

674-686 Bay Street, 72-74 Elm Street, 85-87 Walton Street and a portion of Barnaby Lane - Rezoning Application – Final Report

Date:	March 27, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	08 178797 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.

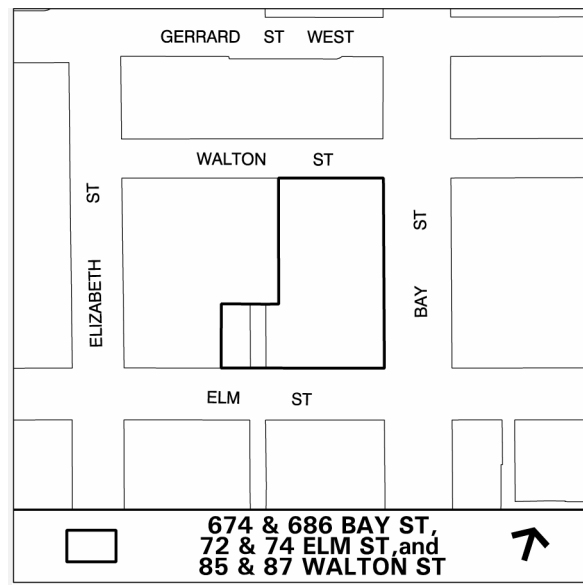
This application proposes a 21-storey research and education building with 505 square metres of retail uses at grade along Bay Street at 674-686 Bay Street, 72-74 Elm Street, 85-87 Walton Street and a portion of Barnaby Lane.

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 the Zoning By-law substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.



2. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director of City Planning, to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required to give effect to the intent of the recommendations contained in this report.
3. Before introducing the necessary Bills to City Council the owner is to execute one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director of City Planning and the City Solicitor. The agreements to be registered on title to the lands in a manner satisfactory to the City Solicitor and to secure the following matters from the owner at its expense:
 - (a) Provide and thereafter maintain public art having a minimum value of \$25,000 to be located on a publicly accessible portion of the lot to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

Although the following matters are not considered to be Section 37 contributions or benefits, they will be secured in the Section 37 Agreement:

- (b) Incorporate in the construction of the building, and maintain exterior building and landscape materials satisfactory to the Chief Planner and Executive Director of City Planning;
- (c) Provide and maintain trees and a continuous soil trench within the Bay Street and Walton Street road allowance to the satisfaction of the Director of Urban Forestry in accordance with Layout and Planting Plan – Ground Level, Drawing No. L3 and Streetscape Details, Drawing No. L4 prepared by du Toit Allsopp Hillier date stamped February 27, 2009;
- (d) Provide and maintain an irrigation system for 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;
- (e) Provide the City with documentation as to LEED certification of the development and the marketing materials that will include information on LEED certification;
- (f) Be encouraged to build in conformity with the Green Development Standard Checklist received by the Chief Planner and Executive Director, City Planning Division on September 9, 2008;

- (g) Enter into a Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director of City Planning, under Section 114 of the *City of Toronto Act, 2006*;
- (h) Prior to final site plan approval, the owner will:
 - 1. Complete an Air Quality study and employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division. The City will require the owner to retain a third party reviewer at their expense.
 - 2. Complete a Noise Attenuation study and employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division. The City will require the owner to retain a third party reviewer at their expense.
 - 3. Obtain City Council's approval of the closure and sale of Barnaby Lane and shall complete such sale of such lane; and
 - 4. Submit to the Executive Director of Technical Services for review and acceptance, a site servicing review to demonstrate how this site will be serviced and whether the existing municipal infrastructure is adequate.
- 4. City Council authorizes City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The Hospital for Sick Children is proposing to construct on an existing parking lot a 21-storey, 117 metre high (99 metres of building height and 18 metres of rooftop elements) research and education building with a 269 seat auditorium and retail uses at grade along Bay Street. The property is composed of 3 parcels as follows:

- 1. Parcel A: 674-686 Bay Street and 85-87 Walton Street is the largest portion of the site and has been used as a surface parking lot for The Hospital for Sick Children for several years.

2. Parcel B: 72-74 Elm Street is vacant.
3. Parcel C: The remaining stub end of Barnaby Lane which is in the City's ownership but is no longer used as a public lane. The City is in the final stages of closing up Barnaby Lane and conveying it to The Hospital for Sick Children.

The building will front onto Bay Street with a significant lobby/entrance feature proposed. A total of 505 square metres is proposed for the grade-related retail and service commercial space along Bay Street.

The proposal provides a total of 100 parking spaces in a three-level underground parking garage with access at Walton Street and 130 bicycle parking spaces on the ground floor within a bicycle room.

Loading to service this building will be located within the old right-of-way of Barnaby Lane and will be within an enclosed loading area adjacent to Elm Street, with access from this street. Five loading spaces are proposed on the ground floor.

A third floor bridge has been proposed to connect this development with the McMaster building (a research building owned and operated by The Hospital for Sick Children) just west of this development.

Overall the proposal has a non-residential gross floor area of 56,302 square metres and a density of 15.2 times the area of the lot.

Site and Surrounding Area

The site is located on the west side of Bay Street and occupies the full length of the block between Elm Street and Walton Street. The site area is approximately 3,700 square metres with approximately 74 metres of frontage on Bay Street and 64 metres on Elm Street. Currently the site is occupied by a parking lot owned by The Hospital for Sick Children.

Within the immediate context the following uses surround the site:

North: On the northwest corner of Walton Street and Bay Street is a 21-storey office/residential building known as Lu Cliff Place. The westerly half of the building is apartments with the front entrance at Gerrard Street West and the easterly half is office with the front entrance at Bay Street.

South: Directly across Elm Street is a line of 3-storey townhouses occupied by commercial/office and residential uses. Further west along Elm Street is a 12-storey residential apartment building (77 Elm Street) with five levels of above grade parking.

East: Across Bay Street is an 18-storey office building with commercial uses at grade.

West: Immediately to the west of this site is the 3-storey Enwave steam generation facility which generates heat for the adjacent hospitals. West of this facility is the 9-storey McMaster building which is also owned by The Hospital for Sick Children.

Provincial Policy Statement and Provincial Plans

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

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

City Planning staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan, as discussed in this report.

Official Plan

The Official Plan places the site within the Downtown and Central Waterfront urban structure area.

The site is designated "Mixed Use Area" on Map 18 – Land Use Plan in the Toronto Official Plan. This designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that direct the form and quality of development in this land use designation. The criteria state that new buildings provide a transition between areas of different intensity and scale; that shadow impacts be minimized; that an attractive safe and comfortable pedestrian environment is provided; and that transit services are in close proximity and accessible to the site.

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 is also available on the City's website at www.toronto.ca/planning/urbandesign/index.htm

Zoning

The property is governed by Zoning By-law 438-86, as amended. There are two different portions of the site each with different zoning. The zoning on the portion of the site adjacent to Bay Street and east of Barnaby Lane is CR T7.8 C2.0 R7.8 which permits a mix of residential, commercial and offices uses to a maximum density of 7.8 times the area of the lot and a maximum height of 61 metres. The zoning on the west side of Barnaby Lane is CR T6.0 C2.0 R6.0. This allows for a density of 6.0 times the lot area and a maximum height of 46 metres. Attachment 3 provides an excerpt of the Zoning map for the site and immediate area.

Site Plan Control

The proposed development is subject to site plan control. A site plan application was submitted and circulated on September 22, 2008 (file # 08 201761 STE 27 SA).

Reasons for Application

The proposed height and density do not comply with the Zoning By-law. The proposed height is 117.56 metres, excluding rooftop mechanical, which exceeds the permitted height of 46 metres on the west side of the property and 61 metres on the east side of the property. The proposed density of 15.2 times the lot area exceeds the permitted density of 7.8 times the lot area on the east side of the property and 6.0 times the lot area on the west side of the property.

Community Consultation

An open house was held on October 21, 2008 to allow the public to review the applicant's submission and ask questions of City staff and the applicant. The meeting was attended by two people. Issues raised include access to the site, streetscaping along Bay Street and Elm Street, and the need for bicycle parking.

An e-mail was also received by an adjacent resident who was concerned about the air quality specifically during construction. The Hospital for Sick Children must adhere to standard construction practices for dust and air pollution during construction. This matter will be further addressed during the review of the site plan application.

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

The proposal is consistent with the PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use and Built Form

The property is designated Mixed Use Area on Map 18 – Land Use Plan of the Toronto Official Plan. It is anticipated that Mixed Use Areas will absorb most of the anticipated increases in retail, office and service employment uses in Toronto in the coming decade. Not all Mixed Use Areas will experience the same scale or intensity of development. The highest buildings and greatest intensity will typically occur Downtown. Development criteria in Mixed Use Areas are set out in Section 4.5 of the Official Plan and include the following:

- create a balance of high quality commercial, residential, institutional, office and open space uses that reduces automobile dependency and meets the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan;
- take advantage of nearby transit services;
- locate and mass new buildings 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;
- provide good site access and circulation; and
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

In addition to the Mixed Use Area development criteria and the desire to promote good design, the Plan also emphasizes the manner in which the building fits within the context of the neighbourhood and City (Section 3.1.2 of the Official Plan). This is to be achieved in a number of ways including locating buildings parallel to the street, locating main

building entrances so that they are clearly visible and directly accessible from the public sidewalk, and by providing ground floor uses that have view into and, where possible, access to adjacent streets.

The proposed office building is in keeping with the development criteria for Mixed Use Areas.

Density

The development permission the applicant is seeking is 56,000 square metres, which represents a gross density of 15.2 times the area of the development site.

The proposed density represents an increase from 6.0 times on the west side and 7.8 times on the east side to 15.2 times the area of the lot. The proposal's additional density above the underlying zoning permission is achieved in an acceptable built form that can be appropriately accommodated on the site. The proposed density is comparable to other new developments along this section of the Bay Street corridor including the Burano at 820 Bay Street having a density of 14.88 times the area of the lot and the Murano at 825 Bay Street having a density of 16 times the area of the lot.

Height and Massing

The major streets within this area including Bay Street and University Avenue have traditionally been and continue to be among the City's primary locations for tall buildings. Many of these buildings exceed the permitted height limit and are as high as 137 metres. The height of the proposed building is generally in keeping with the height of other existing or approved office and residential condominium buildings in the area such as the Burano at 820 Bay Street, the Murano at 825 Bay Street, and the residential towers south of Wellesley Street which are between 40 and 50 storeys. The adjacent building heights range from 18 to 21 storeys.

Staff is of the opinion that the height of the tower is in keeping with the heights of the buildings within and surrounding this area.

Shadow Analysis

Section 3.1.3 (Built Form) of the new 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 and staff are satisfied with the level of shadowing on nearby offices or residential uses. The as-of-right building height on the west side of the property is 15 storeys and on the east side it is 20-storeys which would cast a similar shadow.

Enwave

The proposed development is located immediately adjacent to the heating and deep systems service area for the Enwave Energy Corporation (now know as Enwave).

Planning and Legal Staff, The Hospital for Sick Children and Enwave met on January 26, 2009 and February 4, 2009 to review and respond to Enwave’s concerns regarding the following:

	Enwave Concerns	The Hospital for Sick Children Response
Closure of Barnaby Lane	<p>Provides Enwave with a location to install additional services such as steam, hot water, chilled water, power, gas or communications lines in future.</p> <p>The laneway provides access to the south wall of the Walton Street Steam Plant for maintenance, repair or replacement of plant equipment.</p>	<p>The Hospital for Sick Children has offered to install a covered trench or tunnel for maintaining the pipes. The Hospital for Sick Children has committed to relocating Enwave’s water treatment fill lines currently located at the south side of their building to the north side.</p> <p>The Hospital for Sick Children has offered an easement under Barnaby Lane for the ongoing operation of the lines for as long as Enwave is operating the Walton Street Plant.</p> <p>The Hospital for Sick Children has offered to construct a demountable masonry wall across the width of their north loading dock wall which could be removed to provide access anywhere along Enwave’s entire south wall. The Enwave building can also be accessed from Walton Street.</p>

<p>Planned Growth and Expansion</p>	<p>Enwave plans to increase the steam plant building height up one level or up to the zoning limitation of 46 metres from the existing height of 18 metres (the stack is 134 metre high). The proposed office building will need to account for this.</p> <p>Plant capacity improvement projects are underway and as a result the existing emissions and services will be increasing.</p>	<p>The Hospital for Sick Children has offered to include the installation of Enwave's future foundations in the building excavation/shoring/caisson tender.</p>
<p>Fire Issues</p>	<p>The steam plant stores and/or handles a significant amount of fuel, the developers should understand and realise the inherent dangers.</p>	<p>The Hospital for Sick Children is aware of the fire issues and the precautions necessary as the proposed office building will also have stored fuel and chemicals.</p> <p>The building will be built to building and fire code standards.</p>
<p>Hazardous Materials Handling</p>	<p>Significant amounts of sulphuric acid and other chemicals are handled everyday in the plant either during normal operations or during delivery off-loading.</p>	<p>The Hospital for Sick Children has extensive protocols on the delivery and handling of hazardous material within their own site. Sulphuric acids and other hazardous chemicals at Enwave are delivered off Walton Street and not through the proposed development.</p>
<p>Noise Emissions</p>	<p>The existing plant has many noise sources that should be accounted for.</p>	<p>Planning Staff have recommended that a Noise Attenuation Study be undertaken by the applicant</p>

	<p>Enveloping the steam plant may create a situation where the new building intensifies the noise and affects the hospital or adjacent properties.</p>	<p>during the Site Plan Control stage in order to address any impacts that noise from the adjacent Enwave plant may have on the proposed office building and possible impacts the new building may have on increasing existing noise from other sources. This requirement will be secured in the Section 37 Agreement.</p>
<p>Air Emissions</p>	<p>Emissions in the form of contaminants and heat have a potential impact on the new building.</p> <p>Given the proximity of the stack to the new building, Enwave will need to review the air emissions modelling to ensure there are not future complications.</p>	<p>Planning Staff have requested an air quality study be undertaken by the applicant during the Site Plan Control stage to determine what, if any, impacts the adjacent steam plant may have on this office building.</p> <p>It should be noted that the existing zoning permits the land uses proposed. Further that the existing Enwave stack rises to a height of 134 metres or 16.4 metres above the height of the roof of the proposed research building.</p>
<p>Setback</p>	<p>Constructing a building less than four feet from the existing steam plant.</p>	<p>The current “CR” zoning applicable to The Hospital for Sick Children site would permit a building of up to 61m in the same configuration as the proposed building without any adjustment to setbacks.</p>

Planning staff are satisfied that The Hospital for Sick Children has and will undertake every measure to satisfy Enwave's concerns. Through Site Plan Control, Planning staff will implement certain mitigation measures to address some of Enwave's concerns.

Wind Analysis

Official Plan policies require that the location and form of buildings minimize adverse effects of wind on all exterior pedestrian areas. The applicant has commissioned a study of the wind conditions created by this proposal from their consultant. The results of the study indicate that the existing wind comfort conditions around the study site were generally rated as suitable for standing in the summer and comfortable for walking in the winter. The qualitative assessment also indicates that the massing of the new building will not change the general rating for summer and winter and that the building will provide protection from the stronger winds from the east and west.

Air Quality

Planning staff has requested an Air Quality study be undertaken by the applicant during the Site Plan Control stage in order to address any impacts that existing emissions from the adjacent Enwave plant may have on the proposed office building. This requirement will be secured in the Section 37 Agreement. The City will require the owner to retain a third party reviewer at their expense.

Noise Analysis

Planning staff has requested a Noise Attenuation study be undertaken by the applicant during the Site Plan Control stage in order to address any impacts that noise from the adjacent Enwave plant may have on the proposed office building and visa versa. This requirement will be secured in the Section 37 Agreement. The City will require the owner to retain a third party reviewer at their expense.

Lane Closure

The Hospital for Sick Children has applied to close Barnaby Lane within the lot. Staff recommends within the Section 37 Agreement, a clause that requires the owner to obtain City Council's approval of the closure and completion of the sale of the public lane prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act, 2006*.

Flight Path

The proposed building is located within the flight path cone for The Hospital for Sick Children, pursuant to Zoning By-law 438-86. Transport Canada has advised however that the proposed building will not impact the actual flight path cone as new helicopter technology has reduced the required size of the cone. The new technology has resulted in a disconnect between the By-law and actual air space required for the Hospital's flight path cone. The recommended Draft Zoning By-law Amendment provides a

notwithstanding clause that allows this development to proceed within the existing flight path cone.

Planning staff will endeavour by the end of 2009 to amend Section 150-93 in Zoning By-law 438-86 to reflect the new cone width and length as a result of the new technology.

Encroachment – Urban Design

The proposed plans show portions of the building extending into the Bay Street public right-of-way above the ground floor. The encroachment is an urban design feature that emphasizes the location of the front entrance. Urban Design staff are satisfied with the building encroachment.

Technical Services staff have requested that the applicant submit a separate application to the Right-of-Way Management Section in consultation with the Chief Building Official, for approval of the encroachment and to enter into an Encroachment Agreement to address how pedestrians will be protected from any snow and/or ice that may fall from the proposed building extension.

Pedestrian Infrastructure

The applicant proposes a continuous weather protected canopy with a minimum clear depth of 3 metres along the entire length of Bay Street (excluding 1.8 metres on Bay Street to help create a design entrance feature) in keeping with the character of weather protection on this street. The proposed height of the canopy is a minimum of 4.6 metres above grade. Additional weather protection along Elm and Walton Streets will be discussed further during the Site Plan approval stage. Continuous weather protection is particularly important as it assists in improving experienced microclimate and wind conditions at the pedestrian level.

This area has a high concentration of pedestrians. Wide and clear sidewalks are a key component of City Councils approved Accessibility Plan and the Pedestrian Charter. The proposed pedestrian infrastructure including design and location of sidewalks, and the design location of the canopies will be reviewed in detail at the Site Plan approval stage.

Cycling Infrastructure

The site is well served by the Bay Street Clearway, College Street, Gerrard Street, Wellesley Street and Elizabeth Street bicycle lanes. Pedestrian and Cycling Infrastructure staff are working to extend the existing Elizabeth Street bike lanes (College Street to Gerrard Street West) from Queen's Park to City Hall which would serve this new development.

The applicant proposes to provide 130 employee bicycle parking spaces to be located on the ground floor in a secured room with adjacent showers-change facility for each gender. The applicant will also be providing 9 visitor parking spaces on the first below grade

parking level and a minimum of 32 bicycle rings within the perimeter of the site along Bay, Elm and Walton Streets. Zoning By-law 438-86 requires 45 bicycle parking spaces with 36 spaces for employees and 9 spaces for visitors and one shower-change facility for each gender.

Staff are satisfied that the number and type of bicycle parking spaces proposed is sufficient to accommodate existing and future demand.

Transit Infrastructure

The site is well served by public transit with bus service along Bay Street. The #6 Bay bus route operates between Queens Quay and Dupont Street. The site is also within a ten minute walk of Queens Park Station to the west and College Station to the east on the Yonge/University Lines.

Traffic Impact, Access and Parking

A Traffic Impact Study prepared by BA Group and subsequent addendum have been submitted and reviewed by Technical Services Division staff. The consultant has concluded that the project will not generate any significant change in traffic activity or have any undue adverse impact on the adjacent road system. Transportation Services staff are satisfied with the Study.

Technical Services staff further advised that the proposed provision of 100 below grade parking spaces is acceptable.

As noted earlier, all directional access including access to the underground parking garage will be provided from the western edge of the site on Walton Street.

The Official Plan encourages development at locations well served by a full range of transportation options so as to reduce reliance on the private automobile. The site is in proximity to public transit operations, particularly the Yonge and University subway lines, and its location in the downtown provides convenient walking and cycling opportunities to a range of destinations.

Loading

Five loading spaces are proposed with access to Elm Street by way of the existing right-of-way of Barnaby Lane. Three Type B and two Type C loading spaces are proposed to serve the project.

A vivarium (animal unit) loading space is proposed as one of the Type B loading spaces. Vivarium loading operations must be enclosed at all times during the loading operation.

Although the proposed number of loading spaces is acceptable in principle, further detailed review of the loading spaces will be undertaken during the Site Plan approval stage.

Servicing

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

The costs of any municipal services upgrades required to support the development will be borne by the applicant and will be required prior to final Site Plan approval.

Open Space/Parkland

Alternate park levy does not apply to office type uses.

Urban Forestry

An Arborist Report was submitted as part of the submission package. The street tree on Elm Street is classified as being in good condition. One street tree on Walton Street is classified as being in good condition and one is in poor condition. There are tree pits on Bay Street that have no trees in them. Staff recommends that the tree on Elm Street be preserved.

Urban Forestry has requested that prior to final Site Plan approval the owner shall provide tree removal payment in the amount of \$2,665.33 to cover the appraised tree value and set fees for the removal of two city owned trees that are being removed as part of this project.

Urban Forestry has further requested that the owner conduct as part of Site Plan control an investigation of underground utilities prior to proposing new tree plantings within the City road allowance.

During the Site Plan control process, Planning staff will secure landscaping surrounding this site.

Toronto Green Standard

The Toronto Green Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto. The Standard has 63 possible green development targets. Based on the applicant's submission of the Toronto Green Standard Checklist, the proposed development is intended to achieve 28 targets. Some of the targets proposed include:

Air

- Light coloured roofing materials installed for 75% of the roof;
- Secure bicycle storage for long-term parking; and
- Major entrance located within 200 metres of a transit stop.

Energy

- Building designed for a 25% improvement over the Model National Energy Code for Buildings; and
- Building oriented and designed so that ambient daylight in 75% of the internal space is 250 Lux.

Water

- Greater Toronto Area Conservation Authorities on-site Erosion Sediment Control Guidelines adhered to during construction and demolition activities; and
- Stormwater on-site retained to the same level of annual volume of overland runoff allowable under pre-development conditions

Solid Waste

- Use of Recycled Materials – At least 7.5% of a project's materials are comprised of recycled content; and
- Minimum: At least 50% of non-hazardous construction and demolition debris salvaged or recycled.

The applicant also intends to pursue LEED (Leadership in Energy and Environmental Design) certification for the development and has agreed to provide documentation on key milestones (e.g. application and registration) to the City. Requirements will be secured in the Section 37 Agreement.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act.

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

- (a) Provide and thereafter maintain public art having a minimum value of \$25,000 to be located on a publicly accessible portion of the lot to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

Although the following matters are not considered to be Section 37 contributions or benefits, they will be secured in the Section 37 Agreement:

- (b) Incorporate in the construction of the building, and maintain exterior building and landscape materials satisfactory to the Chief Planner and Executive Director of City Planning;
- (c) Provide and maintain trees and a continuous soil trench within the Bay Street and Walton Street road allowance to the satisfaction of the Director of Urban Forestry in accordance with Layout and Planting Plan – Ground Level, Drawing No. L3 and Streetscape Details, Drawing No. L4 prepared by du Toit Allsopp Hillier date stamped February 27, 2009;
- (d) Provide and maintain an irrigation system for 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;
- (e) Provide the City with documentation as to LEED certification of the development and the marketing materials that will include information on LEED certification;
- (f) Be encouraged to build in conformity with the Green Development Standard Checklist received by the Chief Planner and Executive Director, City Planning Division on September 9, 2008;
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 - 2. Complete a Noise Attenuation study and employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division. The City will require the owner to retain a third party reviewer at their expense;
 - 3. Obtain City Council's approval of the closure and sale of Barnaby Lane and shall complete such sale of such lane; and

4. Submit to the Executive Director of Technical Services for review and acceptance, a site servicing review to demonstrate how this site will be serviced and whether the existing municipal infrastructure is adequate.

Development Charges

Development charges will be payable for the proposed retail uses on the ground floor. It is estimated that the development charges for this project will be \$50,147. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

City Planning is supportive of the proposed development and the required Zoning By-law amendment. The proposal represents an appropriate redevelopment of an existing parking lot and vacant site on Bay Street that has sufficient space to accommodate additional density and height without impacting the surrounding neighbourhood. The building has been located and massed to be compatible with the adjacent buildings.

CONTACT

Michael Hynes, Senior Planner
Tel. No. 416-397-1761
Fax No. 416-392-1330
E-mail: mhynes@toronto.ca

SIGNATURE

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

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2a: North Elevation

Attachment 2b: South Elevation

Attachment 2c: West Elevation

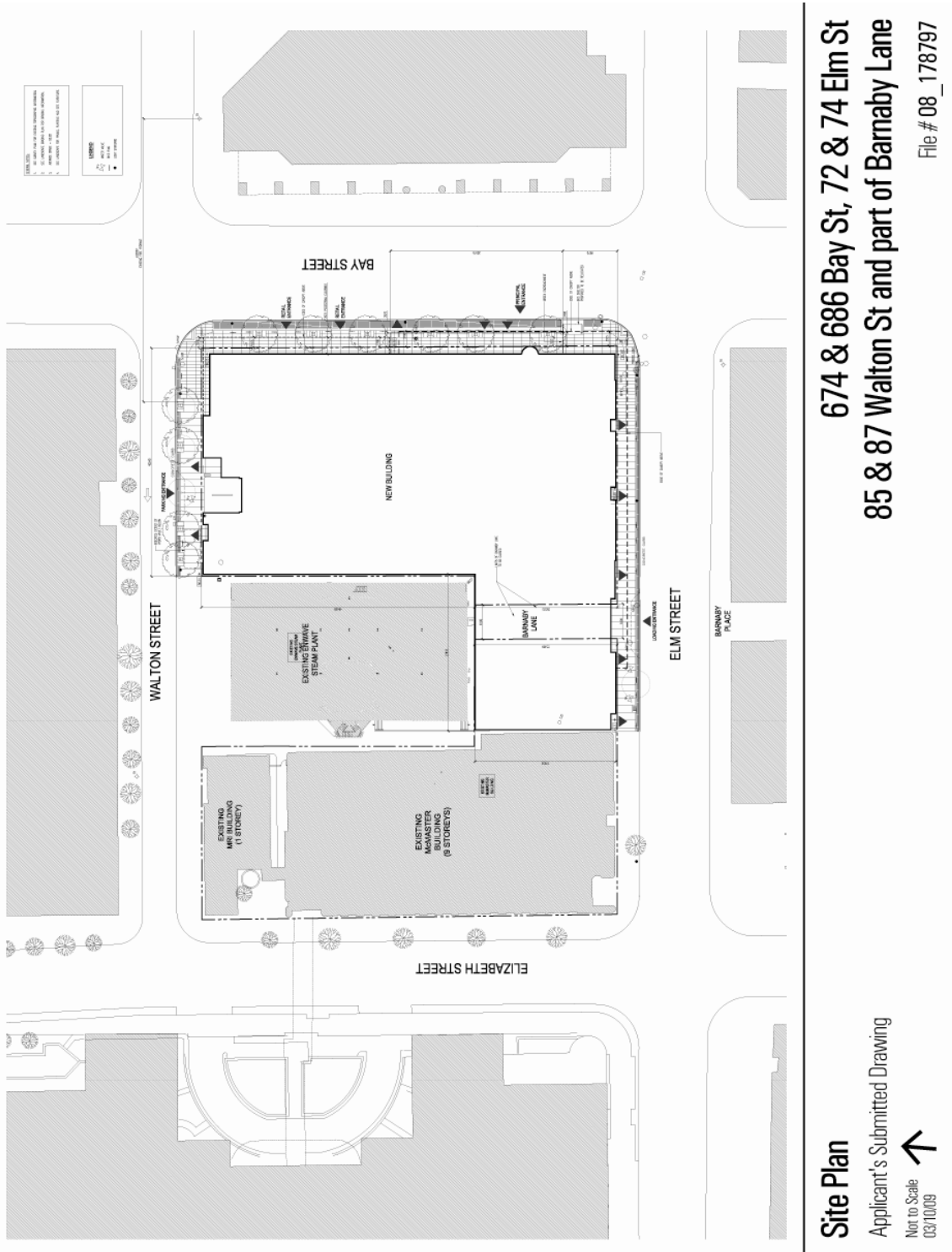
Attachment 2d: East Elevation

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment

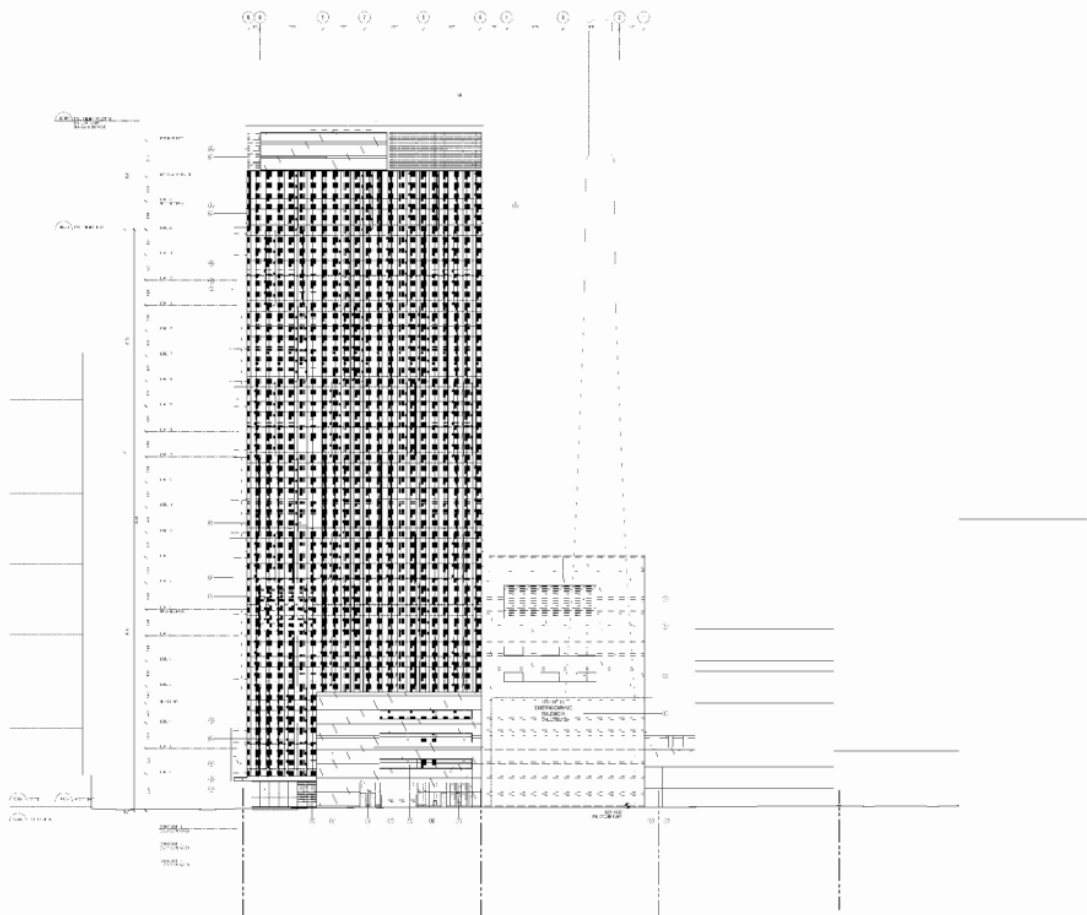
Attachment 1: Site Plan



Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 03/10/09

674 & 686 Bay St, 72 & 74 Elm St
85 & 87 Walton St and part of Barnaby Lane
 File # 08_178797

Attachment 2a: North Elevation



NORTH Elevation

Elevations

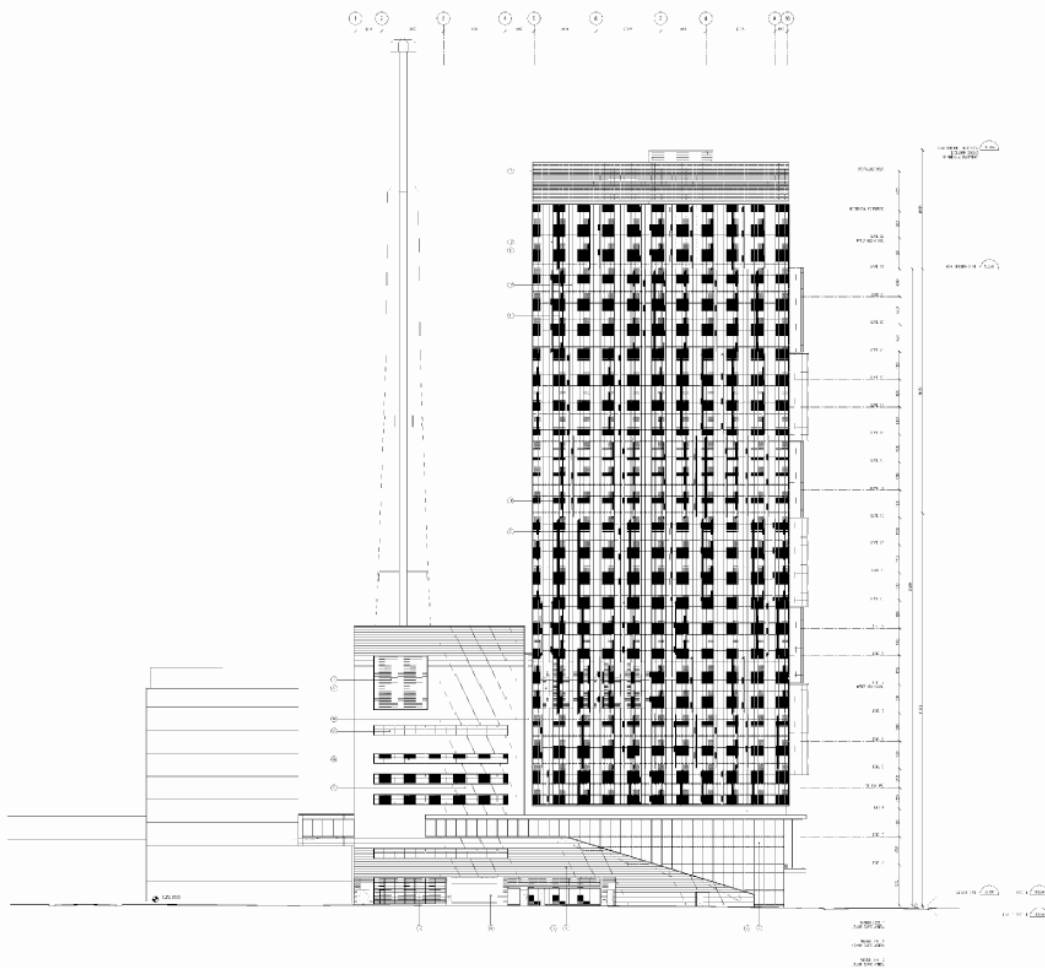
Applicant's Submitted Drawing

Not to Scale
03/10/09

674 & 686 Bay St, 72 & 74 Elm St,
85 & 87 Walton St and part of Barnaby Lane

File # 08_178797

Attachment 2b: South Elevation



SOUTH Elevation

Elevations

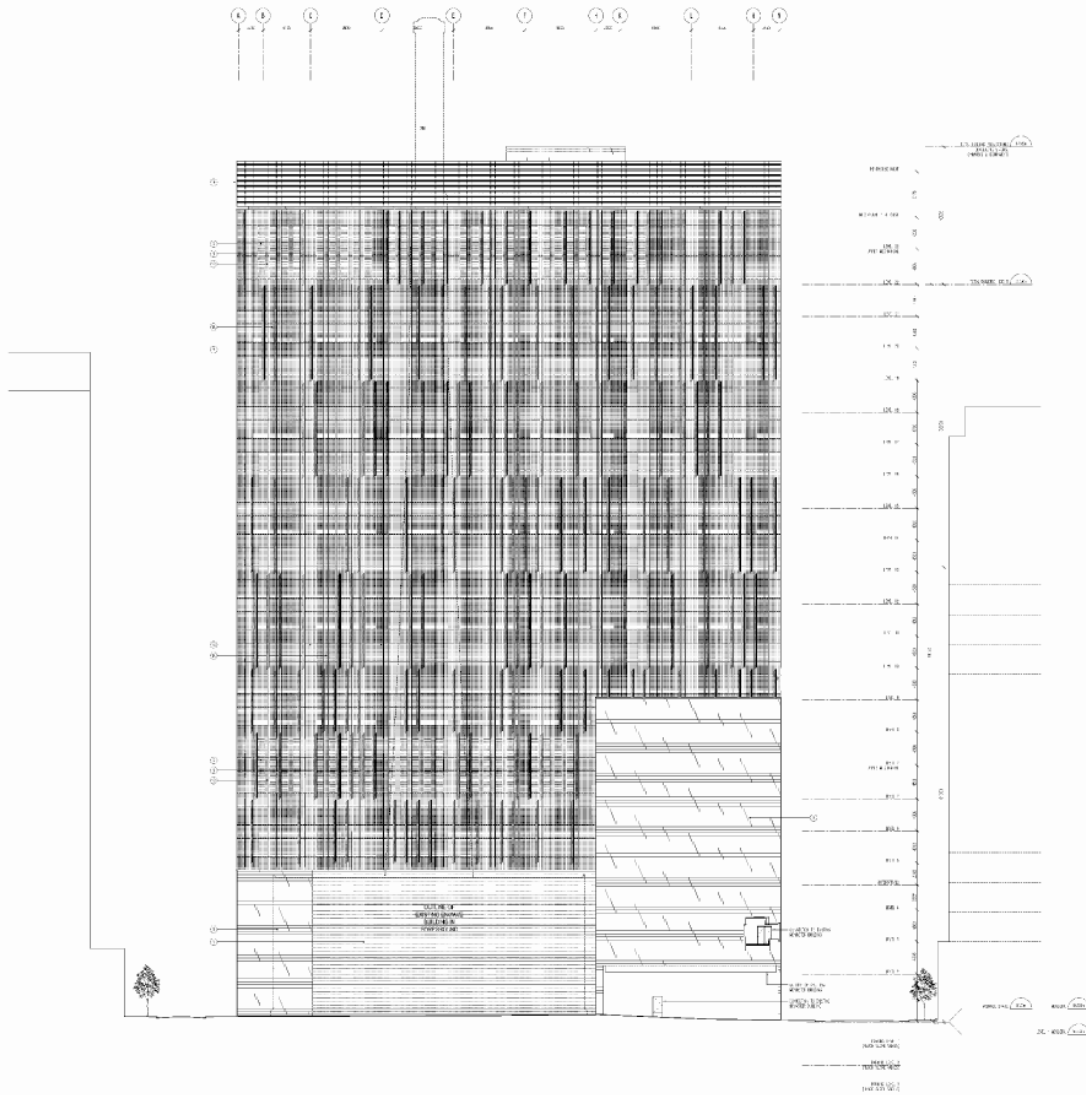
Applicant's Submitted Drawing

Not to Scale
03/10/09

674 & 686 Bay St, 72 & 74 Elm St,
85 & 87 Walton St and part of Barnaby Lane

File # 08_178797

Attachment 2c: West Elevation



WEST Elevation

Elevations

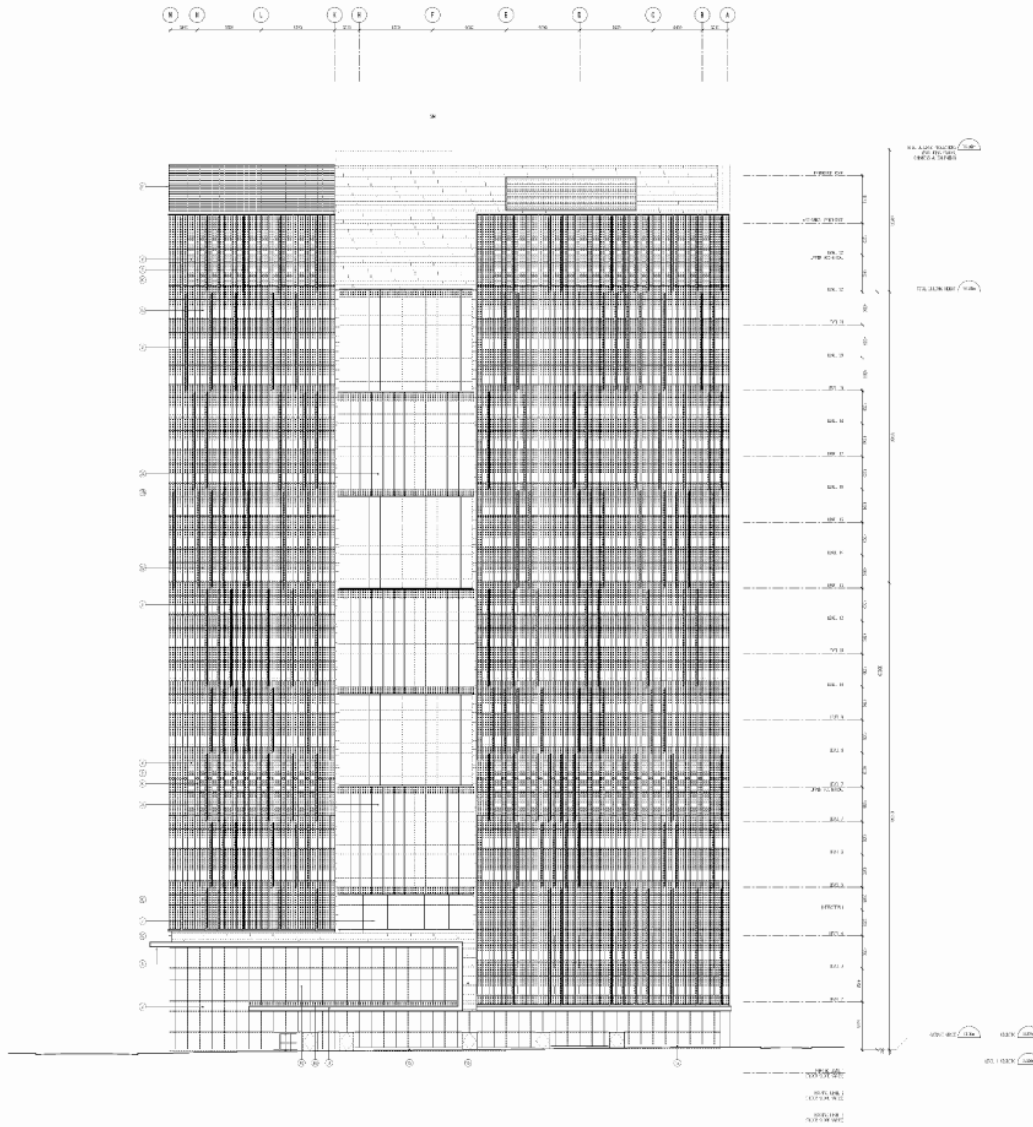
Applicant's Submitted Drawing

Not to Scale
03/10/09

674 & 686 Bay St, 72 & 74 Elm St,
85 & 87 Walton St and part of Barnaby Lane

File # 08_178797

Attachment 2d: East Elevation



EAST Elevation

Elevations

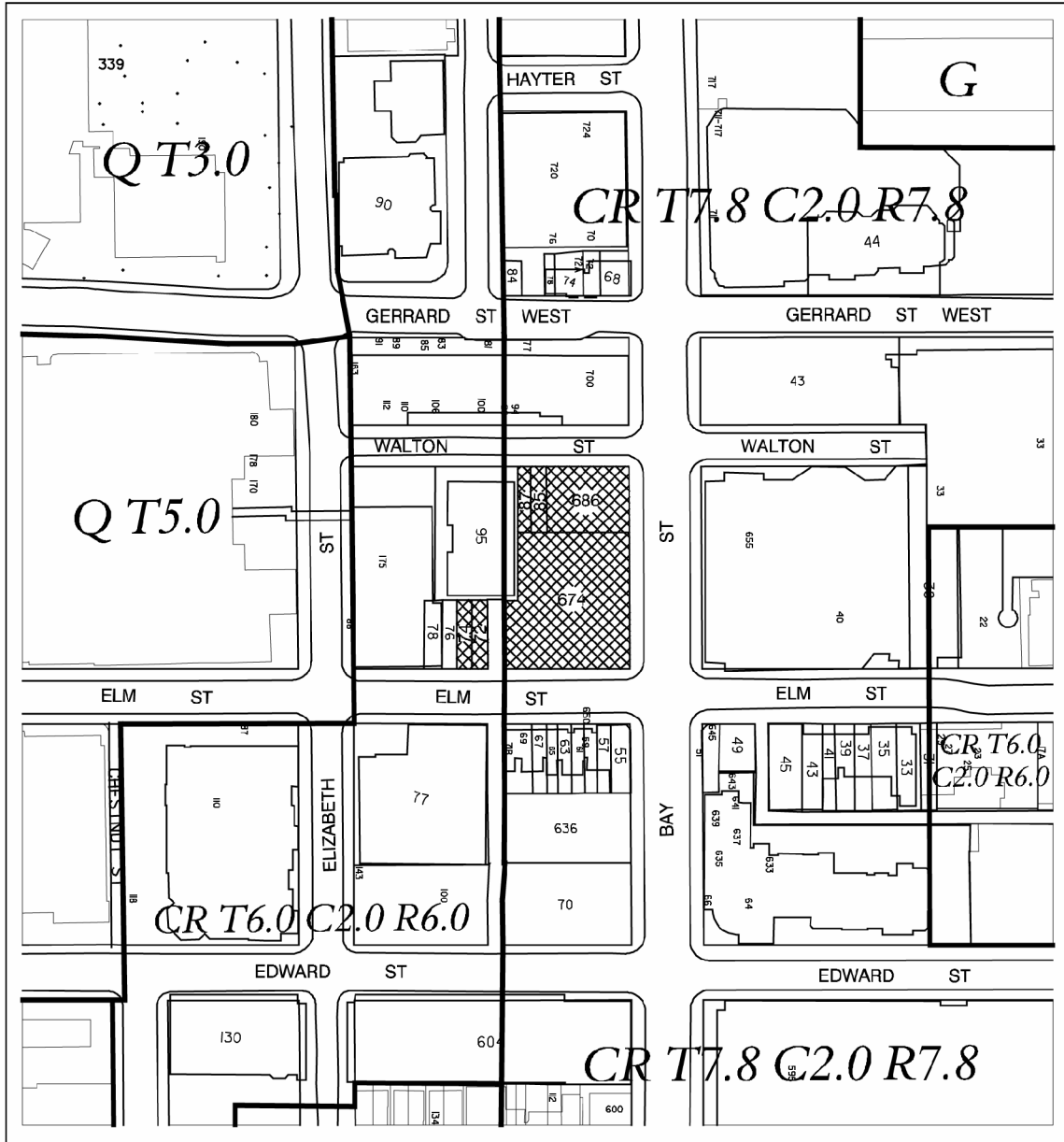
Applicant's Submitted Drawing

Not to Scale
03/10/09

674 & 686 Bay St, 72 & 74 Elm St,
85 & 87 Walton St and part of Barnaby Lane

File # 08_178797

Attachment 3: Zoning



674 & 686 Bay St, 72 & 74 Elm St, and 85 & 87 Walton St

File # 08_178797

- G Parks District
- CR Mixed-Use District
- Q Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/23/08 - DR

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	08 178797 STE 27 OZ
Details	Rezoning, Standard	Application Date:	July 7, 2008
Municipal Address:	674-686 BAY STREET, 72-74 ELM STREET, 85-87 WALTON STREET AND PARTS OF BARNABY LANE		
Location Description:	PL 60 PT LTS 23 TO 25 PT LTS 40 & 41 **GRID S2711		
Project Description:	Rezoning application to permit the existing lands to be developed and used for the purposes of a 21-storey research and educational development facility for purposes related to the operations of The Hospital for Sick Children. The development includes grade related retail and service uses, 269 seat auditorium and three levels of below grade parking.		

Applicant:	Agent:	Architect:	Owner:
Goodmans Barristers and Solicitors 250 Yonge Street, Suite 2400 Toronto, ON M5B 2M6	Goodmans Barristers and Solicitors 250 Yonge Street, Suite 2400 Toronto, ON M5B 2M6	Diamond and Schmitt 384 Adelaide Street West, Suite 300 Toronto, ON M5V 1R7	The Hospital for Sick Children 555 University Avenue Toronto, ON M5G 1X8

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area	Site Specific Provision:	N
Zoning:	CR T7.8 C2.0 R7.8 (east part) CR T6 C2.0 R6.0 (west part)	Historical Status:	Y
Height Limit (m):	61(east part), 46 (west part)	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3700.9	Height:	Storeys:	21
Frontage (m):	73.77		Metres:	117
Depth (m):	64.27			
Total Ground Floor Area (sq. m):	3344.1			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	100
Total Non-Residential GFA (sq. m):	56,302		Loading Docks	5
Total GFA (sq. m):	56,302			
Lot Coverage Ratio (%):	96			
Floor Space Index:	15.2			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	505
1 Bedroom:	0	Office GFA (sq. m):	55,796
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0

CONTACT: PLANNER NAME: Michael Hynes, Senior Planner, mhynes@toronto.ca
TELEPHONE: 416-397-1761

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto Community Council Report No. xx, Clause No. xx,
as adopted by City of Toronto Council on xx xx xx xx, 2009
Enacted by Council: xx xx, 2009

CITY OF TORONTO BY-LAW No. xxx-2009

To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known as 674-686 Bay Street, 72-74 Elm Street, 85-87 Walton Street and a portion of Barnaby Place.

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

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

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services and matters as are set out in the By-law;

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 any increase in the height or density of development, the Municipality ma require the *owner* to enter into one or more agreements with the Municipality dealing with the facilities, services and matters;

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

WHEREAS the increase in the height permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted subject to 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 the lands and the City of Toronto (hereinafter referred to as the "City");

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development pursuant to Section 37 of the *Planning Act*;

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreement to secure certain facilities, services and matters in connection with the aforesaid lands set forth in the By-law;

NOW THEREFORE, 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 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, to the City as the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 3(k) of this By-law.
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, shall continue to apply to the *lot*.
4. None of the provisions of Sections 8(3) Part I 2, 8(3) PART III 1(a), 4(2)(a)(i), 4(2)(a)(ii), 4(5)(b), 4(8)(b), 4(13)(a) & (c) , 12(2) 260, 12(2)111, 12(2)256(a) and 12(2)132 of By-law 438-86 of the former City of Toronto, 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 lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, and Section 1 of By-law 150-93, shall apply to prevent the erection or use of a building or buildings for the purposes of research and education office building with accessory uses thereto including, *street related retail and service* uses and *parking garage* on the lands municipally known as 674-686 Bay Street, 72-74 Elm Street and 85-87 Walton Street (hereinafter referred to as the *lot*), 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 total *non-residential gross floor area* of the building or buildings erected on the *lot* shall not exceed 56,302 square metres of which not more than 505 square metres in aggregate shall be used for the *accessory* purposes of *street related and service* uses;

- (c) notwithstanding 4(b) of this by-law, an additional 81 square metres of below *grade non-residential gross floor area* shall also be permitted on the *lot* provided that this additional *non-residential gross floor area* forms part of the existing building known at the date of passage of this by-law as 175 Elizabeth Street.
- (d) except as provided for in Section 4(d)(iii) hereof, 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 1 subject to the following,
 - (i) canopies, awnings, eaves and building cornices;
 - (ii) lighting fixtures, ornamental elements, parapets, trellises, window sills, bollards, bay windows and window projections, signage, balustrades, railings, stairs, stair enclosures, uncovered platforms, wheelchair ramps, underground garage ramps, landscape features and public art features, including retaining walls and planter boxes and structural retaining walls and roofs and structures over the ground floor related areas; and
 - (iii) a maximum of 205 m² of non-residential gross floor area of the building or building which may be permitted beyond the heavy lines delineated on Map 2 attached within the area shown in cross hatched and identified as the Encroachment Area.
- (e) no person shall erect or use a building or structure on the *lot* having a greater *height* than the *height* limits specified by the numbers in metres as shown on Map 2 exclusive of the rooftop structures and equipment permitted by paragraphs 4(f) and 4(g) of this By-law;
- (f) stair towers, elevator shafts, communication equipment, generators or other power, heating, cooling, or ventilating equipment or window washing equipment on the roof of any building or fences, walls or structures enclosing such elements, are permitted provided the maximum *height* of the top of such elements or enclosures is no higher than the sum of 18.53 metres and the *height* on Map 2;
- (g) structures on the roof of any building used for outside or open air recreation, maintenance, safety, or wind protection purposes, including roof top chimney stacks, vents and air intakes are permitted, provided:
 - (i) the maximum *height* of the top of such structures is no higher than the maximum *height* pursuant to Section 4(f) of this By-law; and

- (ii) the structure do not enclose space so as to constitute a form of penthouse.
- (h) a minimum of 100 *parking spaces* shall be provided and maintained on the *lot* in an underground *parking garage* of which a maximum 13 parking spaces may be ‘*small car spaces*’, as defined in this By-law;
- (i) a minimum of 130 *bicycle parking spaces* shall be provided in a secure bicycle room on the first floor and maintained on the *lot* for the employees of the building in accordance with the following:
- (j) at least 3 *loading space – type B* and 2 *loading space – type C* shall be provided and maintained on the *lot*;
- (k) the *owner* of the *lot* enters into and registers on title to the *lot* an agreement with the City pursuant to Section 37(3) of the *Planning Act*, to the City Solicitor’s satisfaction, to secure the matters in Appendix 1.

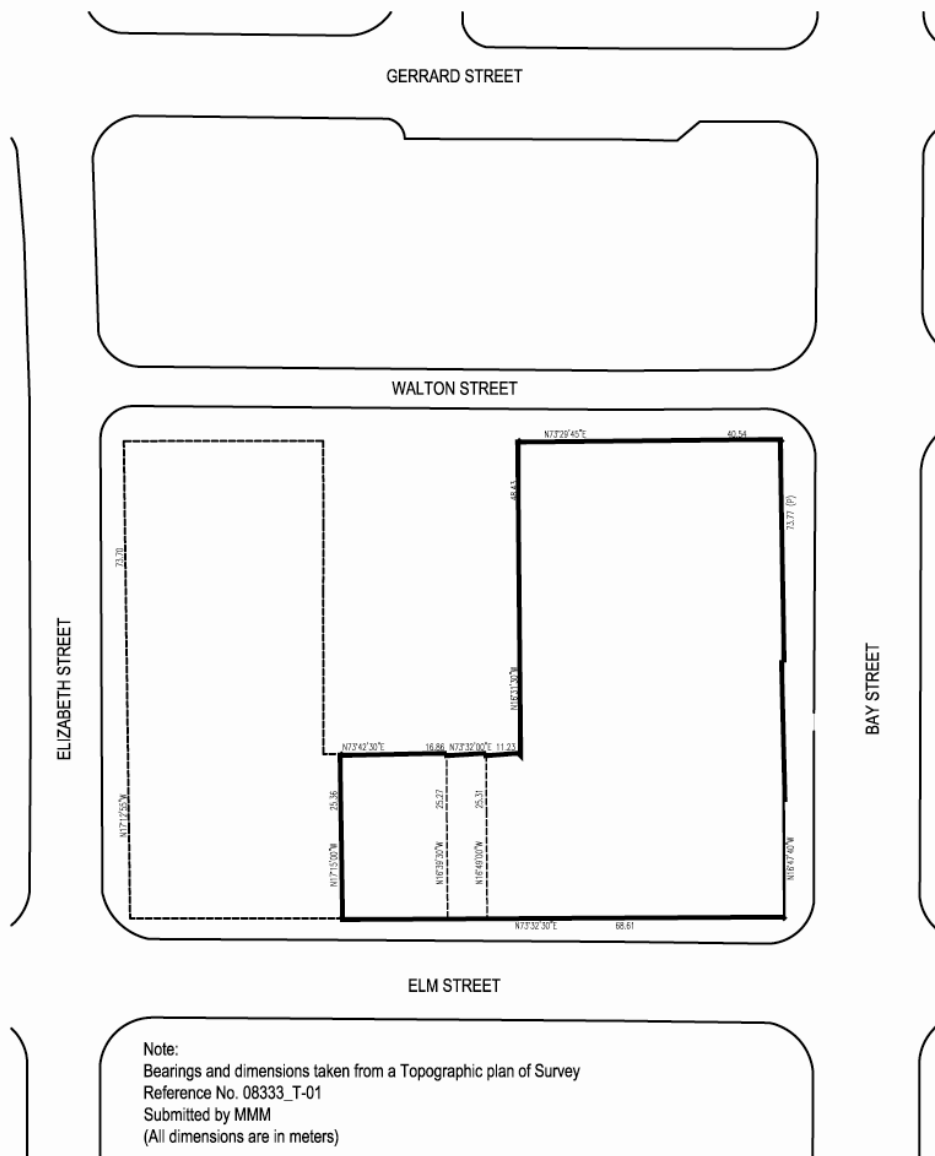
5. Definitions:

1. For the purposes of this By-law, the terms set forth in italics, subject to Section 5(2) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended; Canadian Geodetic Datum; and
2. The following definitions shall apply:
 - (a) “*grade*” means 95.82 metres Canadian Geodetic Datum;
 - (b) “*lot*” means the lands outlined by heavy lines on Map 1 attached to this By-law;
 - (c) “*parking garage*” means a building or a portion of a building, other than a *private garage*, that is used for the temporary parking of motor vehicles, as an *accessory* use to the principal use or uses permitted on the whole of the *lot* or on the portion of the *lot* on which the *parking garage* is located, and the *parking garage* may be occupied by motor vehicles whose users are not occupants or visitors of the building where the *parking garage* is located;
 - (d) “*small car spaces*” means a parking space that has a width of 2.6 metres and a length of 5.6 metres
6. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall continue to apply to the whole of the *lot* as if no severance, partition, or division occurred.

7. Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

ENACTED AND PASSED this xx day of xx, A.D. 2009.

DAVID R. MILLER, ULLI S. WATKISS,
Mayor City Clerk



**Hospital for Sick Children
Research Tower**

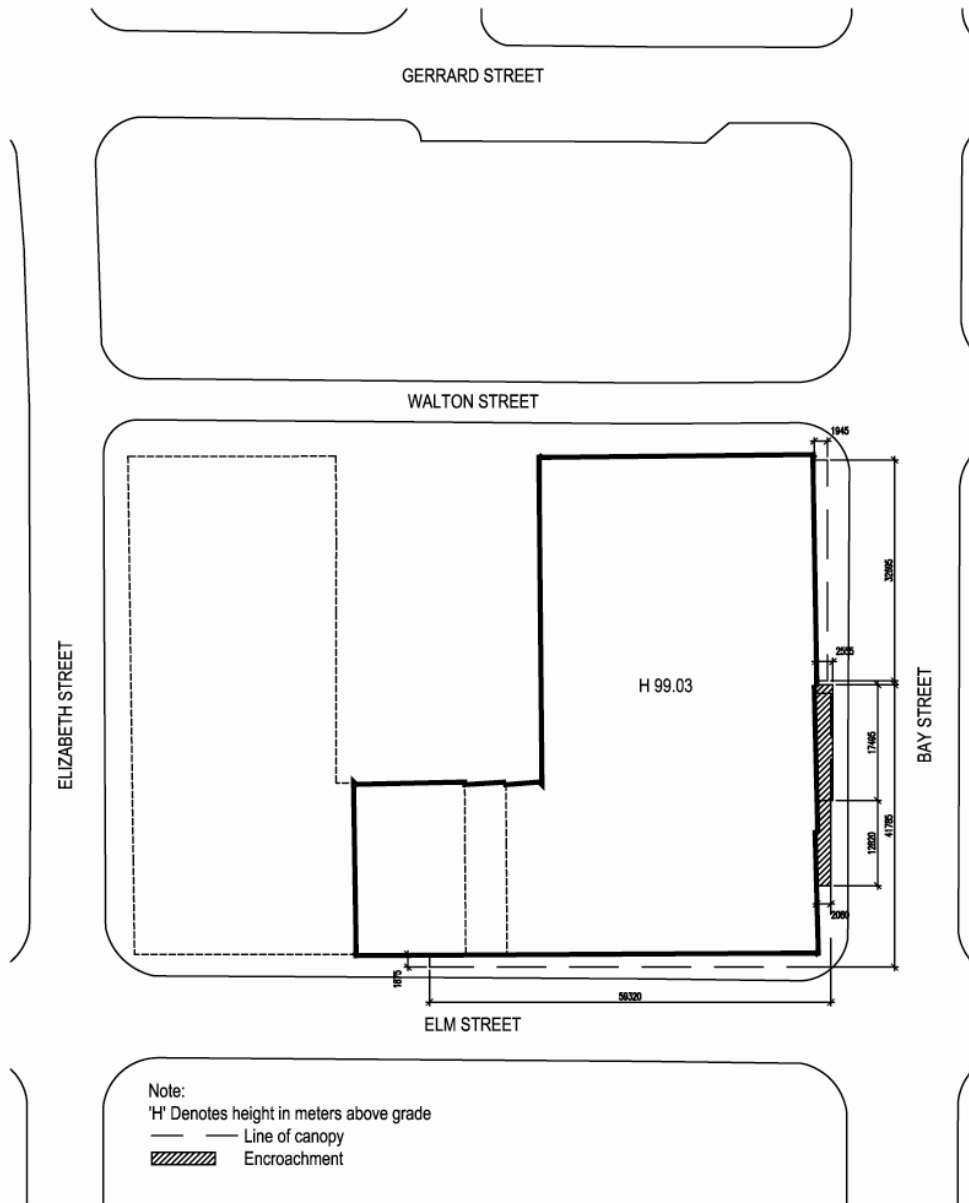
Map 1

Applicant's Submitted Drawing

Not to Scale
03/10/09

**674 & 686 Bay St, 72 & 74 Elm St,
85 & 87 Walton St and part of Barnaby Lane**

File # 08_178797



**Hospital for Sick Children
Research Tower**

Map 2

Applicant's Submitted Drawing

Not to Scale
03/10/09

**674 & 686 Bay St, 72 & 74 Elm St,
85 & 87 Walton St and part of Barnaby Lane**

File # 08_178797

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:

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

1. Provide and thereafter maintain public art having a minimum value of \$25,000 to be located on a publicly accessible portion of the lot to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

Although the following matters are not considered to be Section 37 contributions or benefits, they will be secured in the Section 37 Agreement:

2. Incorporate in the construction of the building, and maintain exterior building and landscape materials satisfactory to the Chief Planner and Executive Director of City Planning;
3. Provide and maintain trees and a continuous soil trench within the Bay Street and Walton Street road allowance to the satisfaction of the Director of Urban Forestry in accordance with Layout and Planting Plan – Ground Level, Drawing No. L3 and Streetscape Details, Drawing No. L4 prepared by du Toit Allsopp Hillier date stamped February 27, 2009;
4. Provide and maintain an irrigation system for 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;
5. Provide the City with documentation as to LEED certification of the development and the marketing materials that will include information on LEED certification;
6. Be encouraged to build in conformity with the Green Development Standard Checklist received by the Chief Planner and Executive Director, City Planning Division on September 9, 2008;

7. Enter into a Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director of City Planning, under Section 114 of the *City of Toronto Act, 2006*;
8. Prior to final site plan approval, the owner will:
 - a) Complete an Air Quality study and employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division. The City will require the owner to retain a third party reviewer at their expense;
 - b) Complete a Noise Attenuation study and employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division. The City will require the owner to retain a third party reviewer at their expense;
 - c) Obtain City Council's approval of the closure and sale of Barnaby Lane and shall complete such sale of such lane; and
 - d) Submit to the Executive Director of Technical Services for review and acceptance, a site servicing review to demonstrate how this site will be serviced and whether the existing municipal infrastructure is adequate.
9. City Council authorizes City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.