

**1000 Bay Street
Rezoning Application – Final Report**

Date:	August 10, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	09 199659 STE 27 OZ

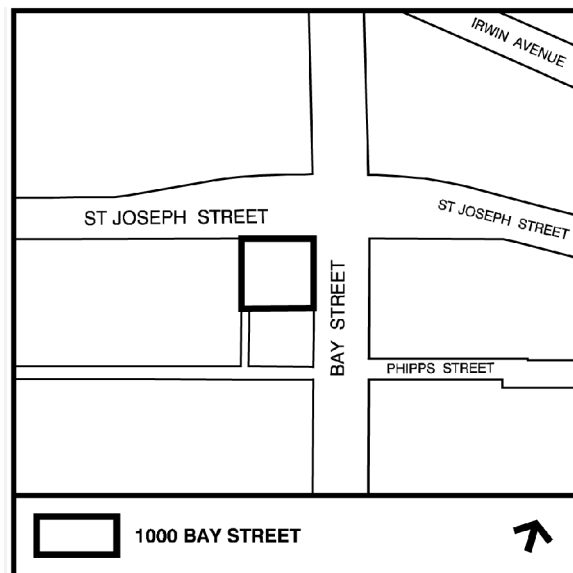
SUMMARY

This application was made on or after December 23, 2009 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This is an application to amend Zoning By-law 438-86, as amended, to permit a mixed-use development of 32 storeys consisting of 13 storeys for a hotel and 19 storeys for a residential condominium at 1000 Bay Street.

The proposed gross floor area of the building is 13,373 square metres including 39.5 square metres of ground floor retail resulting in a density of 11.6 times the area of the lot. The development would include 99 residential units and 115 hotel units and is proposed to be approximately 102.0 metres in height to the top of the mechanical penthouse.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, as amended for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to permit the development of 1000 Bay Street as noted in the staff report dated August 10, 2010.
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 for enactment, City Council require the owner of the lands at 1000 Bay Street to enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - a) Prior to the issuance of the first above-grade permit, pay to the City the sum of \$1,500,000 consisting of \$500,000 towards the upgrade of Queen's Park and \$1,000,000 towards Public Art for the Gateway Feature on St. Joseph Street and the narrowing of the roadway of St. Joseph Street;
 - b) Require that the cash amounts identified in a) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;

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

- (c) Provide 1:50 scale drawings for the St. Joseph Street, Bay Street and west facing elevations of the three-storey podium and two floors above with building materials labelled;
- (d) Incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (e) Build in conformity with the Toronto Green Standard Checklist received by the Chief Planner and Executive Director, City Planning Division on February 4, 2010;

- (f) 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; and
- (g) Prior to final Site Plan approval the owner shall:
 - 1. Retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended), to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2009 Final Draft - Standards and Guidelines for Consulting Archaeologists, Ministry of Culture. Should the archaeological assessment process continue beyond a Stage 1 assessment, any recommendations for Stages 2- 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation.
 - 2. Submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk.
 - 3. Incorporate significant archaeological resources and findings into the proposed development through either in-situ preservation and interpretation where feasible, or commemorate and interpret the resources through exhibition development on site including, but not limited to, commemorative plaquing.
 - 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. Authorize 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

Original Proposal

The original proposal for 1000 Bay Street was submitted by Mayfair Properties on January 6, 2010. The original proposal has now been revised by the applicant based on consultation with Planning staff, Working Group members and the public on its appropriate built form, massing and impacts on the adjacent properties.

Revised Proposal

Mayfair Properties Ltd., the owner, is proposing to construct a 32-storey (98 metre plus 3.4 metre high mechanical) mixed-use building including 13 storeys dedicated to a hotel and 19 storeys for residential uses for a total of 99 dwelling units with retail uses at grade. The proposal's massing consists of three parts:

1. A 3-storey, 12.2-metre high podium containing the hotel's amenity space, hotel rooms, hotel services, retail space with a ground floor area of 335 square metres;
2. A 10-storey, 29.5 metre high hotel (floors 4 to 13) with a 468.5 square metre floor plate; and
3. A 19-storey, 56.9 metre high residential condominium (floors 14 to 32) with a 358.9 square metre floor plate located on the northerly portion of the site adjacent to Bay Street.

The podium would occupy the majority of the lot with the exception of a minimum setback of two metres along St. Joseph Street, and an open triangular area at the southwest corner of Bay Street and St. Joseph Street. The part of the proposed hotel from the fourth to the 14th floor would have minimum setback from the property line of 3.0 metres on the south side, 6.9 metres on the north (St. Joseph Street), 4.5 metres on the east (Bay Street) side, and 5.0 metres on the west side. The residential tower on floors 14 to 32 would have a 10 metre setback along the south property line adjacent to 990 Bay Street. The stepback on the 14th floor to the west edge of the podium would be a minimum of 11.7 metres.

The applicant proposes 115 hotel rooms. The unit mix proposed for the residential condominium is eight bachelor units (8%), 62 one-bedroom units (63%), 19 two-bedroom units (19%) and 10 three-bedroom units (10%).

The applicant proposes to locate the residential condominium portion on the northerly side of the lot with the building running parallel to St. Joseph Street in order to reduce shadowing and impact on St. Michael's College (University of Toronto), 44 St. Joseph Street and on 1001 Bay Street located directly across Bay Street from the subject property.

A total of 39.5 square metres of gross floor area is proposed for the grade-related retail and service commercial space on the ground floor along Bay Street. The floor-to-ceiling height on the ground floor would be 4.5 metres.

The applicant proposes within the property a three metre wide colonnade along the length of the Bay Street frontage and a three metre wide canopy along the length of the St. Joseph Street frontage (with a maximum canopy width of 5.63 metres at the northeast corner of the site).

Indoor amenity space for the hotel is provided on the 3rd floor, including a health club, meeting rooms and a shared indoor pool with the residential condominium. Indoor and outdoor amenity space for the residential condominium is provided on the 14th floor including a health club, meeting rooms and the residential condominium management offices. A total of 251.87 square metres of indoor amenity space and 107.49 square metres of outdoor amenity space are proposed for the residential condominium. A 390 square metre restaurant is also being proposed for the 2nd level of the hotel.

The proposal provides a total of 100 parking spaces in a four and a half level underground garage including 77 spaces for the residential condominium, 6 spaces for visitors and 17 spaces for the hotel. The proposal also provides 116 bicycle parking spaces for the hotel and residential condominium.

A proposed driveway at the western end of the property at St. Joseph Street will provide direct vehicle access into the underground parking garage and covered entry for the hotel and condominiums. A taxi stand has also been proposed adjacent to the hotel and condominium entrance within the covered area.

Pedestrian access into the hotel will be provided at St. Joseph Street and Bay Street. Pedestrian access into the condominium will be provided at Bay Street. Two loading spaces are proposed on the ground floor.

Overall, the proposal has a gross floor area of 13,373 square metres with a density of 11.6 times the area of the lot. The Application Data Sheet in Attachment 5 provides additional information on the proposal.

Site and Surrounding Area

The development site is located on the southwest corner of Bay Street and St. Joseph Street with a lot dimension of 33.52 metres on Bay Street and 34.32 metres on St. Joseph Street and a total area of 1150.40 square metres. The land is currently being used as a commercial parking lot. Within the St. Joseph Street right-of-way the owner has permission for seven commercial parking spaces.

Within the immediate context, the following uses surround the site:

North: a City Park is located at the northwest corner of Bay Street and St. Joseph Street; further north and beyond is St. Basil's Church and City Council approved 55-storey and 45-storey residential towers (files 06 162279 STE 27 OZ and 03 035170 STE 27 OZ); and further west is the five-storey Sorbana Hall Student Residence of St. Michael's College (University of Toronto);

South: abutting the site is the three-storey Bistro 990 restaurant and a city owned 4.0 metre wide north/south public lane and further south is 984 Bay Street, a seven-storey office building;

East: on the northeast corner of Bay Street and St. Joseph Street is a 27-storey (80.9 metres high) residential condominium building (44 St. Joseph Street also known as 1033 Bay Street), on the southeast corner is a 35-storey (104.9 metre high) residential building (1001 Bay Street), further south is Sutton Place Hotel with 32 stories (100 metres high); and

West: abutting the site is a four-storey St. Michael's College, University of Toronto, Faculty of Theology building.

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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan places the site within the Downtown and Central Waterfront urban structure area on Map 2 Urban Structure. The site is designated "Mixed Use Area" on Map 18 – Land Use Plan in the Official Plan. This designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that directs the form and quality of development in this land use designation. The criteria states that new buildings must provide a transition between areas of different intensity and scale, including a stepping down of heights towards lower scale neighbourhood. Shadow impacts must be minimized and an attractive, safe and comfortable pedestrian environment be provided.

Other important policies relevant to this application include those in the “Downtown”, “Public Realm”, “Built Form” and “Built Form – Tall Buildings” sections of the Plan. To assist with the implementation of these policies, the City has prepared The Design Criteria for Review of Tall Building Proposals guideline. The City will review the proposed development for compliance with the guidelines.

Section 2.4 Policy 12 of the Official Plan requires that hotels make provision for a taxi stand on private property.

Compliance with these and other relevant policies of the new Official Plan including the environment and transportation have been addressed.

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/urbdesign/index.htm

Design Criteria for the Review of Tall Building Proposals

The City’s ‘Design Criteria for the Review of Tall Building Proposals’ provide guidelines for the design and evaluation of tall buildings in the City. Aimed to implement the built form policies of the City’s Official Plan, they include measurable criteria and qualitative indicators to assist in the review of tall building proposals. Criteria and indicators are related to four main areas: site context, site organization, building massing and the pedestrian realm.

In considering site context, tall building proposals must address concerns related to transitions between taller buildings and lower scale features nearby. Measures such as height limits, setbacks, stepbacks and angular planes are used to achieve appropriate transitions in scale and the protection of sunlight and sky views.

Design criteria related to site organization address issues of building placement and orientation; location of building entrances; servicing and parking requirements; and enhancement of adjacent streets and open spaces.

Building massing is a critical consideration in assessing tall buildings. The scale of the base component of a tall building should have good street proportion to maintain access to sunlight and sky views along the street, should integrate with adjacent buildings and should minimize the impacts of parking and servicing uses. To break down the mass of the building, smaller floor plates and building articulation is recommended. Adequate space between tall building elements allows for appropriate light and privacy for existing and new buildings, as well as allowing appropriate sunlight, wind and sky view to adjacent streets, parks, open spaces and properties. Conditions beyond the required by-

law minimums are often required to achieve light, view and privacy. The criteria include a minimum spacing of 25 metres between the shafts of tall building elements.

New tall buildings are expected to enhance the public realm by providing active frontages, and high quality streetscape and landscape design elements. To reduce negative impacts of taller buildings elements, a minimum stepback of 5 metres for the taller building parts from the street edge of the base building is required. Other considerations include: weather protection; limiting shadowing impacts and uncomfortable wind conditions on nearby streets, properties and open spaces; as well as minimizing additional shadowing on neighbouring parks to preserve their utility.

University of Toronto Secondary Plan

The property is located adjacent to the University of Toronto Secondary Plan area. The wide St. Joseph Street right-of-way abutting the north limit of the property is designated Parks and Open Space on Map 20-3 within this Secondary Plan (See Attachment 4). The southwest corner of St. Joseph Street and Bay Street is shown as an existing or potential gateway entrance to the University.

Zoning

Under the former City of Toronto Zoning By-law 438-86, as amended, the site is zoned CR T6.0 C1.0 R6.0, a mixed-use area district, which permits residential uses, as well as non-residential uses. The site has a total density permission of 6.0 times the lot area, 1.0 times the lot area for commercial uses and 6.0 times the lot area for residential uses. The height permission is 46 metres (15 storeys). 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 approval. An application for Site Plan approval has not yet been submitted.

Reasons for Application

The applicant seeks to amend Zoning By-law 438-86, as amended, because the proposed building's height of 102 metres to the top of the mechanical penthouse and density of 11.6 times coverage exceed the 46 metre height limit and 6 times density limit in the Zoning By-law. The Zoning By-law also requires a minimum of 198 square metres of outdoor residential amenity space while the applicant is providing 107.49 square metres.

Community Engagement

A community consultation meeting on the original proposal was held on March 3, 2010. Approximately 66 members of the public attended the meeting and expressed opposition to the height and massing of the building. Other concerns raised include: the desire for a gateway feature on St. Joseph Street; the need to align the proposed building with St. Michael's College (University of Toronto) Faculty of Theology to the west; tower stepbacks on the south side of the property with Bistro 990; the height of the podium;

shadowing impacts and traffic. Those issues were generally reflected in the Preliminary Report dated January 13, 2010.

At the conclusion of the meeting the Ward Councillor recommended a working group process to explore possible changes to the application. City Planning staff also received written comments after the community consultation meeting.

Working Group Process:

The purpose of a working group process is to assemble representatives of area stakeholders to facilitate community input on the application. A Working Group was formed made up of six representatives from five adjacent buildings (62 Wellesley Street West, 44 St. Joseph Street (also known as 1033 Bay Street), 1001 Bay Street, 1079 Bay Street, 990 Bistro (990 Bay Street – property located just south of the subject site) and the Bay Cloverhill Community Association.

These representatives worked with City Planning staff and the applicant's team and met on two occasions (April 13, 2010 and May 26, 2010). Working Group sessions were open to the public and well attended. On August 3, 2010 Planning staff further held a third working group meeting (for working group members only) to review a revised proposal.

During the April 13, 2010 meeting the applicant provided a review of the original planning application including: a review of a new gateway feature along St. Joseph Street; aligning the proposed building with St. Michael College (University of Toronto) to the west; changes to the built form including setbacks from the podium and access and loading within the site. Significant concerns were reviewed by the representative of 1001 Bay Street regarding potential shadows from the proposed building on the 27th floor outdoor amenity space on the south side of their building. The representative from 1001 Bay Street requested that the proposed building be sited at a 45 degree angle to Bay Street in order to reduce any shadow impact on the 27th floor outdoor amenity space. This request was not supported by a majority of group members.

The Working Group members also expressed the following concerns:

- 1) minimal setback from the tower to the south property line;
- 2) height – recommend 27-storeys;
- 3) shadow on the surrounding community should be minimized;
- 4) wind at street level; and
- 5) servicing – access and loading internal to the site.

At the end of this meeting the Councillor requested another Working Group session to further review access, loading, built form, setbacks, impacts of shadows on the neighbourhood and the impact of wind at the street level.

During the May 26, 2010 working group meeting, the applicant provided four alternative built form proposals which included the applicant's proposal. The applicant presented the working group with the following four alternatives:

- 1) proposed height of 27-storeys;
- 2) flipping the proposed 32-storey building where the tower portion will be located on the west side of the subject property rather than the proposed east side;
- 3) 32-storey building turned 45 degrees to Bay Street; and
- 4) applicant's proposal - proposed height of 32-storeys with the hotel portion located on the west side of the property and the residential condominium on the south side with the following setbacks:
 - (i) 7.7 metre setback from St. Joseph Street (Gateway Feature);
 - (ii) 0.5 metre setback from the south property line;
 - (iii) 5.0 metres from Bay Street; and
 - (iv) 5.5 metres from the west property line (St. Michael's College – University of Toronto).

As a result of the discussions during the Working Group process, consensus on the applicant's proposal was reached on a number of items including:

- 1) gateway feature – to the University of Toronto campus;
- 2) continuous colonnade along Bay Street and St. Joseph Street;
- 3) 27-storey height with built form similar to the 32-storey proposal; and
- 4) servicing – loading and access.

There were a few items where consensus was not reached amongst the community representatives:

- 1) the proposed 45 degree angle building to Bay Street;
- 2) proposed setbacks to south property line;
- 3) shadowing on 27th floor outdoor amenity space – 1001 Bay Street;
- 4) proposed height of 32 storeys; and
- 5) wind conditions at street level.

After further discussions between the applicant and Planning staff, a third working group meeting was held on August 3, 2010 which introduced a revised proposal to address the outstanding issues of wind, shadowing on 1001 Bay Street and the south property line setback from 990 Bay Street. During this meeting additional concerns were further expressed regarding additional shadowing on the adjacent Park and on 44 St. Joseph Street. These matters will be discussed further in the comment section of this report.

Consensus was not reached on the proposed 10 metre setback from the 14th floor from 990 Bay Street on the south property line. Planning staff did receive positive feedback from 1001 Bay Street on the reduced shadowing on the 27th floor outdoor amenity space.

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

Consistency with Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS). The PPS encourages additional density through intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years (Policy 1.1.2).

Intensification shall meet appropriate development standards (Policy 1.1.3.4), which is discussed further in this report under the subheading Built Form.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus. While this development provides a sufficient number of parking spaces to support the development, it is within a relatively short walking distance to two subway stops, namely Wellesley and Bay stations.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan requires that a significant portion of new population and employment growth be directed to the built-up areas of the Greater Golden Horseshoe within intensification areas. Municipal official plans are viewed as the key vehicle through which the policy objectives of the Growth Plan are to be implemented and as such, Policy 6 of Section 2.2.3 requires that municipalities will identify intensification areas in their respective official plan. Policy 7 of Section 2.2.3 of the Growth Plan outlines the objectives in official plan for intensification areas, including ensuring appropriate transitions of built form to adjacent areas.

This site is located within the Toronto: Downtown Urban Growth Centre as illustrated in the Growth Plan. The City of Toronto's Official Plan conforms to the Growth Plan by identifying intensification areas on Map 2. The proposed development is located within the *Downtown and Central Waterfront* area as shown on Map 2.

As this site is located in a built up area, and the proposal is intensifying the use of land for employment and housing, the proposal is not in conflict with the Growth Plan.

Land Use

Official Plan policies encourage investment in the downtown, redevelopment of under-utilized sites and improvements to the public realm. The proposal provides a balanced

approach to the site’s redevelopment achieving new housing and employment in the downtown.

The site is considered a development site and is large enough to accommodate additional height and density (33.52 metres X 34.32 metres). The replacement of a large surface parking lot with a residential and hotel mixed-use development is consistent with the policy direction of the Official Plan. The proposed use of this site as a mixed-use building is a permitted use in the Zoning By-law.

As discussed in the following sections of this report, the proposal is consistent with the overall policy objectives of the Official Plan.

Community Consultation – Four Alternative Proposals

As noted earlier in this report, the applicant provided the Working Group and Planning staff with four alternative built form proposals and the revised proposal. The revised proposal was added recently shifting the tower and hotel on an east/west access adjacent to St. Joseph Street (See Attachment 1). The table below provides a review of the four alternative built form proposals based on wind, shadow analysis and proposed setbacks:

	Height– 27-storeys	32-storey tower on the west side of the property with a 0.5 metre setback.	32-storey tower turned at a 45 degree angle to Bay Street with a 0.5 metre setback.	32-storey tower on the east side of the property with a 0.5 metre south setback.
Wind	Massing mitigates westerly and northerly winds.	Mitigates northerly wind but not westerly winds.	Does not mitigate wind.	Massing mitigates westerly and northerly winds.
Shadows on City Park – March 21/September 21.	The building at 1001 Bay Street casts an existing shadow on the City Park from 9:00 a.m. to approximately 11:00 a.m. The proposed 27-storey building will cast a new shadow on the City Park from 10 a.m. to approximately	Same length of shadows as 27-storey option but longer shadows into more of the City Park. The building at 1001 Bay Street casts the same shadow.	The shadows extend slightly longer and wider into the City Park. The length of shadow on the City Park is from 10 a.m. to approximately 1 p.m. The building at 1001 Bay Street casts shadow into the City Park from 9 a.m. to 11:00 a.m.	The new shadow will extend into the Park from 10:00 a.m. to 1 p.m. The existing adjacent buildings (44 St. Joseph Street and 1001 bay Street) cast similar shadows from 9 a.m. to 11:00 a.m.

	2:00 p.m.			
Shadows on 1001 Bay Street (27th floor outdoor amenity space) March 21/ September 21.	Shadows the 1001 Bay Street building starting from 4 p.m. to dusk (north and west walls of building only). No shadow on the 27 th floor outdoor amenity space.	Shadows the 1001 Bay Street building starting from 4 p.m. to dusk (north and west walls of building only). A shadow penetrates the outdoor amenity space within the northwest corner at 6 p.m.	Shadows the 1001 Bay Street building starting from 4 p.m. to dusk. A shadow penetrates the outdoor amenity space within the northwest corner at 6 p.m.	Slight shadow on the 27 th floor outdoor amenity space.
Shadows on 1001 Bay Street (27th floor outdoor amenity space) June 21.	Shadows the 1001 Bay Street building starting at 4 p.m. from northwest to southwest. At 7:30 p.m. the outdoor amenity space is fully within shadows from 1000 Bay Street and from 1001 Bay Street itself.	Shadows the 1001 Bay Street building starting at 4 p.m. moving from northwest to southwest. At 5 p.m. a portion of the outdoor amenity space is in shadow. From 6 p.m. to 7:30 p.m. the outdoor amenity space is fully within shadow.	Shadows the 1001 Bay Street building after 5 p.m. on a portion of the 27 th floor amenity space. At 6 p.m. most of the amenity space is in shadow caused by the proposed 45 degree orientation of 1000 Bay and from 1001 Bay itself. At 7 p.m. the entire amenity space is in shadow.	Shadows the 1001 Bay Street building from 4:00 p.m. to beyond 7:00 p.m. on the 27 th floor outdoor amenity space. The outdoor amenity space is fully shadowed after 6:30 p.m.
Tower above 3-storey podium parallel to both Bay Street and St. Joseph Street	Yes	Yes	No	Yes
South side Tower stepback	0.5 metres – no change to original proposal.	0.5 metres – no change to original proposal.	0.5 metres – no change to original proposal.	0.5 metres – original proposal.

Analysis of alternatives

Shadows on City Park – March 21/September 21:

The proposed four alternatives will cast a shadow from approximately 9 a.m. to 1 p.m. The adjacent buildings of 1001 Bay Street and 44 St. Joseph Street already cast shadows onto the City Park.

Shadows on 1001 Bay Street (27th floor outdoor amenity space) – March 21/September 21:

Shadows will fall on (not fully) the outdoor amenity space after 5:00 p.m. except for the 27-storey alternative.

Shadows on 1001 Bay Street (27th floor outdoor amenity space) – June 21:

All alternatives shadow a portion of the outdoor amenity space at approximately 5 p.m. excluding the 27-storey option. Shadows will fully fall over the outdoor amenity space after 6:30 p.m. for all four alternatives.

Analysis of the Alternative Proposals:

27-storey height

The additional five storeys above the recommended Working Group height of 27-storeys will have a modest impact on the adjacent properties or open space with respect to shadows, wind or compatibility.

32-storey on west side of property

Planning staff do not support shifting the tower portion of the building from the east side to the west side as it would result in windows being placed along the entire western elevation in close proximity to the property line shared with St. Michael's College (University of Toronto). This condition would not be consistent with the provisions for light and privacy as described in the tall buildings guidelines by locating extensive principle window openings along a property line.

45-degree angle to Bay Street

Planning staff do not support the alternative building oriented at a 45 degree angle to Bay Street. The building would not mitigate wind along Bay Street compared to the proposed 27-storey or 32-storey proposals. The shadows cast from the angled building proposal would extend longer into the City Park and would create an awkward condition where 2 of the 4 corners of the building are right on property lines at a height of 32 storeys. The shadow onto the 27th floor amenity space at 1001 Bay Street is no different than the other alternative proposals.

Based on the concerns raised by members of the Working Group with respect to the proximity of the 32 storey building to the southern property line as well as the issue of shadowing on the 27th floor outdoor amenity space on 1001 Bay Street, a revised proposal was submitted.

Revised Planning Proposal

Built Form and Conformity with Tall Buildings Guidelines

The development site with its principal frontage along Bay Street is part of the upper Bay Street corridor. The proposal's built form uses both high-rise and low-rise elements organized along the easterly edge of Bay Street and provides a pedestrian scale along the street frontages; a 3-storey low rise podium around the street edges and an appropriate tower location.

The proposed tower setbacks for the property are as follows:

- 6.9 metres from St. Joseph Street (north side)
- 4.5 metres from Bay Street (east side)
- 3.0 metres from 990 Bay Street then 10 metres setback above the 14th floor (south side)
- 5.0 metres from St. Michael's College (west side)

The proposed building would be a minimum of 58 metres from 44 St. Joseph Street, 36 metres from 1001 Bay Street, 16 metres from St. Michael's College (University of Toronto), and 41 metres from 62 Wellesley Street West. The tower location provides significant view exposure and frames the street edge along Bay Street. The proposed tower will not affect the view corridor north and south on Bay Street.

High-rise:

The tower portion anchors the north side of the property and is aligned in an east/west direction. The proposed height of 32 storeys is in line with heights of approved development along the upper Bay Street corridor and far below the recently approved 55-storey tower and a 45-storey tower located on the north side of the City Park (on the southwest corner of St. Mary Street and Bay Street). The tower has a hotel floor plate above the 3rd floor podium to the 14th floor of 468.5 square metres and a residential floor plate above the 14th floor of 358.9 square metres. These floor plates are well below the 750 square metres size suggested in the Tall Building Guidelines which will reduce the impact of the tower in terms of shadows and views from the public realm and neighbouring properties.

The proposed tower will have a 5 metre set back from the west property line. This property line adjoins with an Institutional Zone (Q T2.0) which permits limited density and a height permission of 23 metres (8-storeys). No windows are proposed to be facing west, although the elevation will be clad in a combination of spandel (opaque) glass and pre-cast and/or metal panels to give the appearance of a windowed wall.

Low-rise:

The proposal includes a three storey podium including management offices, a restaurant and indoor amenity space and a pedestrian colonnade on the Bay Street and St. Joseph Street sides.

The street-wall height along Bay Street and St. Joseph Street is kept at three storeys to relate to the St. Michael's College (University of Toronto) campus building as well as relating to pedestrian scale on the adjacent sidewalks. It minimizes shadow impacts on the immediate public realm.

Interface with St. Michael's College:

The proposal's relationship to St. Michael's College (University of Toronto) campus is expressed through two different elements: a proposed gateway feature and a 3-storey podium clad in masonry materials complementing the adjacent St. Michael's (University of Toronto). The 5.67 podium setback from St. Joseph Street aligns with the existing north facing buildings within St. Michael's College (University of Toronto) to the west. An unobstructed clear open space is also proposed on the ground floor at the southwest corner of the property adjacent to St. Michael's College (University of Toronto). This open space will maintain sky views to the south and west of the site and to the surrounding public realm. A 5.00 metre stepback above the 3rd floor podium on the west side of the property from St. Michael's College (University of Toronto) provides additional separation distance between the proposed development and the College. As noted earlier, no window openings are proposed along the west elevation of the building. The applicant has provided spandrel glass (opaque) on the west elevation to give appearance of a window wall.

Impact on 990 Bay Street

The applicant proposes a zero setback for the first three floors adjacent to 990 Bay Street. This zero setback condition is a permitted party wall condition in a commercial-residential (CR) zone to an approximate height of 15 storeys. This setback is acceptable as the current site area for 990 Bay Street (279.68 square metres) is not considered large enough to accommodate any additional height and density over and above the current zoning by-law permissions.

The applicant further proposes a 3.0 metre stepback above the 4th floor podium to the top of the 13-storey (41 metre) hotel and a 10 metre setback from the south property line to the tower. Balconies are proposed on the south side of the building above the hotel portion commencing on the 14th floor. This proposed setback from the tower and hotel does not affect light or privacy.

Any future redevelopment of the 990 Bay Street site in accordance with the current zoning by-law may require significant variances for parking, loading, amenity space and the possible acquisition of a portion of the existing city owned north/south laneway.

Impact on 984 Bay Street

984 Bay Street is a larger lot containing an existing 7-storey office building. While this site may have some redevelopment potential on its own it may be unlikely given the size of the present building. Similar densities to the proposed application can be accommodated but unlikely given the constraints of parking, loading, access and amenity space.

Development Potential - 984 Bay Street and 990 Bay Street

As noted earlier, 990 Bay Street is a small site which would be difficult to redeveloped beyond its existing permissions. 984 Bay Street is a larger site which could accommodate additional redevelopment. The greatest development potential would be achieved if 990 Bay Street and 984 Bay Street merged. This potentially could create a development with similar podium heights, floorplates and densities as proposed by 1000 Bay Street and achieve a building which is set back 10 metres from the 1000 Bay Street property line which could create a 20 metre separation distance between buildings at 1000 Bay Street and 990/984 Bay Street.

Conformity with Tall Building Guidelines:

The Design Criteria for the Review of Tall Buildings (tall building guidelines) was adopted by Council in 2006 to assist with the review of tall building applications. The tall building guidelines expand upon the principals of the Built Form - Tall Buildings section of the Official Plan.

The guidelines assist with the placement and scale of towers and how they relate to the public realm. Generally, tall buildings can be subdivided in three components including base middle and top.

In this case, the proposal has a three storey base that relates well to the context. Through the community consultation process, the base has been altered to allow for a wide setback on St Joseph Street which permits vistas to St. Michael's College (University of Toronto). The base is at an appropriate scale for the site and will be clad in brick. The middle (shaft) of the tower has a floor plate which is reduced above the 14th floor as the use changes from hotel to residential (468 square metres to 358 square metres). The floor plates for both the hotel and the residential portion are far smaller than the 743 square metres (approximately 700 square metres gross floor area) as outlined in the guidelines. The small floor plate will result in reduced shadows cast by the proposed building and it will have a smaller visual impact when viewed from neighbouring buildings and the surrounding public realm. The design of the top is a continuation of the tower shaft integrating the mechanical penthouse.

The tall buildings guidelines calls for a separation distance of 25 metres between towers or 12.5 metres to the property line. In this case, the application has a mid-rise portion of the building which is set back 3 metres from the south property line up to a height of 41 metres (less than the as-of-right height of 45 metres). The south elevation of this portion of this building will have no windows and clad in spandrel glass facing south above the 13th floor. The tower will be set back 10 metres from the south property line and allows for full windows facing south.

The 10.0 metre setback above the 13th floor for the tower portion generally meets the intent of the 12.5 metre separation distance setback as set out in the Tall Buildings Guidelines. As noted earlier, 990 Bay Street is not large enough to be considered a development site and party walls up to the maximum as-of-right height (15-storeys) are permitted in “CR” zones. For these reasons, Planning staff support the reduced setback along the south facing wall.

Density and Height

The permission the applicant is seeking is 13,373 square metres or 11.6 times the area of the lot and a proposed height of 102 metres. This density and height is comparable to recent developments in the area including 880 Bay Street at 9.65 times density (192 metres), 832 Bay Street at 15 times density (160 metres), 825 Bay Street at 17 times density (147 metres), 50 St. Joseph Street at 11.2 times density (175 metres), 15 St. Mary’s Street at 10.3 times density (100 metres) and 5 St. Joseph Street which represents a gross density of 14.4 times the area of the lot (147 metres). The proposed density represents an increase from 6.0 times coverage permitted (approximately 6895.8 square metres). As discussed above, the proposal’s additional density and height in excess of the underlying zoning permission is achieved in an acceptable built form that can be appropriately accommodated on this site.

Shadow and Wind

Section 3.1.2.3 (e) (Built Form) and Sections 4.5.2(d) and (e) of the Official Plan includes a policy that tall buildings must minimize the negative impact of shadows on adjacent open spaces. The applicant has submitted a Shadow Analysis prepared by Chamberlain Architects dated August 3, 2010.

The proposed 32-storey mixed use building will introduce additional shadow impact on the adjacent City Park (northwest corner of St. Joseph Street and Bay Street), beyond that which would be anticipated under as-of-right zoning conditions.

Shadow on City Park

During the March 21/September 21 equinox, the proposed 32-storey building will cast a new shadow on the adjacent City Park from approximately 9:30 a.m. to 1:00 p.m. The existing adjacent buildings (44 St. Joseph Street and 1001 Bay Street) cast similar

shadows from 9:00 a.m. to 11:00 a.m. Due to the slenderness of the tower, the duration of the shadow cast on any given point in the Park will be approximately 45 minutes.

During the June 21 solstice, the proposed 32-storey building will shadow on the adjacent City Park from approximately 11:00 a.m. to 1:30 p.m. However, this shadow will only penetrate approximately 15 metres into the Park covering approximately 5 percent of the Park area. The existing adjacent buildings (44 St. Joseph Street and 1001 Bay Street) also cast shadows on the Park from 9:00 a.m. until after 11:00 a.m.

The as-of-right shadow is cast into the Park from approximately 9:00 a.m. to 3:00 p.m. The shadow is wider and does not extend as far into the Park.

Shadow on 44 St. Joseph Street

During the March 21/September 21 equinox, less than one hour of additional shadow from 2:00 p.m. to 3:00 p.m. for a maximum height of 12 storeys will be cast onto the south facing windows at the 27-storey 44 St. Joseph Street condominium.

No additional shadow will be cast on the condominium at 44 St. Joseph during the June 21 solstice or under as-of-right conditions.

Shadow on 1001 Bay Street

During the March 21/September 21 equinox, shadows will start extending onto 1001 Bay Street at approximately 4:00 p.m. and last beyond 6:00 p.m. The shadows will not reach the 27th floor outdoor amenity space in March or September.

During the June 21 solstice, shadows will start extending onto 100 Bay Street prior to 4:00 p.m. and last beyond 7:00 p.m. The duration of shadows on any given point will last approximately one hour. The outdoor amenity space will have a very minor shadow after 6:00 p.m. and will be in shadow after 7:00 p.m.

The shadow cast by the as-of-right height for March 21/September 21 will start extending onto 1001 Bay Street at approximately 4:00 p.m. and last beyond 7:00 p.m. During the June 21 Solstice, the podium of 1001 Bay Street and a limited portion of the tower will be shadowed from 5:00 p.m. to 8:00 p.m. The 27th floor outdoor amenity space will not be impacted during the equinox or solstice.

The proposed tower will add additional shadow to the City Park. Specifically, 45 minutes of additional shadow time will be added during the March/September equinox and 60 minutes during the June 21 solstice. The shadow study has shown that because of the small floorplate, the shadow from the proposed development on the Park is short-lived and moves very quickly.

The proposed tower will add additional shadow to 1001 Bay Street. During the March 21/September 21 equinox, the tower and amenity space will have very limited shadow.

During the June 21 solstice, the tower and amenity space will be impacted an additional 1 hour in the late afternoon and early evening.

Wind Impacts

The applicant submitted a wind study conducted by RWDI dated August 6, 2010 which tested potential wind impacts through numerous sensors placed in locations surrounding the project on St. Joseph Street, Wellesley Street East, St. Mary Street and Bay Street. The study concludes that the proposal would have little appreciable effect on the pedestrian experience at street level, with comfort conditions predicted at acceptable levels. The location of the podium and proposed setbacks on the north and west building facades are effective wind control measures.

University of Toronto Gateway Feature

The proposed development is located just east of the University of Toronto Secondary Plan and the Provincial buildings. City Planning staff have requested a gateway feature into the University of Toronto along St. Joseph Street. The applicant, in consultation with Planning staff, has designed preliminary public art features as well as improved landscaping and a pedestrian weather protected colonnade within the 6.9 metre setback from St. Joseph Street. Planning staff are satisfied with the implementation of a gateway feature on St. Joseph Street and it will be secured within the Section 37 agreement.

Traffic Impact, Access and Parking

A Traffic Impact Study prepared by Cole Engineering 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, access to the hotel and residential condominium including access to the underground parking garage, will be provided from the westerly edge of the site on St. Joseph Street. Transportation Services staff are satisfied with the proposed access arrangement.

Loading

Two loading spaces are proposed to serve the project, one type “C” and one type “G”. Transportation Services staff are satisfied with the movements into and the location and number of loading spaces. Further detailed review of the loading spaces will be undertaken during the Site Plan approval stage.

Pedestrian Infrastructure – Weather Protection

The applicant proposes a continuous weather protected canopy with a minimum clear depth of three metres along St. Joseph Street (maximum of 5.63 metres at the southwest corner of St. Joseph Street and Bay Street). The proposed height of the canopy is a minimum of 4.5 metres above-grade.

The applicant proposes a continuous weather protected colonnade with a minimum clear depth of three metres along Bay Street at a height of 4.13 metres in keeping with the character of weather protection on this street. Continuous weather protection is particularly important as it assists in improving microclimate and wind conditions experienced 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, width and location of sidewalks, and the design location of the canopies will be reviewed in detail at the Site Plan approval stage. Staff will seek further improvements to the streetscape through the Site Plan approval process.

Cycling Infrastructure

The site is well served by the Bay Street Clearway, College Street, Wellesley Street, Elizabeth Street and Gerrard Street bicycle lanes.

The applicant proposes to provide a minimum of 80 bicycle parking spaces for residents of the condominium to be located within the below grade parking garage at the P1 and P2 levels. The applicant proposes 26 visitor bicycle parking spaces where 18 spaces will be weather protected at-grade and 10 employee bicycle parking spaces on the third floor.

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 Wellesley Station to the east on the Yonge/University Line and 10 minute walk to the Bay Station on the Bloor Subway Line.

Servicing

Staff are generally satisfied that the existing City infrastructure has adequate capacity to support the development proposal. Additional requirements will be secured in the Site Plan Agreement, including a site servicing plan, grading plan, and stormwater management report for review and acceptance by the Executive Director of Technical Services Division.

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

Residential Amenity Space

The general Zoning By-law requires two square metres of common outdoor and indoor residential amenity space per unit which results in a requirement for 198 square metres of indoor and 198 square metres of outdoor amenity space based on 99 units. The applicant is providing approximately 215 square metres of indoor amenity space and 107.49 square metres of outdoor amenity space. The proposed indoor amenity spaces exceeds the by-law requirement but the proposed outdoor amenity space is deficient. The amount of outdoor amenity space proposed is acceptable as the proposed building will be located adjacent to a proposed City Park on the northwest corner of St. Joseph Street and Bay Street and the proposed residential units have outdoor balconies.

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 Official Plan shows local parkland provisions across the City. The lands which are subject to this application are in an area with 0 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.

Parks staff advise that the parkland dedication for the residential component would be 0.02705 hectares, would not be of a useable size and would be encumbered with below-grade parking. The non-residential component of the development would be subject to a 2% parkland dedication fee. The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu which will be determined at the time of issuance of the building permit.

Urban Forestry/Streetscape

The Official Plan's development criteria in *Mixed Use Areas* call for development to provide an attractive, comfortable and safe pedestrian environment, and to locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences. The proposed development satisfies these policies, in part by

locating garbage, loading and service areas to the interior of the block, and by providing a landscaped streetscape.

The streetscape adjacent to the development site, as shown in submitted landscape plans, will be reinforced and improved through consistent street tree plantings on Bay Street and St. Joseph Street. Further details with respect to landscaping, street tree planting and weather protection in the form of entrance awnings or canopies will be assessed at the time of Site Plan review.

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

Toronto Green Development Standard

The application is not subject to the new mandatory Green Roof By-law. However, the applicant is subject to the Toronto Green Development Standards. The Toronto Green Development Standards contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto.

The Toronto Green Development Standards Checklist submitted by the applicant indicates that the proposed development is intended to meet or exceed 34 performance targets related to air, energy, water, solid waste, and ecology. Some of the targets to be met include the following:

- green roof designed to meet the City's performance criteria with at least 50% coverage of the roof. The rest of available roof space must be covered with light coloured roofing materials;
- 45% of indoor low-emitting materials;
- 70% of fixtures are Energy Star compliant; and
- equipment installed to monitor ongoing performance in energy use.

Section 37 – Community Benefits

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) Prior to the issuance of the first above-grade permit, pay to the City the sum of \$1,500,000 consisting of \$500,000 towards the upgrade of Queen's Park and \$1,000,000 towards Public Art for the Gateway Feature on St. Joseph Street and the narrowing of the roadway of St. Joseph Street;
- b) Require that the cash amounts identified in a) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto

CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;

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

- (c) As part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the podium and two floor above along Bay Street and St. Joseph Street with building materials labelled;
- (d) The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (e) Build in conformity with the Toronto Green Standard Checklist received by the Chief Planner and Executive Director, City Planning Division on February 4, 2010;
- (f) 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; and
- (g) Prior to final site plan approval the owner shall:
 - 1. Retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended), to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2009 Final Draft - Standards and Guidelines for Consulting Archaeologists, Ministry of Culture. Should the archaeological assessment process continue beyond a Stage 1 assessment, any recommendations for Stages 2- 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation.
 - 2. Submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk.
 - 3. Incorporate significant archaeological resources and findings into the proposed development through either in situ preservation and interpretation where feasible, or commemorate and interpret the resources

through exhibition development on site including, but not limited to, commemorative plaquing.

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.

Tenure

All residential units will be part of a condominium corporation. An application for draft plan of condominium approval is required.

Development Charges

It is estimated that the development charges for this project will be \$582,934. 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 vacant lot on Bay Street that is large enough to accommodate additional density and height. The development of this site will not compromise the redevelopment of the adjacent buildings on the same block of Bay Street. The building has been located and massed to be compatible with the adjacent buildings and to mitigate negative impacts on sky views, shadow, distance separation and wind.

CONTACT

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Fax No. 416 392-1330

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SIGNATURE

Raymond David, Director

Community Planning, Toronto and East York District

(p:\2010\Cluster B\pln\Teycc6171829056) - tm

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

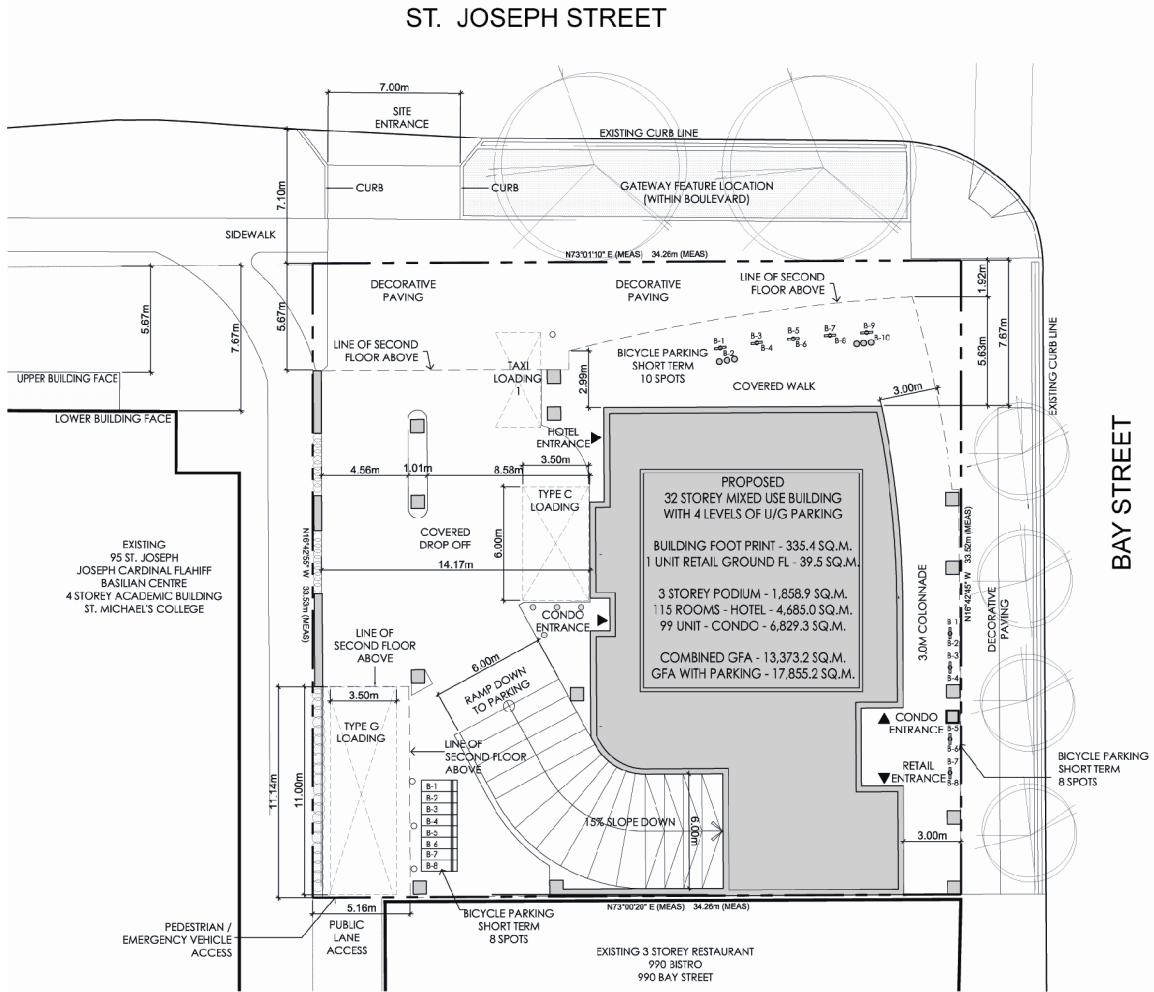
Attachment 3: Zoning

Attachment 4: University of Toronto Secondary Plan

Attachment 5: Application Data Sheet

Attachment 6: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

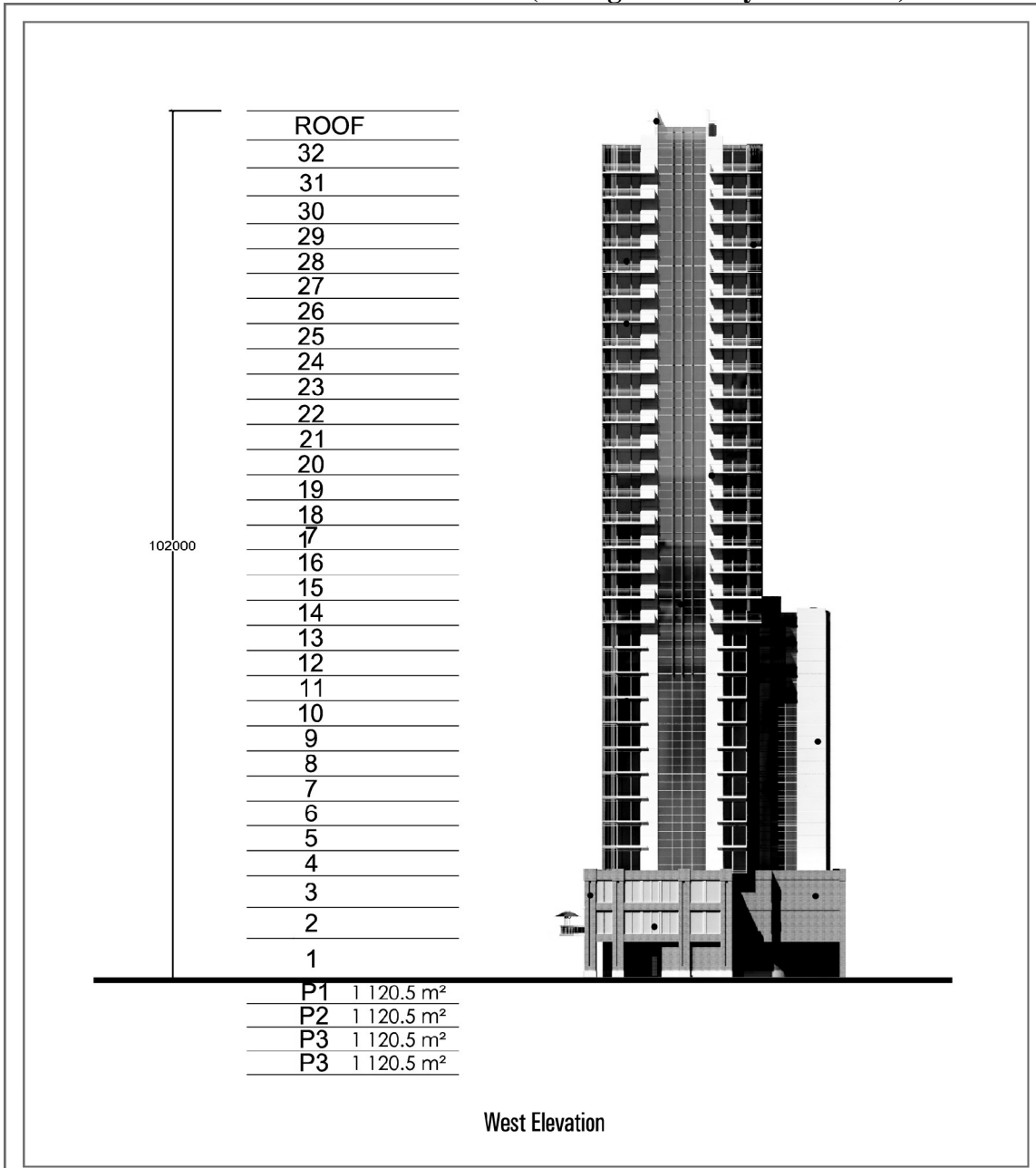
Not to Scale
08/06/2010



1000 Bay Street

File # 09_199659

Attachment 2a: Elevation West (Facing University of Toronto):



Elevation

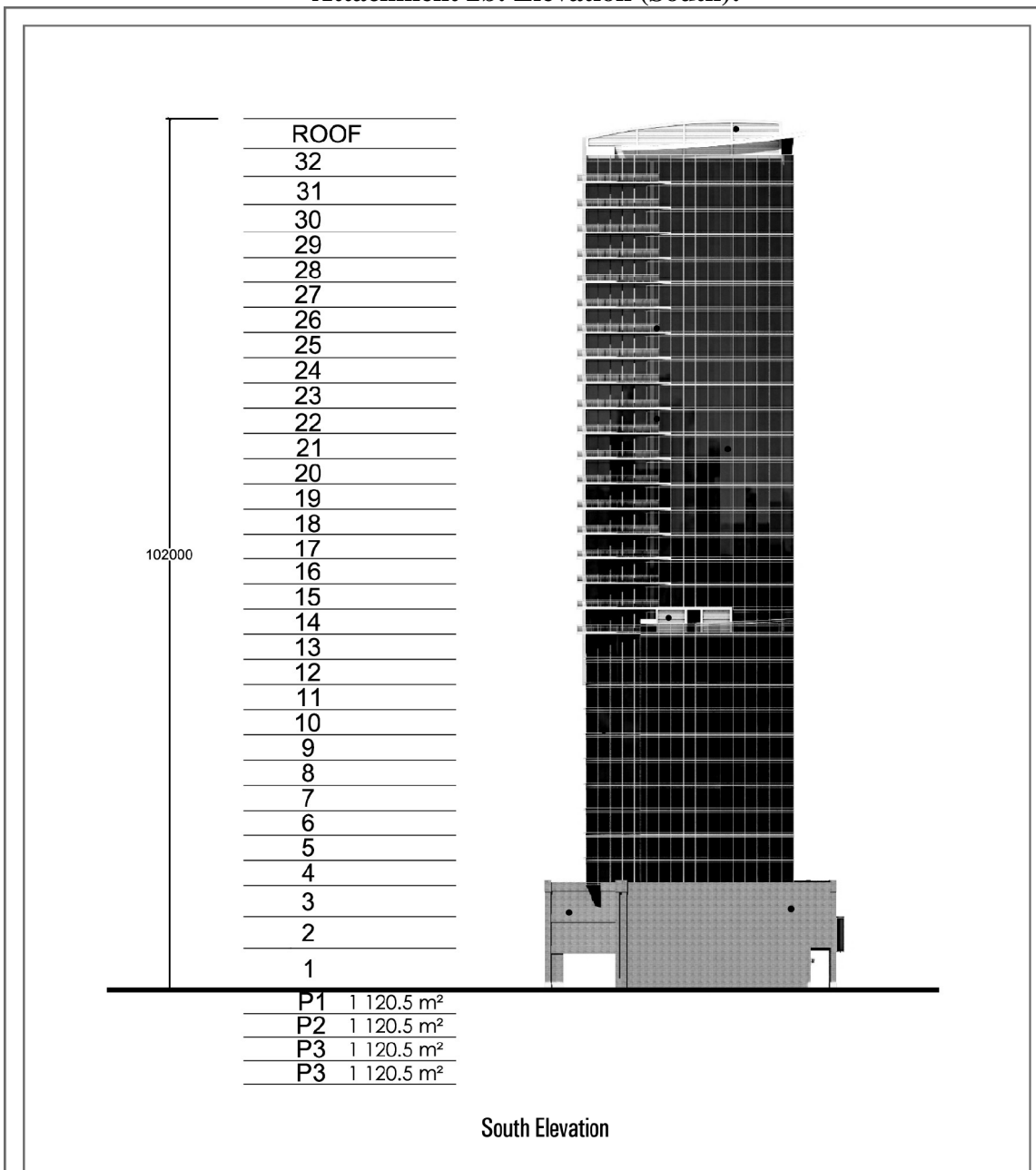
1000 Bay Street

Applicant's Submitted Drawing

Not to Scale
8/9/10

File # 09-199659 OZ

Attachment 2b: Elevation (South):



Elevation

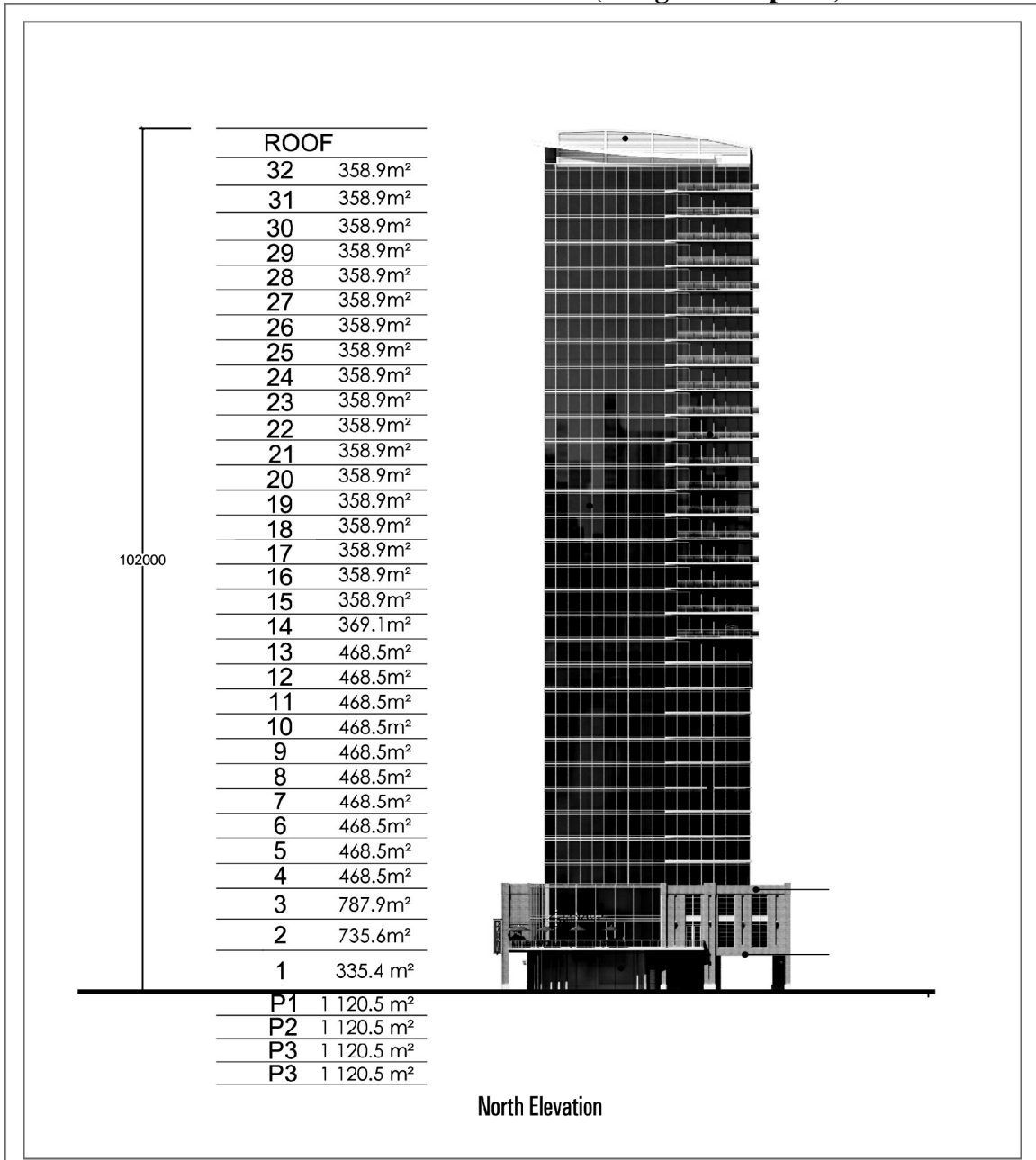
1000 Bay Street

Applicant's Submitted Drawing

Not to Scale
8/9/10

File # 09-199659 OZ

Attachment 2c: Elevation North (along St. Joseph St):



Elevation

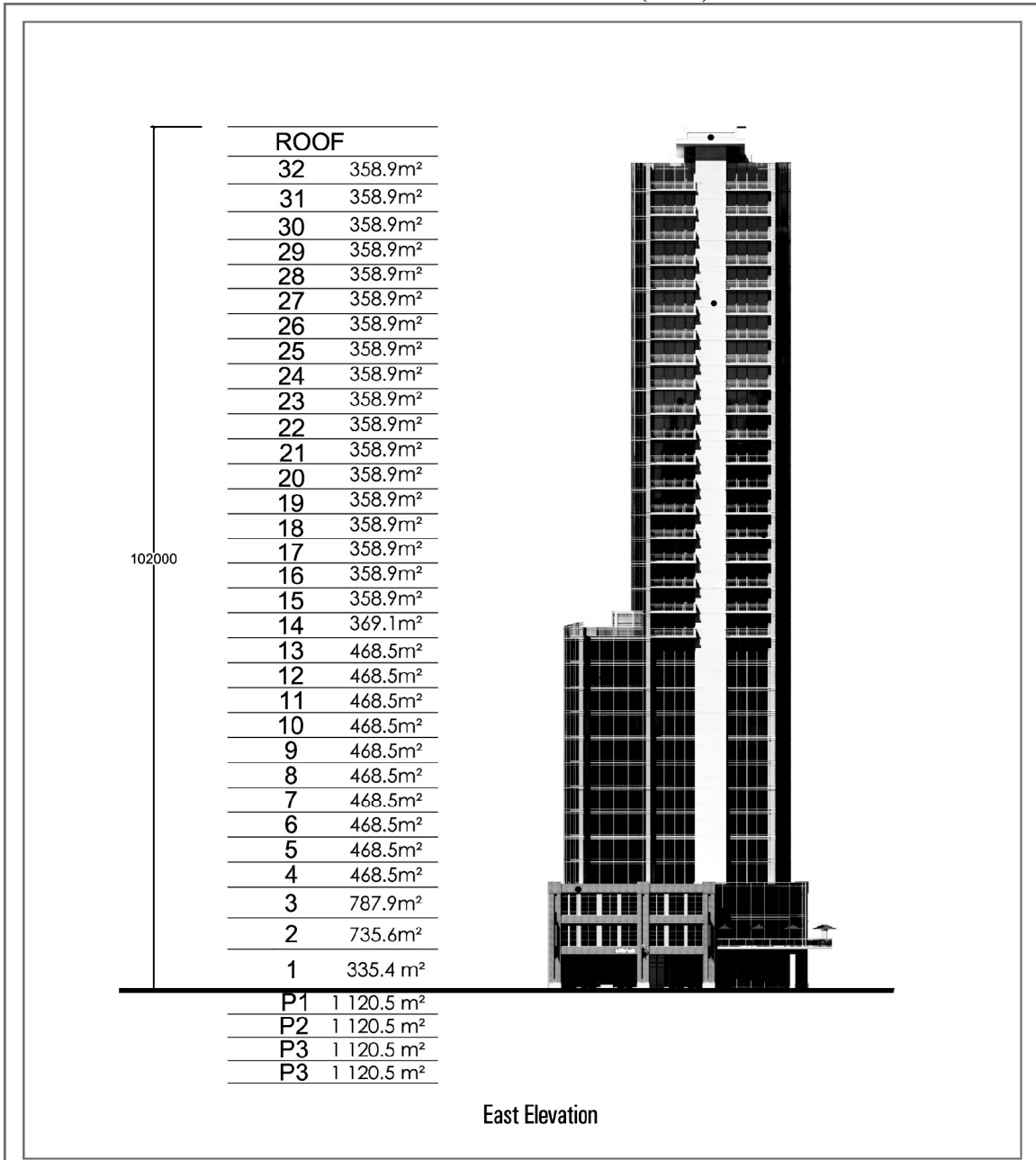
Applicant's Submitted Drawing

Not to Scale
8/9/10

1000 Bay Street

File # 09-199659 OZ

Attachment 2d Elevation (East):



Elevation

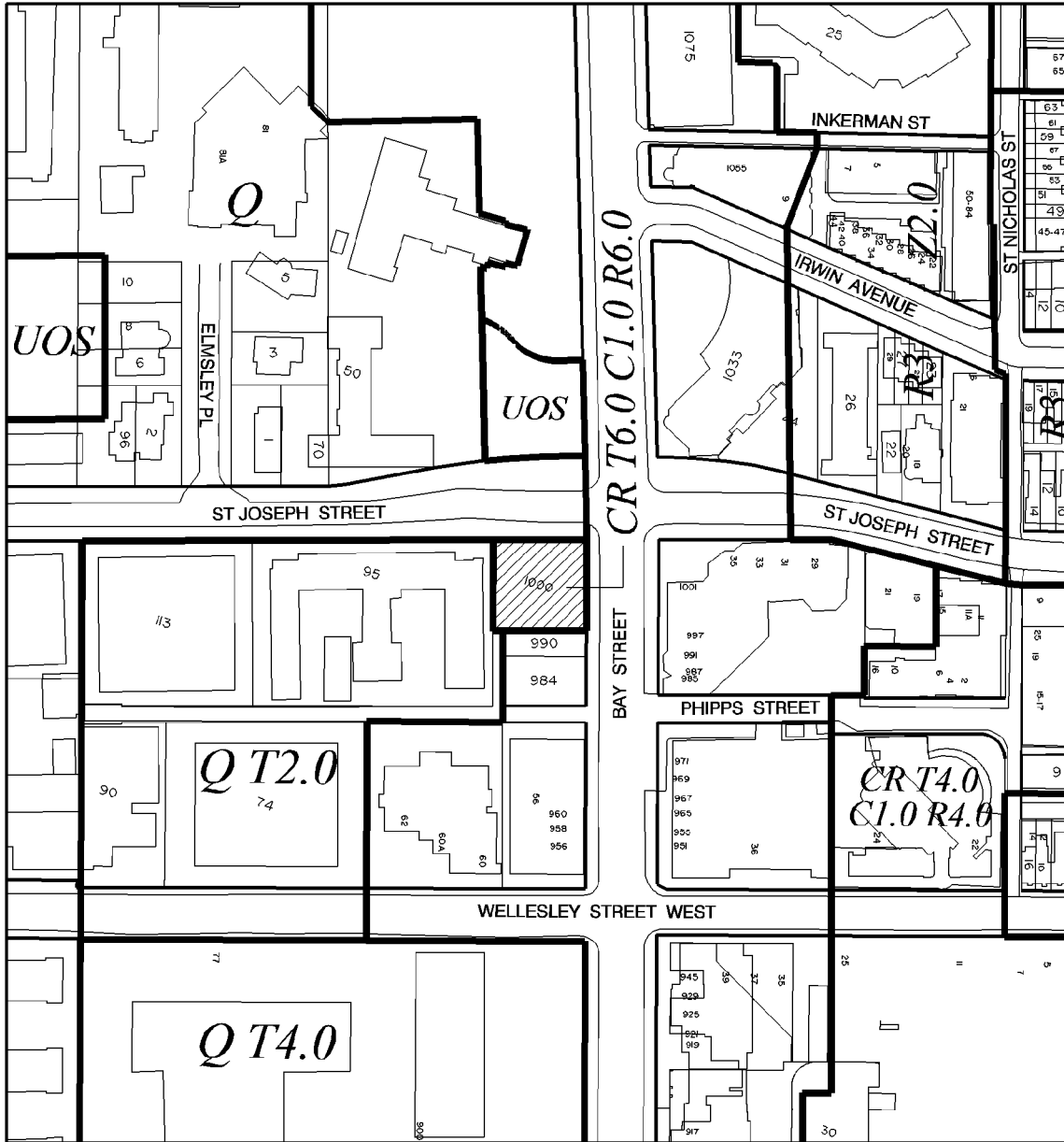
Applicant's Submitted Drawing

Not to Scale
8/9/10

1000 Bay Street

File # 09-199659 OZ

Attachment 3 Zoning



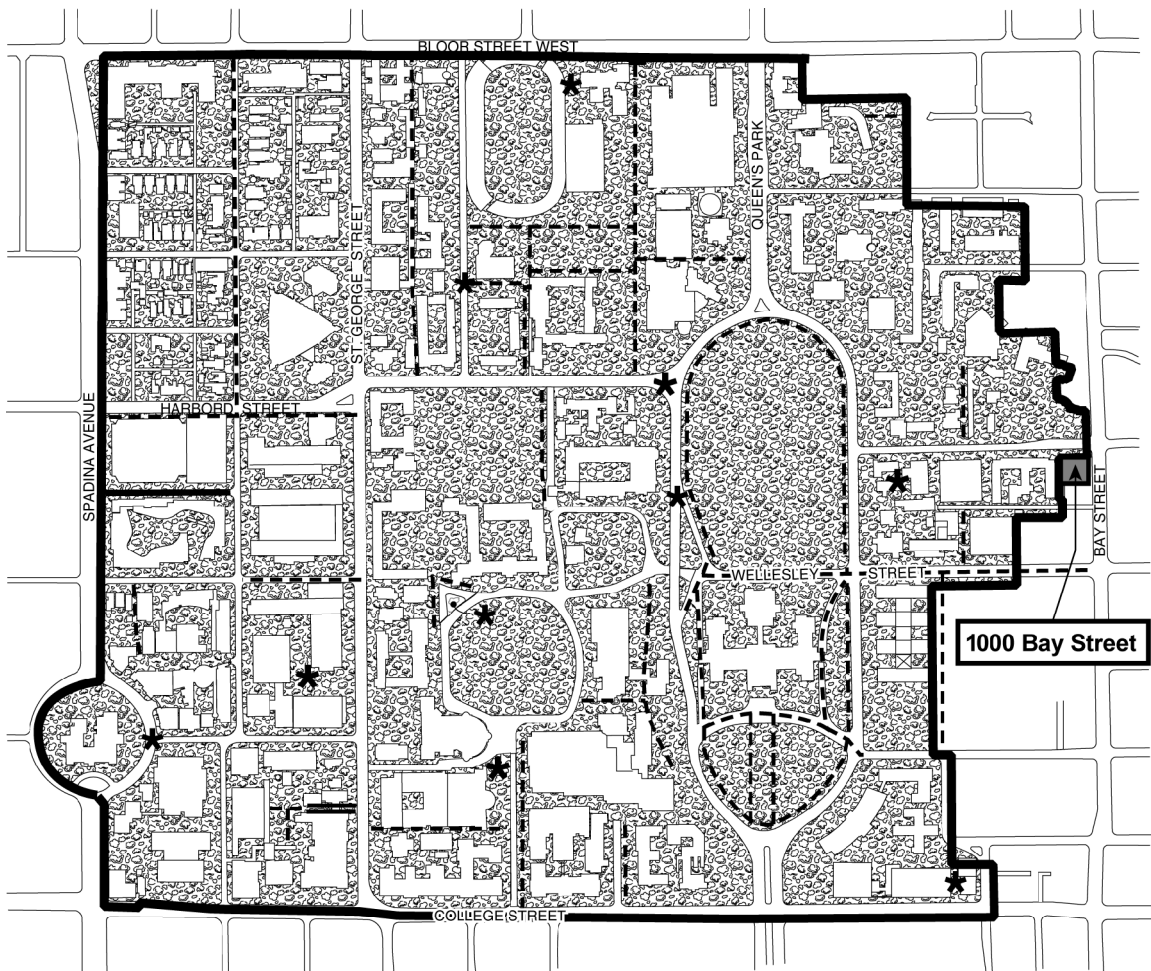
1000 Bay Street
File # 09_199659

- R3 Residential District
- CR Mixed-Use District
- Q Mixed-Use District
- UOS Parks District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 01/11/2010

Attachment 4: University of Toronto Secondary Plan



Not to Scale 



University of Toronto Secondary Plan

MAP 20-3 Proposed Open Space Network Structure Plan

-  Secondary Plan Boundary
-  Area to be Improved
-  Parks and Open Space Area
-  Proposed Pedestrian Improvements

June 2006

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	09 199659 STE 27 OZ
Details	Rezoning, Standard	Application Date:	December 23, 2009
Municipal Address:	1000 BAY STREET		
Location Description:	Southwest corner of Bay Street and St. Joseph Street		
Project Description:	Proposal for condo/hotel complex having a height of 32 storeys – 13 storeys for hotel and 19 storeys for residential condominium, 99 residential units, 115 hotel suites and 4.5 levels (100 parking spaces) of below grade parking.		

Applicant:	Agent:	Architect:	Owner:
Chamberlain Architect Services Ltd. 5096 South Service Road, Suite 103 Burlington, ON L7L 5H4	Same as Applicant	Same as Applicant	Mayfair Properties Ltd. 111 Robson Street Vancouver, BC, V6B-2A8

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR T6.0 C1.0 R6.0	Historical Status:	N
Height Limit (m):	46	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1149.82	Height:	Storeys:	32
Frontage (m):	33.52		Metres:	98.6 with a 3.4 m mechanical
Depth (m):	34.32			
Total Ground Floor Area (sq. m):	335			Total
Total Residential GFA (sq. m):	6829.3		Parking Spaces:	100
Total Non-Residential GFA (sq. m):	6543.9		Loading Bays	2
Total GFA (sq. m):	13,373			
Lot Coverage Ratio (%):	74.0			
Floor Space Index:	11.6			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	8
1 Bedroom:	62
2 Bedroom:	19
3 + Bedroom:	10
Total Units:	99

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	6829.3		0
Retail GFA (sq. m):	39.5		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Hotel GFA (sq. m):	6504.4		0

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

Attachment 6: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ● as adopted by City of
Toronto Council on ●
Enacted by Council: _____, 2010

BY-LAW No. XX-2010

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to lands municipally known as 1000 Bay Street.

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally as 1000 Bay Street,

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

WHEREAS 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 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 may 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 City of Toronto contains provisions relating to the authorization of the height and density of development;

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements 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 including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 4(n) 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 or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
4. None of the provisions of Sections 2(1) definitions *grade*, 4(2)(a), 4(8)(b), 4(12), 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3(A), 8(3) Part III 1(a), 12(2) 259 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 land 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”, as amended, shall apply to prevent the erection or use of a mixed use *building* on the lands municipally known as 1000 Bay 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 *residential gross floor area* shall not exceed 6,830 square metres;
 - (c) the *non-residential gross floor area* shall not exceed 6,550 square metres;
 - (d) the *residential gross floor area* and *non-residential gross floor area* shall not exceed 13,400 square metres;
 - (e) no portion of the building or structure erected on the *lot* or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 subject to the following:
 - (i) canopies, awnings and building cornices are permitted outside

the heavy line shown on Map 2; and

- (ii) lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and public art features and gateway features which may extend beyond the heavy lines shown on the attached Map 2;
 - (iii) balconies, which may extend to a maximum horizontal projection from an exterior building wall of 2.0 metres beyond the heavy lines shown on Map 2, provided that such balcony does not project beyond the dashed line on Map 2 indicating the boundary of the *lot*.
- (f) the *height* of any building or structure, or portion thereof, does not exceed those *heights* as indicated on the attached Map 2 except those items listed in Section 4(e)(i)(ii)(iii);
- (g) a minimum of 100 *parking spaces* shall be provided and maintained below *grade* on the *lot* in accordance with the following:
- (i) a minimum of 77 *parking spaces* for the residents;
 - (ii) a minimum of 6 shared *parking spaces* for residential visitors and the retail space; and
 - (iii) a minimum of 17 *parking spaces* for the hotel.
- (h) a minimum of 116 *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) for residents, not less than a minimum of 80 *bicycle parking spaces –occupant* to be provided on the P1 and P2 levels;
 - (ii) for *hotel* employees, not less than a minimum of 10 *bicycle parking spaces* to be provided on the third floor;
 - (iii) for visitors, not less than 26 *bicycle parking spaces-visitor* to be provided and maintained only at *grade* and be weather protected;
 - (iv) *bicycle parking spaces-occupant* shall be common element and not combined with storage lockers for *dwelling units*;
- (i) a minimum of 107.49 square metres of outdoor *amenity space* be provided;

- (j) at least one *loading space-type G* shall be provided and maintained on the *lot*;
 - (k) at least one *loading space-type C* shall be provided and maintained on the *lot*;
 - (l) a *commercial parking garage* is not permitted within the *lot*.
 - (m) provide continuous weather protection with a minimum depth of three metres and a minimum height of 4.1 metres along St. Joseph Street and Bay Street;
 - (n) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Appendix 1 attached to this By-law and that such an agreement be registered on title to the *lot*;
5. None of the provisions of By-law 438-86 as amended shall apply to prevent a *temporary sales office* on the *lot*.
6. Notwithstanding Section 8(1) (f) of By-law No. 438-86, no person shall use a lot or erect or use a building within the *lot* for any purpose except one or more of the following uses,
- (i) *mixed-use building*;
 - (ii) *hotel* having a maximum *non-residential gross floor area* of 6,505 square metres;
 - (iii) a *retail store, restaurant, take-out restaurant* having a maximum of 430 square meters on the first floor and second floor;
 - (iv) uses *accessory* thereto, including a *parking garage* located below finished ground level;
7. For the purposes of this By-law,
- (a) *grade* means 108.85 metres Canadian Geodetic Datum.
 - (b) *temporary sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of sale of *dwelling units* to be erected on the *lot*.
 - (c) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.

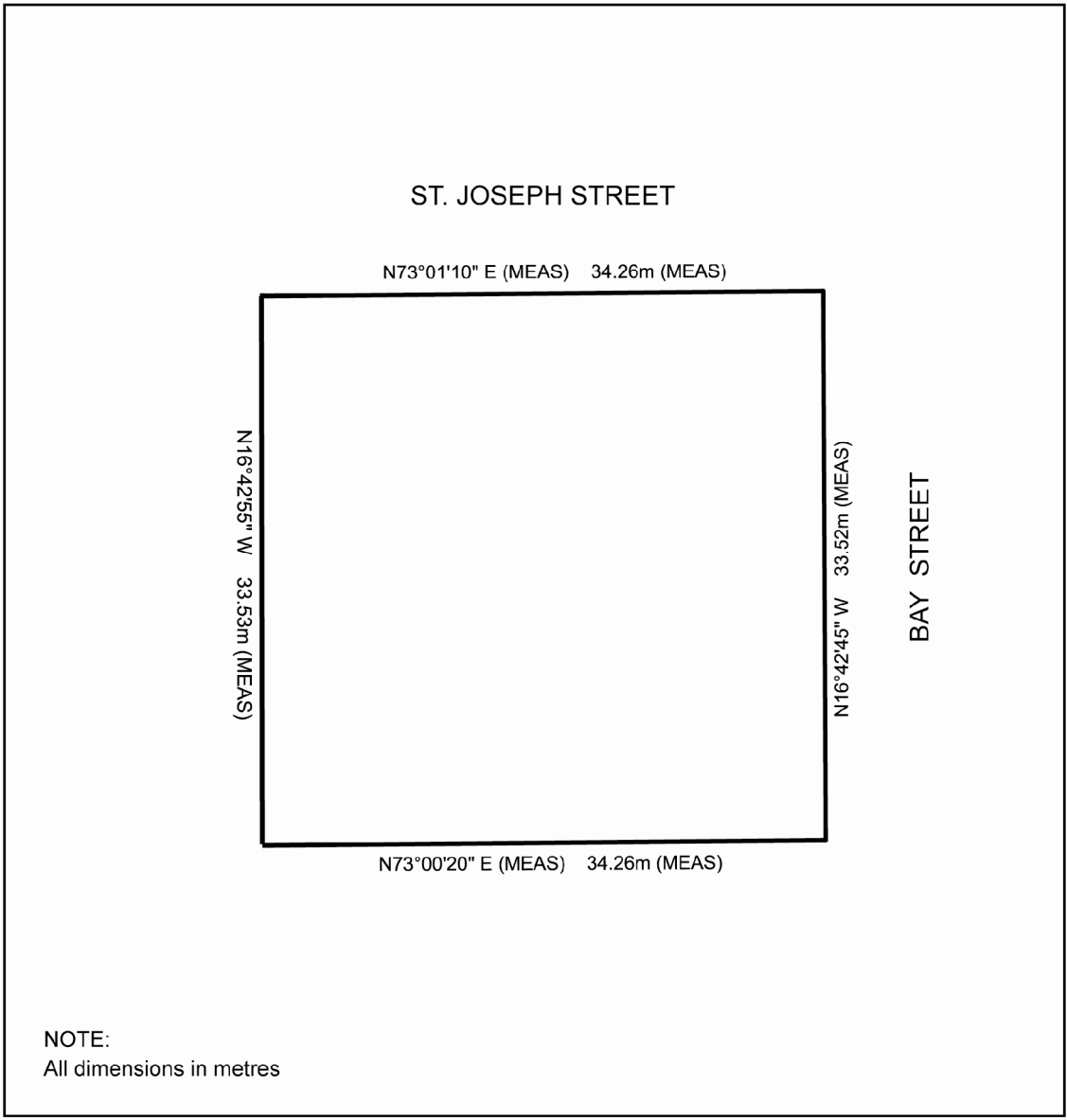
8. Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities. (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

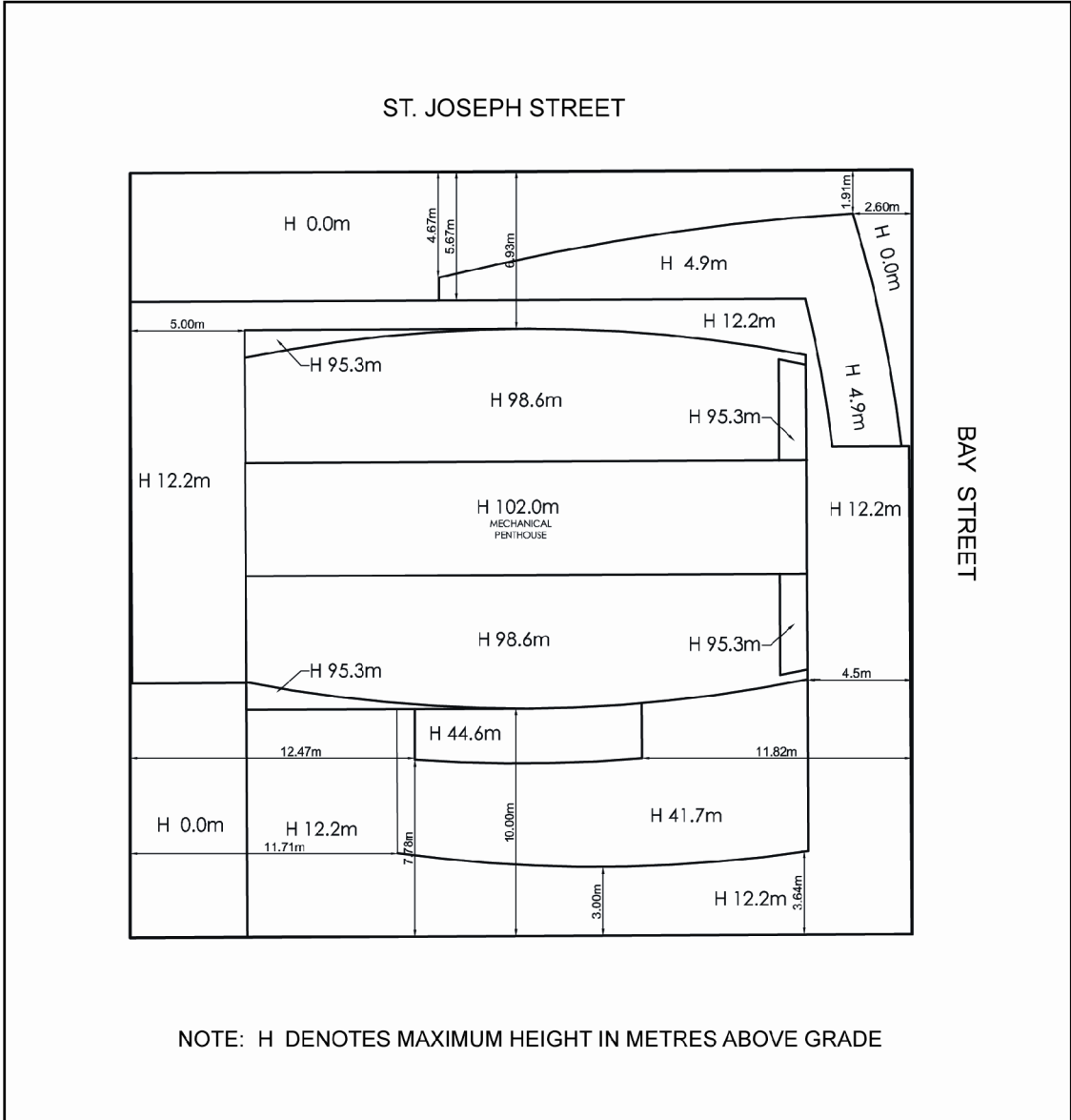
ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(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:

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

- (a) Prior to the issuance of the first above grade permit, pay to the City the sum of \$1,500,000 consisting of \$500,000 towards the upgrade of Queen's Park and \$1,000,000 towards Public Art for the Gateway Feature on St. Joseph Street and the enhancement of St. Joseph Street;
- (b) Require that the cash amounts identified in a) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;

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

- (c) As part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the podium and two floor above along Bay Street and St. Joseph Street with building materials labelled;
- (d) The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (e) Build in conformity with the Toronto Green Standard Checklist received by the Chief Planner and Executive Director, City Planning Division on February 4, 2010;
- (f) 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; and

- (g) Prior to final Site Plan approval the owner shall:
1. Retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended), to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2009 Final Draft - Standards and Guidelines for Consulting Archaeologists, Ministry of Culture. Should the archaeological assessment process continue beyond a Stage 1 assessment, any recommendations for Stages 2- 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation.
 2. Submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk.
 3. Incorporate significant archaeological resources and findings into the proposed development through either in situ preservation and interpretation where feasible, or commemorate and interpret the resources through exhibition development on site including, but not limited to, commemorative plaquing.
 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.