



STAFF REPORT ACTION REQUIRED

1 and 23 Bloor Street East, 14 Hayden Street and 709 and 711 Yonge Street Rezoning Application – Final Report

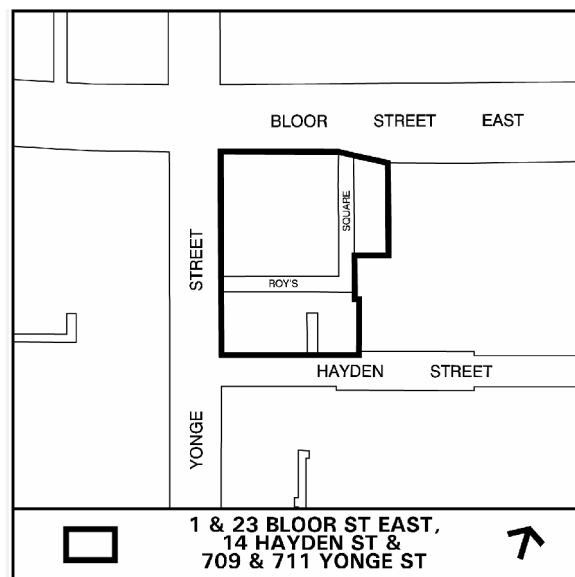
Date:	September 18, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	07 277668 STE 27 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes a 78-storey (81 level) development containing retail, office, hotel, residential and accessory uses on lands at the southeast corner of the Yonge and Bloor intersection (1 and 23 Bloor Street East, 14 Hayden Street and 709 and 711 Yonge Street). The development site is commonly referred to as 1 Bloor Street East.

In 2003 City Council approved a 60 storey mixed use development on the subject property excluding 709 and 711 Yonge Street. This report reviews and recommends approval of the application to amend the Zoning By-law to construct a taller building with more gross floor area.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-law for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9;
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. City Council require the owner, before introducing the necessary Bills to City Council for enactment, to enter into an Amending Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement(s) to be registered against the title of the lands for the development to secure the following facilities, services, and matters:
 - a. The owner will pay to the City, prior to the issuance of the first above grade building permit for the lot, the sum of \$800,000 (in addition to the \$2,000,000 secured through the existing Section 37 Agreement) for the purpose of local streetscape improvements in the vicinity of the lot to the satisfaction of the City;
 - b. provide not less than 40 square metres of publicly accessible open space for pedestrian movement in addition to the public sidewalk at the ground level to be located at the intersection of Yonge Street and Bloor Street, the location and design to be to the City's satisfaction;
 - c. provide an easement, if so requested by the General Manager of Transportation Services at the time of site plan approval of this development, that would provide for pedestrian access to the property at the southeast corner of Yonge Street and Bloor Street East;
 - d. The owner will design, construct and convey to the City, to the satisfaction of the Director of Technical Services, a 1.5 metre widening on the north side of Hayden Street as detailed on the site plan drawings submitted with this application. The estimated value of the widening (to be verified by Development Engineering) is \$80,000 to \$100,000. A letter of credit will be required for that amount;
 - e. The Hayden Street widening is to be completed within 6 months (allowing for poor winter weather) of the completion of the building on site;
 - f. The owner has agreed to pay Toronto Transit Commission the minimum sum of \$178,000 to an upset of \$300,000 in lieu of constructing a below grade TTC / PATH from Yonge Street to Hayden Street via 33 Bloor

Street East if the below-grade connection from Yonge Street to 33 Bloor Street East lower concourse is not constructed;

- g. The cash amount identified in the above shall be indexed 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 Amended Section 37 Agreement to the date of submission of the funds by the owner to the City;
- h. provide a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, of all buildings and structures on the lands to be paid at time of first building permit;
- i. The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:
 - 1. provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
 - 2. the owner be required to provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that up-grades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services;
 - 3. incorporate in the construction of the building, and maintain, design and exterior materials satisfactory to the Chief Planner and Executive Director;
 - 4. build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received on September 17, 2008, to the satisfaction of the Chief Planner and Executive Director;
 - 5. provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Chief Planner and Executive Director, City Planning Division;

6. provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division;
 7. comply with any other condition to ensure the orderly development and phasing of the lands as required by the Chief Planner and Executive Director, City Planning, acting reasonably;
 8. provide continuous weather protection with a minimum clear depth of three metres and maximum height of five metres on Yonge Street;
4. City Council rescind Zoning By-law 762-2003 after the enactment of the site specific zoning by-law;
 5. Authorize the City Solicitor Require the owner to enter into a Site Plan Agreement under Section 41 of the Planning Act prior to the issuance of the first above grade building permit;
 6. Require the owner to submit to the Executive Director of Technical Services for review and acceptance, prior to the issuance of a foundation permit, a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;
 7. Require the owner to provide for any improvements to the municipal infrastructure in connection with the Site Servicing Assessment and Traffic Impact Study, should it be determined that upgrades are required to the infrastructure to support this development according to the Site Servicing Assessment and Traffic Impact Study as accepted by the Executive Director, Technical Services;
 8. Require the owner to contact the Traffic Operations section a minimum of six months prior to construction of the project in order to allow for the necessary reports and by-laws to be enacted in conjunction with the proposed road improvements identified in Recommendation 6 above; and
 9. Require the owner to submit to the Executive Director of Technical Services for review and acceptance, prior to the issuance of a foundation permit, fire hydrant flow test results, including information pertaining to when and the specific hydrant locations where the fire hydrant flow tests were conducted.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Previous Approval

In 2003, Toronto City Council approved Official Plan Amendment 261 to the former City of Toronto Official Plan and passed Zoning By-law 762-2003 to permit a mixed use development containing 62,000 square metres with a density of 16.5 times. The area that was subject to the application included 1 and 23 Bloor Street East, Roy's Square and 14 Hayden Street. The lands have an area of 3,754 square metres. Attachment 1 shows the zoning building envelope, which permits a 46-metre podium building with an oval-shaped tower up to 205 metres. A decorative architectural element extending up another 18 metres is permitted above the tower height.

City Planning's Final Report noted that, "unfortunately, the massing of the site is comprised by the inability of the owner to acquire the Bank of Nova Scotia site at Yonge Street and Hayden Street. The addition of this site would create a more logical development block, and provide more opportunities for pedestrian and retail enhancement of the corner than can be achieved through separate developments."

In 2007, the site subject to the 2003 planning approvals was sold to the current applicant, who is acquiring the Bank of Nova Scotia site (709 and 711 Yonge Street) and incorporating the lands into the development block.

ISSUE BACKGROUND

Proposal

The applicant has acquired three additional parcels of land to create a larger development block including 709 and 711 Yonge Street and a "stump" public lane at the rear of 709 and 711 Yonge Street and abutting the west limit of 14 Hayden Street. The larger development block allows the applicant to redesign the site layout and massing to properly address the street level conditions.

The applicant is proposing to demolish the existing buildings and construct a 78-storey (81 level), 264.45-metre high mixed use building.

The proposal's massing consists of four main built form components:

- (i) a five-storey podium to a height of 27.5 metres along Yonge Street;
- (ii) a 13-storey mid-rise building to a height of 54.9 metres on the eastern portion of the site;
- (iii) a 265.4 metre tower with a 918 square metre floor plate; and

- (iv) a tower top consisting of a narrow north-south oriented mechanical penthouse up to 279 metres plus five architectural fins, each eight metres in height for an overall height of 290.5 metres.

Attachment 2 shows a site plan view of the above built form components and associated heights. Attachments 3, 4, 5 and 6 show the proposal's building elevations and ground floor.

Proposed uses include retail and office on Floors 1 – 3; hotel on Floor 4 – 13; and residential on Floors 14 – 78. Separate entrances are provided for each use. The hotel entrance is located on Bloor Street East with the main lobby and related uses (bar/restaurant/amenity) on Floors 4 and 6. Retail entrances front along Yonge Street, Bloor Street East and Hayden Street while entrances for the residential use are on Hayden Street. Shared hotel and residential indoor and outdoor amenity space is provided on Floors 4 and 6, and dedicated residential indoor amenity space is provided on Floor 36.

A total of 189 hotel rooms are proposed and 612 residential condominiums consisting of 358 1- bedroom (58%) and 254 2-bedroom (42%) units.

The proposal provides a total of 541 parking spaces (156 for commercial use and 385 for residential use) in a five-level underground garage. A residential drop-off/pick-up area is proposed off Hayden Street along with a driveway leading to the loading and servicing area integrated within the building envelope and the underground parking garage. Four loading spaces are proposed. Access to the underground garage is also provided from Bloor Street East. The applicant is seeking permission to convert the portion of Hayden Street along the site's frontage to two-way operation.

Overall, the proposal has combined residential and non-residential gross floor area of 81,000 square metres resulting in a density of 17.3 times the area of the lot. The Application Data Sheet in Attachment 9 provides additional information.

Site and Surrounding Area

The site is located at the southeast corner of Yonge Street and Bloor Street East, which is the intersection of two of Toronto's most prominent shopping streets and the junction of the north-south and east-west TTC subway lines.

The site consists of three components:

- (i) a mix of low-rise commercial buildings with retail uses at grade and office floors;
- (ii) Roy's Square, a one-way L-shaped lane, extending easterly from Yonge Street, and then northerly to Bloor Street East. This former public lane was sold by the City in conjunction with the 2003 planning approvals; and

- (iii) a ‘stump’ public lane, approximately 96.6 square metres in size, at the rear of 709 and 711 Yonge Street and abutting the west limit of 14 Hayden Street. As a result, the approval of this proposal on these lands is, in part, contingent upon City Council’s approval of the closure and sale of this public lane. This is being addressed through a separate municipal lane closure and sale process.

The existing and planned context within the area encompasses low scale, mid-rise and high-rise built form.

West: three-storey Stollery’s building is located at the southwest corner of the Yonge and Bloor intersection and at the northwest corner is the CIBC office tower at a height of 146 metres with some retail at grade and shopping concourse below;

North: at the northeast corner of Yonge Street and Bloor Street East is The Bay office tower at a height of 134 metres and connected to The Bay department store and shopping concourse further to the east along Bloor Street, both of these commercial office towers have recently undergone renovations in an attempt to make their ground floor areas more open and inviting;

East along Bloor Street East is a mix of commercial and residential buildings, which are generally mid-rise to high-rise; wide sidewalks characterize a generous and promenade-like street edge; the adjacent commercial office building at 33 Bloor Street East is 71 metres in height;

South: along Yonge Street buildings are typically three-storeys with retail at grade; new high-rise development is taking place along Balmuto Street and along Charles Street East, east of Yonge Street with heights ranging up to 48 storeys.

The site is located in the Bloor-Yorkville neighbourhood, one of Toronto’s oldest originally residential neighbourhoods, now known also for its high-profile retail stores, hotels and restaurants and cultural attractions.

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. The site is identified in the Growth Plan as

being located in an area that is classified as: a “Built Up Area, an “Intensification Corridor” and a “Major Transit Station Area”. All classifications apply to lands that are targeted for urban intensification. In addition the site is classified as a “greyfield” site which is also a category of land to which the Plan directs intensification.

The Greenbelt Plan identifies the Greenbelt of the Greater Golden Horseshoe as an area where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological functions and features occurring in this landscape. In particular, it restricts development and land use in the Rouge River Watershed and the Rouge Park area in Toronto.

City Council’s planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan.

Official Plan

The site is designated as “Mixed Use Areas” (Map 18 – Land Use Plan) within the “Downtown and Central Waterfront” urban structure area (Map 2 – Urban Structure Plan).

“Mixed Use Areas” permit a broad range of commercial, residential and institutional uses, in single or mixed use buildings. The Plan contains development criteria that will direct the form and quality of development in this area. The criteria direct that the massing of new buildings provide a transition between areas of different development intensity and scale; minimize shadow impacts onto adjacent areas; provide an attractive, safe and comfortable pedestrian environment; that parking, loading, amenities and other good site planning principles are complied with; and that transit services are in proximity and accessible to the site.

The Plan also states that the “Downtown and Central Waterfront” area, with its dramatic skyline, is Toronto’s image to the world and to itself: comfortable, cosmopolitan, civil, urbane and diverse. Parts of the “Downtown” will see development to house new residents and new jobs. Every home built within the “Downtown” area offsets the need for in-bound commuting each day. Mixed use is a key ingredient to the successful functioning of “Downtown” and by creating accessibility through proximity”, shows that moving less is clearly achievable.

The Plan states that the highest buildings and greatest intensity occur in the “Downtown”. As such, the proposal was reviewed for conformity with the Built Form – Tall Building policies of the Plan, which outline built form principles that are applied to the location and design of such buildings.

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

The City's Design Criteria for Review of Tall Building Proposals study is also available on the City's website at: www.toronto.ca/planning/pdf/tallbuildings_udg_aug17_final.pdf

Zoning

Both the former City of Toronto Zoning By-law 438-86, as amended and Site Specific Zoning By-law 762-2003 apply.

Site Specific Zoning By-law 762-2003:

The by-law applies to the site, excluding 709 and 711 Yonge Street and the public lane. The zoning permits a 205 metre mixed use development as discussed in the "Previous Approval" section of this report.

Zoning By-law 438-86, as amended:

Under the former City of Toronto Zoning By-law 438-86, as amended, the bulk of the property fronting onto the corner of Yonge and Bloor is zoned CR T7.8 C4.5 R7.8 with a height limit of 61metres. The properties at 709 and 711 Yonge Street and the Naval Club at 14 Hayden Street are zoned CR T6.0 C4.5 R6.0 with a height limit of 30 metres. Attachment 7 provides an excerpt of the zoning map.

Both Yonge Street and Bloor Street at this location are identified as "Priority Retail Streets". As well, there are angular plane requirements along the Yonge Street frontage: a 60-degree angular plane above a building height of 28 metres north of Roy Square lane and a 44-degree angular plane above a building height of 16 metres south of Roy Square lane.

Site Plan Control

The applicant has filed Site Plan Approval application 07 277677 STE 27 SA which is being considered concurrently with the Zoning By-law Amendment application.

Section 37 Agreement

Under the 2003 planning approvals, a Section 37 Agreement secured \$2 million for streetscape improvements to Bloor Street in the vicinity of the site. This community benefit can be used toward public realm improvements characterized as part of the Bloor Street Transformation Project adjacent to the site, and are intended to be beyond what the owner would normally provide for the standard Bloor-Yorkville B.I.A. streetscaping requirements pursuant to Site Plan Approval. Alternatively, the community benefit can be used to construct an underground connection, independent of the subway, between the southeast and the northeast corners of the Yonge and Bloor intersection, or for other local community benefits.

The Agreement also secures the following development requirements:

- (i) not less than 20.5 square metres of publicly accessible open space for pedestrian movement in addition to the public sidewalk at the ground level to be located at the Yonge and Bloor intersection;
- (ii) four tree planting and an irrigation system in the public boulevard adjacent to the site;
- (iii) knock-out panels to protect for future below grade connections,
- (iv) an easement, if so required by the City, that would provide for vehicular access to the property at the northeast corner of Hayden Street and Yonge Street; and
- (v) conveyance to the City for nominal consideration a 1.5 metre road widening adjacent to Hayden Street.

The current proposal is seeking additional planning permissions above those approved in 2003. Accordingly, City Planning staff have evaluated the proposal against the City's Section 37 policies, and in consultation with the Ward Councillor.

Bloor-Yorkville/North Midtown Urban Design Guidelines

The site is subject to the Bloor-Yorkville/North Midtown Urban Design Guidelines. These guidelines build on Official Plan policies and applicable zoning and provide guidance in addressing matters of built form, massing and the relationship between buildings and the public realm.

Guidelines are identified for the precincts and corridors that comprise Bloor-Yorkville/North Midtown. The proposed development is located within the Bloor Street Corridor. The Yonge and Bloor intersection is identified as an area-wide gateway and the height peak within Bloor-Yorkville/North Midtown. The site is recognized as a "signature treatment" site offering an opportunity for a landmark building that should be unique and immediately identifiable.

Bloor Street Transformation Project

The Bloor Street Transformation Project was initiated by the Bloor-Yorkville B.I.A. in 1998, in an attempt to increase the greenery and general shopping ambience of Bloor Street in order to improve the image of the area as a major shopping destination and to attract both more visitors and new retailers. After an initial feasibility study was prepared, a Steering Committee was formed, composed of representative of City Department, the Ward Councillor and the B.I.A. to refine a plan that meets the City's functional and technical design requirements. The Project is intended to provide for the widening of sidewalks and the narrowing of pavement, provide widened granite paving treatment, trees, special street lighting, street furniture, raised planting beds, pedestrian walkways, parking lay-bys and public art on Bloor Street between Avenue Road and Church Street.

Hayden Street Guidelines

The Hayden Street Guidelines, prepared by the Hayden Street Ratepayers and approved by City Council in October 1991, set out various objectives for new development on Hayden Street. These include the need for a 1.5 metre conveyance from the southerly boundary of the site for the purpose of widening Hayden Street and consideration of a further 1.5 metre setback for the purposes of sidewalk widening. The intent of these guidelines has been to ensure that Hayden Street is not treated as a back door to the developments on Bloor Street, but is maintained with its own building and pedestrian integrity.

Pre-Application Discussions

At the request of the applicant, City Planning staff met with the applicant team to review preliminary design concepts. In response to these discussions, the design concept evolved to strengthen the relationship between the three main built form components (podium, tower middle and top) as well as the arrangement of the ground floor.

Reasons for Application

The proposal includes additional lands, gross floor area and height compared to the previous development proposal approved under Zoning By-law 762-2003. It also exceeds the density and height permissions in the former City of Toronto Zoning By-law 438-86, as amended. Additional areas of non-compliance with the zoning standards will be assessed as the review of the application advances.

An Official Plan Amendment is not required.

Density

Due to the inclusion of 709 and 711 Yonge Street as part of the revised scheme, the proposed density is 17.3 times the area of the lot, while the approved density in 2003 was 16.5 times the area of the lot.

The proposed development would exceed the density on the lot as permitted by the two different zoning classifications that apply to the site under By-law 438-86.

The proposed development would require an amendment to the former City of Toronto Zoning By-law 438-86 to exceed the permitted density.

Height

The proposed 78-storey (81 level) mixed commercial/residential building would not comply with the height limits within the various zoning classifications in which they are located. Zoning amendments are required to permit the proposed heights of these buildings.

The mixed use building is proposed to be constructed straddling a zoning line where the majority of the site permits a height of 61 metres (1 and 23 Bloor Street) and while the remainder of the site permits a height of 30 metres (14 Hayden Street and 709 and 711 Yonge Street). The 78-storey tower element would be constructed within the site that permits a maximum height of 61 metres.

Angular Plane

The proposed mixed use building would not comply with the By-law requirement that it fit within a 60-degree angular plane above a building height of 28 metres north of Roy Square lane and 44-degree angular plane above a building height of 16 metres south of Roy Square lane.

Other

Other areas of non-compliance requiring amendments to By-law 438-86 to permit the construction of the proposed development are identified in Section 1 of the Draft Zoning By-law Amendment and include the definitions of lot, grade, height and parking space (refer to Attachment 10, Draft Zoning By-law Amendment)

Community Consultation

A community consultation meeting was held in the neighbourhood on December 18, 2007. Approximately fifty people were in attendance. Issues raised at the meeting and submitted on comment sheet distributed at the meeting included:

1. concern about adequate open sidewalk area at the southeast corner of Bloor Street East and Yonge Street given the high pedestrian volume in the area;
2. concern about an adequate sidewalk area along Yonge Street and Hayden Street;
3. request for continuous weather protection along Yonge Street;
4. request for a crosswalk with traffic light on Bloor Street East between Yonge Street and Church Street;
5. request for PATH connection under Bloor Street just east of the intersection with Yonge Street, and at grade and below grade pedestrian connections with retail lining them through the site;
6. request for knockout panels to permit a PATH connection under Yonge Street south of Bloor Street;
7. improved landmark architectural treatment in keeping with the prominence of the site;
8. concern about the number of parking spaces to serve the variety of land uses;
9. request for significant streetscape enhancements along Hayden Street;
10. request to have no vehicular access from Hayden Street;
11. request that the Hayden Street façade not be treated as a back entrance;
12. concern about wind tunnelling;
13. request to have a 1.5 metre dedication for road widening and an additional 1.5 metre setback in accordance with the Hayden Street Guidelines;

14. request for additional TTC signage to direct people from Yonge Street to the Hayden Street TTC entrance;
15. request to have Section 37 community benefits applied to streetscape improvements on Hayden Street;
16. request to have no exhaust vents on the abutting sidewalks;
17. concern about excessive signage on the building;
18. request for public art;
19. request to replace the north south lane with a pedestrian walkway through the site; and
20. concern about pedestrian access around the site during demolition, excavation and construction.

Community Planning have received telephone calls and written comments from members of the public after the community meeting. The Comment section addresses some of the issues raised.

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

Provincial Policy Statement and Provincial Plans

This proposal supports the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application complies with the policies of the Planning Act that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other matters, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes.

The proposed development is consistent with the PPS. The proposal provides for intensification on a site which is well served by municipal infrastructure, particularly various modes of public transit, with a variety of unit types in an area previously identified by Council for redevelopment.

The site is identified in the Growth Plan for the Greater Golden Horseshoe as being located in an area that is classified as: a “Built Up Area, an “Intensification Corridor” and a “Major Transit Station Area”. All classifications apply to lands that are targeted for urban intensification. In addition the site is classified as a “greyfield” site which is also a category of land to which the Plan directs intensification. The proposed development conforms to the Growth Plan.

Land Use

Situated in a key intersection of the City’s “Downtown”, in an area where perhaps there is the greatest intensity of uses and scale, the site is currently underutilized as a block of low-rise commercial buildings. The site is near to:

- public transit, in particular the Yonge subway line and Bloor-Danforth subway line;
- residential uses;
- places of employment;
- retail stores and services; and
- places of entertainment.

The site’s proximity to these attributes make this site well suited for redevelopment, intensification and the introduction for a variety of uses, including residential uses, all of which are consistent with the Provincial policies and the Official Plan.

The revised scheme takes into consideration the site’s three main frontages (Yonge Street, Bloor Street East and Hayden Street) and addresses each by introducing different uses along them that are in keeping with feel and character of each respective frontage. While both Yonge Street and Bloor Street are known as “main street” shopping destinations, the uses along Yonge Street are mainly retail, as a result, the entire frontage of the proposed development along Yonge Street will be at-grade retail. In addition to retail uses at-grade, the entrance to the hotel of the proposed development is located along Bloor Street East, as the Bloor Street East frontage has a mix of uses including office, retail and hotel uses. Hayden Street is the least intense of the three street frontages, as a result, more private or less intense uses such as the residential lobby entrance/driveway and loading area of the proposed development are located along Hayden Street.

Density, Height, Massing

The “Mixed Use Areas” provisions of the Official Plan provide a list of criteria that directs the design of proposed new developments within this designation. Densities that result for buildings that have been designed in reference to these Official Plan criteria will be specific to a particular development site and will be an appropriate fit within the surrounding existing land uses. In this case the development has been designed to adhere to the following “Mixed Use Areas” criteria (that affect the density of the project):

- locate and mass new buildings to provide transition between areas of different development intensity and scale by stepping down in heights towards lower scale “Neighbourhoods”,
- locate and mass buildings so as to limit shadow impacts on adjacent “Neighbourhoods”, and
- locate and mass new buildings so as to frame edges of streets and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets and in parks and open spaces.

With respect to density, height and massing, the applicant has submitted a design that meets the criteria listed above. The proposal is for a built form is similar in density but is taller in height than the previously approved scheme. At 290.5 metres it will be one of the tallest buildings in the City and while its density at 17.3 times coverage is double of what is permitted as-of-right, it is higher than what was previously approved. As a result of the previous 2003 approval, it has been concluded that this is an appropriate site for a tall and high density building. The building will signal a landmark building the key intersection of Yonge and Bloor Streets and the neighbourhood of Bloor-Yorkville, in a location where there will be minimal, if any impact on neighbouring developments. The acquisition of the 709 and 711 Yonge Street properties creates a more logical development block, as a result, the new proposal creates a more attractive podium building that provides a better relationship in terms of height and scale with the existing buildings along Bloor Street and Yonge Street.

The increase in height and density from the proposed development is marginal when compared to what is already permitted on site from the existing 2003 approval. Also, the increase in height and density can be sustained due to the acquisition and incorporation of the 709 and 711 Yonge Street properties into the new proposal.

The Tall Buildings Urban Design Guidelines recommend a maximum tower floorplate of 743 square metres. Building articulation is recommended for floor plates above this amount. The tower floorplate is above 743 square metres and is similar to the floorplate approved for a 60 storey tower in 2003. The site is large, and the building is articulated and therefore the floorplate is satisfactory.

The Tall Buildings Urban Design Guidelines also recommend a three-metre to five-metre stepback for a tower from a podium. The applicant proposes a 10 metre stepback from the podium along Yonge Street and a zero to 2 metre stepback along Bloor Street. In light of the highly urban character of the Bloor and Yonge Street intersection these stepbacks satisfactory. The tower is positioned 35.5 metres from the podium edge along Hayden Street. The midrise building along Hayden Street is setback 4 metres from the widened Hayden Street. Staff are satisfied with the podium and tower massing and recommend that they be secured in the zoning schedule.

The new proposal has responded to a number of the Bloor-Yorkville/North Midtown Urban Design Guidelines for the site. A landmark installation is created, as well as a highly animated street frontage of storefronts and hotel lobby entrances in a five level podium building overlooking Yonge Street and Bloor Street. The 13-storey mid-rise building along the eastern portion of the site is a direct response to the adjacent 18-storey office building at 33 Bloor Street East and is also in keeping with the mid to high-rise buildings along Bloor Street East. The height of the tower portion of the building occurs in an area identified as one that is not shadow sensitive and where all tall buildings are to be encouraged. The taller elements of the building have been setback appropriately to reduce their presence onto the street. The proposed building also serves as a gateway feature at this intersection.

Sun, Shadow and Wind

Section 3.1.3 (Built Form) of the Official Plan includes a policy that tall buildings must minimize the negative impact of shadows on adjacent public spaces including streets, parks and open spaces. The applicant has submitted a Shadow Analysis prepared by architect Varacalli dated September 18, 2007 and staff are satisfied with the level of shadowing on other nearby properties at the Yonge and Bloor Street intersection, which are already considerably shadowed by the CIBC and the Hudson's Bay Towers. It is clear that the shadows cast by the proposed tower will be a marginal increase to the surrounding area and that the floorplate of the tower will result in a quick sweep of shadow across area sidewalks.

The Official Plan policies require new development to be massed to fit harmoniously into its existing and/or planned context. This includes minimizing adverse effects of winds on neighbouring streets, properties and all exterior pedestrian areas. The applicant has submitted a Wind Analysis of the conditions created by the proposed building from Gradient Microclimate Engineering Inc. dated August 2007. Their analysis concludes that the pedestrian wind conditions around the base of the proposed development are generally acceptable for most pedestrian activities much of the time on an annual and seasonal basis, as a result, no mitigation is required or recommended at grade level around the development. Wind conditions for the proposed fifth level patios are generally acceptable throughout the year for standing and strolling with minor mitigation matters for the spring and fall seasons, depending on the intended use of the patios. Staff is satisfied with these conclusions and find the resultant wind conditions satisfactory.

Streetscape and Pedestrian Amenity

Section 4.5.2(f) of the Official Plan requires that new development within "Mixed Use Areas" provide an attractive, comfortable and safe pedestrian environment. Policy (e) of that section requires new developments to locate and mass buildings in such a manner so as to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on those adjacent streets, parks and open spaces.

The applicant has submitted designs for the commercial components of the project that provide attractive new retail space at grade on Yonge Street, Bloor Street East and

Hayden Street to allow for casual pedestrian interaction in front of the shops. Weather protected sidewalks are provided along sections of Bloor Street East, Yonge Street and Hayden Street. The applicant is proposing to significantly landscape and improve the sidewalk on Hayden Street and establish a minimum sidewalk width of 4.2 metres.

The applicant proposes that the minimum clear width of the sidewalk along Yonge Street be 4 metres with an additional 1 metre from the face of exterior columns to the face of the Yonge Street façade. The Bloor Street Transformation will be implemented along the north side of the proposed building.

Bicycle Parking

The zoning by-law requires a minimum of 0.75 bicycle parking spaces for each dwelling unit up to a maximum of 200, therefore a minimum of 160 resident bicycle parking spaces and 40 visitor bicycle parking spaces are required. The applicant proposed to provide resident bicycle parking in excess of the zoning by-law provisions and visitor bicycle parking less than the zoning by-law provisions as follows:

Floor	Bicycle Parking- Visitor	Bicycle Parking - Resident		Bicycle Parking - Commercial	Total
		Exclusive Use	Combined with Storage Locker		
P5	0	99	14	0	113
P4	0	95	16	0	111
P3	0	91	14	0	105
P2	9	68	7	0	75
P1	9	12	0	0	12
Ground	0	0	0	0	0
Total	18	365	51	0	434

The applicant is also proposing an additional 109 bicycle parking spaces on floors 55 to 77 which are combined storage lockers. Staff do not consider these bicycle parking spaces to be countable as most condominium corporations prohibit bicycles in elevators.

Transportation Planning recommends 1 bicycle parking space per residential unit (612 spaces). In light of the site being at the intersection of two subway lines staff can support less than 1 bicycle parking space per residential unit. Transportation Planning requests that the bicycle parking proposed in excess of the zoning by-law provisions be secured. This is appropriate given the existing Bay Street Clearway and bike lanes at its northern end, bike lanes on Davenport Road west of Bay Street, and future bike lanes in the vicinity on Wellesley Street, Davenport Road/Church Street east of Bay Street, and Bloor Street East.

There are no weather protected visitor bicycle parking spots provided outdoors at-grade. Staff recommend that a minimum of 40 visitor bicycle parking spaces be provided on the P1, ground and second floor and that of these a minimum of 10 weather protected visitor bicycle parking spots be provided outdoors at-grade. The applicant has not provided an at-grade bicycle room which is the preferred location for bicycle parking. Residential bicycle parking is incorporated in the underground parking garage on levels P1-P5. Bicycle parking is most appropriately located at grade, on the second floor or P1 level. The applicant proposed that 97% of the bicycle parking be located below the P1 level. City Staff will request improvement to the location of the bicycle parking at the time of site plan approval. Staff will ensure that the majority of the residential bicycle parking is in common element rooms.

The applicant has not indicated how the requirement for bicycle parking for the non-residential uses will be provided. The zoning by-law requires a minimum of 1 bicycle parking space per 1,250 square metres which results in approximately 21 spaces. Also the by-law requires on shower-change facility for each gender for a non-residential uses. Staff will secure these requirements through the site plan approval process.

Parking, Loading, Access and Traffic Impact

Section 2.2 of the Official Plan (Structuring Growth in the City: Integrating Land Use and Transportation), states that future growth within Toronto will be directed to areas which are well served by transit, the existing road network and which have properties with redevelopment potential. The Plan continues by stating that, generally, future growth locations are sites that are along bus and streetcar routes and that are near subway and other rapid transit stations. The Plan also states that the areas most capable of accommodating growth are those that are designated on Map 2 of the Plan including “Downtown” (as is the case with this site).

With proximity to transit, places of employment, retail stores and entertainment facilities, growth is expected and encouraged on appropriate sites along the major transit corridors such as Bloor Street and Yonge Street.

Parking

The applicant is proposing a total of 541 parking spaces in 5 levels of underground garage. Of those spaces 156 would be privately-operated as commercial spaces on the first two levels of the garage and 385 would be for the exclusive use of the residents of the proposed 612 condominium units.

A Traffic Impact Study prepared by B.A. Group was originally submitted by the applicant in 2003 and approved by Technical Services. As the scheme has been revised to include 709 and 711 Yonge Street, the TIS report has been revised to reflect the new proposal. For consistency purposes, the updated study maintains the base parking requirement and traffic generation/analyses and forecast assumptions contained within the original TIS report.

To that effect, the City's Development Engineering Department has applied the following parking standards to the respective components of the proposed development:

Non-residential Uses

Retail uses	1 parking space per 100 square metres
Hotel uses	1 parking space per 371 square metres

Residential Uses

1-Bedroom	0.5 parking space per unit
2-Bedroom	0.75 parking space per unit
Visitor	0.06 parking space per unit

The minimum parking supply for this proposal under the City's By-law Parking Standards would be 541 spaces, of that 134 spaces would be required for non-residential uses spaces (92 for retail, 42 for hotel), while 407 spaces would be required for residential uses (179 for 1-bedroom units, 191 for 2-bedroom units and 37 spaces for visitors). The proposed 541 spaces meet the total of 541 spaces that are required under the City's By-law Parking Standards. The parking includes 90 undersized parking spaces.

The applicant is proposing to accommodate all visitor parking in the 24 hour publicly accessible privately-operated garage. The proximity of the site to public transit and the proposed underground link (via 33 Bloor Street East) to the Bloor/Yonge subway station will be incentive for visitors to the development to use public transit.

Development Engineering accepts the parking arrangement as proposed given the availability of parking for visitors in the privately-operated portion of the garage and the convenience offered to visitors and residents alike of the proximity of public transit to the site.

Loading (refer to Attachment 2, Site Plan)

The applicant is proposing a total of four loading spaces (2 Type 'B', 1 Type 'C' and 1 Type 'G') to be located within the ground floor of the building at the south end of the site. The two-way driveway on-site connecting with Hayden Street will provide vehicular access to these loading spaces. Manoeuvring of larger vehicles (single-unit trucks and refuse vehicles) within the loading area will be assisted through the use of an 11 metre diameter vehicle turn-table located adjacent to the loading spaces.

Development Engineering accepts the loading arrangement as proposed given that the applicant has provided for a loading area that can accommodate a number of truck sizes and has also accounted for tight manoeuvring by providing a vehicle turn-table.

Access (refer to Attachment 2, Site Plan)

Two garage entrances, one off of Bloor Street East and the other off of Hayden Street will provide access via two-way ramps to the underground parking for both non-residential and residential uses. The Bloor Street East garage entrance will primarily be used as the entrance/exit for the non-residents (i.e. visitors and commercial users) of the building and will be located on the northeast portion of the building, while the Hayden Street garage entrance will primarily be used as the entrance/exit for the residents of the residential component of the building and will be located on the southeast portion of the building. Garage doors will control access for both ramps, as both residents and non-residents will use the same driveway aisles on the first two levels of the parking garage, an additional access-controlled gate arms at the P2/P3 level will restrict non-resident users from accessing the lower parking levels (P3 to P5).

The two-access entrances are likely to have the effect of reducing potential in-bound traffic off of Bloor Street East. Traffic congestion will also be relieved by locating the privately-operated garage controls (ticket machine etc.) well inside the garage on the P1 level. This will allow vehicles waiting to purchase tickets to queue inside the building.

A residential drop-off/pick-up will be located off of Hayden Street along with the driveway that leads to the underground parking garage and the loading/servicing area which are integrated within the building envelope.

The Transportation Impact Study provided by the applicant and accepted by the City's Department of Development Engineering provides information on the projected traffic generation that could be expected to occur at peak hours if this development were to proceed. The study concludes the modified land uses and intensities of the revised development proposal do not significantly alter the conclusions of the originally submitted report. The proposed building can be adequately accommodated by the two entrances. The introduction of two-way traffic operation on Hayden Street between Yonge Street and the site driveway will offer additional flexibility for site related traffic that was not previously possible.

Proposed Turning Restrictions and Roadway Improvements

While the revised Transportation Impact Study concludes that the revised proposal would not significantly alter the conclusions of the original report, the applicant has proposed a number of turning restrictions and roadway improvements. The applicant's agreement to pay for the design and construction of such roadway improvements would be secured in a Section 37 Agreement.

i) Proposed Turning Restrictions

It was proposed by City staff during the review process of the previous TIS that the following restrictions be placed on certain turning movements at proposed site driveways during the morning and afternoon weekday peak commuter periods:

Bloor Street East driveway	No Left Turn In during PM Peak Periods No Left Turn Out during PM Peak Periods
----------------------------	---

Hayden Street	No Left Turn Out during AM Peak Periods No Left Turn Out during PM Peak Periods
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The applicant has taken these previous recommendations into account and has reflected these restrictions into the revised TIS.

ii) Proposed Widening and Introduction of Two-way Traffic on Hayden Street

Hayden Street currently operates one-way eastbound between Yonge Street and Church Street. With the incorporation of 709 and 711 Yonge Street on the northeast corner of Yonge Street and Hayden Street into the overall site, the applicant has proposed to widen Hayden Street from 6.6 metres to 8.5 metres, between Yonge Street and the site driveway, so that two-way traffic operation can be introduced between these two points. The introduction of two-way traffic along this section of Hayden Street would permit outbound traffic from the proposed development using the Hayden Street driveway direct access to Yonge Street rather than travelling east to Church Street and adding to the existing over capacity condition at Church Street.

The applicant has proposed to design and fund the construction of a minor (1.5 metre) widening of the north side of Hayden Street at and to the west of the proposed Hayden Street access to the development. The widening would allow for two-way traffic from Yonge Street to the site driveway.

This widening could also be constructed within the existing right-of-way and should be completed prior to the completion of the building on the site. The applicant's agreement to pay for the design and construction of the proposed Hayden Street widening would be secured through a Section 37 Agreement.

City Council requires that all lands to be conveyed to the City be tested to verify that the contaminations do not exceed the site condition standards or property specific standards as prescribed in the provincial regulations.

All land conveyances to the City are therefore, subject to the Harmonized Peer Review Process and require concurrence by the City's peer reviewer and appropriate filing of the Record of Site Condition. The owner is responsible for all costs associated with the peer review service. The environmental site assessment of the lands to be conveyed to the City will be a condition of site plan approval.

iii) Closing of Roy's Square and Public Lane at the Rear of 709 and 711 Yonge Street

On September 22, 23, 24 and 25, 2003, City Council approved the sale and closure of the public lane known as Roy's Square, extending easterly from Yonge Street then northerly to Bloor Street East to the applicant.

On March 3, 4 and 5, 2008, City Council approved the sale and closure of the public lane at the rear of 709 and 711 Yonge Street, extending northerly from Hayden Street to the applicant.

Number of Dwelling Units and Mix of Units

The large number of dwelling units proposed (612) is supportable given the Official Plan policies to encourage living downtown. The applicant proposes that 42% of the dwelling units be two bedrooms or larger. The development would likely attract families given the proximity of the transit, shopping, schools, parks, PATH connections, daycare, libraries, and entertainment. Discussions with developers marketing other residential condominiums in the vicinity of the development have verified the trend for larger units. The applicant has been encouraged to provide additional larger units in order to attract more families downtown.

Servicing

The applicant is required to submit to the Executive Director of Technical Services for review and acceptance prior to entering into a Site Plan Agreement with the City, a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate.

Design Review Panel

During the development review process the applicant conducted design review panel sessions to comment on and improve their proposal. These panel sessions were voluntary. The applicants invited:

James K.M. Cheng, James Cheng Architects, Vancouver,
Josh Chaiken, Kohn Pedersen Fox Architects New York
Tarek El-Khatib, Zeidler Partnership, Toronto.

The panel met on two separate occasions on December 11th 2007 and February 21st 2008. City Planning staff were present at both these sessions and chaired the proceedings.

The panel discussion focused on three distinct parts of the building (base, middle and top). The panel made several recommendations at the first meeting and outlined areas for further study. These areas included creating a wider and enhanced Yonge Street

streetscape, a more intimate garden court and residential entry along Hayden Street, improved elevational treatments along the Yonge and Bloor intersection which included a redesign on the corner electronic sign. The panel complimented the applicants and were enthusiastic about the idea of a double skin on the elevations as an alternate to balconies and asked several questions on how that skin would be implemented. The panel also suggested that full-scale mock up be created and studied by the applicant team prior to construction.

The applicants responded at the second panel session with revised sketches, drawings, details and models. The applicant's changes and response to the panel's original comments were well received.

The panel commented that in general the building's big moves were well handled and that the building would be an elegant addition to this corner. The panel felt that the building will achieve its objective of becoming a "timeless" building. The panel did indicate that the ground plane particularly along Yonge Street and at the corner of Yonge and Bloor still required further revision to increase and improve the pedestrian zone.

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 0.00 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 612 residential units on a site of 0.4683 hectares (4,683 square metres). At the alternative rate of 0.4 hectares per 300 units specified in the By-law 1420-2007, the parkland dedication would be 0.816 hectares (8,160 square metres). However, a cap of 10% applies and hence the parkland dedication would be 0.081 hectares (816 square metres).

The applicant proposes to satisfy this parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement 0.081 hectares (816 square metres) would not be of a useable size and the entire site is to be encumbered by an underground garage.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Development Standard

The Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto.

The Green Development Standards Checklist submitted by the applicant indicates that the proposed development is intended to meet or exceed 23 performance targets related to air, energy, water, solid waste, and ecology. Some of the targets to be met include the following:

- bicycle parking in excess of the zoning by-law requirement
- pedestrian enhancements including shade, signage, improved lighting
- green roof designed to meet the City's performance criteria with at least 50% coverage of the roof. The rest of the available roof space must be covered with light coloured roofing materials;
- 45% of indoor low-emitting materials;
- 40% of total suspended solids removed from all runoff leaving the site;
- bird friendly development guidelines adhered to with respect to glass and other design features, and light pollution; and
- 70% of developer-supplied appliances will be Energy Star compliant.

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 toward specific capital facilities) and can include parkland and/or park improvements above and beyond the required parkland dedication, public art, streetscape improvements on the public boulevard not abutting the site, substantial contributions to the urban forest on public lands and land for other municipal purposes (Section 5.1.1.6 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 addressing planning issues associated with the development (e.g., local shortage of parkland, improvement of traffic circulation, etc.). Community benefits provided on-site or in the local area are a priority.

In this case planning staff are recommending, after consultation with the Ward Councillor's office, that additional community benefits be secured through an amendment to the original Section 37 Agreement that was secured as a result of the approval back in 2003. In addition to what was secured back in 2003, the following benefits have been secured:

1. Local Improvements

The owner will pay to the City, prior to the issuance of the first above grade building permit for the lot, the sum of \$800,000 (in addition to the \$2,000,000 secured through the existing Section 37 Agreement) for the purpose of local streetscape improvements in the vicinity of the lot to the satisfaction of the City.

2. Sidewalk at Southeast Corner of Bloor Street and Yonge Street

Provide not less than 40 square metres of publicly accessible open space for pedestrian movement in addition to the public sidewalk at the ground level to be located at the intersection of Yonge Street and Bloor Street, the location and design to be to the City's satisfaction.

Provide an easement, if so requested by the General Manager of Transportation Services at the time of site plan approval of this development, that would provide for pedestrian access to the property at the southeast corner of Yonge Street and Bloor Street East.

3. Hayden Street Widening

The owner will design, construct and convey to the City, to the satisfaction of the Director of Technical Services, a 1.5 metre widening on the north side of Hayden Street (refer to Attachment 2, Site Plan) as detailed on the site plan drawings submitted with this application. The estimated value of the widening (to be verified by Development Engineering) is \$80,000 to \$100,000. A letter of credit will be required for that amount.

The Hayden Street widening is also to be completed within 6 months (allowing for poor winter weather) of the completion of the building on site.

Staff note that the environmental site assessment conditions for the lands to be conveyed to the City will be imposed at the time of site plan approval

4. TTC / PATH

The owner has agreed to pay Toronto Transit Commission the minimum sum of \$178,000 to an upset of \$300,000 in lieu of constructing a below grade TTC / PATH from Yonge Street to Hayden Street via 33 Bloor Street East if the below-grade connection from Yonge Street to 33 Bloor Street East lower concourse is not constructed.

5. Construction Indexing

Require that the cash amounts identified above shall be indexed 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 Amended Section 37 Agreement to the date of submission of the funds by the owner to the City.

6. Public Art

Provide a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, of all buildings and structures on the lands to be paid at time of first building permit.

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

1. provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
2. the owner be required to provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that up-grades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services;
3. incorporate in the construction of the building, and maintain, design and exterior materials satisfactory to the Chief Planner and Executive Director;
4. build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received on September 17, 2008, to the satisfaction of the Chief Planner and Executive Director;
5. provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
6. provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division;
7. comply with any other condition to ensure the orderly development and phasing of the lands as required by the Chief Planner and Executive Director, City Planning, acting reasonably;
8. provide continuous weather protection with a minimum clear depth of three metres and maximum height of five metres on Yonge Street;

Tenure

All residential units will be part of a condominium corporation. An application for draft plan of condominium approval will need to be submitted.

Development Charges

It is estimated that the development charges for this project will be \$4,242,054.20. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONCLUSION

City Planning is supportive of the Zoning By-law amendment to intensify this site as proposed given the site's location in the Downtown, in an area well serviced by the municipal infrastructure including pedestrian promenades, bike lanes and public transit.

CONTACT

Al Rezoski, Senior Planner - Downtown Section

Tel. No. (416) 392-0481

Fax No. (416) 392-0481

E-mail: arezosk@toronto.ca

SIGNATURE

Raymond David, Acting Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Envelope – Map 2 of Zoning By-law 762-2003 (for a 60 storey mixed use building)

Attachment 2: Application Data Sheet

Attachment 3: Ground Floor Plan (Site Plan)

Attachment 4: Bloor Street Elevation

Attachment 5: Yonge Street Elevation

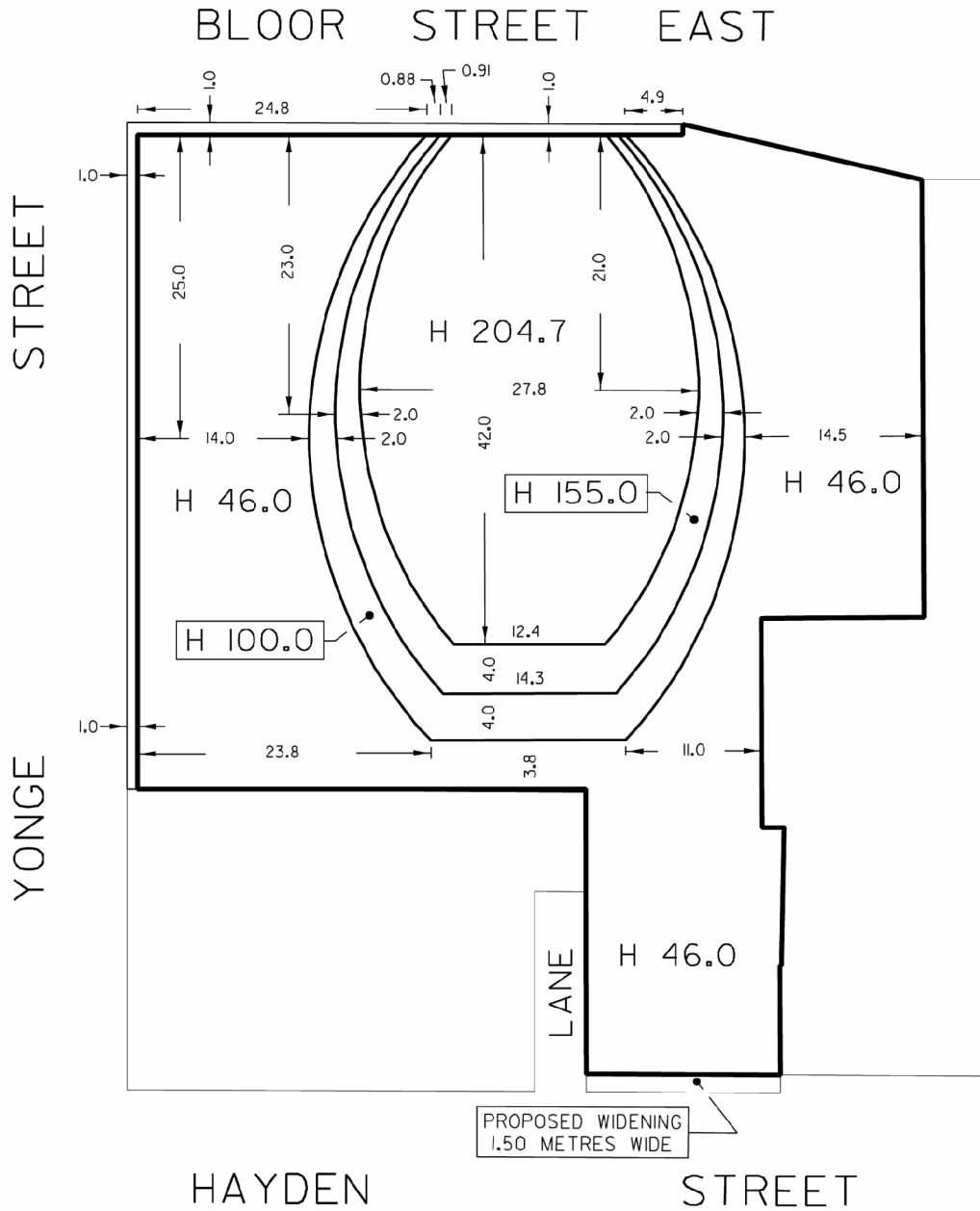
Attachment 6: Hayden Street Elevation

Attachment 7: East Elevation

Attachment 8: Zoning By-law Excerpt

Attachment 9: Draft Zoning By-law Amendment

**Attachment 1: Site Envelope – Map 2 of Zoning By-law 762-2003
(for a 60 storey mixed use building)**



Map 2 By-Law No. 762-2003

Applicant's Submitted Drawing

Not to Scale
11/09/07



**1 & 23 Bloor St East,
14 Hayden St & 709 & 711 Yonge St**

File # 07_277668

Attachment 2: Application Data Sheet

Application Type	Rezoning	Application Number:	07 277668 STE 27 OZ
Details	Rezoning, Standard	Application Date:	November 9, 2007
Municipal Address:	1 and 23 Bloor Street East, 14 Hayden Street, 709 and 711 Yonge Street		
Location Description:	South east corner of Yonge Street and Bloor Street East		
Project Description:	A 78-storey development containing retail, hotel, residential and accessory uses.		

Applicant:	Agent:	Architect:	Owner:
Bazis International Inc. 30 Casmir Court Concord, ON L4K 4J5		architect Varacalli 30 Casmir Court Concord, ON L4K 4J5	One Bloor Street East Limited 30 Casmir Court Concord, ON L4K 4J5

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	762-2003
Zoning:	CR T7.8 C4.5 R7.8 CR T6.0 C4.5 R6.0	Historical Status:	N
Height Limit (m):	61, 30	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	4,683.01	Height:	Storeys:	78
Frontage (m):	65.92		Metres:	265.45 + 17.05 for mechanical and 8 metre architectural fins for a total overall height of 290.5 metres
Depth (m):79.7	79.58			
Total Ground Floor Area (sq. m):	3,256			Total
Total Residential GFA (sq. m):	55,907		Parking Spaces:	541
Total Non-Residential GFA (sq. m):	25,939		Loading Docks	4
Total GFA (sq. m):	81,000			
Lot Coverage Ratio (%):	72.99			
Floor Space Index:	17.29			

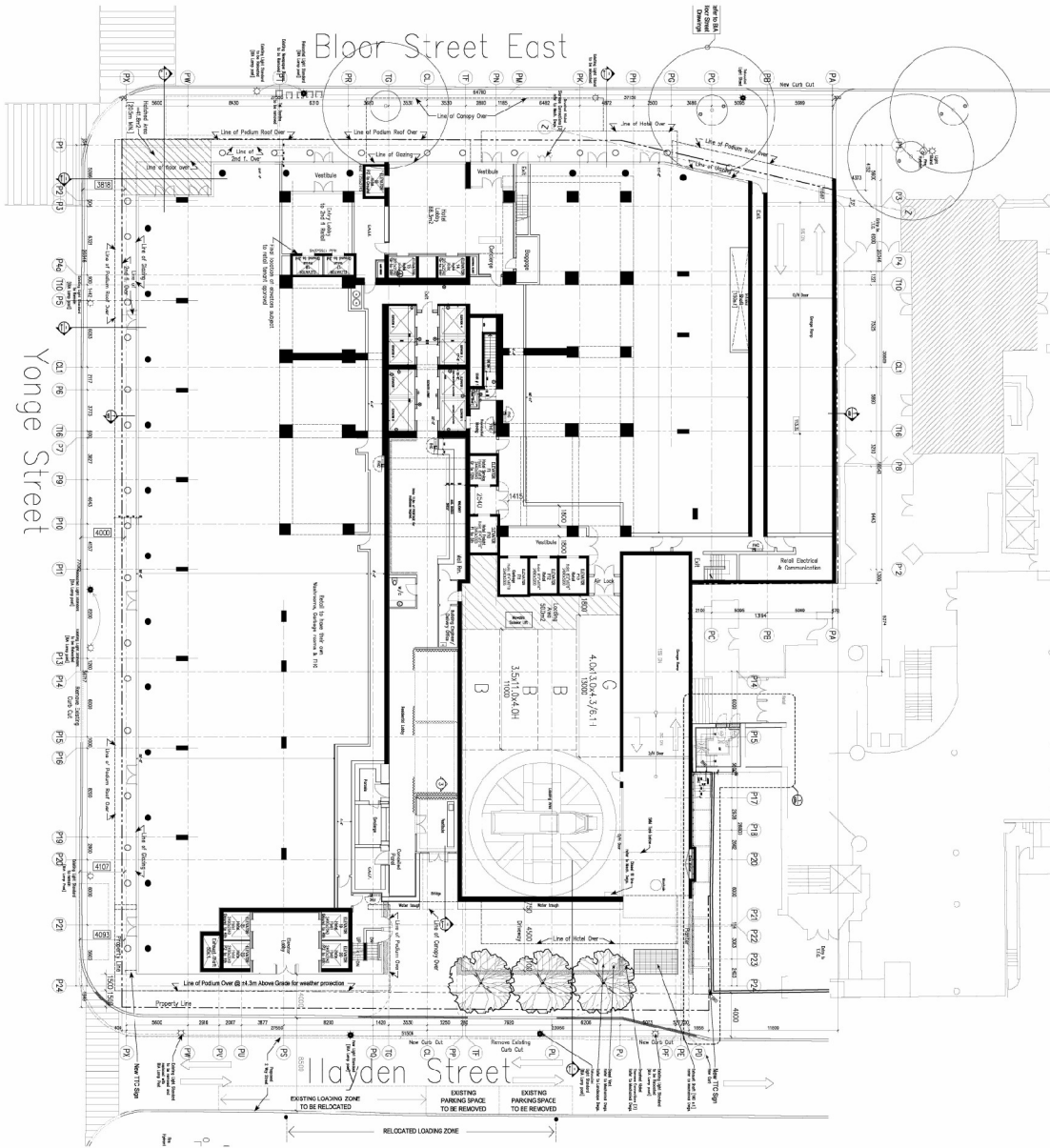
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	55,907*includes required amenity of 2000m ²
Bachelor:	0	Retail GFA (sq. m):	9,186
1 Bedroom:	358 (58%)	Non-residential GFA (sq. m):	1,229
2 Bedroom:	254 (42%)	Hotel GFA (sq. m):	15,524
3 + Bedroom:	0	Shared Amenity GFA (sq. m) (min.):	2,000
Total Units:	612	Hotel = 189 rooms	

CONTACT:	PLANNER NAME:	Al Rezoski, Senior Planner, arezosk@toronto.ca
	TELEPHONE:	(416) 392-0481

Attachment 3: Ground Floor Plan (Site Plan)



Ground Floor Plan

Applicant's Submitted Drawing

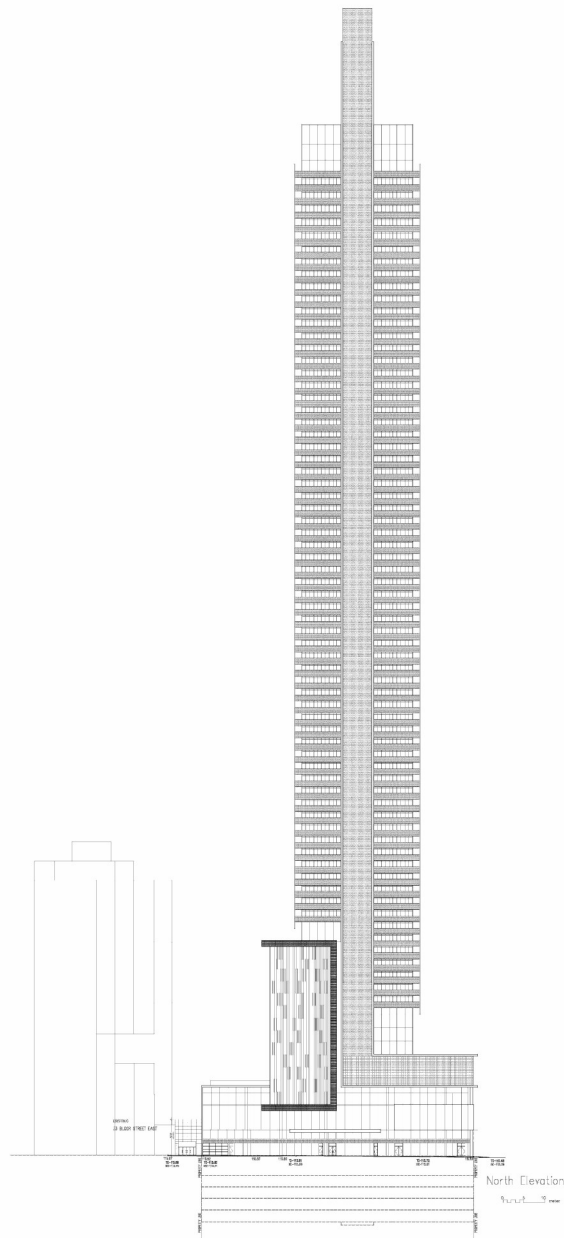
Not to Scale
09/18/08



1 & 23 Bloor St East,
14 Hayden St & 709 & 711 Yonge St

File # 07_277668

Attachment 4: Bloor Street Elevation



Bloor Elevation

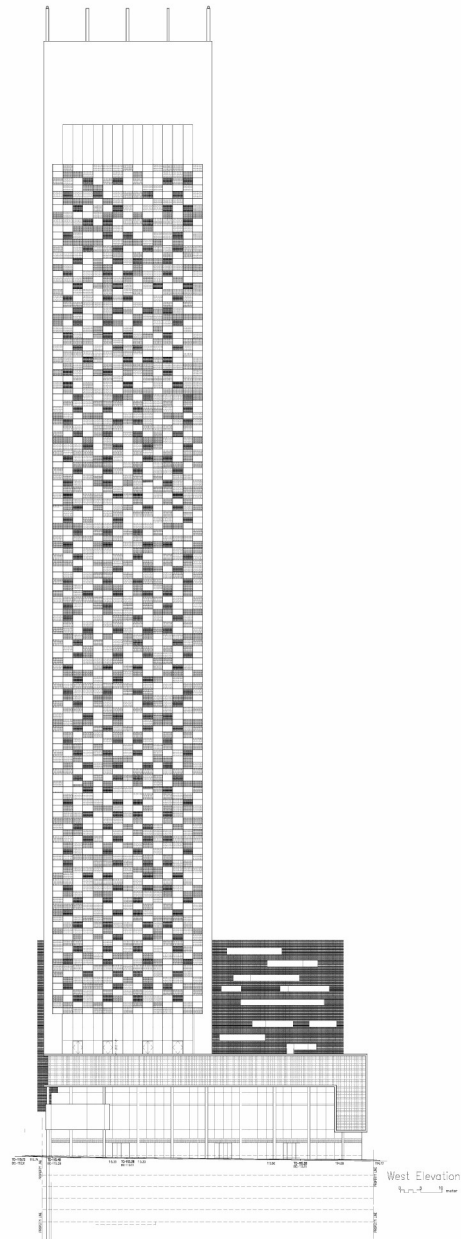
Applicant's Submitted Drawing

Not to Scale
09/16/03

1 & 23 Bloor St East,
14 Hayden St & 709 & 711 Yonge St

File # 07_277668

Attachment 5: Yonge Street Elevation



Yonge Elevation

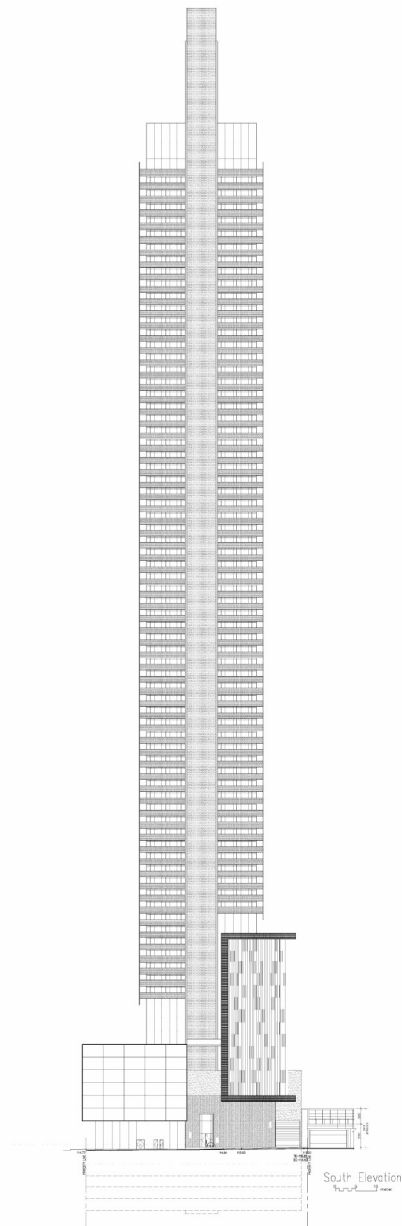
Applicant's Submitted Drawing

Not to Scale
09/18/03

1 & 23 Bloor St East,
14 Hayden St & 709 & 711 Yonge St

File # 07_277668

Attachment 6: Hayden Street Elevation



Hayden Elevation

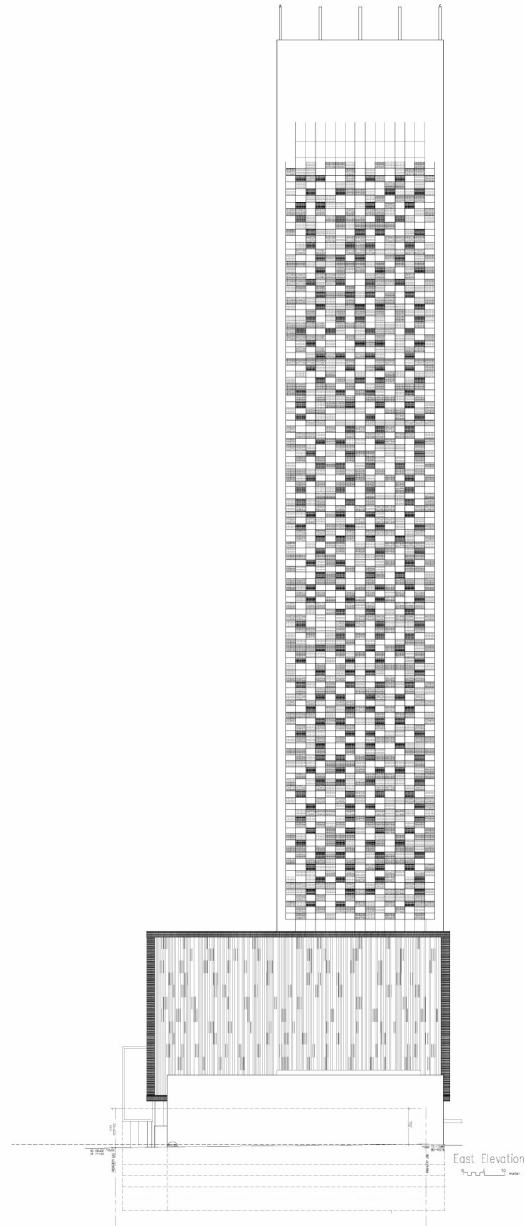
Applicant's Submitted Drawing

Not to Scale
09/18/03

1 & 23 Bloor St East,
14 Hayden St & 709 & 711 Yonge St

File # 07_277668

Attachment 7: East Elevation



East Elevation

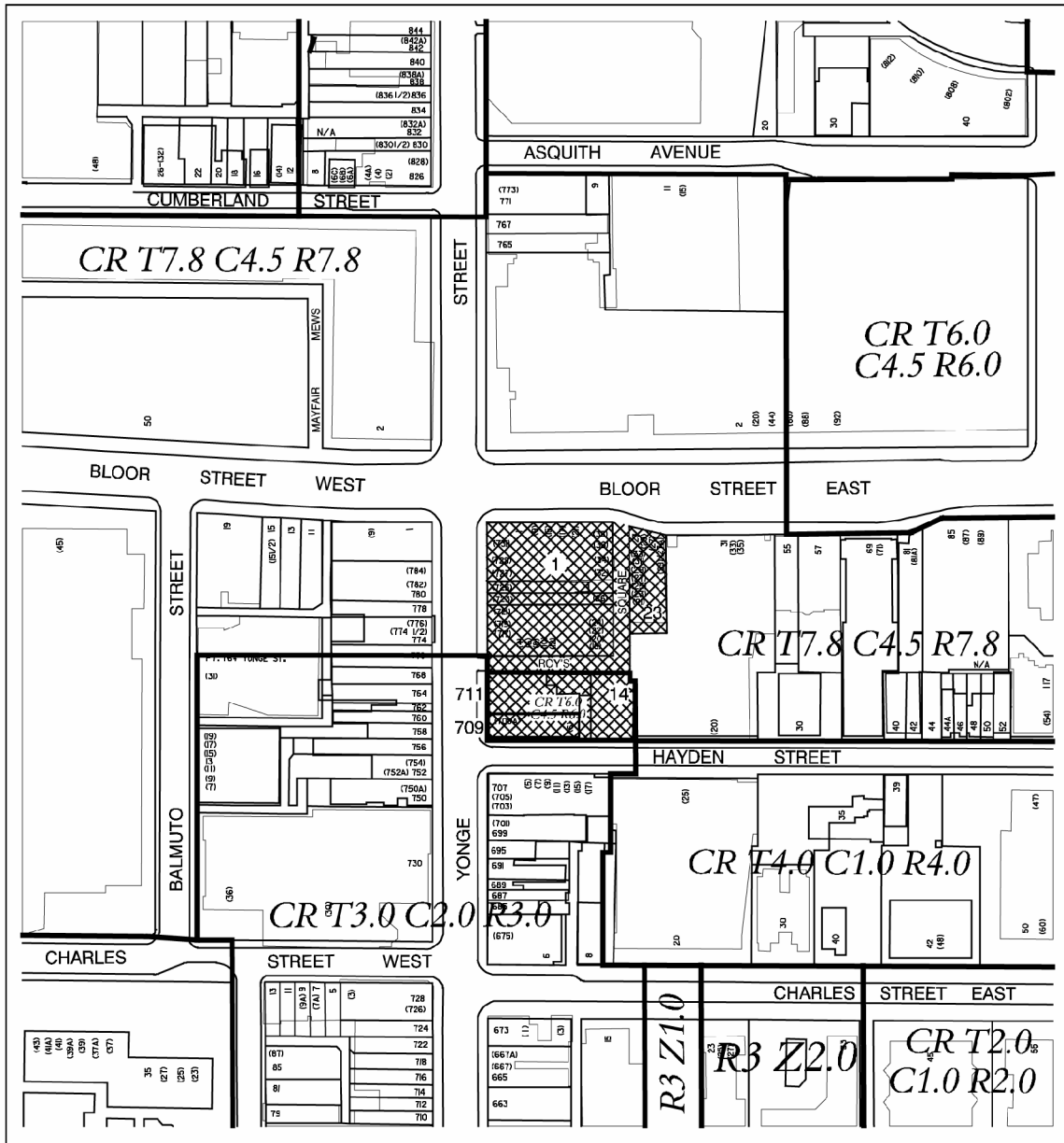
Applicant's Submitted Drawing

Not to Scale
09/18/03

1 & 23 Bloor St East,
14 Hayden St & 709 & 711 Yonge St

File # 07_277668

Attachment 8: Zoning By-law Excerpt



1 & 23 Bloor St East, 14 Hayden St & 709 & 711 Yonge St

File # 07_277668

- R3 Residential District
- CR Mixed-Use District



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 11/09/07 - DR

Attachment 9: Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. xxx-2008

To amend by-law No. 438-86 of the former City of Toronto with respect with lands known as 1 Bloor Street East, 23 Bloor Street East, 14 Hayden Street, Roy's Square, 709 Yonge Street and 711 Yonge Street

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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; and

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 provisions 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 owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands 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 are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

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 the conditions set

out in this By-law and in return for the provision by the *owner* of the *lot* of the 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 provisions 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. None of the provisions of Section 2 with respect to lot, grade, height, parking space, bicycle parking space and public park and Sections 4(2) a, 4(4) b, 4(6), 4 (11), 4(12), 4 (13)(a), 4(17), 6(1)(a), 6(3), 8(2) 7., 8(3), 12(2) 260, 12(2)267, 12(2)324, Section 11.(1)1. of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of land and the erection and use of a mixed-use building on the lands delineated by heavy lines on the attached Map 1 and the lands beneath Part 2 on Reference Plan 66R-20477 (being the lands beneath the 1.5 metre widening on Hayden Street), provided:
 - (a) the lot consists of at least the lands delineated by heavy lines on the attached Map 1 and the lands beneath Part 2 on Reference Plan 66R-20477 (being the lands beneath the 1.5 metre widening on Hayden Street);
 - (b) the total combined residential gross floor area and non-residential gross floor area erected or used on the lot shall not exceed 81,000 square metres, of which:
 - (i) the residential gross floor area does not exceed 55,910 square metres; and
 - (ii) the non-residential gross floor area does not exceed 27,939 square metres;
 - (c) not less than 2,000 square metres of residential amenity space shall be provided on the lot;
 - (d) the heights of any building or structures erected on the lot shall not exceed the heights in metres shown on the attached Map 2, including mechanical and roof top elements such as decorative elements, except for:
 - (i) parapets extending to a maximum vertical projection of 1.5 metres above the height limits shown on Map 2;
 - (ii) aircraft warning lights; and
 - (iii) window washing equipment.

- (e) No portion of any building or structure erected on the lot above grade is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, subject to the following,
- (i) balconies are permitted to project a maximum of 2.5 metres beyond the heavy lines shown on Map 2;
 - (ii) canopies, awnings and building cornices are permitted outside the heavy lines shown on Map 2; and
 - (iii) lighting fixtures, ornamental elements, parapets, trellises, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;
- (f) At least 60% of the aggregate length of the portion of the combined frontage of the lot abutting Yonge Street and Bloor Street provide street-related retail and service uses;
- (g) Not less than 541 below grade parking spaces are provided on the lot which 370 shall be exclusively for use by residents of the building erected on the lot and 134 parking spaces shall be designated for non-residents of the building erected on the lot; and where the 541 below grade parking spaces includes 90 undersized parking spaces;
- (h) the following shall be provided and maintained on the lot:
- (i) one loading space-type C;
 - (ii) one loading space-type G; and
 - (iii) two loading spaces-type B;
- (i) a minimum of 434 *bicycle parking spaces* shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
- (i) for residents, not less than 416 *bicycle parking spaces - occupant*, of which at least 365 shall be in a secure common element bicycle room and not to be combined with a storage locker facility;
 - (ii) for visitors, not less than 40 *bicycle parking spaces - visitor* of which at least 10 shall be provided at *grade*, and the remainder shall be provided at the P1 level; and

4. For the purposes of this By-law:

- (a) “grade” means 115.90 metres Canadian Geodetic Datum CGD); and
- (ii) “height” means the vertical distance between grade and the highest point of the roof, building or structure shown on Map 2.

3. Each word or expression which is italicized herein shall have the same meaning as such word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined in the By-law.

4. By-law No. 762-2003, a by-law applicable to the portion of the lot municipally known as 1 Bloor Street East, 23 Bloor Street East, 14 Hayden Street and Roy’s Square, is hereby repealed.

ENACTED AND PASSED this _____ day of _____, A.D. 2008.

DAVID R. MILLER
Mayor

ULLIS S. WATKISS
City Clerk

City of Toronto
Corporate Seal

APPENDIX 1
Section 37 Provisions

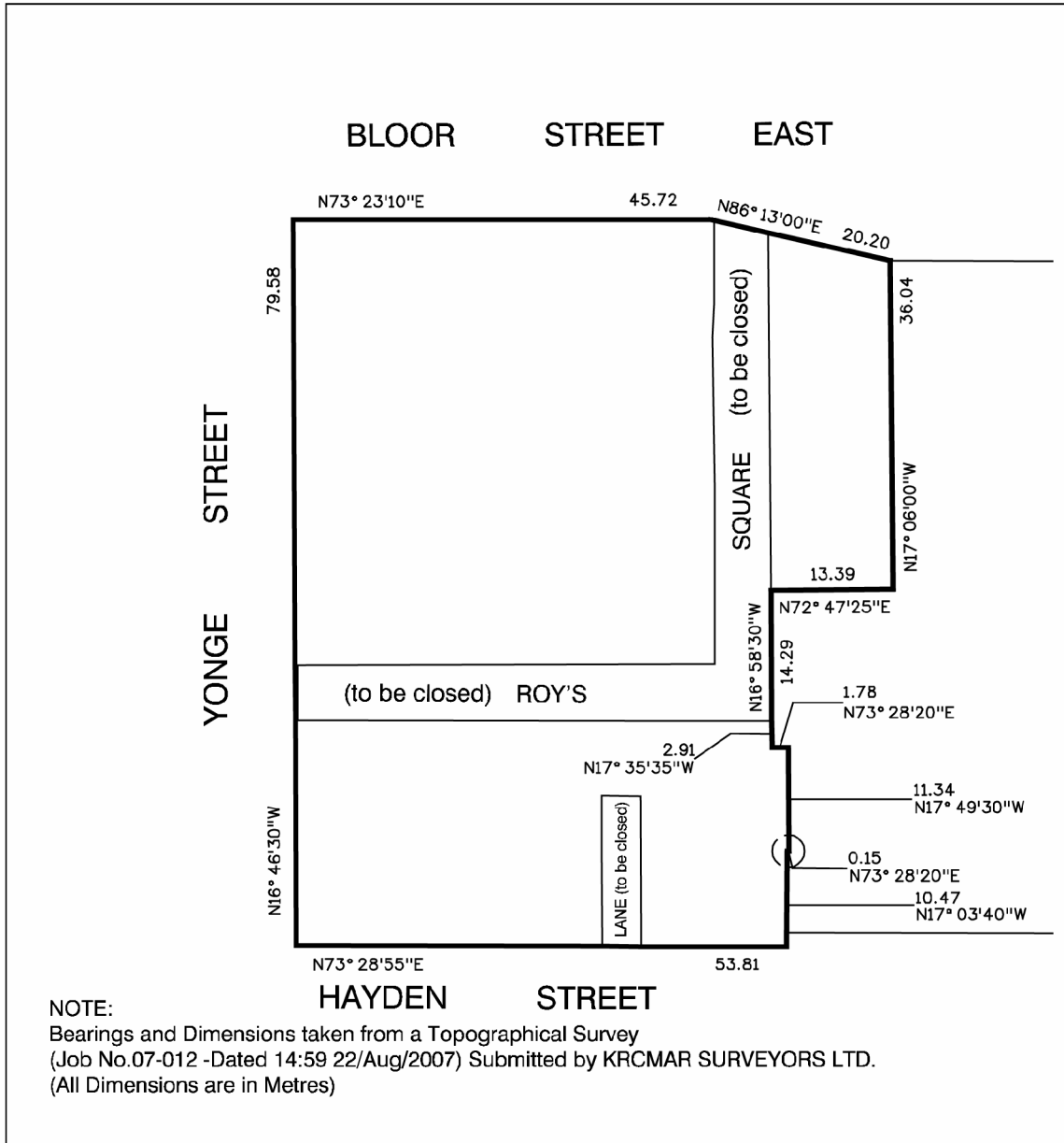
The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *lot* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- a. The owner will construct improvements to Bloor Street in the vicinity of the *lot* to a value of not less than \$2,000,000, or pay to the City prior to the issuance of the first above grade building permit for the lot, the sum of \$2,000,000 for the purpose of improvements to Bloor Street in the vicinity of the lot or for such other local improvements as the City may agree to and are beyond the streetscape requirements of the lot and not to limit the foregoing, the whole or any part of that sum may be used by the City for an underground connection independent of the subway, between the southeast and northeast corners of Bloor and Yonge Streets;
- b. The owner will pay to the City, prior to the issuance of the first above grade building permit for the lot, the sum of \$800,000 for the purpose of local streetscape improvements in the vicinity of the lot to the satisfaction of the City;
- c. The owner will provide not less than 40 square metres of publicly accessible open space for pedestrian movement in addition to the public sidewalk at the ground level to be located at the intersection of Yonge Street and Bloor Street East, the location and design to be to the City's satisfaction;
- d. The owner will provide an easement, if so requested by the General Manager of Transportation Services at the time of site plan approval of this development, that would provide for pedestrian access to the property at the southeast corner of Yonge Street and Bloor Street East;
- e. The owner will design, construct and convey to the City, to the satisfaction of the Director of Technical Services, a 1.5 metre widening on the north side of Hayden Street as detailed on the site plan drawings submitted with this application. The estimated value of the widening (to be verified by Development Engineering) is \$80,000 to \$100,000. A letter of credit will be required for that amount;
- f. The Hayden Street widening is to be completed within 6 months (allowing for poor winter weather) of the completion of the building on site;
- g. The owner has agreed to pay Toronto Transit Commission the minimum sum of \$178,000 to an upset of \$300,000 in lieu of constructing a below grade TTC / PATH from Yonge Street to Hayden Street via 33 Bloor Street East if the below-

grade connection from Yonge Street to 33 Bloor Street East lower concourse is not constructed;

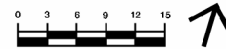
- h. The cash amount identified above shall be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Amended Section 37 Agreement to the date of submission of the funds by the owner to the City;
- i. provide a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, of all buildings and structures on the lands to be paid at time of first building permit;
- j. The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:
 - 1. provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
 - 2. the owner be required to provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that up-grades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services;
 - 3. incorporate in the construction of the building, and maintain, design and exterior materials satisfactory to the Chief Planner and Executive Director;
 - 4. build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received on September 17, 2008, to the satisfaction of the Chief Planner and Executive Director;
 - 5. provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
 - 6. provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division;

7. comply with any other condition to ensure the orderly development and phasing of the lands as required by the Chief Planner and Executive Director, City Planning, acting reasonably;
8. provide continuous weather protection with a minimum clear depth of three metres and maximum height of five metres on Yonge Street;



1 & 23 Bloor St East, 14 Hayden St & 709 & 711 Yonge St

File # 07_277668



Zoning By-law 438-86 as amended
 09/18/08 - DR

