250 Front Street West – Zoning Amendment Application – Final Report

Date: August 8, 2012
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Wards: Ward 20 – Trinity-Spadina
Reference Number: 11 288729 STE 20 OZ

SUMMARY

This application proposes amendments to the uses permitted in the CBC Broadcast Centre at 250 Front Street West. Some of the proposed amendments reflect permissions for additional non-residential gross floor area already granted through the Committee of Adjustment in 1990 and 2008. Additional permissions are also proposed to add offices, performing arts studios and data centres to the list of permitted uses within the 43,478 square metres of non-residential gfa available for non-CBC uses within the Broadcast Centre building. Requirements for parking and other restrictions imposed by the Committee of Adjustment will be maintained.

There are no exterior alterations proposed to the building.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 438-86 for the property at 250 Front Street West, substantially in accordance with the draft Zoning
By-law Amendment included as Attachment No. 6 to the report from the Director of Community Planning, Toronto and East York District (August 8, 2012).

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY

Site specific Zoning By-law No. 637-88 was enacted in 1988 to establish zoning regulations for the block bounded by Front Street West, John Street, Wellinton Street West and Simcoe Street. This block includes the CBC building at 250 Front Street West. The By-law allowed for a total gross floor area of 130,180 square metres of uses dedicated to the CBC and other non-residential uses on the portion of the this larger block occupied by the CBC building. Of this total gross floor area, no more than 5,000 square metres was to be dedicated to non-residential uses other than CBC uses.

The Canadian Broadcasting Corporation (CBC) Toronto Broadcast Centre at 250 Front Street West was completed in 1993 and was designed by renowned architect Phillip Johnson to house many of the functions of the CBC located throughout Toronto, with modern work-space to accommodate the development and production of CBC programming.

A 1990 minor variance decision permitted 1,444 square metres of non-residential gross floor area located on the ground floor to be deemed as CBC use.

A 2008 minor variance application was intended to implement the CBC's Workplace Revitalization Project. This is an initiative undertaken by the CBC to improve the workplace for its employees and to revitalize the ground floor of the building and bring more programming to the public. The variance as approved by the OMB permitted an increase in non-CBC uses within the building and re-aligned parking requirements for these uses with what is currently provided. The variance allows for a total of 43,478 square metres of non-CBC/non-residential gross floor area. Conditions imposed on the variance restrict the use of 28,478 square metres of non-CBC/non-residential gross floor area to government offices and retail and service uses. The remaining 15,000 square metres of non-CBC/non-residential gross floor area may be used for any use permitted in the CR zoning. The total area of retail stores is limited to 16,500 square metres. The variances also provided that the 500 parking spaces required for CBC uses to be located in the underground parking facility adjacent the CBC building, would satisfy parking for all uses within the CBC building.
ISSUE BACKGROUND

Proposal
The application for an amendment to the Zoning By-law for the CBC Broadcast Centre proposes that the changes made through the 1990 and 2008 minor variance applications be incorporated into the By-law through a site-specific amendment and that permissions for non-CBC uses be expanded. Specifically, the application proposes that the list of permitted uses within the 43,478 square metres of non-residential gross floor area available for non-CBC uses within the CBC building be expanded to include offices (non-governmental), performing arts studio and data processing establishment, in addition to the currently permitted government offices and retail and service uses. The application proposes that the other conditions imposed by the Committee of Adjustment be maintained. This includes the requirement for 500 parking spaces for uses within the CBC building.

The rationale for reconfiguring uses and space within the CBC building is based upon the programming and fiscal needs of the CBC. Since the building was constructed in 1993, the nature of CBC programming and advances in media technology have dramatically changed how the CBC functions. The rise of digital media, advances in computer technology and the dominance of web-based media have changed CBC operations as well as its facility needs. As is stated in the Planning Rational report submitted with the application, "Functions that used to require a room full of audio-visual and computer equipment are now accommodated in a couple of desktop computers, and in-house production has been reduced". Given the reduced need for space within the building, the CBC has been searching for additional users to take up the surplus space. At the time of the 2008 variance application, the assumption was made by the CBC that federal and/or provincial government tenants would be interested in occupying these spaces. Since 2008, the CBC has been trying to find public-sector tenants, but economic conditions and the changing needs of public institutions has meant that such tenants are not available and are not expected to be available for the foreseeable future. Making surplus space available for a broader range of non-public sector users would allow the CBC to continue with the improvement of their workspace as envisioned through their Workplace Revitalization Project.

Site and Surrounding Area
The subject site is located on the north-east corner of Front Street West and John Street. The building is 10-storeys and 69 metres in height and has a floorplate of over 10,000 square metres. The building was designed to accommodate media production, studios and CBC functions. The ground floor is a double height floor which accommodates a lobby and a large central atrium which passes through the centre of the building providing access to studios and a variety of spaces used for broadcasting and various functions. Levels 2-9 have high typical floor to ceiling heights and accommodate the majority of CBC's daily functions. Level 10 includes three rooftop studios and mechanical equipment. Floor to ceiling heights on this level range from 5 to 25 metres.
The four below-grade levels also have large floor to ceiling heights to accommodate production facilities. These spaces are mostly vacant or used for storage.

The building accommodates third-party retail uses at grade and on a mezzanine level. Various CBC facilities, including a studio space, are rented out to media production companies and portions of the building have been leased to third parties. Due to the restriction imposed through the 2008 minor variance decision, a large portion of the above and below-grade remains unoccupied.

Loading and servicing are largely accommodated below grade on level 2 and accessed from Wellington Street. There are also two truck elevators fronting on to John Street. Parking for the facility is accommodated in a central parking garage on the larger city block adjacent the CBC Broadcast Centre, where 500 spaces are reserved for all uses within the building.

The block on which the CBC Broadcast Centre is located was comprehensively planned and is fully developed. The entire block is connected through a shared underground parking lot, a shared below-grade food court and by the Toronto PATH network.

The site is surrounded by the following uses:

North: To the north of the Broadcast Centre is Metro Hall, a 27-storey office tower and two related 15-storey office towers. The open space at the base of these towers is a public open space known as David Pecault Square. To the east of Metro Hall is the Roy Thompson Hall.

South: The area to the south of the building on the south side of Front Street West is dominated by the Metro Toronto Convention Centre. Beyond the Convention Centre is a rail corridor, the CN Tower and the former railway lands which now includes the Rogers Centre, Air Canada Centre, Roundhouse Park and a significant amount of high-density residential development.

West: To the west of the Broadcast Centre at the north-west corner of Front Street West and John Street is a 50 storey mixed-use building under construction. To the north of this site is a large hydro transformer station. Lands to the west and the north of the site are part of the King-Spadina neighbourhood and are also known as the Entertainment District, of which the CBC is a part. This neighbourhood is increasingly dominated by dense mixed-use development with tall residential buildings and a diverse range of commercial, recreational and institutional activity at-grade.

East: To the east of the Broadcast Centre is the City's financial core, dominated by high-rise office towers. Immediately to the east of the building on the same block is Simcoe Park and the Residences at Ritz –Carlton Toronto, a new 53-storey hotel and residential condominium development. To the east of the Park is Simcoe Place, a 30 storey high-rise office building. To the east of the Residences
of Ritz-Carlton Toronto is the new RBC Dexia building, a 43-storey high-rise office building.

**Provincial Policy Statement and Provincial Plans**

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.

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.

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

**Official Plan**

The site is designated Mixed Use Areas in the City of Toronto Official Plan. The Official Plan anticipates that the Mixed Use Areas will absorb most of the anticipated increases in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. The existing and proposed uses are consistent with the Mixed Use Areas designation.

The subject site is identified as being within the Downtown and Central Waterfront on Map 2, the Urban Structure Map. In addition to Centres, Avenues and employment Districts, growth will be directed to the Downtown and Central Waterfront.

**Zoning**

In 1984 the CBC applied for an Official Plan and Zoning By-law amendment for the Broadcast Centre Block. The site, as part of a larger development block, was zoned as CR T7.8 C4.5 R7.8 by site-specific Zoning By-law 637-88, as amended (see Attachment 5 - Zoning Map, By-law No. 438-86). The Broadcast Centre Block was granted a total non-residential gross floor area of 130,180 square metres. Of this total, no more than 5,000 square metres was non-residential uses other than CBC uses. CR mixed-use zoning permits a range of uses, including residential, office, entertainment, cultural, retail and other uses.

A 2008 minor variance approval granted on appeal by the Ontario Municipal Board permitted a total of 43,478 square metres of non-CBC/non-residential gross floor area as part of the CBC Broadcast Centre building. Conditions imposed on the variance restrict the use of 28,478 square metres of non-CBC/non-residential gross floor area to government offices and retail and service uses. The remaining 15,000 square metres of
non-CBC/non-residential gross floor area may be used for any use permitted in the CR zoning. The total area of retail stores is limited to 16,500 square metres.

**Site Plan Control**
A site plan control application is not required for the proposed changes to the CBC Broadcast Centre building as there are no exterior alterations proposed and no significant changes in the use.

**Reasons for Application**
The applicant has requested an amendment to the site–specific Zoning By-law to expand the list of permitted uses within the 43,478 square metres of non-residential gross floor area available for non-CBC uses within the CBC building to include offices, performing arts studio and data processing establishment, in addition to the currently permitted government offices and retail and service uses. The proposed amendment to the By-law would also consolidate the restrictions imposed through the 1990 and 2008 minor variance approvals for the site within a new site-specific by-law.

**Community Consultation**
A community consultation meeting was held on May 1, 2012 in the atrium of the Broadcast Centre building. There were several questions raised regarding the proposed changes to the zoning by-law and the implications of the proposed changes to the Broadcast Centre under the CBC's Workplace Revitalization Project. It was suggested that the application was an opportunity to secure improvements to the building and adjacent public realm. City staff confirmed at the meeting that as all of the proposed changes to the building were interior to the building, there was no opportunity for the City to impose conditions related to the façade of the building or the adjacent public realm.

**Agency Circulation**
The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

**COMMENTS**
City Planning staff and staff from other Divisions including Technical Services, Transportation Services and Toronto Building reviewed the proposed amendments to the Zoning By-law as proposed by the applicant and concluded that they were consistent with the City's Official Plan and the PPS and that the proposed By-law changes would not detract from the function of the CBC Broadcast Centre.

**Provincial Policy Statement and Provincial Plans**
The proposed changes to the use permissions sought with regard to this proposal support the function of the CBC Broadcast Centre as a commercial building providing employment opportunities in a location which utilizes existing infrastructure and public services within a Settlement Area.
The CBC Broadcast Centre is located within Downtown Toronto Urban Growth Centre as identified in the Growth Plan for the Greater Golden Horseshoe. The addition of employment uses to a building which is currently underutilized supports the objectives of the Growth Plan for urban growth centres as per Policy 2.2.4 and for employment lands as per policy 2.2.6.

Based on the above-noted reasons, the proposal is consistent with the PPS and the Growth Plan for the Greater Golden Horseshoe.

**Land Use**

The City's Official Plan anticipates that lands designated as Mixed Use Areas will absorb most of the anticipated increases in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. The proposed site-specific zoning by-law amendment grants additional permissions for offices, performing arts studios and data processing establishments in addition to those permissions granted by the Committee of Adjustment in 2008 for 43,478 square metres of non-CBC / non-residential gross floor area. Adding permission for these employment uses is consistent with the continued use of the CBC Broadcast Centre building as a commercial building providing employment in downtown Toronto.

The inclusion of these additional uses will allow the CBC to utilize space no longer required for their operations. The CBC Broadcast Centre will continue to be used for predominantly CBC uses and to function as an important cultural institution in this part of the downtown.

**Traffic Impact, Access, Parking**

The applicant submitted a Parking and Loading Consideration Report in support of their zoning by-law amendment application. The study provided specific information regarding the parking demand for the proposed performing arts studios and data processing uses and concluded that the demand generated by these uses would be less than the demand generated by conventional office uses. The consultant also concluded that the City's parking standards for office uses would be appropriate for both government offices and conventional offices. Transportation Services staff concurred with the conclusion of the applicants transportation consultant that the 500 space parking requirement as per By-law 637-88 be maintained.

With regard to loading, the applicants transportation consultant concluded that loading demand for performing arts studios and data processing establishment in this building be assessed on the basis of office loading requirements. These requirements are reflected in the provisions of the draft by-law attached to this report.

**Toronto Green Standard**

As the zoning amendment application proposes only the new use of existing gross floor area and minor changes to the façade of the building, the Toronto Green Standard will not be applied to this application.
Section 37
As the proposed amendments to the Zoning By-law don't increase the permitted height or density beyond that permitted in site-specific zoning By-law No. 637-88 for the CBC Broadcast Centre building, there is no Section 37 contribution associated with the proposed zoning by-law amendment.

Conclusion
City Planning staff and staff from other Divisions including Technical Services, Transportation Services and Toronto Building reviewed the proposed amendments to the Zoning By-law as proposed by the applicant and concluded that they were consistent with the City's Official Plan and the PPS and that the proposed By-law changes would not detract from the function of the CBC Broadcast Centre.

CONTACT
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SIGNATURE

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Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: East Elevation
Attachment 3: South Elevation
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment
Attachment 1: Site Plan
Attachment 2: East Elevation
Attachment 3: South Elevation
Attachment 4: Zoning

250 Front Street West

G Parks District
CR Mixed Use District
RA Mixed Use District
IC Industrial District
Attachment 5: Application Data Sheet

Application Type: Rezoning
Details: Rezoning, Standard
Municipal Address: 250 FRONT ST W
Location Description: PLAN 66M 2248 PT BLK 1 RP66R 15457 PART 1 **GRID S2015
Project Description: Rezoning application to permit an expansion to the list of permitted uses in the existing CBC building to serve the CBC and for non CBC uses.

Applicant: McCarthey Tetrauult
Agent: Cynthia Macdougall
Architect: Canadian Broadcasting Corporation

PLANNING CONTROLS
Official Plan Designation: Mixed Use Areas
Zoning: CR T7.8 C4.5 R7.8
Height Limit (m): 76

PROJECT INFORMATION
Site Area (sq. m): 15000
Frontage (m): 114.73
Depth (m): 129.62
Total Ground Floor Area (sq. m): 10300
Total Residential GFA (sq. m): 0
Total Non-Residential GFA (sq. m): 125881
Total GFA (sq. m): 125881
Lot Coverage Ratio (%): 68.7
Floor Space Index: 8.39

DWELLING UNITS
Tenure Type:
Rooms: 0
Bachelor: 0
1 Bedroom: 0
2 Bedroom: 0
3 + Bedroom: 0
Total Units: 0
Residential GFA (sq. m): 0
Retail GFA (sq. m): 1188
Office GFA (sq. m): 28529
Industrial GFA (sq. m): 0
Institutional/Other GFA (sq. m): 111206

FLOOR AREA BREAKDOWN (upon project completion)
Above Grade Below Grade
Residential GFA (sq. m): 0 0
Retail GFA (sq. m): 1188 12301
Office GFA (sq. m): 28529 1460
Industrial GFA (sq. m): 0 0
Institutional/Other GFA (sq. m): 111206 14675

CONTACT: PLANNER NAME: Dan Nicholson, Planner
TELEPHONE: (416) 395-7110
Attachment 6: Draft Zoning By-law Amendment

Authority:
Enacted by Council:

CITY OF TORONTO

By-law No. xxx-20-

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 250 Front Street West

The Council of the City of Toronto HEREBY ENACTS as follows:

1. This By-law applies to the lands bounded by Front Street West, John Street, Wellington Street West and Simcoe Street as shown on Plan 1 attached to By-law No. 637-88.

2. Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the lot.

3. By-law No. 637-88 is amended as follows:

(a) Deleting subsection 4(1)(a) in its entirety and replacing it with the following:

“(a) the combined non-residential gross floor area of the CBC uses and the foresaid other non-residential uses of the building do not exceed 130,180 metres of which no more than 43,478 square metres shall be used for non-residential uses other than CBC uses, provided that:

(i) no more than 16,500 square metres of non-residential gross floor area be used for retail stores;

(ii) no single retail store has a non-residential gross floor area greater than 8,000 square metres; and

(iii) No more than 28,478 square metres of such non-residential gross floor area will be used for the purposes of (i) offices, (ii) government offices, (iii) performing arts studio, (iv) data processing establishment; and (v) retail and service uses listed in s.8(1)(f)(b)(iv) of By-law No. 438-86”;

(b) Deleting “366,010.1” in subsection 5(1), and replacing it with “381,703”;

...
(c) Deleting “282,997.5” in subsection 5(2) and replacing it with “318,619”;

(d) Deleting “158,478.6” in subsection 5(4) and replacing it with “194,100”;

(e) Deleting the words “the CBC uses” at the end of subsection 5(11) and replacing them with “of all uses on Area 1”;

(f) Deleting the first paragraph in subsection 5(13) and replacing it with the following:

In respect of the CBC uses, notwithstanding Section 4(8) of Zoning By-law No. 438-86, loading facilities are provided and maintained within Area 1 of the attached Plan 1 and at least to the extent of 4 loading spaces – type A; 5 loading spaces – type B, 3 loading spaces – type C, and 54 loading spaces of 2.6 metres by 5.9 metres;

In respect of uses other than CBC uses, loading facilities are provided and maintained in accordance with Zoning By-law No. 438-86, except that loading requirements for performing arts studio uses and data processing establishments shall be calculated as if they were office uses."

(g) The definition of CBC uses is amended by adding the following at the end of subsection 7(1):

“, and shall include any otherwise permitted non-residential CR use located at the southwest and northeast corners of the Broadcast Centre Building to a maximum of 1,444 square metres, as more particularly shown on Plan 4 attached to this By-law”; and,

(h) Insert a new Section 8 as follows:

“8. This By-law shall apply to all the lands shown on Plan 1 attached to this By-law, regardless of future severance, partition or division.”

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD, ULLI S. WATKISS, Mayor City Clerk

(Corporate Seal)
NOTE: All dimensions are in metres.