



STAFF REPORT ACTION REQUIRED

Official Plan Amendment – Protecting Views of the Ontario Legislative Assembly - Preliminary Report

Date:	August 15, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Wards 20, 27 – Trinity-Spadina, Toronto Centre - Rosedale
Reference Number:	11 225936 STE 27

SUMMARY

This report provides preliminary information on City Council’s direction to prepare an Official Plan amendment to protect views of the Ontario Legislative Assembly building and seeks Community Council’s directions on further review of the proposed amendment and on the community consultation process.

A Community Consultation Meeting is targeted for the 4th Quarter of 2011.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting together with the Ward Councillors for Wards 20 and 27 regarding an Official Plan amendment to protect views of the Ontario Legislative Assembly building.
2. Notice for the community consultation meeting be given via a newspaper advertisement.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On March 8, 2011, City Council directed the City Planning Division “to report back to the Toronto and East York Community Council on the process for the City to adopt an Official Plan Amendment, including the Official Plan Review and implementing zoning by-law amendments or other policy or regulatory changes to protect views of the Ontario Legislative Assembly building from any vantage point along College Street at the intersection of University Avenue.”

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.TE4.87>

COMMENTS

The Importance of Preserving Views of the Ontario Legislative Assembly (OLA) Building

The Ontario Legislative Assembly (OLA) building was listed on the City of Toronto’s Heritage Inventory in 1973 and is positioned at the northern end of University Avenue forming a unique ceremonial avenue and collection of institutional buildings. (See Context Map - Attachment 1). The Ontario Legislative Building is one of the most important heritage buildings in the Province of Ontario and is a landmark within the City of Toronto. While the City has listed the building in the City’s heritage inventory, the City is unable to designate Provincially owned properties under Part IV of the Ontario Heritage Act.

Provincial Policy Statement and Growth Plan

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council’s planning decisions are required to be consistent with the PPS.

Section 2.6.1 of the Provincial Policy Statement (PPS) states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. The term conserved is defined as ‘the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained’.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council’s planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Section 4.2.4.1 (e) of the Growth Plan for the Greater Golden Horseshoe states that municipalities will develop and implement Official Plan policies and other strategies in support of cultural heritage conservation, including conservation of heritage and archaeological resources as built up areas are intensified. This policy, in the chapter

entitled 'Protecting What is Valuable', is intended to protect irreplaceable cultural heritage features as part of planning for future growth.

Staff have reviewed the proposed amendment for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Public Realm Policies of the Official Plan

The Official Plan includes Public Realm policy statements to preserve, create and enhance important public views. Section 3.1.1 of the Plan provides the following policy statements:

3.1.1 (8) Scenic routes with public views of important natural or human-made features should be preserved and, where possible, improved by: a) maintaining views and vistas as new development occurs; and

3.1.1(9) Public works and private development will maintain, frame and, where possible, create public views to an important human-made feature to which public views should be maintained.

Staff consider the OLA building to be an important human-made feature where public views should be maintained.

University of Toronto Secondary Plan

The OLA building is included in the University of Toronto Secondary Plan area and is shown as a major view terminus on Map 20-4 of the Plan (Attachment 2).

The Secondary Plan precludes buildings that would impinge on the view of the silhouette of the OLA building from University Avenue in the area of the Plan to the north of Queen's Park along Queen's Park Crescent to Bloor Street West.

The OLA building and the area around it is identified on Map 20-5 of the University of Toronto Secondary Plan as the 'Institutional Area of Special Identity'. The 'Institutional Area of Special Identity' is characterized by unique heritage buildings and open spaces that form the traditional core of the University of Toronto. The Secondary Plan seeks to limit physical changes to preserve the area's existing character. Section 5.1.2 of the Secondary Plan limits development within the 'Institutional Area of Special Identity' to existing buildings plus minor additions. (The only exception are specific development sites shown on Map 20-12 with specific zoned building envelopes, including heights that are well below a height that would impact the vista of the Queen's Park silhouette when viewed from University Avenue to the south.)

While view protection of the OLA building is secured in developments within the Secondary Plan area, the view of the Legislature from University Avenue from the south could be affected by the height of buildings north of Bloor Street in the vicinity of Avenue Road outside of the Secondary Plan area.

Design Criteria for Tall Buildings

The City has adopted City-Wide Tall Buildings Guidelines for the review of proposals for tall buildings. With respect to Prominent Sites, Views and Vistas (design criteria 1.3), the Tall Building Guidelines proposes that tall buildings on prominent sites will be designed and organized to: complement and enhance, not compromise, strategic views and important vistas in the city; and tall buildings should not be located on sites where they create negative visual impact on sensitive historic environments.

The visual dominance of the Ontario Legislative Assembly building was intentionally and carefully placed to be a highly visible and symbolic place at the head of University Avenue. It is an important vista within the City of Toronto with local, provincial and national significance.

Tall Buildings - Inviting Change in Downtown Toronto Study

The City of Toronto has commissioned a study of tall buildings in Downtown Toronto.

The study identified which downtown streets tall buildings should be located on and the height ranges and built form typologies that these tall buildings should adhere to in order to: enhance the pedestrian environment; minimize shadowing of sidewalks, parks and public squares; protect landmark views and heritage resources; and improve the quality of life for people living and working Downtown.

One of recommendations of this Study, Regulation 16, states that, “Tall buildings will not interrupt the view corridors or appear behind the building silhouettes of the three Landmark Views Downtown.” The study goes on to state that, “The view up University Avenue to Queen’s Park is a Landmark View. No building will interrupt or rise above the silhouette of Queen’s Park when viewed from any vantage point along College Street at the intersection of University Avenue.”

The consultant's study has been completed and public consultation meetings have been held. City Planning staff will be submitting a report to Council for Council’s consideration of the Study recommendations, as revised by the Chief Planner and Executive Director, City Planning in the fourth quarter of 2011.

During the public consultation meetings, a number of individuals and groups, including the “Ontario Capital Precinct Working Group” provided support for regulation 16 and requested amendments to the study to reduce heights shown in the study so that the silhouette of the Legislature Building would not be impacted.

The 21 Avenue Road Application

On May 14, 2009, the City received an application for the redevelopment of 21 Avenue Road, the site of the existing Four Seasons hotel. In response to the application, Planning staff prepared a Preliminary Report on the application. The report stated that the proposed towers on the site should ideally not be visible above the silhouette of the OLA when viewed from locations on the north side of College Street (east sidewalk, northbound traffic lanes, centre median and west sidewalk).

In response to the 21 Avenue Road application, City Planning staff received a Ministry of Municipal Affairs and Housing (MMAH) staff report dated December 5, 2008, indicating that the proposed development, particularly with respect to the proposed building heights, required further assessment to ensure that it will not have negative impacts on the views of the Ontario Legislative Assembly building. The Province further recommended that a “comprehensive objective analysis and assessment of views from various locations to the Ontario Legislative Building and its cultural heritage landscapes should be completed prior to any new tower proposals being considered on the site or in the general vicinity of Queen’s Park”.

On January 26 and 27 2010, City Council approved, in principle, zoning by-law amendments for the development of 21 Avenue Road. In a subsequent Ontario Municipal Board hearing, the Legislative Assembly of Ontario appeared as party at the Hearing. In its decision on the 21 Avenue Road application, the Ontario Municipal Board determined that the “post card” view at College Street, was the appropriate viewpoint to determine visual impacts on the Ontario Legislative Assembly building.

Heritage Impact Assessment and View-shed Analysis

In order to assist the review of the 21 Avenue Road application, the City Planning Division retained Archaeological Services Inc. (ASI) in association with Professor Herb Stovel of the Heritage Conservation Programme at Carleton University to prepare a Heritage Impact Assessment of the significant views that contribute to the cultural heritage values of Queen’s Park and Legislative Assembly of Ontario.

In summary, the report:

- demonstrates that the Queen’s Park cultural heritage landscape is an extremely significant cultural heritage resource within the Province of Ontario;
- provides an overview of how the Queen’s Park site was developed during the nineteenth century, illustrating that its setting, including its physical presence and visual dominance, was carefully engineered and intentionally shaped to function as a highly visible, commemorative, and symbolic place in the City of Toronto;
- demonstrates that the protection of significant public views in the City of Toronto is supported by a policy framework that was first developed during the 1970s;
- determines, based on the results of background research, a review of view plane protection studies undertaken in other jurisdictions, multiple site visits, and analysis of existing and future visual conditions of the site, that the site retains a number of significant view planes from the north, south, east, and west;
- identifies a series of 30 north-looking view planes to be carried forward for impact assessment and considerations of protection mechanisms;

- establishes a level of visual integrity to provide a benchmark for the assessment of future impacts and provides a basis for developing protection mechanisms such as height controls; and
- presents three representative key control view planes to preserve the highest level of visual integrity.

After outlining a view protection methodology for the OLA building, the view-shed study defines a level of ‘visual integrity’ as an objective method for conserving the integrity of the building’s silhouette and for assessing the impact of proposed development applications. The report states that, “Assigning a level of visual integrity indicates a point on the view subject beyond which high rise buildings should not project”.

In this case, the highest level of visual integrity is achieved where there is no visual intrusion above the ridgeline of the east block connector addition. (See attachment No.4 for a visual representation of this level of visual integrity.) The report identifies three representative view planes that would achieve the highest level of visual integrity looking north along University Avenue at the intersections of north side of Queen Street West, north side of Gerrard Street West and north side of College Street.

The consultant’s report concludes that all view points from College Street to Queen Street East are views that contribute to protecting the integrity of the Ontario Legislative Assembly building. In this case, the most limiting view with respect to restricting height would be the representative view plane from Queen Street West.

However there are a number of existing buildings that currently exceed this benchmark, including: the (existing) Four Seasons Hotel at 21 Avenue Road (99 metres); the Renaissance Residences at 150 Bloor Street West (87 metres); the Park Hyatt Hotel (62 metres); and 130 Bloor Street West (91 metres). The City recently approved an application at 192A Bloor Street West where the City sold the property but retained the air rights above 100 metres. (See Building Heights North of Ontario Legislative Assembly Building – Attachment 3) At best, what is currently experienced from Queen Street is a ‘minimal’ to ‘lost’ level of visual integrity (using the reports scale of integrity), where the silhouette of the OLA is obscured by buildings that are visible up to the peak of the Centre Block.

At points along University Avenue further north of Queen Street West, visual integrity improves. At College Street, the existing view plane retains the highest level of visual integrity, as no buildings are currently visible above the silhouette of the OLA.

It was not an objective of the view-shed analysis to make recommendations with respect to visual integrity in the context of existing or approved buildings, nor was the study expected to consider the impact that the recommendations would have on private development rights.

Staff Proposal on View Protection

Planning Staff agree with the findings of the Heritage Impact Assessment and View-shed Analysis that the “Queen’s Park cultural heritage landscape is an extremely significant cultural heritage resource within the Province of Ontario” and would endorse the recommendation that the Queen’s Park cultural heritage landscape be designated by the Province of Ontario “in recognition of the site’s outstanding value within the Province of Ontario and to ensure its long-term conservation and appropriate management”.

However, our proposal with respect to view protection is based on the consideration of the following additional factors:

- the highest level of visual integrity from Queen Street West has been breached by the approval of a number of existing buildings over a 40 year timeframe;
- this breach is unlikely to be reversed;
- there are no existing buildings that would contravene the highest level of visual integrity when viewed from the north side of College Street (other than the un-built 21 Avenue Road site); and
- there is an obligation from a land-use planning perspective to seek to find a balance between the protection of a significant cultural heritage resource versus the retention of an appropriate level of private development opportunities in an area of the City designated for growth and where there is an existing context of tall buildings.

Attachment 4 shows figures illustrating four different possible levels of visual integrity of the OLA building. They range from “Condition 1: High Visual Integrity”, the highest level, where no other buildings breach the silhouette of the OLA building to “Condition 4: Lost Visual Integrity”.

Staff supports the highest level of visual integrity (Condition 1) of the Ontario Legislative Assembly building when viewed from all points across the University Avenue right-of-way on the north side of College Street.

Draft Official Plan Amendment

Staff have reviewed the as-of-right zoning permissions for properties north of the OLA building. In staff’s opinion, other than 21 Avenue Road, there are currently no properties with as-of-right zoning that would breach the view of the silhouette of the OLA building when viewed at a level of 1.6 m. above grade on the north sidewalk of College Street at University Avenue. There is no need for the City to rezone properties to reduce their as-of-right height. Any properties that might breach the view of the silhouette, would require a private rezoning application. Any such application would need to comply with the Official Plan as the Planning Act requires that all by-laws passed by a municipality must conform to the Official Plan.

An Official Plan amendment that inserts a policy into the Official Plan that protects views of the OLA building, would provide statutory clout for Council decisions protecting these views. In the event of appeals to the Ontario Municipal of development proposals

compromising these views, the policy would provide clearer direction to the Ontario Municipal Board.

Staffs propose that Council adopt the following amendment to the City's Official Plan:

“Council shall not pass a zoning by-law to permit the construction of a structure that could be seen above the silhouette of the Ontario Legislative Assembly Building (both the ridgeline of the East Block Connector and the ridgeline of the West Block Connector) when viewed from the intersection of the north/south and east/west sidewalks at the intersection of University Avenue and College Street at a height of 1.6 m. above grade.”

Attachment 5 illustrates the properties that might be affected by the proposed amendment.

Conclusion

The City Planning Division recommends that Community Council authorize staff to bring the draft Official Plan Amendment to the community at a community consultation meeting for their comments prior to finalizing the wording in a staff report to a statutory public meeting under the Planning Act.

CONTACT

David Oikawa, Manager, Community Planning
Tel. No. 416-392-7188
Fax No. 416-392-1330
E-mail: doikawa@toronto.ca

SIGNATURE

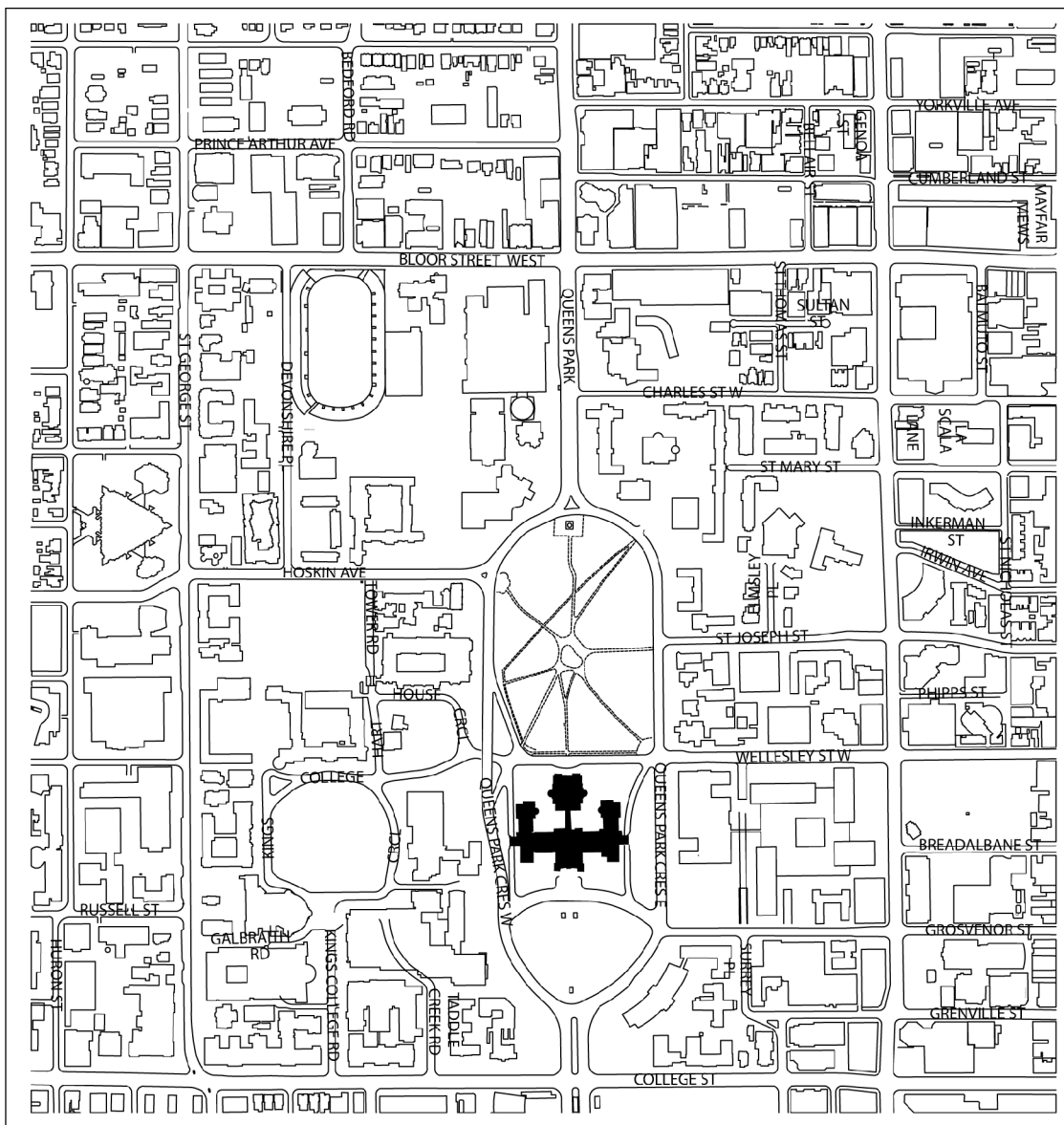
Gregg Lintern, Director, MCIP, RPP
Community Planning, Toronto and East York District

(p:\2011\Cluster B\pln\teycc18113779040.doc) - es

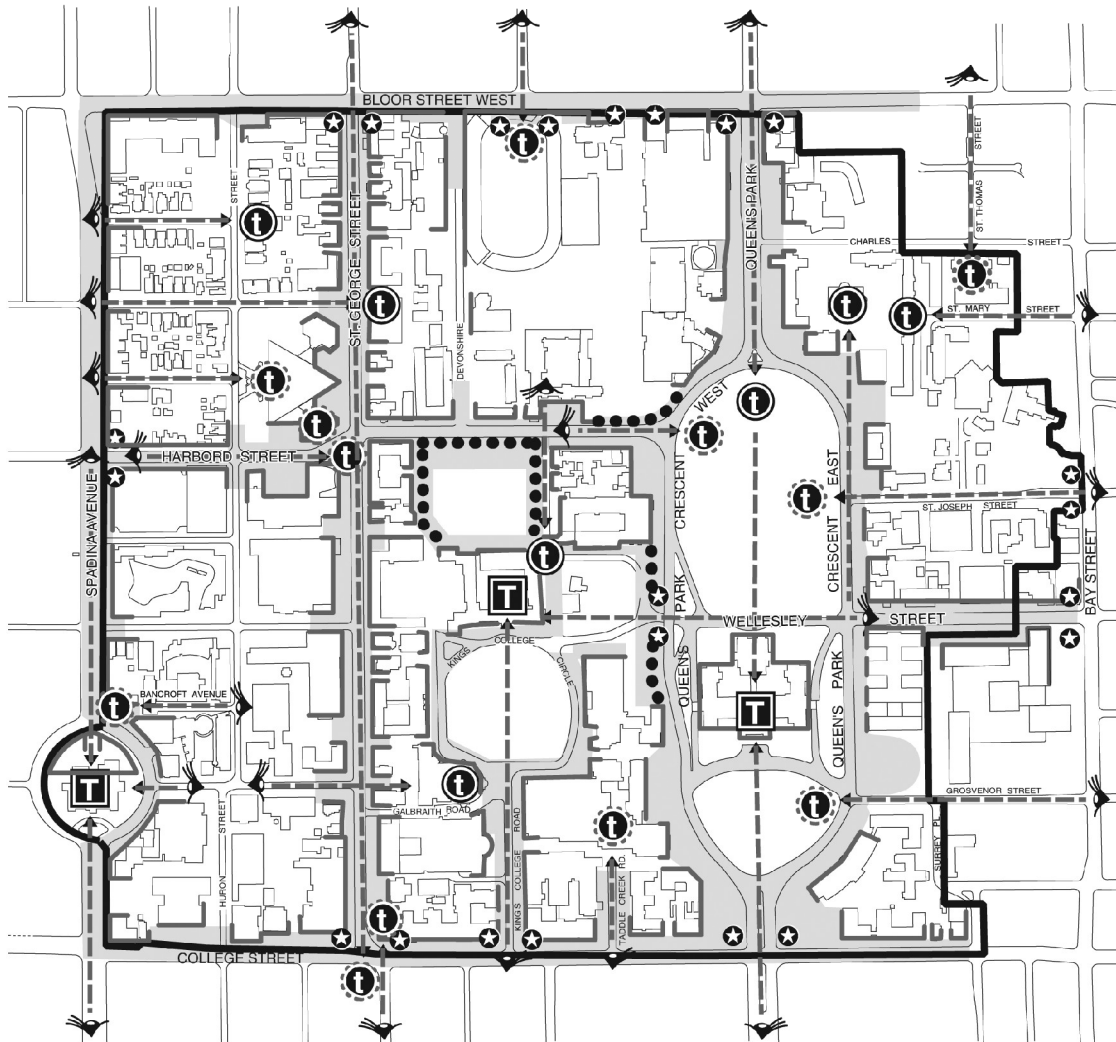
ATTACHMENTS

Attachment 1: Context Map
Attachment 2: University of Toronto Secondary Plan
Attachment 3: Building Heights North of the Ontario Legislative Assembly Building
Attachment 4: Levels of Visual Integrity for the Building's Silhouette
Attachment 5: Possible Extent of Properties Affected

Attachment 1: Context Map



Attachment 2: University of Toronto Secondary Plan












Not to Scale 



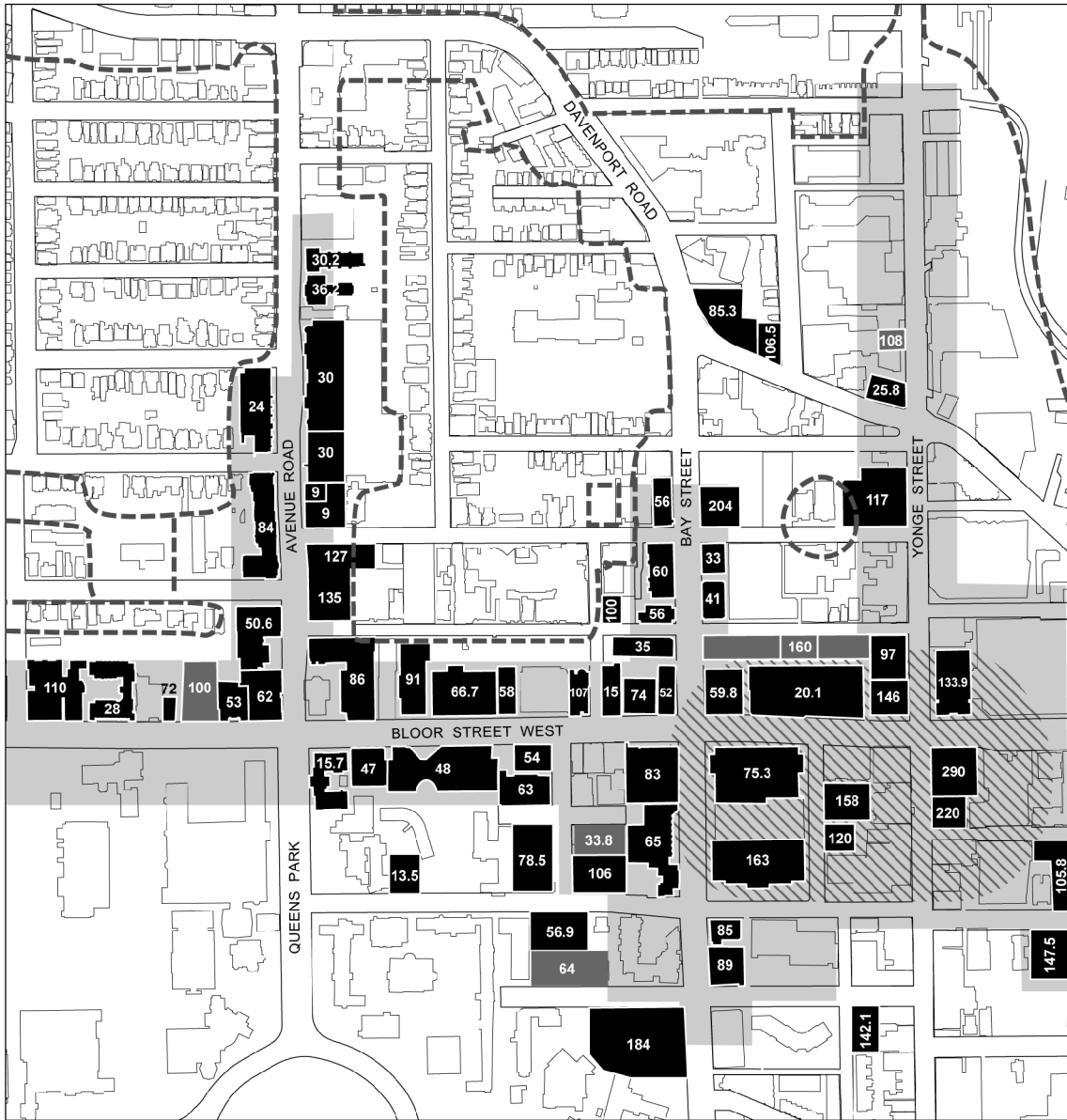
University of Toronto Secondary Plan

MAP 20-4 Primary Street Spaces, Vistas and "Gateways" - Structure Plan

- | | | |
|---|---|---|
|  Secondary Plan Boundary |  Major View Terminus |  Existing and Potential Gateways (major University Area and Queen's Park Government Area entrances) |
|  Existing and Potential Street Building Edge |  Local View Terminus | |
|  Primary Street Space |  Potential View Terminus | |
|  Landscape Edge |  Viewpoint | |

June 2006

Attachment 3: Building Heights North of the Ontario Legislative Assembly Building



TORONTO City Planning
Building Heights

Ontario Legislative Assembly

File # 11_225936 STE 27

Buildings (approximate heights in metres)

- Existing and Approved
- Proposed (Under Review)

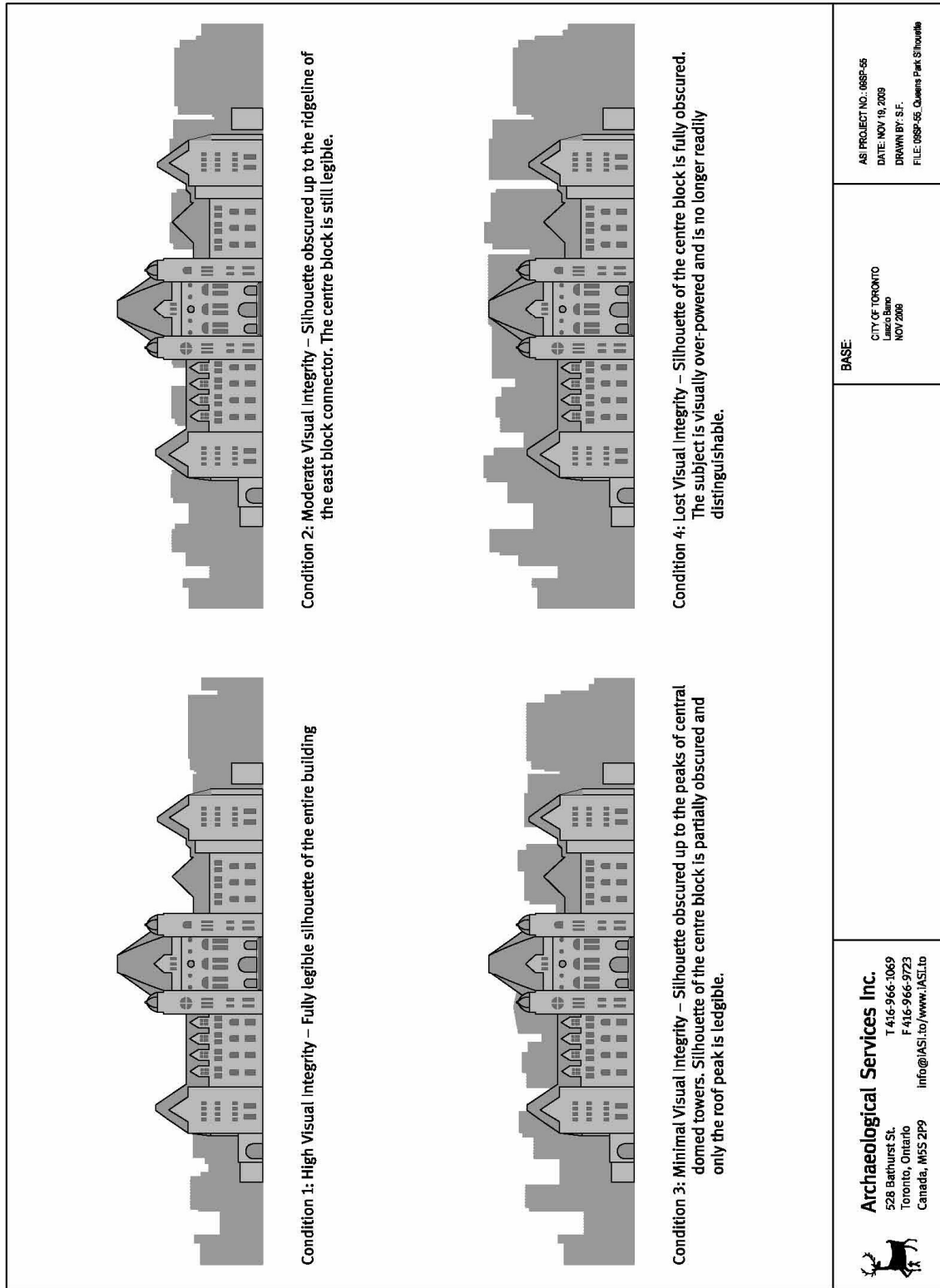
Built Form Height Peaks & Ridges (Map 2 of Site and Area Specific Policy 211)

- Height Peak
- Height Ridges
- Low-Rise Areas

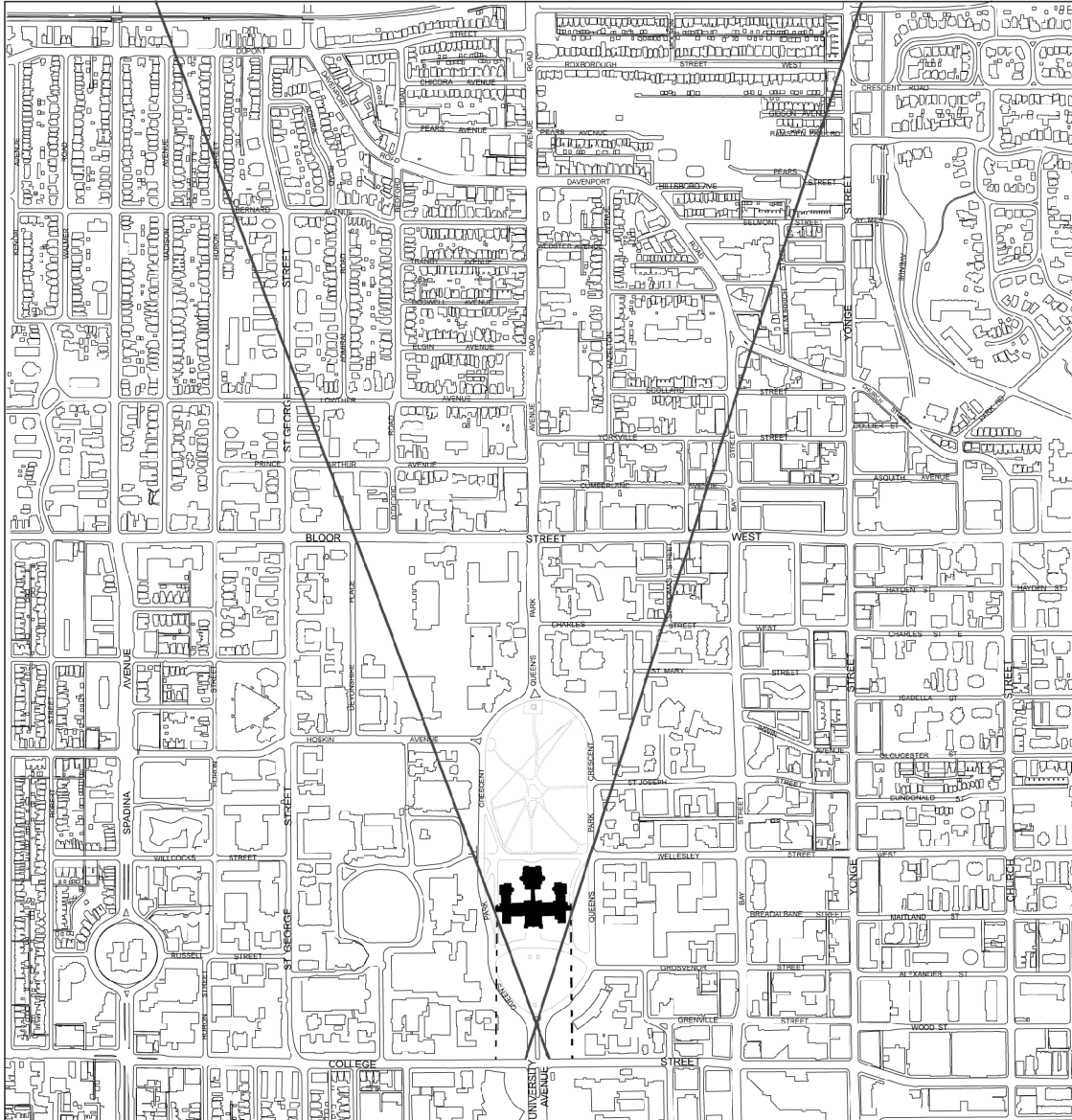


Not to Scale
 08/10/2010

Attachment 4: Levels of Visual Integrity for the Building's Silhouette



Attachment 5: Possible Extent of Properties Affected



Buildings and Lands in the OLA - View Corridor

Ontario Legislative Assembly

File # 11_225936 STE 27



Not to Scale
07/27/2011