

**43, 49 & 51 Gerrard Street West and 695 Bay Street -
Zoning Amendment Application – Final Report**

Date:	April 25, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	11 268259 STE 27 OZ

SUMMARY

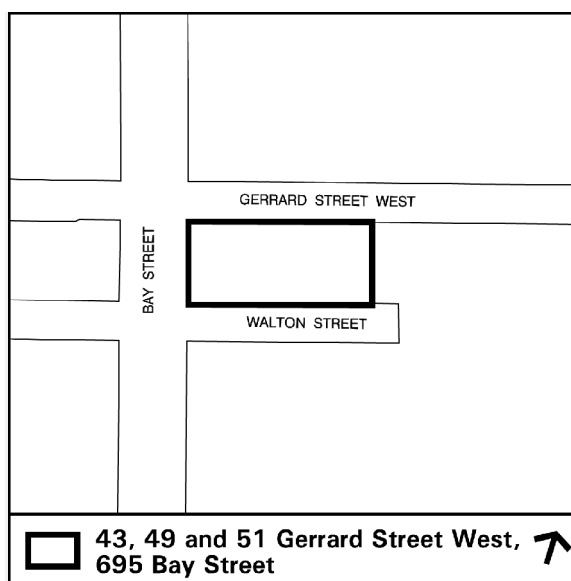
The applicant proposes to construct a 43-storey mixed-use building with retail at-grade for the location known municipally as 43, 49 & 51 Gerrard Street West and 695 Bay Street. While the applicant submitted their application in September, 2011, a pause was requested by the applicant until further processing was resumed in 2013.

The applicant has worked closely with City Planning Staff to modify the built form to preserve the view corridor to Old City Hall, reduce shadows on College Park and provide an attractive public realm. The provision of affordable rental units in the project is a welcome addition and much needed in the City of Toronto. Overall, Staff are satisfied that objectives of the Official Plan and applicable guidelines are met. This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 43, 49, 51 Gerard Street West and 695 Bay



Street, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to report (April 25, 2014) from the Director, Community Planning, Toronto and East York District.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The provision of a financial contribution in the amount of \$2,750,000, prior to the issuance of the first above-grade building permit, with the contribution to be used by the City for one or more of the following:
 - (i) \$250,000 to be used for public art on the site at 43 Gerrard Street West, to the satisfaction of the Chief Planner and Executive Director City Planning or her designate.
 - (ii) \$450,000 to be used for off-site streetscape improvements on Bay Street, Yonge Street, Gerrard Street West and/or Walton Street to the satisfaction of the Chief Planner and Executive Director City Planning or her designate.
 - (iii) \$300,000 to be used for capital improvements to Toronto Community Housing properties within Ward 27 to the satisfaction of the Chief Executive Officer Toronto Community Housing Corporation or their designate.
 - (iv) \$1,750,000 to be used for new affordable housing or a community recreation centre in Ward 27 to the satisfaction of the Deputy City Manager, Cluster A or her designate in consultation with the Ward Councillor.
 - (iv) Require that the cash amounts identified in Recommendation a. (i), (ii), (iii) and (iv) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.
 - b. The provision of a financial contribution in the amount of \$250,000 at the submission of a site plan application to be used by the City for the following:
 - (i) \$250,000 to be used for new affordable housing or a community recreation centre in Ward 27 to the satisfaction of the Deputy City Manager, Cluster A or her designate, in consultation with the Ward Councillor.

- (ii) Require that the cash amounts identified in Recommendation b. (i), above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

This application is subject to site-specific By-law 440-85 which was enacted as an amendment to the former City of Toronto comprehensive By-law 20623. The by-law was part of the original approvals for the Delta Chelsea Hotel and allowed for the construction of an office building on the remaining parcels. This by-law was further amended by the Ontario Municipal Board to include a 9 metre gap between the Delta Chelsea Hotel and the proposed office building. On September 12, 2011, Toronto and East York Community Council directed staff to report on steps for protecting views to Old City Hall and City Hall from the south that are significant from a heritage and urban design perspective.

On November 22, 2011, Toronto and East York Community Council adopted the recommendations from the Director, Community Planning, Toronto and East York District to proceed with a community meeting on this site.

ISSUE BACKGROUND

Although the application was submitted in 2011, the applicant requested a pause in the review process while they attempted to explore alternatives for development of the site including the possibility of selling the property. This process took over a year and the applicant subsequently returned to pursue the original application. It is for this reason that Staff are now reporting to City Council.

Proposal

The applicant proposes a 43-storey (121 m) residential building with retail at-grade. The building is comprised of a 5-storey (17 m) podium and a 38-storey tower. The applicant has indicated their desire for the tenure of the building to be rental, but is currently unwilling to secure this provision as part of the Section 37 Agreement. The applicant is proposing 574 residential units including 36 studio suites (6%), 315 one-bedroom suites (55%), 198 two-bedroom suites (34%) and 25 three-bedroom suites (5%). The total gross floor area (GFA) of the project is 48,596 m², with 47,904 m² residential and 692 m² retail. The applicant is proposing to construct 342 parking spaces, contained in six levels of underground parking, with access and servicing at Walton Street. The applicant is proposing 584 bicycle parking spaces and 7 BIXI spaces. The typical floorplate of the tower is 1,184 m². The applicant is also proposing continuous weather protection on the

Bay Street and Gerrard Street frontages. The original 2011 proposal contained a large cantilever at the top ten storeys which has been eliminated.

Table 1 – Summary of Revisions to the Application

Category	As-of-Right Zoning (Unbuilt since 1985)	First Submission September 12, 2011	Final Submission January 24, 2014
Site Area	2,331 m ²	2,331 m ²	2,331 m ²
Proposed Tower Setbacks			
Gerrard Street West	3.0	6.5 m	7.5 m
Bay Street	4.5	7.9 m (cantilevered back at upper floors)	8.5 m (cantilever removed)
Walton Street	0 m	5.5 m	6 m
East Property Line	9 m	15.0 m	17.0 m
Proposed Base Setback at Grade			
Gerrard Street West	3.0	1.0 m	1.5 m
Bay Street	9.5	0.0 m	1.0 m
Walton Street	0	0.0 m	0.0 m
East Property Line	9 m	12.0 m	12.0 m
Tower Floorplate (approximate average)	1,400	1,045 m ² (averaged over all floors)	1,184 m ²
Gross Floor Area (above grade)			
Total Residential	0	45,694 m ²	47,904 m ²
Non-Residential	33,279 m ²	661 m ²	692 m ²
Total	33,279 m ²	46,355 m ²	48,596 m ²
Floor Space Index	14.28	19.8	20.8
Number of Units			
Studio	0	45	36
One-Bedroom	0	438	315
Two-Bedroom	0	109	198
Three-Bedroom	0	48	25
Total	0	640	574
Ground Floor Height	unspecified	5.15 m	7.5 m
Sidewalk width - Gerrard Street West	3.0	3.0 m 5.5 m	6.0 m 6.0 m
Sidewalk width - Bay Street	3.0	3.0 m	3.0 m
Sidewalk width - Walton Street	3.0		
Proposed Vehicular Parking	133	333	342
Proposed Bicycle Parking	0	500	584
Loading Spaces			
Type G	2 type B and 3 type C	1 type G	1 type G
Amenity Space			
Interior Residential	0	1.5 m ² /unit	2.0 m ² /unit
Exterior Residential	0	1.3 m ² /unit	1.5 m ² /unit
Total Amenity Space Provided	0	1,812 m ²	2,029 m ²

Category	As-of-Right Zoning (Unbuilt since 1985)	First Submission September 12, 2011	Final Submission January 24, 2014
Building Height (including mechanical penthouse and architectural elements)	78 m	149.0 m	121.0 m

Site and Surrounding Area

The site is located at the south-east corner of Bay Street and Gerrard Street West abutting the Eaton Chelsea Hotel. The site is approximately rectangular in shape with a site area of 2,331 m². This property represents one of the few remaining development sites on Bay Street.

The property has approximately 32 m of frontage on Bay Street and 72 m of frontage on Gerrard Street West and Walton Street. The property is located outside the flight path for the Hospital for Sick Children, and is located in the boundaries of the Downtown Yonge Business Improvement Area. Currently the site is used as a commercial parking lot with approximately 100 spaces. The surrounding uses are as follows:

North: To the north of the site is the College Park mixed-use development, consisting of the 20-storey Liberties Building and the Residences of College Park, at 45 and 51 storeys, the Aura (78 storeys) building being constructed to the north-east, and College Park to the north. There are also retail uses and commercial office uses on the block.

East: Directly to the east of the building is the 25-storey Eaton Chelsea Hotel, which is one of the largest hotels in Canada at 1500 rooms.

South: To the south of the building is a mid-rise office building (17 storeys) integrated with a high-rise residential condominium (34 storeys).

West: To the west of the building is LuCliff Place, a 24-storey residential condominium and office building and the 25-storey Hospital for Sick Children research building, now open.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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. The proposal is consistent with the Provincial Policy Statement 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto's Official Plan contains a number of policies that affect the proposed development. Some specific policies are listed below, however, compliance with other relevant policies of the Official Plan including the environment and transportation will also be addressed.

Chapter 2 – Shaping the City

Section 2.2.1 Downtown: The Heart of Toronto

The proposed development is located in the *Downtown* area as defined by Map 2 of the City of Toronto Official Plan. Section 2.2.1 outlines the policies for development within the *Downtown*. The *Downtown* is where much of the growth in the City of Toronto is expected to occur. The *Downtown* will continue to evolve as the premier employment area of the City of Toronto and provide a range of housing for those working in the area. The City will also explore opportunities to maintain and improve the public realm.

The City of Toronto Official Plan further states that: "while we anticipate and want *Downtown* to accommodate growth, this growth will not be spread uniformly across the whole of *Downtown*. In fact, there are many residential communities *Downtown* that will not experience much physical change at all, nor should they." Transportation within the *Downtown* is expected to be accommodated by transit. Priority will be given to transit improvements in the *Downtown*. Transit vehicles will be given priority on streets within the *Downtown*, particularly those with streetcars. A program of improvements will be implemented to enhance the pedestrian environment and efforts made to improve the safety of walking and cycling *Downtown*.

Chapter 3 – Built Form

Section 3.1.3 Built Form – Tall Buildings

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

Section 3.2.3 Parks and Open Spaces

To the north of the proposed development is College Park. Policy 3.2.3 of the Official Plan speaks to maintaining and enhancing Toronto's system of parks and open spaces and states that the effects of development from adjacent properties (shadows, wind, etc.) will be minimized to preserve their utility. It outlines a parkland acquisition strategy, grants authority to levy a parkland dedication or alternative cash-in-lieu and calls for the expansion of the existing network of parks and open spaces.

Chapter 4 – Land Use Designations

Section 4.5 Mixed Use Areas

The site of the proposed development is in an area designated *Mixed Use Areas* in 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. Development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale.

Furthermore, development in *Mixed Use Areas* should be located and massed to 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.

Development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environment. It should also take advantage of nearby transit services; provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

Zoning

This site is zoned CR, however, the prevailing by-law on the site is 430-85, a site specific by-law that permits the construction of an approximately 26-storey office building with a GFA of 33,279 m². No residential or hotel space is permitted in the site specific by-law. This by-law was further amended at the Ontario Municipal Board to require a 9 metre gap between the Delta Chelsea Hotel and the proposed office building.

Site Plan Control

This application is subject to Site Plan Control. The applicant has not currently submitted an application for Site Plan Approval.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that 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 improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies specific Downtown streets that are most suitable for tall building development, establishes a height range along these streets and provides a set of supplementary Downtown specific design guidelines which address Downtown built form and context. The Downtown Vision and Supplementary Design Guidelines were used together with the city-wide Tall Building Design Guidelines in the evaluation of this tall building proposal. The Downtown Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

The site abuts Bay Street, Gerrard Street West and Walton Street. With the exception of Walton Street, these streets are identified as a "High Street" with a Tower and Base typology. Walton Street is identified as a "Secondary High Street" with a Tower and Base Typology. The height range identified for the abutting section of Gerrard Street West is 20 storeys to 35 storeys (62 metres to 107 metres). Bay Street has recommended heights of 30 storeys to 50 storeys (92 metres to 152 metres).

Reasons for Application

A rezoning application is required to permit the necessary height and density as well as the residential uses on the site. The site specific by-law limits the height to 78 m (121 m is sought) and the GFA to 33,279 m² (48,596 m²) is being sought.

Community Consultation

A community meeting was held on November 28, 2011. Approximately 30 members of the public attended. Members of the community were divided on support for the project. At the meeting, concerns were raised about: the height of the proposed building; traffic and congestion concerns; as well as shadows on College Park. Members of the community also wanted to see the gap between the proposed development and the Eaton Chelsea (at the time Delta) expanded as much as possible. Members of the community also expressed support for the proposed mid-block connection.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Staff have undertaken a comprehensive review of the proposed built form and the application has changed significantly from its original proposal in 2011. In response to comments by City Staff, the Community and the Design Review Panel, the height has been reduced from 50 storeys to 43 storeys, conditions have been improved at grade, and separation distances have been improved from the Eaton Chelsea Hotel. Staff think the proposed built form represents a strong improvement over the original submission and the as-of-right zoning. Staff are recommending approval of the proposal based on the reasons outlined below.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement, 2014 ("PPS, 2014") states in section 1.1.1 b) that municipalities shall create sustainable communities by: "accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older person), employment (including industrial, and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs". Furthermore, the PPS states, in Section 4.7, that the Official Plan is the most important vehicle for implementing the Provincial Policy Statement. The proposed addition of residential rental units is consistent with these policies and the policies of the City of Toronto Official Plan which is the vehicle for the PPS. For this reason, the proposal is consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe ("The Growth Plan") designates Toronto as a growth area and Downtown Toronto as an *Urban Growth Centre*. It also requires municipalities to set targets for residential and employment intensification. The Growth Plan for the Greater Golden Horseshoe states that: "population and employment growth will be accommodated by directing a significant portion of new growth to the *built-up areas* of the community through *intensification*", and by: "encouraging cities and towns to develop as *complete communities* with a diverse mix of land uses, a range and mix of employment and housing types...". The proposed residential development, especially if built as rental, acts to support these policies. However, the additional units proposed are not necessary to meet the growth targets forecast by the Province of Ontario for the City of Toronto. That being said, the proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

In December of 2013 City Council adopted proposed Official Plan No. 231 which contains new policies with respect to Employment Areas and Economic Health and land use designations. One of the new policies adopted by Council states: "at the same time, existing office space in these transit-rich areas needs to be sustained, not demolished to make way for new residential buildings. Where a residential development is proposed on sites with over 1000 square metres of employment space in these areas served by rapid transit where residential uses are already permitted, the development must also result in an increase of employment space". While this application does represent a conversion of existing office permission to residential uses, the applications were submitted in September, 2011, in advance of Council's adoption of this policy. The office space

permission dates back to 1985 and has never been constructed. Therefore, it does not represent a demolition of existing office space. In addition, Staff would not support the proposed built form today and the revised proposal improves upon the existing permissions in a number of areas discussed below.

The proposed development is designated as *Mixed Use Areas* in the Official Plan. The uses proposed for the project are retail and residential. This constitutes a mixed-use building and complies with the land use provisions for *Mixed Use Areas* in the Official Plan. Furthermore, the area is located in the *Downtown and Central Waterfront Areas* of the Official Plan. Section 2.2.1 of the Official Plan, policy 1 states that the: "*Downtown* will continue to evolve as a healthy and attractive place to live and work as new development that supports the reurbanization strategy and the goals of the *Downtown* is attracted to the area".

In particular, the *Downtown* will provide: "a full range of housing opportunities for *Downtown* workers and reduce[s] the demand for in-bound commuting." The proposed residential rental building acts to support these policies.

Built Form and Massing

The proposed building represents a base and tower typology as provided by the City-wide Tall Building Design Guidelines and the Downtown Supplementary Guidelines ("The Guidelines"). The proposed built form complies in almost all respects with the Guidelines. Where the proposal differs considerably is in the massing of the tower which has a large floor plate of 1,184 m², where the guidelines recommend a maximum floor plate of 750 m². At 1,184 square metres, the tower floor plate is large, however, this does represent an improvement over the as-of-right zoning which would allow for a 1,400 square metre floor plate. The massing has been further improved by increasing the setback from Walton Street (previously 0 metres in the as-of-right) and increasing the separation distance to the Eaton Chelsea Hotel from 9 metres, as-of-right, to 17 metres.

There is a strong contextual argument to be made for a larger floor plate in this area. Chapter 3 of the Official Plan states that Tall Buildings must related to their existing and planned context. In addition to their being a number of large floor plate buildings in the area, it is clear from the as-of-right zoning, that a large floor plate building was the planned context for this parcel.

Height

The proposed height of the building is 43 storeys (121 metres). The Tall Building Guidelines allow for heights of 152 metres on Bay Street and 107 metres on Gerrard Street West. The proposed height is 31 metres shorter than the maximum permitted on Bay Street and 14 metres taller than the maximum permitted on Gerrard Street West. Staff have examined the impacts of the proposed height from a sun/shadow perspective and view corridor perspective and, as discussed below, find the proposed height to be appropriate. The proposed height also presents a reasonable compromise between Bay Street and Gerrard Street West which contemplate two different height regimes.

Steppbacks and Separation Distances

The proposed development at 43 Gerrard Street West complies fully with the Tall Buildings Guidelines in respect to steppbacks and separation distances. The 3 metre steppbacks from Bay Street, Walton Street and Gerrard Street West are the minimum required but meet the guidelines. Furthermore the proposed building is more than 25 metres away from buildings at Gerrard Street West, Bay Street and Walton Street. The Guidelines further require that buildings be set back a minimum of 12.5 metres from rear and side-yard property lines. The proposed building is setback 17 metres from its eastern property line, which is the only portion of the site not abutting a road. This is almost double the proposed separation distance in the as-of-right zoning. In its current facing condition, the proposed development is also 17 metres from the Eaton Chelsea hotel which is a blank wall. Should this site redevelop, there should not be difficulty in achieving a 25 metre separation distance.

Sun, Shadow, Wind

Policies listed under 4.5.2 in the City of Toronto Official Plan for *Mixed Use Areas* require that new buildings be massed: "to 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." The built form section of the Official Plan requires that new development limit shadow effects on parks and open spaces so as to preserve their utility. The city generally evaluates these conditions between the spring and fall equinoxes (March 21 and September 21, respectively).

Although no specific times are mentioned in the Official Plan, the Tall Building Design Guidelines state that there should be no incremental shadow impact generated by a building on a signature park between 10 a.m. and 4 p.m. and all other parks between 12 p.m. and 2 p.m. An incremental shadow impact is any new shadow generated over and above what is already present, taking into account as-of-right zoning permissions as well. The Tall Building Guidelines are clear that Staff can request additional or less protection given particular circumstances.

College Park is not considered a signature park in the Guidelines. Furthermore, College Park is subject to a site specific by-law regulating the shadow impacts on the park. Staff have reviewed the sun/shadow studies for the proposed development and note that there is an incremental increase in shadow on the southern most edge of the park from 12:48 p.m. to 2.28 p.m. which is not in compliance with the Tall Building Guidelines, but is in compliance with the site specific zoning provision for College Park. The original application, at 50-storeys, was also in compliance with the site specific zoning provision for College Park. When presented to the Design Review Panel, however, a further reduction in shadow was requested. Staff supported this position. The applicant responded by reducing the height of the project from 50 storeys to 43 storeys. This had the effect of reducing the incremental shadow impact 23 to 50 percent across College Park and eliminating the incremental impacts at 2 p.m. City Planning Staff have reviewed the shadow cast by this development and are satisfied that there is only a marginal increase in shadows on College Park.

View Corridor for Old City Hall

In addition to reducing shadow impacts on College Park, the height reduction improved the protection of the view corridor for Old City Hall. The current direction, as provided in the Downtown Tall Buildings Vision and Supplementary Design Guidelines, requires that the silhouette of the Clock Tower be preserved on Bay Street when looking north from Temperance Street. City Planning Staff have examined increasing the protection to include no incremental degradation of the clock face from as far south as Front Street. Staff raised concerns with the applicant about the integrity of the view shed from areas further south on Bay Street than Temperance Street. Staff expressed a desire to retain the integrity of the clock face on the tower from Front Street which is currently clear. The applicant responded to this request by lowering the height 7 storeys and providing a detailed analysis of the view corridor. Staff have reviewed the studies by the applicant and agree that the current height meets the objectives of retaining the integrity of the clock face at Front Street. The original proposal, at 50 storeys, already preserved the silhouette of the tower from Temperance Street and the current proposal does the same.

Pedestrian Amenity

As part of the proposal, the applicant is proposing to widen the sidewalks at Gerrard Street West and Bay Street to 6 metres as directed by the Tall Building Guidelines. This will ensure a comfortable pedestrian experience and is an improvement over the current sidewalk widths. Walton Street is proposed to be maintained at 3 metres, however, Walton Street is a dead-end and not a significant source of pedestrian traffic. The applicant is also proposing a mid-block connection adjacent to the Eaton Chelsea Hotel that runs north/south between Walton Street and Gerrard Street West. There is a strong desire line over the surface parking lot and Staff have noted that many pedestrians and cyclists utilize the surface parking lot when moving from Bay Street to Gerrard Street West. The mid-block connection is therefore highly desirable. The applicant is also proposing continuous weather protection on Bay Street and Gerrard Street West.

Cycling Amenity

The applicant is proposing to supply 584 bicycle parking spaces and 7 bike-share spaces. This is more than the Toronto Green Standard requires. As Bay Street and Gerrard Street West are well used cycling routes this is appropriate.

Traffic Impact, Access, Parking and Servicing

Engineering and Construction Services Staff have reviewed the plans and submitted studies by the applicant. Access and servicing for the site is proposed from Walton Street. Engineering and Construction Services Staff have reviewed the access and servicing and find it to be acceptable. The revised plans show that 344 parking spaces are proposed for this development (308 for resident's spaces; 34 visitor spaces; and two *car-share* spaces), all of which will be located within a 6-level underground parking garage. Based on the new development scale, and the revised unit mix, a minimum of 376 parking spaces are required for this development in accordance with Section 4(5) of Zoning By-law 438-86. This figure consists of 340 resident spaces, 34 visitor spaces and 2 *car-share* spaces. No parking spaces are required for the retail use since its floor area is less than the area of the site. The applicant is currently deficient by 32 spaces. Staff do

not support this reduction in parking and have revised the by-law to the appropriate standard.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.52 to 0.78 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 574 residential units and 2,422 m² of non residential uses on a site with a net area of 692 m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.852 hectares or 366% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 224 m².

The applicant proposes to satisfy the parkland dedication requirement though cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of the size proposed would not be of a useable size and the site would be encumbered with below grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives.

Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure and Cycling Infrastructure, as well as, Storage and Collection of Recycling and Organic Waste.

Section 37

Section 37 of the *Planning Act* allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site, Heritage Conservation District studies identified in the Official Plan; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and the addressing of planning issues associated with the development (e.g. local shortage of parkland, replacement rental apartment units).

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. The provision of a financial contribution in the amount of \$2,750,000, prior to the issuance of the first above-grade building permit, with the contribution to be used by the City for one or more of the following:
 - a) \$250,000 to be used for public art on the site at 43 Gerrard Street West to the satisfaction of the Executive Director City Planning or her designate.
 - b) \$450,000 to be used for off-site streetscape improvements on Bay Street, Yonge Street, Gerrard Street West and/or Walton Street to the satisfaction of the Executive Director City Planning or her designate.
 - c) \$300,000 to be used for capital improvements to Toronto Community housing properties within Ward 27 to the satisfaction of the Chief Executive Officer, Toronto Community Housing Corporation or their designate.
 - d) \$1,750,000 to be used for new affordable housing or a community recreation centre in Ward 27 to the satisfaction of the Deputy City Manager, Cluster A or her designate, in consultation with the Ward Councillor.
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 - a) \$250,000 to be used for new affordable housing or a community recreation centre in Ward 27 to the satisfaction of the Deputy City Manager, Cluster A or her designate, in consultation with the Ward Councillor.

Tenure

The applicant has indicated their desire for the proposed tenure of the development to be rental housing. Although rental is a desirable tenure in this area of the City there is no guarantee that the proposed development will operate as a rental building.

CONCLUSION

Staff have concluded their review of the Zoning By-law Amendment Application at 43 Gerrard Street West. The applicant has demonstrated a willingness to work with Staff to address concerns with the application from a shadowing and view corridor perspective. This has resulted in a project that improves upon the View Corridor policies of the Official Plan and Tall Building Design Guidelines and further mitigates shadows on College Park. Furthermore, by reducing the overall unit count, the project is now much

closer to compliance with parking requiring, amenity space ratios are improved and the bicycle parking supply now exceeds the requirements of the Toronto Green Standard.

The current surface parking lot, while well used, is not a desirable land use in the *Downtown*. The proposed development will help animate this important corner of Bay Street and improved upon the current somewhat bleak condition. Staff believe that the proposal is in the public interest and constitutes good planning.

CONTACT

Giulio Cescato, Planner
Tel. No. (416) 392-0459
Fax No. (416) 392-1330
E-mail: gcescat@toronto.ca

SIGNATURE

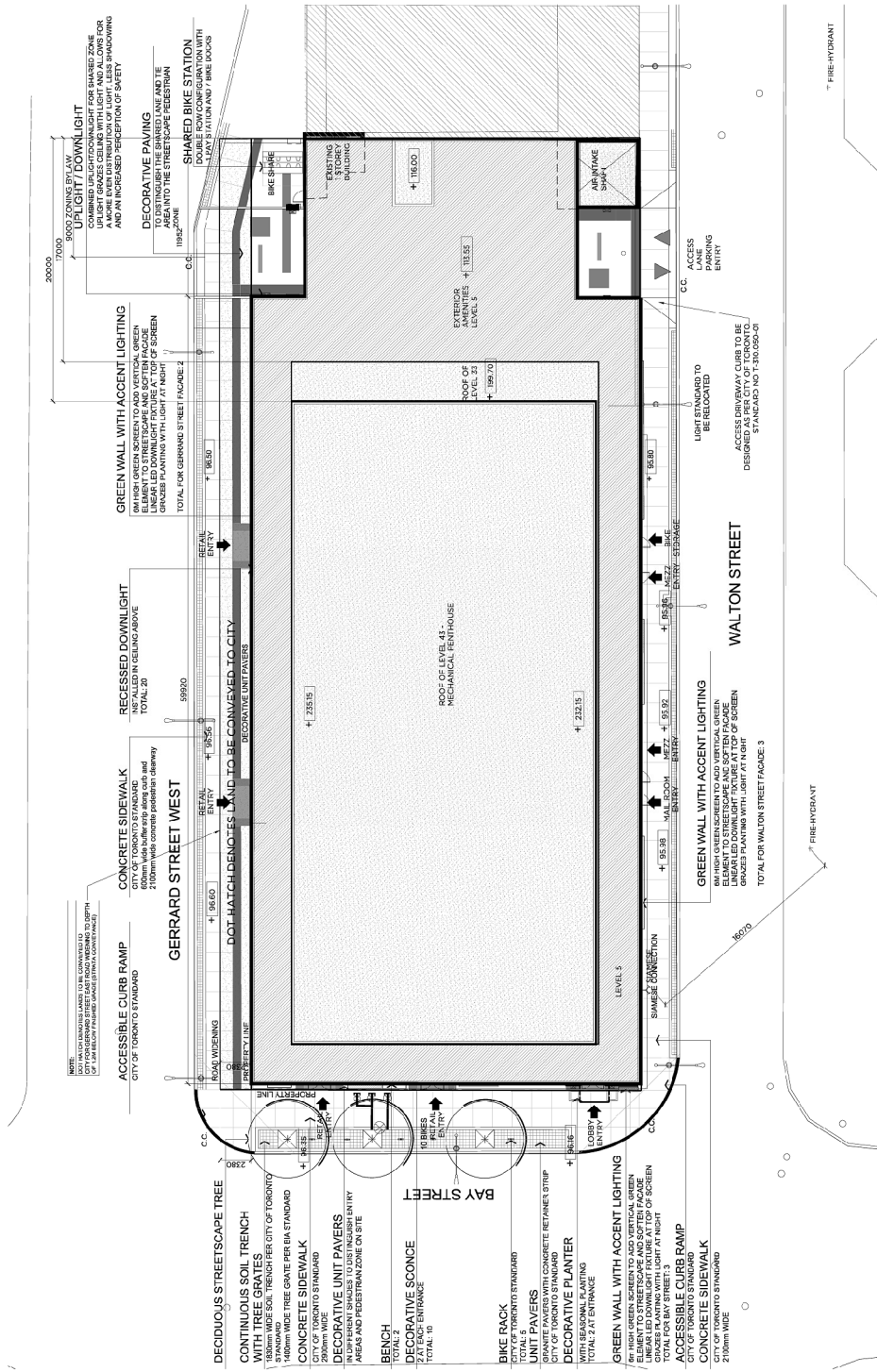
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan

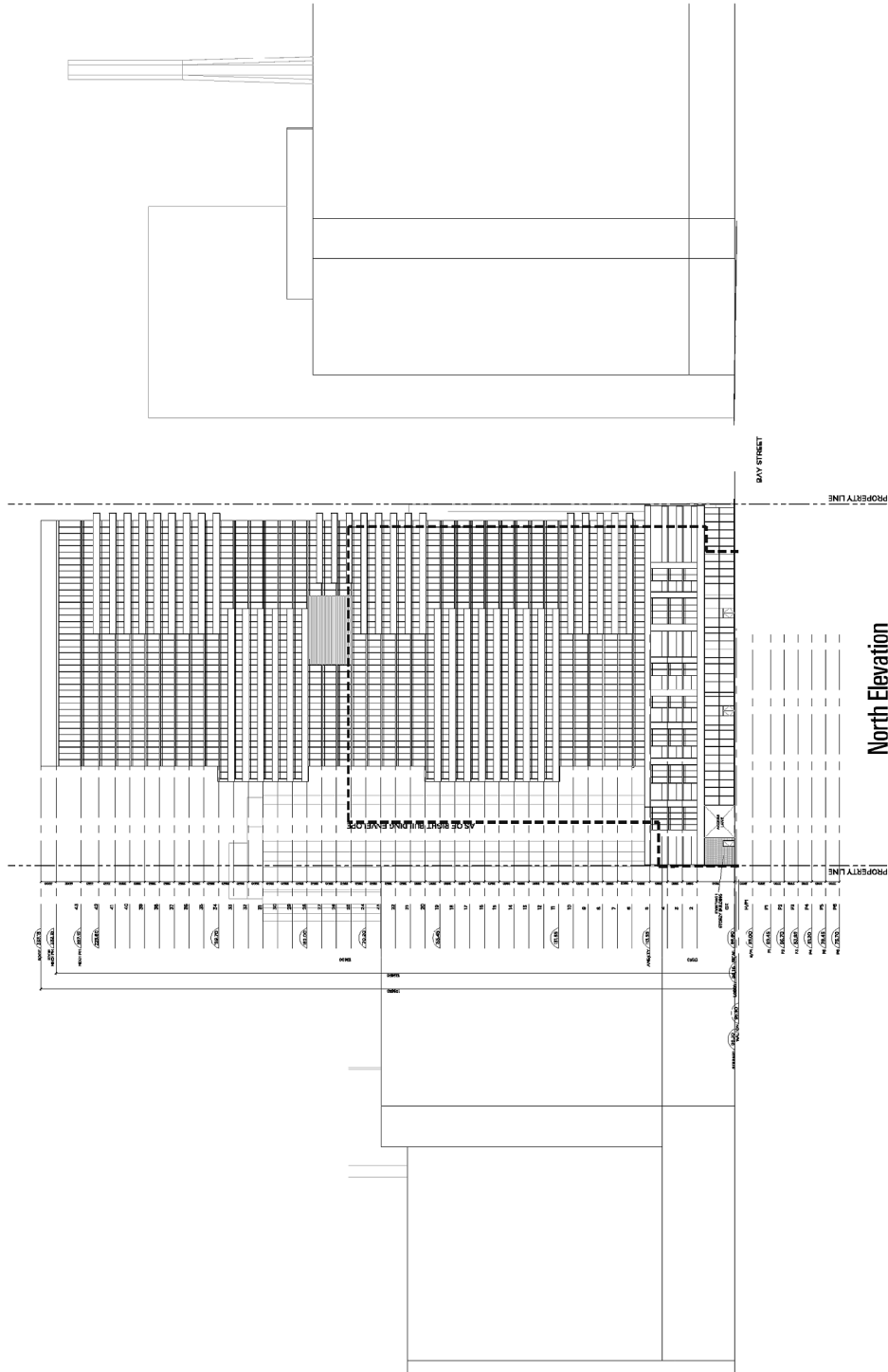


**43, 49 & 51 Gerrard Street West
and 695 Bay Street**

Site Plan
Applicant's Submitted Drawing
Not to Scale
02/26/2014

File # 11 268259 02

Attachment 2: North Elevation



North Elevation

Elevations

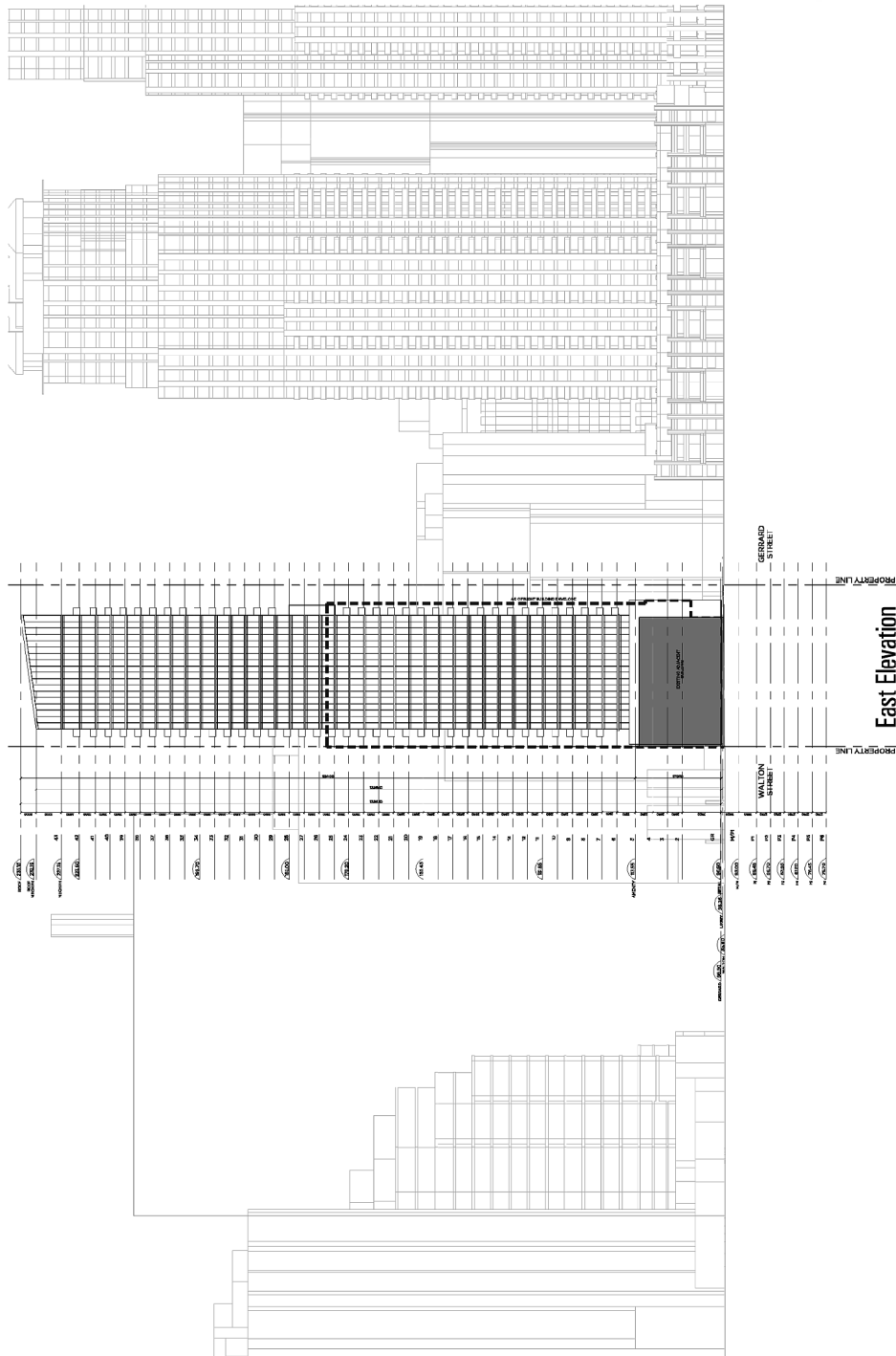
Applicant's Submitted Drawing

Not to Scale
02/26/2014

**43, 49 & 51 Gerrard Street West
and 695 Bay Street**

File # 11 268259 0Z

Attachment 3: East Elevation



Elevations

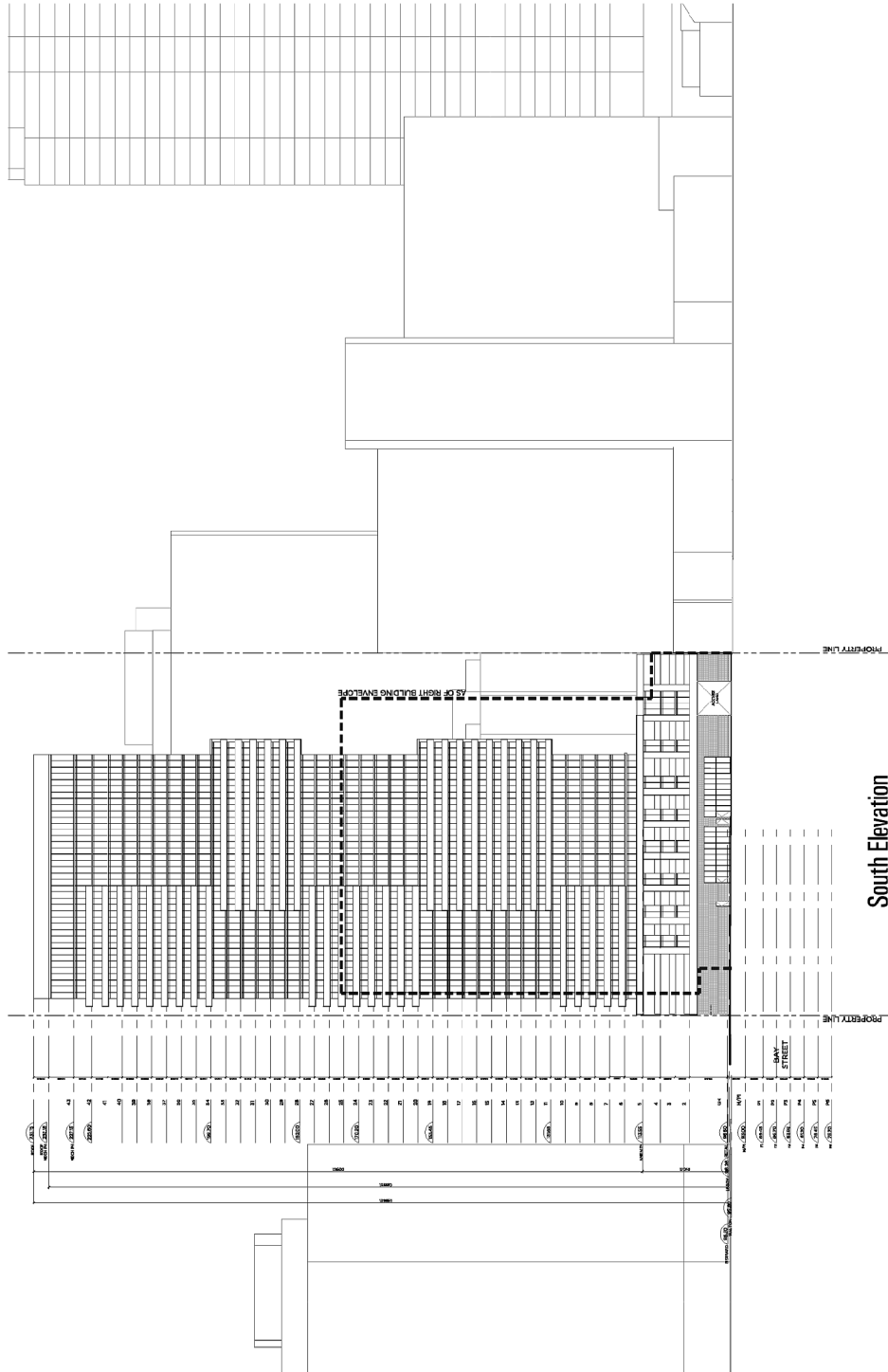
Applicant's Submitted Drawing

Not to Scale
02/26/2014

**43, 49 & 51 Gerrard Street West
and 695 Bay Street**

File # 11 268259 0Z

Attachment 4: South Elevation



Elevations

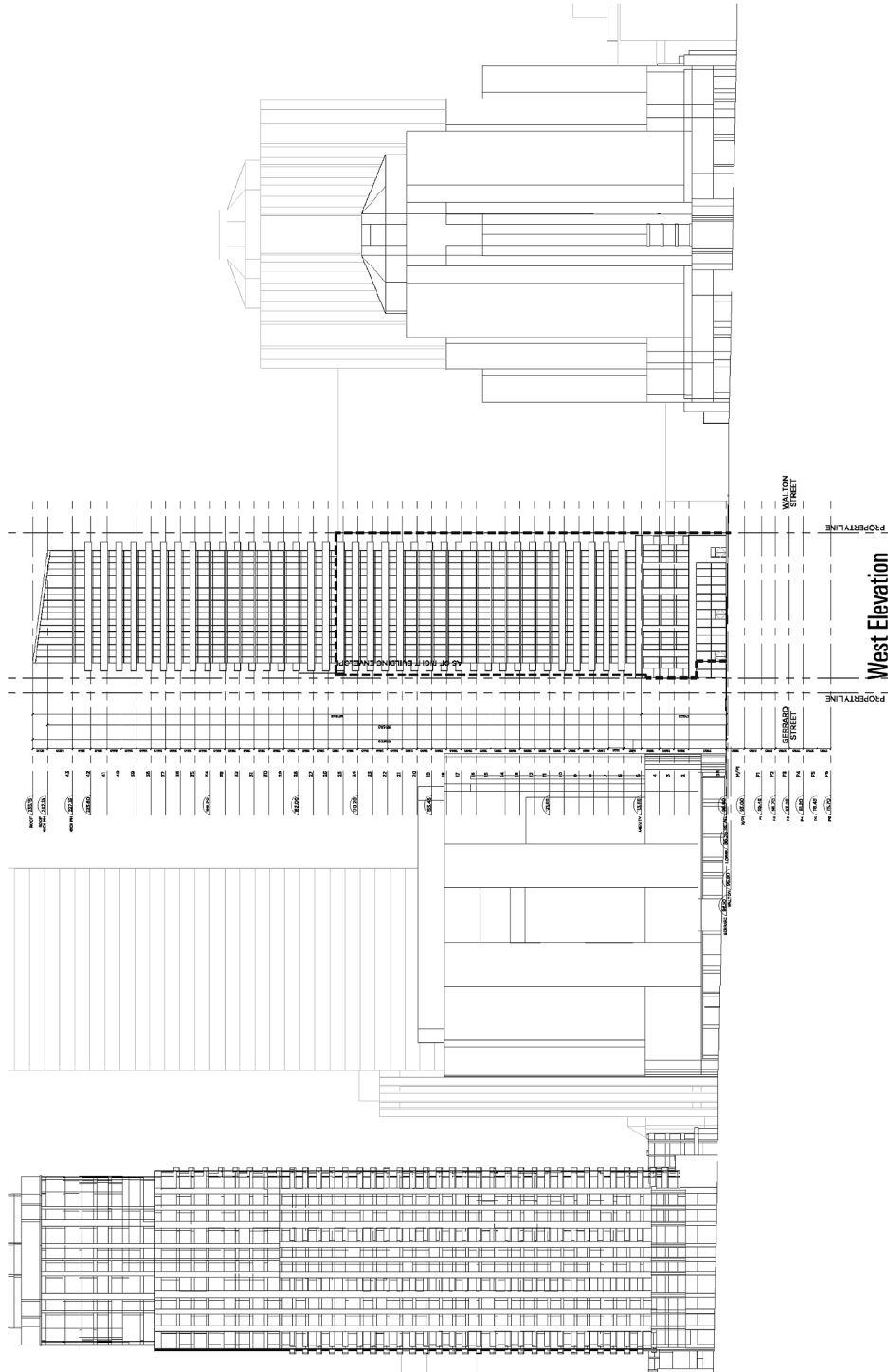
Applicant's Submitted Drawing

Not to Scale
02/26/2014

**43, 49 & 51 Gerrard Street West
and 695 Bay Street**

File # 11 268259 0Z

Attachment 5: West Elevation



Elevations

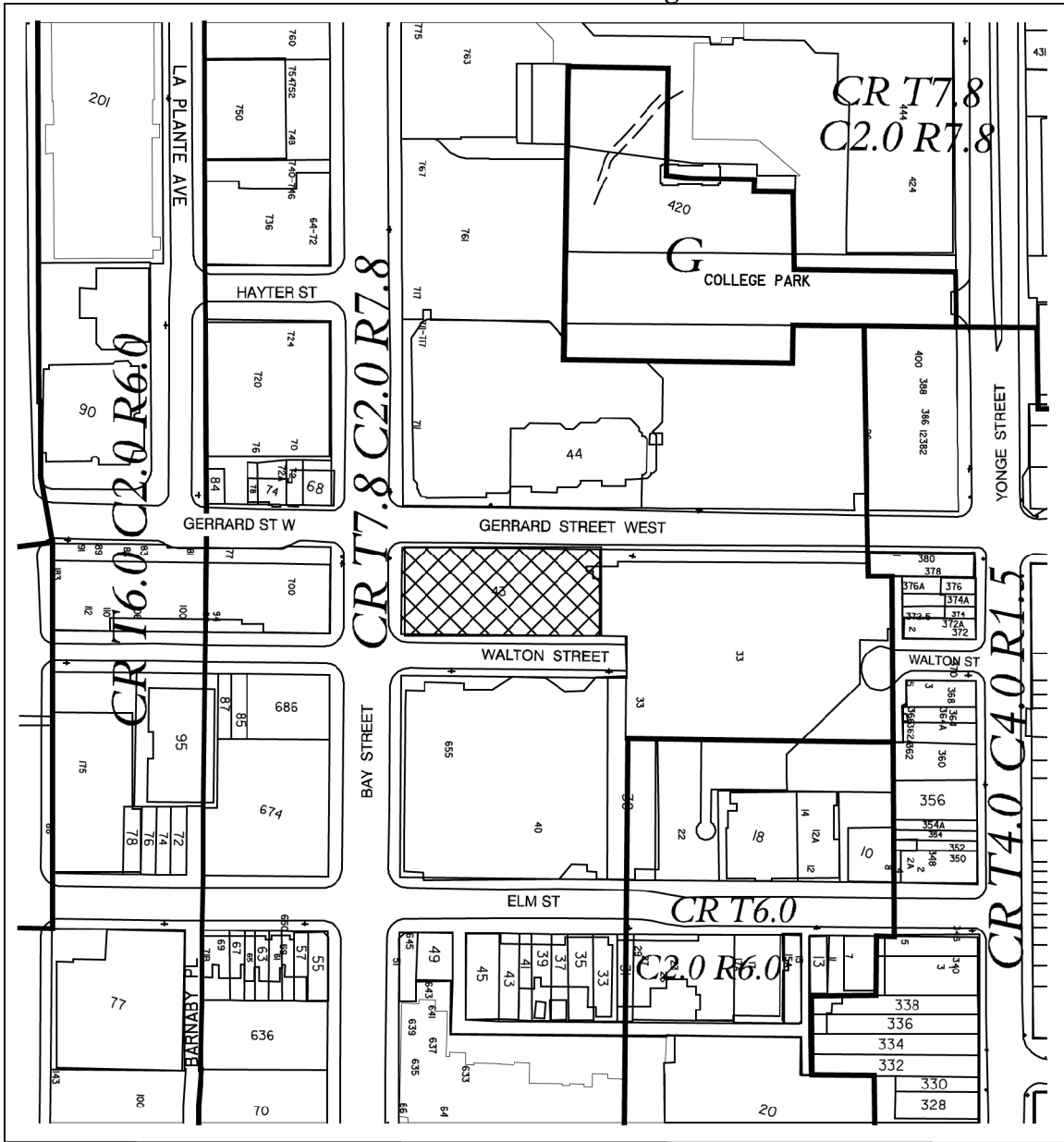
Applicant's Submitted Drawing

Not to Scale
02/26/2014

**43, 49 & 51 Gerrard Street West
and 695 Bay Street**

File # 11 268259 0Z

Attachment 6: Zoning



TORONTO City Planning
Zoning

43, 49 and 51 Gerrard Street West,
 695 Bay Street
 File # 11_268259 02

G Parks District
 CR Mixed-Use District



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 09/29/11

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	11 268259 STE 27 OZ
Details	Rezoning, Standard	Application Date:	September 2, 2011
Municipal Address:	43 GERRARD STREET WEST		
Location Description:	CON 1 FB PT LOTS 9 & 10 PLAN D4 LOTS 41 TO 46 PT LOTS 40 & 47 RP 66R13988 PARTS 6 TO 10 **GRID S2711		
Project Description:	Redevelopment of the current commercial parking lot lands for the purposes of a new mixed use building 42 storeys in height complete with two levels of commercial space, 574 residential units above complete with 6 levels of below grade parking.		

Applicant:	Agent:	Architect:	Owner:
Dentons Canada LLP 77 King Street W., Suite 400 Toronto, ON M5K 0A1	Hunter & Associates <u>555 Richmond St. W. Ste 405</u> <u>Toronto, ON, M5V 3B1</u>	Raw Design 317 Adelaide St. W. Unit 405 Toronto, ON, M5V 1P9	Toronto College Park Ltd. 444 Yonge Street Toronto, ON, M5B 2H4

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision: Y
Zoning:	CR T7.8 C2.0 R7.8	Historical Status: N
Height Limit (m):	61, 0, 0	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	2331	Height:	Storeys:	42
Frontage (m):	72.344		Metres:	138.6
Depth (m):	31.976			
Total Ground Floor Area (sq. m):	2031			Total
Total Residential GFA (sq. m):	47904		Parking Spaces:	344
Total Non-Residential GFA (sq. m):	692		Loading Docks	1
Total GFA (sq. m):	48596			
Lot Coverage Ratio (%):	87.1			
Floor Space Index:	20.8			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	36 (5%)
1 Bedroom:	315 (55%)
2 Bedroom:	198 (35%)
3 + Bedroom:	25 (5%)
Total Units:	574

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	47904	0
Retail GFA (sq. m):	692	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Giulio Cescato, Planner
	TELEPHONE:	(416) 392-0459
	EMAIL:	gcescat@toronto.ca

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of
Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as,
43 Gerrard St W**

Whereas authority is given to the Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass Zoning By-laws;

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

Whereas Council of the City of Toronto, at its meeting on _____, 2014, determined to amend the former City of Toronto Zoning By-law No. 438-86 with respect to lands known municipally in the year 2014 as 43, 49 and 51 Gerrard Street West and 695 Bay Street.

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the *height* or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law; and

Whereas Subsection 37(3) of the *Planning Act* provides that, where an *owner* of land elects to provide facilities, services or matters in return for an increase in *height* and density of development, the municipality may require the *owner* to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

Whereas the increase in the density or *height* permitted hereunder, beyond that otherwise permitted on the land by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the “City”); and

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended shall continue to apply to the *lot*.
4. None of the provisions of Section 4(2)(a), 4(5)(b), 4(12), 4(13), 4(17), 8(3) Part I 1, 8(3) Part I 3(a), 8(3) Part III 1(a), 12(2)111(a) of By-law No. 438-86 of the former City of Toronto, as amended, shall apply to prevent the erection or use of a *mixed-use building* which may contain *dwelling units* and non-residential uses including a parking garage below *grade* on the *lot* which may include a *commercial parking garage* provided that:
 - (a) The *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) The combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 48,600 square metres;
 - (c) The *residential gross floor area* shall not exceed 48,000 square metres;
 - (d) There is at least 500 square metres of *non-residential gross floor area* located on the ground floor of the *mixed-use building*;
 - (e) No portion of the building or structure erected on the *lot* or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
 - (i) canopies, awnings and building cornices are permitted outside the heavy line shown on Map 2;

- (ii) lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and green roof elements, and public art features which may extend beyond the heavy lines shown on Map 2; and
- (f) The *height* of any building or structure or portion thereof above *grade* shall not exceed those *heights* as indicated by the H symbol on Map 2 and will be restricted to 43 storeys excluding a mechanical penthouse;
- (g) The preceding section 4(g) of this By-law does not apply to prevent the erection or use above the said *height* limits of the following minor projections including: roof-mounted mechanical equipment and screening, parapets, architectural elements, spires or antennas, roof access stairs and their enclosures, chimney stacks and window-washing equipment.
- (h) Notwithstanding the provisions outlined on Map 2, the ground floor shall be setback as follows for a height of 5.5 metres:
 - a) 1 metres from the north *lot* line; and
 - b) 1.5 metres from the west *lot* line;
- (i) Residential *dwelling units* shall be provided as follows:
 - a) A minimum of 5% *three-bedroom units* with a minimum area of 84 square metres.
 - b) A minimum of 5% *two-bedroom units* with a minimum area of 84 square metres.
- (j) Provide a minimum number of resident parking spaces on the site to serve this development in accordance with the following minimum ratios:

Studio Units	0.30 spaces per unit
1-bedroom Units	0.50 spaces per unit
2-bedroom Units	0.75 space per unit
3+ bedroom Units	1.20 spaces per unit
Residential Visitor Parking	0.10 spaces per unit

Provided further that:

A reduction of four resident parking spaces will be permitted for each car-share parking space provided on the lot and that the maximum reduction permitted by this means be capped by the application of the following formula:

4 x (Total No. of Units ÷ 60), rounded down to the nearest whole number.

- a) A maximum of 100 *parking spaces* may be provided in a *commercial parking garage*;
- b) Bicycle parking spaces may be permitted to be provided in a *stacked bicycle parking system* or in a horizontal bicycle rack;
- c) Bicycle parking spaces in a *stacked bicycle parking system* will have the following minimum dimensions:
 - b. vertical clearance: 1.2 metres,
 - c. centre-to-centre separation distance: 0.45 metres,
 - d. length: 1.8 metres;
- d) All other bicycle parking spaces shall have the following minimum dimensions:
 - e. centre-to-centre separation distance: 0.45 metres,
 - f. length: 1.8 metres;
- e) *Car-share parking spaces* may be provided and each *car-share parking spaces* may reduce the minimum resident parking required by four *parking spaces*.
- (k) Despite the minimum width and length dimensions for *parking space* in sections 4(17) (a) – (e) of By-law No. 438-86, a maximum of 15% of the required *parking spaces* to be provided and maintained in the below grade garage may be for *small car spaces*.
- (l) Bicycle parking spaces shall be provided and maintained within the lot in accordance with the following minimum and maximum requirements:
 - a. For residential uses, a minimum of 1.0 bicycle parking space per dwelling unit, in accordance with the following ratio: 0.8 bicycle parking spaces-occupant per dwelling unit and 0.2 bicycle parking spaces – visitor per dwelling unit;
 - b. For the non-residential uses listed in Section 8(1)(f)(b)(iv),(v) and (vi) of By-law 438-86, bicycle parking spaces shall be provided and maintained in accordance with Section 4(13) of By-law 438-86, as amended.
- (m) Indoor amenity space shall be provided in accordance with Section 4(12) of By-law 438-86, as amended, except that *outdoor amenity space* shall be

provided at a minimum ratio of 1.5 square metres per residential dwelling unit;

- (n) *A temporary sales office* shall be permitted on the *lot*; and
 - (o) the *owner* of the *lot* has entered into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters required by and referred to in Appendix 1 of this By-law, and that such agreement has been registered on title to the *lot* as a first charge, all to the satisfaction of the City Solicitor.
6. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:
- (a) “*grade*” means 96.5 metres Canadian Geodetic Datum;
 - (b) “*height*” means the vertical distance between *grade* and the highest point of the roof, building or structure shown on Map 2;
 - (c) “*car-share parking space*” means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share* is for the use of at least the occupants of the building;
 - (d) “*small car spaces*” means a *parking space* that may be obstructed and/or accessed by a drive aisle that is less than 6 metres in width as set out in Section 4(17) of By-law 438-86 and which shall be identified by appropriate signage in the parking garage on *site*.
 - (e) “*stacked bicycle parking system*” means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces;
 - (f) “*temporary sales office*” means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*.
7. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division occurred.
8. Within the lands shown on Map 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

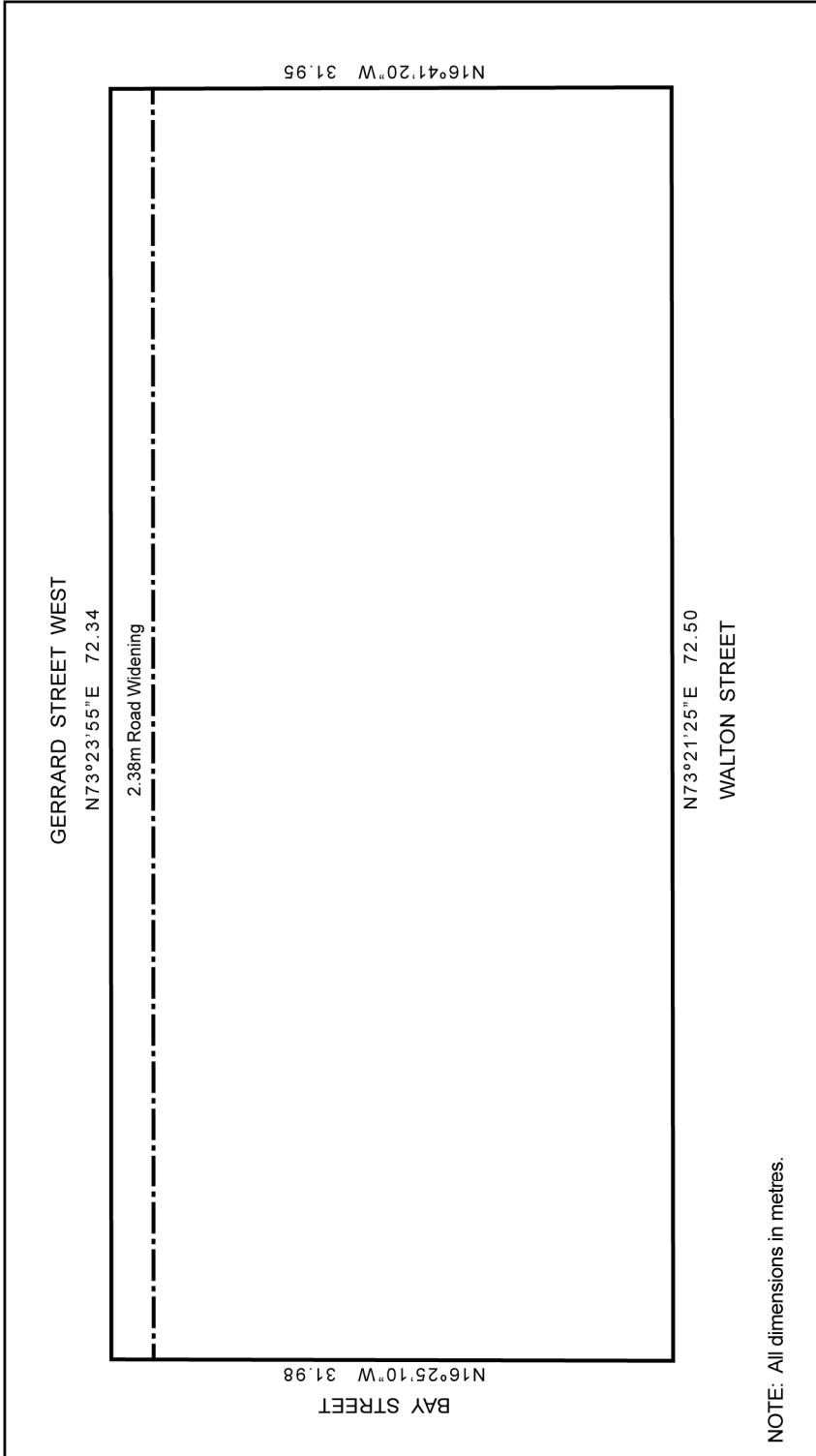
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
9. Except as otherwise provided herein, the provisions of Zoning By-law No. 438-86 shall continue to apply to the *lot*.

Enacted and passed on _____, 2014.

Frances Nunziata,
Watkiss,
Speaker

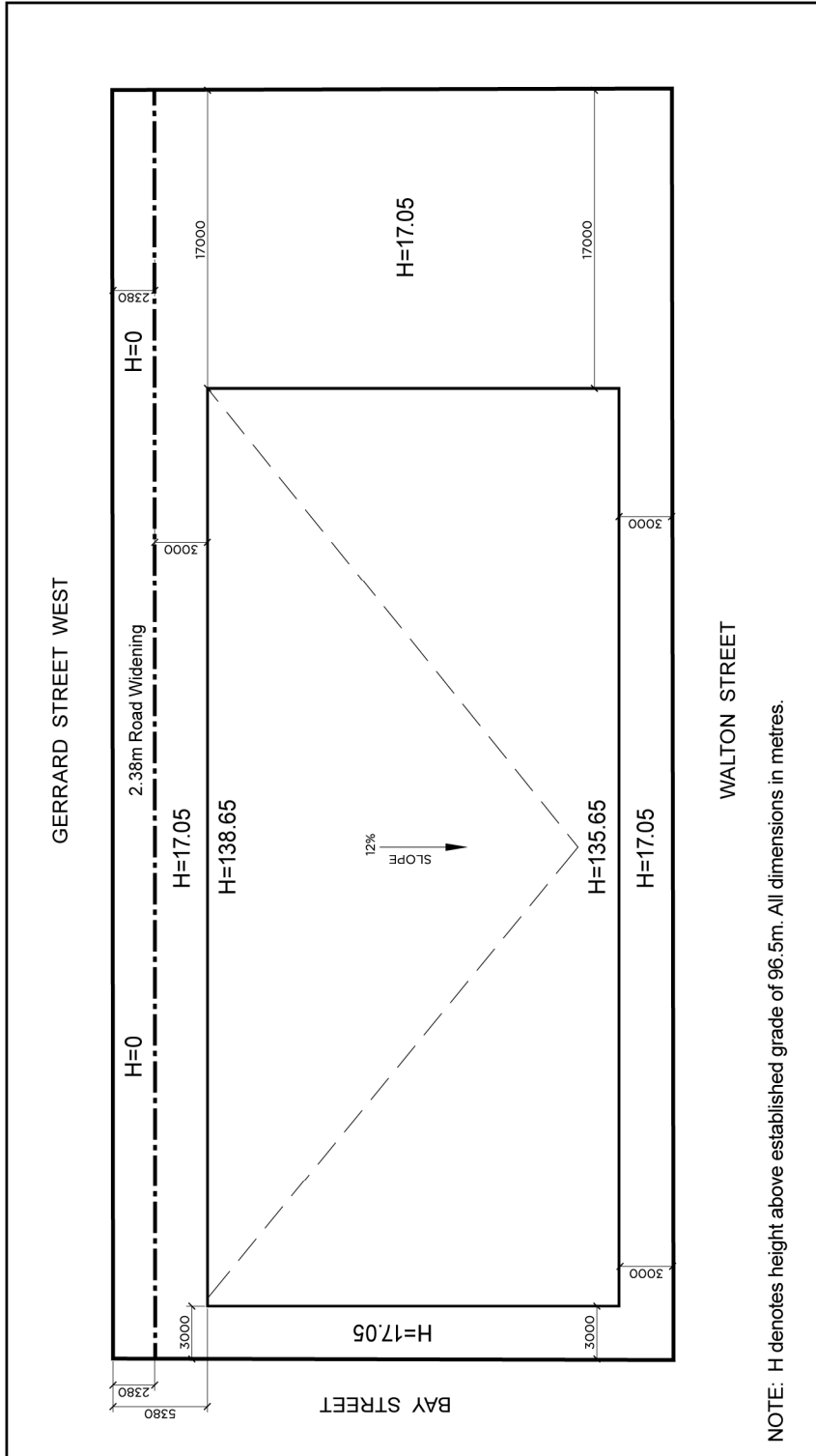
Ulli S.
City Clerk

(Seal of the City)



NOTE: All dimensions in metres.





NOTE: H denotes height above established grade of 96.5m. All dimensions in metres.



Map 2

43 Gerrard Street West

File # 11 268259 STE 27 OZ



Not to Scale
04/10/2014

Appendix 1: Council Authorities to Implement Matters Pursuant to the Section 37 Agreement

The facilities, services and matters set out herein are the matters required to be provided by the owner of the lot as its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City and the owner with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. The provision of a financial contribution in the amount of \$2,750,000, prior to the issuance of the first above-grade building permit, with the contribution to be used by the City for one or more of the following:
 - a) \$250,000 to be used for public art on the site at 43 Gerrard Street West to the satisfaction of the Executive Director City Planning or her designate.
 - b) \$450,000 to be used for off-site streetscape improvements on Bay Street, Yonge Street, Gerrard Street West and/or Walton Street to the satisfaction of the Executive Director City Planning or her designate.
 - c) \$300,000 to be used for capital improvements to Toronto Community housing properties within Ward 27 to the satisfaction of the Chief Executive Officer, Toronto Community Housing Corporation or their designate.
 - d) \$1,750,000 to be used for new affordable housing or a community recreation centre in Ward 27 to the satisfaction of the Deputy City Manager, Cluster A or her designate, in consultation with the Ward Councillor.
 - e) Require that the cash amounts identified in Recommendation 1. (a), (b), (c) and (d) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.
2. The provision of a financial contribution in the amount of \$250,000, at the submission of a site plan application to be used by the City for the following:
 - a) \$250,000 to be used for new affordable housing or a community recreation centre in Ward 27 to the satisfaction of the Deputy City Manager, Cluster A or her designate, in consultation with the Ward Councillor.

- b) Require that the cash amounts identified in Recommendation 2. (a), above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.