



## STAFF REPORT ACTION REQUIRED

### Official Plan Amendment to Further Protect Heritage Views of City Hall, Old City Hall and St. James Cathedral - Preliminary Report

<b>Date:</b>	June 6, 2017
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Toronto and East York Wards 27 and 28
<b>Reference Number:</b>	15 248158 SPS 00 OZ

#### SUMMARY

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The purpose of this city initiated proposal is to enhance the silhouette view protection policies in the Official Plan as they affect views associated with Old City Hall, New City Hall and St. James Cathedral.

This report provides preliminary information on the proposal and seeks Community Council's directions on further processing of this proposed Official Plan Amendment and on the community consultation process.

The next step is to hold a community consultation meeting on the proposed Official Plan Amendment to obtain comments from the public on the proposal. It is anticipated that the meeting will be held in the third or fourth quarter of 2017.

#### RECOMMENDATIONS

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**The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting.
2. Notice for the community consultation meeting be given according to the regulations of the Planning Act for a statutory public meeting.
3. Notice for the public meetings under the Planning Act be given according to the regulations of the Planning Act.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

On April 4, 2013, Council adopted Official Plan Amendment 199 to establish revised heritage policies in the Official Plan as part of the 5 year review. On May 12, 2015, Official Plan Amendment 199 was approved by the Ontario Municipal Board and brought into force and effect (with minor adjustments).

## **ISSUE BACKGROUND**

On April 4, 2013, as part of the Official Plan 5 year review process, Council passed Official Plan Amendment 199 (OPA 199). OPA 199 introduced new Heritage and Public Realm (view) policies into the Official Plan.

There were a number of appeals of the OPA. After a series of OMB mediation sessions, on May 12, 2015, the Ontario Municipal Board issued a decision which brought OPA 199 into force and effect with minor adjustments.

The new policies brought into effect by OPA 199 include Policy 3.1.1.9 and Policy 3.1.1.10 of the OP that establish view protection policies from the public realm to prominent buildings. Included in the view protection policies are policies to protect the silhouette views of New and Old City Hall. The amendment also protects views to the St. James Cathedral spire.

They state:

- “9. Views from the public realm to prominent buildings, structures, landscapes and natural features are an important part of the form and image of the City. Public works and private development will maintain, frame and, where possible through project design, create views from the public realm to important natural and human-made features as identified on Maps 7a and 7b.
10. Views from the public realm to prominent, buildings, structures, landscapes and natural features identified on Maps 7a and 7b are important and are described in Schedule 4. Additional views from the public realm to prominent buildings, structures, landscapes and natural features may be added to Maps 7a and 7b and Schedule 4 through amendment to the Official Plan.”

Map 7a and 7b identify City Hall as a heritage building with views to be protected from “Nathan Phillips Square (east half along Queen St W edge)”. The maps identify Old City Hall as a heritage building with views to be protected from “Bay St at Temperance St”. The maps identify the St. James Cathedral spire as a heritage building with views to be protected from “King St. E at Church St and Front St. E (north side) across from Farquhars Lane”.

Schedule 4 of the Official Plan describes the views in more detail. It states:

“A2.Old City Hall [H]

The view of Old City Hall includes the main entrance, tower and cenotaph as viewed from the southwest and southeast corners at Temperance Street and includes the silhouette of the roofline and clock tower. This view will also be the subject of a comprehensive study.

A3.Toronto City Hall [H]

The view of City Hall includes the east and west towers, the council chamber and podium of City Hall and the silhouette of those features as viewed from the north side of Queen Street West along the edge of the eastern half of Nathan Phillips Square. This view will be the subject of a comprehensive study.

A11.St. James Cathedral Spire [H]

The spire of St. James Cathedral can be viewed from the following locations:

- i. The southwest and northwest corners of King Street East at Church Street.
- ii. Between Church Street and Market Street (across from Farquhars Lane), on the north side of Front Street East, looking north through the pedestrian pathway and Sculpture Garden.”

In addition, Policy 3.1.4.44 of the Official Plan states:

- “44. The view to a property on the Heritage Register as described in Schedule 4 will be conserved unobstructed where the view is included on Map 7a or 7b.”

Policy 3.1.5.45 of the Official Plan provides further detail for City Hall and Old City Hall. It states:

- “45. The Queens Park Legislative Assembly, Old City Hall and City Hall are public ceremonial sites of exceptional importance and prominence. Protection of views from the public realm to these three properties, identified on Maps 7a and 7b, will include the prevention of any further intrusions visible above and behind the building silhouette, as well as protecting the view to the buildings from any further obstruction. The identified views from the public realm, to and beyond these properties, will be conserved.”

In a “sidebar” to the Official Plan, in Section 3.1.1 of the Plan it states:

“Maps 7a and 7b identify a selection of important views across the City, however this selection of views is not exhaustive. These maps are living documents which may be added to or modified from time-to-time, through an Official Plan Amendment.”

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

Policy 2.6.1 of the Provincial Policy Statement states that significant built heritage resources and significant cultural heritage landscapes shall be conserved.

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.

## **Official Plan**

In addition to the Heritage view policies brought into the Official Plan through OPA 199, other Official Plan policies are relevant to the matter of view protection.

Policy 5.3.1 states that guidelines will be adopted to advance the vision, objectives and policies of this Plan.

Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

Policy 2.2.1.6 states that design guidelines specific to districts of historic or distinct character will be developed and applied to ensure that new development respects the context of such districts in terms of the development's...relationship to landmark buildings.

## **Tall Building and Downtown Tall Buildings Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

City Hall, Old City Hall and the St. James Cathedral are located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design

Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong in Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. Section 3.3 of the Downtown Tall Buildings Guidelines contains guidelines for Prominent Sites and Views from the Public Realm. It states that tall buildings should be located and designed to not interrupt views or appear behind the building silhouettes of Toronto City Hall when viewed from the north side of Queen Street West along the edge of the eastern half of Nathan Philips Square. It further states that tall buildings should be located and designed to not interrupt views or appear behind the building silhouettes of Old City Hall when viewed up Bay Street in the Financial District from the southwest and southeast corners of Temperance Street.

## **COMMENTS**

In the evaluation of recent development proposals in the proximity of all three sites, city staff determined that the existing policies in the Official Plan to protect the views of City Hall, Old City Hall and St. James Cathedral require revised and enhanced wording to clearly articulate the view protection intended by the policies.

It is recognized that the proposed revised policies will have an impact on the built form that can be developed on affected properties. The proposed policies do not prevent development on these sites, but seek to shape them so that views to and beyond important heritage resources are maintained.

### City Hall

Views of City Hall along the Queen Street edge are largely blocked by the overhead walkway system that frames Nathan Phillips Square. Close views of City Hall are more likely to be viewed north of the walkway, up to and past the reflecting pool/skating rink when standing on the square itself. From these viewpoints, silhouette views of City Hall are currently largely unobstructed. In addition, the skyview around the silhouette views, which is important in isolating the view of the silhouettes is also largely intact.

In protecting views of City Hall, staff determined that this protection should include viewpoints from the south side of Queen Street where the silhouette of City Hall can be seen in the context of Nathan Philips Square.

City Planning staff have determined that an amendment to the Official Plan in the form of an Area Specific Policy is required to protect these important silhouette and sky views.

A draft Official Plan Amendment for City Hall is attached to this report as Attachment 1. A map showing the potential properties that might be affected by this amendment is included as part of the amendment.

### Old City Hall

Views of Old City Hall, identified in the Official Plan as being from: “Bay St at Temperance St”, do not adequately reflect the pedestrian views that should be protected.

A further detailed examination of the view from a pedestrian point of view was undertaken to refine the Downtown Tall Buildings Guidelines view. Staff have determined that the view should be a range of views from both the western and eastern sidewalks of Bay Street from the north side of King Street to the south side of Temperance Street. At the current time, the skyview around the roofline and clocktower is largely intact. Rather than to try to define the amount of space required to protect the skyview around the spire/clocktower, it is felt that the best way to protect this view is to not allow any further interruptions of the view of the entire sky when viewed while looking north from King Street to Temperance Street in order to provide significant sky view east and west to frame the tower, serving to give it prominence.

City Planning staff have determined that an amendment to the Official Plan in the form of an Area Specific Policy is required to protect these important silhouette and sky views.

A draft Official Plan Amendment for Old City Hall is attached to this report as Attachment 2. A map showing the potential properties that might be affected by this amendment is included as part of the amendment.

#### St. James Cathedral

The Official Plan currently protects views to the spire of St. James Cathedral. In other words, it prevents buildings from being constructed in front of the cathedral at locations that would block the view of the cathedral from the protected viewpoints.

A further analysis of the St. James Cathedral view as contemplated in the sidebar to Section 3.1.1 of the Official Plan determined that the policies do not describe the importance of the silhouette of the cathedral against the sky. These include: the silhouette view of the whole of the cathedral including the roofline, spire and clocktower from the northwest and southwest corners of King Street and Church Street; and the view of the Cathedral spire and clocktower from Front Street at the pedestrian passage across from Farquhar's Lane between Church and Market Street. This view has long been considered to be an important view and special care was taken when the buildings on Front Street adjacent to the pedestrian walkway were developed to ensure an unobstructed framed view of the Cathedral was conserved.

St. James Cathedral has been a public and ceremonial focus of the City since its construction in 1853. As one of the largest buildings in the City at the time of its construction, and most prominent buildings in the City since that time, its views have long been protected from obstruction. The Cathedral has a civic stature well beyond its use as a place of worship. It is a landmark gathering space that has played a significant role in shaping the City and in particular the downtown. In 2002, the Province of Ontario enacted Bill 173, the St. James Cathedral Sightlines Protection Act, to recognize and protect the Cathedral.

At the current time, the skyview around the spire and clocktower is largely intact from Front Street. Rather than try to define the amount of space required to protect the skyview around the spire/clocktower, it is felt that the best way to protect this view is to not allow

any further interruptions of the view of the entire sky when viewed while looking north and traversing the public pathway across from Farquhar's Lane.

As both of these silhouette views are currently unobstructed, it is important that silhouette view protection is clearly defined for St. James Cathedral in the Official Plan.

City Planning staff have determined that an amendment to the Official Plan in the form of an Area Specific Policy is required to protect these important silhouette and sky views.

In addition, a new Policy 3.1.5.46 of the Official Plan should be added as follows:

“46. The St. James Cathedral is a historic site of exceptional importance and prominence. Protection of views to and past the Cathedral will be set out in an area specific policy of this Plan.”

An Official Plan Amendment for St. James Cathedral is attached to this report as Attachment 3. Maps showing the potential properties that might be affected by this amendment are included as part of the amendment.

## **Conclusion**

Toronto City Hall, Old City Hall and the St. James Cathedral are iconic heritage structures in the City. The purpose of the amendments to the Official Plan proposed in this report is to ensure the protection of important views to these structures. In the case of City Hall, its silhouette is instantly recognized by Toronto citizens and is known both nationally and internationally as a symbol of the City itself. Silhouette views of City Hall and Old City Hall are already protected by the in-force policies of the Toronto Official Plan. Additional language is proposed to address the specific viewpoints for these views as well as to protect sky view around the structures. Analysis of the views policies for St James Cathedral indicate that the silhouette and sky view protection intended by these policies requires clearer language as provided by the proposed Official Plan amendment.

## **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: Draft Official Plan Amendment for City Hall View Protection
- Attachment 2: Draft Official Plan Amendment for Old City Hall View Protection
- Attachment 3: Draft Official Plan Amendment for St. James Cathedral View Protection



**Attachment 1: Draft Official Plan Amendment – City Hall**

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  
City Hall**

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. 384 to the Official Plan is hereby adopted pursuant to  
the *Planning Act*, as amended.

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

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

**AMENDMENT NO. 384 TO THE OFFICIAL PLAN**

**Enhancement of the View Protection Policies of City Hall**

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

1. On Map 7A and 7B of the Official Plan replace the wording:

“Toronto City Hall<sup>(H)</sup> .....Nathan Phillips Square (east half along Queen St. W. edge)”

with the wording:

“Toronto City Hall and Nathan Phillips Square<sup>(H)</sup> .....Queen Street West (south side across from Nathan Phillips Square to northern edge of reflecting pool/skating rink)

2. On Schedule 4 of the Official Plan replace the wording:

“A3.Toronto City Hall [H]

The view of City Hall includes the east and west towers, the council chamber and podium of City Hall and the silhouette of those features as viewed from the north side of Queen Street West along the edge of the eastern half of Nathan Phillips Square. This view will be the subject of a comprehensive study.”

with the wording:

“A3.Toronto City Hall [H]

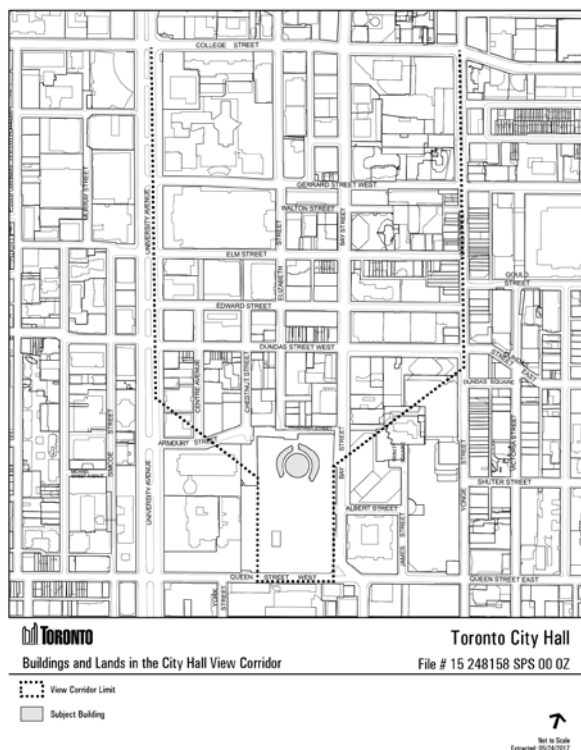
This view has been described in a comprehensive study and is the subject of a site and area specific policy of the Official Plan. It is not described in this schedule.”

3. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 537 for the lands north of City hall as shown on the attached maps as follows:

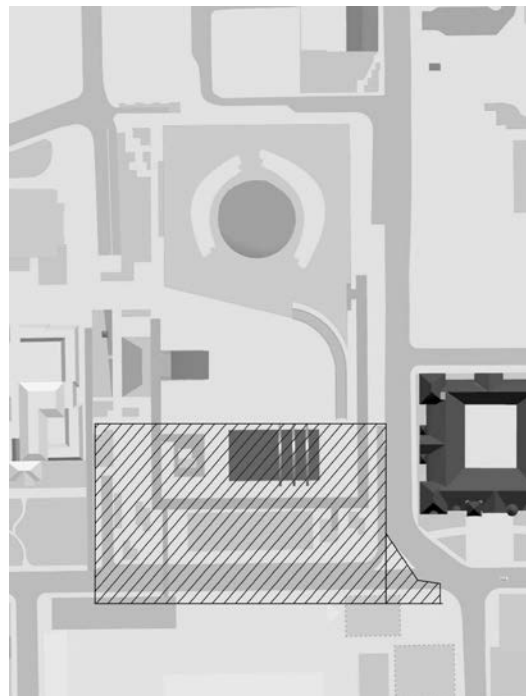
**537. Lands to the North and South of City Hall:**

No structure shall be permitted to be erected within the area shown on Map 1:

- (a) that can be seen above any part of the silhouette of the features against the sky in their entirety or intruding into the skyview as shown on Figures 1-3 of Toronto City Hall (including the east and west towers, council chambers and podium) when viewed, by eyes at a height of 1.75 m above grade, from the viewing points shown on Map 2; and/or,
- (b) that blocks views to City Hall or Nathan Phillips Square from the viewing points shown on Map 2.
- (c) notwithstanding the above, properties with as-of-right zoning which currently do not meet the criteria of (a) and (b) may be considered to meet the general intent and purpose of (a) and (b) above, with respect to minor variances under the Planning Act provided that the variance(s) does not result in further intrusions into the City Hall views.



Map 1 Potential Properties Affected



Map 2 City Hall View Points

Figure 1-3 Sky View to be protected around the City Hall Silhouette

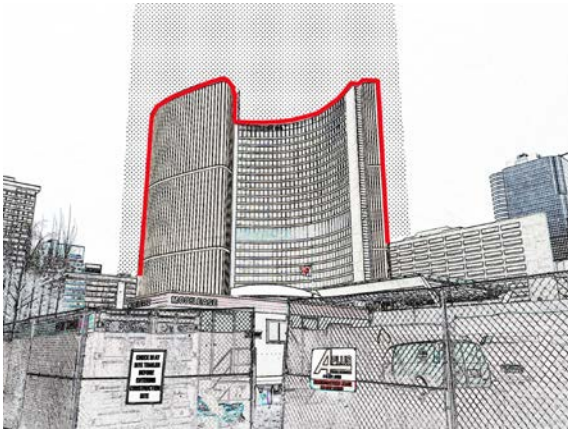


Figure 1

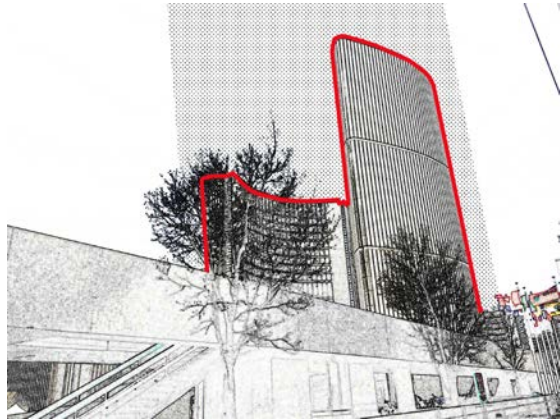


Figure 2

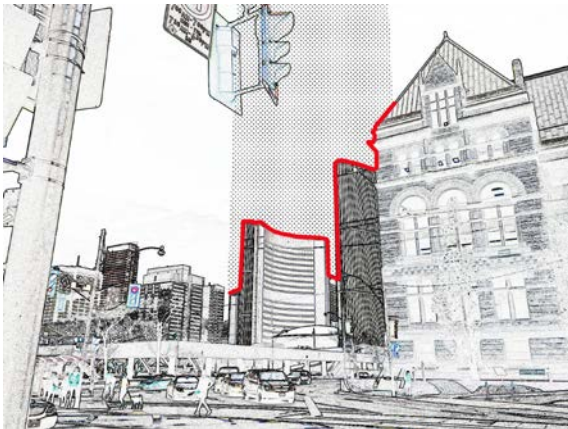


Figure 3

## **Attachment 2: Draft Official Plan Amendment – Old City Hall**

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 Old City Hall**

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. 385 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

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

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

**AMENDMENT NO. 385 TO THE OFFICIAL PLAN**

**Enhancement of the View Protection Policies of Old City Hall**

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

1. On Map 7A and 7B of the Official Plan replace the wording:

“Old City Hall<sup>(H)</sup> .....Bay St at Temperance St”

with the wording:

“Old City Hall<sup>(H)</sup> ..... Old City Hall... Bay St from King St to Temperance St”

2. On Schedule 4 of the Official Plan replace the wording:

“A2.Old City Hall [H]

The view of Old City Hall includes the main entrance, tower and cenotaph as viewed from the southwest and southeast corners at Temperance Street and includes the silhouette of the roofline and clock tower. This view will also be the subject of a comprehensive study.”

with the wording:

“A2. Old City Hall [H]

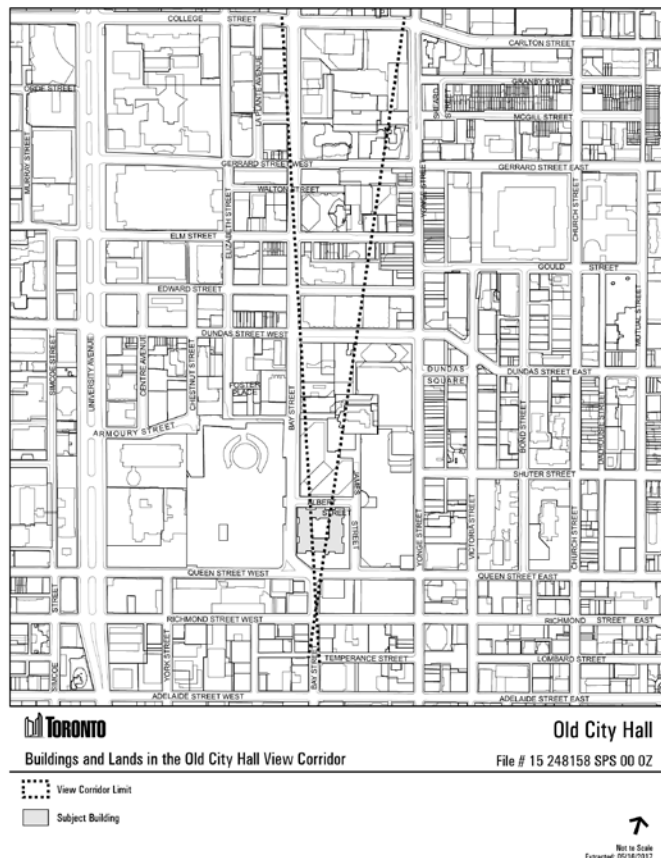
The view of Old City Hall has been described in a comprehensive study and is the subject of a site and area specific policy of the Official Plan. It is not described in this schedule.”

3. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 538 for the lands north of Old City Hall as shown on the attached maps as follows:

**538. Lands to the North and South of Old City Hall:**

No structure shall be permitted to be erected within the area shown on Map 1:

- (a) that can be seen above any part of the silhouette of the features against the sky in their entirety or intruding into the skyview as shown on Figures 1-2 of Old City Hall (including the main entrance, tower and cenotaph) as viewed from the centreline of the southwest sidewalk and the eastern edge of the southeast sidewalk at Bay Street and Temperance Street, to the centreline of the northwest sidewalk and the eastern edge of the northeast sidewalk at Bay Street and King Street and includes the silhouette of these features against the sky in their entirety. No further buildings should be visible when viewed, by eyes at a height of 1.75 m above grade, from the viewing points noted above.
- (b) notwithstanding the above, properties with as-of-right zoning which currently do not meet the criteria of (a) may be considered to meet the general intent and purpose of (a) above, with respect to minor variances under the Planning Act provided that the variance(s) does not result in further intrusions into the Old City Hall views.



Map 1 Potential Properties Affected

Figure 1-2 Sky View to be protected around the Old City Hall Silhouette

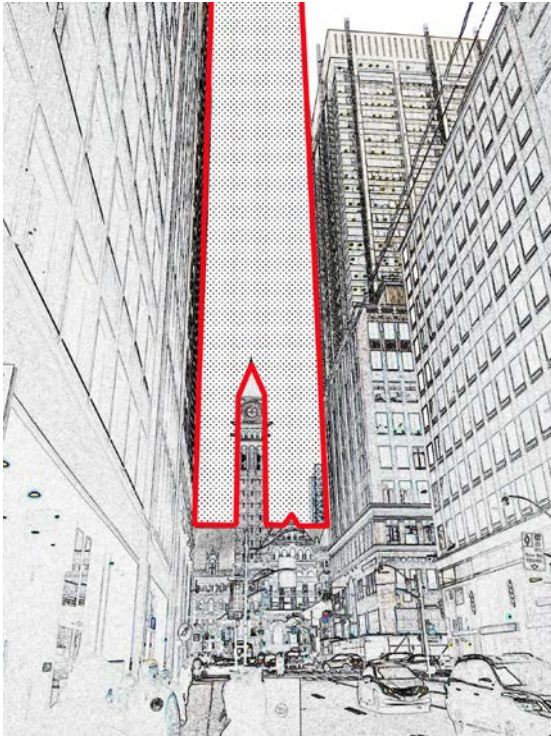


Figure 1

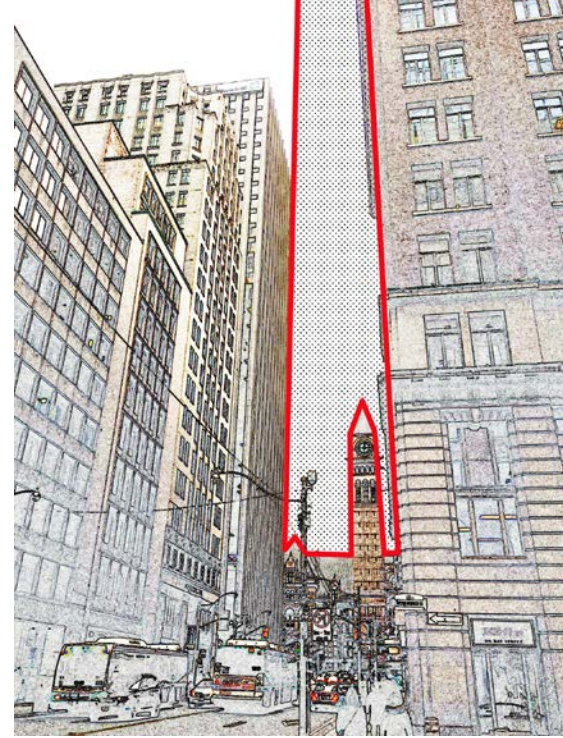


Figure 2



**Attachment 3: Draft Official Plan Amendment  
St. James Cathedral**

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  
St. James Cathedral**

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. 386 to the Official Plan is hereby adopted pursuant to  
the *Planning Act*, as amended.

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

JOHN TORY,  
Mayor

(Corporate Seal)

ULLI S. WATKISS,  
City Clerk

**AMENDMENT NO. 386 TO THE OFFICIAL PLAN**

**Enhancement of the View Protection Policies of St. James Cathedral**

---

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

1. On Map 7A and 7B of the Official Plan replace the wording:

“St. James Cathedral Spire<sup>(H)</sup> ..... King St E at Church St and Front St E  
(north side) across from Farquhars Lane”

with the wording:

“St. James Cathedral<sup>(H)</sup> ..... King St E at Church St and Front St E (north side)  
at all points traversing across the pedestrian pathway across from Farquhars  
Lane”

2. On Schedule 4 of the Official Plan replace the wording:

“A11.St. James Cathedral Spire [H]

The spire of St. James Cathedral can be viewed from the following locations:

- i. The southwest and northwest corners of King Street East at Church Street.
- ii. Between Church Street and Market Street (across from Farquhars Lane), on the north side of Front Street East, looking north through the pedestrian pathway and Sculpture Garden.”

with the wording:

“A11.St. James Cathedral [H]

This view has been described in a comprehensive study and is the subject of a site and area specific policy of the Official Plan. It is not described in this schedule.”

3. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 539 for the lands north and east of St. James Cathedral as shown on the attached maps as follows:

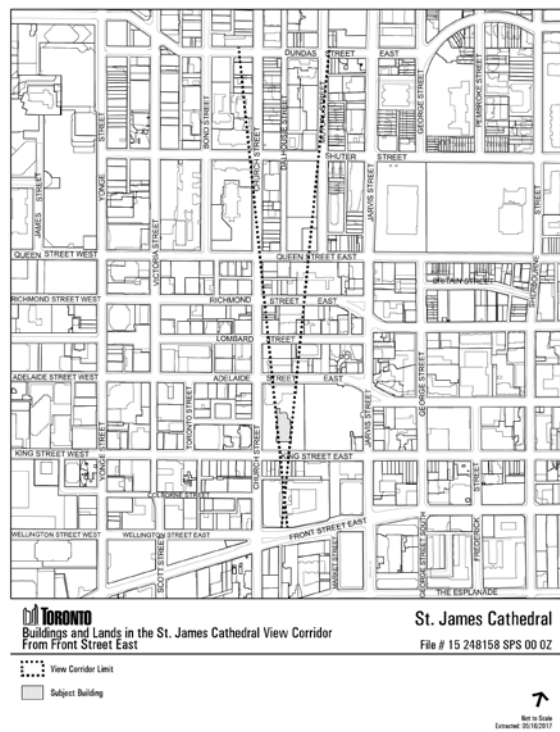
**539. Lands to the North, South and East of St. James Cathedral:**

No structure shall be permitted to be erected:

- (a) within the area shown on Map 1: that can be seen above any part of the silhouette of the features against the sky in their entirety or intruding into the skyview as shown on Figure 1 of the St. James Cathedral when viewed, by eyes at a height of 1.75 m above grade, from the eastern and western edges of the sidewalks on the southwest and northwest corners of King Street East at Church Street; and/or,
  - (b) within the area shown on Map 2: that can be seen above any part of the silhouette of the features against the sky in their entirety or intruding into the skyview as shown on Figures 2 and 3 of the St. James Cathedral (spire and clock tower) when viewed, by eyes at a height of 1.75 m above grade, from the locations between Church Street and Market Street (across from Farquhars Lane), on the north side of Front Street East, while looking north and traversing across the pedestrian pathway across from Farquhars Lane.
  - (c) notwithstanding the above, properties with as-of-right zoning which currently do not meet the criteria of (a) and (b) may be considered to meet the general intent and purpose of (a) and (b) above, with respect to minor variances under the Planning Act provided that the variance(s) does not result in further intrusions into the St. James Cathedral views.
4. Add a new Policy 3.1.5.46 of the Official Plan as follows and renumber the subsequent policies accordingly:
- “46. The St. James Cathedral is a historic site of exceptional importance and prominence. Protection of views to and past the Cathedral will be set out in an area specific policy of this Plan.”



Map 1. Potential Properties Affected From Church and King Streets



Map 2. Potential Properties Affected From Front Street

Figure 1-3 Sky View to be protected around the St. James Cathedral Silhouette

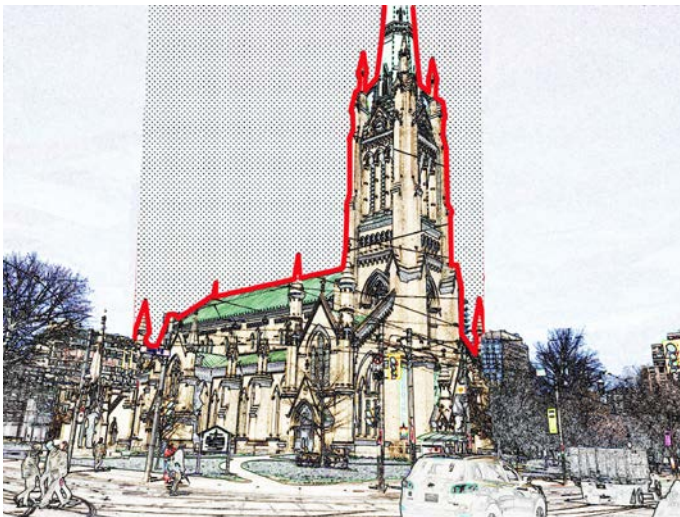


Figure 1: From King Street



Figure 2: From Front Street



Figure 3: From Front Street