

141 Bay St – Application to Remove the Holding Symbol From the Zoning By-Law – Final Report

Date: August 20, 2019

To: Toronto and East York Community Council or City Council

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

Ward 10 - Spadina-Fort York

Planning Application Number: 18 139405 STE 28 OZ

SUMMARY

This application proposes to remove the Holding symbol (h) from Block 1a of the lands bounded by Bay Street, Yonge Street, 1 Front Street West and the Rail Corridor (municipally known in 2018 as 141 Bay Street and the portion of lands designated for Transportation uses between Bay and Yonge Streets) to permit the development of a 53-storey office tower with a 7-storey podium.

The owner has submitted Servicing Plans for the lot to the satisfaction of the General Manager, Toronto Water and the Executive Director, Engineering and Construction Services and have received confirmation from the General Manager, Toronto Water that there is sufficient servicing capacity to accommodate the development, both of which were conditions for the 'h' removal.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council further amend former City of Toronto Railway Lands East Zoning By-law 168-93, as amended by By-law 1104-2016, for the lands bounded by Bay Street, Yonge Street, 1 Front Street West and the Rail Corridor (municipally known in 2018 as 141 Bay Street and the portion of lands designated for Transportation uses between Bay and Yonge Streets) substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the report (August 20, 2019) from the Director, Community Planning, Toronto and East York District.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of November 8 and 9, 2016, City Council adopted By-law 1104-2016 to permit the construction of a 53-storey office building at 141 Bay Street and over a portion of the Rail corridor to the south of 141 Bay Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE19.6>

PROPOSAL

This application proposes to remove the Holding Symbol (h) from a portion of the lands at 141 Bay Street and a portion of the lands over the rail corridor to the south of 141 Bay Street. These lands were subject to a Rezoning application that was approved by City Council in 2016, with the adoption of By-law 1104-2016. The City included a holding symbol in the Zoning By-law until such time as it was confirmed that a satisfactory Servicing Plan had been approved and confirmation that there was sufficient municipal servicing capacity to permit the construction of the proposed 53-storey office building. Development cannot proceed until the Holding Symbol is removed.

APPLICATION BACKGROUND

Application Submission Requirements

A Functional Servicing Report was submitted in support of the application.

Agency Circulation Outcomes

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

POLICY CONSIDERATIONS

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.

Toronto Official Plan

The subject site is located within the Downtown and Central Waterfront area on Map 2 – Urban Structure in the Official Plan and within the Financial District area on Map 6 – Downtown and Central Waterfront Boundaries. The site is designated Mixed Use Areas and Utility Corridors on Map 18 – Land Use Plan. The site is also located in within the Railway Lands East Secondary Plan.

Chapter Two of the Official Plan – Shaping the City, states that the Downtown area offers opportunities for substantial employment and residential growth. It is the most accessible business location in the GTA and the largest employment centre in the region. The Official Plan states that the Downtown will accommodate development that builds on the strength of the Downtown as the premier employment centre in the GTA and focuses on the Financial District as the prime location for the development of prestige commercial office buildings and landmark buildings that shape the skyline.

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

The Utility Corridor designation states that rail corridors are primarily used for the movement of people and goods. Development or redevelopment of lands nearby or adjacent to Utility Corridors will protect for access to potential bicycle and pedestrian trails or parks and open spaces and screen and secure the property edge through such measures and setbacks, fencing, site grading, berms, landscaping, building treatment and construction techniques.

The proposed development is subject to the City's Official Plan Heritage Policies, including Official Plan Amendment 199 which was enacted by City Council in April 2013 and approved by the Ontario Municipal Board in May 2015 to strengthen the City's heritage policies. Section 3.1.5 of the Official Plan states that development adjacent to properties on the City's Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate the visual and physical impact on it.

The site is also located in the Railway Lands East Secondary Plan area which covers the eastern segment of the downtown railway lands, generally from John Street to Yonge Street and Front Street West south to Lake Shore Boulevard. The Secondary Plan identifies area-specific policies and objectives regarding Building Form, Housing, Open Spaces, Community Facilities, Heritage, Transportation and Environment. The 141 Bay Street site is located within Mixed Use Area A and Precinct 1 on Maps 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.

The Secondary Plan states that proposals for decking and/or building over the rail tracks in the areas designated Utility Corridors not including Utility Corridor 'A' (Union Station) will be considered and by-laws may be passed to permit development over the rail tracks in this area provided that: the capacity and safety of train operations is not reduced; future flexibility for improvements to the track system is not reduced; environmental concerns have been addressed; and the primary objective of the rail corridor and Union Station, which is the effective, safe and efficient provision of rail transportation services, will not be compromised.

TOcore: Planning Downtown

Official Plan Amendment 406 (the Downtown Plan) is now in-force and effect. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. It applies to all applications deemed complete after June 5, 2019. The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

The in-force Downtown Plan can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

Zoning

The former City of Toronto Railway Lands East Zoning By-law 168-93, as amended in 2016 by By-law 1104-2016 applies to this property. By-law 1104-2016 permits the construction of the proposed 53-storey office building and contains provisions relating to the permitted uses, building envelope, maximum height, parking and loading requirement, as well as other zoning criteria.

Site Plan Control

A Site Plan Approval application has been submitted to the City and is under review.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017).

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Land Use

This application has been reviewed against the official plan policies and secondary plan policies described in the Issue Background Section of the Report as well as the policies of the Toronto Official Plan as a whole and the site specific Zoning By-law Amendment. The application is consistent with all of those documents.

Servicing

By-law 1104-2016 outlines the requirements to remove the Holding Symbol (h) from the lands zoning h (CR block 1a) on District Map 50G-323, of By-law 168-93, as amended by By-law 1104-2016. They are:

- (i) submission of Servicing Plans for the lot, to the satisfaction of the General Manager, Toronto Water and the Executive Director, Engineering and Construction Services; and
- (ii) confirmation by the General Manager, Toronto Water that there is sufficient servicing capacity to accommodate the development.

The owner has submitted Servicing Plans for the lot to the satisfaction of the General Manager, Toronto Water and the Executive Director, Engineering and Construction Services and have received confirmation from the General Manager, Toronto Water that there is sufficient servicing capacity to accommodate the development, both of which were conditions for the 'h' removal.

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 is consistent with the PPS (2014) and conforms with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Draft Zoning By-law Amendment

Attachment 1: Draft Zoning By-law Amendment

Authority: ~ Community Council Item No. ~,
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~
Toronto
CITY OF TORONTO
Bill No. ~
BY-LAW No. ~-20~

To amend former City of Toronto Zoning By-law No. 168-93,
as amended by By-law No. 1104-2016, to remove the holding symbol (h) with respect to
the lands bounded by Bay Street, Yonge Street, 1 Front Street West and the Rail
Corridor (municipally known in 2018 as 141 Bay Street, Block 1 and the portion of T
lands between Bay and Yonge Streets).

WHEREAS authority is given to Council by Section 34 and Section 36 of the Planning
Act, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (h) and to remove
the holding symbol (h) when Council is satisfied that the conditions relating to the
holding symbol have been satisfied; and

WHEREAS Council has provided notice of the intent to pass this By-law;

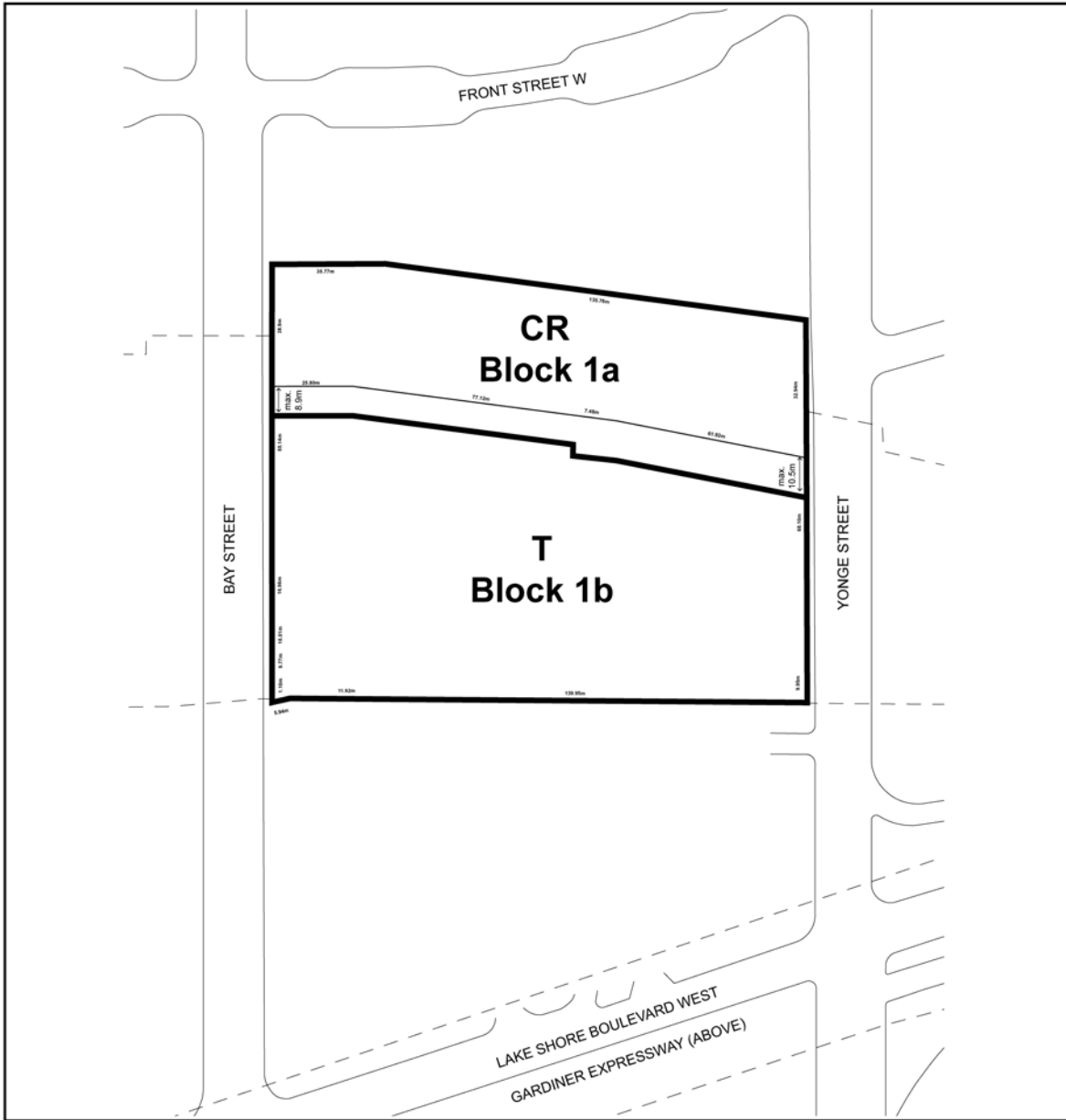
The Council of the City of Toronto HEREBY ENACTS as follows:

1. By-law No. 1104-2016 being a by-law "To amend former City of Toronto By-law
No. 168-93, being the Railway Lands East Area A Zoning By-law, as amended, with
respect to the lands bounded by Bay Street, Yonge Street, 1 Front Street West and the
Rail Corridor (municipally known in 2018 as 141 Bay Street, Block 1 and the portion of T
lands between Bay and Yonge Streets)", is amended by removing the holding symbol
(h) from Block 1a, as shown on the attached Map 1.

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

JOHN TORY, ULLI S. WATKISS
Mayor City Clerk

(Corporate Seal)



141 Bay Street

File # 18 139405 STE 28 OZ



City of Toronto By-Law 438-86
Not to Scale
07/18/2019