



## STAFF REPORT ACTION REQUIRED

### 156-174 Front St West and 43-51 Simcoe Street - Zoning Amendment Application – Supplementary Report

<b>Date:</b>	August 1, 2014
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	11 243742 STE 20 OZ

#### SUMMARY

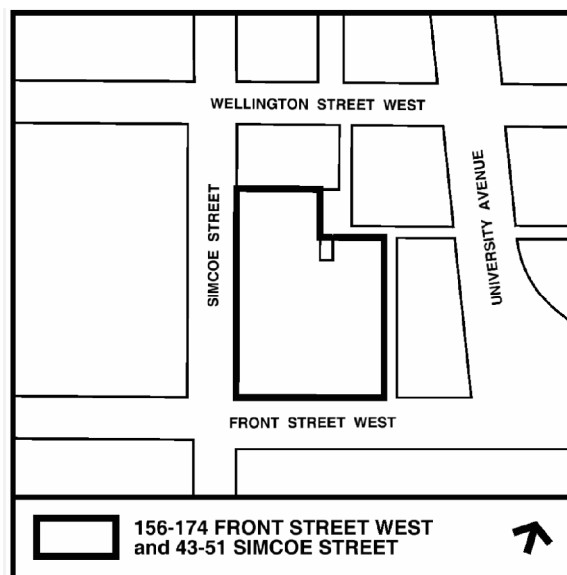
A report dated July 18, 2014, from the Director of Community Planning, Toronto and East York District, recommends approval of the Zoning By-law Amendment application to permit the construction of a 54-storey commercial office tower at 156-174 Front Street West and 43-51 Simcoe Street. The application proposes to incorporate a portion of the heritage building located at 156 Front Street West into the podium of the new office tower, in accordance with the Union Station Heritage Conservation District Plan.

The purpose of this report is to provide supplemental information to the July 24, 2014 report regarding the Zoning By-law Amendment and Section 37 under the *Planning Act*.

#### RECOMMENDATIONS

**The City Planning Division recommends that the recommendations contained within the report dated July 18, 2014 from the Director of Community Planning, Toronto and East York District be deleted and replaced with the following:**

1. City Council amend the former City of Toronto Zoning By-law 438-86, as amended, for the lands at 156-174



Front Street West and 43-51 Simcoe Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1, to the report (August 1, 2014) from the Director, Community Planning, Toronto and East York District.

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.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
  - A. provide a cash contribution of \$4,000,000, prior to the issuance of an above-grade building permit for any development, for the following local community improvement initiatives:
    - i. \$1,000,000 for the John Street Cultural Corridor;
    - ii. \$400,000 for capital improvements to Toronto Community Housing Corporation (TCHC) facilities in Ward 20;
    - iii. \$1,500,000 for streetscape improvements in the immediate area, including a future east/west connection to the PATH system;
    - iv. \$500,000 for community services and facilities in Ward 20;
    - v. \$100,000 for the Toronto Book Award Plaque Program; and
    - vi. \$500,000 for public art, in accordance with the City of Toronto's Percent for Public Art Program;
  - B. In the event the cash contributions referred to in Section A (i) through (vi) above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
  - C. The payments required in Section A (i) through (vi) herein, shall increase in accordance with the increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement or, if the site specific by-laws for the project are appealed to the Ontario Municipal Board, from the date of the Board Order approving the by-laws, to the date of submission of the funds by the owner to the City.

The following shall be secured as a matter of legal convenience:

- D. Provide the City with documentation as to LEED Platinum certification of the development and the marketing materials that will include information on LEED certification.
- E. The design of the building and site plan shall be generally in accordance with the plans associated with the Zoning By-law Amendment application, on file with the City Planning Division, and shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division

### **Official Plan and Draft Zoning By-law Amendments**

A report dated July 18, 2014, from the Director of Community Planning, Toronto and East York District, recommends approval of the Zoning By-law Amendment application at 156-174 Front Street West and 43-51 Simcoe Street. The draft Zoning By-law Amendment is attached to this report (Attachment 1).

### **Section 37**

Staff have met with the applicant, and in consultation with the Ward Councillor have been able to secure the following contributions under Section 37 of the *Planning Act*. Section 37 of the *Planning Act* allows the City to authorize increased density and/or height in return for the provision of services, facilities or matters. The Official Plan contains provisions authorizing these Section 37 matters, provided the density and/or height increase are consistent with the objectives of the Official Plan regarding building form and physical environment.

The allocation of Section 37 funds is based on opportunities in the immediate area of the subject site. Public realm improvements are targeted to the John Street Cultural Corridor improvements which are at the detail design stage. Staff have also secured benefits for streetscape improvements, and a possible future east/west PATH connection, which will assist in improving important links to and from Union Station. The allocation of funds to the Toronto Community Housing Corporation (TCHC) will enhance affordable housing, providing better access to residents in the downtown. A contribution to the City of Toronto Book Awards Plaquing program will help commemorate the 40<sup>th</sup> anniversary of this awards program and with the installation of plaques at Harbourfront.

Given the increase in proposed height, the Official Plan would require the provision of Section 37 benefits. The applicant has agreed to the following Section 37 contribution.

The benefits to be secured would be as follows:

1. A cash contribution of \$4,000,000, prior to the issuance of an above-grade building permit for any development, for the following local community improvement initiatives:

- a. \$1,000,000 for the John Street Cultural Corridor;
  - b. \$400,000 for capital improvements to Toronto Community Housing Corporation (TCHC) facilities in Ward 20;
  - c. \$1,500,000 for streetscape improvements in the immediate area, including a future east/west connection to the PATH system;
  - d. \$500,000 for community services and facilities in Ward 20;
  - e. \$100,000 for the Toronto Book Awards Plaque Program; and
  - f. \$500,000 for public art, in accordance with the City of Toronto's Percent for Public Art Program;
2. Provide the City with documentation as to LEED Platinum certification of the development and the marketing materials that will include information on LEED certification.
  3. The design of the building and the site plan shall be generally in accordance with the plans associated with the Zoning By-law Amendment application, and on file with the City Planning Division, and shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
  4. In the event the cash contributions referred to in Section 1 (a) through (f) above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
  5. The payments required in Section 1(a) through (f) herein, shall increase in accordance with the increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement or, if the site specific by-laws for the project are appealed to the Ontario Municipal Board, from the date of the Board Order approving the by-laws, to the date of submission of the funds by the owner to the City.

Planning Staff have reviewed the Zoning By-law Amendment application, and the Section 37 benefits, have consulted with the Ward Councillor, and have determined that the benefits provided are appropriate for this application. Planning Staff recommend

approval of the Zoning By-law Amendment application at 1156-174 Front St West and 43-51 Simcoe Street, and recommend that the draft draft Zoning By-law as attached to this report (Attachment 1) be approved by Council.

## **CONTACT**

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## **SIGNATURE**

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

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## **ATTACHMENTS**

Attachment 1: Zoning By-law Amendment

## **Attachment 1: Zoning By-law**

### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2014**

#### **To amend General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands known municipally in the year 2014 as 156-174 Front St West and 43-51 Simcoe Street**

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2014 as 156-174 Front St West and 43-51 Simcoe Street; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

WHEREAS the Council of the City of Toronto has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

The Council of the City HEREBY ENACTS as follows:

1. For the purposes of this By-law, the *lot* shall consist of the lands delineated by dashed lines on Map 1 attached to and forming part of this By-law.
2. Except where otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the *lot*.
3. None of the provisions of Section 4(1)(a), 4(2)(a), 4(5)(b), 8(3) Part I 1 & 2, 12(2) 132 and 12(2) 276 of Zoning By-law No. 438-86 being “a By-law to regulate the use of land and the erection, use, bulk, *height*, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structure in various areas of the City of Toronto”, as amended, shall apply to prevent the erection of a *non-residential building* on the *lot*, including a *commercial parking garage*, provided that:
  - (1) the *non-residential gross floor area* of buildings and structure shall not exceed 127,120 square meters;
  - (2) no portion of any building erected above *grade* is located outside the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of lighting fixtures, canopies, balustrades, stairs, stair enclosures, wheel chair ramps, underground garage ramps,

ornamental or architectural features, and landscape features may extend beyond the heavy lines shown on the attached Map 2;

- (3) no portion of a building or structure erected on the *lot* shall have a greater *height* in metres than specified by the numbers following the symbol H on the attached Map 2;
- (4) Notwithstanding 3 (3) above, the building shall be setback a minimum of 4.5 metres at grade from the west property line;
- (5) Notwithstanding 3 (3) above, the building shall be setback a minimum of 3.0 metres at grade, from the south property line, except for the areas where the building at 156 Front Street West lawfully existed on the date of passing of this By-law.
- (6) a minimum ratio of 0.35 *parking spaces* per 100 square metres of *gross floor area* for the office uses and a minimum rate of 1.0 *parking space* per 100 metres of *gross floor area* for retail use, save and except that a maximum reduction of 49 *parking spaces* will be permitted and shall be provided and maintained on the *lot*;
- (7) Sharing of parking spaces required under 3(6) shall be permitted in accordance with the following minimum occupancy rates:

<u>Use</u>	<u>Minimum Parking Occupancy (Percent)</u>		
	<u>Morning</u>	<u>Afternoon</u>	<u>Evening</u>
Office	100	60	0
Retail	20	100	100

- (8) Where the calculation of the required number of *parking spaces* results in a number containing a fraction, the number is rounded down to the nearest whole number, but there may not be less than a requirement of one *parking space*;
  - (9) A minimum of 4 *loading space-type B* shall be provided on the *lot*; and
  - (10) A minimum of 5 *loading space-type C* shall be provided on the *lot*.
4. None of the provisions of this By-law shall prevent a temporary *sales office* on the *lot*.
  5. Notwithstanding any existing or future severances, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

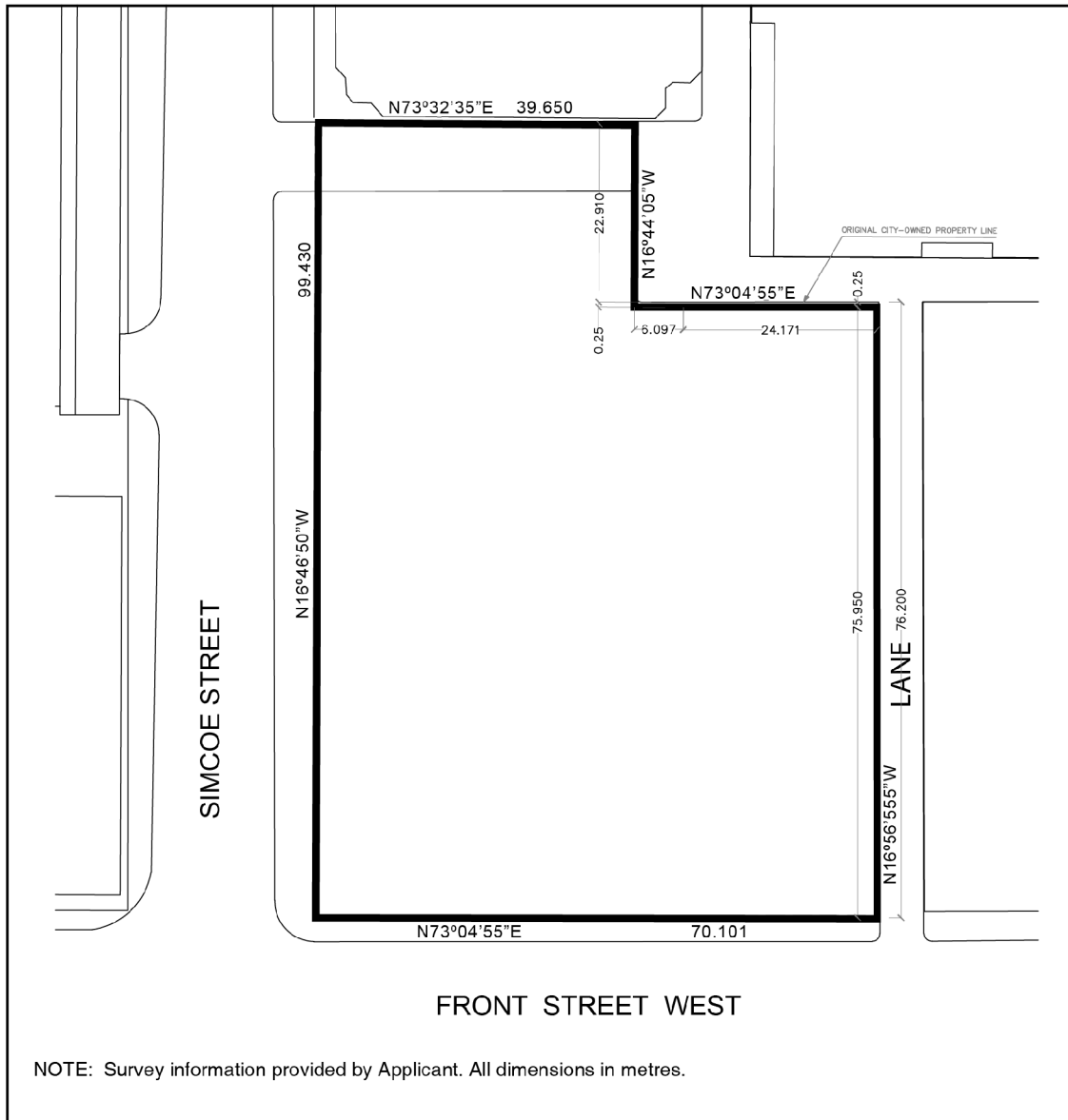
## 6. Definitions

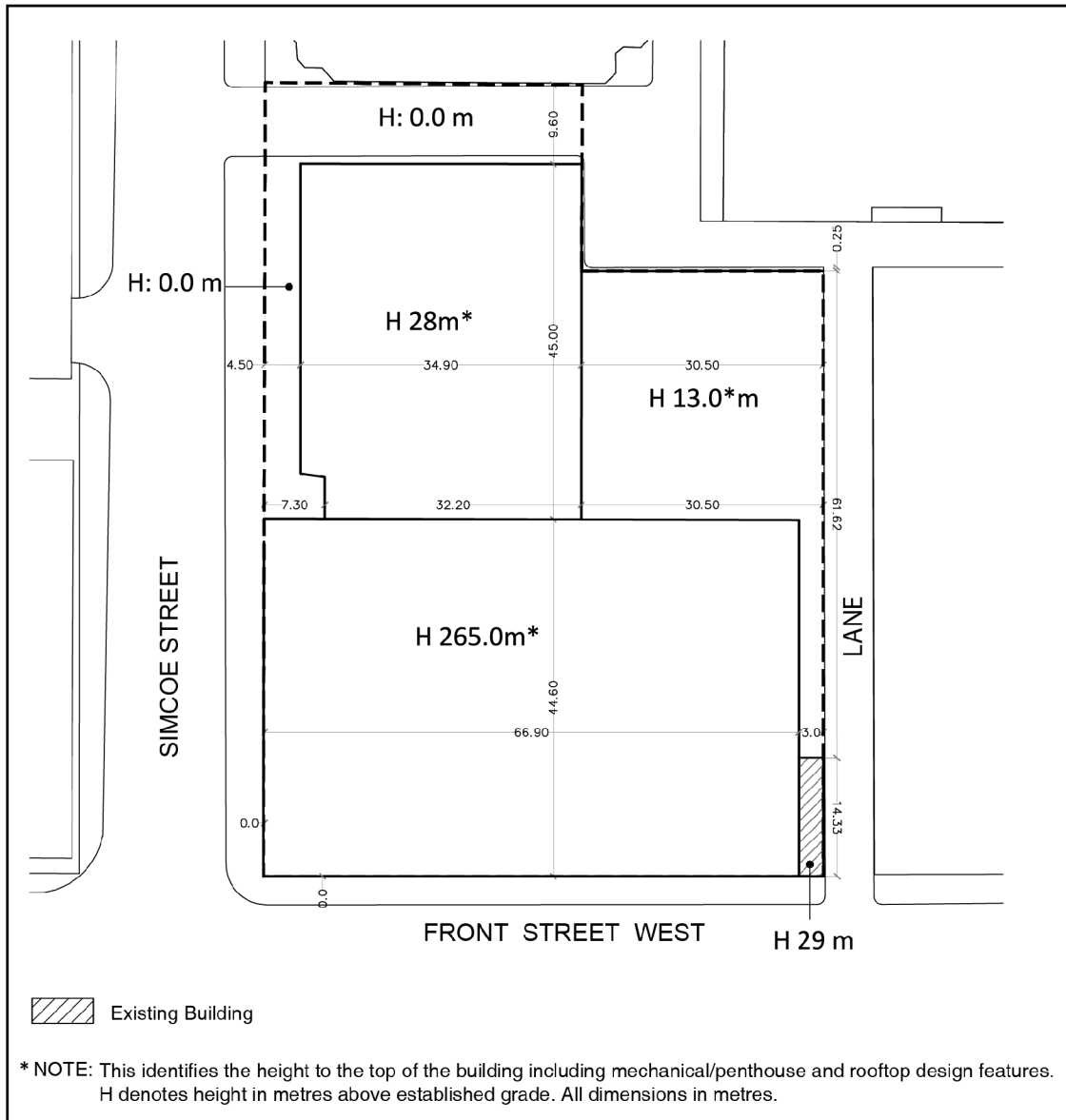
For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as such word or expression as defined in By-law No. 438-86, as amended, except for the following:

- (1) “*grade*” means the Canadian Geodetic Datum elevation of 81.00 metres;
- (2) “*height*” means the vertical distance between *grade* and the highest point of a building, inclusive of cooling tower and/or mechanical penthouse elements;
- (3) “*lot*” means the lands delineated by dashed lines of Map 1 attached to this By-law;
- (4) “*non-residential gross floor area*” excludes all area below *grade* but will otherwise be the same as *non-residential gross floor area* as it is defined in By-law No. 438-86; and
- (5) “*gross floor area*” as it is used for the purpose of calculating parking in section 3(4) of this By-law is defined as the sum of the total area of each floor level of a building, above and below ground, measured from the exterior of the main wall of each floor level, not including that portion of a building used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas, storage areas in the basement, parking spaces, loading spaces, or a drive aisle used to access a parking space or loading space.
- (6) “*sales office*” means a building or structure, used exclusively for the purpose of marketing, sales and leasing of *non-residential gross floor area* within the building on the *lot*.

ENACTED AND PASSED this day of \_\_\_\_, 2014







## APPENDIX 1

### SECTION 37 PROVISIONS

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(1) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

The *owner* of the *site* shall:

1. Provide a cash contribution of \$4,000,000, prior to the issuance of an above-grade building permit for any development, for the following local community improvement initiatives:
  - a. \$1,000,000 for the John Street Cultural Corridor;
  - b. \$400,000 for capital improvements to Toronto Community Housing Corporation (TCHC) facilities in Ward 20;
  - c. \$1,500,000 for streetscape improvements in the immediate area, including a future east/west connection to the PATH system;
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2. Provide the City with documentation as to LEED Platinum certification of the development and the marketing materials that will include information on LEED certification.
3. The design of the building and the site plan shall be generally in accordance with the plans associated with the Zoning By-law Amendment application, and on file with the City Planning Division, and shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division
4. In the event the cash contributions referred to in Section 1 (a) through (f) above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

5. The payments required in Section 1(a) through (f) herein, shall increase in accordance with the increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement or, if the site specific by-laws for the project are appealed to the Ontario Municipal Board, from the date of the Board order approving the by-laws, to the date of submission of the funds by the owner to the City.
6. Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this schedule which identify the facilities, services and matters to be secured.