

**90 Harbour Street and 1 York Street
Official Plan Amendment and Zoning Amendment
Applications - Preliminary Report**

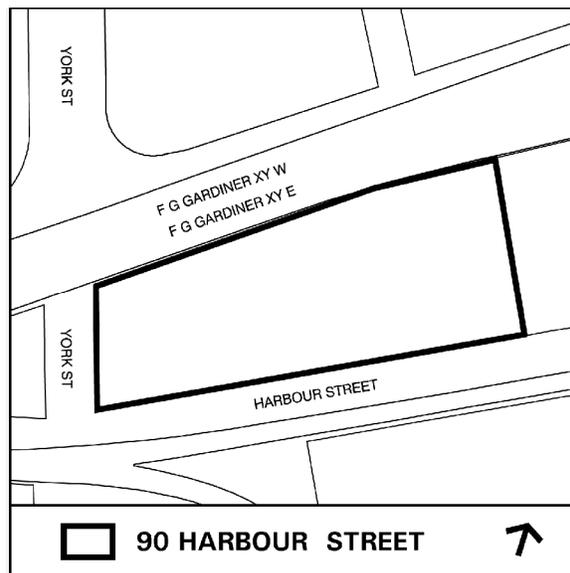
Date:	November 28, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	11 295626 STE 28 OZ

SUMMARY

This application proposes one office building and two residential towers with a common podium ranging from 4 to 9 storeys at 90 Harbour Street and 1 York Street. The proposed office building is 31 storeys (150 metres) and the two residential towers are 70 storeys (239 metres including mechanical penthouse) each with a total of 1,423 dwelling units. There are three storeys of commercial retail proposed in the base of the podium. The proposal integrates the PATH pedestrian bridge spanning from 85 Harbour Street to the Air Canada Centre (40 Bay Street) along the easterly perimeter of the building on the second floor.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process.

The next step is to conduct a community consultation meeting to allow the public to review the application and provide feedback.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 90 Harbour Street and 1 York Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on October 3, 2011. At that meeting, the proponent outlined the proposal for a mixed use development with a 31-storey (150 metre) office building on the westerly part of the site and two 70-storey (239 metre) residential towers on the easterly portion of the site. Two access points were proposed each off of Lake Shore Boulevard West and Harbour Street with a drop-off area at the north east corner of the site. The proposal presented at the pre-application meeting is exactly the same proposal as submitted to the City with these applications.

During the meeting, staff raised concerns over the site specific Official Plan policies regarding the view corridor between Queens Quay and the Financial District, minimum tower separation requirements, setbacks to the easterly property boundary, height of the residential towers, minimum requirements for incorporating the PATH connection and future PATH connections, lack of family sized units, heritage retention of materials from the demolished building, reduction in bicycle parking, access off of Lake Shore Boulevard and Harbour Street, provision of an internalized taxi stand in accordance with the Official Plan requirements, provision of amenity space (internal and external).

ISSUE BACKGROUND

Heritage Background

Following research and evaluation in early 2006, City staff determined that the former Workmen's Compensation Building (1953) at 90 Harbour Street merited inclusion on the City of Toronto Inventory of Heritage Properties for its cultural heritage value as a good example of a mid 20th century office building that contributes contextually to the character of the Central Waterfront.

In a report dated March 9, 2006 to the Toronto Preservation Board and Toronto and East York Community Council, staff recommended that City Council include the property on the City's heritage inventory but advised that properties owned by the provincial government and its agencies were no longer eligible for municipal designation under Part IV, Section 29 of the Ontario Heritage Act. Notwithstanding this advice, at its meeting of June 27, 28 and 29, 2006, City Council placed the building on the city's heritage inventory and stated its intention to designate the property under Part IV, Section 29 of the Ontario Heritage Act.

Following the receipt of a letter of objection from the Ontario Realty Corporation (ORC), the City Clerk referred the matter to the Conservation Review Board. The Review Board convened a pre-hearing conference on August 31, 2007 with representatives of the ORC and City staff. City Legal concurred that under the changes to the Ontario Heritage Act (2005), municipalities cannot designate provincially owned properties. Section 26.1(1) of the Ontario Heritage Act states that municipal designation does not apply to property that "is owned by the Crown in right of Ontario or by a prescribed public body" (as described in Section 25.2 (2)(a)).

The parties reached an agreement that the ORC would withdraw its objection to the designation provided that the City then would withdraw its notice of intention to designate the site. The City's notice of intention to designate was withdrawn at its meeting of January 28 and 29, 2008, but the site remained listed on the City's heritage inventory, enabling staff to monitor any permits affecting its heritage attributes. Also any future owner would be subject to the requirement to submit a notice of its intention to demolish a heritage property under the provisions of the Ontario Heritage Act.

The property at 90 Harbour Street remained listed on the City of Toronto Inventory of Heritage Properties while ORC put the land and building up for sale. Potential purchasers were advised that if the ORC were to sell the property to an owner in the private sector, City Council would then have the ability to designate the property under Part IV, Section 29 of the Ontario Heritage Act. The ORC provided information to city staff with respect to the prevalence of on-site contamination and advised the city that they had conducted an assessment of the property and determined that it did not have provincial significance.

The building was occupied by the Ontario Provincial Police as its headquarters from 1975 until 1989, and had been vacant since that time apart from short-term occupancy for film productions. In the summer of 2011 the building was demolished under ORC ownership and without the knowledge of Planning staff. Staff have been advised that some exterior panels and interior elements were salvaged and stored but at present it is unclear the extent of the salvage or the intent of incorporation. No heritage materials have been provided in the submission package.

Proposal

The applicant is proposing a 31-storey (150.4 metres including mechanical penthouse, 140.4 excluding mechanical penthouse) office building with a 3-storey podium, and two

70-storey (239.5 metres including mechanical penthouse, 229.5 excluding mechanical penthouse) residential condominiums with an 8-storey podium. The development contains a total of 1,426 residential units including 95 bachelors (7%), 1,069 one-bedroom units (75%), 186 two- bedroom units (13%) and 76 three- bedroom units (5%). The proposed tower separations are 20 metres from the office building to the west residential tower, 18.2 metres from the west residential tower to the east residential tower and 5.5 metres from the east residential tower to the property line of the adjoining lot owned by the Toronto Port Authority. When the two residential towers are viewed from the south or north the straight on separation distance is 14.12 metres. There is currently site specific zoning in place to permit a tower on 60 Harbour Street immediately to the east of this site. The separation distance of the proposed east residential tower on the subject site to the permitted area for a tower on the abutting 60 Harbour Street site (owned by the Toronto Port Authority) in accordance with the zoning is 45 metres. The zoning for 60 Harbour Street also permits a lower building of 10 metres in height to be built up to the adjoining westerly lot line.

The applicant is proposing four levels of underground parking with one level shared parking for residential visitors and retail units and three additional levels of underground parking where the garage is separated into two sections, one for residential use and one for commercial office use. There are a total of 791 parking spaces proposed that include 411 spaces for residential use, 213 spaces for office use, and 167 spaces for shared commercial use for both residential visitors and retail unit parking. A total of 1,327 bicycle parking spaces are proposed to be provided on the ground floor and mezzanine level, including 1,141 residential spaces, 154 office spaces and 32 for the commercial and fitness centre. A total of 333 short term spaces are also provided, which includes 30 BIXI spaces.

The proposed tower dimensions, typical floor areas and gross floor areas are as follows:

	Office Tower	West Residential Tower	East Residential Tower
Dimensions of the Tower	67.67m x 41.95m	30.22m x 25.75m	25.10m x 38.7m
Typical Tower Floor Area	2,838.75 sq.m.	778.16 sq.m.	971.37 sq.m.
Total Gross Floor Area of the Tower	77,184 sq.m.	53,556 sq.m.	42,856 sq.m.

A service driveway is proposed to run through the middle of the site between Lake Shore Boulevard West and Harbour Street. The service driveway will provide access to the residential parking garage ramp and to the commercial and residential loading areas, all of which are internalized within the building. One Type B and one Type G loading space are proposed to serve the residential buildings, while six loading spaces are provided for the commercial uses (one Type A, two Type B, and three Type C). The loading and building service functions are located within the northerly portion of the ground floor, set back from the Harbour Street and York Street frontages.

The two condominium towers propose a combined residential gross floor area of approximately 99,358 square metres with approximately 869 square metres of indoor amenity space including lounge rooms, theatre space, meeting rooms and 2,416 square metres of outdoor amenity space. A commercial fitness club is being proposed to address the indoor active amenity space needs. The fitness club is proposed to be 2,687 square metres. The office tower proposes 77,184 square metres of office space, with 574 square metres of retail at-grade.

The ground floor contains the residential and office lobbies, as well as street-related retail space along both Harbour Street and York Street. The second and third floors of the podium building will be used for a mix of retail and commercial office space. The office component will be located along the York Street frontage and the westerly third of the Harbour Street frontage. The remainder of the podium will be used for a large two-storey retail area of approximately 11,550 square metres, which will be accessed by way of a retail galleria on Harbour Street at the ground floor level as well as by retail elevators from the P1 parking level. The second floor also encompasses the PATH pedestrian connection that extends from the second floor of the Waterpark Place Phase III building at 85 Harbour Street to the south to the second floor of the Air Canada Centre to the north. The PATH pedestrian bridge is currently undergoing site plan review under file 11-220406 STE 28 SA. The subject application will be reviewed to ensure that the provisions of the site plan for the PATH pedestrian bridge will be addressed in this location.

The applicant proposes to implement the City Council approved York Street Pedestrian Promenade Plan by providing a setback of the podium base for an expanded sidewalk area on the site with a minimum width of 6.0 metres along York Street. Continuous weather protection is being provided by the cantilever of the building at the second floor by 5.5 metres. Street trees are also proposed along each frontage of the site.

Attachments 1 and 2 show the proposed site plan and elevations for the project. For a summary of the application details, please refer to the Application Data Sheet in Attachment 5.

Site and Surrounding Area

The site is located at the northeast corner of York Street and Harbour Street and occupies the westerly portion of the block bounded by York Street to the west, Lake Shore Boulevard West/Gardiner Expressway to the north, Bay Street to the east and Harbour Street to the south. The subject site is 1 hectare in size with frontages of 169.8 metres along Harbour Street, 48.8 metres along York Street and 164 metres along Lake Shore Boulevard West. The site is located in the Union Station District Plan and the proposed expansion area for the Waterfront Business Improvement Area.

The surrounding land uses are as follows:

North: Lakeshore Boulevard West/Gardiner Expressway, further to the north Maple Leaf Square at 15 York Street, consisting of a 10-storey mixed use podium connecting a 50-storey residential tower and a 54-storey residential tower.

South: Harbour Street and beyond is the Gardiner Expressway off-ramps leading to York Street and Bay Street, and Waterpark Place office complex, consisting of an existing 18-storey office tower and a 24-storey office tower in Phase I and II and approval for a 30-storey office tower in Phase III at 85 Harbour Street which is currently in the final stages of site plan review under application 11-194925 STE 28 SA.

East: Toronto Harbour Commission building at 60 Harbour Street, a six-storey building that is a designated heritage building subject to a Heritage Easement Agreement with the remainder of the site being used for commercial parking. These lands have a site specific by-law that permits a 125 metre high (approximately 26 storey) office building between Bay Street and the heritage building.

West: A triangular lot at 120 Harbour Street, which is owned by Build Toronto and is presently utilized as a police compound and a surface parking lot managed by the Toronto Parking Authority. These lands are subject to a publicly announced development proposal for a 75-storey residential condominium with below and above grade parking; no development application has been submitted to the City for these lands to date.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is located within the *Downtown and Central Waterfront* area on Map 2 – Urban Structure in the Official Plan. Attachment 4 shows the Official Plan designation for the site and surrounding area.

In the City of Toronto's Official Plan, the lands at 90 Harbour Street are designated *Regeneration Areas*. These areas are intended to provide for a broad mix of commercial, residential, light industrial, institutional and live/work uses in an urban form in order to revitalize areas that are largely vacant or underused and to create new jobs and homes that use existing roads, transit, sewers, social services and other infrastructure.

The Development Criteria for *Regeneration Areas* requires that development should not proceed prior to approval of a Secondary Plan. The Official Plan sets out criteria through which a Secondary Plan would guide the revitalization of the area. The subject site is within the Central Waterfront Secondary Plan which is further discussed in the next section of this report.

The Official Plan also contains Site Specific Policy 159 which applies to 90 Harbour Street. This policy provides specific wording in addition to the policies in Section 3.1, Built Environment that requires the following:

- a) a 9.0 metre setback along the east property line which is intended to accommodate views from the Financial District though to the waterfront;
- b) a 6.0 metre setback along the north property line separating the development from the Gardiner Expressway and Lake Shore Boulevard West; and
- c) a separation between high buildings on the site to preserve views through the property from the north towards Lake Ontario and from the south towards the Financial District.

The applicant has applied for an Official Plan Amendment to delete the requirements of Site Specific Policy 159.

The City of Toronto's Official Plan is available on the City's website at:
http://www.toronto.ca/planning/official_plan/introduction.htm

Central Waterfront Secondary Plan

The Central Waterfront Secondary Plan was adopted by Council on April 16, 2003 as an amendment to Part II of the former City of Toronto Official Plan. It was appealed in its entirety, and although parts of the Plan have been approved by the Ontario Municipal Board, the Plan is not approved and in force as it applies to the subject site.

The Secondary Plan identifies the subject site as "*Regeneration Area*" on Map E-Land Use Map. This designation applies to larger blocks and permits mixed-use development ranging from industries to housing to community services and parks including offices, hotels and restaurants. New development should incorporate a wide mix of uses both public and private and should be designed at ground level to complement the activities anticipated in adjacent public spaces. The Regeneration sites will be subject to particular attention to ensure the highest quality of built form and design expected. The policies note that peer review of the design issues will be undertaken to ensure the high standards

of excellence and to address scale, range of uses and overall building design. The Secondary Plan also contains policies to address enhanced public realm.

The Central Waterfront Secondary Plan is available on the City's website at: http://www.toronto.ca/waterfront/cwp_2006.htm

Zoning

The site is zoned CR T6.0 C6.0 R0. The easterly portion of the site has a height limit of 125 metres, while the westerly portion has a height limit of 115 metres. The CR zone permits a wide range of residential and non-residential uses including apartment buildings, retail stores, offices, hotels and parks. The zoning permits a maximum non-residential density of 6.0 times the area of the lot. The current zoning does not allow for residential density. Attachment 3 shows the zoning for the site and surrounding area.

The site is subject to a restriction in Section 12(2)302 which requires a minimum above-grade setback of 10 metres from York Street and 3 metres from Lake Shore Boulevard West.

Tall Building Guidelines

Toronto City Council approved the use of the document, "Design Criteria for Review of Tall Building Proposals" in June, 2006 and in April, 2010 extended authorization of its use. A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site. In this case, the right-of-way for Harbour Street east of York Street is 27 metres wide according to Official Plan Map 3 – Right-of-Way Widths Associated with Existing Major Streets. York Street is shown as "non-uniform width to be retained as existing at the time of Plan adoption" according to Official Plan Map 3. As such, the proposed building at 186 metres in height is considered a tall building. The Design Criteria provide policy recommendations for tall buildings on issues of building placement and orientation, entrances, heritage conservation, massing of base buildings, tower floor plates, separation distances, pedestrian realm considerations, sustainable design and transition. This document will be used to assess the proposed building.

The City's "Design Criteria for Review of Tall Building Proposals" can be found on the City's website at: <http://www.toronto.ca/planning/urbdesign/index.htm>.

Site Plan Control

The subject site and proposed development are subject to Site Plan Control. A site plan application has not yet been submitted.

Reasons for the Application

An Official Plan Amendment is being sought to delete Site and Area Specific Policy 159 which sets out specific policies for 90 Harbour Street regarding setbacks and view corridors.

An amendment to Zoning By-law 438-86 is required to increase the permitted height, total density and residential density, as well as to revise other development regulations as required to accommodate the proposed development.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Architectural Drawings including Site Plan, Context Plan, Parking Level Plans, Floor Plans, Roof Plan, Elevations and Sections
- Planning and Urban Design Rationale
- Noise Impact Study
- Parking Study
- Sun/Shadow Studies
- Draft Official Plan and Zoning By-law Amendments
- Transportation Impact Study
- Functional Servicing Report and Stormwater Management Report
- Servicing Plans
- Tree Inventory Plan/Arborist Report
- Tree Preservation Plan
- Boundary Survey
- Landscape Master Plan
- Archaeological Assessment
- Pedestrian Wind Assessment
- Toronto Green Development Standard Checklist

A notice of complete application was issued on December 1, 2011.

Issues to be Resolved

The preliminary issues identified with the proposal, in particular the proposed building height and density, are significant. Additional issues may be identified through the review of the application, agency comments and the community consultation process. Planning staff will work with the applicant, the community and the Ward Councillor towards an acceptable application that staff can recommend. Modifications to the proposal should be made in order to address the following issues.

1. consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;
2. conformity with Official Plan policies, particularly with respect to the site specific policy and sections on built form, heritage, housing, and transportation;

3. conformity with the Design Criteria for Review of Tall Building Proposals, including the sections on separation distances, transition in scale, adjacency issues, pedestrian realm and sustainable design;
4. height and density of proposal;
5. other built form and massing issues including, but not limited to: sky view, light penetration, view corridor, shadowing, tower floorplate and separation, heritage adjacency, continuous weather protection around the site and wind mitigation;
6. provision for reduced on-site vehicular and bicycle parking including impacts on the supply of on-street parking in the area;
7. mix of unit sizes particularly the provision of family size units;
8. appropriate servicing to accommodate the proposed development;
9. assessment of traffic generation, access and transportation impacts including potential road widening and particularly a 4.0 metre widening required along Lake Shore Boulevard West;
10. PATH connections to the north, south and west;
11. treatment of the ground floor of the building and its relationship to the streetscape, the width of the sidewalk particularly along the York Street in relation to the York Street Pedestrian Promenade Plan, improvement of the Harbour Street streetscape, enhancement of the linear walkway along Lakeshore Boulevard West, the provision of pedestrian realm weather protection and planting beds with shade trees;
12. Heritage including the integration of any retained and formerly on-site heritage and heritage adjacency to 60 Harbour Street;
13. The adequacy of community services and parkland for this area;
14. Consideration of the missed approach flight path for the Toronto Billy Bishop City Airport; and
15. identification and securing of public benefits pursuant to Section 37 of the *Planning Act* should the proposal be recommended for approval.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved

stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

CONTACT

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SIGNATURE

Gregg Lintern, Director MCIP RPP
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2a: North Elevation

Attachment 2b: South Elevation

Attachment 2c: East Elevation

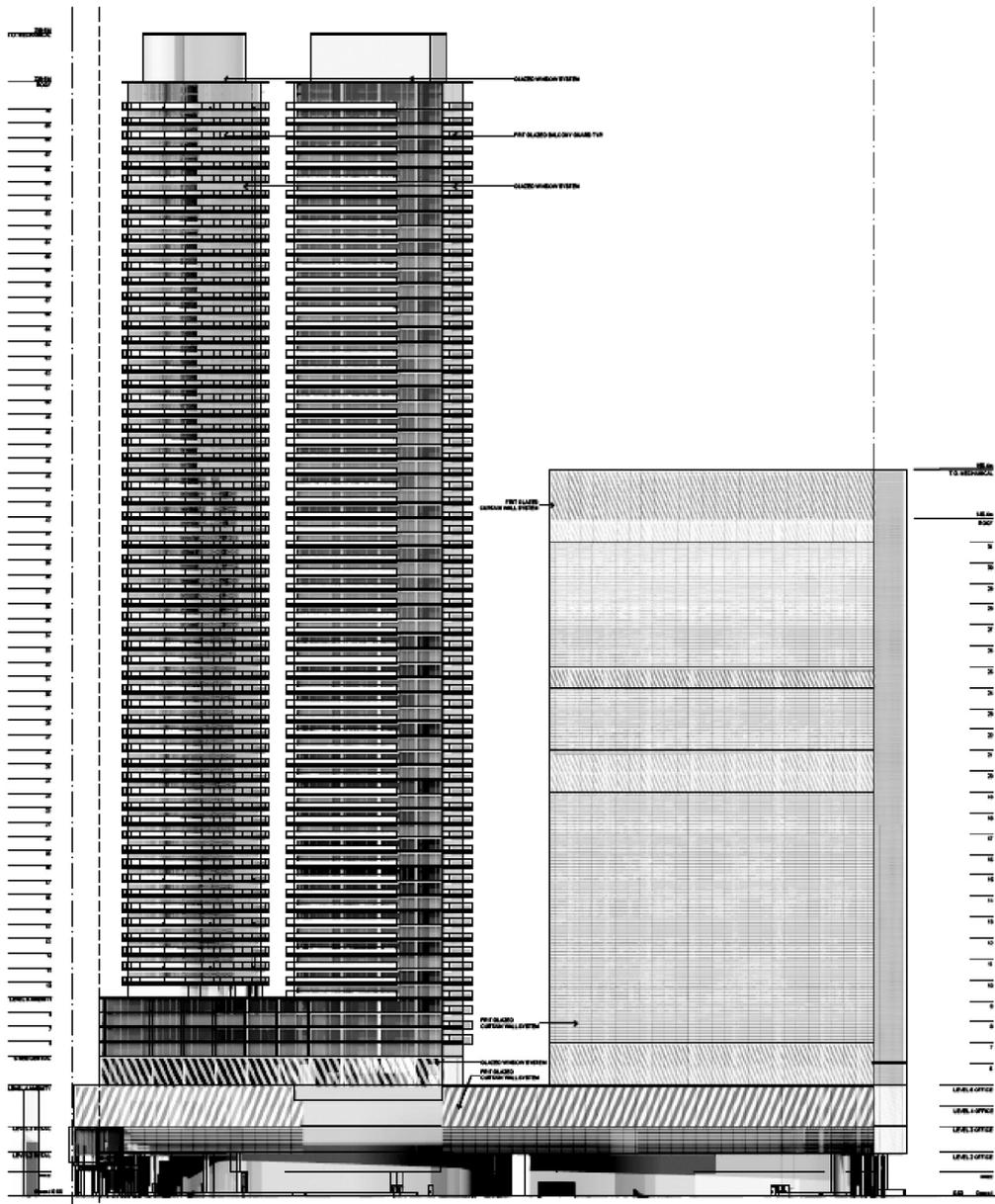
Attachment 2d: West Elevation

Attachment 3: Zoning

Attachment 4: Official Plan

Attachment 5: Application Data Sheet

Attachment 2a: North Elevation



North Elevation

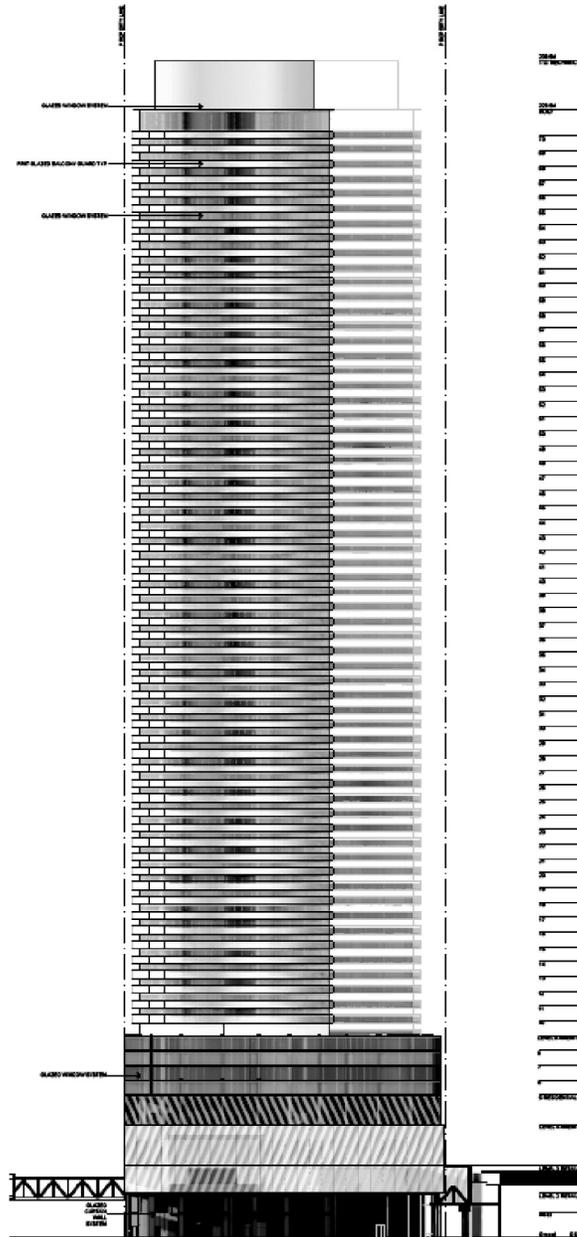
Applicant's Submitted Drawing

Not to Scale
11/16/11

90 Harbour Street

File # 11_295626_OZ

Attachment 2c: East Elevation



East Elevation

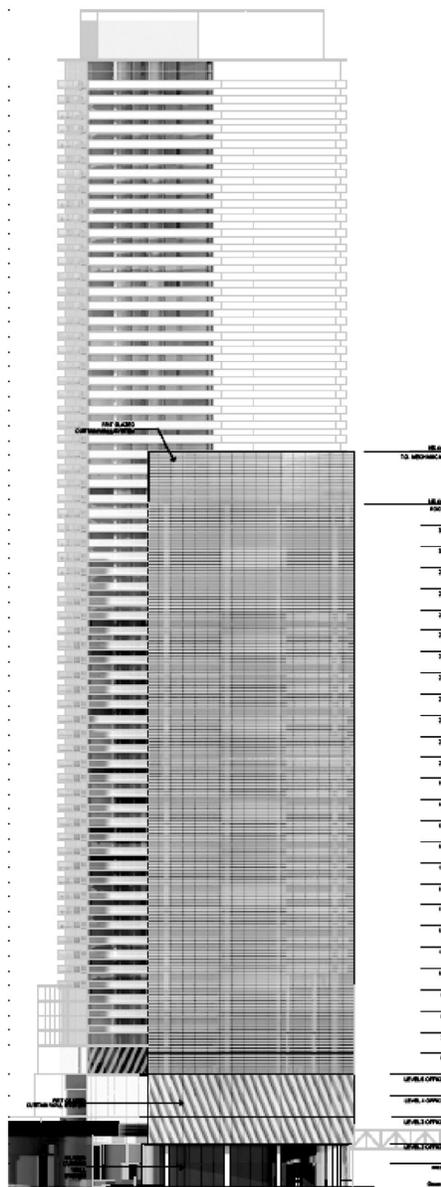
Applicant's Submitted Drawing

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90 Harbour Street

File # 11_295626_OZ

Attachment 2d: West Elevation



West Elevation

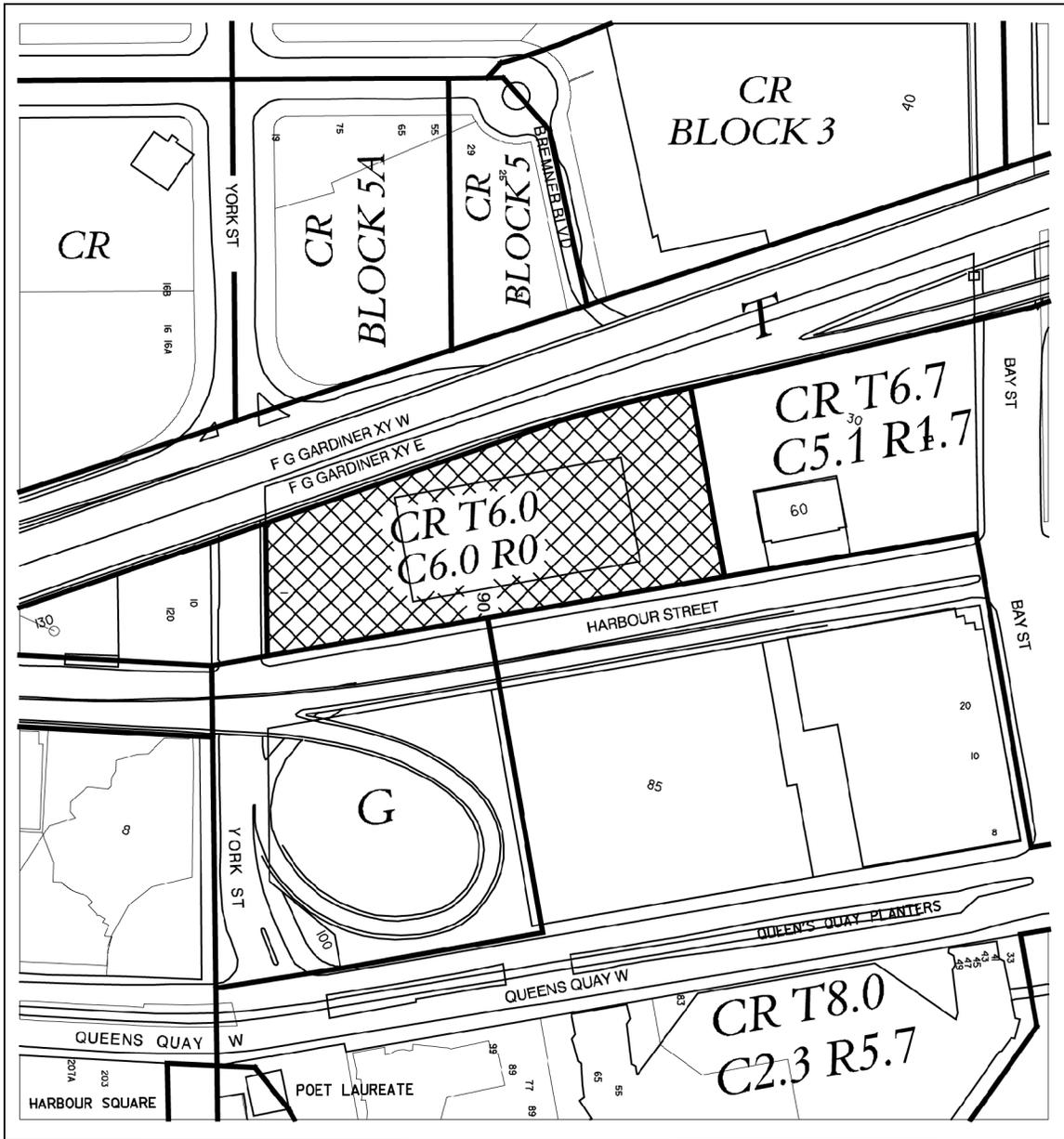
Applicant's Submitted Drawing

Not to Scale
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90 Harbour Street

File # 11_295626_02

Attachment 3: Zoning



Toronto City Planning
Zoning

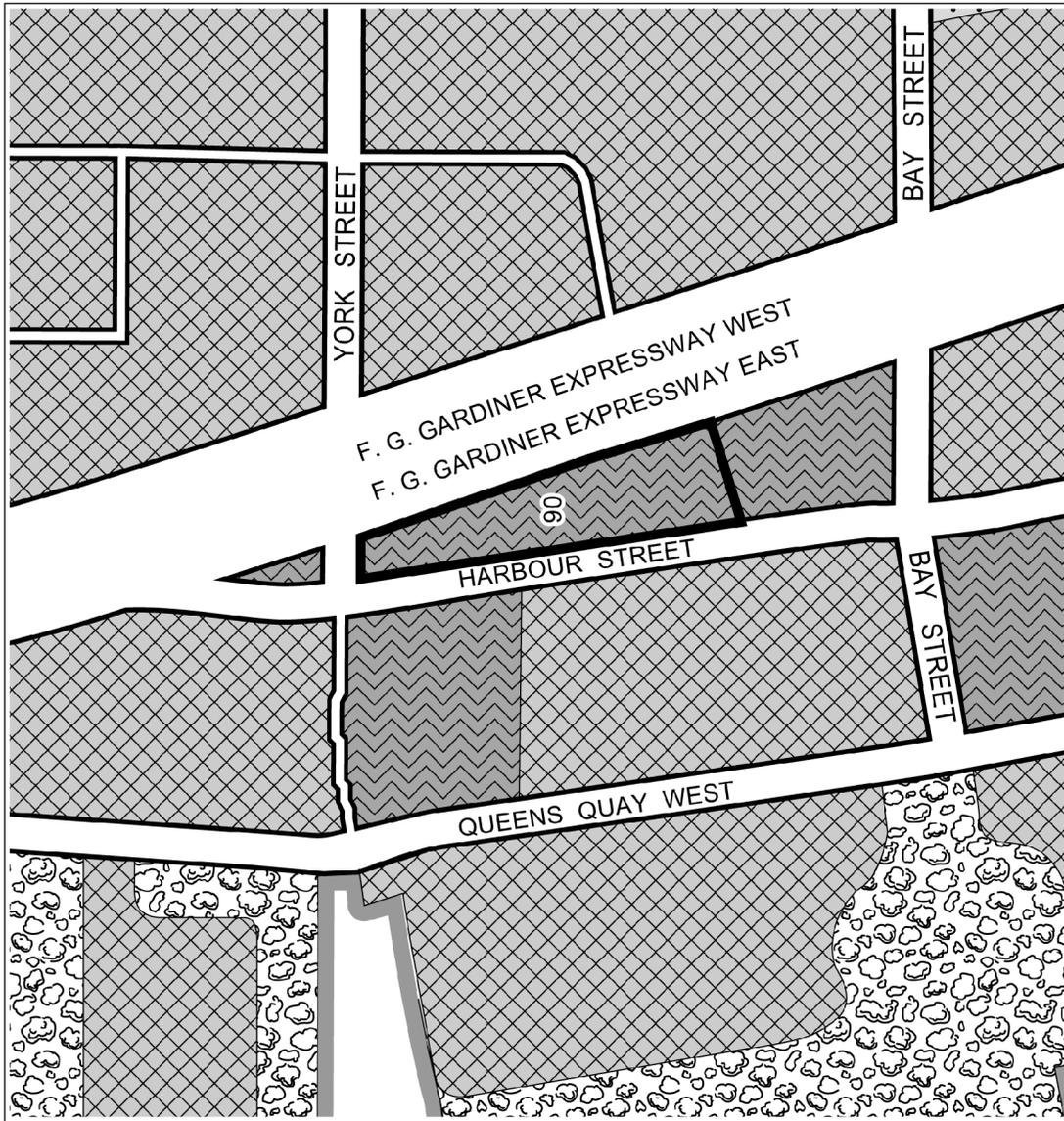
90 Harbour Street
File # 11_295626_02

G Parks District
CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 11/16/11

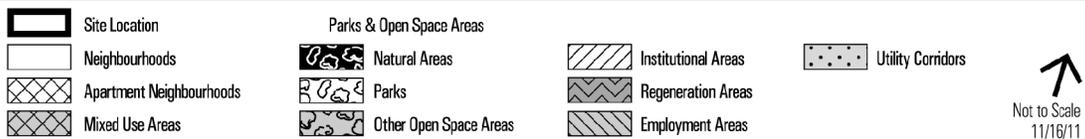
Attachment 4: Official Plan



TORONTO City Planning
Official Plan

90 Harbour Street

File # 11_295626_0Z



Attachment 5: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning Application Number: 11 295626 STE 28 OZ
 Details: OPA & Rezoning, Standard Application Date: October 19, 2011
 Municipal Address: 90 HARBOUR STREET AND 1 YORK STREET
 Location Description: PLAN 655E PT BLK 2 RP 63R672 PART 1 **GRID S2811
 Project Description: Property known as both 90 Harbour Street and 1 York Street, OPA and Rezoning application for new mixed use development - 3 buildings - with common podium ranging from 4 to 9 storeys, 1 office building and 2 residential buildings, Office building - 31 storeys, 2 residential buildings - 70 storeys - 1426 dwelling units. Shared parking with office and residential tower - 4 levels below grade - 791 parking spaces - (residential parkings spaces 411 - commercial spaces – 380, and 1300 bicycle parking spaces.

Applicant:

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Owner:

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PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	Y
Zoning:	CR T6.0 C6.0 R0	Historical Status:	Y
Height Limit (m):	115, 125	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	10062	Height:	Storeys:	70
Frontage (m):	174.8		Metres:	229.5 (excludes mech. Penthouse)
Depth (m):	48.5			
Total Ground Floor Area (sq. m):	4574			Total
Total Residential GFA (sq. m):	99358		Parking Spaces:	791
Total Non-Residential GFA (sq. m):	90467		Loading Docks	8
Total GFA (sq. m):	189825			
Lot Coverage Ratio (%):	45			
Floor Space Index:	18			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	95 (6%)
1 Bedroom:	1,069 (74.9%)
2 Bedroom:	186 (13%)
3 + Bedroom:	76 (5.3%)
Total Units:	1,426 (100%)

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	99358	0
Retail GFA (sq. m):	13283	0
Office GFA (sq. m):	77184	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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