

1 Front Street West – Official Plan Amendment and Zoning By-law Amendment Applications – Request for Directions

Date: August 24, 2020

To: Toronto and East York Community Council

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

Wards: Ward 10 - Spadina-Fort York

Planning Application Number: 18 199835 STE 28 OZ

Related Applications: 17 125756 STE 28 OZ; 20 144978 STE 10 SA

SUMMARY

This revised Official Plan and Zoning By-law Amendment proposes two tall buildings of 45 and 49 storeys (156.9 metres and 168.7 metres respectively) on top of the 5-storey heritage designated Dominion Public Building which is proposed to be altered. The proposal contains a total of 89,385.8 square metres of gross area consisting of 36,164.4 square metres of office; 16,283.6 square metres for a hotel; 5,082 square metres of retail; and 31,604.9 square metres of residential resulting in 408 dwelling units. A three level underground garage is proposed to accommodate 195 vehicular parking spaces.

The applications for Official Plan and Zoning By-law amendments were refused by City Council on May 14, 2019, with directions to use mediation, conciliation or other dispute resolution techniques in the event that the applications are appealed to the Local Planning Appeal Tribunal ("LPAT"). The applicant subsequently appealed the decision to the LPAT. The case management conference took place on January 23, 2020 and a teleconference status hearing took place on May 22, 2020. A third case management conference is scheduled for October 5, 2020.

The revised proposal is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and the City's Official Plan.

This report provides details of the revised proposal and seeks Council's support of the revised applications to amend the Official Plan and the Zoning By-laws. This report also provides a recommendation to close the city-initiated Zoning By-law amendment application on the site.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize and direct the City Solicitor and appropriate staff to attend the Local Planning Appeal Tribunal in support of the revised proposal prepared by architectsAlliance dated April 23, 2020 for the requested Zoning By-law Amendments for the lands municipally known as 1 Front Street West, as described in the report (August 24, 2020) from the Director, Community Planning, Toronto and East York District and subject to Recommendations 2 to 8 below.
2. City Council authorize and direct the City Solicitor and appropriate staff to attend the Local Planning Appeal Tribunal in support of the application to amend the Official Plan for 1 Front Street West, generally as described in Attachment 8 to the report (August 24, 2020) from the Director, Community Planning, Toronto and East York District and subject to technical and stylistic changes by the City Solicitor as required.
3. City Council authorize and direct the Chief Planner and Executive Director, City Planning and the City Solicitor to prepare the form of Zoning By-law Amendments to Zoning By-law 438-86, as amended, and Zoning By-law 569-2013 that reflect and implement the revised proposal and the requirements set out in City Council's decision, including the matters to be secured in the Section 37 Agreement with such modification as may be required to implement the revised proposal as described in the report (August 24, 2020), from the Director, Community Planning, Toronto and East York District.
4. City Council authorize City Planning staff to close the city-initiated Zoning By-law Amendment application on the site at 1 Front Street West, file no. 17 125756 STE 28 OZ, after the Local Planning Appeal Tribunal issues the Final Order for the Zoning By-law amendment appeal based on the revised proposal as set out in the report (August 24, 2020), from the Director, Community Planning, Toronto and East York District.
5. City Council require the owner to enter into an agreement pursuant to Section 37 of the Planning Act as follows:
 - a.) That prior to the issuance of the first above grade building permit for the lands, the owner shall pay to the City a cash contribution of \$4,600,000 dollars to be allocated as follows:
 - i. \$460,000 for the provision of affordable housing in Ward 10;
 - ii. \$460,000 for capital repairs to the existing Toronto Community Housing buildings in Ward 10; and
 - iii. \$3,680,000 towards any combination of the following, at the discretion, and to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:

A. Local parkland improvements and/or public realm improvements in Ward 10; and

B. Community services and facilities in Ward 10;

b.) The payment amount identified in Recommendation 5. a) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 agreement to the date of payment; and

c.) In the event the cash contribution referred to in Recommendation 5. a.) above has not been used for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands.

6. City Council also direct that the following be secured in the Section 37 Agreement as a legal convenience as matters required to support development, in consultation with the Ward Councillor:

a.) The owner shall, as part of a site plan process, submit a Pedestrian Wind Level Study acceptable and satisfactory to the Chief Planner and Executive Director, City Planning and securing such mitigation matters through the Site Plan Approval process arising from the accepted studies or reports;

b.) The owner shall, as part of a site plan process, submit a Noise and Vibration Feasibility Study acceptable and satisfactory to the Chief Planner and Executive Director, City Planning and securing such mitigation matters through the Site Plan Approval process arising from the accepted studies or reports;

c.) A construction management plan with such terms and conditions as may be required prior to Site Plan approval, satisfactory to the Chief Planner and Executive Director, City Planning;

d.) The privately-owned publicly accessible space (POPS) of not be less than 1,000 square metres at the southern portion of the property between Bay Street and Yonge Street, as generally shown on the architectural plans by architectsAlliance dated April 23, 2020 to the satisfaction of the Chief Planner and Executive Director, City Planning. Prior to the issuance of Site Plan Approval, the owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the POPS and any required public access easements to connect the POPS to adjacent POPS and/or public rights-of-way, where necessary. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the

public shall be entitled to use the POPS at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the POPS shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;

e.) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 16, 27, 2009 through the adoption of item PG 32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6, 7, 2017 through the adoption of item PG 23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time;

f.) The provision of a knock out panel, or panels, for a potential future PATH connection as part of site plan approval; and

7. City Council instruct the City Solicitor to request that LPAT withhold issuance of its Order until such time as the LPAT has been advised by the City Solicitor that:

a.) The proposed Official Plan Amendment(s) are in a content and form satisfactory to the City Solicitor and Chief Planner and Executive Director, City Planning;

b.) The proposed Zoning By-law Amendments are in a form satisfactory to the City, including appropriate Section 37 provisions in Recommendations 5 and 6, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

c.) A Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, has been executed and registered on title to the Site to the satisfaction of the City Solicitor, securing the benefits and matters of required to support the development outlined in the Recommendations;

d.) The owner has, at its sole expense:

i. Submitted a revised Functional Servicing Report, including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

ii. Secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services,

should it be determined that improvements or upgrades and/or new infrastructure are required to support the development; and

e.) The owner has submitted a revised Arborist Report, Tree Protection and Preservation Plan, and revised conceptual landscape plan addressing the City-owned trees along Front Street in a manner satisfactory to the General Manager, Parks, Forestry and Recreation and the owner addresses such requirements as may be required regarding City-owned trees under Chapter 813 of the Municipal Code;

f.) The owner has entered into a heritage easement agreement pursuant to section 37 of the Ontario Heritage Act to the satisfaction of the Senior Manager, Heritage Planning and such agreement registered on title to the satisfaction of the City Solicitor;

g.) The owner has entered into a Limiting Distance Agreement between the landowners of 1 Front Street West, 141 Bay Street and the City, to be registered on title to the 141 Bay Street property, to the satisfaction to the City Solicitor, that would prevent the erection of a tall building over a portion of the property at 141 Bay Street lot to achieve a minimum of 12.5 metres from the East Tower, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

8. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

In 1996, the Ontario Municipal Board approved a settlement between the Federal government - the previous owner of the subject site, and the City to permit a tower massing envelope with a maximum height of 137 metres sited in the middle 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 24, 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. 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, south of the subject site. 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>

On May 14, 2019, City Council refused the subject applications. The recommendations of the staff report indicated the proposal was not consistent with provincial policies, does not conform to the intent of the Official plan in replacing and expanding on office uses within the Financial District, does not provided sufficient tall building separation distances, and does not conserve the significant heritage attributes of the Dominion Pubic Building. The decision document can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE5.9>

PROPOSAL

Proposal Refused By City Council

The original proposal contemplated to amend the Official Plan and Zoning By-law for the properties at 1 Front Street West and 141 Bay Street to permit two tall buildings of 45 and 49 storeys on top of the heritage designated Public Dominion Building at 1 Front

Street West. The proposal contemplated 8,986 square metres of retail space; 22,045 square metres for a hotel with 250 rooms, and 55,724 square metres of residential space resulting in 836 dwelling units.

The proposed site and area specific Official Plan Amendment applied to the 1 Front Street West and 141 Bay Street properties in order to specify minimum densities, elimination of tower setback requirements from lot lines, and a minimum tower separation of 20 metres within the policy area, among other proposed policy directions.

The proposed zoning by-law amendment applied to the 1 Front Street West site only to permit an increase in overall density, revised building mass and height, and reduction in tall building setback requirements, among other standards. The zoning by-law amendment also applied to 141 Bay Street for parking and shared access.

Revised Proposal

The revised proposal submitted on April 24, 2020 maintains the two tall buildings of 45 and 49 storeys on top of the Public Dominion Building, with revised masses and siting in order to accommodate sufficient tower separation distances and conservation of the heritage conservation features of the building. Revisions to the overall mixture of land uses are contemplated in this version which proposes: 36,164.3 square metres of office space within the Dominion Public Building and within the proposed shoulder mass on top of the heritage building; 16,283.6 square metres for a hotel containing 253 suites in the West Tower; 5,082 square metres of retail space within the first two storeys of the Dominion Public Building; and 31,855.2 square metres of residential uses containing 408 dwelling units within the East and West Towers.

A site and area specific Official Plan amendment is to be applied to the 1 Front Street West property in order to accommodate the proposal as described in the revised proposal. The lands at 141 Bay Street are removed from the Official Plan Amendment.

The proposed zoning by-law amendments accommodate the proposal in its current form for the site at 1 Front Street West, with provisions for accessing the underground levels of the property at 141 Bay Street in order to meet loading and vehicular access standards.

Refer to Table 1 for a comparison of the key statistics between the original and revised proposal, and Attachment 1 for the Application Data.

Table 1 Proposal Comparison

	Original Proposal	Revised Proposal
Properties	1 Front St. W. & 141 Bay St.	1 Front St. W.

	Original Proposal	Revised Proposal
GFA (sq.m.)		
Office	0	36,164.3
Retail	8,986.0	5,082.6
Hotel	22,045.0	16,283.6
Residential	55,726.0	31,855.1
Total	86,758	89,385.8
Residential Unit Mix		
Bachelor		
1-Bedroom	120 (14%)	0 (0%)
2-Bedroom	424 (51%)	185 (45%)
3-Bedroom	208 (25%)	153 (38%)
Total	84 (10%)	70 (17%)
	836 (100%)	408 (100%)
Residential Amenity Space (sq.m.)		
Indoor	1,672 (2.0 sq.m./unit)	1,567.7 (3.8 sq.m./unit)
Outdoor	913 (1.1 sq.m./unit)	1,085.5 (2.7 sq.m./unit)
No. of Towers	2	2
Tower Heights		
East Tower	156.9	156.9
West Tower	168.7	168.7
Tower Floorplate sq.m.		
East Tower	756	700.0
West Tower	616-653	545.2
Tower Separation	20.8-24.3	24-26

	Original Proposal	Revised Proposal
Setbacks from Streetwall		
East Tower		
North	21.8	24.8
East	4.2-6.0	4.2-6.0
South	Projects southerly by 6.1	0
West	n/a	n/a
West Tower		
North	10.4	10
East	n/a	n/a
South	8.2-12.4	0
West	95.7-96.7	91.5
Shoulder Massing	n/a	5 storeys
Vehicular Parking		
Non-residential	89	135
Residential	94	45
Car-Share	16	15
Total	199	195
Bicycle Parking		
Non-res. Long-term	22	100
Non-res. Short-term	38	96
Res. Long-term	842	370
Res. Short-term	84	50
Total	986	616
Loading and Access	2nd Level underground at 141 Bay St. site	2nd Level underground at 141 Bay St. site

See Attachments 2 and 3 for a three dimensional representation of the revised proposal in context, Attachment 4 for the Location Map, Attachment 9 for the site plan, and Attachments 10 to 13 for the elevations.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Architectural Plans
- Draft Zoning By-law Amendments
- Landscape Plans
- Sun/Shadow Study

- Planning Rationale Addendum
- Toronto Green Standard Checklist
- Pedestrian Wind Study Addendum
- Noise and Vibration Feasibility Study
- Heritage Impact Assessment
- Energy Strategy
- Functional Servicing and Stormwater Management Report
- Preliminary Hydrogeological Investigation
- Transportation Impact Study Addendum

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 revised submission materials have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the proposal and to formulate appropriate Official Plan policies.

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 (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient supply and provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation and employment opportunities;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs;
- conservation of significant built heritage resources; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 4.6 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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) 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 (2019) 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 (2019) 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 to 800 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 8700 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 (2020) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of the 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 3.1.5.24 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 facades 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 4.5 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 designation.

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 5.3.1 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.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

TOcore: Planning Downtown

City Council adopted Official Plan Amendment 406 ("OPA 406") at its meeting on May 22-24, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area.

On August 9, 2018 the City's application under Section 26 of the Planning Act was sent to the Minister of Municipal Affairs and Housing ("MMAH") for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019.. The in-force Downtown Plan may be found here: <https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

The revised proposal is the result of City Council's earlier refusal on the original applications submitted prior to June 5, 2019. As such, this proposal is not subject to OPA 406, the new Downtown Secondary Plan. Notwithstanding this, the revised proposal maintains the general intent and purpose of the policies of the Downtown Plan.

OPA 352 – Downtown Tall Building Setback Area

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

Further background information can be found at www.toronto.ca/tocore.

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

On December 18, 2013, City Council adopted Official Plan Amendment 231 ("OPA 231"), an amendment to the City's economic health and employment lands policies, and subsequently approved, with minor modifications, by the Minister of Municipal Affairs and Housing ("MMAH") in July 2014. Various appeals have been submitted to 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.

The outcome of staff analysis and review of relevant Official Plan policies and designations, 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 centre portion of the site. 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.

See Attachment 7 for the site's existing zoning.

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 24, 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 Meridian Hall) at 6 Scott Street, designated under Part IV of the *Ontario Heritage Act* by By-law 1156-2008.

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 the revised proposal.

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/bqrd/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.

Growing Up Urban Design Guidelines

On July 28, 2020, City Council adopted the updated Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines ("Growing Up Guidelines"). The update was based on the continued review and assessment from the draft guidelines adopted by Council in July 2017. 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 revised 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 Council made a decision on the study and next steps on April 16, 2019. The decision document can be found here: 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 for Site Plan approval has been submitted, file no. 20 144978 STE 10 SA and is being reviewed concurrently with the subject revised proposal. The Site Plan application has been deemed a complete submission under the Planning Act.

COMMENTS

Staff's comments on the original application are provided in the Comments section of the April 10, 2019 refusal report. The following comments are staff's assessment on the changes made in the current revised proposal. Matters that remain unchanged in the revised proposal are not discussed and are satisfactory to City staff.

Planning Act

It is staff's opinion the revised proposal have regard to relevant matters of provincial interest, including sections: 2 d) which speak to the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; 2 k) which speak to the adequate provision of employment opportunities; and 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.

These provincial interests are further articulated through the PPS (2020) and the Growth Plan (2019).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019).

Provincial Policy Statement, 2020

In terms of providing for a mixture of land uses and accommodating for growth in strategic areas, this revised proposal containing a mixture of land uses including office, retail, hotel and residential within the Financial District in Downtown Toronto is consistent with the policies of the PPS (Policies 1.1.1.b, 1.1.3.1, 1.3.1, 1.4.3 f). Specifically, the revised proposal retains and expands on the existing office gross floor area in combination with a hotel use, and meets the policy intent of the Official Plan in directing office growth as a compatible employment use in the Downtown (Policies 1.1.3.3 and 1.1.3.4)

In terms of built form and heritage conservation, the revised proposal in a revised two tall buildings configured and massed to fit to properly conserve the heritage Dominion Public Building, and provide for appropriate tower separation distances is consistent with Policies 1.7.1 d), 2.6.1 and 2.6.3 of the PPS.

Growth Plan, 2019

The subject site is within the Downtown urban growth area ("Downtown UGC") of the Growth Plan. Within the Downtown UGC is the Financial District where the subject site is located, identified in the Official Plan. The Financial District is a core area for substantial office growth.

The revised proposal retains and introduces new office gross floor area for a total of 36,164.3 square metres to be deployed within the Dominion Public Building and within the 5-storey shoulder mass above the heritage building, and conforms to Policy 2.2.5.2 in terms of directing major office growth within the Downtown UGC. The policy direction for major office growth be the focused of the Financial District is articulated in the Official Plan and supporting documents, and this revised proposal conforms to Policies 2.2.2.3 b), d) and f). The provision of a mix of housing units in the revised proposal supports housing choice and conforms to Policy 2.2.6.1.

In terms of built form, the revised proposal ensures there is sufficient separation between tall building masses, with massing additions on top of the Dominion Public building stepback from pedestrian views to ensure the quality public realm and the heritage values of the Dominion Public building are maintained, which conforms to Policies 2.2.2.3 b), and 4.2.7.1.

Land Use

The refused application contemplated a mixture of retail, hotel and residential uses with no replacement of the existing office uses on site totally approximately 31,055 square metres.

The revised proposal provides for a mixture of land uses, containing: 36,164.3 square metres of office space; 5,082.6 square metres of retail space; 16,283.6 square metres for a hotel with 253 rooms; and 31,855.1 square metres for residential use resulting in 408 dwelling units. The mixture of land uses satisfy the policy intent and consistent with direction of the PPS, 2020, the Growth Plan and the Official Plan in ensuring growth for both population and jobs are strategically directed to different areas, with emphasis on employment within the Financial District. Further, the proposed office gross floor area replaces and expands on the existing 31,000 square metres of office gross floor area on-site. The provision of office gross floor area for this site in the Financial District conforms to the Official Plan direction for strategically accommodating office growth, and also conforms to the Council adopted policy direction of OPA 231.

The provision for residential, retail and a hotel use on site will further complement the vibrancy of the Financial District, and supports the creation of complete communities.

Height

The refused application contemplated two tower forms of 168.7 metres and 156 metres located in the eastern portion of the property. Staff indicated the heights previously contemplated generally conform to the Official Plan policy and urban design guideline direction.

The revised proposal continues to propose two tower heights of 168.7 metres and 156.9 metres, and staff have no concern with the revised heights given the changes in the massing and siting of the towers on the site.

Massing and Siting

The refused proposal contemplated the two tower forms in the eastern portion of the site, which generally conforms to the emerging city-initiated Zoning By-law direction. However, the following massing conditions that staff were not in support of:

- Separation distance between the two towers on site ranging between 20.8 to 24.3 metres, whereas a 25 metres is required; and
- The tower setback of the East Tower of 0.5 metres to the rear property line, resulting in an encroachment beyond the rear elevation of the Dominion Public Building by 5 metres, whereas a minimum 12.5 metres setback to the rear property line is required.

The revised proposal continues to propose two massing forms, with a shift to the west in their siting, along with an improved on-site separation distance between 24 to 26 metres, while maintaining a 25 metres distance to the office tower at 141 Bay Street. The massing and the siting of the two towers have been revised to stepback a minimum 10 metres from Front Street East. Further, the East Tower's encroachment over the rear elevation of the Dominion Public Building has been eliminated, resulting in a tower setback of 7 metres to the rear lot line. It is expected that tall buildings be sited at a minimum 12.5 metres from a rear lot line, therefore staff will be requiring the applicant to

enter into a limiting distance agreement with with the owner to the south to limit tall building proposals south of the portion of the site.

The revised massing changes result in tower floor plates of 700 square metres for the West Tower and 545 square metres for the East Tower, and floor plate sizes continue to meet the tall building urban design guidelines.

A five storey shoulder mass sited on top of the Dominion Public Building and connected to the West and East Towers is proposed as part of the revised proposal to accommodate the various land uses on the-site, and is sensitively inserted with a mass that will not be seen from pedestrian views along Front Street and certain vantage points from Yonge Street.

Shadow Impact

The refused proposal results in incremental shadows on the open spaces within the Brookfield Place complex to the north and the surrounding pedestrian sidewalks between March 21st to September 21st. Staff was of the opinion the amount of shadows cast from this proposal was acceptable.

The Sun Shadow Studies submitted in support of the the revised proposal generally maintains the same level of incremental shadow impacts to the surrounding public realm.

Wind Impact

The refused proposal results in wind conditions that would be generally be comfortable for pedestrians and occupants based on their intended uses. However, staff noted discrepancies in the Pedestrian Level Wind Study and asked for further information be provided in an addendum report.

The Pedestrian Level Wind Study addendum submitted in support of the revised proposal confirms the surrounding pedestrian sidewalks and the proposed outdoor amenity areas will have comfortable wind conditions for their intended uses. Staff request a Final Pedestrian Level Wind Study be completed prior to final site plan approval, with any mitigation measures secured in the site plan agreement.

Noise Impact

The refused proposal results in noise levels that can be mitigated through the use of certain building materials, implementation of ventilation equipment, and warning clauses in all purchase and sale agreements. Staff noted further information is to be provided in an addendum noise study in order to confirm on the noise impacts in the lower levels of the proposal.

The Environmental Noise and Vibration Assessment submitted in support of the revised proposal reconfirms the analysis provided in the original proposal, but did not provide the additional information staff has requested. However, recommendations on necessary mitigation measures were provided for the lower levels of the proposal. Staff

request a revised Environmental Noise and Vibration Assessment to include additional sensor locations be completed prior to final site plan approval, with any mitigation measures secured in the appropriate agreement(s).

Vehicular and Loading Access

The refused proposal contemplated vehicular and loading access be shared between the subject site and the 141 Bay Street property to the south. Staff reviewed the Transportation Impact Study and concurred with its findings.

The revised proposal maintains the shared vehicular and loading access. Staff have no concerns with the vehicular and loading access arrangement provided the owners of the subject site and 141 Bay Street enters into the necessary easements/rights-of-ways. These matters related to easement and right of way access will generally be outlined in the Section 37 Agreement, but will be implemented through the site plan agreement stage. It is staff's understanding that the owner of 141 Bay Street is aware of these requirements and to staff's have not raised a concern with the City for the shared access facilities and any required easements to facilitate such access.

Vehicular Parking

The refused proposal provided 199 spaces consisting of: 94 residential; 89 commercial and 16 car-share spaces. Staff accepted the number of parking spaces provided.

The revised proposal provides 195 spaces consisting of: 135 commercial; 45 residential and 15 car-share spaces. Staff reviewed the revised Transportation Impact Study in support of the revised proposal and finds the number of parking spaces acceptable. The parking rates for the proposed uses will be secured as part of the amending Zoning By-laws. The owner will be encouraged to provide spaces that are dedicated for low emitting vehicles.

Bicycle Parking

The refused proposal provided 986 parking spaces, which exceeded the Zoning By-law and Toronto Green Standard requirements.

The revised proposal provides 616 spaces, consisting of: 100 commercial long-term; 96 commercial short-term; 370 residential long-term; and 50 residential short-term spaces. The number of spaces exceeds the Zoning By-law and Toronto Green Standard requirements and is acceptable.

Public Realm

The refused proposal contemplated a linear open space at the rear of the site, to be combined with the open space proposed on the northern portion of the 141 Bay Street property to form a publicly accessible open space connecting Bay Street and Yonge Street.

The revised proposal maintains the public realm design shown in the original. Staff supports this open space and requires this space be secured as a privately-owned

publicly-accessible space ("POPS") and registered on title as an easement prior to final site plan approval.

It is noted the City is undergoing an internal streetscape design review to modify the curb line along the Front Street corridor, which include the section of Front Street West that abuts the subject site. Further design of the Front Street West frontage will be explored through the site plan review process.

Potential below-grade public pedestrian connections to the PATH network and transit stations were explored by the applicant throughout the original and revised proposal. Staff will continue to work with the applicant should the opportunity arise for such connections in the site plan application process.

Servicing, Stormwater Management and Hydrogeological Impacts

The Functional Servicing and Stormwater Management report, a preliminary Hydrogeological Investigation and a preliminary Geotechnical Investigation were submitted. Staff reviewed the documentation as part of the refused proposal and indicated outstanding issues need to be resolved prior to an approval.

Revised Functional Servicing and Stormwater Management report, Hydrogeological Investigation and Geotechnical Investigation reports were submitted in support of the revised proposal. Engineering and Construction staff has reviewed the documentation and have outstanding issues to be resolved. Staff require all outstanding matters be resolved prior to the LPAT issuing its Final Order on the amending zoning by-law application.

Housing

The refused proposal contemplated the following mixture of residential units: 12-bachelor (14%), 424 one-bedroom (51%); 208 two-bedroom (25%); and 84 three-bedroom (10%). The provision of two-bedroom units range in size between 62.6 square metres to 76.4 square metres, and the three-bedroom units range in size from 79.6 square metres to 107.1 square metres.

The revised proposal provides the following mixture of residential units: 185 one-bedroom (45%); 153 two-bedroom (38%); and 70 three-bedroom (17%). The two-bedroom units range in size between 65.8 square metres to 90.9 square metres, and the three-bedrooms range in size ifrom 91.4 square metres to 108.5 square metres. Staff notes the average unit sizes of the two and three-bedroom units do not adequately support the unit size objectives of the Growing Up guidelines, where 90 square metres and 106 square metres for two and three bedroom units respectively are envisioned. Staff will continue to work with the applicant on improving the 2 and 3 bedroom unit sizes to better align Growing Up Guidelines. The proportion of two and three bedroom units meets the Official Plan and Downtown Plan's direction, and as such, staff finds the unit mix for the proposal acceptable.

Amenity Space

The refused proposal contemplated 1,672 square metres of indoor amenity space and 913 square metres of outdoor amenity space for the residential component. The proposed amenity space equates to 2.0 square metres per unit of indoor amenity space and 1.1 square metres per unit of outdoor amenity space. Staff indicated that the proposal will require an increase in outdoor amenity in proportion to the amount of residential units.

The revised proposal provides 1,567 square metres and 1,085 square metres of indoor and outdoor amenity spaces respectively. The amount equates to over 2 square metres per unit for both indoor and outdoor amenity spaces. Staff finds the increase in amenity space for the revised proposal will provide space for the enjoyment of residents of the proposed development.

Parkland

The review of the original application contemplated the possibility of an off-side parkland dedication within the vicinity of the subject site in order to satisfy parkland dedication requirements. Should an off-site parkland dedication not be possible, cash-in-lieu will be required.

Parks, Forestry & Recreation staff have reviewed the revised proposal. In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant will be required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential component of the revised proposal is subject to a 2% parkland dedication while the residential component is subject to a cap of 10% parkland dedication.

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.

Heritage Conservation

The refused application did not conserve the heritage attributes of the Dominion Public Building. Specifically, it was staff's opinion that the massing of the additions to the Dominion Public Building had an unacceptable impact on the scale, form, and massing of the heritage building. Further, that the refused proposal requested several interior and exterior alterations that negatively impacted the heritage attributes of the Dominion Building and were also not consistent with the Union Station Heritage Conservation District. The requested external alterations would have seen extensive alteration to the primacy façade of the beaux arts style building with all of the ground floor window openings being extended to grade.

Heritage Planning has reviewed the Heritage Impact Assessment prepared by ERA Architects Inc. submitted in support of the revised proposal. Heritage Planning staff intend to bring forward a heritage alteration report that provides directions on the requested alterations under Part IV and V of the Ontario Heritage Act. The concerns regarding heritage conservation and the extensive alterations originally requested has been resolved in the revised proposal. The HIA states that proposed development

conserves the cultural heritage values, attributes, and character of the site, its contribution to the cultural heritage value of the Union Station Heritage Conservation District, and the District as a whole. Generally, staff now agree with this assessment on the basis of the revised proposal.

Tree Preservation

There are seven trees on and within six metres of the subject site. Urban Forestry staff reviewed the Tree Inventory and Preservation plan and report as part of the refused application, and indicated the information did not meet the city's Tree By-laws.

Urban Forestry staff reviewed the conceptual landscaping plan submitted as part of the revised proposal, which shows the removal of one tree, and the planting of three new trees, resulting in 9 trees along the Front Street West frontage. At this time, Urban Forestry staff advises the documentation submitted at this time is not acceptable and that the requirements related to the city's Tree By-laws must be completed prior to the Final Order approving the amending zoning by-laws.

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, Draft Plans of Subdivision and Site Plan Control 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 on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured include bicycle parking rates, shower and change facilities; and waste storage rooms.

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. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the revised proposal is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement in a value of \$4,600,000 are to be allocated to the following facilities:

1. Affordable housing units;
2. Capital repairs to the Toronto Community Housing buildings;
3. Community services and facilities; and
4. Local parkland and streetscape improvements.

Any cash contribution would be provided before the first above grade building permit for the site is issued.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. Mitigation measures of the Wind Study;
2. Mitigation measures of the Noise and Vibration Study;
3. The east-west POPS;
4. Performance measures of the Toronto Green Standard; and
5. Underground knock out panels to connect to PATH network if feasible.

City-Initiated Zoning By-law Amendment

As indicated in the Decision History of this report, staff is undertaking the review of the city-initiated rezoning to shift the massing of a permitted tower in the central portion of the site to the east, file no. 17 125756 STE 28 OZ. Staff is of the opinion the revised proposal and the resulting amending zoning by-law subject to this appeal will adequately satisfy the intent and objectives of the city-initiated zoning by-law review. As such, staff recommend Council to close the city-initiated rezoning application once the LPAT issues its Final Order approving the amending zoning by-laws to accommodate the revised proposal.

Conclusion

The revised proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019), the Toronto Official Plan and applicable urban design guidelines. Staff are of the opinion that the revised proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to providing office gross floor area within the Financial District, conserving the Dominion Public Building, and creating a vibrant public realm. Staff worked with the appellants and the participants to address and resolve the following key concerns: tower separation, heritage conservation, and the mixture of land use, in particular the retention and expansion of office uses. Staff recommend that Council support the approval of the revised proposal at the LPAT.

CONTACT

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SIGNATURE

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

ATTACHMENTS

- Attachment 1: Application Data Sheet
- Attachment 2: 3D Model of Proposal in Context - View Looking Southwest
- Attachment 3: 3D Model of Proposal in Context - View Looking Southeast
- Attachment 4: Location Map
- Attachment 5: Official Plan Land Use Map
- Attachment 6: Official Plan Downtown and Central Waterfront Map
- Attachment 7: Existing Zoning
- Attachment 8: Draft Official Plan Amendment
- Attachment 9: Site Plan
- Attachment 10: North Elevation
- Attachment 11: East Elevation
- Attachment 12: South Elevation
- Attachment 13: West Elevation

Attachment 1: Application Data Sheet

Municipal Address: 1 FRONT ST W Date Received: July 25, 2018

Application Number: 18 199835 STE 28 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: This application is currently under appeal at the LPAT. The original application was refused by City Council on May 14, 2019. The applicant has submitted a revised proposal to permit 2 towers on top of the existing heritage designated Dominion Public Building. A total of 89,385.76 square metres of gross floor area is proposed, consisting of 408 residential units, 408 hotel rooms, 5,082.63 square metres of retail, and 36,164.3 square metres of office.

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:	
Zoning:	CR 6.0 (c6.0; r6.0) SS1 (x2116)	Heritage Designation:	Y
Height Limit (m):	16	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 7,741 Frontage (m): 170 Depth (m): 75

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			6,632	6,632
Residential GFA (sq m):			31,855	31,855
Non-Residential GFA (sq m):	31,031	31,031	57,531	88,562
Total GFA (sq m):	31,031	31,031	89,386	120,417
Height - Storeys:	5	5	49	49
Height - Metres:	22	22	169	169

Lot Coverage Ratio (%): 85.67 Floor Space Index: 15.56

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 31,855
 Retail GFA: 5,083
 Office GFA: 36,164
 Industrial GFA:
 Institutional/Other GFA: 16,284

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			408	408
Freehold:				
Condominium:				
Other:				
Total Units:			408	408

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			185	153	70
Total Units:			185	153	70

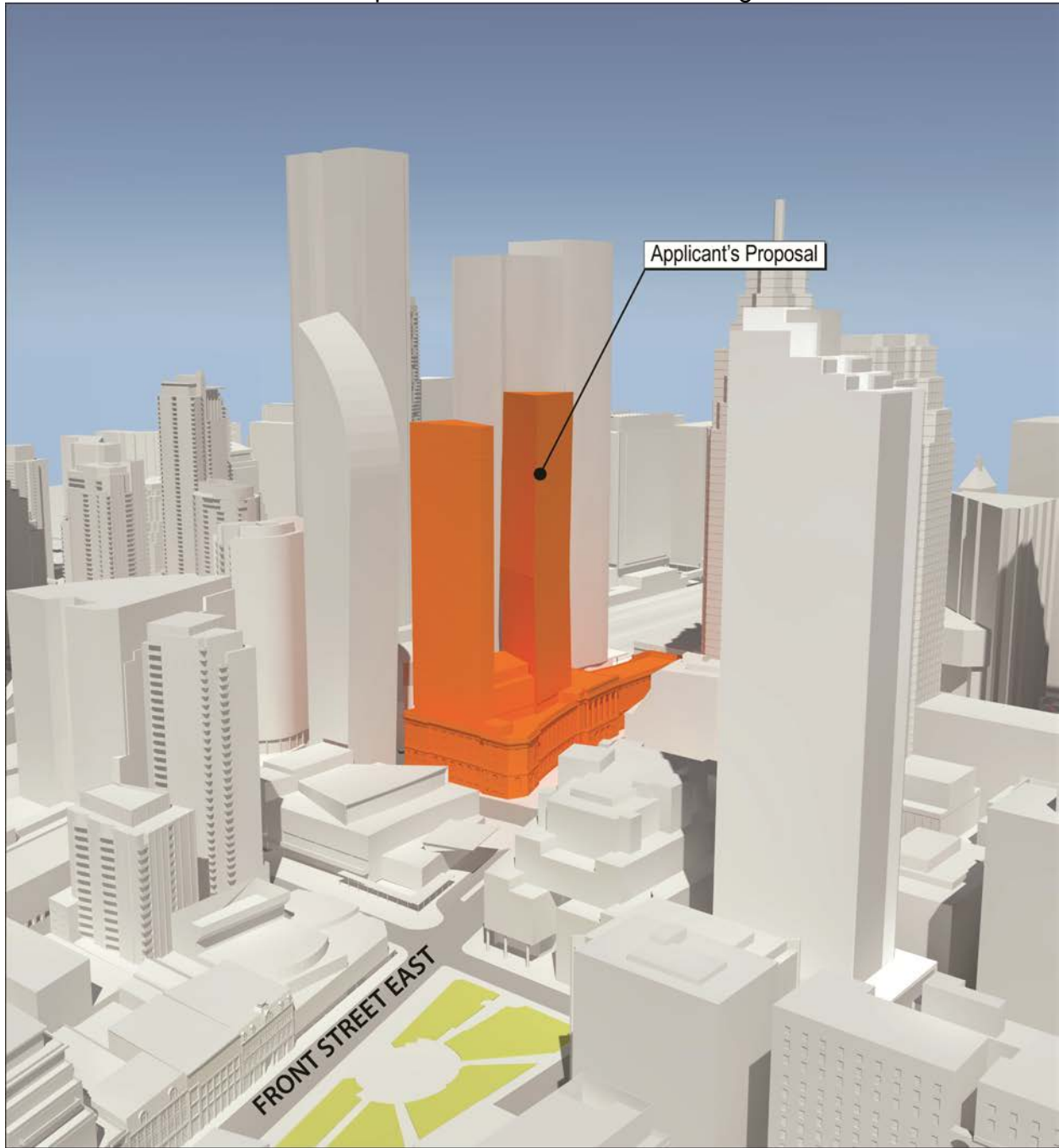
Parking and Loading

Parking Spaces: 195 Bicycle Parking Spaces: 616 Loading Docks: 1

CONTACT:

Henry Tang, Senior Planner, Community Planning
 (416) 392-7572
 Henry.Tang@toronto.ca

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



View of Applicant's Proposal Looking Southwest



07/24/2020

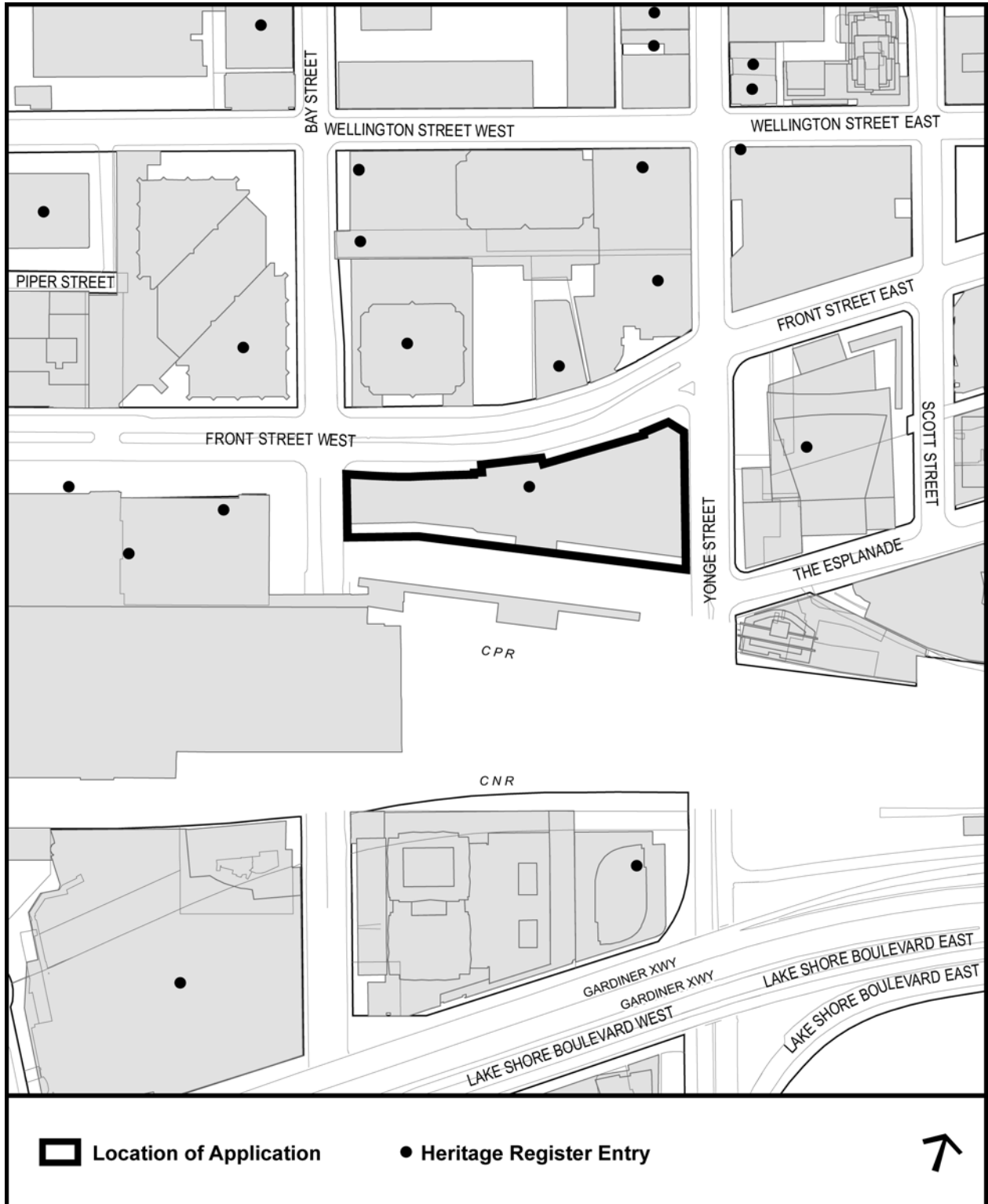
Attachment 3: 3D Model of Proposal in Context - View Looking Southeast



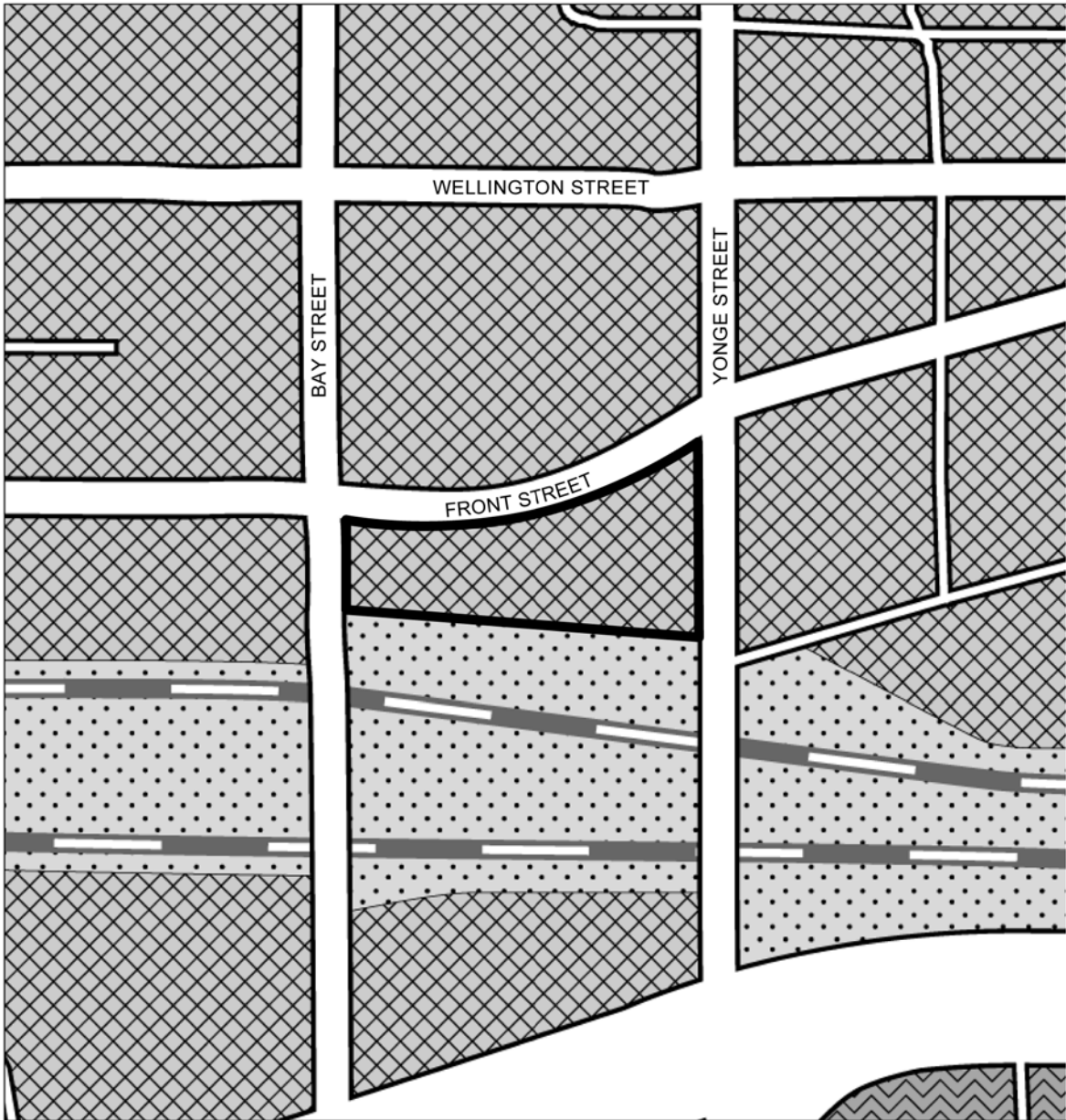
View of Applicant's Proposal Looking Southeast

07/24/2020

Attachment 4: Location Map



Attachment 5: Official Plan Land Use Map



 **TORONTO** City Planning
Extract from Official Plan

1 Front Street West

File # 18 199835 STE 28 0Z

-  Site Location
-  Utility Corridors
-  Regeneration Areas
-  Mixed Use Areas


Not to Scale
07/17/2020




Attachment 6: Official Plan Downtown and Central Waterfront Map



 **TORONTO** City Planning
Official Plan Map 6

1 Front Street West

File # 18 199835 STE 28 OZ

-  Site Location
-  Downtown and Central Waterfront
-  Financial District


Not to Scale
07/17/2020

AMENDMENT NO. 507 TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2018 AS 1 FRONT STREET WEST

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

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 589 for lands known municipally in 2018 as 1 Front Street West, as follows:

589 1 Front Street West

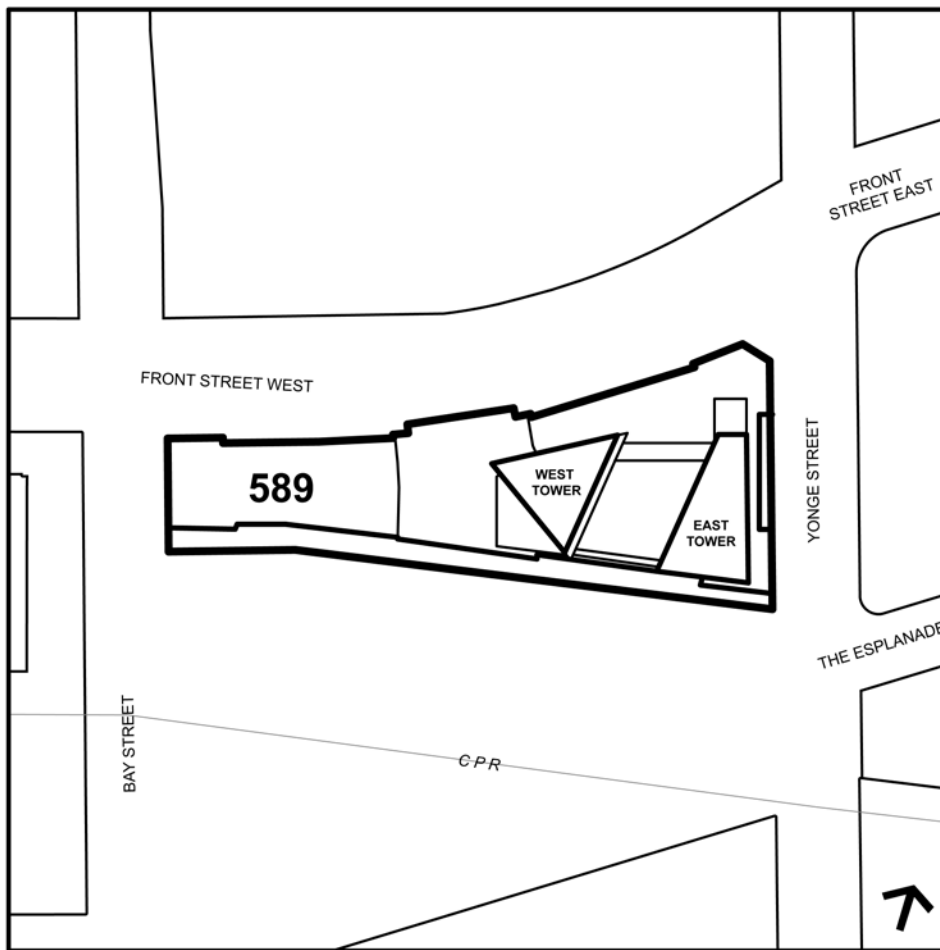
Two tall buildings above the existing Dominion Public Building consisting of a mixture of uses are permitted, subject to the following provisions:

(a) The maximum gross floor area for the Dominion Public Building and any additions is 90,000 square metres, with a minimum gross floor area for non-residential uses of 51,000 square metres, of which a minimum 35,000 square metres of the non-residential gross floor area shall be for office uses.

(b) The West Tower will have a maximum height of 168.7 metres and a maximum floor plate area of 545 square metres.

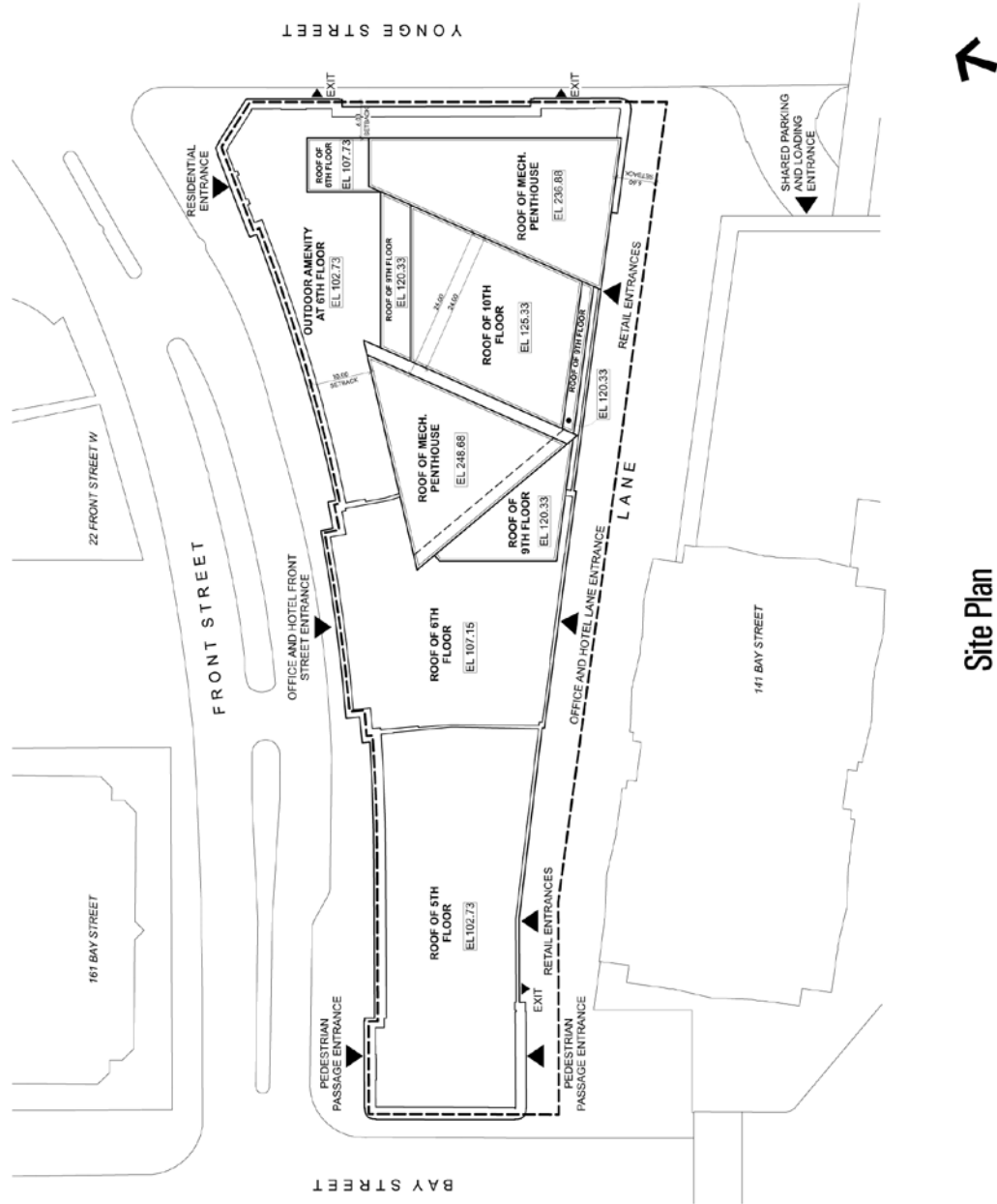
(c) The East Tower will have a maximum height of 156.9 metres and a maximum floor plate area of 700 square metres.

(d) The minimum tower separation distance between the West Tower and East Tower will be 24 metres measured at an approximate height of 88.8 metres, and will increase to a minimum of 26 metres at both the base and top of the East Tower.

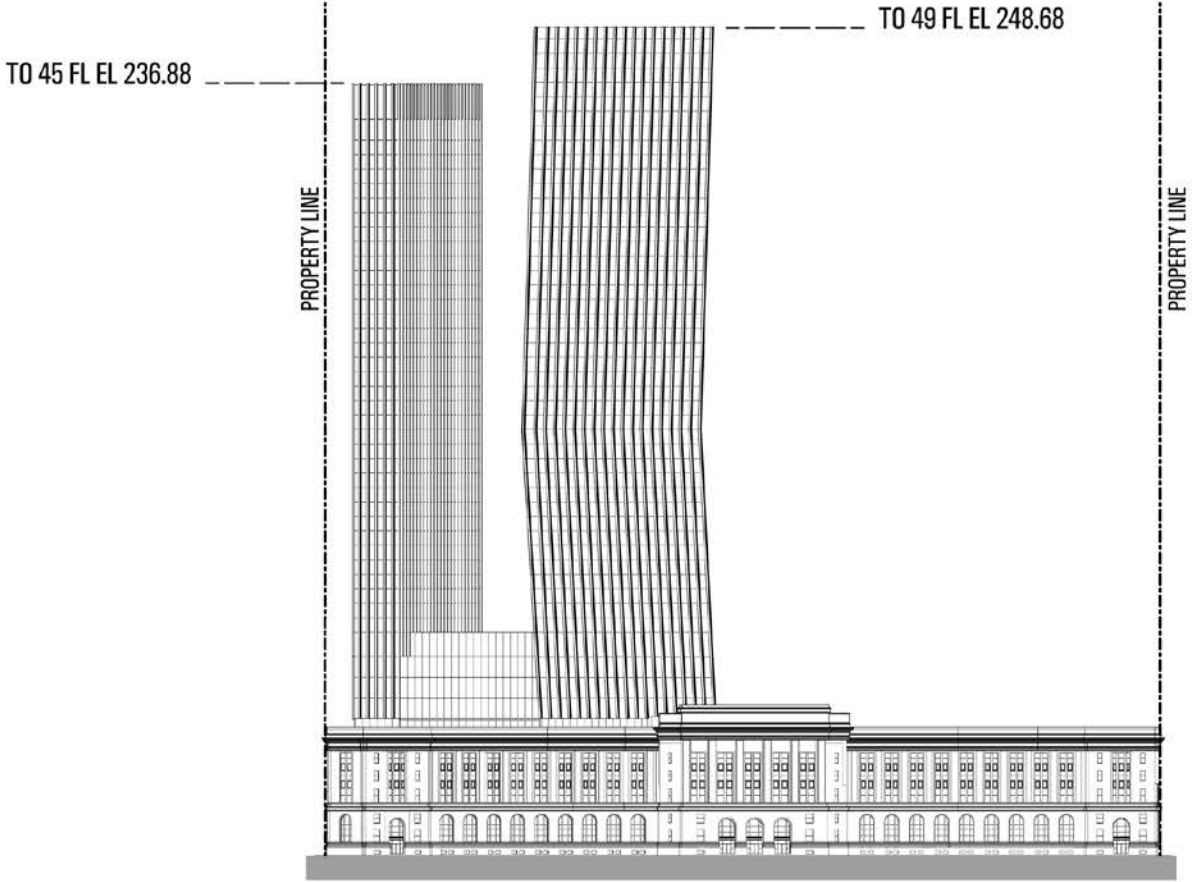


2. Chapter 7, Map 29, Site and Area Specific Policies, is revised to add the lands known municipally in 2018 as 1 Front Street West shown on the map above as Site and Area Specific Policy No. 589.

Attachment 9: Site Plan

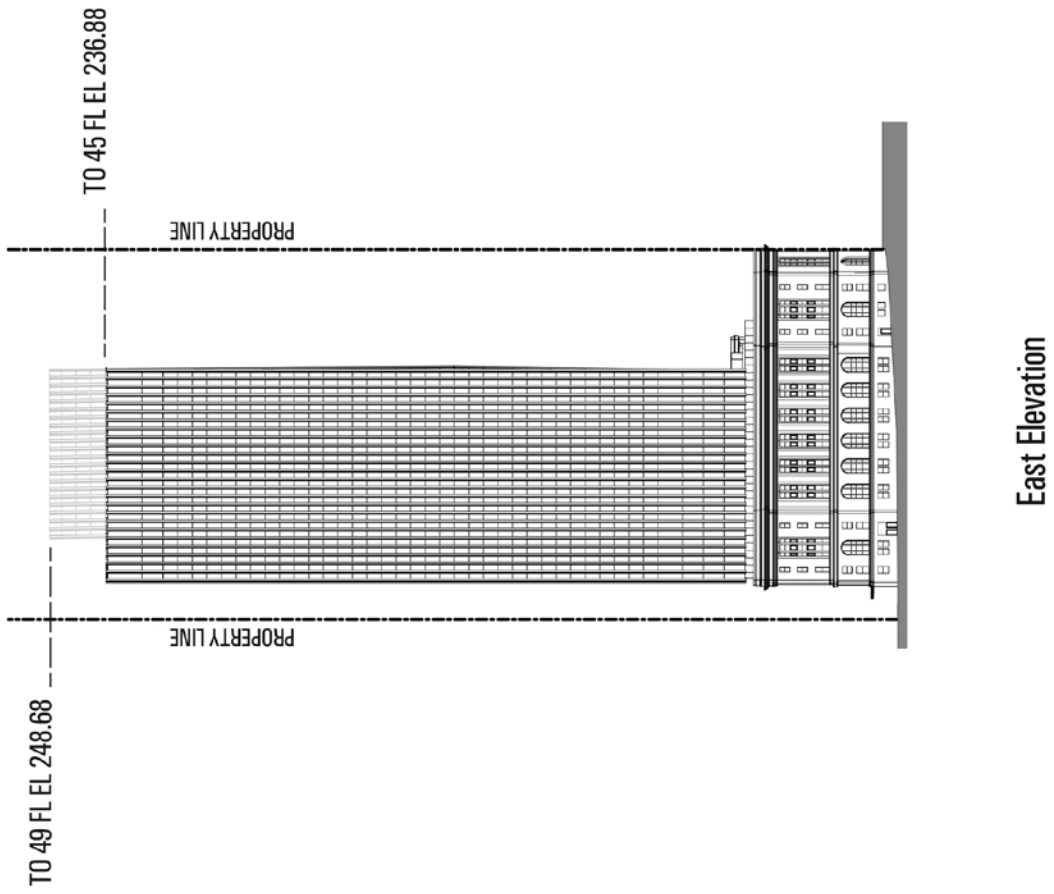


Site Plan

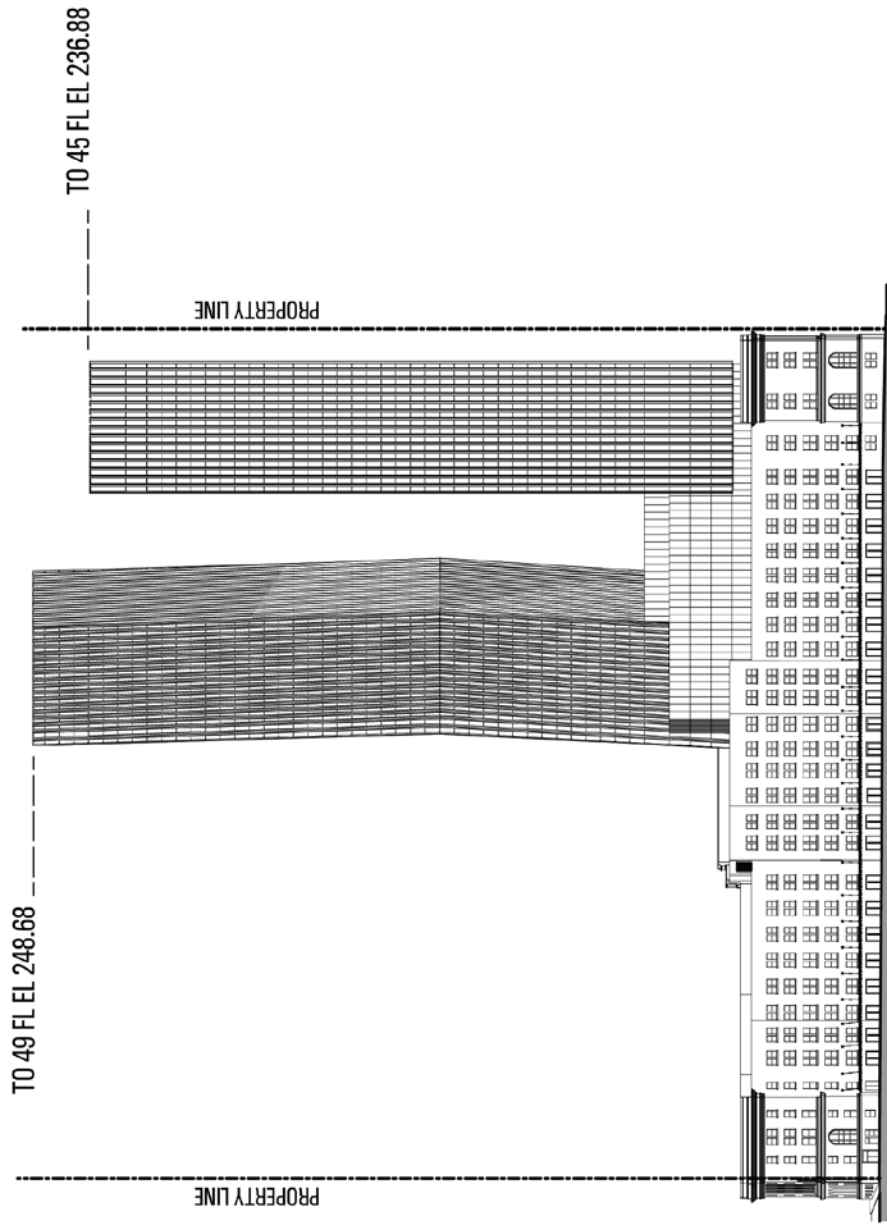


North Elevation

Attachment 11: East Elevation



Attachment 12: South Elevation



South Elevation

Attachment 13: West Elevation

