

TORONTO STAFF REPORT

October 28, 2002

To: Toronto East York Community Council

From: Director, Community Planning, South District

Subject: Final Report
Application to amend the Official Plan and Zoning By-law
311 Bay Street, for a hotel and residential condominium
333 Bay Street Development Corporation
100019, TO CMB 2000 0019
Toronto Centre-Rosedale, Ward 28

Purpose:

This report reviews and recommends approval in principle for an application to amend the Official Plan and Zoning By-law for a hotel and residential condominium at 311 Bay Street.

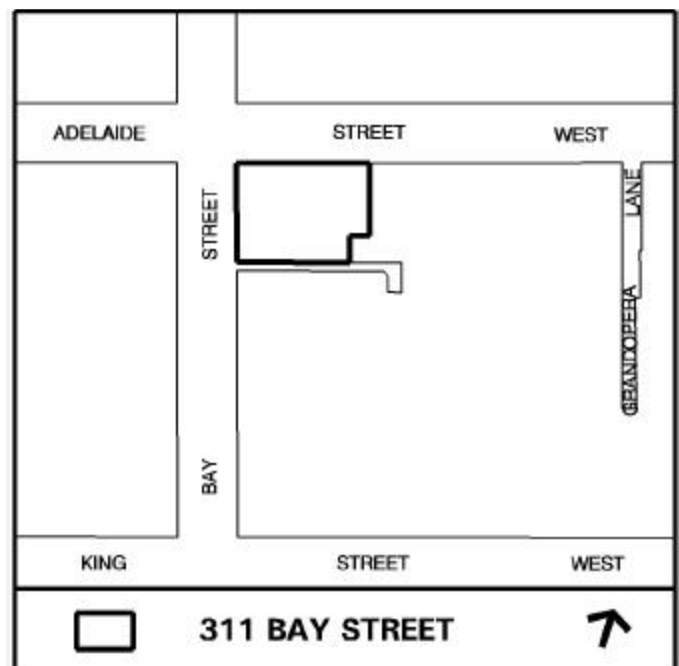
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the application to amend the Official Plan and Zoning By-law for 311 Bay Street be approved in principle, subject to Recommendation (3) below;
- (2) the Commissioner of Urban Development Services and the City Clerk be authorized to give notice for a statutory public meeting on this application at the January, 2003 Toronto-East York Community Council meeting; and



- (3) the Commissioner of Urban Development Services, in consultation with the Commissioner of Works and Emergency Services, be requested to report back at the time of the statutory public meeting on how the technical issues regarding infrastructure for the development have been resolved.

Background:

Application History

The Official Plan and Zoning By-law amendment application for this proposal was originally submitted on August 1, 2000. The proposal's architecture, massing, height and servicing configuration were subsequently redesigned by a new project architect. The revised proposal was submitted on September 20, 2001. Due to site constraints, the loading facilities were relocated to the second floor of the development with access from Bay Street.

On September 5, 2002 the proposal was revised again to deal with servicing issues and submitted to the City for review. The September 5, 2002 proposal contains an underground loading facility with access from Bay Street that incorporates a turntable for truck turnarounds. The proposal also contains an above grade parking garage at levels 2 through 8 that has a secondary loading area for three small trucks. The building is clad with limestone at its base and then becomes a glass tower above. The attachments to this report illustrate the design and architecture of the proposal.

The table below outlines the details of the past and present proposals:

Proposal Date	Gross Floor Area (m ²)	Height (m)	Height in Storeys	Total Parking	Hotel Suites	Corporate Suites	Condominium Suites	Density
Aug. 1, 2000	56,720	230	59	233	225	80	279	39.4
Sept. 20, 2001	62,870	299	65	347	225	112	275	43.6
Sept. 5, 2002	65,866	309	68	315	225	39	274	45.7

Note: The September 20, 2001 and September 5, 2002 heights include a 26 m rooftop architectural element.

The inclusion of above grade parking on levels 2 through 8 of the proposal has resulted in a decrease in the residential floor area proposed from 38,435 sq. m to 33,175 sq. m. The floor area devoted to the hotel use has increased by 163 sq. m.

Reporting History

A Preliminary Report on the application, dated August 31, 2000 was adopted by Downtown Community Council on September 28, 2000. The report authorized further consideration and review of the application and the holding of a consultation meeting in the community.

The community consultation meeting on the application was held on December 11, 2000. It was attended by about 10 persons including representatives of Scotia Bank who are an adjacent property owner. Since that time, discussions have been held between the City and representatives of Scotia Bank and the other adjacent owner, the National Club.

A status report on the application dated May 23, 2002 was considered by Toronto East York Community Council on June 4, 2002. This report highlighted a number of planning considerations and stated that the outstanding planning issues to be resolved pertained to the servicing of the site and the conclusion of an agreement with the owner respecting an appropriate package of community benefits as part of the proposal.

Site History

The site used to contain a multiple storey art deco style building that for several years accommodated a Woolworth's store. In the late 1990's the building was demolished and replaced with a surface parking lot which includes a rental car facility.

Site and Surrounding Area

The site is located at the southeast corner of Bay Street and Adelaide Street West. It has an area of 1,442 square metres. This single site is underutilized at a prominent location within the Financial District. It represents an average size among the infill sites yet to be redeveloped in the Financial District. It is not like the consolidated office sites such as First Canadian Place, TD Centre or BCE Place which generally typify the Financial District.

To the immediate east of the site is the Scotia Plaza tower, linked to the historic Bank of Nova Scotia to the south. This mid-block office tower was constructed in the late 1980's, has a height of 274 metres and is 68 floors.

To the south is the 4-storey National Club building which is a designated heritage building.

To the north is the partially constructed Bay-Adelaide office complex. It has an approved zoning for a 275 metre high tower.

To the west of the site is the First Canadian Place office complex. It was constructed in 1979, has a height of 287 metres and is 72 floors.

Official Plan Policy

(a) Part I Official Plan

The site is designated as Financial District in the Part I Official Plan of the former City of Toronto. The Plan describes the Financial District as a mixed commercial-residential area that is predominantly commercial but also contains residential uses. It encourages the creation of a pleasant pedestrian environment. Council may pass by-laws to permit mixed-use buildings

having a total gross floor area of up to 12 times the lot area, provided the non-residential component of the development does not exceed 8 times the lot area. In considering development applications that propose increasing the non-residential density from 8 to 12 times the lot area, City Council may require the provision of workplace daycare and social housing.

The Plan indicates that the City will use its powers of land use planning and other powers to enhance Toronto's economic competitiveness. The City is also encouraged to undertake other initiatives to ensure that the role of the Central Area, which encompasses the Financial District, as a major international centre for business, culture and entertainment is strengthened.

According to the Official Plan, new development is to maintain the quality of the public realm, including sidewalks. High quality urban design is encouraged to ensure that new development fits with its surroundings.

The Official Plan also contains policies respecting the use of Section 37 of the Planning Act to secure public benefits. In general, Section 37 can be used to secure a wide array of benefits including social housing, non-profit community, institutional or cultural facilities, heritage preservation or parks provided that, in application to a particular development, the built form and physical environment objectives of the Plan are met. City Council may develop other density bonusing policies for specific areas such as those set out for the Financial District. City Council has also adopted interim guidelines for the use of Section 37 prior to incorporation of the city-wide policies into the new Official Plan.

(b) Draft Official Plan

The draft Official Plan for the amalgamated City of Toronto contains specific policies for the Downtown. It is viewed as an attractive place to live and work and development is intended to support the re-urbanization strategy of the Plan. Therefore, while the Financial District is still to remain the leading area for employment in the Greater Toronto Area, a range of housing opportunities are to be provided that promote the housing intensification goals of the Plan and reduce auto dependency, including commuting needs. In addition, the Financial District is deemed to be the prime location for high quality, prestige office and other landmark buildings that shape the city's skyline.

The new Plan does not place density limits on development, as this is accomplished by the prevailing Zoning By-law. Thus, the new Official Plan places more emphasis on a broad vision for the city, including the Downtown and the Financial District. More reliance is placed on planning tools such as the Zoning By-law or the planning application review process to ensure that development proposals implement the vision of the Official Plan policies while also mitigating potential negative impacts of new development.

The new Official Plan also includes urban design policies to be considered in conjunction with new development. These policies are aimed at ensuring that streetscapes are pleasant, interesting and safe for pedestrians, a high quality of building architecture is achieved, and that tall buildings meet certain criteria of fit and impact within their surrounding environment.

(c) Metropolitan Toronto Official Plan

The Metropolitan Toronto Official Plan defines the role of the Central Area, which includes the site, as the pre-eminent centre within Greater Toronto for government, corporate head offices and financial, institutional, retail, and tourist activities, in addition to being a focus for communication, cultural and entertainment activities.

Zoning By-law

The site is zoned CR T12.0 C8.0 R11.7. Mixed-use buildings are permitted as-of-right to a total density of 12.0 times the lot area. A purely residential building can be constructed to a density of 11.7 times the lot area while a purely commercial building can be constructed to 8 times the lot area. The lower density cap for commercial development was intended to encourage residential intensification and to provide an incentive for the development of mixed use buildings incorporating both commercial and residential uses. There is no height limit in the Zoning By-law for the city block encompassing the site. Residential buildings and hotels are permitted land uses under the CR zoning.

Site Plan Control

The applicant has submitted a site plan application for the development. The site plan application will be completed prior to the introduction of Bills in Council. In reviewing the Official Plan Amendment and Rezoning application, the Commissioner of Works and Emergency Services has provided comments on site plan related matters such as access, loading and garbage storage.

Reasons for Application

The application exceeds the density permission of 12 times set out in the Official Plan and Zoning By-law.

Agency Circulation

The application was circulated to various agencies and City Departments. Responses received have been used to assist in evaluating the application and will be used to formulate appropriate by-law standards.

Public Comment

Representatives of Scotia Bank have, on several occasions, met with City staff to express concerns and have made written comments, including detailed technical studies, especially related to the servicing of the development. These reports and discussions have been taken into account by City staff in assessing the application.

Comments:

This report updates the May 23, 2002 Status Report. That report outlined a number of planning considerations, many of which had been resolved at that time. This report updates the discussion of those issues in relation to the most recent changes to the proposal and addresses any issues that were unresolved.

Height and Density

The most recent proposal places above grade parking at levels 2 through 8 in order to permit effective servicing of the development from Adelaide Street West and Bay Street. The inclusion of an above grade parking garage affects the development in two ways. As above grade parking counts as gross floor area in CR zones, it increases the overall density of the proposal from 43.6 times the lot area to 45.7 times the lot area. The addition of the above grade parking garage has also increased the overall building height (including the 26 metre high rooftop architectural element) to 309 metres. The proposal is 283 metres high to the roof slab, just under the 287 metre height of First Canadian Place and just above the 275 metre height of Scotia Plaza. The revised proposal is compatible with the upper tier heights found within the Financial District and would add a prominent, landmark building to Toronto's skyline. As mentioned previously, the site is not subject to a height limit in the Zoning By-law.

While the current Official Plan contains density limits for the Financial District, the draft Official Plan does not regulate density and looks instead to conformity with the broad objectives of the Official Plan. Where densities in excess of the Zoning By-law maximums are proposed, analysis is focused on meeting the objectives of the Official Plan and ensuring that appropriate urban design, adequate servicing, and an appropriate level of community benefits are achieved.

In considering the appropriateness of the proposed density of this residential/hotel building, the character of and development opportunities in the Financial District have been reviewed. As the Financial District continues to be built out, development on smaller infill sites will occur. Current smaller sites under development or consideration for tall buildings include 1-5 King Street West and 73 Richmond Street West. However, this next generation of tall buildings within the Financial District will likely be limited to a handful of sites that are underutilized, have an appropriate location for marketing purposes and lack site constraints related to built form and site servicing.

Siting, Massing and Facing Distance

The current siting of the proposal remains unchanged from the September 20, 2001 proposal. The current massing of the proposal has changed by increasing the height from 60 to 68 floors thereby raising the shaft and cap of the tower. A 35 metre facing condition with Scotia Plaza results from the siting of the proposed building. As stated in my May 23, 2002 report, facing conditions within the Financial District are less, for example, where two buildings face each other across a 20 metre road allowance width. Given this context, the siting, massing and facing distance of the development are acceptable, as stated in my May 23, 2002 report.

Shadows

The applicant has prepared a revised shadow study to test the shadows cast by the 68 storey building now proposed. Since tall buildings are common in the Financial District, shadows are a predominant characteristic of the area. The revised shadow study looked at March 21, June 21 and September 21. The proposal generates some shadow adjacent to the southern limit of Nathan Phillips Square on March 21 from 10:00 a.m. to 11:00 a.m. and on September 21 between 12:00 p.m. and 1:00 p.m. The proposal also shadows the east side of Bay Street from Adelaide Street West to Queen Street West on March 21 from 11:00 a.m. to 12:00 p.m. and on September 21 from 12:00 p.m. to 1:00 p.m. The north side of Adelaide Street West is shadowed from 3:00 p.m. to 4:00 p.m. and on September 21 at 5:00 p.m. Overall, the increased shadow created by the development is intermittent and acceptable.

Traffic and Parking

The current proposal contains parking on levels 2 through 8 using parking stackers. The access for the above grade garage occurs from Adelaide Street West. It contains 315 parking spaces and this satisfies the estimated demand for 283 parking spaces. The proposed amount of parking is at the lower end of the range required by the Zoning By-law. Of the parking spaces proposed, 149 are to be used by the residential condominium, 27 by the corporate suites, 88 parking spaces by the hotel and 19 by residential visitors. The use of a valet service to park the vehicles has been studied and is considered feasible by the Commissioner of Works and Emergency Services.

Loading

The primary loading for the development now occurs in an underground facility equipped with a turntable. Turntables are already used in some major downtown developments. The underground facility accommodates one Type G, two Type B and one Type C loading spaces with access from Bay Street. A smaller secondary loading area is located on the second floor above grade within the parking garage and contains three Type C loading spaces for lighter trucks.

The applicant has opted to provide private garbage pick-up for the proposal. The Commissioner of Works and Emergency Services is satisfied with this approach.

Access

A primary planning issue with the application has been the resolution of an access scheme that does not impede the Bay Street clearway or pedestrian traffic on Adelaide Street West or Bay Street.

Many options have been investigated in order to resolve this difficult issue. A solution has now been found, acceptable to the Commissioner of Works and Emergency Services, which permits some access from Bay Street, but also distributes vehicle movements to Adelaide Street West. Key components of the access strategy are:

- the provision of vehicle access/egress to the above grade valet parking and the secondary loading area from Adelaide Street West;

- the provision of a large truck loading area in an underground garage with access from Bay Street;
- a prohibition on left hand turns at all times from Bay Street into the loading area by Traffic By-law and signage;
- employment of a paid police officer to direct traffic into the loading area across the Bay Street sidewalk between 7:00 a.m. and 7:00 p.m. for the first month of operation, and the submission of a monitoring report assessing the operation after one month; and
- if deemed necessary by the Commissioner of Works and Emergency Services, based on the monitoring study, measures, including possibly the leasing or purchase of an off site location as a loading waiting area, to ensure that deliveries using the Bay Street access occur at off peak hours.

Pick Ups and Drop Offs

Some vehicles such as Wheel-Trans or larger limousines will not be able to accomplish the turning movements needed to park within the interior of the site. Therefore, a waiting area is required along the south side of Adelaide Street West, in front of the site. While the Commissioner of Works and Emergency Services finds the provision of a waiting area acceptable in principle, TTC approval was required as an Express Service bus stop is located along the Adelaide Street West frontage of the site. The TTC and the applicant have reviewed the matter and now have agreed to relocate the bus stop to the west of Bay Street thereby freeing up space for the waiting area.

Site Servicing

The applicant is still required to submit studies and plans relating to grading and storm-water management. The Commissioner of Works and Emergency Services has also commented that water and sanitary sewer capacity improvements may be required to service the development. The extent of these improvements is not known. They could be minor in nature or not required at all. The applicant is preparing supporting technical data for the Commissioner of Works and Emergency Services. It has been agreed that this technical study will have to be submitted to the Commissioner of Works and Emergency Services prior to the Toronto East York Community Council meeting on November 12, 2002. It should be noted that other major developments in the vicinity at 1-5 King Street West and 73 Richmond Street West, each comprising approximately 500 residential units, have not been required to improve sewer and/or water capacity.

PATH Connection

If in the future the applicant is able to negotiate a PATH connection, a Wayfinding and, perhaps, a Tunnel Agreement with the City would be required.

Community Benefits

The development proposal should advance the planning objectives for the local area, in this case the Downtown. Community benefits contribute to the planning merits of this application and the quality of life objectives of the Plan through the provision of facilities or services, serving residents, workers and visitors.

After extensive discussion between the applicant and City staff, agreement has been reached on a comprehensive community benefits package. Key elements of the package include:

- \$500,000 paid to the City at the time of Bills in Council towards the capital cost of Lord Dufferin Pool;
- \$1.5 million paid to the City at the time the amending by-laws become final and binding towards the capital cost of Lord Dufferin Pool ;
- \$300,000 paid to the City at the time the amending by-laws become final and binding towards the Dundas Square project; and
- 1 per cent of the gross construction costs of the project for public art, such public art to be approved through the standard City process involving the Public Art Commission.

Lord Dufferin Pool has been identified in the capital budget of Economic Development, Culture and Tourism. This community benefit contribution will offset the City's projected capital costs for the facility, and will help the City complete Lord Dufferin Pool. Dundas Square has already been identified by City Council as a community benefit candidate for redevelopment in the Downtown. A Section 37 Agreement securing the benefits will be prepared, executed and registered prior to the introduction of Bills in Council for this development.

Conclusions and Next Steps:

I am recommending approval in principle for this project. This site specific application is for a high quality, landmark building located in a highly visible location in the Financial District, which is dominated by several tall buildings. The site is underutilized as a parking lot, and given the site's prominent location, its current use is detrimental to the Financial District's overall physical form and image. The current Official Plan supports the concept of intensification of the site for a mixed use building as proposed, and the proposal meets the relevant built form objectives. The Zoning By-law has no height limit on the block in which the site is located. The proposal meets the intent of the draft Official Plan by creating a landmark building that adds to the city's skyline while also adding to the vibrancy of the Financial District, supporting its re-urbanization objectives.

The potential impacts of the proposal have been examined and resolved satisfactorily. After extensive discussion and analysis of site servicing options, appropriate solutions have been found.

The proposal assists quality of life objectives of the Plan through the provision of community benefits. The benefits help provide much needed community facilities and will improve the physical amenity of the Financial District through the provision of public art.

The next step will be for the applicant to submit the required servicing study for review, and should Community Council approve the application in principle, the City will hold a statutory meeting at the January, 2003 Community Council meeting.

Contact:

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Beate Bowron
Director, Community Planning, South District

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List of Attachments:

Application Data Sheet
Attachment 1: Context Plan
Attachment 2: Ground Floor Plan
Attachment 3: Basement Loading Plan
Attachment 4: East and West Elevations
Attachment 5: East/West Section
Attachment 6: Perspective Looking north on Bay Street
Attachment 7: Perspective Looking South from Nathan Phillips Square
Attachment 8: Zoning
Attachment 9: Official Plan
Attachment 10: Agency Comments

Application Data Sheet

Site Plan Approval: Yes
Rezoning: Yes
O.P.A.: Yes
Municipal Address: 311 Bay St.
Nearest Intersection: Southeast corner of Bay Street and Adelaide Street West
Project Description: Construct a 68 storey building containing 225 hotel suites and 313 residential condominium units with retail and hotel uses at grade

File Number: 100019
Application Number: TO CMB 2000 0019
Application Date: 08/01/2000
Revised Date: 10/22/2002

PLANNING CONTROLS (For verification refer to Chief Building Official)

Official Plan Designation: Financial District
Zoning District: CR T12.0 C8.0 R11.7
Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area: 1441.9
Frontage: 33.356
Depth: 44.978

Height: Storeys: 68
Metres: 309

Ground Floor GFA: 579.4
Residential GFA: 33,175.3
Non-Residential GFA: 24,149.9
Total GFA: 65,866.2

IndoorType
Parking Spaces: 315
Loading Docks: 4 C
2 B
1 G

DWELLING

Tenure Type: Condominium
Total Units: 313

FLOOR AREA BREAKDOWN

Above Grade
Residential GFA: 33,175.3
Retail GFA: 123.3
Industrial/Other GFA: 24,149.9

Total Proposed Density: 45.68

COMMENTS Final Report

Current Status: Open

<u>Latest Event</u>	<u>Actual Date</u>
Suppl. Submission	10/29/2002
Revision	10/22/2002
Revision	10/22/2002
Revision	10/04/2002
Suppl. Submission	10/25/2001
Suppl. Submission	09/20/2001

Suppl. Submission	08/30/2001
Suppl. Submission	07/09/2001
Suppl. Submission	08/09/2000
Received	08/01/2000

Data Valid: Oct 30, 2002 Planner: Alexander, Lance Phone: (416) 392-7573

Area: East Planning Office: Toronto

Attachment 10
Agency Comments

1. Works and Emergency Services, Technical Services (October 30, 2002)

This is in reference to the application by McCarthy Tetrault, on behalf of 311-325 Bay Street Inc. and RNE Realty Limited, for the project on the above-noted site located on the southeast corner of Bay Street and Adelaide Street West. The proposal is to amend the Zoning By-law and approve a site plan to permit the construction of a mixed-use building comprising 225 hotel suites and 314 residential condominium units. The following recommendations and comments are based on plans and drawings date stamped by Urban Development Services on September 5, 2002 and plans date stamped October 29, 2002 (Drawings SKA-001, A204 and A209).

CONDITIONS

1. The owner be required to:
 - (a) Provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;
 - (b) Have a qualified architect/acoustical consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the noise impact statement prepared by J. E. Coulter Associates Limited, dated July 6, 2001, and approved by the Commissioner of Works and Emergency Services;
 - (c) Provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan approved by the Commissioner of Works and Emergency Services;
 - (d) Submit to the Commissioner of Works and Emergency Services approved plans of the development, with sufficient horizontal and vertical dimensions of the exterior walls of the proposed buildings, for the purpose of preparing building envelope plans for site specific exemption by-laws. Such plans should be submitted at least 3 weeks prior to the introduction of a bill in Council;
 - (e) Submit, prior to the issuance of a building permit, for review and approval by the Commissioner of Works and Emergency Services, a storm water management report, a municipal servicing report evaluating the adequacy of the City's water and sewer infrastructure to service the project, a grading and drainage plan, and a site servicing plan, including fire access routes, fire department siamese connection and existing/proposed hydrants. In addition, the owner be required to pay for any off-site water and sewer infrastructure work that, in the opinion of the Commissioner of Works and Emergency Services, is required to service this site;

- (f) Provide and maintain on site a minimum of 283 parking spaces, including 149 spaces for the exclusive use of condominium residents and 134 spaces for the shared use of the hotel, Corporate Suite residents and residential visitors;
- (g) Provide and maintain a minimum of 12 vehicle parking spaces within the second parking level for the drop-off/pick-up of vehicles by the residents and hotel guests;
- (h) Implement and maintain an “Operations Management Plan” as outlined in Appendix C of the August 2001 BA Group report, to manage the parking, loading and drop-off/pick-up activity generated by the site, including, among other things, the valet service to transfer vehicles between the second level of the parking garage and parking levels P3 to P7 inclusive, and maneuvering vehicles into/out of the 149 mechanical parking stackers;
- (i) Provide and maintain a minimum of 3 Type C loading spaces within the second level of the above-grade parking garage, accessed off Adelaide Street West, with a generally level surface and access designed so that delivery vehicles can enter and exit the site in a forward motion;
- (j) Provide and maintain a minimum of 1 Type G, 2 Type B and 1 Type C loading spaces within the underground loading area, accessed from Bay Street, designed so that vehicles can enter and exit the loading area in a forward motion, in accordance with the following conditions:
 - (i) the southbound left turn be prohibited at all times through signage and by-law upon occupancy;
 - (ii) employment of a paid-duty Police Officer to direct operations at the Bay Street access between 7 a.m. and 7 p.m. for the first month of operations;
 - (iii) the applicant’s Transportation Consultant submit a monitoring report of the operations and conditions at the Bay Street access, for the review and approval of the Commissioner of Works and Emergency Services, prior to the completion of the first month of operations; and
 - (iv) the applicant agree, based on the results of the monitoring report and observations of the Bay Street access conducted by City staff, to implement measures, if required, in the opinion of the Commissioner of Works and Emergency Services, to maintain safe operating conditions at this location, at no cost to the City;
- (k) Provide a fully trained building staff person to assist truck drivers with the back-up maneuvers within the loading area and to operate the truck turntable;
- (l) Submit to, and have approved by the Commissioner of Works and Emergency Services, prior to the issuance of a building permit, a plan showing signage and/or pavement markings required to delineate the vehicular operations within the on-site drop-off/pick-up area, and provide and maintain the measures stipulated in the approved plan;

- (m) Submit to, and have approved by the Commissioner of Works and Emergency Services, prior to the issuance of a building permit, a plan to improve the sight lines at the site egress to Adelaide Street West by directing pedestrian traffic away from the façade of the building to minimize potential pedestrian/vehicular conflicts, and provide and maintain the measures stipulated in the approved plan;
 - (n) Eliminate the existing Adelaide Street West curb cuts, which do not form part of the new accesses, and restore the street allowance to City of Toronto standards, at no cost to the City;
 - (o) Advise all future owners of the residential component in a covenant on title and in the offer of purchase and sale, that the refuse and recyclable materials generated by the residents must be collected by a private refuse collection firm, at the expense of the condominium corporation;
2. The owner be advised:
- (a) Of the need to make separate application to the Commissioner of Works and Emergency Services for permits to carry out any works involving construction in, or occupancy of, the abutting public right-of-way;
 - (b) Of the need to enter into an encroachment agreement with the City for the architectural features located on the fifth floor, which extends into the Adelaide Street West and Bay Street road allowances; and
 - (c) Of the need to contact the Commissioner of Works and Emergency Services six months prior to opening to allow for the introduction of the necessary bills in Council for the southbound left turn prohibition at the Bay Street loading access.

ENCROACHMENTS

The ground floor and second floor plans illustrate a canopy within the Adelaide Street West road allowance measuring 3.097m in width by 18.350 metres in length. If the canopy is constructed of glass or metal, it will be subject to the review and approval of the Commissioner of Urban Development Services. If, on the other hand, the canopy is constructed of canvas, the applicant should be advised that the proposed canopy encroachment is subject to the submission of a separate application to this Department for approval of this encroachment.

In addition, an encroachment agreement will be required for the architectural features illustrated on the elevation drawings at the fifth floor (4th Parking level), which extends into the Adelaide Street West and Bay Street road allowances.

DRIVEWAY ACCESS AND SITE CIRCULATION

The primary access to the site is proposed to be located on Adelaide Street West at the extreme eastern limit of the site. The site access is proposed to be 6.0 metres in width for two-way traffic. Openings are proposed in the structural supports adjacent to the access to provide sight lines between pedestrians on the south sidewalk of Adelaide Street West and motor vehicles exiting the site. Given the one-way eastbound operations of the Adelaide Street West, the access will be restricted to right-in/right-out operations.

To ensure that pedestrians approaching the site from the east are visible to a motorist exiting the site some form of pedestrian divertor will be required adjacent to the column located at the northeast corner of the site. Otherwise, the proposed access design is acceptable.

An on-site drop-off and pick-up area is proposed at grade with an 11.5m outside radius. This radius is sufficient to accommodate most vehicles, however, larger vehicles such as limousines and Wheel-Trans vehicles cannot maneuver within the available space and will need to be accommodated on-street. The circulation and drop-off area will need to be appropriately signed to direct vehicular traffic. Appendix C of the August 2001 BA Group report "Traffic and Parking Considerations", included an Operations Management Plan prepared by the former applicant (Ritz-Carlton) for the management of the drop-off/pick-up area and valet service. A commitment from Trump International to implement this plan or a similar operations management is required in order to minimize the potential impacts on the vehicular operations of Adelaide Street West.

The Adelaide Street West access also provides access to the above-grade parking garage and 3 Type C loading spaces, which is acceptable.

The design, operations and, hence, acceptability of the proposed Bay Street access has been the subject of numerous meetings, discussions, analysis, and surveys. Most recently, BA Group submitted a report under date of August, 2002, entitled "Review of Loading Access Alternatives" in response to the concerns expressed by this Department with respect to a Bay Street loading access as outlined in a letter of May 9, 2002 to BA Group. Departmental concerns have resulted in significant changes to the design of this project, including a relocation of the parking and loading facilities.

As indicated in a follow-up letter to BA Group dated October 2, 2002, the Bay Street loading access is acceptable under the following conditions:

- The southbound left turn be prohibited at all times through signage and by-law upon occupancy;
- Employment of a paid-duty Police Officer to direct operations at the Bay Street access between 7 a.m. and 7 p.m. for the first month of operations;
- The applicant's Transportation Consultant submit a monitoring report of the Bay Street access for the review and approval of the Commissioner of Works and Emergency Services, prior to the completion of the first month of operations; and

- The applicant agree, based on the results of the monitoring report and observations of the Bay Street access conducted by City staff, to implement measures, if required, in the opinion of the Commissioner of Works and Emergency Services, to maintain safe operating conditions at this location.

All existing curb cuts on Adelaide Street West, which do not form part of the new site access, must be closed and restored to City of Toronto standards at no cost to the City.

PARKING

The provision of 316 parking spaces in a 7-level above-grade parking garage (2nd - 8th Floors) for the shared use of condominium residents and the hotel satisfies the estimated total parking demand generated by the site for 283 spaces, based in part on the surveyed demand of condominium dwelling units, including 149 spaces for the exclusive use of the condominium residents, 27 spaces for the exclusive use of the Corporate Suite residents, a minimum of 88 spaces for the Hotel, and 19 spaces for residential visitors. As far as can be ascertained, the Zoning By-law parking requirement is for a minimum of 248 spaces and a maximum of 486 spaces, including a minimum of 88 spaces and a maximum of 326 spaces for the hotel component. The proposed parking supply falls within the Zoning By-law range and satisfies the estimated parking demand generated by this proposal and is acceptable.

In order to achieve the 316 parking spaces, the applicant is proposing to utilize 149 parking stackers, which will be accessed off a 5% slope. This Department has received submissions from the supplier of the parking stackers and confirmation from the owner's consultant that the parking stackers can adequately operate on a 5% slope. On this basis, the proposed parking stackers are acceptable. A valet service will be utilized to transfer vehicles from the second parking level to the assigned parking space within the garage on levels P3 to P7. No resident or hotel guest will be permitted beyond the second parking level or to operate the parking stackers. A total of 12 parking spaces have been allocated on the second parking level to accommodate the exchange between vehicle owner and valet, which appears to be adequate for this purpose. The proposed parking configuration and operations strategies are acceptable.

LOADING

The provision of 1 Type G, 2 Type B and 1 Type C loading spaces located within a below grade loading area and 3 Type C loading spaces in the above grade parking garage, is less than, as far as can be ascertained, the Zoning By-law requirement for 1 Type A, 4 Type B, 1 Type G and 1 Type C loading spaces. This Zoning By-law requirement is based on hotel uses totalling 32,90.89 square metres, which includes 8,540.98 square metres of parking on 7 levels. If the parking, which does not obviously generate a loading demand, is excluded from the hotel floor area, the Zoning By-law requires 1 Type A, 3 Type B, 1 Type G and 1 Type C loading spaces.

The Type A loading space is a requirement for the hotel operations. Based on surveys undertaken by various transportation consultants of the loading demand generated by existing hotels in the downtown core, which were undertaken as part of other hotel applications, it does not appear that

there is a demand for a Type A loading space. Therefore, the non-provision of a Type A loading space is acceptable. In addition, there are 3 more Type C loading spaces than the Zoning By-law requires. Therefore, the proposed loading supply is acceptable.

The 3 Type C loading spaces located within the parking garage, accessed via Adelaide Street West, have been proposed in response to concerns expressed by Transportation Services staff with respect to the operations of the Bay Street access (see Section on Driveway Access and Site Circulation). Given the site constraints, the design of the loading area incorporates slopes with a maximum grade of 15% and a turntable to position trucks for maneuvering into and out of the loading spaces. A full time staff person will be required to assist vehicles maneuvering within the loading area and to operate the truck turntable.

TRAFFIC ASSESSMENT

Reports respecting the proposed development and the implications on the area road network and access operations due to site generated traffic were submitted by BA Group under the following dates and titles:

July, 2001 - "Ritz-Carlton Hotel & Residences - The Bay Street Driveway"

August, 2001 - "Traffic and Parking Considerations"

September, 2002 - "Review of Loading Access Alternatives"

Transportation Services staff responded directly to BA Group on their submissions under dates of October 4, 2001, May 9, 2002 and October 2, 2002, in addition to attending several meetings with the applicant and City staff to address outstanding concerns.

The proposed development is expected to generate a total of 175 and 200 two-way trips during the a.m. and p.m. peak hours, respectively. Approximately two-thirds of these trips are attributable to the hotel use. The primary approach to the site will be eastbound on Adelaide Street West and northbound on Bay Street.

The net new two-way site generated vehicular trips is expected to be 105 vph in the a.m. peak hour and 150 vph in the p.m. peak hour. The consultant indicated that the addition of the net new site generated traffic is expected to result in less than a 5% increase in total intersection volumes and would have a negligible impact.

The *Bay Street Urban Clearway* regulations restrict the use of the curb lanes to buses, taxis and cyclists only between the hours of 7 a.m. and 7 p.m. In analyzing the existing and future operations of the Bay Street/Adelaide Street West intersection, BA Group had undertaken two analysis scenarios. In their first scenario, they assumed strict enforcement of the clearway regulations (i.e. no use of the clearway by automobiles) and concluded that the intersection would operate at capacity. In their second scenario, they assigned traffic to the Bay Street lanes according to their field observations. Specifically, they observed the use of the southbound curb lane by approximately 10 percent and 30 percent of the total southbound through volume during the morning and afternoon peak hours, respectively. On this basis, the consultant concluded that

the Bay Street/Adelaide Street West intersection operates at an acceptable level of service. We concur with the consultant's conclusions.

SOLID WASTE AND RECYCLING

The non-residential component of this project (hotel and retail) is not eligible for City refuse collection and will require the services of a private collection firm. In addition, the applicant has confirmed the owner's intention to utilize the services of a private collection firm for the residential component of the project. As a result, residential condominium purchasers must be advised that refuse and recyclable materials will be collected by a private collection firm at the expense of the condominium corporation.

STORM DRAINAGE

It is the policy of City Council to require the infiltration of storm water run-off into the ground for all new buildings, whenever possible. Therefore, storm connections to the City sewer system will only be permitted if it can be demonstrated that infiltrating storm water into the ground is not feasible. Further information regarding storm drainage can be obtained by contacting Brian Lee at 416-397-0253.

WATER SUPPLY

The City's water distribution system is available on adjacent streets. However a site servicing review will be required to determine whether the applicant must make changes to the infrastructure to ensure that flow and pressure is adequate for domestic use and fire services. The owner will be responsible to pay for any off-site improvements to the City's infrastructure which, in the opinion of the Commissioner of Works and Emergency Services, is required to service this project.

SANITARY DRAINAGE

The City's sanitary sewers are available on adjacent streets. However a site servicing review will be required to determine whether the applicant must make changes to the infrastructure to ensure that the existing infrastructure can accommodate the proposed development. The owner will be responsible to pay for any off-site improvements to the City's infrastructure which, in the opinion of the Commissioner of Works and Emergency Services, is required to service this project.

FIRE SERVICES

The site plan should be revised to address the following with respect to Fire Access Route requirements of the Ontario Building Code:

- Fire hydrant to be located no more than 45 metres from a Fire Department siamese connection.

CONSTRUCTION PERMITS

Approval for any work to be carried out within the street allowance must be received from this Department. Although the proposed accesses are acceptable in principle, changes may be required as a result of the detailed review of the application for work within the public right-of-way. For further information, the applicant should contact the Right-of-Way Management Division, District 1, Construction Activities at 392-7877.

2. Works and Emergency Services, Transportation Services, letter to BA Consulting (October 2, 2002)

I refer to your report entitled "Review of Loading and Access Alternatives" dated August 2002, received on August 29, 2002, which was submitted in response to my letter to you of May 9, 2002 and our discussions at our meeting of June 27, 2002. I have reviewed your submission and provide the following comments as they pertain to the proposed Bay Street loading access.

BAY STREET LOADING ACCESS

As I indicated in my May 9, 2002 letter to you, the development of a 68-storey mixed-use development on this very small parcel in a busy downtown location presents numerous transportation challenges. My concerns regarding the proposed Bay Street access essentially focused on three key issues, as outlined below:

- Conflicts between the heavy pedestrian volumes on the east sidewalk of Bay Street and vehicles, especially trucks, crossing the sidewalk to access/egress the loading area;
- The upward slope of the ramp, with a maximum grade of 15%, that may require exiting delivery vehicles to brake heavily as they descend to Bay Street; and
- The potential impact on the Bay Street Urban Clearway by delivery vehicles waiting for gaps in pedestrian and vehicular traffic before turning into and/or out of the site.

In this regard, I suggested that a number of alternatives be investigated to address my concerns, which included: seeking alternative loading arrangements through the Bay-Adelaide Centre loading area; applying to close the adjacent east-west lane to enlarge the site; and restricting the hours of operations for a Bay Street access to 7 p.m. and 7 a.m. Based on my letter and our discussions, your submission identifies six options that you developed to address the City's concerns and includes an assessment of the feasibility of implementing each option. These options are:

- Option A - Retain the proposed Bay Street access and control activity by police officer or access time restrictions;
- Option B - Retain the proposed Bay Street access and relocate the loading facilities below grade;
- Option C - Retain the proposed Bay Street access and relocate smaller vehicle loading (Type C) to the parking garage accessed via Adelaide Street West;
- Option D - Utilize the loading facilities of the Bay-Adelaide Centre to access separate loading facilities on the subject site through a tunnel beneath Adelaide Street West;
- Option E - Apply to the City for closure and sale of the existing east-west public lane in order to increase the size of the site and eliminate the Bay Street access; and
- Option F - Use the Scotia Plaza access on Adelaide Street West to access a loading area on the subject site.

Obviously, the options that result in the elimination of the Bay Street access (Options D, E and F) best address my concerns. You concluded that Options E and F cannot be developed without compromising the operational and building programme requirements. For this reason, together with the other “Con’s” that you have identified, I concur that these options need not be considered further. On the other hand, you have indicated that Option D is technically feasible. While I acknowledge the “Con’s” associated with this option, this option remains the most desirable from the City’s perspective and perhaps, arguably, from a building design perspective, notwithstanding the high implementation costs. Nevertheless, recognizing that the owner of the lands to the north is not willing “in principle” to enter into an agreement to facilitate this arrangement, there appears to be no alternative but to abandon this option.

The question, therefore, is whether Options A, B or C adequately addresses my concerns. Based on your review of these options and the recent submission of revised Site Plan drawings for the proposed development, the loading area has been relocated below grade (Option B) and all three Type C loading spaces have been moved to the first parking level, which is now located above grade and accessed from Adelaide Street West (Option C). The incorporation of Options B and C in the design of the building do not preclude the implementation of access management measures (Option A).

With the implementation of Option B, my concerns with respect to the potential safety and operational problems associated with a 15% down-ramp to Bay Street have been alleviated. The relocation of the Type C loading spaces to the parking garage (Option C) effectively reduces the activity at the proposed Bay Street access from 50 trips per day to 20 trips per day. As a result, the pedestrian/vehicle conflicts at this location have been minimized. Although these measures represent a significant improvement to the operation and design of the Bay Street access and a

considerable reduction in the resulting negative impacts, I am not prepared, at this time, to permit uncontrolled and unrestricted access at this location. Instead, I would be prepared to accept the implementation of Options B and C, as illustrated on the revised Site Plans dated stamped September 5, 2002 by Urban Development Services, subject to the following:

- Implementation of a southbound left-turn prohibition between 7 a.m. and 7 p.m.
- Employment of an off-duty police officer to direct/control operations at the Bay Street access between 7 a.m. and 7 p.m. for the first month of operations.
- Your submission of a monitoring report for the review and approval of the Commissioner of Works and Emergency Services prior to the completion of the first month of operations.
- Agreement from Trump International, based on the results of your monitoring report and observations of the operations of the Bay Street access by City staff, to implement the measures required, in the opinion of the Commissioner of Works and Emergency Services, to maintain safe operating conditions at this location.

The above-noted measures could include, among other things, continuation of the employment of the off-duty police officer, further turn restrictions (e.g. prohibit outbound left-turns), or time restrictions on the use of the driveway (your Option A1). I will be requesting Police Services to submit a report, from the off-duty officer(s), on the operations of this driveway. The need to continue employment of the off-duty police officer will be based, in part, on this report.

I would be pleased if you would provide an indication of your client's agreement to these terms and conditions.

ADELAIDE STREET ACCESS AND DROP-OFF/PICK-UP ACTIVITY

As we have discussed in the past, given the site constraints, large vehicles such as limousines, Wheel-Trans vehicles and buses serving the hotel operations cannot maneuver within the on-site drop-off /pick-up area and must be accommodated on Adelaide Street West. This activity, at the very least, will require the relocation of a TTC peak period bus stop. As you know, the TTC has indicated they do not support the bus stop relocation and alternative arrangements or strategies must be developed to address the TTC's requirements in this regard. I believe this issue is still outstanding.

If you have any questions regarding the above, or require clarification, please do not hesitate to contact me.

3. Toronto Transit Commission (October 28, 2002)

I am writing to my letter of May 1, 2002, which responded to Rezoning Application 100019, ATS 20000019 for 311-333 Bay Street.

In our previous correspondence, we had advised of three concerns with the impact of this development on the eastbound bus stop that is currently located on the Adelaide Street frontage of the subject site. Following discussions with City staff, we have agreed to relocate this stop to the west side of Bay Street. We will arrange to move the stop as soon as construction activities proceed on this site. We had a second concern, that the radius of the circular driveway to this site is not great enough for Wheel-Trans buses to negotiate, however, we accept the fact that, given the small site, there is little that can be done to resolve this situation. Wheel-Trans vehicles, when destined to this site, will have to load and unload on Adelaide Street.

The third concern was that, based on the consultant's analysis, it appeared that a favourable v/c level for southbound traffic on Bay Street could be achieved only with a very high level of illegal use of the bus lanes during peak periods. The consultant responded to this issue in a letter dated October 18, 2002 saying that, if the lanes were strictly enforced, then some of the traffic now using Bay Street would simply divert to another roadway. This is not a proper technical analysis as required in a TIS. We are supportive of increased development in the downtown and would not oppose this application on this basis. However, rather than simply continuing to accept such technically-unsupportable responses from consultants who are dealing with over-capacity situations, I suggest that staff from the City and TTC identify those aspects of the standard TIS analysis which are no longer applicable in areas where roads are nearing, or at, their practical capacity. The City should also advise transportation consultants that technically incorrect analyses will not be accepted.