STAFF REPORT
ACTION REQUIRED

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

<table>
<thead>
<tr>
<th>Date:</th>
<th>August 1, 2012</th>
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<tr>
<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Director, Community Planning, Toronto and East York District Director, Urban Design</td>
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<tr>
<td>Wards:</td>
<td>Wards 20, 27 – Trinity Spadina, Toronto Centre-Rosedale</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>11 225936 STE 27 OZ</td>
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**SUMMARY**

This report recommends approval of an Official Plan amendment to protect views of the Ontario Legislative Assembly Building.

**RECOMMENDATIONS**

The City Planning Division recommends that:

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment for the Protection of Views of the Ontario Legislative Assembly, attached as Attachment No. 5 to the report (August 1, 2012) of the Director, Community Planning.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.

**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.”


Planning staff prepared a Preliminary Report to the September 12, 2011 meeting of the Toronto and East York Community Council (Attachment No. 7 to this report). The preliminary report examined an option for an Official Plan amendment to protect views of the Ontario Legislative Assembly Building (OLAB). It recommended that no new buildings should rise above the silhouette of the OLAB when viewed from College Street. The report recommended that the staff proposal be taken to a community consultation meeting.


Community Council further directed: “That the Community Planning staff undertake a peer review and further discussion with Robert Allsopp, du Toit Allsopp Hillier, the Ontario Capital Precinct Working Group, and the Centre for Landscape Research respecting the protection of the views of the Ontario Legislative Assembly, prior to the community consultation process; and further that this community consultation not be delayed.”

ISSUE BACKGROUND

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.

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’. Staff consider the OLAB to be a “significant built heritage resource” within the meaning of 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.
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.

City Council’s planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

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. In this case, it is felt that the protection of the silhouette of the building should be preserved as outlined in this report.

Community Consultation
A community consultation meeting was held on November 22, 2011. Approximately 25 members of the public were in attendance.

At the meeting the “Ontario Capital Precinct Working Group” made a presentation advocating the shifting of the view point for the protection of views of the silhouette of the OLAB from College Street to Queen Street West.

COMMENTS
Staff have had several meetings with Mr. Allsop of Dutoit, Allsop, Hillier and the Ontario Capital Precinct Working Group and attended a workshop with the Centre for Landscape Research. An examination of how the City measures view planes to the silhouette of the OLAB was peer reviewed as per Community Council’s direction. A common understanding of this methodology has been agreed upon with the peer reviewers. One of the changes was to establish a viewing height of 1.75 m. above grade rather than the 1.6 m. above grade, which was previously proposed. This would have the effect of slightly lowering view planes.
Attachment 1 to this report illustrates four different levels of visual integrity of silhouette view protection for the OLAB. Staff’s preliminary report recommended that no new buildings rise above the silhouette of the OLAB when viewed from College Street. This is condition number one in the diagram – “High Visual Integrity – Fully legible silhouette of the entire building”.

Staff continue to feel that the protection of the College Street view at condition number one, is important. There are no existing buildings north of the OLAB which impact the silhouette view of the OLAB at condition number one. Other than the proposed development at 21 Avenue Road, there are also no sites zoned for heights which would violate condition number one at College. The highest degree of visual integrity already exists at College (other than the 21 Avenue Road proposal) and should be maintained.

During the consultation process, staff received a number of comments suggesting that silhouette views of the OLAB also be protected from Queen Street. Photos illustrating views from Queen Street are attached to this report in attachment 2. The photos were taken with a camera with its lens set at the “normal” human viewing position. It is clear that views to the OLAB at Queen Street are already compromised above “condition 4 - Lost Visual Integrity”. Further, not all portions of the OLAB can clearly be seen from Queen Street at all locations across the intersection. Most of the east and west block connectors cannot be seen from Queen Street. It is really only the Centre Block that can be seen clearly from Queen Street.

Staff do agree however, that further degradation of the silhouette view of the OLAB, and in particular, the “centre block” is undesirable. Staff recommend protection of the silhouette view of the OLAB from Queen Street so that no new buildings rise above the roof peak of the centre block. The roof peak of the centre block should be legible from Queen Street. Staff feel that a reduction in the level of visual integrity from condition 1 to condition 3 is justified as many views from Queen Street to the OLAB are obstructed by street conditions and because the OLAB can only be seen as a fairly distant object. Staff feel that it is more important to keep views of the centre block un-obscured from that distance than the remainder of the building, which is already obscured.

Attachment 3 shows the properties that would be affected by protecting silhouette views from College Street. Attachment 4 shows the properties that would be affected by protecting silhouette views from Queen Street. As the drawings show, far fewer properties would be affected using the Queen Street view criteria. However, these properties within the Queen Street view cone, would have a lower maximum allowable height than properties that are within the College street view cone, but not within the Queen Street view cone.

After considering the results of the public consultation, staff feel that the use of both College Street at view condition 1 and Queen Street at view condition 3 is a reasonable approach. It protects both the important College Street silhouette view of the entire OLAB. It also allows a degree of protection of the roof peak of the centre block from the Queen Street silhouette view that restricts the affected properties to a narrow view cone.
It also limits the impact of the proposal on the lands affected by using condition 3 rather than condition 1.

Attachment 5 is a table which compares the resulting allowable heights with the occurrences (and heights) of existing buildings breaking the view planes. The table shows that:

- No existing buildings break the College Street view plane at Avenue Road;
- A total of 6 buildings currently break the Queen Street view plane at Avenue Road (allowing for full block developments);
- The unbuilt but OMB approved 21 Avenue Road site has OMB approval for towers which would break both the College Street and Queen Street view planes.

Although 6 buildings break the view plane at Queen Street, it would appear from observation (photos in attachment 2) that none break the view plane through the silhouette of the centre block.

Attachment 6 of this report shows a revised proposed official plan amendment as recommended by staff. The amendment would protect silhouette views of the entire OLAB from the intersections of the College St. and University Ave. north sidewalks on the east and west sides of College Street. Similarly, it would protect silhouette views of the domed centre block of the OLAB from the intersections of the Queen St. and University Ave. north sidewalks on the east and west sides of Queen St.

The effect of the official plan amendment, if adopted by Council, would be to prevent any future zoning by-law amendments for developments which are higher than the view planes. It would not remove any existing zoning permissions for properties that have zoning that is non-complying with the proposed official plan amendment.

**Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the PPS. It conserves the views to the Ontario Legislative Assembly Building, a significant built heritage resource.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It develops an Official Plan policy which supports cultural heritage conservation.
In summary, the proposed Official Plan Amendment, provides a balanced approach for the protection of the silhouette views of the Ontario Legislative Assembly building. It provides full protection from the un-compromised silhouette views from College Street, while still providing a reasonable level of protection from Queen Street, where the silhouette views of the entire OLAB are already somewhat compromised, but where views of the centre block are un-compromised.

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SIGNATURES

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Raymond David, Director               Robert Freedman, Director
Community Planning, Toronto and East York District  Urban Design

ATTACHMENTS
Attachment 1: Levels of Visual Integrity - OLA
Attachment 2: Photos of Views Looking North at Queen Street West
Attachment 3: Properties Affected by Protection View from College Street at Condition 1
Attachment 4: Properties Affected by Protection View from Queen Street West at
            Condition 3
Attachment 5: Table – Analysis of Queens Park View Planes from Queen Street and
            College Street
Attachment 6: Draft Official Plan Amendment
Attachment 7: Staff Preliminary Report of August 15, 2011
Attachment 1: Levels of Visual Integrity - OLA

Condition 1: High Visual Integrity – Fully legible silhouette of the entire building.

Condition 2: Moderate Visual Integrity – Silhouette obscured up to the ridgeline of the east block connector. The centre block is still legible.

Condition 3: Minimal Visual Integrity – Silhouette obscured up to the peaks of central domed towers. Silhouette of the centre block is partially obscured and only the roof peak is legible.

Condition 4: Lost Visual Integrity – Silhouette of the centre block is fully obscured. The subject is visually over-powered and is no longer readily distinguishable.
Attachment 2: Photos Looking North on University Avenue at Queen Street West
April 2, 2012

Photo 1 - Taken From East Sidewalk

Photo 2 - Taken From East Traffic Lanes
Photo 3 - Taken From East Side of Centre Median

Photo 4 - Taken From West Side of Centre Median
Photo 5 - Taken From West Traffic Lanes

Photo 6 - Taken From West Sidewalk
Attachment 3: Properties Affected by Protection View from College Street at Condition 1
Attachment 4: Properties Affected by Protection View from Queen Street West at Condition 3
### Analysis of Ontario Legislative Assembly Building View Plane from Queen St. W.

(Heights in Metres)

<table>
<thead>
<tr>
<th>Viewplane From Queen St. W.</th>
<th>Intersection</th>
<th>Existing Building Heights Breaking View Plane at Avenue Rd</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>West Side</td>
</tr>
<tr>
<td>------------------------------</td>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>59.8</td>
<td>Davenport Rd</td>
<td>N</td>
</tr>
<tr>
<td>58.0</td>
<td>Bernard Ave</td>
<td>N</td>
</tr>
<tr>
<td>57.0</td>
<td>Webster Ave</td>
<td>N</td>
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<tr>
<td>56.5</td>
<td>Tranby Ave</td>
<td>N</td>
</tr>
<tr>
<td>54.8</td>
<td>Boswell Ave</td>
<td>N</td>
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<tr>
<td>52.9</td>
<td>Elgin Ave</td>
<td>N</td>
</tr>
<tr>
<td>50.8</td>
<td>Lowther Ave</td>
<td>N</td>
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<tr>
<td>49.3</td>
<td>Yorkville Ave</td>
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<tr>
<td>48.0</td>
<td>Prince Arthur Ave</td>
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<tr>
<td>47.3</td>
<td>Cumberland St</td>
<td>N</td>
</tr>
<tr>
<td>45.0</td>
<td>Bloor St. West</td>
<td>N</td>
</tr>
<tr>
<td>41.5</td>
<td>Charles St. West</td>
<td>N</td>
</tr>
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Note: Table does not include 21 Avenue Road OMB approval for 135 m. building at Cumberland St. and 127 m. building at Yorkville Ave.
Attachment 6: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To adopt an amendment to the Official Plan for the City of Toronto respecting the protection of views of the Ontario Legislative Assembly Building

WHEREAS authority is given to Council under the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

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

1. The attached Amendment No. ~~~ to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)
AMENDMENT NO. ~ TO THE OFFICIAL PLAN

The Protection of Views of the Ontario Legislative Assembly Building

The Official Plan of the City of Toronto is amended as follows:

2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. [   ] for the lands north of the Ontario Legislative Assembly as shown of the attached maps, as follows:

[   ]. Lands to the North of the Ontario Legislative Assembly Building

No structure shall be permitted that can 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 and east/west sidewalks at the intersection of University Avenue and College Street at a height of 1.75 m. above grade or above the domed Centre Block when viewed from the intersection of the north and east/west sidewalks at the intersection of University Avenue and Queen Street West at a height of 1.75 m. above grade.”
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.”


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 a 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**
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**SIGNATURE**

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

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

- **Condition 1:** High Visual Integrity – Fully legible silhouette of the entire building.
- **Condition 2:** Moderate Visual Integrity – Silhouette obscured up to the ridgeline of the east block connector. The centre block is still legible.
- **Condition 3:** Minimal Visual Integrity – Silhouette obscured up to the peaks of central domed towers. Silhouette of the centre block is partially obscured and only the roof peak is legible.
- **Condition 4:** Lost Visual Integrity – Silhouette of the centre block is fully obscured. The subject is visually over-powered and is no longer readily distinguishable.

Figure 24: Aggregate Levels of Visual Integrity for the Building’s Silhouette and V1 – V30.
Attachment 5: Possible Extent of Properties Affected