

1 Front Street West – City Initiated Zoning Amendment - Preliminary Report

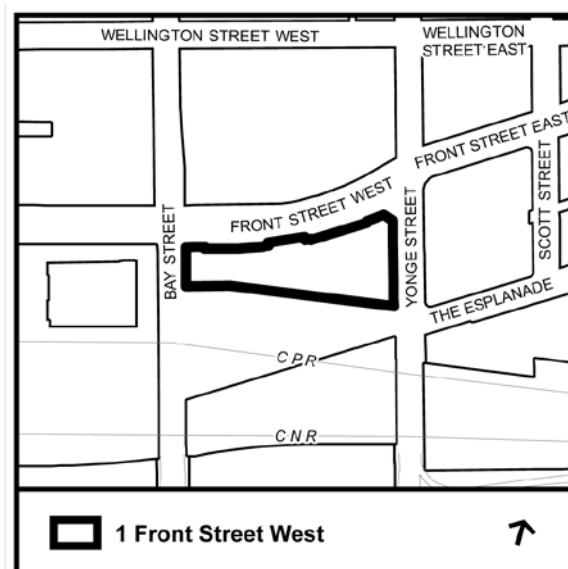
Date:	August 15, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	17-125756 STE 28 OZ

SUMMARY

The purpose of this City initiated zoning amendment is to review the existing site specific zoning for the property at 1 Front St West, as approved by the Ontario Municipal Board. The rezoning proposes a framework for the overall context and block planning, adequate separation distance from existing and proposed buildings surrounding the property; and a more desirable tower placement on the historically designated Dominion Public Building on the site.

At its meeting of November 8, 2016, City Council requested the Chief Planner and Executive Director, City Planning to report back to the Toronto and East York Community Council early in 2017 on amendments to the approved zoning on the property located at 1 Front Street West. This report provides preliminary information on the request and seeks Community Council's directions on further processing of the City-initiated application and on the community consultation process.

The next step is to conduct a community consultation meeting to allow the public to have input into the proposed zoning amendment. This meeting is expected to take



place in last quarter of 2017 or first quarter of 2018.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 1 Front Street West together with the office of the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting 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 July 29, 2006, City Council enacted By-law 634-2006 designating the Union Station Heritage Conservation District (USHCD) under Part V of the Ontario Heritage Act (the Act): <http://www.toronto.ca/legdocs/bylaws/2006/law0634.pdf>. The HCD includes the Property

At its meeting of February 3 and 4, 2016, City Council stated its intention to designate the property at 1 Front Street West (the "Property") under Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Significance: 1 Front Street West (Reasons for Designation) attached as Attachment 3 to the report (November 26, 2015) from the Chief Planner and Executive Director, City Planning, to be effective upon the transfer of the Property by the federal government and that notice of intention to designate be served on the new owner following the transfer of the Property. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE13.18>

At its meeting of November 8, 2016, City Council approved the construction of a 53-storey office building at 141 Bay Street. The 141 Bay Street property is located immediately south of the 1 Front Street West property.

At the same meeting, City Council requested the Chief Planner and Executive Director, 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 and that the amendments be implemented through a City initiated Zoning By-law Amendment and if necessary, a City initiated Official Plan Amendment.

On January 10, 2017, the City issued the Notice of Intent to designate the property. There were no objections and the property is now designated under Part IV of the Ontario Heritage Act.

ISSUE BACKGROUND

During the drafting of the Former City of Toronto Official Plan in the early 1990's and the associated amendments to the Zoning by-law 438-86, the height limit and density limit on this property were reduced to more closely reflect the height of the existing heritage building on the property. As a result, Public Works Canada, on behalf of the Crown, appealed the changes to the Ontario Municipal Board. They argued that given the context of the site, directly adjacent to the Financial District, that this zoning change was onerous and unfair. They also argued that the lands to the south had higher as-of-right density and height permissions. It was concluded that there was merit to their objections. Planning staff worked with the city staff, including Toronto Historical Board staff, and the Federal government to develop an appropriate development scheme for the property that was in their opinion sensitive to the heritage of the site.

The Dominion Public Building is regarded as an exceptional example of Beaux-Arts Classicism in Canada, including the interior Long Room that remains a tangible link to the original use of the complex. It is a rare example of a building constructed by the federal government in Toronto during the early 20th century and, while it was the third Customs House on this site, it was the first to include the public offices and (at the rear) the warehouse facility in a single structure.

In 1996, an Ontario Municipal Board settlement was approved, permitting a tower with a height up to 137 metres on the Dominion Public Building. The proposed addition, which could be either for residential or office use, is centred on the projecting portico located approximately at the midpoint of the building between Bay Street and Yonge Street. The approved settlement provides for a building envelope, allows for a total floor area of 32,600 square metres and requires a minimum of 60 parking spaces to be provided at grade or below grade (See attachment 2). The density permission exceeds the amount of density that could be deployed in the permitted building envelope. This provision is included as Section 12(1)403 of By-law 438-86 and Exception 2116 in By-law 569-2013.

Site and Surrounding Area

The property at 1 Front Street East is located on the south side of Front Street East between Yonge Street and Bay Street. The property is occupied by the historic Dominion Public Buildings, which covers the entire site, with the exception of the private laneway to the south. The property houses offices of the Federal Government.

The property has a frontage of approximately 170 metres, with an irregular depth. The building narrows as it moves westerly from Yonge Street to Bay Street.

North: On the north side of Front Street West there are 2 office towers, retail and restaurants including the Hockey Hall of Fame.

South: The property to the south at 141 Bay Street is currently occupied by the GO Bus terminal. A 53 storey office building has been approved for construction on this property.

East: The northeast corner of Yonge Street and The Esplanade is a 57-storey residential condominium and the Sony Centre for the Performing Arts.

West: Union Station is located on the west side of Bay Street.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and

The Planning Act and the associated Provincial Policy Statement guide development in the Province. The Act states that municipalities must have regard for matters of provincial interest. Section 2(d) specifically refers to “the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.”

Policy 2.6.1 of the PPS directs that “Significant built heritage resources and significant cultural heritage landscapes shall be conserved.” Properties included on the City’s Heritage Register are considered to be significant in this context. “Conserved” is defined in the PPS as “the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act.”

Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Section 4.2.7 of the Growth Plan states that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Official Plan

Chapter Two of the Official Plan – Shaping the City, states that the *Downtown* area offers opportunities for substantial employment and residential growth. It is the most accessible business location in the GTA and the largest employment centre in

the region. The Official Plan states that the *Downtown* will accommodate development that builds on the strength of the *Downtown* as the premier employment centre in the GTA and focuses on the *Financial District* as the prime location for the development of prestige commercial office buildings and landmark buildings that shape the skyline.

The *Mixed Use Areas* designation permits a range of land uses including retail, offices, institutions and parks and open space. Development in *Mixed Use Areas* is required to: create a balance of high quality commercial, residential, institutional and open spaces that reduce the need for automobile dependency; provide new jobs and homes for Toronto's growing population on underutilized lands and the *Downtown*; create and sustain well paid, stable, safe and fulfilling employment opportunities; take advantage of nearby transit; and provide an attractive, comfortable and safe pedestrian environment.

Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to speaking about specific built form characteristics, the policy states that proposals for tall buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Policy 3.1.3.1 indicates that where a tall building is appropriate, it should have a base at an appropriate scale for the street and that integrates with adjacent buildings, a middle with a floor plate size and shape with appropriate dimensions for the site, and a top that contributes to the skyline character. Policy 3.1.3.2 requires new tall development to address key urban design considerations, including: meeting the built form principles of the Official Plan; demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking into account the relationship of the site to topography and other tall buildings; providing high quality, comfortable and usable publicly accessible open space areas; and meeting other objectives of the Official Plan.

The heritage policies in the City of Toronto's Official Plan provide the policy framework for heritage conservation in the City. The following Official Plan policies apply to the proposed alterations:

- 3.1.5.4: "Properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and adopted by Council."
- 3.1.5.5: "Proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be

retained, prior to work commencing on the property and to the satisfaction of the City."

- 3.1.5.6: "The adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the "Standards and Guidelines for the Conservation of Historic Places in Canada."
- 3.1.5.26: "New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it."
- 3.1.5.27 "Where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of facades alone is discouraged.

Standards and Guidelines for the Conservation of Historic Places in Canada

The Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) is the official document guiding planning, stewardship and the conservation approach for all listed and designated heritage resources within the City of Toronto. The General Standards (1-9) and the Standards for Rehabilitation (10-12), and the Standards for Restoration (13-14) apply to this project.
<http://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

TOcore: Planning Downtown

TOcore: Planning Downtown is a three-year, inter-divisional study, led by City Planning. Building on Downtown's existing planning framework, TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

The Downtown Plan will update the Downtown planning framework to shape future growth and link growth to the provision of needed infrastructure investments to achieve the city-building vision and policies of Toronto's Official Plan. A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

City Council adopted the TOcore Proposals Report on December 15, 2016. The Proposals Report provides a vision for Downtown to 2041, five guiding principles and the policy directions that informed the development of the proposed Downtown Plan. The proposed Downtown Plan will be presented at the Planning and Growth Management Committee meeting on September 7, 2017.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 metre in height.

The TOcore website is www.toronto.ca/tocore.

Zoning

The site is zoned CR T6.0 C6.0 R6.0 by the former City of Toronto Zoning By-law 438-86, which permits a wide range of commercial and residential uses with a maximum density of 6.0 times the area of the lot. The zoned height limit is 46.0 metres. Site specific exemption 12(1)403 allows for an addition of a tower on top of the existing heritage building with a specific building envelope that ranges in height between 74 and 137 metres. The exception which was approved by the Ontario Municipal Board permits a maximum residential or office density of 32,600 square metres, of which a maximum of 3,000 square metres can be for retail and service uses, and requires the provision of a minimum of 60 parking spaces.

The site is also zoned CR 6.0 (c6.0; r6.0) SS1 (x2116) with a height of 46.0 metres by the City of Toronto Zoning By-law 569-2013, which is currently under appeal and is not in-effect for the subject lands. The permissions in Zoning By-law 569-2013 are largely the same as those in Zoning By-law 438-86, as amended, including the site specific exemption.

Heritage Conservation

The Dominion Public Building was listed on the inaugural City of Toronto Inventory of Heritage Properties in 1973.

At the federal government level, the Federal Heritage Review Office designated the Property as a Classified Federal Heritage Building in 1983.

Once the property left the federal inventory in early 2017, it was no longer be subject to the federal Treasury Board policies concerning management of Classified Federal Heritage Buildings.

At its meeting of February 3 and 4, 2016, City Council stated its intention to designate the property, effective upon the transfer of the property by the federal government, which occurred in early 2017. The property is now designated under Part IV of the Ontario Heritage Act. Designation under Part IV of the Act protects of cultural heritage value and heritage attributes, including interior features of the lobby and Long Room.

Union Station Heritage Conservation District

The Union Station Heritage Conservation District was approved by City Council July 27, 2006 as By-Law 634-2006. The Union Station Heritage Conservation District study was a component of the broader Union Station District Urban Design Study, which was initiated by the City Planning Division as a part of the Union Station Master Plan. The resulting Union Station Heritage Conservation District Plan includes an examination of heritage character, provides district guidelines and identifies those properties that contribute to the heritage value of the Plan area. It is used by the City and property owners as a tool to strengthen and protect the significant heritage character of the Union Station Precinct.

The subject site is within the Union Station Heritage Conservation District Plan. The Dominion Public Building is identified as a "contributing building".

Contextually, the Dominion Public Building strongly contributes to the character of the area on Front Street, west of Yonge Street, which was redesigned after the Great Fire of 1904 according to the ideals of the City Beautiful Movement as a grand boulevard adjoined by impressive architecture. Anchoring the corner of Yonge and Front Streets where it stands as a local landmark, the Dominion Public Building is historically, visually, physically and functionally connected to its setting on Toronto's "main street" with its direct links to the city's harbour, railway corridor and financial district.

The HCD designation is confined to the exterior of the building.

City-Wide Tall Building Design 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>

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is 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 Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals. The vision map attached to the guidelines envisions heights in excess of 137 metres on the Bay Street frontage of the property and heights between 107

metres and 182 metres on the Yonge street frontage. The vision map does not assign heights to the remainder of the property.

The Guidelines explain a number of mitigating factors, such as views of prominent and heritage properties, structure and landscapes take precedence over heights assigned to High Streets and Secondary Streets. Further to this, the Guidelines are explicit that it should not be assumed that every site located along a High Street will be able to accommodate the upper height limit stated as part of any height range, particularly as height and performance standards are intended to work together in determining whether a tall building development application will be able to successfully meet the overall cumulative intention of this Guideline and perform to the highest architectural and built form design standards. As well, the stated height ranges along the High Streets and Secondary High Streets have been based on built form considerations only and are not currently intended to replace as-of-right height limits zoning for the Downtown. The Downtown Tall Buildings Guidelines are available at <https://www1.toronto.ca/wps/portal/contentonly?vgnextoid=b20752cc66061410VgnVCM10000071d60f89RCRD>

COMMENTS

Ownership

In early 2017, the property was sold by the Federal Government to Larco Investments Limited. Since acquiring the property, Larco has been meeting with City staff, neighbouring property owners and other stakeholders in the surrounding neighbourhood. The owner was aware of the Council adopted direction to review the zoning provisions when they purchased the property from the Federal government.

Comprehensive Block/context

At its meeting of November 8, 2016, City Council approved the construction of a 53 storey office tower at 141 Bay Street, immediately south of 1 Front Street West. If both the proposed 141 Bay Street tower and the proposed tower at 1 Front Street West (as currently permitted) were built, they would have a separation distance of 12 metres, which is significantly less than the minimum of 25 metres that is required by the City's Tall Building Guidelines and not in compliance the intent of Council adopted OPA 352 and Zoning By-law 1106-2016 and 1107-2016. There are a number of other tall buildings in the vicinity of 1 Front Street West. Attachment 3 of this report identifies a 25 metre radius around the 2 existing and 1 proposed tall buildings in proximity to 1 Front Street West, providing a resulting area in which a tall building could be constructed on the 1 Front Street West property, preferably with significant step backs from the building façades to ensure the 3 dimensional expression of the building and regard for the heritage feature inside the building.

As noted in the 141 Bay Street Final Report, Staff are of the opinion that the permitted zoning envelope for 1 Front Street West is contrary to Parks Canada's Standards and Guidelines which require that development "conserve the heritage

values and character-defining elements when creating and new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place."

It is staff's opinion that should there be any additional development, there would be a better comprehensive outcome if the approved zoning envelope were shifted to the east towards the Yonge Street portion of the building. At this location, 1 Front Street West is substantially deeper and there would be greater opportunity to provide a single building with an increased setback from the edge of the existing heritage building than what is afforded in the OMB approved development envelope. Revised zoning should provide for a single building with an associated gross floor area that can be accommodated within the new building envelope. Like the approved envelope, there will continue to be challenges with any development, 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.

Staff will undertake further analysis and work with the property owner to further identify the appropriate planning framework for the property, including and not limited to:

- potential for opening up this heritage resource to the public;
- identifying opportunities to improve the public realm surrounding the existing building; and,
- working with the neighbour to the south to explore opportunities for the shared private laneway, which could include additional retail/restaurant uses and increased public access which could achieve a significant enhancement to the public realm adjacent to the buildings.

CONTACT

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SIGNATURE

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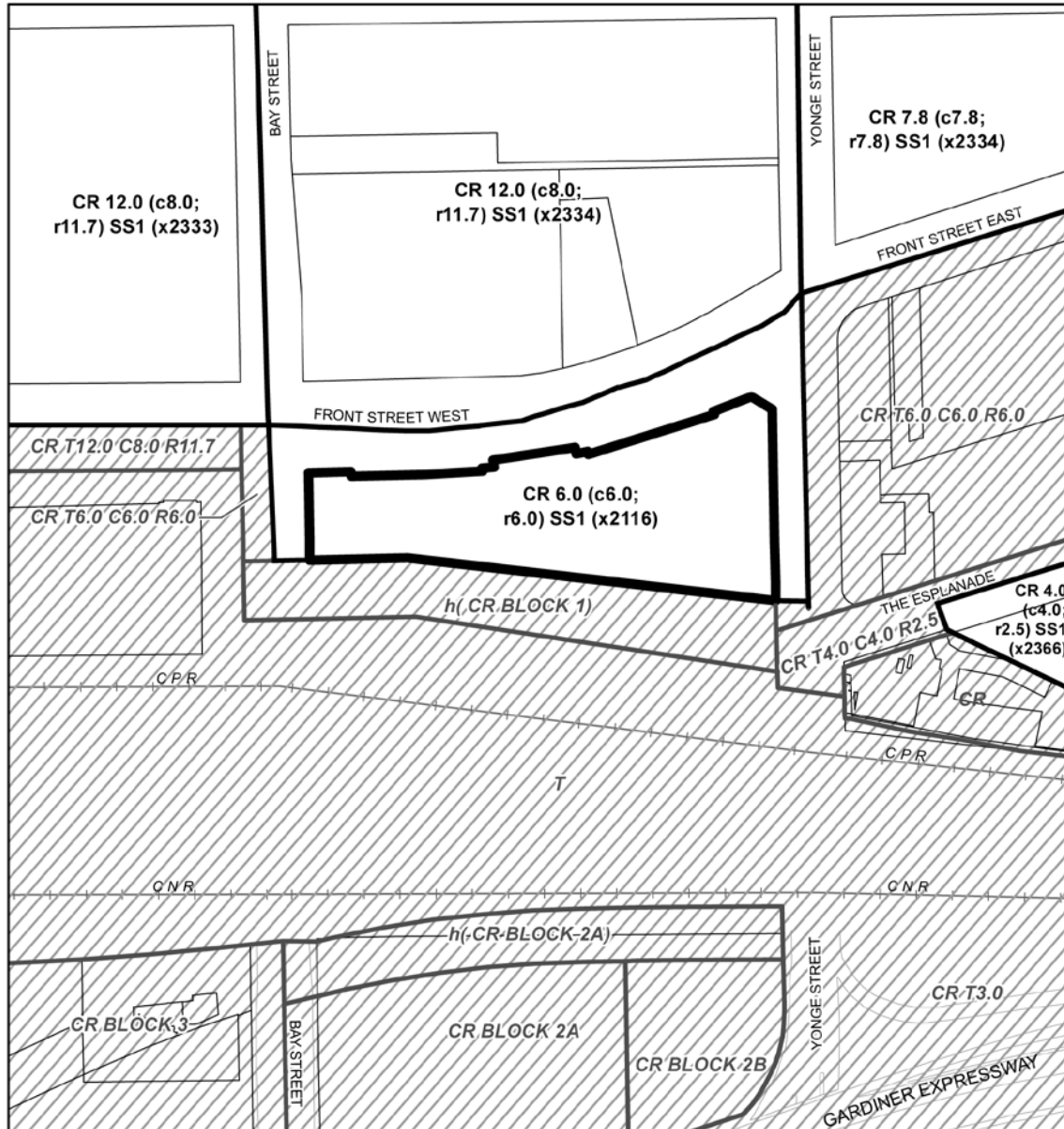
ATTACHMENTS

Attachment 1: Zoning

Attachment 2: OMB Approved Site Specific Zoning

Attachment 3: Tall Buildings Guidelines Tower Separation

Attachment 1: Zoning




Zoning By-Law No. 569-2013

1 Front Street West

File # 17 125756 STE 28 0Z

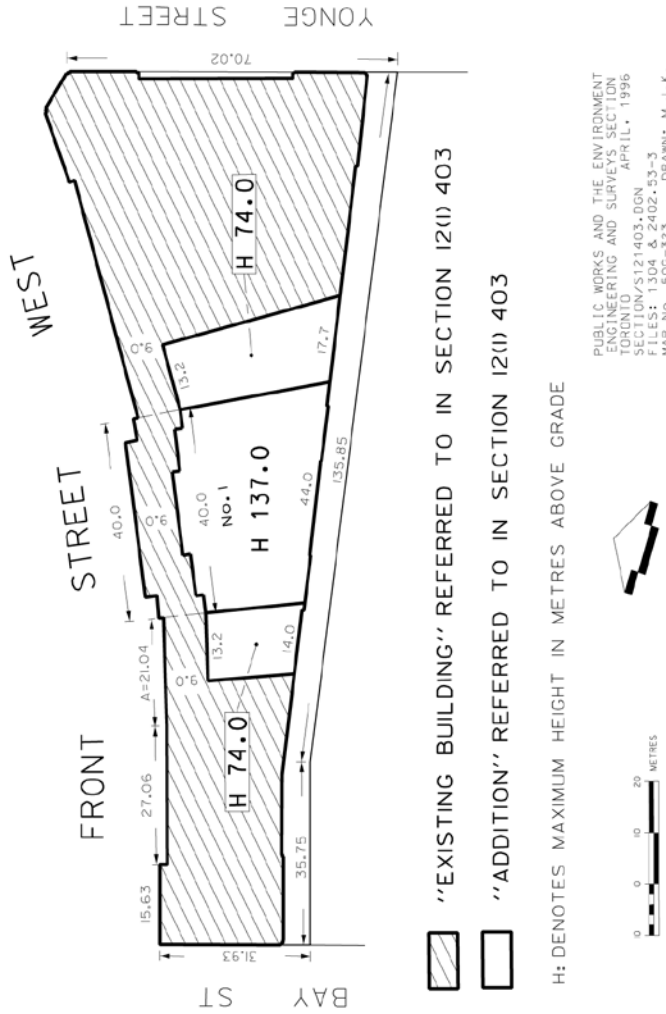
 Location of Application
 CR Commercial Residential

 See Former City of Toronto By-Law No. 438-86
 CR Mixed-Use District
 T Industrial District


 Not to Scale
 Extracted: 08/01/2017

Attachment 2: OMB Approved Site Specific Zoning

(425-93, as amended by OMB Order No. 1996-4 Folio No. 231 dated July 17, 1996)



- "EXISTING BUILDING" REFERRED TO IN SECTION I2(I) 403
- "ADDITION" REFERRED TO IN SECTION I2(I) 403

AMENDED DECEMBER, 2000

1 Front Street West

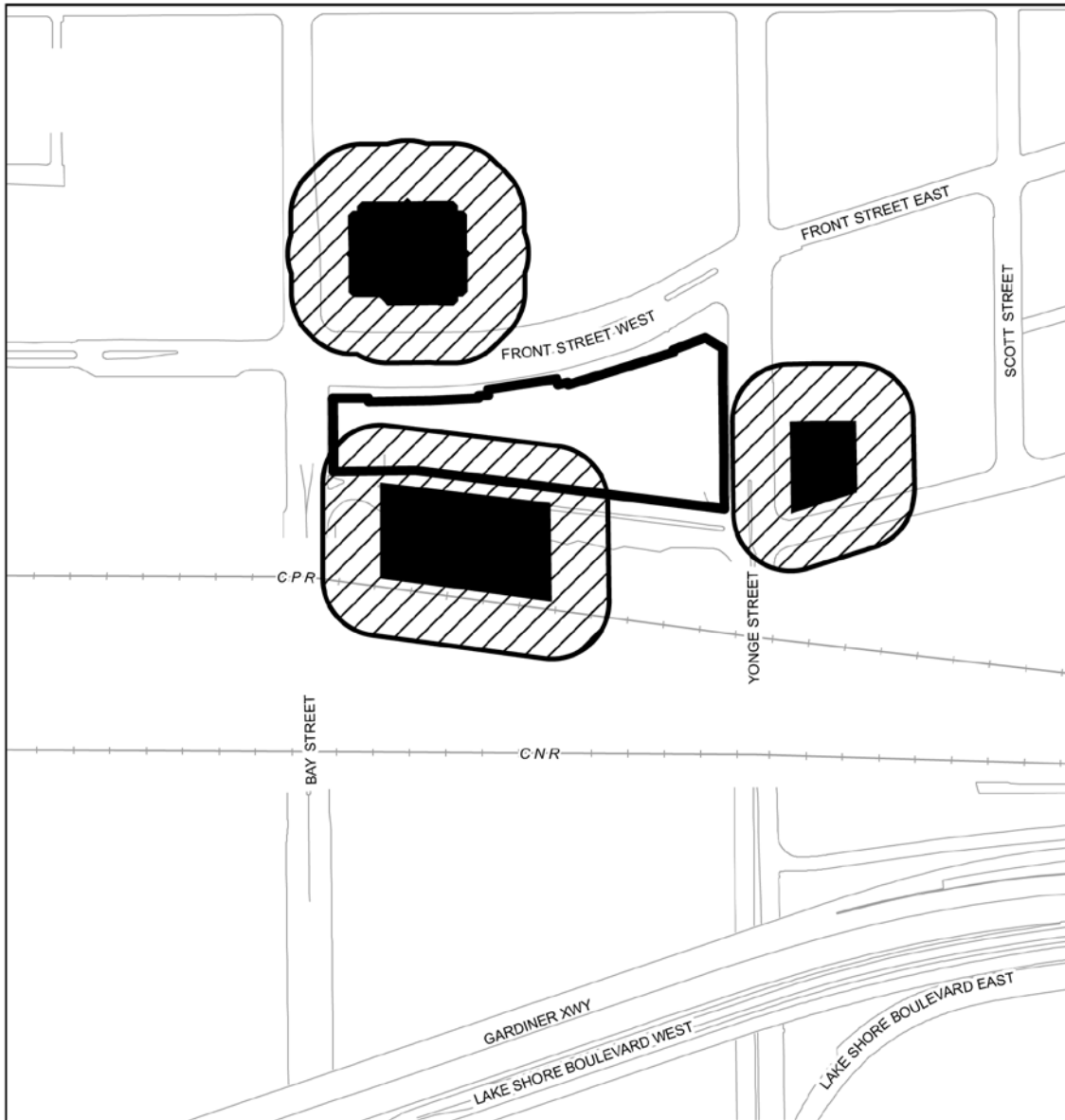
12(1).126

Site Specific Zoning
 Zoning By-Law 438-86, 12(1) 126

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File # 17 125756 STE 28 0Z

Attachment 3: Tall Buildings Guidelines Tower Separation



TORONTO
Tall Building Separation Distances

1 Front Street West
 File # 17 125756 STE 28 0Z

-  Site Location
-  Adjacent Existing and Proposed Tall Buildings
-  25m Separation Distance



Not to Scale
 7/31/2017