



October 12, 2016

Via mail & e-mail teycc@toronto.ca

City of Toronto
Toronto and East York Community Council
c/o Ellen Devlin
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Councillor Layton and Community Council Members:

Re: *Item TE19.6*
141 Bay Street – Zoning Amendment Application

Canada Lands Company CLC Limited (Canada Lands) represents the Federal Government, the owners of the Dominion Public Building property at 1 Front Street West, located immediately north of the property at 141 Bay Street that is the subject of the above-noted Final Report (the “staff report”).

While we are generally supportive of the recommendations set out in the staff report, in particular, Recommendation #4 which requests the Chief Planner and Executive Director of City Planning “to report back to Toronto and East York Community Council early in 2017 on amendments to the approved zoning on the property located at 1 Front Street West”, we continue to have concerns about the timing of the proposed zoning amendments for the two properties.

For the reasons set out below, we respectfully request that Community Council amend Recommendation #1 by revising the draft Zoning By-law Amendment in Attachment No. 8 to include the approval of zoning amendments for 1 Front Street West as a condition for removal of the recommended H (holding) provisions, in addition to staff’s requirement for a servicing plan addressing capacity constraints associated with the Scott Street Pumping Station.

Background

Upon becoming aware of the rezoning application at 141 Bay Street and the proximity of the proposed office tower to the approved tower on the 1 Front Street West property, Canada Lands’ planning consultants initiated discussions with City Planning staff in March 2016 regarding the resulting tower separation distance. We and our consultants subsequently met with staff on two occasions to discuss possible solutions; however,

we wish to emphasize that no specific solution had been agreed upon with Canada Lands prior to the release of the staff report.

Canada Lands recognizes the public benefits associated with mixed-use intensification immediately adjacent to the Union Station transportation hub. As a result, Canada Lands does not wish to delay the proposed 141 Bay Street redevelopment and has been co-operatively working with City Planning staff to help find a solution to the tower separation issue. On a preliminary basis, it was agreed that the idea of amending the as-of-right zoning applying to 1 Front Street West to shift the approved tower location further to the east could have some benefits in accommodating the proposed siting of the office tower at 141 Bay Street.

As well, we discussed that the zoning amendments for 1 Front Street West would also provide an opportunity to update the 1996 zoning applying to the property. As is the case with 141 Bay Street, we believe that there is an opportunity to promote mixed-use intensification by providing for greater height and density on the 1 Front Street West property than is permitted by the current as-of-right zoning and which is consistent with the surrounding context.

In our discussions, we also noted the alternative of shifting the tower for 1 Front Street West would bring it closer to Berczy Park therefore necessitating further analysis related to shadow impacts on the park. In addition, we expressed concerns regarding the timing of the 141 Bay Street rezoning given that it would precede the proposed zoning amendments for 1 Front Street West.

Staff Report

In the section of the staff report entitled "comprehensive block/context", there is considerable discussion regarding the relationship of the proposed office tower to the approved tower location on the 1 Front Street West property. In addition to the tower separation issue, we believe that there would also be significant advantages associated with comprehensively planning and developing the block at the lower levels of the buildings, in terms of access, servicing, parking and loading, pedestrian connections and so on, which have not been fully canvassed in the staff report.

A rationale to see both sites dealt with comprehensively appears to be further supported by the staff report which states that "there will continue to be challenges with development (of 1 Front Street West), no matter where it is located on the building given the important external and internal heritage features and the difficulty in meeting the current requirements for parking and loading on the property, among other considerations". The report also notes that the Downtown Tall Building Guidelines envision heights for 1 Front Street West ranging from 45 storeys to an unlimited

number of storeys (137 metres and up) along Bay Street and heights between 62 metres and 107 metres (20 to 35 storeys) along the Yonge Street frontage.

Request

While Canada Lands does not wish to delay the 141 Bay Street rezoning, it is being asked to agree to a process involving the rezoning of its approved property in order to facilitate the approval of the 141 Bay Street redevelopment by helping to resolve the tower separation issue that results from the proposed siting and massing of the office tower on 141 Bay Street. In this respect, the timing of the proposed rezoning of 1 Front Street West property, which would follow the 141 Bay Street rezoning by some 6-8 months, is a concern to Canada Lands.

At this time, Canada Lands does not know what the results of the City-initiated rezoning process will be. Clearly, by agreeing to the proposed rezoning of its property, Canada Lands wants to ensure that its current zoning rights are maintained and are comprehensively considered from a development perspective in addition to resulting in an improved development envelope having regard to intensification, heritage and urban design considerations. Specifically, it is our opinion, based on preliminary shadow testing, that a height considerably greater than 45 storeys (137 metres) can be achieved, even with a tower location shifted closer to the Yonge Street frontage of the property.

The proposed approach outlined in the staff report would result in a tower separation distance of 12 metres to the existing as-of-right tower location on the 1 Front Street West property, at least until the zoning amendment for 1 Front Street West is approved. As well, the City is proposing to exempt the 141 Bay Street building from the proposed TOcore Official Plan Amendment and Zoning By-law Amendments regarding tower separation but is not similarly exempting the as-of-right tower location on 1 Front Street West. Canada Lands is concerned that it is being asked to accept too much of the risk associated with resolving the tower separation issue.

For these reasons, Canada Lands is requesting that Community Council amend the recommended Zoning By-law Amendment for 141 Bay Street by requiring approval of the rezoning of 1 Front Street West as a pre-condition for removing the H (Holding) provision from the 141 Bay Street property. Given that the (H) provision is being recommended in any event for servicing capacity reasons, it is our understanding that development of 141 Bay Street is unlikely to be able to proceed within the timeframe that would be required for the 1 Front Street West rezoning to be completed. On that basis, Canada Lands request would not delay the development of the 141 Bay Street property and would in fact, assist in comprehensively planning and developing the two properties and avoid a potential outcome in which there would be as of right zoning

applying to two properties at the same time which would allow towers located 12 metres apart.

Thank you for your attention to this matter and your consideration of Canada Lands' request.

Yours truly,



Rodger Martin P. Eng
Vice-President, Real Estate Ontario and Atlantic

cc: Councillor Pam McConnell, Toronto City Councillor
Gregg Lintern - Director, Community Planning, Toronto and East York District
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