

1 Front Street West and 141 Bay Street - Official Plan Amendment and Zoning Amendment Applications – Refusal Report

Date: April 10, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 10 - Spadina-Fort York

Planning Application Number: 18 199835 STE 28 OZ

SUMMARY

The applications propose to amend the Official Plan and Zoning By-law for the properties at 1 Front Street West and 141 Bay Street to permit two residential towers of 45 and 49 storeys (156.9 and 168.7 metres respectively) containing 836 units on top of the 5-storey heritage designated Dominion Public Building. The Dominion Public Building is proposed to be altered to accommodate 8,989 square metres of retail space and 22,045 square metres for a hotel with 251 rooms. A 3-level underground garage is proposed to accommodate 199 vehicular parking spaces.

This report reviews and recommends refusal of the applications to amend the Official Plan and Zoning By-law as it does not support the role of the Financial District in maintaining office use on-site, does not provide minimum tall building setbacks, and does not conserve the scale, form and massing of the heritage Dominion Public Building. Specifically:

- The proposal is inconsistent with the Provincial Policy Statement (2014), as it sets out inappropriate development standards including the absence of maximum building densities for the subject site; elimination of building setbacks from property lines and reduced tower setbacks between buildings; the inadequate mix of land uses to meet long term needs; and has not conserved the significant heritage values of the Dominion Public Building, Union Station and the Union Station Heritage Conservation District;
- The proposal fails to conform with the Growth Plan for the Greater Golden Horseshoe (2017). It does not: provide certainty on the scale and adequate transition to adjacent areas as it applies to the subject site; has not appropriately directed major office uses within the Downtown Urban Growth Centre; and does not conserve the significant heritage values of the Dominion Public Building, Union Station, and the Union Station Heritage Conservation District;

- The proposal is not consistent with the general intent of the Official Plan, as it does not focus office use in the Financial District, does not provide a built form parameter that fits within the existing and planned context, and does not conserve the significant heritage values of the Dominion Public Building, the adjacent Union Station, nor the Union Station Heritage Conservation District;
- The proposal does not maintain the intent and purpose of Official Plan Amendment 231, Official Plan Amendment 352 and Official Plan Amendment 406, particularly with respect to the elimination of existing office use on-site and the increase in residential uses beyond the as-of-right permission.
- The proposal does not address nor maintain the intent of the Council approved urban design guidelines, particularly with respect to the direction to provide a minimum 25 metres of separation distance between towers and a minimum 12.5 metre tower setback from the rear lot line; and
- The proposal does not conserve the significant heritage attributes of the Dominion Public Building as defined by the designating By-laws under Part IV and V the *Ontario Heritage Act*.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Official Plan Amendment at 1 Front Street West and 141 Bay Street for the reasons set out in the report from the Director, Community Planning, Toronto and East York District, dated April 10, 2019.
2. City Council refuse the application for the Zoning By-law Amendment at 1 Front Street West and 141 Bay Street for the reasons set out in the report from the Director, Community Planning, Toronto and East York District, dated April 10, 2019.
3. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Local Planning Appeal Tribunal (the "LPAT") in support of City Council's decision to refuse the application, in the event that the applications are appealed to the LPAT.
4. In the event the applications are appealed to the LPAT, City Council, pursuant to sections 22(8.1) and 34(11.0.0.1) of the *Planning Act*, use mediation, conciliation or other dispute resolution techniques in an attempt to resolve the Official Plan Amendment and Zoning By-law Amendment applications, to the satisfaction of the Chief Planner and Executive Director, City Planning and City Solicitor.
5. City Council direct the City Clerk, should an appeal be filed, to notify all persons or public bodies who may have filed an appeal to this decision of City Council's intention to rely on sections 22(8.1) and 34(11.0.0.1) of the *Planning Act* and the City Clerk shall

provide notice to all prescribed persons or public bodies under sections 22(8.2) and 34(11.0.0.2) of the *Planning Act*.

6. City Council direct the City Clerk, should an appeal be filed, to notify the LPAT of City Council's intention pursuant to section 22(8.1) and 34(11.0.0.1) of the *Planning Act*, and that the LPAT shall receive the record, the notice of appeal and other prescribed documents and materials seventy-five (75) days after the last day for filing a notice of appeal for these matters.

7. City Council authorize the City Solicitor and other appropriate staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1996, the Ontario Municipal Board approved a settlement between the Federal government - the previous owner of 1 Front Street West, and the City to permit a tower massing envelope with a maximum height of 137 metres sited in the middle of the 1 Front Street West property, above the Dominion Public Building as part of By-law 425-93 to amend the former City of Toronto Zoning By-law 436-86. By-law 425-93 can be found here: <https://www.toronto.ca/legdocs/pre1998bylaws/toronto%20-%20former%20city%20of/1993-0425.pdf>

On July 27, 2006, City Council enacted By-law 634-2006 designating the Union Station Heritage Conservation District ("the HCD") under Part V of the *Ontario Heritage Act*. The HCD includes the Dominion Public Building at 1 Front Street West. The By-law can be found here: <http://www.toronto.ca/egdocs/by-laws/2006/law0634.pdf>

On February 3 and 4, 2016, City Council stated its intention to designate the Dominion Public Building under Part IV, Section 29 of the *Ontario Heritage Act*, 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. The decision document can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE13.18>

On November 8, 2016, City Council approved the Zoning By-law Amendment application to permit a 53-storey office building at 141 Bay Street. 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 existing site specific zoning on 1 Front Street West to provide for a minimum 25 metres between the as-of-right tower forms and that the amendments be implemented through a City-initiated Zoning By-law Amendment and if necessary, a City-initiated Official Plan Amendment. The decision document can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE19.6>

On January 10, 2017, the City issued the Notice of Intent to designate the Dominion Public Building. There were no objections and the property is now designated under Part IV of the *Ontario Heritage Act* by City of Toronto By-law 423-2017. The By-law can be found here: <https://www.toronto.ca/legdocs/bylaws/2017/law0423.pdf>

On September 6, 2017, Toronto and East York Community Council adopted a preliminary report on the City-initiated Zoning By-law Amendment for 1 Front Street West. The decision document can be found here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.58>

On February 14, 2019, Toronto and East York Community Council adopted a preliminary report on the subject application. Community Council authorized staff to conduct a community consultation meeting with an expanded notification area. The decision document can be found here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE3.60>

CONSULTATION WITH THE APPLICANT

Informal meetings between City Planning staff and the applicant were held on April 11, May 11, August 2, and October 18 of 2017. A formal pre-application meeting was held on April 3, 2018 based on a development concept that is similar to the current applications. Preliminary City Planning comments were provided to the planning consultant on June 13, 2018, indicating the proposal is not consistent with the PPS, and does not conform to the Growth Plan nor the Official Plan. City Planning staff indicated the proposal cannot be supported and that staff may proceed in recommending refusal of the proposal if significant revisions are not made.

Additional consultations took place with the applicant on [September 14, 2018, January 23, 2019 and March 21, 2019 where City Planning staff reconfirmed its position.](#)

PROPOSAL

Submission and Date Deemed Complete

The current applications were submitted on June 25, 2018 and deemed complete on November 9, 2018.

Application Details

The applications propose to amend the Official Plan and Zoning By-law for the property at 1 Front Street West and 141 Bay Street to permit two tall buildings of 45 and 49 storeys (156.9 and 168.7 metres respectively) containing 836 residential units or 55,726.8 square metres on top of the 5-storey heritage designated Dominion Public Building at 1 Front Street West. The Dominion Public Building is proposed to be altered to accommodate 8,986 square metres of retail space and 22,045 square metres for a

hotel with 251 rooms. A 3-level underground garage is proposed to accommodate 199 vehicular parking spaces.

See Table 1 below for the massing dimensions of the proposed towers, and Attachment 1 for the Application Data Sheet.

Table 1 - Massing Dimensions

	West Tower	East Tower
Overall Height (m.)	168.7	156.9
Floor Plate (sq.m.)	616 - 653	756
Setbacks from Streetwall of Dominion Public Building (m.): <ul style="list-style-type: none"> • North - Front St. W. • East - Yonge St. • South • West - Bay St. 	10.4 n/a* 8.2 - 12.4 95.7 - 96.7	21.8 4.2 - 6.0 Projects southerly by 6.1 n/a*
*Separation Distance Between the West and East Towers (m.)	20.8 to 27.3	

See Attachments 2 and 3 for a three dimensional representation of the project in context, Attachment 4 for the location map and heritage register entries, Attachment 11 for the site plan, and Attachments 12 to 15 for the elevations.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Site and Surrounding Area

The 1 Front Street West property has a frontage of approximately 170 metres, with an irregular depth, where the property narrows as it moves westerly along Yonge Street to Bay Street. The Dominion Public Building is built to the lot lines with the exception of the rear lot line. Currently, the building is occupied by the Canada Revenue Agency office. The 141 Bay Street property is rectangular and relatively flat with a frontage of 39 metres on Bay Street and 44 metres on Yonge Street, currently used as the GO Bus Terminal.

Surrounding land uses include:

North: Across from Front Street West is the Brookfield Place complex consisting of two office buildings, a mixture of non-residential uses including the Hockey Hall of Fame at 181 Bay Street and 30, 36 & 42 Yonge Street, and a privately-owned publicly accessible

space (POPS) that serves as a courtyard for the complex. Northwest, across Bay Street is the Royal Bank Plaza office building at 200 Bay Street.

East: Across Yonge Street are the Sony Centre for the Performing Arts Centre with a residential condominium above at 6 Scott Street and 8 The Esplanade, The Esplanade, and a residential condominium building at 1 The Esplanade.

South: The Canadian National Railway corridor. Beyond the rail corridor is a site that is currently under construction at 45 Bay Street for an office building including a railway overbuild to create a POPS above the rail corridor. A residential condominium building is located at 18 Yonge Street.

West: Across Bay Street is Union Station at 71 Front Street West.

Reasons for Application

The applicant submitted an Official Plan Amendment that would apply to 1 Front Street West and 141 Bay Street in which the applicant proposes to create a site and area specific policy that would: specify only minimum and no maximum densities; eliminate tower setbacks from lot lines, provided a minimum tower separation of 20 metres is achieved, and specify land uses within the two properties, among other proposed policy direction.

The applicant submitted a Zoning By-law Amendment at 1 Front Street West in order to permit the following: increase in overall density; revised building mass and height from the site specific permission; and reduction in tall building setback requirements, among others. The applicant submitted a Zoning By-law Amendment at 141 Bay Street to permit the loading and driveway spaces on-site to be shared with the 1 Front Street West property.

APPLICATION BACKGROUND

Application Submission Requirements

The following documentation was submitted in support of the application:

- Survey
- Context Plan
- Site Plan
- Floor Plans
- Elevations
- Digital 3D Model
- Draft Official Plan Amendment
- Draft Zoning By-law Amendments
- Conceptual Landscape Plans
- Sun/Shadow Study

- Planning and Urban Design Rationale Report, including a Complete Community Assessment
- Community Services and Facilities Study
- Public Consultation Plan
- Toronto Green Standard Checklist
- Tree Preservation Plan
- Tree Inventory and Preservation Plan Report
- Pedestrian Level Wind Study
- Noise and Vibration Feasibility Assessment
- Heritage Impact Assessment
- Stage 1 Archaeological Assessment
- Energy Strategy
- Transportation Impact Study
- Preliminary Hydrogeological Investigation
- Preliminary Geotechnical Investigation
- Functional Servicing and Stormwater Management Report

Copies of the submitted documents are available on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre>

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

Toronto and East York Community Council Public Comments

In making their decision with regard to this application, Council members will be given an opportunity to view the oral and written submissions made at Toronto East York Community Council for these applications, both by being there in person and as these submissions are broadcast live over the internet and recorded for review.

POLICY AND ISSUES BACKGROUND

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy; the adequate provision of a full range of housing; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (the "PPS") 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
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

The Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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;
- Conserve cultural heritage resources with a particular focus on strategic growth areas, such as the Urban Growth Centres;
- 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.

The Growth Plan builds upon the policy foundation provided by the PPS 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.

In accordance with Section 3 of the *Planning Act*, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

The Growth Plan contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSAs") along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review ("MCR"), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those set out in the Growth Plan. Notwithstanding the required process under the Growth Plan, Union Station, a potential MTSA, exponentially exceeds the required minimum densities for persons and jobs combined per hectare. In December 2015, Metrolinx produced a "Mobility Hub" Profile for Union Station which identifies there were 93 people per

hectare and 972.5 jobs per hectare for a combined total of 1,065.5 people and jobs per hectare within 800 metres of Union Station. Since that time, there has been significant development in and around Union Station, including 141 Bay Street and 81 Bay Street providing office uses.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this report.

Toronto Official Plan

The applications have been reviewed against the policies of the City of Toronto Official Plan including the Railway Lands East Secondary Plan as follows:

Chapter 2 - Shaping the City

The subject site is within the Financial District of *Downtown* on Map 6 of the Official Plan. The Financial District is to serve as the prime area of job growth and is Canada's premier business centre.

See Attachment 6 for the subject site's location within the Financial District in the Official Plan.

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation

This section states the Plan protects the integrity of the City's transportation network, and steers future growth to areas that are well served by transit, including the *Downtown*. The integration of transportation and land use planning is critical in achieving the overall aim of increasing accessibility throughout the City.

Policy 2.2.2 states growth will be directed to the *Downtown* in order to: concentrate jobs and people in areas well served by surface transit and rapid transit stations; promote mixed use development to increase opportunities for living close to work; and offer opportunities for people of all means to be affordably housed.

Section 2.2.1 Downtown: The Heart of Toronto

This section states the Plan will create a better urban environment, a competitive local economy and a more socially diverse and equitable city through the integration and coordination of transportation planning and land use planning by attracting more people and jobs to targeted growth areas in the City.

Downtown is where our history is richest, but it is also where we continue to rebuild to accommodate a growing economy and a changing society. Given that this is one place in Toronto where “change is constant”, we must ensure that our built heritage is respected, nurtured and improved.

Policy 2.2.1.1 states the *Downtown* will continue to evolve as a healthy and attractive place to live and work by: achieving a minimum combined gross density target of 400 jobs and residents per hectare for the Downtown Urban Growth Centre ("UGC"); building on the strength of *Downtown* as the premier employment centre in the GTA; provides a full range of housing opportunities for *Downtown* workers and reduces the demand for in-bound commuting; and focuses on the Financial District as the prime location of the development of prestige commercial office buildings and landmark buildings that shape the skyline.

Policy 2.2.1.4 states a full range of housing opportunities will be encouraged through: residential intensification in the Mixed Use Areas of *Downtown*.

Policy 2.2.1.5 states the architectural and cultural heritage of *Downtown* will be preserved by designating buildings, districts and open spaces with heritage significance by working with owners to restore and maintain historic buildings.

Policy 2.2.1.6 states design guidelines specific to districts of historic or distinct character will be developed and applied to ensure new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, heights and relationship to landmark buildings, those would include the Heritage District Guidelines for the Union Station Heritage Conservation District Plan.

Section 2.4 Bringing the City Together: A Progressive Agenda of Transportation Change

Policy 2.4.7 states that for sites in areas well serviced by transit, consideration will be given to the establishment of minimum and maximum density limits.

Policy 2.4.13 states policies, programs and infrastructure will be introduced to create safe, comfortable and bicycle friendly environments that encourage people of all ages to cycle for everyday transportation and enjoyment.

Chapter 3 - Building a Successful City

Section 3.1.1 The Public Realm

This section provides direction to the importance of the public realm including streets, sidewalks, boulevards, internal pedestrian connections, open space areas, parks, and public buildings.

Policy 3.1.1.6 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians by: providing well designed and co-ordinated tree planting and landscaping, pedestrian-scale lighting, and quality street furnishings and decorative paving as part of street improvements; and locating and designing utilities within streets, within buildings or underground, in a manner that will minimize negative impacts on the natural, pedestrian and visual environment and enable the planting and growth of trees to maturity.

Policy 3.1.1.15 states that underground concourses, plaza walkways and private mid-block connections will be designed to complement and extend, but not replace, the role of the street as the main place for pedestrian activity.

Section 3.1.2 Built Form

This section states the development must not only fit on its site and program, but also in terms of how the site, building and its streetwall fit within the existing and/or planned context of the neighbourhood and the City. Each new development should promote and achieve the overall objectives of the Plan.

Policy 3.1.2.1 states new development will be located and organized to fit within its existing and/or planned context.

Policy 3.1.2.3 requires new development to be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by: massing new buildings to frame adjacent streets and open spaces that respects the street proportion; creating appropriate transitions in scale to neighbouring existing and/or planned buildings; providing for adequate light and privacy; limiting shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces; and minimizing any additional shadowing on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view.

Policy 3.1.2.5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Section 3.1.3 Built Form - Tall Buildings

This section states tall buildings come with larger civic responsibilities and obligations. Tall buildings are generally defined as those buildings taller than the width of the right-of-way.

Policy 3.1.3.2 requires tall building proposals to address key urban design considerations that include: 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 the topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Section 3.1.5 Heritage Conservation

This section provides direction on the identification of potential heritage properties, conservation of heritage properties and on development adjacent to heritage properties. As noted earlier in this report, the Dominion Public Building is a designated property under Part IV of the *Ontario Heritage Act*, and is identified as a contributing property in the Union Station Heritage Conservation District Plan and designated under Part V of the *Ontario Heritage Act*. The property at 141 Bay Street is also included within the District and designated under Part V of the *Ontario Heritage Act*.

Policy 3.1.5.4 states properties on the Heritage Register will be conserved and maintained consistent with the *Standards and Guidelines for the Conservation of Historical Places in Canada*, as revised from time to time and adopted by Council.

Policy 3.1.5.5 states 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.

Policy 3.1.5.6 states 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*.

Policy 3.1.5.26 states 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.

Policy 3.1.5.27 states, where it is supported by 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 faces alone is discouraged.

Policy 3.1.5.32 states impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes, and character are conserved.

Policy 3.1.5.33 states Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District Plans.

Section 3.2.1 Housing

This section provides direction to encourage the provision of a full range of housing, in terms of form, tenure and affordability.

Section 3.2.2 Community Services and Facilities

This section calls for adequate and equitable access to community services and local institutions, and sets out a policy framework, that encourages the inclusion of community service facilities as part of a private development.

Section 3.2.3 Parks and Open Spaces

This section provides direction on the need for parks and open spaces.

Policy 3.2.3.1 indicates adding new parks in growth areas will be a necessary element of city building.

Section 3.5 Toronto's Economic Health

Policy 3.5.1 states Toronto's economy will be nurtured and expanded to provide for the future employment needs of Torontonians and the fiscal health of the City by: maintaining a strong and diverse economic base; and attracting new and expanding employment clusters that are important to Toronto's competitive advantage.

Policy 3.5.2 states a multi-faceted approach to economic development in Toronto will be pursued that stimulates transit-oriented office growth in the *Downtown*.

Policy 3.5.3 states a balanced growth of jobs and housing across the City will be pursued to maintain a complete community.

Chapter 4 - Land Use Designations

Section 4.4 Utility Corridors

The southern portion of the subject site is designated Utility Corridors on Map 18 of the Official Plan. Utility Corridors play a vital role in terms of the transmission of energy, communication, and movement of people and goods.

This portion of the subject site is also subject to the Railway Lands East Secondary Plan. Policy 5.6.6 indicates in the case of a conflict, the Secondary Plan policy will prevail. Additional policy provisions for the lands are provided in Chapter 6 - Secondary Plans section of this report.

Section 4.5 Mixed Use Areas

The northern portion of the subject site is designated Mixed Use Areas on Map 18 of the Official Plan. Mixed Use Areas are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed use buildings. The proportion of commercial and residential uses will vary widely among Mixed Use Areas. For example, office and retail uses will continue to be paramount in the Financial District.

Policy 4.5.2 states development within Mixed Use Areas will: create a balance of high quality commercial, residential, institutional and open spaces that reduce automobile dependency and meet the needs of the local community; locate and mass new buildings to provide a transition between areas of different intensity and scale through means such as setbacks and/or stepping down of heights; and frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

See Attachment 5 for the subject site's Official Plan land use designations.

Chapter 5 - Implementation

Section 5.1.1 Height and/or Density Incentives

This section refers to Section 37 of the *Planning Act* and establishes the provisions under which Section 37 may be used.

Section 5.2.1 Secondary Plans: Policies for Local Growth Opportunities

The southern portion of the subject site is within the Railway Lands East Secondary Plan.

Policy 5.2.1.3 states Secondary Plans will promote a desired type and form of physical development resulting in highly functional and attractive communities and plan for an appropriate transition in scale and activity between neighbouring districts.

Section 5.3.1 The Official Plan Guides City Actions

Policy 5.3.1.3 states amendments to the Official Plan that are not consistent with its general intent will be discouraged. When considering a site specific amendment to the Official Plan, at the earliest point in the process the planning review will examine whether the application should be considered within the immediate planning context or whether a broader review and possible area specific policy or general policy change is more appropriate.

Section 5.3.2 Implementation Plans and Strategies for City-building

This section indicates detailed action-oriented plans, programs and strategies will be needed to implement the Official Plan and to adapt to changing circumstances and challenges over the life of the Official Plan.

Policy 5.3.2.1 states implementation plans, strategies and guidelines will be adopted to advance the vision, objectives and policies of this Plan.

Section 5.6 Interpretation

This section establishes how the policies are to be understood and interpreted.

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 5.6.1.1 states policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation.

Policy 5.6.6 states policies of this Plan apply to the areas subject to the Secondary Plans contained in Chapter 6, except in the case of a conflict, the Secondary Plan policy will prevail.

Chapter 6 - Secondary Plans

Section 17 Railway Lands East Secondary Plan

The southern portion of the subject site is within the Railway Lands East Secondary Plan, where the lands are designated Mixed Use Area 'A' and Precinct 1 on Map 17-2 - Land Use Map, and Map 17-5 - Precincts Plan. The Secondary Plan states that the Mixed Use Areas 'A' designation permits commercial office uses and will be regarded as a commercial extension of the Financial District.

See Attachment 7 for the site's Secondary Plan designation.

The City of Toronto Official Plan, including the Railway Lands East Secondary Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Official Plan Amendment 231 - Amendment to City's Economic Health and Employment Lands Policies

Official Plan Amendment 231 ("OPA 231"), an amendment to the City's economic health and employment lands policies, was approved by City Council on December 18, 2013, and subsequently approved, with minor modifications, by the Minister of Municipal Affairs and Housing ("MMAH") in July 2014. Various appeals have been submitted to the Local Planning Appeal Tribunal (the "LPAT") from MMAH's decision. OPA 231 amends Section 3.5.1 of the Official Plan by adding policy 9, which requires office space in residential redevelopment be maintained or increased, where there is currently a minimum 1,000 square metres of office space on-site. *Planning Act* applications submitted after approval of OPA 231 by the Province shall meet the intent of both City Council's and the Province's direction. The owner of 1 Front Street West has not appealed OPA 231 and the property currently contains over 31,000 square metres of office space on-site.

TOcore: Planning Downtown

City Council adopted the Downtown Plan Official Plan Amendment ("OPA 406"), as amended, at its meeting of May 22-24, 2018. The Council decision is available here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>.

Further, City Council authorized the City Planning Division to seek provincial approval of the OPA under Section 26 of the *Planning Act*, and enacted By-law 1111-2018 on July 27, 2018. The By-law is available here: <https://www.toronto.ca/legdocs/bills/2018/bill1109.pdf>.

Council has directed staff to use the policies contained within the Downtown Plan to inform the evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

OPA 406 was submitted to the MMAH on August 9, 2018 and deemed complete after the adoption of the Downtown Plan by Council. The subject site is within the expanded Financial District on Map 41-2, and the northern portion of the subject site is designated Mixed Use Areas 1- Growth on Map 41-3-A in the Downtown Plan.

Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown

On October 5-7, 2016, City Council adopted Official Plan Amendment 352 ("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 metres in height.

[Further background information can be found at www.toronto.ca/tocore](http://www.toronto.ca/tocore).

The outcome of staff analysis and review of relevant Official Plan policies and designations, Secondary Plan, OPAs, and urban design guidelines are summarized in the Comments section of this report.

Zoning

The 1 Front Street West property 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 lot area with a maximum height of 46 metres. Site specific permission 12(1) 403 allows for the continued use of the total floor area of the existing Dominion Public Building plus an addition of a tower form with a specific building envelope that ranges between 74 and 137 metres above the heritage building. The permitted tower form may contain a maximum residential or non-residential density of 32,600 square metres, of which a maximum of 3,000 square metres can be for retail and services uses, and requires the provision of a minimum of 60 parking spaces.

In terms of the as-of-right density, site specific permission 12(1) 403 stipulates the addition above the existing Dominion Public Building, with a maximum 32,600 square metres must be wholly located within the area identified in Attachment 9, the property's site specific zoning schedule. Otherwise, the as-of-right density permission reverts to the base CR zone category that allows for a density of 6 times the lot area, which is 46,710 square metres.

The 1 Front Street West property is also zoned CR 6.0 (c6.0; r6.0) SS1 (x2116) with a height of 46 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 and exceptions in Zoning By-law 569-2013 are largely the same as those in Zoning By-law 438-86, as amended, including the site specific permission.

The 141 Bay Street property is zoned CR Block 1 by the Railway Lands East Area 'A' Zoning By-law no. 168-93, which permits a wide range of uses including office, retail and residential uses. The 141 Bay Street property is also subject to the recently approved site specific By-law 1104-2016 that permits the construction of the 53-storey office building at the western portion of the lands with a maximum height of 243 metres.

See Attachments 8 and 9 for the site's zoning category.

Dominion Public Building

The property at 1 Front Street West includes the Dominion Public Building. The Dominion Public Building is valued for its historic role in the economy of the City and country as the place where the Federal government administered, inspected, stored and taxed imported and exported goods in Toronto, as well as its association with T. W. Fuller, the Chief Architect of the Federal government's Public Works Department who was responsible for its construction as a monumental public building during the Great Depression.

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 the property, it was the first to include the public offices and (at the rear) the warehouse facility in a single structure. 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.

1 Front Street West was listed by the City of Toronto on the City's Heritage Inventory (now the Heritage Register) on June 20, 1973. In 2006, it was included within the Union Station Heritage Conservation District and designated under Part V of the *Ontario*

Heritage Act by City of Toronto By-law 634-2006. As the property was owned by the Government of Canada during this period, it was not subject to the *Ontario Heritage Act* nor was it subject to a formal municipal heritage review. As a Crown property, responsibility for the building's conservation of this Classified Federal Heritage Building was the responsibility of the Government of Canada. Following its sale to a private entity, the property was designated by the City under Part IV of the *Ontario Heritage Act* by City of Toronto By-law 423-2017. The designation by-law was not contested. The listed heritage attributes contained exterior and interior features of the building.

Union Station Heritage Conservation District Plan

The Union Station Heritage Conservation District ("HCD") Plan was approved by City Council on July 27, 2006 as By-law 634-2006 and is in-force for the subject site. The Union Station HCD study was a component of the broader Union Station District Urban Design study, which was initiated by the City Planning Division as part of the Union Station Master Plan. The resulting Union Station HCD 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 HCD Plan. The Dominion Public Building, Union Station, and the Bank of Montreal building are identified as "contributing buildings" within the Plan. The HCD Plan can be found here: https://toronto.ca/wp-content/uploads/2018/01/8dfc-CityPlanning_Union-station-HCD.pdf

Heritage Adjacencies

The subject site is adjacent to a number of properties that are included on the City's Heritage Register.

Within the Union Station HCD Plan, the following properties are identified as contributing properties:

- Union Station at 71 Front Street West, designated under the *Ontario Heritage Act* by By-law 948-2005 and recognized as a National Historic Site of Canada under the *Historic Sites and Monuments Act*;
- The Royal Bank Plaza at 200 Bay Street;
- The Brookfield Place complex consisting of the properties at 181 Bay Street, 30 Yonge Street (Bank of Montreal Building), 42 Yonge Street (the William Cawthra Building), and 36 Yonge Street (the Argyle Hotel) designated under Part IV of the *Ontario Heritage Act* by By-laws 524-76 and 256-76;
- The Gowans Kent Building at 20 Front Street West, designated under Part IV of the *Ontario Heritage Act* by By-law 108-83; and

- The O'Keefe Centre (now the Sony Centre for the Performing Arts) at 6 Scott Street, designated under Part IV of the *Ontario Heritage Act* by By-law 1156-2008.

The subject site is also adjacent to the St. Lawrence Neighbourhood HCD Plan. The aforementioned Sony Centre at 6 Scott Street is also identified as a contributing property in the HCD Plan. The St. Lawrence Neighbourhood HCD Plan can be found here: <https://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-84943.pdf>

Design Guidelines

Part III of the PPS under the section titled "Guidance Material" speaks to the fact that guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Plan. Policy 5.2.5.6 of the Growth Plan indicates supporting documents, such as design guidelines, will direct the development of a high quality public realm and compact built form in achieving minimum intensification and density targets of the Plan. Relevant to the Downtown and the Union Station HCD, policy 2.2.1.6 of the Official Plan recognizes that design guidelines specific to districts of historic or distinct character will be developed and applied to ensure new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, heights and relationship to landmark buildings. Policy 5.3.2.1 of the Official Plan states guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines specifically are intended to provide a more detailed framework for built form and public realm improvements in growth areas. The following design guidelines were used in the evaluation of this application.

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines ("Tall Building Guidelines") and directed City Planning staff to use these guidelines in the evaluation of 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 link to the guidelines is here: <https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

The subject site is within an area that is subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines ("Downtown Guidelines"). 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 Downtown tall building proposals.

Bay Street, Front Street West, and Yonge Street are identified as High Streets on Map 1, with a Tower-Base Form typology on Map 3 of the guidelines. Building heights are unlimited along Bay Street and Front Street West, and has a height range of 107 metres

to 182 metres along Yonge Street on Map 2 of the guidelines. Section 1.3 of the guidelines indicate that heritage properties on-site, sunlight on parks and open spaces, and views of prominent and heritage properties are mitigating factors that take precedence over the heights delineated on Map 2 of the guidelines. The link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

Union Station District Plan

In June, 2006, City Council adopted the Union Station District Plan, which is part of the overall Union Station Master Plan that provides direction on public realm improvements surrounding Union Station, including the lands surrounding the subject site. Key design opportunities identified in the District Plan are to articulate Front Street and Union Station as major open spaces. The District Plan is currently not available online until it becomes compliant with the *Accessibility for Ontarians Disability Act* and can be made available in paper copy upon request.

Pedestrian PATH Network Master Plan and Draft Design Guidelines

The Pedestrian PATH Network Master Plan ("PATH Master Plan") and the accompanying draft Pedestrian PATH Network Design Guidelines ("PATH Design Guidelines") provide direction on the expansion of the underground PATH network, along with design standards such as minimum walkway widths and design of interior public spaces. These guidelines are currently not available online until they become compliant with the *Accessibility for Ontarians Disability Act* and can be made available in paper copy upon request.

St. Lawrence Neighbourhood Focused Area Urban Design Guidelines

In July 2005, City Council adopted the St. Lawrence Guidelines, a document intended to serve a number of functions including: to guide the development industry on the appropriate built form for new development proposals; to guide the City on prioritizing public realm enhancements; to assist in the preparation of the St. Lawrence Neighbourhood Community Improvement Plan; and to assist in the HCD study.

The eastern portion of the site that fronts onto Yonge Street is within the St. Lawrence Guidelines, and is within the Yonge Corridor, where the guidelines encourage new development to be compatible with the existing form and use in the area. The guidelines can be found here: <https://www.toronto.ca/wp-content/uploads/2018/10/8680-city-planning-st-lawrence-neighbourhood-focused-area-urban-design-guidelines.pdf>

Growing Up Draft Urban Design Guidelines

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines ("Growing Up Guidelines"), and directed City Planning staff to apply the Growing Up Guidelines in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Growing Up Design Guidelines was considered in the review of this proposal. The guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Union-Queens Quay Link Transit Study

The subject site is adjacent to the Union-Queens Quay Link Transit study to the west, currently underway. It is a priority transit project as part of the City's comprehensive 'Reset' for waterfront transit. This study is a follow-up to the previously approved East Bayfront Transit Environmental Assessment ("EA"), further assessing options for a higher order transit link below Bay Street between Union Station and Queens Quay, which would connect to the existing and previously approved light rail transit on Queens Quay west and east respectively. The study is proposing significant enhancement and expansion of the below grade Union Station transit terminal (existing streetcar loop) which would be able to accommodate up to or more than tripling of the overall forecasted transit passenger activity at this location. Improved transit passenger connections to the revitalized and expanding Union GO Station and TTC subway are also being proposed as part of the study. City staff are reporting to the Executive Committee on April 9, 2019 and City Council on April 16, 2019 on the results of the study and next steps. The report can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX4.1>

Site Plan Control

The proposed development is subject to Site Plan Control. An application has not been submitted.

COMMENTS

Planning Act

It is staff's opinion the applications do not have regard to relevant matters of provincial interest, including sections 2 p) and r) which speak to the appropriate location for growth and development and the promotion of built form that (i) is well designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant. The proposal also does not have regard to section 2 d) which speak to the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

These provincial interests are further articulated through the PPS (2014) and the Growth Plan (2017).

Provincial Policy Statement and Provincial Plans

The applications have been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The applications have also been reviewed and evaluated against

Policy 5.1 of the Growth Plan as described in the Policy and Issues Background section of this report.

Staff have determined that the proposal is not consistent with the PPS and does not conform with the Growth Plan.

Provincial Policy Statement

The PPS came into effect on April 30, 2014. Municipalities and other approval authorities in exercising any authority that affects a planning matter requires that decisions shall be consistent with policy statements issued under the *Planning Act*.

The PPS is to be read in its entirety. The language in each policy, including the Implementation and Interpretation policies assists decision makers in understanding how the policies are to be implemented. The PPS represents minimum standards and municipalities can go beyond these standards unless doing so would conflict with other policies of the PPS.

The PPS is divided into three key sections: 1) Building Strong Healthy Communities, 2) Wise Use and Management of Resources, and 3) Public Health and Safety.

City planning staff are of the opinion that the proposal in its current form is not consistent with the policies of the PPS, including those in Sections 1 and 2.

Similar to the Growth Plan, Section 1 provides policy direction on where growth should be focused. The policies speak to accommodating a range and mix of residential, employment and other uses to meet long term needs (1.1.1b). Future growth is to be directed to settlement areas (1.1.3.1). Policy 1.3.1 states that Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs; b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; and c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

Policy 1.1.3.3 requires planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and the availability of suitable existing and planned infrastructure and public service facilities to meet projected needs, and shall be directed in accordance with the policies dealing with Resource Management (Section 2) and Public Health and Safety (Section 3). These locations and areas are to be identified in the official plan and zoning by-laws in accordance with policies 4.7 and 4.8 of the PPS.

The City has through its Official Plan identified the *Downtown* area on Map 2 as an area to both live and work. Within the *Downtown* area is also the Financial District that is Canada's premier business office centre and is to be a prime location for the

development of office uses as specified in the preamble of Section 2.2.1 Downtown: The Heart of Toronto:

“Toronto’s Financial District is Canada’s premier business office centre. This is where commercial activity is most intense with a concentration of large architecturally-significant landmark buildings. Jobs are concentrated in large office buildings tightly clustered within walking distance of Union Station and the *Downtown* subway stations.”

This is further supported in policy 2.2.1.1:

“*Downtown* will continue to evolve as a healthy and attractive place to live and work as new development that supports the reurbanization strategy and the goals for *Downtown* is attracted to the area. In particular, the *Downtown* policies of this Plan will shape the City’s future by accommodating development that:

d) focuses on the Financial District as the prime location for the development of prestige commercial office buildings and landmark buildings that shape the skyline.”

Through this policy direction and the supporting preamble, the City has identified the focus of its future office building development is to be within the Financial District.

The proposal is not consistent with these PPS policies and the implementing Official Plan policies as it fails to replace any of the existing office space that is currently provided in the building and does not provide any additional new office space in a location that is surrounded by other office uses and within a 5 minute walk from Union Station and nearby TTC stations. Office uses in this location would: accommodate a range of employment uses as contemplated by policies 1.1.1 b) and 1.3.1a) to meet long term needs; it would maintain the existing Dominion Public Building as a suitable site for employment uses given this building has historically been an office building as contemplated in policy 1.3.1 b); and be a compatible land use as contemplated by policy 1.3.1 c) as the area is surrounded by other office buildings either to the south or north of the 1 Front Street West property.

Further, the proposed Official Plan Amendment on its own is not consistent with policy 1.1.3.3 because it is attempting to create a policy framework that does not set out any maximum densities for both the 1 Front Street West and 141 Bay Street properties. In doing so, this creates significant uncertainty as to how the future development will proceed on the two properties and the necessary infrastructure to meet long term needs.

Policy of 1.1.3.4 of the PPS states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Policy 1.4.3 e) provides similar direction for residential intensification and policy 1.7.1 d) speaks to long term prosperity being supported.... “by promoting well designed built form”.

The policy intent is that a municipality would establish these development standards and built form objectives through its official plan, zoning by-law and other guidance documents such as urban design guidelines. For example, this could include: setbacks

in a zoning by-law from incompatible land uses or setbacks from abutting sites, areas or features; height restrictions that affect helicopter flight paths and view sheds; shadow requirements so that there is adequate light provided on the pedestrian realm, open spaces, and parkland; and separation distances between uses and buildings to address negative impacts, including wind conditions, privacy, loss of light, etc.

The City has implemented the policy objective of policies 1.1.3.4 and 1.7.1 d) through the Official Plan, the emerging policy direction of OPA 231, OPA 352 (and associated Zoning By-laws 1106-2016 and 1107-2016), OPA 406, and urban design guidelines and strategies. For example, there are specific built form and public realm policies in sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan; the Mixed Use Area policies in section 4.5 speak to locating new developments to provide transition between areas of different intensity and scale, and to mass new buildings to frame edges of streets, limit shadows and to maintain sunlight. Urban design guidelines such as the Tall Building Guidelines establish guidance for towers and how far they should be separated from other buildings in order to maintain light, view and privacy for occupants and pedestrians.

The proposed buildings in the applications do not meet the tower separation of 25 metres between buildings nor the minimum 12.5 metre tower setback from the rear lot line.

From a heritage conservation perspective, policy 1.1.3.3 of the PPS indicates that planning authorities shall identify the appropriate locations for intensification and redevelopment provided it is in accordance with Section 2 which includes the conservation of heritage resources. Similarly, policy 1.7.1 d) indicates that long term prosperity shall be supported by “encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.”

The policy intent is that intensification and redevelopment may be permitted if the proposal is made in accordance with the policies in Section 2, including policies 2.6.1 and 2.6.3. Policy 2.6.1 indicates significant heritage resources and significant cultural heritage landscapes shall be conserved. Policy 2.6.3 indicates planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. City Planning staff are of the opinion the proposed development, including the proposed Official Plan Amendment and Zoning By-law Amendment are not consistent with the PPS in conserving the significant cultural heritage resources, including the Dominion Public Building, the adjacent Union Station, and the Union Station HCD.

Growth Plan (2017)

The proposed development, in its current form, including the proposed Official Plan Amendment and Zoning By-law do not conform, and conflict with as the case may be, to various policy objectives of the Growth Plan. In many of the policies, such as 2.2.1.2 a, c, d and 2.2.1.4, there is direction that future growth is to be focused to settlement areas

where there are a range of transportation options and available public services facilities to accommodate this growth. At the same time, there is also the goal of building complete communities where there is the expectation that settlement areas become places that people can both live and work and that travel times are reduced and overall traffic congestion is minimized.

Further, the Growth Plan also requires the forecasts in Schedule 3 be used for planning and managing growth (2.2.1.1, 5.2.4.1, and 5.2.4.2), establishes the criteria for which to allocate such growth (2.2.1.2) and provides direction to implement the forecasted growth, City-wide (2.2.1.3). Municipalities are to develop a strategy (2.2.2.4) that can achieve the minimum intensification targets in built up areas, including strategic growth areas such as UGCs where a municipality will plan to achieve a target of 400 people and jobs combined per hectare (2.2.3.2). The strategy is to be implemented through the official plan, updated zoning and other supporting documents (2.2.2.4 f). Policy 2.2.3.1 also states that UGC's will be planned to serve as high-density major employment centres that will attract provincially, nationally or internationally significant employment uses.

In the City of Toronto, the *Downtown* area is identified as an UGC on Schedule 2 and 4 of the Growth Plan. It has historically been the focus of significant growth both for population and employment. Within the Downtown UGC, there is also the Financial District that is a key area that the City has identified through its Official Plan as a core area for employment growth, and specifically for substantial office growth. The Financial District is also within close walking distance of Union Station that is a significant local, regional and national transit hub that provides connections for the TTC, Metrolinx, Amtrak, Canadian Pacific Rail, VIA Rail and the Union Pearson Express.

The current proposal does not conform to policy 2.2.5.1 of the Growth Plan as this policy speaks to economic development and competitiveness in the Greater Golden Horseshoe being promoted by a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities; b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the planning horizon of the Growth Plan; and c) planning to connect areas with high employment densities to transit.

1 Front Street West is currently being used for office uses where there is approximately 31,055 square metres of existing office space as indicated in the applications. Given that this site is located in the Financial District where there is a focus on directing additional office uses to this location, the proposal is instead detracting from that direction. The proposal, while providing opportunities for hotel and retail jobs, is not making efficient use of this employment site for any additional office uses and in fact is also proposing to eliminate the existing office uses altogether. This does not conform to policy 2.2.5.1 as it is not making efficient use of this employment land and it is not helping to connect high employment densities to existing transit where Union Station is within a 5 minute walk to this location.

The applications also do not conform to policy 2.2.5.2 of the Growth Plan. As stated earlier, the *Downtown* area is identified as an UGC and within this area is the Financial

District and Union station that is a key transportation hub for both local, regional and provincial transportation, as identified by the City in its Official Plan. Policy 2.2.5.2 directs that major office developments will be directed to UGCs with existing and planned frequent transit service. The proposal is not conforming to this policy direction as the existing office uses are not being maintained, nor are new office uses being proposed in the Financial District which is a key focus for the City in the Official Plan and within walking distance of existing frequent transit service.

With regard to built form, through policy 2.2.2.4 of the Growth Plan, municipalities are to develop a strategy to achieve the minimum intensification targets and intensification throughout the delineated built up area. For the City of Toronto, this would include the 400 people and jobs combined per hectare in the UGC's and is specifically applicable to the *Downtown* area and the Financial District.

Policy 2.2.2.4 indicates that municipalities are to identify: b) the appropriate type and scale of development and transition of built form to adjacent areas; d) ensure that lands are zoned and development is designed in a manner that supports the achievement of complete communities; and f) that these policy directions be implemented through official plan policies and designations, updated zoning and other supporting documents.

To this end, the City has policies in the Official Plan, other implementing amendments, zoning by-laws, urban design guidelines, and heritage conservation districts that help to implement this Growth Plan direction. Specifically, the Official Plan has identified the Financial District as an area for significant office uses and the 1 Front Street West property is designated as a Mixed Use Area that allows for a range of uses, both residential, commercial and office. There is an existing zoning by-law currently in place for these specific lands that controls the amount of density (both residential and non-residential) permitted on this property, including the location of the future tower. There are also urban design guidelines such as the Tall Buildings Guidelines and Downtown Guidelines which speak to the how development should be massed in order to provide appropriate transition between buildings and adjacent area, including existing and adjacent heritage buildings. The Union Station and St. Lawrence HCDs also provide further guidance.

The proposal in its current form does not conform to these various policies, by-laws and guidance documents and as a result does not conform with policy 2.2.2.4 of the Growth Plan. The proposal does not conform to the policies that require office uses in the Financial District. The proposed Official Plan Amendment on its own does not set out maximum densities for the two properties and as such, provides uncertainty as to how the scale and transition to adjacent areas will be achieved. The proposal is not limiting its approved density of 32,600 square metres as per the Zoning By-law which already represents a suitable amount of intensification on the property at 1 Front Street West. Further, the proposal is not conforming to the minimum 25 metres separation distance between towers nor the 12.5 metres tower setback from the rear property line, as contemplated in the emerging policy direction of OPA 352, associated amending Zoning By-laws 1106-2016 and 1107-2016 and the Tall Building Guidelines.

With regard to heritage conservation, policy 4.2.7.1 indicates cultural heritage resources will be conserved in order to foster a sense of place and benefit communities,

particularly in strategic growth areas. Policy 4.2.7.2 states municipalities will work with stakeholders, as well as First Nations and Metis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources. City Planning staff are of the opinion the applications do not conform to the Growth Plan in conserving the Dominion Public Building, Union Station, and the Union Station HCD.

The proposal in its current form, including the proposed Official Plan Amendment and Zoning By-law Amendment applications do not conform to, and conflict with as the case may be, to the Growth Plan 2017.

The City's Official Plan, OPA 231, OPA 352, and OPA 406 address matters such as:

- providing direction on office uses within the Financial District;
- providing direction on how development is to be massed to ensure it is appropriate based on the existing and planned context, including surrounding streets and open space areas;
- including housing policies that speak to providing a full of range of housing types; and
- the provision for new parks and open space as being necessary for growth areas.

The policies are to work together with the City's Zoning By-law and other supporting documents like urban design guidelines.

Conformity with Growth Targets and Density Targets

The most recent Official Plan update was undertaken when the City's Official Plan was approved by the LPAT (formerly the Ontario Municipal Board) in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

The subject site is within the UGC of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2041. Additional density targets are provided for the various UGC in the City at a rate of 400 people and jobs combined per hectare to help achieve this overall population. The City is presently on track to meet these overall 2041 Growth Plan's forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

The density of the Downtown Toronto UGC area in 2016 is 354 people and jobs per hectare, based on the 2016 Census population and the 2016 Toronto Employment Survey results. From 2011 to 2016, the population increased by 41,668 people.

Employment increased by 69,280 jobs over the same period. The increase in density as a result of this growth is an additional 52 people and jobs per hectare over the 2011-2016 period. This demonstrates total population and employment growth and growth in density of the UGC.

Table 2: Downtown Toronto UGC

Year	Census Population	TES Employment	Area (hectares)	Density (people & jobs)
2011	205,888	441,920	2,143	302
2016	247,556	511,200	2,143	354
2011-2016	41,668	69,280	2,143	52

Sources: 2011 and 2016 Census, Statistics Canada, 2011 and 2016 Toronto Employment Survey, City of Toronto

In the Downtown Toronto UGC area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet completed (see ProfileToronto: How Does the City Grow? April 2017). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto UGC over the near term from 2016 as occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum UGC density target of the Growth Plan (2017). In addition, there would remain an additional ten years for additional approved development to occur.

The proposed development is not required for the City to meet the density target of 400 people and jobs/hectare in the Downtown UGC. The density target is to be measured across the whole of the Downtown UGC, as indicated in policy 5.2.5.4 of Growth Plan.

On the basis expressed by the applications that the increased density conforms to the Growth Plan in order to meet density targets, Staff do not agree with the applicant's assessment and is of the opinion the refusal of the applications do not impact conformity to the Growth Plan's direction on density targets.

Proposed Residential Density

The applications propose an overall gross floor area of 89,000 square metres, where 55,727 square metres is proposed for residential uses.

A Planning Rationale report was submitted in support of the applications. The report states the as-of-right density permission for the 1 Front Street West property is 63,655 square metres, as the site specific permission 12(1) 403 of the Zoning By-law allows for

the continuation of the existing density (31,055 square metres) plus 32,600 square metres of density in the form of the tower addition for any combination of residential and non-residential land uses permitted by the CR zone category. Therefore, the report states the proposed 55,727 square metres of residential use falls within the as-of-right density permission for the property. The applicant's interpretation of the Zoning By-law is incorrect. As indicated in the Zoning section of this report, the existing gross floor area of the property and the permission for an additional 32,600 square metres of density can only be applied if the additional density is wholly within the area identified in Attachment 8, generally in the middle of the 1 Front Street West property. As this proposal contemplates two residential tower forms that are not wholly within the area delineated in the site specific permission 12(1) 403, the 32,600 square metres cannot be applied as part of the as-of-right density in this instance. The as-of-right Zoning By-law density permission in turn reverts to the base CR zone category that allows for a maximum of 46,710 square metres for any combination of residential and non-residential land uses.

The proposed 55,727 square metres of residential use for the 1 Front Street West property exceeds the as-of-right Zoning permission of 46,710 square metres. The proposed residential density also does not take into account the 31,055 square metres currently used for office uses on the 1 Front Street West property, where the proposed removal does not conform to the relevant provincial and Official Plan policies.

In OPA 406, the Downtown Plan, which is not in full force and effect, policy 6.2.3 indicates development within the Financial District will only contain office and non-residential gross floor area for any increase in density above the existing as-of-right permissions contained within the in-force Zoning By-law. City Planning staff do not support this proposal for residential uses beyond the as-of-right permission as it does not meet the direction of OPA 406 to encourage office and other non-residential uses in the Financial District.

Land Use

The Planning Rationale report, including a Complete Community Assessment was submitted in support of the applications. City Planning staff reviewed the analysis provided in the report, along with the review of the PPS, Provincial Plans, Official Plan policies, and applicable urban design guidelines in formulating an opinion on the proposed mixture of land uses.

The proposal seeks to provide: 55,727 square metres of residential uses above the 4th storey; 8,986 square metres of retail uses on the altered ground level and the 1st storey of the Dominion Public Building; and 22,045 square metres for a hotel containing 251 units within all levels of the altered Dominion Public Building. Currently, the Dominion Public Building is occupied by approximately 31,055 square metres of office use, defined as a major office in the Growth Plan, and is not planned to be replaced through the applications.

The Official Plan provides an overall policy intent to ensure growth is directed towards areas that are strategically located, emphasizing that growth is to be comprised of both

population and job growth. This intent is explained in the following policies and explanatory text of the Official Plan:

- Policy 2.2.1 - The Plan will create a better urban environment, a competitive local economy and a more socially and equitable city through the integration and coordination of transportation planning and land use planning by a) attracting more people and jobs to targeted growth areas in the City;
- Policy 2.2.2 – Growth will be directed to the *Downtown* in order to b) concentrate jobs and people in areas well served by surface transit and rapid transit stations; and d) promote mixed use development to increase opportunities for living close to work;
- Policy 2.2.1.1 - The *Downtown* will continue to evolve as a healthy and attractive place to live and work, by: a) achieving a minimum combined gross density target of 400 jobs and residents per hectare for the *Downtown* UGC; b) building on the strength of *Downtown* as the premier employment centre in the GTA; c) provides a full range of housing opportunities for *Downtown* workers and reduces the demand for in-bound commuting; and d) focuses on the Financial District as the prime location of the development of prestige commercial office buildings and landmark buildings that shape the skyline.
- Policy 2.2.1.4 – A full range of housing opportunities will be encouraged through: a) residential intensification in the Mixed Use Areas of *Downtown*;
- Policy 3.5.1 – Toronto's economy will be nurtured and expanded to provide for the future employment needs of Torontonians and the fiscal health of the City by: a) maintaining a strong and diverse economic base; and e) attracting new and expanding employment clusters that are important to Toronto's competitive advantage;
- Policy 3.5.2 – A multi-faceted approach to economic development in Toronto will be pursued that: a) stimulates transit-oriented office growth in the *Downtown*;
- Policy 3.5.3 – A balanced growth of jobs and housing across the City will be pursued to: a) maintain a complete community;
- Section 4.5 - The proportion of commercial and residential uses will vary widely among Mixed Use Areas. For example, office and retail uses will continue to be paramount in the Financial District; and
- Policy 4.5.2 – In Mixed Use Areas, development will: a) create a balance of high quality commercial, residential, institutional and open spaces that reduce automobile dependency and meets the needs of the local community.

The above referenced policies indicate a balance of residential and non-residential growth be directed to growth areas, and that transit rich areas that are strategically located, such as the Financial District, be the focus of office job growth.

Toronto's Financial District is Canada's premier business office centre, clustered within walking distance of Union Station. It includes the headquarters for financial and business services sectors and contains the largest and densest cluster of office workers in Canada.

The subject site is adjacent to Union Station, the transportation centre for the region and the end-point for 91% of GO Rail's commuter traffic and the 4th busiest TTC Subway Station. The accessibility benefits of the transit stations are extended to major office buildings through connections to the PATH network. The high degree of transit accessibility to the GTA has been one of the most important drivers of employment growth in the core of the city.

Further, since Q4 2008, the vacancy rate for office space in Toronto's *Downtown* has averaged at 4.6%, one of the lowest levels in North America. Despite a global recession, vacancy rates over this time period never exceeded 7%, underscoring the resiliency and high demand for office space in the *Downtown*. The strength of Toronto's *Downtown* office market is expected to continue over the long term. This is supported by the TOcore background report, "Planning Downtown: The Outlook for Office & Institutional Employment to 2041", which projects a growth of 193,000 to 316,000 additional office and industrial jobs between 2016 and 2041.

The applications propose to eliminate the existing 31,055 square metres of office use, and be replaced with a combination of residential, commercial and hotel uses within the Financial District. City Planning staff do not support the elimination of office uses from the proposed mixture of land uses as it does not optimize the use of the Dominion Public Building property in the context of the role the Financial District plays in the overall economic and structure of the City. Given this anticipated growth, and the importance of Union Station and PATH network for allowing employers to access a regional workforce, it is important that remaining development sites within the Financial District prioritize non-residential uses and that office uses continue to be paramount in this area. As such, City Planning staff do not support the elimination of office use, to be replaced with the proposed mixture of uses, as it does not conform to the overall policy direction and intent of the Official Plan. As a minimum, the existing office space should be retained and expanded as part of the redevelopment of 1 Front Street West.

In further support of staff's opinion, OPA 231, which has been adopted by Council, approved by the Minister but still under appeal, policy 3.5.1.9 requires office space in residential redevelopment be maintained or increased, where there is currently a minimum 1,000 square metres of office space on the property.

Similarly, in further support, OPA 406, the Downtown Plan, which is not in full force and effect, policy 3.10 indicates the *Downtown* will continue to be an economic driver for the City, region and province, with non-residential uses prioritized in the Financial District. Policy 6.24 indicates development within the Mixed Use Area 1 - Growth designation will provide a high proportion of non-residential uses within new mixed-use developments. Policy 6.1 indicates opportunities to increase non-residential uses within the Financial District will be protected. Policy 6.2 indicates development within the Financial District will:

- 6.2.1 - provide a net gain of gross floor area for office uses;
- 6.2.2 - ensure no net loss of other non-residential gross floor area; and
- 6.2.3 - only contain office and non-residential gross floor area for any increase in density above the existing as-of-right permissions contained within the in-force Zoning By-law.

The Dominion Public Building currently contains approximately 31,055 square metres of office space as indicated by the applicant, and the 141 Bay Street property would accommodate 132,796 square metres of office space, as part of a recent Zoning By-law amendment approval for an office tower with retail uses. The current applications will not maintain or increase the office space as part of the redevelopment at the Dominion Public Building property and instead proposes a mixture of residential, hotel and retail uses. As such, the proposal does not conform to the in-force policy direction of the Official Plan, including failing to meet the emerging policy direction of OPA 231. The applications also does not meet the emerging policy direction of OPA 406 as the proposal does not: provide a net gain of gross floor area for office uses; and is proposing residential density over and above the existing as-of-right permissions contained within the in-force Zoning By-law.

The rationale to disregard the emerging policy direction of OPA 231 and OPA 406 was provided in the applicant's Planning Rationale report. The Planning Rationale report states there is no empirical evidence that office space supply is threatened, and that the emerging policy direction will "turn back the clock" in creating a Downtown that is almost exclusively a non-residential area that lack activity and vibrancy. City Planning staff do not agree with the opinion expressed in the report. The rationale for Policy 3.5.1.9 of OPA 231 is based on studies that made the connection between the need for office space be in close proximity to transit infrastructure in order to avoid exacerbating road congestion in the City and the GTA. This rationale is particularly true in the Financial District in *Downtown* where a high number of employees commute to Union Station and other existing transit stations for work.

The Planning Rationale report opines the subject applications represent a mixed use development that will contribute to the achievement of a complete community, and conversely opines that policy 3.5.1.9 of OPA 231 does not promote mixed use development in achieving a complete community. City Planning staff do not agree with the report's proposition. City Planning staff are of the opinion OPA 231 will continue to contribute to the achievement of a mixed use complete community in the Financial District. Policy 3.5.1.9 of OPA 231 does not prohibit residential use, and promotes other non-residential uses such as retail, institutional, along with parks and open spaces - all uses that contribute towards a complete community with a focus on prioritizing office uses within the *Downtown*, which includes the Financial District. A complete community as defined by the Growth Plan are not in reference to a specific individual property, but rather a defined neighbourhood or area that take different shapes and forms appropriate to their context. These areas offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities.

There is also significant as-of-right residential density permissions unrealized within and surrounding the Financial District. As noted in the Planning Rationale report, the areas within proximity to the subject site, including the Railway Lands and the St. Lawrence Neighbourhood already exemplify the achievement of a mixed use community. In City Planning staff's opinion, the proposed increase in residential density beyond the as-of-right Zoning By-law permission, and conversely the elimination of existing office density on the 1 Front Street West property does not maintain the intent of the Official Plan in supporting the role of the Financial District as the premier employment centre in the GTA, and as such, the applications should be refused. It is noted in the emerging policy direction of OPA 406, 1 Front Street West does permit residential uses, provided such a use is within the as-of-right permission.

Further, policy 3.5.1.9 of OPA 231 does not restrict how or where within the property the existing office use is to be maintained and increased as part of any residential mixed-use development, despite the applicant's rationale report opining otherwise.

The applications' disregard to the emerging policy direction of OPA 406, opinions on OPA 231, and the disregard to the overall direction of the in-force Official Plan regarding the property's context in the Financial District will be further discussed in the following section of this report.

Proposed Block Development

The proposed Official Plan Amendment seeks to incorporate the 1 Front Street West and 141 Bay Street properties as part of a "comprehensive development of the block", by articulating the following matters into a site and area specific policy:

- The promotion of a mixed use development to increase opportunities for living close to work and encourage walking and cycling for local trips, and maximize the number of potential transit users within walking distance of Union Station;
- Specifying a minimum 55,000 square metres of residential uses and 160,000 square metres of non-residential uses, where the residential will generally be located within the northeast portion of the block, and the non-residential uses will generally be located in the south and west portion;
- Eliminate tower setbacks from lot lines, provided a minimum tower separation of 20 metres is achieved;
- Mid-block pedestrian connections will be encouraged through the Dominion Public Building and along its south façade to integrate its redevelopment with development on adjacent properties; and
- Access to loading and parking is encouraged to be consolidated and shared within development blocks.

With regard to the proposed policy direction to increase opportunities to live close to work and to encourage active transportation, this is already articulated in the in-force policies of the Official Plan. Further, City Planning staff question the actual validity of the

proposed policy intent as the current proposal to increase the residential, hotel and retail densities on the 1 Front Street West property has not proposed any transportation infrastructure to encourage cycling, nor fully explored opportunities to better pedestrian connections to existing transit stations that the proposed policy speaks to. Additional comments on public realm improvements are discussed in the Public Realm and Below-Grade Connections sections of this report.

With regard to the proposed minimum densities, City Planning staff are not in support of this approach. Policy 1.1.3.3 of the PPS states planning authorities shall identify and promote opportunities for intensification and redevelopment taking into account the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Policy 4.7 of the PPS states that the official plan is the most important vehicle for implementation of the provincial document. Policy 2.2.2.4 b) of the Growth Plan indicates as part of a strategy to achieve minimum intensification targets, that the appropriate type and scale of development and transition of built form to adjacent areas be identified. Policy 2.4.7 of the Official Plan identify that areas within proximity to transit services shall accommodate both minimum and maximum densities. City Planning staff is of the opinion that a maximum density needs to be implemented in the Official Plan and Zoning By-law Amendments in order to efficiently accommodate the hard and soft infrastructure in creating a complete community. Further, by proposing only minimum densities, the concept of this comprehensive block development is flawed in that it has not comprehensively planned for future development within the subject site that will impact conformity to the built form policy framework of the Official Plan and urban design guidelines.

With regard to reducing minimum tower setbacks from 25 metres to 20 metres, City Planning staff do not support this approach as it does not meet the built form policies of the Official Plan, OPA 352 and the relevant urban design guidelines, including the Tall Building Guidelines. Additional comments on built form is discussed in the Massing section of this report.

Further it is noted that Guideline 1.2 of the Tall Building Guidelines direct each development parcel within a Master Plan to include, among other things, general location of base buildings and tower footprints, and proposed building heights and separation distances between proposed towers. Guideline 1.3 of the Tall Building Guidelines direct development to provide minimum horizontal separation distances in order to transition tall buildings down to lower-scale buildings and to maintain access to sunlight and sky view. City Planning staff are of the opinion that the proposed Official Plan Amendment is trying to achieve the same intent as a Master Plan exercise as defined in the Tall Building Guidelines, given the proposed policy direction on where development is to be placed within the "block". However, the proposed amendment has not provided block studies of development potential within the two properties such as potential base buildings and tower footprints. As such, City Planning staff is of the opinion that the proposed Official Plan Amendment does not provide policy direction for the comprehensive development of the block, but rather a poorly conceived set of policy directions meant to accommodate the subject proposal while ignoring existing in-force and emerging policy direction.

In OPA 406, the Downtown Plan, which is not in full force and effect, policy 6.2 indicates development within the Financial District will provide a net gain in floor area for office use, and only contain office and non-residential gross floor areas for any increase in density above the as-of-right Zoning By-law permissions. The Planning Rationale report indicated the appropriateness of exempting the direction of Policy 6.2 as the site should be considered as part of a 'block development' in combination with the recently approved office complex at 141 Bay Street. The Planning Rationale report indicates the "block development" will result in an overall 133,000 square metres of office space. As such, the applicant's report rationalizes that the loss of office space on the Dominion Public Building is essentially transferred to the approved development at 141 Bay Street.

City Planning staff do not agree with this rationale. First, the two properties are under distinct policy frameworks. The site at 141 Bay Street is within the Railway Lands East Secondary Plan, where the site is designated Mixed Use Areas 'A'. This policy direction refers to the Mixed Use Areas 'A' as an extension, not a replacement of the Financial District. Second, this policy direction supports the understanding that the site at 141 Bay Street is planned for commercial office uses, and is not intended to allow recuperation of office space lost on the Dominion Public Building. It is noted that 141 Bay Street is subject to a recent Zoning By-law amendment in 2016, and the rationale for the approval of the proposal was not to recuperate existing office uses that are to be lost within the Financial District, but to support the continued balanced growth. Further, the proposed Official Plan Amendment cannot be implemented in its current form as the policies of the Secondary Plan prevails in cases of a conflict, as indicated in policy 5.6.6 of the Official Plan and would necessitate amendments to the Railway Lands East Secondary Plan, which are not supported by City Planning staff.

Second, the rationale for policy 6.2 of the Downtown Plan is to achieve a balance between residential and non-residential development, in order to meet City Council's goals of economic vitality, competitiveness and acceleration of economic growth. Contrary to the opinion expressed in the Planning Rationale report, OPA 406 is not prohibiting residential development in the Financial District. Policy 6.2 is clear in allowing residential development, provided it is within the as-of-right permission for the use. As indicated in the Proposed Residential Density section of this report, the proposed residential density exceeds the as-of-right permission for the Dominion Public Building property, and as such, does not conform to the policy direction of 6.2.3.

Third, the proposed Official Plan Amendment, in particular policy 1 c) states that the "adaptive reuse" of 1 Front Street West is only permitted to proceed when the property at 1 Front Street West proposes to include a minimum of 20,000 square metres of hotel uses and a minimum of 125,000 square metres of office uses being achieved upon "full redevelopment" of the block. The property at 141 Bay Street is planned to achieve 132,796 square metres of office uses based on the plans contemplated as part of the recent Zoning By-law Amendment approval. While acting like a restriction or "hold" on the lands until such a time as matters are realized, the "block" as defined by the applicant already is planned to achieve and exceed the minimum amount ascribed in this proposed Official Plan Amendment for office uses. As such, the proposed Official Plan Amendment does not contribute to the achievement of City-building objectives as set out in the Official Plan.

For the reasons noted above, City Planning staff do not support the proposed Official Plan Amendment, as it is not consistent with the intent of the Official Plan nor does the proposed Official Plan Amendment meet the intent of the emerging policy direction of OPA 231, OPA 352 and OPA 406.

Height

The application proposes tower forms on the property at 1 Front Street West with heights of 168.7 square metres and 156.9 square metres located in the eastern portion of the property.

Policy 2.2.2.4 of the Growth Plan states all municipalities will develop a strategy to achieve minimum intensification targets and intensification throughout delineated built up-areas, which will: b) identify the appropriate type and scale of development and transition of built form to adjacent areas. The Official Plan, the Tall Building Guidelines, and the Downtown Guidelines collectively provide the municipal strategy in identifying the appropriate height of development.

Policy 3.1.2.4 of the Official Plan states new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas. Policy 3.1.3.1 b) require the middle part of the tower be designed with appropriate dimensions for the site, be located and oriented on the site and in relationship to the base building and adjacent buildings in a manner that satisfies the provisions of the section, which includes addressing urban design considerations identified in Policy 3.1.2. Policy 4.5.2 c) requires development in Mixed Use Areas to locate and mass new buildings to provide a transition between areas of different development intensity and scale.

Guideline 1.5 of the Tall Building Guidelines direct tall buildings to frame an important view from the public realm, to ensure that the view is maintained. Supplementary Design Guideline #2 of the Downtown Guidelines indicates tall buildings should not cast net new shadows on Signature Parks between 10:00am to 4:00pm on September 21.

The proposed heights of the two tower forms, on their own, generally conform to Official Plan policy and guideline direction. However, the massing of the tower forms does not conform to the Official Plan as it is inappropriate on the 1 Front Street West property and its surrounding context. Additional comments on the shadow impacts is discussed in the Shadow Impacts section of this report, and comments on other built form elements are discussed in the Massing section of this report.

Massing

The applications propose two tall building forms on the eastern portion of the 1 Front Street West property with floor plates of 616-653 square metres and 756 square metres. The proposal also recognizes the previously approved tall building at 141 Bay Street in the western portion of the property with a floor plate of 2,440 square metres. The proposed separation distance between the two towers on 1 Front Street West will be

between 20.8 to 27.3 metres, and the separation distance between the approved tower at 141 Bay Street and the proposed East Tower at 1 Front Street West is 25 metres.

Policy 2.2.2.4 of the Growth Plan states all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built up-areas, which will: b) identify the appropriate type and scale of development and transition of built form to adjacent areas. The City's Official Plan, OPA 352, the Tall Building Guidelines, and the Downtown Guidelines collectively provides the municipal strategy in identifying the type and scale of development and the transitions necessary to adjacent areas.

Policy 3.1.2.3 of the Official Plan directs new development will be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by: a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion; b) incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design to influence the character, scale and appearance of the development; c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan; and d) providing for adequate light and privacy.

Policy 3.1.2.4 states new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

Policy 3.1.3.1 b) require the middle part of the tower be designed with appropriate dimensions for the site, be located and oriented on the site and in relationship to the base building and adjacent buildings in a manner that satisfies the provisions of the section, which includes addressing urban design considerations identified in section 3.1.2 of the Official Plan.

Policy 4.5.2 c) requires development in Mixed Use Areas to locate and mass new buildings to provide a transition between areas of different development intensity and scale.

Guideline 1.5 of the Tall Building Guidelines direct tall buildings to frame an important view from the public realm, to ensure that the view is maintained. Guideline 3.2.1 of the Tall Building Guidelines direct the tower floor plate be limited to 750 square metres in order to reduce potential net new shadows on the public realm, improve access to sky view, provide better views between tall buildings, and contribute towards a more attractive skyline. Guideline 3.2.2 of the Tall Building Guidelines direct the placement of the tower be away from streets, open spaces and neighbouring properties to reduce visual and physical impacts. Guideline 3.2.3 of the Tall Building Guidelines direct tall buildings be setback from the side and rear property lines by a minimum of 12.5 metres, and to provide a minimum 25 metres for tall buildings within the same property.

Providing adequate separation distances between towers is critical in contributing towards building strong healthy communities. The principles for a minimum 25 metre

tower separation and a 12.5 metre tower setback to a side or rear lot line are to: ensure there is sky view from the public realm; provide access to light on the public realm, including boulevards with cafes and parks; allow for a reasonable level of privacy, access to light and views for the occupants; and limit impacts of wind conditions.

The principle for providing a 12.5 metre tower setback to a side or rear lot line also ensure the protection of development potential of abutting properties where a tall building can be accommodated, while maintaining the other objectives of ensuring a comfortable public realm within a growing community containing tall buildings.

In light of the established framework based on Official Plan policies and supporting documents, the following deficiencies are noted, including:

- The separation distance between the two towers on site range between 20.8 metres to 27.3 metres, whereas a minimum of 25 metres is required;
- The 45 storey east tower is providing an approximately 0.5 metre setback from the rear property line, whereas a minimum 12.5 metres is required.

The proposed Official Plan Amendment seeks to address the above referenced deficiencies by seeking to eliminate any tower setbacks from property lines provided a minimum 20 metre separation distance between towers is achieved. City Planning staff do not agree with this proposed policy direction. First, the two properties are under separate ownerships and cannot be considered as a consolidated site nor a "block development" in the context of addressing minimum tower separations. Second, given the size of the proposed policy area and the heights being proposed, a minimum 25 metre separation distance can and should be achieved between towers to better achieve the objectives of providing adequate light, views and privacy for occupants and pedestrians. Further, this application does not preclude the opportunity for further development in the form of a tower that meets the 12.5 metre setback standard on the eastern portion of the lands at 141 Bay Street. For the reasons noted above, the proposed setback conditions, the proposed Official Plan Amendment and the proposed amending Zoning By-laws are not appropriate.

Further in support of staff's opinion, in OPA 352, which is not in full force and effect, policies articulate a minimum tower separation distance in order to achieve, among other things: a high quality, comfortable public realm; the protection of development potential of other sites; and providing access to light and views. OPA 352 is complemented by By-laws 1106-2016 and 1107-2016 that stipulates Zoning By-law standards for a minimum 25 metre separation distance between towers.

Further in support of staff's opinion, in OPA 406, the Downtown Plan, which is not in full force and effect, policies 9.11 to 9.17 and 9.22 to 9.28 provide direction for an appropriate transition in scale of buildings.

Housing

The applications propose to provide: 120 bachelor (14%); 424 one-bedroom (51%); 208 two-bedroom (25%); and 84 three-bedroom (10%) units as part of the residential gross

floor area. The provision of two-bedroom units range in size between 62.55 square metres to 76.35 square metres, and the three-bedroom units range in size from 79.75 square metres to 107.14 square metres.

Affordable housing and smart urban growth are key Strategic Actions for the City of Toronto . Policy 2.2.2 e) of the Official Plan states growth will be directed to the *Downtown*, in order to: e) offer opportunities for people of all means to be affordably housed. Policy 3.2.1.1 of the Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents.

Further in support of staff's opinion, in OPA 406, the Downtown Plan, which is not in full force and effect, policy 11.1.1 directs that a minimum 15% of the total number of units be two-bedroom units of 87 square metres of gross floor area or more. Policy 11.1.2 directs that a minimum 10% of the total number of units be three-bedroom units of 100 square metres of gross floor area or more. Policy 11.1.3 directs that an additional 15% of the total number units be a combination of two- and three-bedroom units.

Similarly, the Growing Up Guidelines provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments.

City Planning staff encouraged the applicant to consider increasing the unit sizes of the proposed two- and three-bedroom units to meet the emerging policy direction of OPA 406, and to consider providing for affordable housing units to support the City's and Growth Plan's housing policy objectives to provide a full range of housing (tenure and affordability).

Amenity Space

The proposal provides for 1,672 square metres and 913 square metres of indoor and outdoor amenity spaces respectively. The amount of amenity space equates to 2.0 square metres of indoor amenity space per dwelling, and 1.1 square metres of outdoor amenity space per dwelling unit. City Planning staff requested the outdoor amenity space be increased closer to the Zoning By-law standard of 2 square metres per dwelling unit in order to ensure adequate amenity space for the enjoyment of residents within an area that is parkland deficient.

Heritage Conservation

City Planning staff have reviewed the Heritage Impact Assessment ("HIA") submitted in support of the applications. The HIA asserts that the proposed development conserves the cultural heritage values, attributes and character of the subject site, 1 Front Street West's contribution to the cultural heritage value of the Union Station HCD, and the District as a whole. City staff do not agree with these findings.

The proposal to construct two new residential towers above the Dominion Public Building will have a negative impact on the building's scale form and massing as it is experienced from Yonge Street. The scale form and massing of the building are identified heritage attributes in the Part IV designating by-law. The west tower is proposed to extend over the centre pavilion of the building. Extending the massing over

the centre pavilion will result in a tower that is not sufficiently subordinate to the heritage building. The east tower is proposed to project over the south elevation of the heritage building. This projection, with its exterior support columns is also not sufficiently subordinate to nor visually compatible with the heritage building.

In its Statement of Cultural Heritage Value the Union Station HCD Plan states in part that "A Strong Beaux-'Arts presence around Union Station creates one of the most stylistically cohesive areas in the City of Toronto. This civic minded architecture speaks strongly to the prominence of Union Station as a centre of urban activity."

The Union Station HCD Plan includes Guidelines intended to manage change in the district with the view of preserving the architectural integrity of the district and creating an integrated public realm that recognizes the cultural significance of Union Station. The Guidelines address specific design issues in the Union Station District with respect to the cultural heritage character of the HCD as defined by the Plan. They include guidelines for alterations and additions to contributing buildings such as the Dominion Public Building. Additions may be approved depending on their impact within the district. Additions that are not prominently visible - especially from Union Station, will generally be approved. Those that are visible will be evaluated on a case-by-case basis.

The massing of the proposed west tower does not appropriately meet these guidelines as it does not sufficiently respect the general size, shape and scale of features associated with the Dominion Public Building, nor does it sufficiently respond to the cohesive monumentality established by this building, and the adjacent Union Station, and Bank of Montreal Building.

In addition to the proposed massing above the Dominion Public Building, the proposal calls for significant intervention to the exterior elevations of the building. This comes in part as result of the proposal to alter the interior floor plates of the building by dropping the existing raised first floor and removing the second floor. On the Front Street West elevation all 18 windows are proposed to be lowered to grade. The stone base and window openings are identified heritage attributes in the Part IV designating by-law and the proposed alteration will significantly impact how the building is experienced from grade as a monumental Beaux-Arts Classicism building. Lowering all of the window openings detracts from the monumentality of the building as it is experienced on Front Street West. This intervention is not consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada* in part because it does not conserve the heritage value of the historic place and because it is not an approach that calls for minimal intervention. This alteration is also not consistent with the District Plan as the proposed design does not respect the general historic and architectural characteristics associated with the property.

According to the federal government, "The Dominion Public Building and Union Station together form probably the most imposing Beaux Arts streetscape in Canada." Along with Union Station, the Dominion Public Building establishes the character of the area along Front Street West. The massing of the proposed west tower has not been designed to conserve the scale form and massing of Union Station, the adjacent heritage property to the west of the subject site. As Union Station and the Dominion Public Building together define the Beaux Arts streetscape, the impact of the massing of

the west tower will negatively impact how the scale form and massing of Union Station are viewed from pedestrian level looking east on Front Street West.

Guideline 1.6 of the Tall Building Guidelines provides direction for tall buildings to respect and complement the scale, character, form and setting of on-site heritage properties. Supplementary Design Guideline #4 of the Downtown Guidelines indicate tall buildings be designed and located to respect and complement the scale, character, form and setting on-site adjacent heritage properties; and respect the character and values of the HCD. The massing of the proposed towers does not complement the scale, character, form and setting of the Dominion Public Building as the proposed west tower encroaches over the central pavilion of the building and the proposed east tower cantilevers out over the south elevation of the building negatively impacting how the building is perceived from the south.

The development has not been designed to conserve the cultural heritage values, attributes and character of the heritage property and to mitigate visual and physical impact on it consistent with section 3.1.5 of the City's Official Plan, nor will it retain the integrity of the cultural heritage value of the adjacent Union Station. As such, the proposed development is not consistent with the policies 2.6.1 and 2.6.3 of the PPS and it does not conform to policy 4.2.7.1 of the Growth Plan.

To date, the City has not received an application to alter the Dominion Public Building under Part IV or Part V of the *Ontario Heritage Act*.

Shadow Impact

Policy 3.1.2.3 e) of the Official Plan states new development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by adequately limiting any resulting shadowing of neighbouring streets and open spaces, having regard to the varied nature of such areas. Guideline 1.4 of the Tall Building Guidelines refer to maintaining access to sunlight for surrounding streets, parks and open space. Supplementary Guideline #2 of the Downtown Guidelines indicate tall buildings should not cast net new shadows on Signature Parks between 10:00am to 4:00pm on September 21st.

A Sun Shadow Studies was submitted in support of the application, showing net new shadows cast on March 21, June 21 and September 21. The proposal will cast shadows on the POPS at the Brookfield Place complex between 10:18 am to 1:18 pm and the surrounding pedestrian sidewalks between 11:18 am to 3:18 pm during the March 21 and September 21. The amount of shadows cast from this proposal is generally acceptable.

Further in support of staff's opinion, in OPA 406, the Downtown Plan, which is not in full force and effect, policy 9.18 directs development to minimize shadows to preserve the utility of sidewalks, parks, open spaces, natural areas, child care centres, playgrounds, institutional open spaces, private open spaces, outdoor amenity spaces and POPS. City Planning staff encouraged the applicant to consider the impact of any tall building proposal's impact to the POPS space at the Brookfield Place complex to the north.

Archeological Potential

A Stage 1 Archaeological Resource Assessment was submitted in support of the application. The report determined that there are no further archeological concerns on the site. Heritage Preservation staff agree with the report's recommendations regarding archaeological potential.

Wind Impact

Policy 3.1.2.3 e) of the Official Plan indicates new development will be massed and limit its impact on neighbouring streets, parks, open spaces and properties by adequately limiting uncomfortable wind conditions on neighbouring streets, properties and open spaces, having regard for the varied nature of such areas. Policy 4.5.2 e) indicates development in Mixed Use Areas will locate and mass new buildings to maintain comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. Guideline 2.4 of the Tall Building Guidelines indicates publicly accessible open spaces be located and designed to maximize safety, comfort and amenity by protecting such spaces from wind. Guideline 2.5 indicates private amenity areas be protected from pedestrian-level wind. Guidelines 3.2.1, 3.2.2 and 3.2.3 and 4.3 indicates towers be organized, oriented, sited and articulated to minimize negative wind conditions.

A Pedestrian Level Wind Study was submitted in support of the applications. The study indicated the public realm surrounding the site, along with the proposed building entrances will experience wind conditions suitable for the intended uses. City Planning staff note the sensor locations along the frontage of Front Street West and the south elevation have the potential for patio seating, and encouraged an Addendum to the Pedestrian Wind Study be provided to assess these sensor locations as patio spaces.

The study also concludes wind conditions on the proposed outdoor amenity areas were mostly comfortable for sitting during the summer. The study indicated sensor locations 71 and 76 will require mitigation measures. Based on the submitted architectural plans, sensor locations 71 and 76 are proposed to be a green roof. City Planning staff requested the Addendum to show the proposed outdoor amenity areas in relation to the sensor locations. Further, upon defining the outdoor amenity areas, staff encouraged measures be taken to further improve the predicted comfort class of those sensor locations during the spring and autumn periods.

Noise and Vibration Impact

A Noise & Vibration Feasibility Assessment was submitted in support of the application. The study recommends certain building material and ventilation equipment be implemented, along with warning clauses be placed on all lease, purchase and sale agreements.

City Planning staff reviewed the report and note that noise calculations for the existing building's east and south façades; the proposed outdoor space west of the west tower on the 5th storey; and the lower storeys of the proposed tower were missing.

The study indicated vibration levels are predicted to be 0.06 mms RMS and that no vibration mitigation would be required.

Public Realm

Policy 3.1.2.5 of the Official Plan indicates new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians. Policy 3.1.1.15 direct private mid-block connections be designed to complement the role of the street as the main place for pedestrian activity. Guideline 2.4 of the Tall Building Guidelines indicates tall building developments shall provide grade-related publicly accessible open space to provide connections to public streets. Guideline 3.1.2 of the Tall Building Guidelines direct where grand lobbies and foyers prevail, such as the Financial District, these features be continued. Guideline 4.1 of the Tall Building Guidelines indicates the streetscape and landscape elements shall support safe and comfortable pedestrian movement, and provide sustainable streetscape and landscape design. Guideline 4.2 indicates where existing conditions do not allow for a 6 metre wide pedestrian zone, alternative solutions be considered as part of redevelopment.

The Dominion Public Building is sited to the edge of the west, north and east lot lines. The application proposes to redesign the Front Street West pedestrian walkway by creating bump outs at the corners of Bay Street/Front Street West and Yonge Street/Front Street West. The applicant was advised that the City is undergoing an internal streetscape design review to modify the curb line along the Front Street corridor, which may result in changes to sidewalk widenings.

The linear open space at the rear of the 1 Front Street West property is proposed to be combined with the open space at the northern portion of the 141 Bay Street property to form a publicly accessible open space connecting Bay Street to Yonge Street. City Planning staff are in support of this concept.

Further in support of staff's opinion, in OPA 406, the Downtown Plan, which is not in full force and effect, Yonge Street and Front Street West are identified as Great Streets on Map 41-7. Policies 7.17 to 7.21 provide direction for public realm improvements along such corridors.

Also, the site is within the Shoreline Stitch as identified on Map 41-10 of the Downtown Plan. Policy 7.29 of OPA 406 provides direction to improve the north-south connections between the existing transportation infrastructure.

Yonge Street and Front Street West are identified as Cultural Corridors on Map 41-14 of the Downtown Plan. Policies 12.7 to 12.9 of OPA 406 provide direction for non-residential uses and improvement to the public realm that supports and strengthens the culture sector.

Below-Grade Connections

Policies 2.2.1.12 and 2.2.1.13 of the Official Plan encourage development to connect to the PATH network. Policy 3.1.1.15 direct underground concourses, plaza walkways and

private mid-block connections be designed to complement the role of the street as the main place for pedestrian activity. Guideline 2.6 of the Tall Building Guidelines direct tall buildings be designed to provide accessible pedestrian routes to connect with transit and underground concourses. The PATH Master Plan identifies the existing surface parking lot on the southern portion of the property at 1 Front Street West as a future east-west PATH connection. Additional opportunities to provide underground connections to the PATH network, including expansions of the network on the site to connect to the properties north of Front Street West should be explored.

As indicated in the Policy and Issues Background section of this report, the subject site is adjacent to the Union-Queens Quay Link Transit study that is currently being designed. City Planning staff requested the applicant to strongly consider opportunities to provide potential underground pedestrian connections to the enhanced below-grade transit facility.

Further in support of staff's opinion, in OPA 406, the Downtown Plan, which is not in full force and effect, the subject site is within proximity to Union Station, identified as an existing rapid transit station on Map 41-4 of the Downtown Plan. Policies 8.21 and 8.22 provide direction for integration of new development to this transit infrastructure.

Also, policies 8.7 to 8.10 of OPA 406 provide direction for PATH connections, where appropriate.

Traffic Impact, Vehicular and Loading Access

A Transportation Impact Study was submitted in support of the application. The study concludes site traffic impacts are negligible in comparison to the future background traffic conditions. Transportation Services' staff reviewed the study and concurs with its findings.

Policy 3.1.2.2 of the Official Plan directs new development to locate and organize vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces. Policy 2.4.18 requires large commercial and office buildings and hotels to provide taxi stands on private property. Guideline 2.3 of the Tall Building Guidelines provides direction for loading and servicing components of a tall building be located away from the public realm and to consolidate such components if possible.

The vehicular and loading access to the development is proposed from a driveway off of Yonge Street to be shared between the two properties at 1 Front Street West and 141 Bay Street. Loading facilities that are required for the development at 1 Front Street West is proposed to be shared with the approved loading facility in the second underground level at 141 Bay Street, as part of the approved site specific Zoning By-law amendment and currently subject to an active site plan approval process.

Transportation Services' staff reviewed the proposed vehicular and loading configurations and is supportive in principle. However, staff requires the owners to enter into the necessary easements/rights-of-way between the two properties.

City Planning staff requires the proposal to show the locations for taxi stands and other car service providers within private property.

Vehicular Parking

The applications provide a total of 199 vehicular parking spaces consisting of 94 residential, 89 commercial spaces (including spaces for residential visitors) and 16 car-share spaces contained within a 3-level underground garage. Zoning By-law 569-2013 standards require a total of 714 parking spaces consisting of 498 residential and 216 non-residential spaces.

The Transportation Impact Study included a parking justification analysis that supports a reduced parking supply by: comparing developments with similar parking rates; providing a survey of public parking spaces available; and providing a rationale on the site's proximity to Union Station. Transportation Services' staff reviewed the justification analysis and supports its conclusions.

Bicycle Parking

The application provides a total of 986 bicycle parking spaces consisting of 842 residential long term, 84 residential short term, 22 commercial long term and 38 commercial short term spaces contained within the 3-level underground garage. The number of parking spaces exceeds the Zoning By-law standards and the Toronto Green Standard requirements.

Further, in support of staff's opinion, in OPA 406, the Downtown Plan, which is not in full force and effect, Bay Street and Yonge Street are identified as Priority Cycling Routes Requiring Study on Map 41-12 of the Downtown Plan. Policies 8.12 to 8.15 provide direction for a better cycling network for the Downtown.

Servicing and Stormwater Management

A Functional Servicing and Stormwater Management report was submitted in support of the application. The report states the proposal is to connect to the existing 1050 mm x 1575 mm sanitary trunk sewer and existing 300 mm watermain along Front Street West. Stormwater management is proposed to connect to the box culvert along Yonge Street. Engineering and Construction Services staff reviewed the report and have outstanding issues that needs to be resolved.

Hydrogeological Impacts

A preliminary Geotechnical Investigation report and preliminary Hydrogeological Investigation report were submitted in support of the application. The preliminary reports indicated the temporary and permanent discharge of groundwater will need further analysis during the site plan approval process. Engineering and Construction Services and Toronto Water staff have reviewed the documentation and have outstanding issues that need to be resolved.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The subject site is in the second lowest quintile of current provision of parkland. The subject site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The applications are for an Official Plan and Zoning By-law amendment to permit the development of two residential towers above the heritage Dominion Public Building with 31,031 square metres of non-residential gross floor area and 55,726 square metres of residential gross floor area comprising of 836 units. At the alternative rate of 0.4 hectares per 300 units specified in [Chapter 415, Article III of the Toronto Municipal Code](#), the parkland dedication requirement is 11,147 square metres or 223% of the 1 Front Street West site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 556 square metres. The site at 141 Bay Street is subject to the policies of the Railway Lands East Secondary Plan, where the Plan states no further park, or money in lieu are required as part of redevelopment, and as such is exempt from parkland dedication requirements.

As per the [Toronto Municipal Code Chapter 415-26 C](#), the applicant is directed to satisfy the parkland dedication requirement through an off-site dedication within the vicinity of the subject site that would expand an existing park or create a new park in order to enhance the provision of and access to public parkland for the development's future residents and neighbours. The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation and would be subject to this Division's conditions for conveyance of parkland prior to the issuance of the first above grade building permit.

If the pursuit of an off-site dedication is not successful, cash-in-lieu will be required. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the first above grade permit.

In support of staff's opinion, in OPA 406, the Downtown Plan, which is not in full force and effect, policies 7.42 and 7.43 indicate development is required to prioritize dedication of land to the City to meet parkland dedication requirements.

Tree Preservation

There are 7 trees on and within 6 metres of the 1 Front Street West property. A Tree Inventory and Preservation Plan and a report were submitted in support of the application. The documentation indicates all 7 trees can be preserved. Urban Forestry staff reviewed the submitted documentation and indicated that the documentation does

not meet the city's Tree By-laws at this time. The owner will need to ensure the proposal conforms to the City's Tree By-laws.

It is also noted the Tree Inventory and Preservation Plan and report did not inventory the lands on and within 6 metres of the 141 Bay Street property. The owner will need to ensure any additional trees conform to the City's Tree By-laws.

Policy 3.1.1.5 a) of the Official Plan indicates City streets are significant public open spaces, which should provide space for street elements such as trees. Similarly, policy 3.1.2.5 a) indicate new development will provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians by providing trees, among other design elements. Policy 3.4.1 d) states preserving and enhancing the urban forest by: i. providing suitable growing environments for trees; and ii. increasing tree canopy coverage and diversity supports strong communities, a competitive economy and a high quality of life. City staff requested more trees be planted along Front Street West.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured in the amending Zoning By-law and on site plan drawings and through a Site Plan Agreement.

Community Services Assessment

Community services and facilities (CS&F) contribute to the social, economic and cultural development of the city and are vital in supporting liveable communities. CS&F are publicly accessible, non-profit facilities and places where City Divisions, agencies and boards, and school boards deliver programs and services. This includes child care centres, libraries, recreation facilities, schools and community space for human services. CS&F support a strong network of programs and services that are essential to building community capacity as well as the fostering of complete communities.

Policy 2.3.1.6 of the Official Plan identifies that community and neighbourhood amenities will be enhanced where needed by improving and expanding facilities, creating new facilities and adapting existing services to changes in the needs of the neighbourhood. Policy 3.2.2 of the Official Plan calls for adequate and equitable access to community services and local institutions, and sets out a policy framework that, among other things, encourages the inclusion of community service facilities as part of private development.

A Community Services and Facilities Study was submitted in support of the application. City Planning staff reviewed the study and finds the study addresses the City's CS&F study requirements.

On May 22-25, 2018, City Council adopted five infrastructure strategies, including a Downtown CS&F Strategy. To ensure the achievement of complete communities in Downtown, consideration of physical and social infrastructure, both on-site and within the surrounding area is necessary.

Based on the Downtown CS&F Strategy findings, a number of facility priorities have been identified by sector, to respond to growth (both residential and non-residential) in the Downtown. City Planning staff identified certain capital facilities where section 37 funds may go towards in the area, including:

- Securing a non-profit, licensed child care facility;
- Securing on-site community space for human services organizations to deliver a diverse range of programs and services;
- Securing financial contributions towards the relocation and expansion of the St. Lawrence Library Branch; and/or Parliament Branch renovation and expansion (and potential relocation); and
- Securing financial contributions towards the 1 Yonge Street Community Recreation Centre and/or John Innes Community Recreation Centre replacement and/or expansion capital projects.

Community Consultation and Feedback

The owner of the property at 141 Bay Street, which forms part of the subject application, provided a letter to City Planning dated February 5, 2019 indicating they were not consulted by the applicant for the inclusion of their lands as part the application. The letter states that as a preliminary matter, the owner is not supportive of the proposed Official Plan Amendment that would link the proposal at 1 Front Street West with 141 Bay Street.

A community consultation meeting was held on April 1, 2019, at the Novotel Hotel at 45 The Esplanade. Approximately 70 members of the public attended, along with the Ward 10 Councillor, staff from Ward 13 and City Planning staff. Concerns raised through written submissions and expressed during the meeting include:

- The need for more family sized and affordable housing units;
- Insufficient separation distance between the proposed east tower and the residential condominium at 8 The Esplanade;
- The loss of occupants' views from the residential condominium at 8 The Esplanade;
- The proposal does not conserve the heritage features of the Dominion Public Building;

- Traffic congestion at Front Street West, Yonge Street and The Esplanade;
- Pedestrian congestion along Yonge Street; and
- Shadow impacts on surrounding streets.

The Board of the residential condominium at 8 The Esplanade (the "L Tower"), provided a letter to City Planning dated April 5, 2019 indicating their concerns on: the location and height of the proposed east tower obstructing occupant views from the L Tower; the lack of proposed maximum density; inadequate replacement of employment uses; and the increased vehicular congestion from the proposed development using a shared access on Yonge Street. The letter recommended the proposal be revised to address the concerns identified.

See Attachment 10 for a summary of the community consultation meeting.

APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL

In the event the decision of Council is appealed to the LPAT, City staff recommends Council to use mediation, conciliation or other dispute resolution techniques identified in the *Planning Act*, in an attempt to resolve all the matters identified.

Other Issues That Require Further Discussion

The matters are delineated by: the issues that form City staff's opinion to refuse the applications as identified in this report; and other issues that require further discussion, should the proposal be revised to an acceptable form. The issues that will require further discussion are:

- Mixture, tenure and size of residential units;
- The amount of outdoor amenity spaces for the residential component of the proposal;
- Public realm improvements surrounding the subject site;
- Mitigation of net new shadows on the surrounding open spaces;
- Identification of noise impacts and mitigation measures that are necessary;
- Identification of wind impacts and mitigation measures that are necessary;
- Below-grade connections within and surrounding the subject site;
- Traffic management, and vehicular & loading access;
- Improvements to bicycle infrastructure;

- Functional servicing requirements to accommodate the proposal;
- Stormwater management to accommodate the proposal;
- Groundwater impacts;
- Parkland dedication;
- Conformity to the City's Tree By-laws, and the planting of additional trees surrounding the subject site;
- Meeting Tier 1 of the TGS; and
- Provision for adequate community service facilities.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*.

There has been no discussion with the applicant regarding Section 37 community benefits since the Zoning By-law Amendment's proposed increase in density over the existing Zoning By-law standards is not consistent with the PPS, does not conform and conflicts, as the case may be, with the Growth Plan, and does not conform with the Official Plan. However, in the event the decision is appealed to the LPAT and should a proposal be revised to an acceptable form, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 community benefits with the applicant, in consultation with the Ward Councillor. The outcome of which will be reported back to City Council.

CONCLUSION

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), and the Toronto Official Plan. Staff are of the opinion that the proposal, including the proposed Official Plan Amendment and Zoning By-law Amendment applications are not consistent with the PPS (2014) and do not conform and conflicts, as the case may be, with the Growth Plan (2017). Further, the proposal, including the proposed Official Plan Amendment and Zoning By-law Amendment applications do not conform with and does not maintain the intent of the Toronto Official Plan, particularly as it relates to supporting the role of the Financial District as the premier employment centre, built form that relates to the existing and planned context, and the conservation of heritage resources. The proposal does not represent good planning and is not in the public interest. Staff recommend that Council refuse the applications.

Staff also recommend that Council utilize the provisions under the *Planning Act* to use mediation, conciliation or other dispute resolution techniques in an attempt to resolve the Official Plan Amendment and Zoning By-law Amendment applications, to the

satisfaction of the Chief Planner and Executive Director, City Planning and City Solicitor and direct the City Clerk to provide the required notices under the *Planning Act* in exercising such provisions under the Act..

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA,
Director, Community Planning,
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: 3D Model of Proposal in Context - View Looking South-west

Attachment 3: 3D Model of Proposal in Context - View Looking South-east

Attachment 4: Location Map and Heritage Register Entries

Attachment 5: Official Plan Land Use Map

Attachment 6: Official Plan Downtown and Central Waterfront Map

Attachment 7: Railway Lands East Secondary Plan Map

Attachment 8: Zoning

Attachment 9: Site Specific Zoning

Attachment 10: Summary of Public Consultation

Applicant Submitted Drawings

Attachment 11: Site Plan

Attachment 12: North Elevation

Attachment 13: East Elevation

Attachment 14: South Elevation

Attachment 15: West Elevation

Attachment 1: Application Data Sheet (For 1 Front St. W. Only)

Applicant	Agent	Architect	Owner
1 Front Street West Holdings Ltd.		architectsAlliance	1 Front Street West Holdings Ltd.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Yes
Zoning:	CR	Heritage Designation:	Yes
Height Limit (m):	137	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m):	7,785	Frontage (m):	170	Depth (m):	75
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):				
Residential GFA (sq m):	0	0	55,726	55,726
Non-Residential GFA (sq m):	31,031	0	31,031	31,031
Total GFA (sq m):	31,031	0	86,757	86,757
Height - Storeys:	5	5	49	49
Height - Metres:	22	22	169	169

Lot Coverage Ratio (%)	85	Floor Space Index:	11.21
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	55,726	
Retail GFA:	8,986	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	22,045 (hotel)	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			836	836
Freehold:				
Condominium:				
Other:				
Total Units:			836	836

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		120	424	208	84
Total Units:		120	424	208	84

Parking and Loading

Parking Spaces	199	Bicycle Parking Spaces	986	Loading Docks	0
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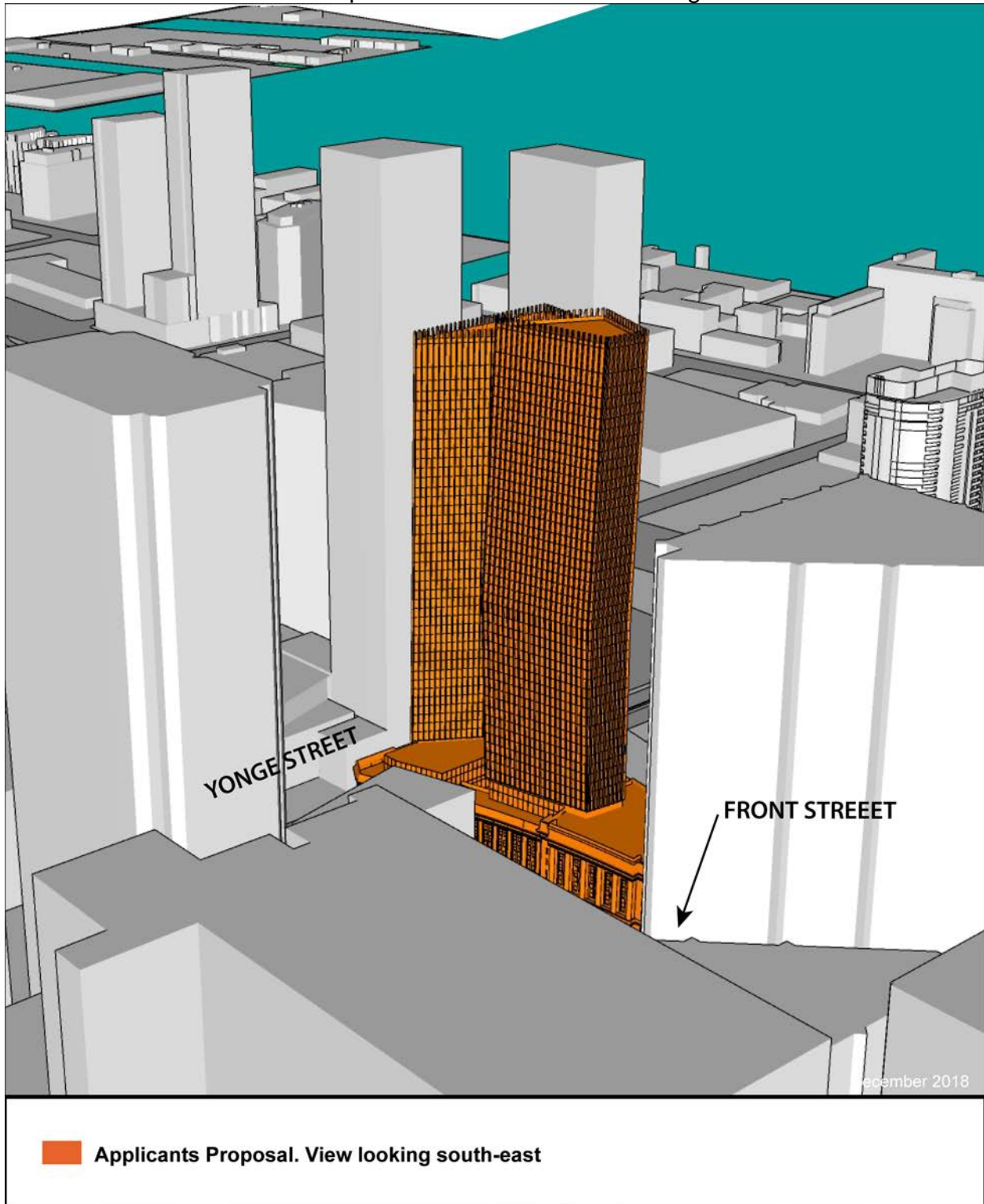
CONTACT:

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Henry.Tang@toronto.ca

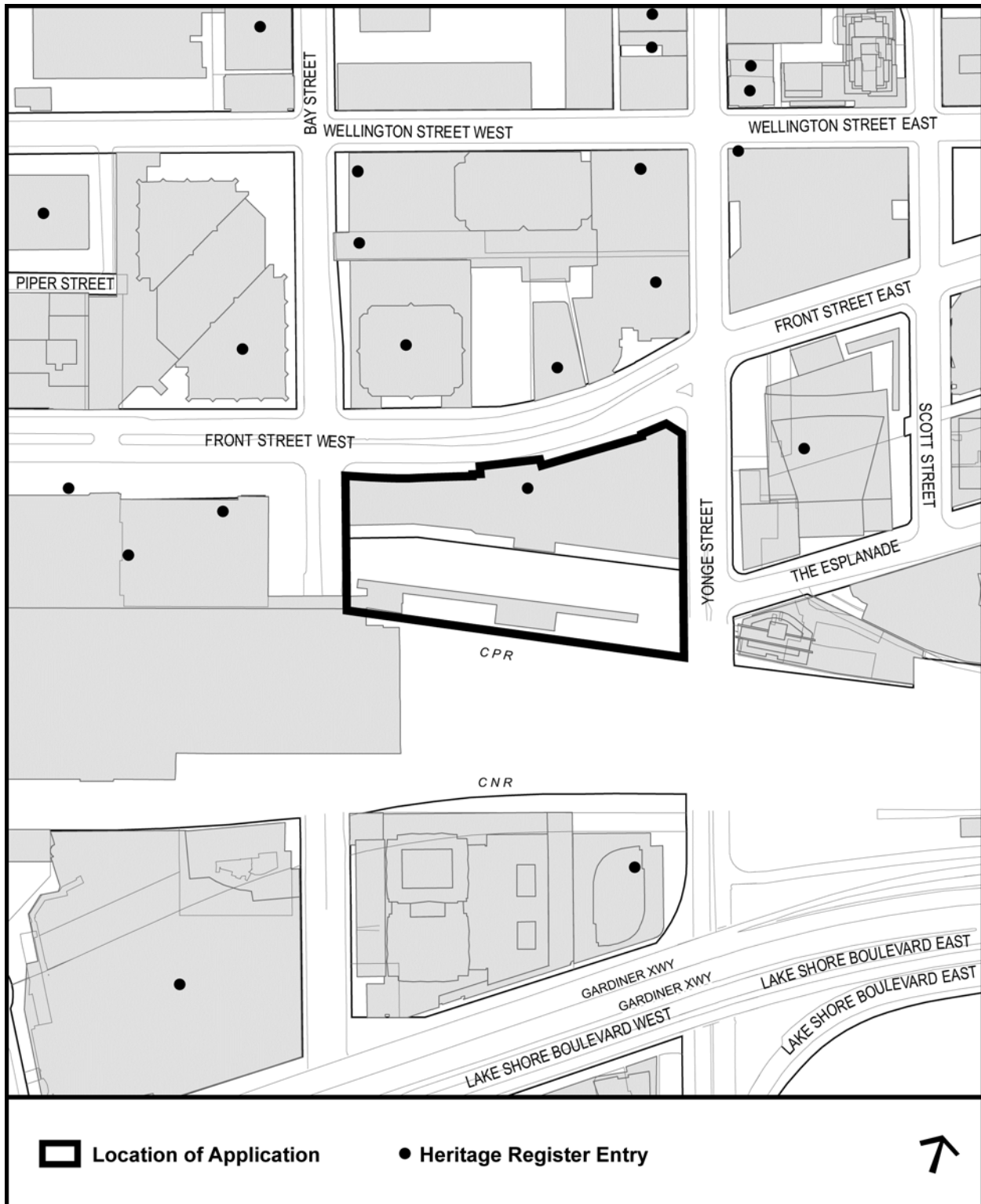
Attachment 2: 3D Model of Proposal in Context - View Looking South-west



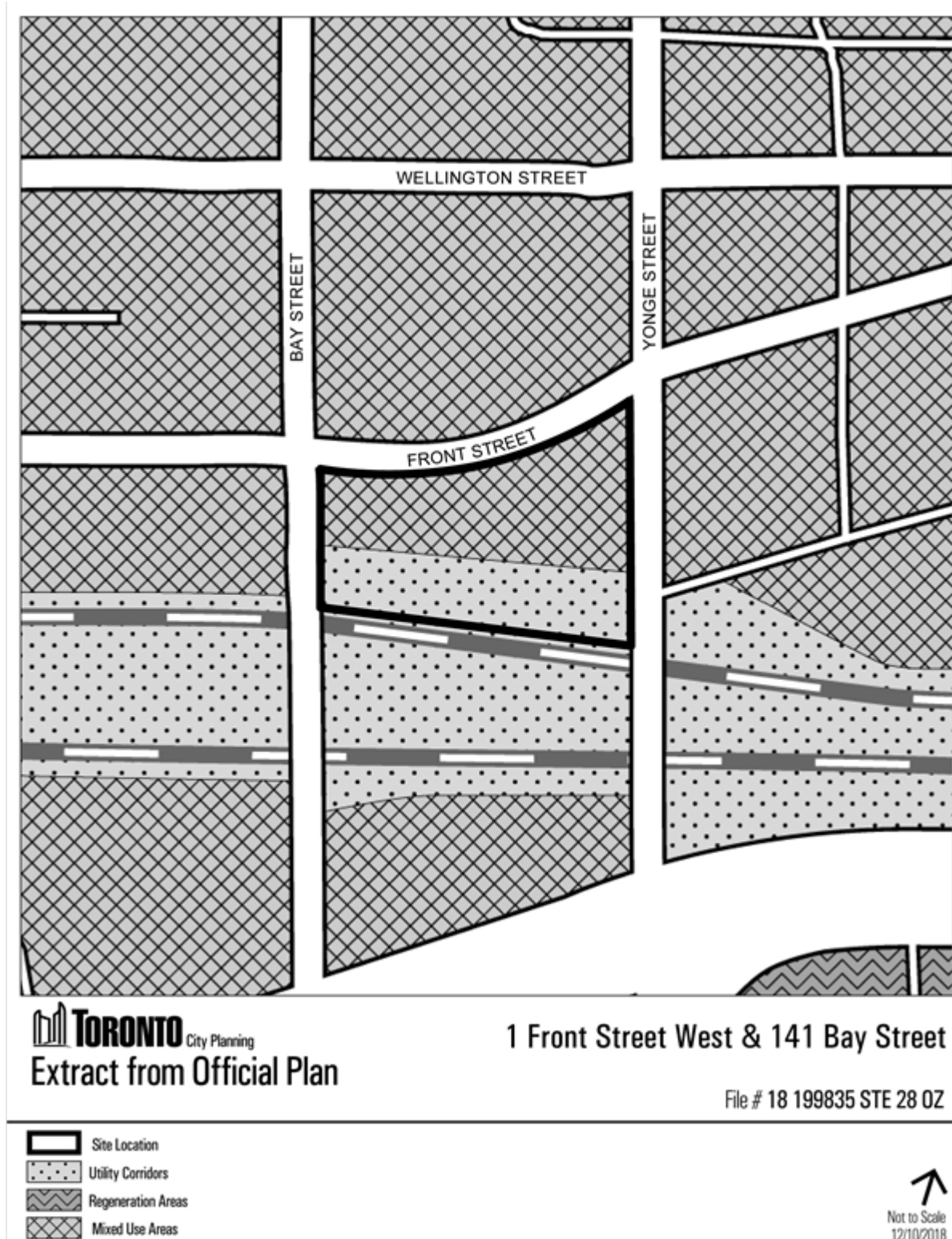
Attachment 3: 3D Model of Proposal in Context - View Looking South-east



Attachment 4: Location Map and Heritage Register Entries



Attachment 5: Official Plan Land Use Map



Attachment 6: Official Plan Downtown and Central Waterfront Map



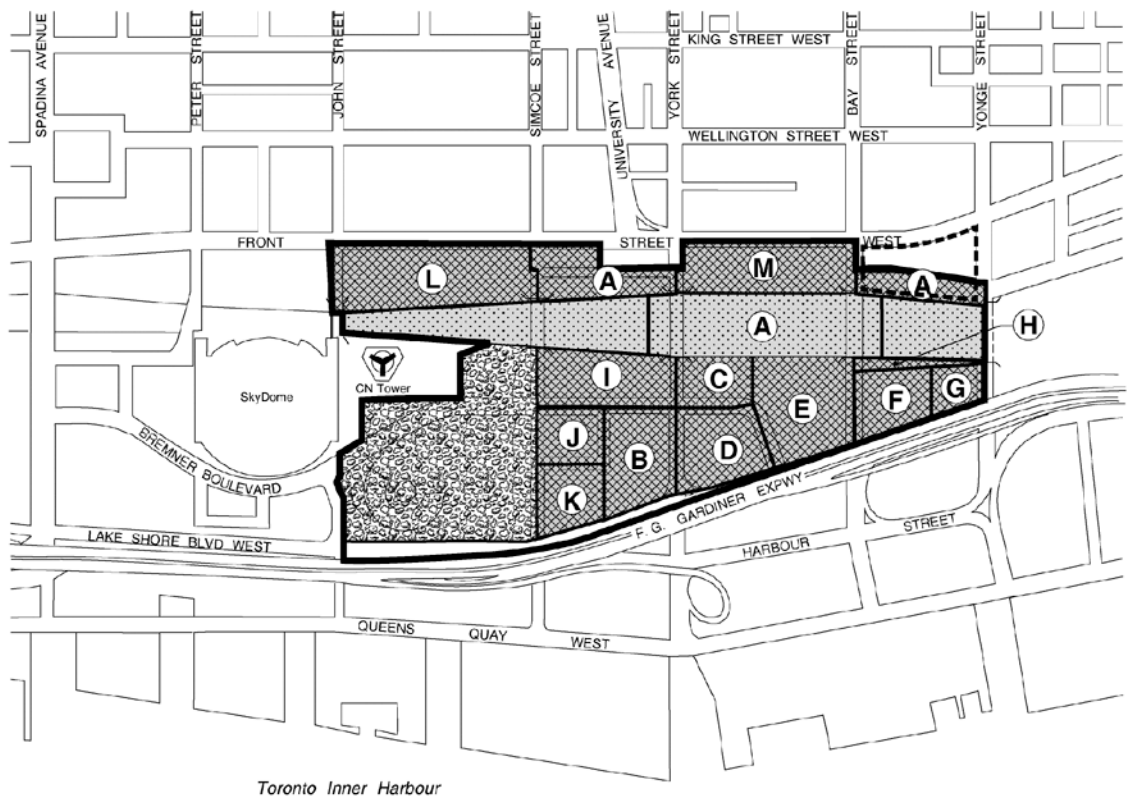
 **Toronto** City Planning
Official Plan Map 6

1 Front Street West & 141 Bay Street

File # 18 199835 STE 28 02




Not to Scale
04/03/2019



Not to Scale



Railway Lands East Secondary Plan

MAP 17-2 Land Use Plan



October 2009

[illegible]

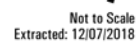
File # 18 199835 STE 28 0Z



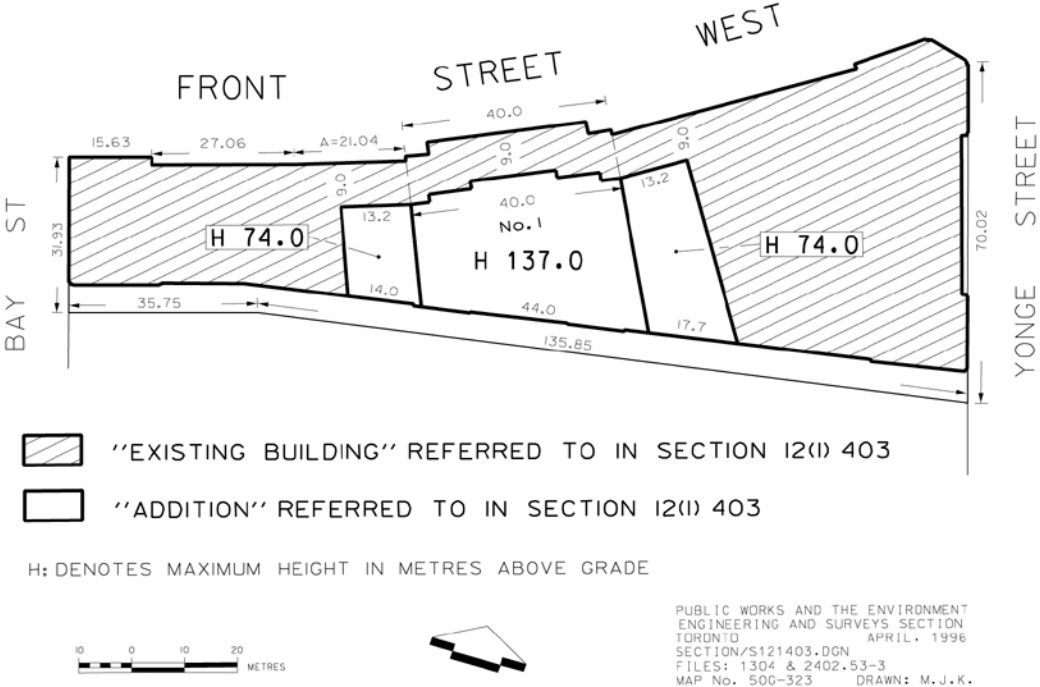
CR Commercial Residential **O** Open Space



CR Mixed-Use District
T Industrial District



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



12(1).126

AMENDED DECEMBER, 2000

Site Specific Zoning

1 Front Street West

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

Not to Scale
12/11/2018



File # 18 199835 STE 28 0Z

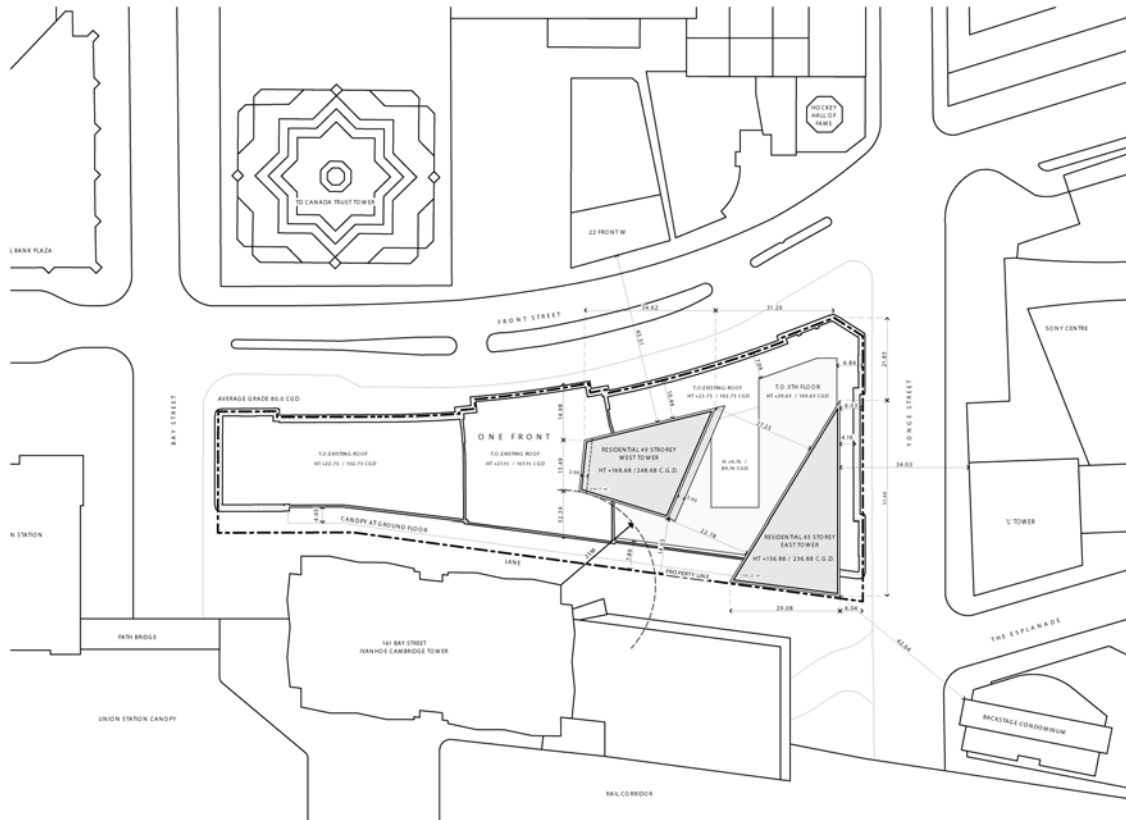
Attachment 10: Summary of Public Consultation

Category	Comment
Land Use	<ul style="list-style-type: none"> • A comment was raised on the economic justification between a hotel and an office use. • A comment was raised that they are encouraged by the proposal to provide for housing in the Downtown area. • A question was raised on whether the proposed residential component will be a condominium or a rental building. • Questions were raised on the percentage of family units and affordable units. • A concern was raised on the need for more private outdoor amenity space than what is currently proposed.
Massing and Built Form	<ul style="list-style-type: none"> • A comment noted the attractive appearance of the proposed towers. • There were significant concerns raised on the separation distance between the proposed east tower and the L Tower. • Concerns were raised on the proposal for two towers as opposed to one tower. • A concern was raised on City staff's foresight in permitting the development at 141 Bay Street that resulted in the need to move the permitted mass at 1 Front Street West to the east. • A comment was raised to suggest moving the mass at 1 Front Street West towards Bay Street, stepping down towards Yonge Street. • A comment was raised to inquire if a tall building can be sited to straddle between the properties subject to the application.

Heritage	<ul style="list-style-type: none"> • A concern was raised on the proposal's impact to the heritage Sony Centre to the east. • A concern was raised on the proposal's potential heritage impact to the L Tower. • Concerns were raised that the proposal reduces the importance of the heritage Dominion Public Building, with a specific comment that the building is a landmark and is contextually part of the Union Station HCD. • A concern was raised on the proposal to modify the windows on Front Street West that represent Beaux Arts design. • A concern was raised on the use of load bearing columns to support the east tower that will obstruct the south elevation of the Dominion Public Building. • A concern was raised on the siting of tall buildings on the eastern portion of the 1 Front Street West site may not conserve the heritage values of the Dominion Public Building.
Traffic	<ul style="list-style-type: none"> • Concerns were raised on vehicular traffic along Yonge Street will be exacerbated by this proposal. • A concern was raised that the proposed shared driveway for both 141 Bay Street and 1 Front Street West is not feasible. • Concerns were raised that The Esplanade will become an east-west thoroughfare. • Concerns were raised that the current signalized intersection at Yonge Street and The Esplanade, which mitigates traffic impacts for residents along The Esplanade, may change due to this proposal.
Vehicular Parking	<ul style="list-style-type: none"> • Concerns were raised on the reduction of the number of required vehicular parking spaces while the maximum permitted density is being increased.
Bicycle Infrastructure	<ul style="list-style-type: none"> • A concern was raised on the need for bicycle infrastructure.
Shadows	<ul style="list-style-type: none"> • Concerns were raised on the shadows cast by this proposal, with specific comments on the impact to the patio spaces on the northern portion of The Esplanade, and the need to examine the shadow impacts during the winter months.
Wind	<ul style="list-style-type: none"> • A concern was raised on the proposal's wind impacts to Berczy Park.

Public Realm	<ul style="list-style-type: none"> • A question was raised on how this section of Yonge Street can be improved to accommodate pedestrian activity travelling north and south. • A concern was raised on the need for park space within proximity of the area for the density the proposal is seeking.
Other	<ul style="list-style-type: none"> • There was a comment noting excitement for the proposal. • Concerns were raised for residents at the L Tower on their investment value. • A comment was raised on the livability and quality of life for the residents of the L Tower. • A question was raised on pedestrian connection to the UP Express. • A concern was raised on air quality.

Attachment 11: Site Plan



Site Plan

Applicant's Submitted Drawing

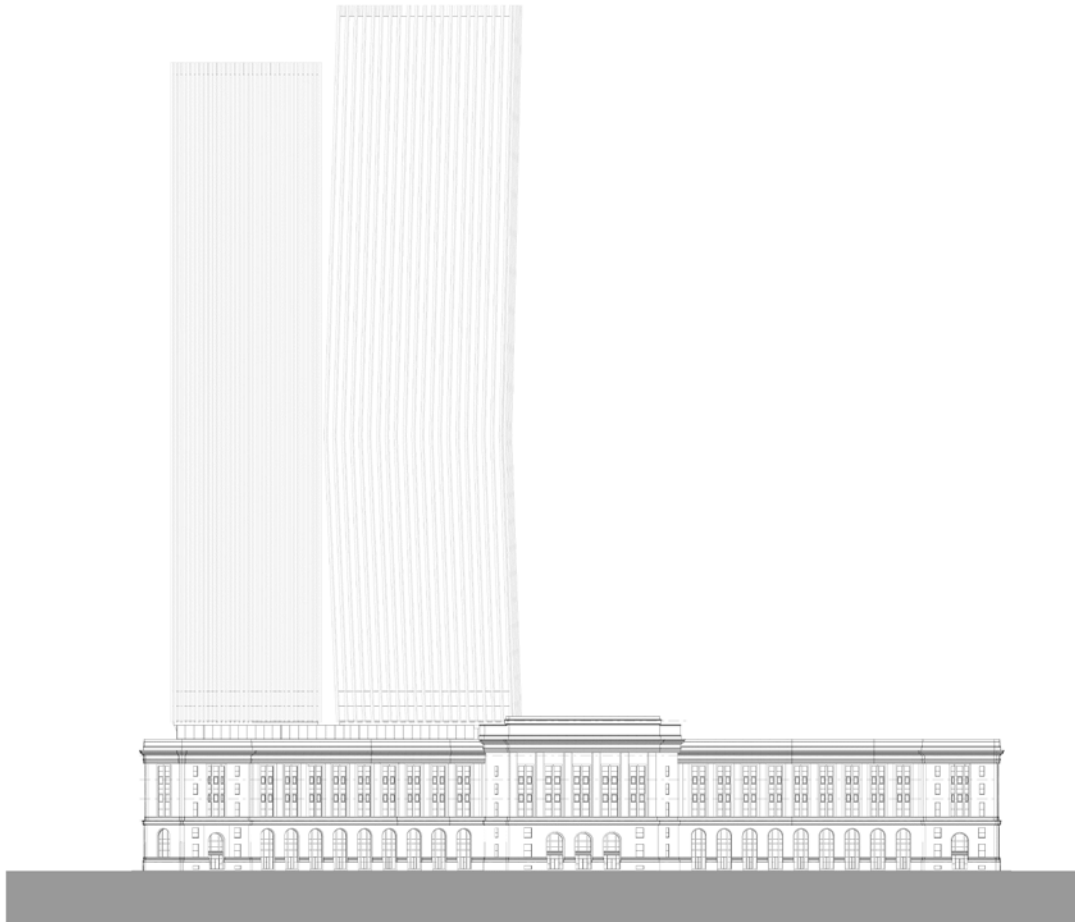
Not to Scale
12/10/2018



1 Front Street West

File # 18 199835 STE 28 0Z

Attachment 12: North Elevation



North Elevation

Elevations

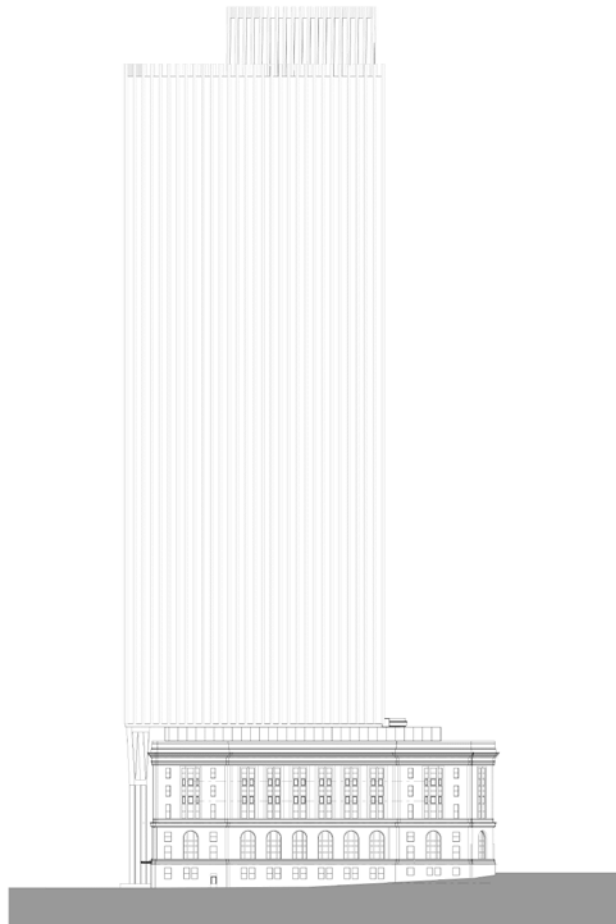
Applicant's Submitted Drawing

Not to Scale
12/10/2018

1 Front Street West

File # 18 199835 STE 28 0Z

Attachment 13: East Elevation



East Elevation

Elevations

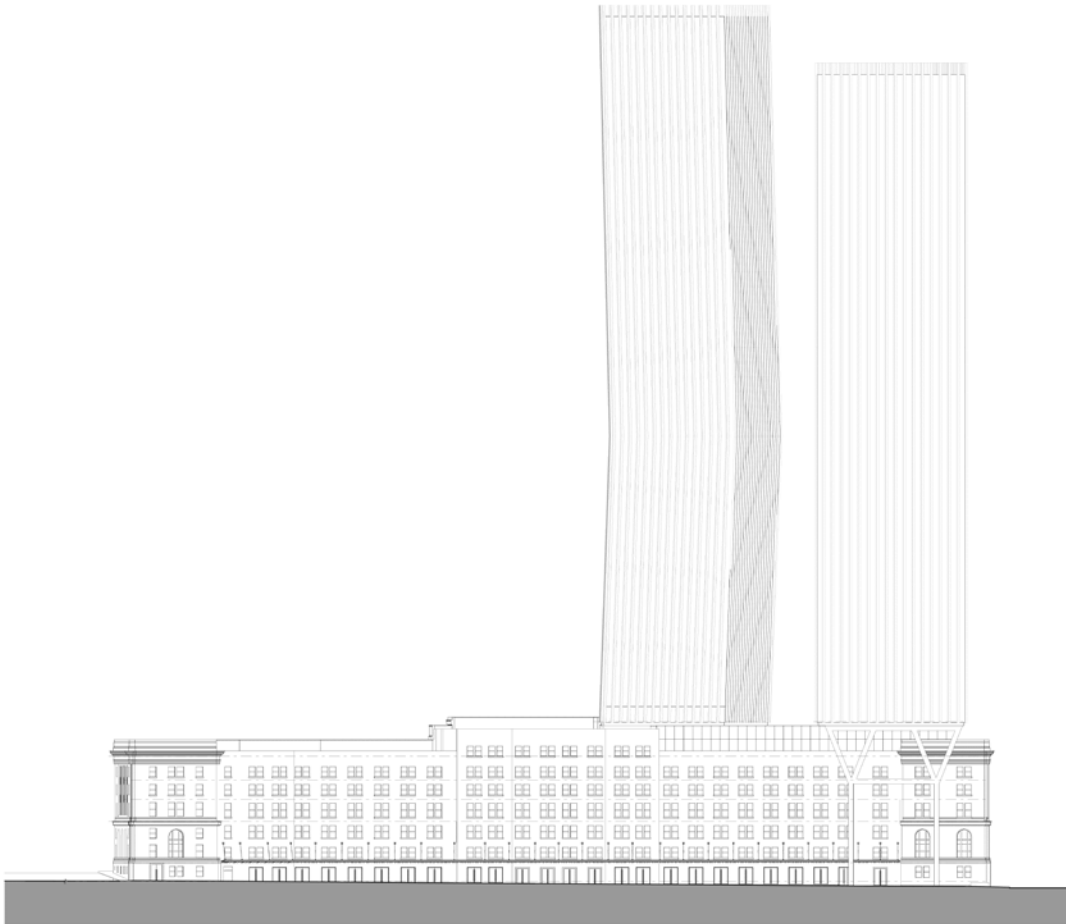
Applicant's Submitted Drawing

Not to Scale
12/10/2018

1 Front Street West

File # 18 199835 STE 28 OZ

Attachment 14: South Elevation



South Elevation

Elevations

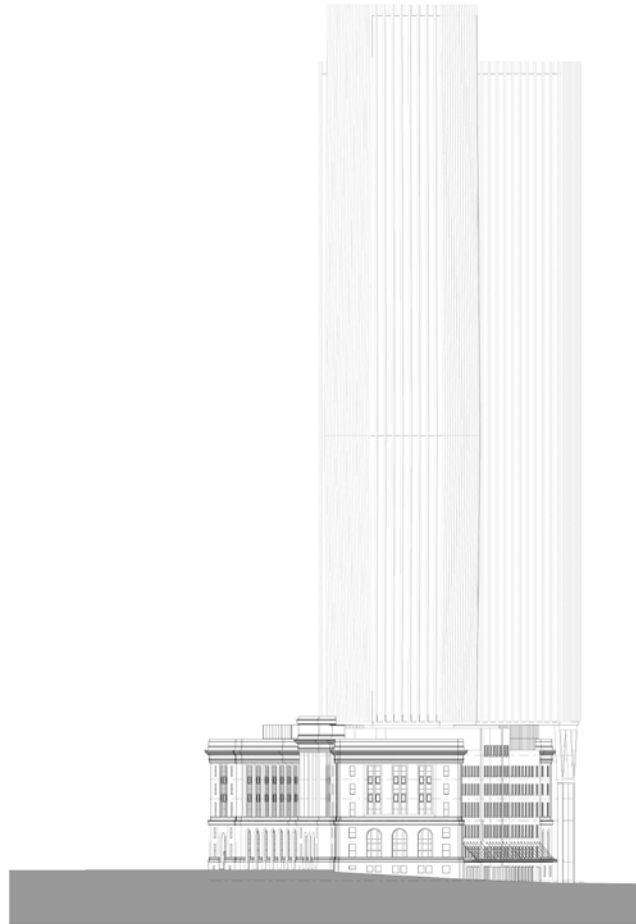
Applicant's Submitted Drawing

Not to Scale
12/10/2018

1 Front Street West

File # 18 199835 STE 28 OZ

Attachment 15: West Elevation



West Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
12/10/2018

1 Front Street West

File # 18 199835 STE 28 02
