4.0) SS1 (x2352) for the portion of the site fronting onto Lombard Street, and CR 4.0 (c2.0; r4.0) SS1 (x2254) for the portion of the site fronting onto Richmond Street East. This zoning category permits a wide array of commercial, residential, and institutional uses. See Attachment 4 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;
- Retail Design Manual;
- Growing Up Guidelines: Planning for Children in New Vertical Communities;
- Toronto Accessibility Design Guidelines; and
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

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.

Heritage

The property at 86 Lombard Street is designated under Part IV of the Ontario Heritage Act by Designation By-law (846-79).

The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada assists in guiding planning, stewardship and conservation approaches for listed and designated heritage resources in Toronto.

The Parks Canada Standards and Guidelines can be found here:

<https://www.historicplaces.ca/en/pages/standards-normes.aspx>

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on March 2, 2023. Approximately 80 people participated, as well as the Ward Councillor 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:

- preservation of the former City Morgue building;
- the height of the proposed building is too tall for the context and negatively impacts the character of the surrounding neighbourhood;
- the development is too close to existing adjacent buildings, impacting privacy, shadows, and access to sunlight;
- impact to views from existing nearby buildings;
- construction impacts including traffic and noise;
- combined construction impacts of nearby approved and proposed developments;
- traffic impacts on Lombard Street;
- shadow impact on St. James Park to the south of the site;
- the tower overhanging the mid-block connection and public realm and its proximity to the proposed relocation of the City Morgue heritage building;
- desire for affordable housing;
- functionality and safety of garage and driveway design; and
- water and sewer capacity to service the proposed development.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the recent provincial policy direction and provincial plans.

Land Use

The site is designated Mixed Use Areas in the Official Plan and Mixed Use Areas 2 - Intermediate in the Downtown Secondary Plan. The proposed residential and non-residential uses are acceptable and conform to the land use policies of the Official Plan and Downtown Secondary Plan.

The Building

The applicant has not demonstrated that the proposed tower is compatible with the existing and planned context and can provide appropriate tower setbacks from the neighbouring properties which may impact the potential redevelopment of neighbouring sites.

The base building should define the streetwall and respond to the existing context along Lombard Street and the building mass should lessen impacts on the public realm and proposed mid-block connection.

Heritage

The heritage property at 86 Lombard Street (designated under Part IV of the Ontario Heritage Act) is proposed to be relocated within the development site and conserved as a whole building and adaptively reused.

A heritage permit application is required to facilitate moving of the heritage building to be relocated within the development site. At this time, no heritage permit applications have been made to the City.

Tree Preservation

Revisions to the Landscape Plans are required to demonstrate that adequate provisions would be made for the proposed tree planting. Urban Forestry staff have requested the applicant provide detailed utility information to confirm the absence of conflicts between the proposed new street trees and utilities.

Wind

The wind impacts resulting from the proposal do not meet the built form policies of the Official Plan and the intent of the Tall Building Design Guidelines.

A Pedestrian Level Wind Study, prepared by Rowan Williams Davies & Irwin Inc., dated August 11, 2022, was submitted in support of the application. Wind conditions at ground level are predicted to be comfortable for standing or sitting at most locations tested throughout the year and expected to remain similar to existing conditions.

The Wind Study assessed the wind conditions for the residential outdoor amenity terrace on Level 7 and the private outdoor terrace on Level 58. The wind safety criterion is exceeded at the Level 58 private outdoor terrace, and wind conditions for both the Level 7 and Level 58 terraces are generally comfortable for standing or walking during the spring, summer, and fall seasons.

The analysis did not assess wind conditions for the remaining proposed office and residential outdoor amenity terraces on Level 2, 4, 7, 20, 31, and 44. A revised proposal and Pedestrian Level Wind Study will be required to ensure safe and comfortable wind conditions.

Unit Mix

The Downtown Plan requires a minimum of 10% three-bedroom units, 15% two-bedroom units and an additional 15% two- or three-bedroom units or units that can be converted to two- and three-bedroom units through the use of accessible or adaptable design measures.

The application is providing an adequate number of two and three bedroom units but will need to demonstrate that their proposal meets the requirement for an additional 15% of units that can be converted into two or three-bedroom units. The minimum unit mix in compliance with the Downtown Plan will be secured in the Zoning By-law.

Amenity Space

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per dwelling unit. The application is proposing 2.2 square metres of indoor amenity space, and 1.1 square metres of outdoor amenity space, for a total of 3.3 square metres per unit. The proposed residential outdoor amenity spaces on Levels 7, 20, 31, and 44 are inadequately sized and should be redesigned to improve the functionality of the spaces. The proposed total amenity space does not meet the requirements of Zoning By-law 569-2013.

Parking and Loading

A total of 56 vehicle parking spaces (46 residential and 10 accessible) are proposed within a three-level underground garage. One shared Type 'G' and two Type 'C' loading spaces are proposed. Transportation Services staff have requested the applicant review the feasibility of providing 1-2 car-share parking spaces on-site in addition to the proposed parking. Staff will continue to work with the applicant to ensure the design of the proposed loading spaces are adequate to support the development.

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

Oren Tamir
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map

Applicant Submitted Drawings

Attachment 5: Site Plan
Attachment 6: Elevations
Attachment 7: 3D Massing Model

Attachment 1: Application Data Sheet

Municipal Address: 86-108 Lombard Street & 103 Richmond Street East

Date Received: August 26, 2022

Application Number: 22 192723 STE 13 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment application to permit a 59-storey mixed-use building containing 480 dwelling units, 4,321 square metres of office space, and 616 square metres of retail space.

Applicant

Urban Strategies Inc.

Agent

Christine Fang-Denissov

Architect

OMA; WZMH Architects

Owner

100 Lombard Street Inc.; 86 RVW Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: N/A

Zoning: CR 4.0 (c0.5; r4.0) SS1 (x2352); CR 4.0 (c2.0; r4.0) SS1 (x2254) Heritage Designation: Y

Height Limit (m): 23; 30 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 2,035 Frontage (m): 64 Depth (m): 27-56

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,587	235	928	1,163
Residential GFA (sq m):			34,205	34,205
Non-Residential GFA (sq m):	4,197	470	4,467	4,937
Total GFA (sq m):	4,197	470	38,672	39,142
Height - Storeys:			59	59
Height - Metres:			216	216

Lot Coverage Ratio (%): 57.15 Floor Space Index: 19.23

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

Residential GFA: 34,205

Retail GFA: 616

Office GFA: 4,321

Industrial GFA:

Institutional/Other GFA:

**Residential Units
by Tenure Existing Retained Proposed Total**

Rental:

Freehold:

Condominium: 480 480

Other:

Total Units: 480 480**Total Residential Units by Size**

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	23	263	141	53	
Total Units:	23	263	141	53	

Parking and Loading

Parking Spaces:	371	Bicycle Parking Spaces:	501	Loading Docks:	3
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CONTACT:

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Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

86-108 Lombard Street
And 103 Richmond Street East
File # 22 192723 STE 13 0Z



Not to Scale
Extracted: 08/07/2024

The map displays the proposed CR 4.0 zoning area in the Church Street area of the City of Toronto. The proposed area is highlighted in black. The map includes various streets such as Queen Street East, Richmond Street East, Lombard Street, and Adelaide Street East. The surrounding areas are labeled with existing zoning designations like CR 3.0, CR 5.0, CR 4.0, and R4 Z1.0. The map also shows the locations of the City of Toronto, the City of York, and the City of North York.



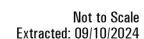
86 - 108 Lombard Street
And 103 Richmond Street East
File # 22 192723 STE 13 0Z

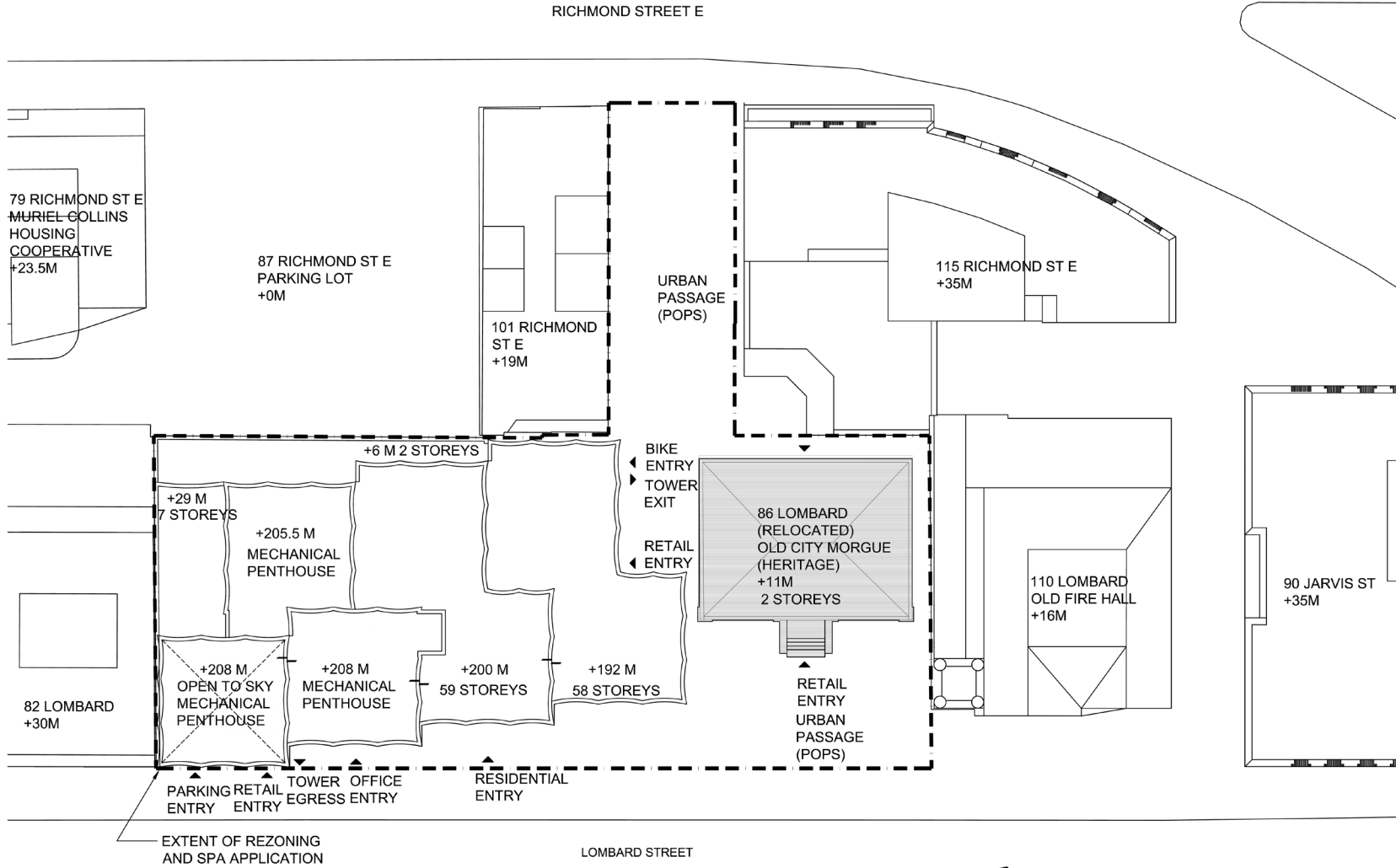


CR Commercial Residential **OR** Open Space Recreation



R4	Residential District
CR	Mixed-Use District
MCR	Mixed-Use District



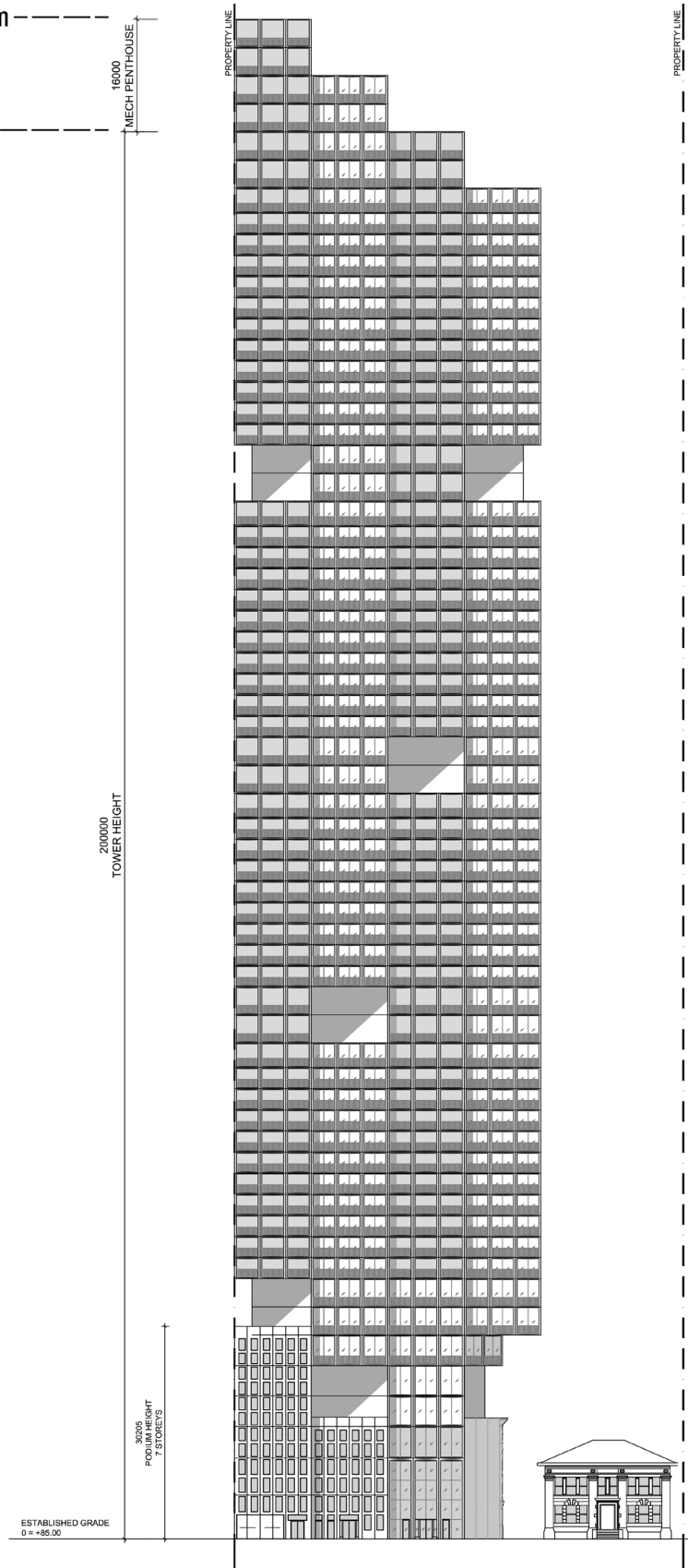


Site Plan

Attachment 6: Elevations

TO Mechanical 216.0m — — — —

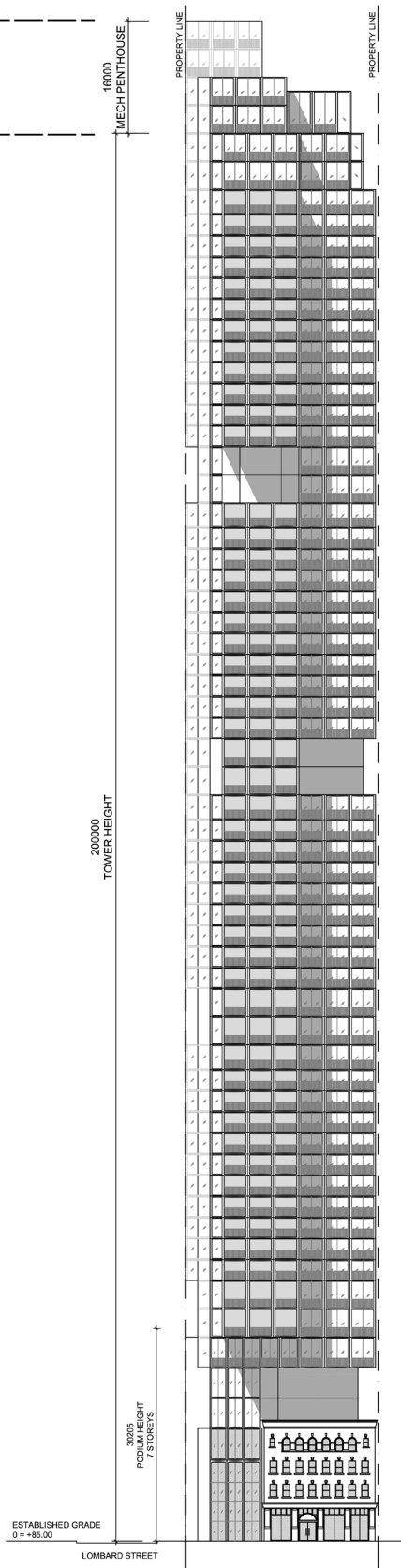
TO 59th FL 200.0m — — — —



South Elevation

TO Mechanical 216.0m ————

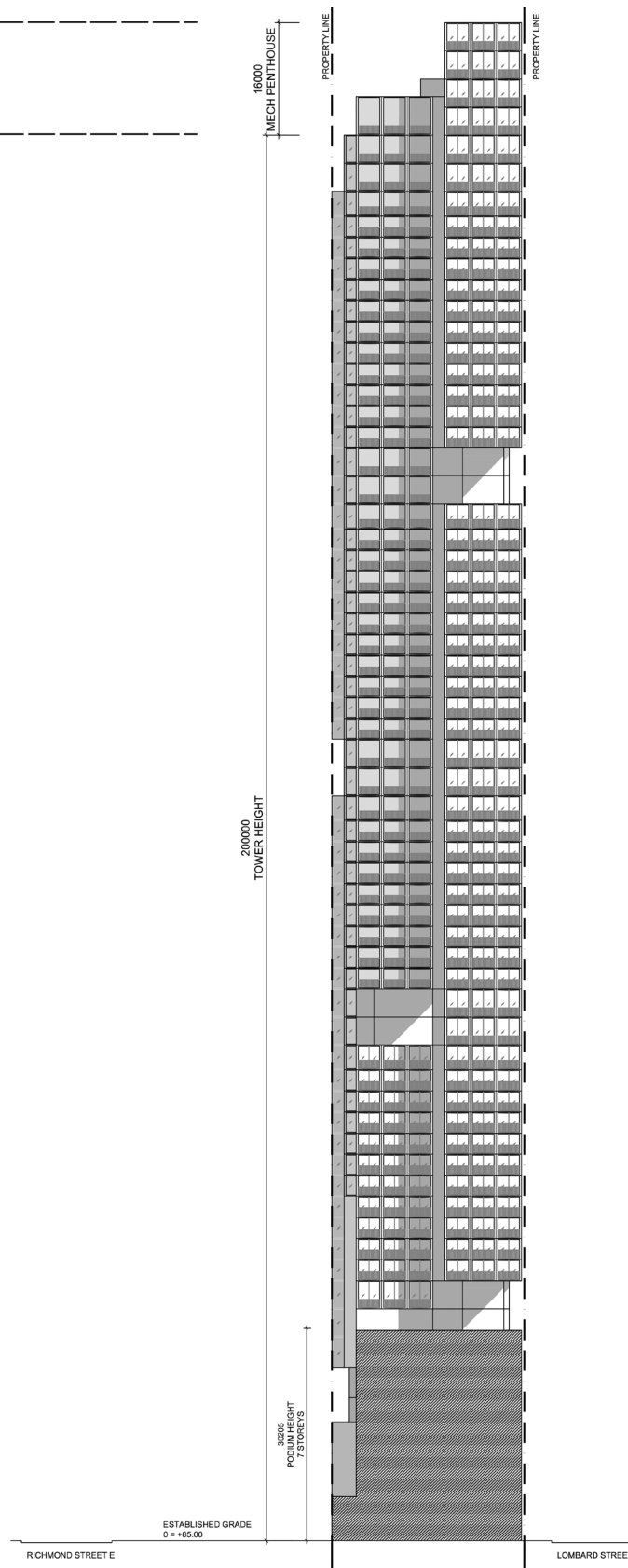
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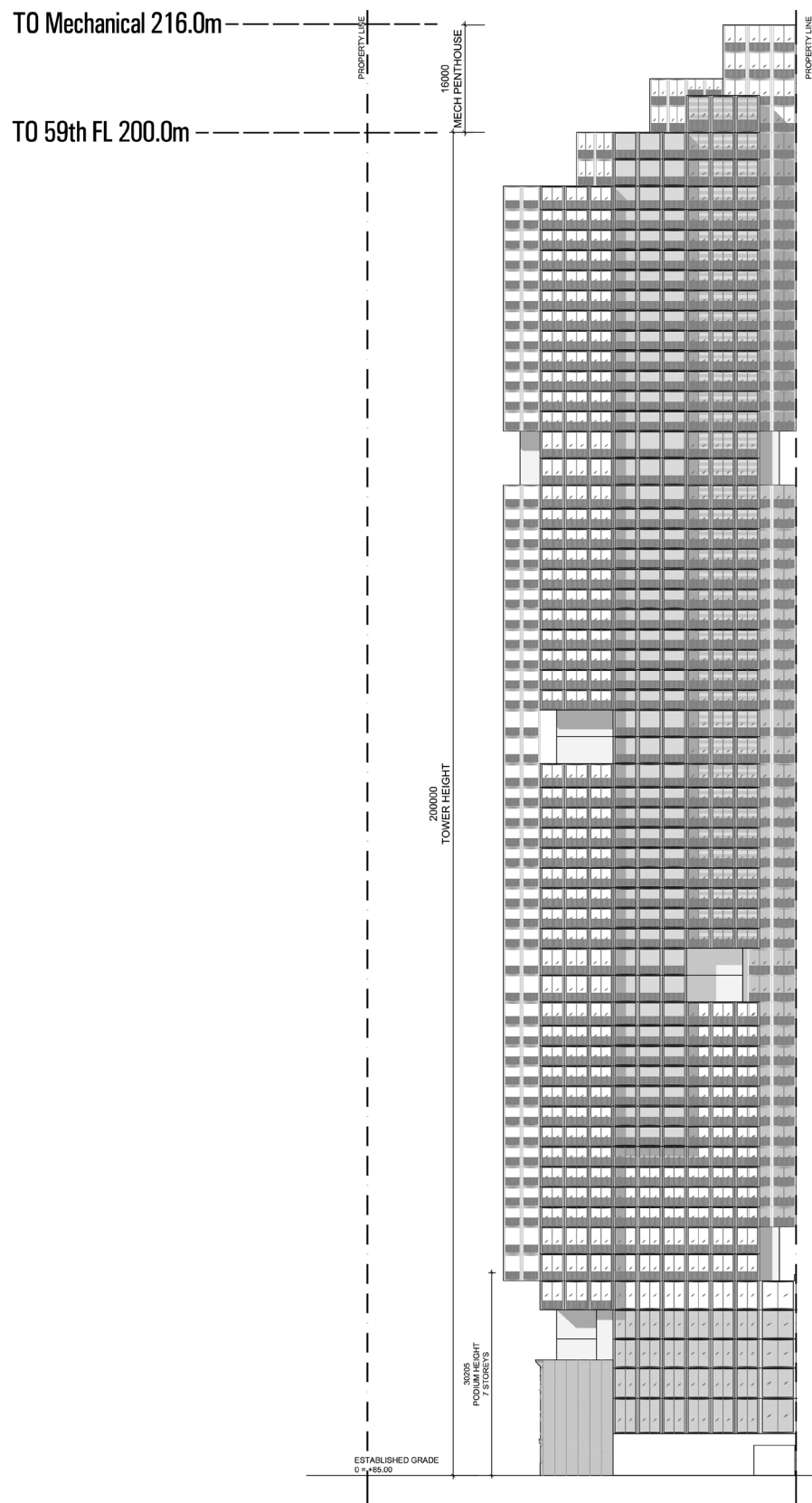
East Elevation

TO Mechanical 216.0m -----

TO 59th FL 200.0m -----



West Elevation



North Elevation

Attachment 7: 3D Massing Model

