

Clause embodied in Report No. 1 of the Toronto East York Community Council, as adopted by the Council of the City of Toronto at its regular meeting held on February 4, 5 and 6, 2003.

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**Draft By-laws - Official Plan Amendment
and Rezoning - 311 Bay Street
(Toronto-Centre Rosedale, Ward 28)**

(City Council at its regular meeting held on February 4, 5 and 6, 2003, amended this Clause by deleting Recommendations Nos. (2) to (4) of the Toronto East York Community Council and inserting in lieu thereof the following:

- “(2) the applicant be required to design the building to be constructed at 311 Bay Street in such a manner that future connections to the PATH System from the east and south can be accommodated;*
- (3) should a PATH connection to 311 Bay Street be constructed from the east and/or south in the future, the owners of 311 Bay Street be required to provide and maintain a PATH system connection on their site and that it be constructed coincident with the PATH system connection from the east and/or south; and*
- (4) daytime access from Bay Street to the underground loading area on the site be permitted for a period of 180 days from the time the first dwelling unit in the building is occupied and provided a police officer, paid for by the owner, supervises use of the Bay Street driveway between the hours 7:00 a.m. and 7:00 p.m., after which access into and out of the Bay Street driveway to the site be prohibited between 7:00 a.m. and 7:00 p.m.”)*

The Toronto East York Community Council recommends that:

- (1) the report (December 20, 2002) from the Director, Community Planning, South District, as amended by her further report dated January 20, 2003 be adopted;**
- (2) the applicant be required to design the building in such a manner that future connections to the PATH System to the east and south can be accommodated;**
- (3) the future connections set out in Recommendation No. (2) above be implemented at the applicant’s sole expense, at the City’s request, should permission be granted by the abutting owner(s); and**
- (4) access into and out of the Bay Street driveway to the site be prohibited between 7:00 a.m. and 7:00 p.m. daily.**

The Toronto East York Community Council reports, for the information of Council, having requested the Commissioner of Urban Development Services to report directly to Council on future opportunities and applicable conditions, should

- (a) the public laneway to the south be closed; and
- (b) the Scotiabank ramp access on Adelaide Street West become available for sharing.

The Toronto East York Community Council further reports having held a statutory public meeting on January 21, 2003 and that notice was given in accordance with the Planning Act.

The Toronto East York Community Council submits the following report (December 20, 2002) from the Director, Community Planning, South District:

Purpose:

To report on supplementary matters further to my Final Report dated October 28, 2002 that was considered by Toronto East York Community Council at its meeting on November 12, 2002 and to submit the Draft Official Plan and Zoning By-law Amendments.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 2;
- (2) amend the Zoning By-law, 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. 3;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required;



- (4) before introducing the necessary Bills to City Council for enactment, require the owners to enter into an agreement with the City pursuant to Section 37 of the Planning Act and provide the letter of credit referred to in clause 12(i) in Attachment 3 to be held by the City in escrow until such time that the amending By-laws come into full force; and
- (5) require the owner to 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 built form envelope plans for the site specific exemption by-laws at least three weeks prior to the introduction of Bills in Council.

Background:

At its meeting of November 12, 2002 Toronto East York Community Council had before it my report dated October 28, 2002 recommending approval in principle of a 68 storey hotel-residential project proposed for this site. Community Council approved the project in-principle and asked for the applicant to consider connecting to Enwave's District Heating and Cooling system, and incorporating a workplace daycare into the development. The applicant was also asked to consider letting the Hotel Employees, Restaurant Employees International Union attempt to organize the future hotel workers.

Comments:

- (a) Hotel Employees, Restaurant Employees International Union

The applicant has advised that the Hotel Employees, Restaurant Employees International Union have been contacted. Although this matter is not a land use planning related issue, this union has recently sought agreements to permit "friendly" attempts to unionize workers at new hotels. The solicitor for the applicant has advised that, in principle, Trump International has no objection to a unionized work place within the hotel and will not prevent the appropriate union from seeking to organize.

- (b) Workplace Daycare

The Day Nursery Act and the Ministry of Community and Social Services place restrictions on the size and layout of daycares. The applicant has advised that the construction of a workplace daycare on the site is not practical due to the size of the site and the design of the proposed development. It is also noted that other community benefits are being secured as part of this application.

- (c) Enwave District Heating and Cooling

The applicant has met with the appropriate officials and discussions are ongoing. Should the applicant be able to connect to Enwave's infrastructure, the Section 37 Agreement for the project will secure this as an obligation to be built prior to occupancy of the project.

(d) Site Servicing

The Commissioner of Works and Emergency Services has reviewed the availability of municipal sewer and water infrastructure to service the development. Both will be adequate and available. An older watermain on Bay Street in the vicinity of the site is scheduled for reconstruction in 2003. The timing of the reconstruction coincides with a scheduled pavement resurfacing for Bay Street.

(e) Other

The applicant has agreed to the insertion of a provision into the Section 37 Agreement that requires the hotel and the restaurant to be operated as a five star facility. In addition, the draft by-laws attached to this report secure the timing and nature of the community benefits to be provided in conjunction with this project. The letter of credit referred to in recommendation 4 of this report shall be returned to the owner should the amending by-laws not come to full force and effect.

The applicant recently made City staff aware that Trump International, as part of its program for five star hotels, permits limited cooking by chefs for patrons using built-in facilities in its guest rooms. The amending Zoning By-law as drafted does not permit this. Prior to the public meeting on January 21, 2003 the applicant's solicitor and City staff will have to resolve this matter in order to retain a clear distinction between the definition of dwelling units and guest rooms.

Conclusions:

This report addresses the outstanding matters requiring reporting to date on this application. This report, coupled with my reports of May 23, 2002 and October 28th, 2002 provides the information needed to assess the planning merits of this proposal.

Contact:

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Attachment No. 2

Draft Official Plan Amendment

SCHEDULE "A"

- (1) Section 18 of the Official Plan for the former City of Toronto is amended by adding a new Section 18._____ and Map 18._____ as follows:

"18.____Lands known as 311 Bay Street".

Notwithstanding any other provisions of this Plan, Council may pass by-laws applicable to the lands shown on Map 18 _____ to permit the erection and use of a building containing non-residential and residential uses provided that:

- (i) the lot on which such building is erected and used comprises at least the lands outlined by heavy lines as shown on Map 18 _____.
- (ii) the aggregate of the *non-residential* and *residential gross floor area* of the building or buildings does not exceed 65,900 square metres provided that:

the total *non-residential gross floor area* shall be a minimum of 22,000 square metres.

non-residential uses shall comprise a hotel plus retail, service and/or restaurant uses at grade and other ancillary retail, service and/or restaurant uses.

- (iii) the Owner of the lands enters into an agreement pursuant to section 37 of the *Planning Act* to secure the following facilities, services and matters:

the contribution by letter of credit in the amount of \$500,000 towards the construction of *community services and facilities* which may be drawn upon once this amendment and the implementing zoning by-law are in full force and effect;

a contribution of funds in the amount of \$1,500,000 towards the construction of *community services and facilities* to be provided at the time this amendment and the implementing zoning are in full force and effect;

a contribution of funds in the amount of \$300,000 towards the construction of Dundas Square to be provided at the time of building permit issuance;

1% of the gross construction costs of the project is devoted to the provision of public art;

subject to the agreement providing that if this amendment and the implementing zoning by-law does not come into full force and effect the agreement shall terminate as provided for therein and the matter referred to in clause (a) herein above shall be returned to the Owner.

For the purposes of this amendment, "*community services and facilities*" shall be as defined in By-law 438-86, as amended, which may include, but is not limited to, a public pool at Lord Dufferin School

Attachment No. 3

Draft Zoning By-law Amendment

Authority: Toronto East York Community Council Report No. , Clause No. , as adopted by City of Toronto Council on

Enacted by Council:

CITY OF TORONTO

BY-LAW No. ____ -2002

To amend General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known as 311 Bay Street.

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

1. None of the provisions of Sections 4(2)a(i) and (ii), 4(5)b, 4(5)c, 4(5)d, 4(8)(b), 4(12), 4(13), 4(14)(a)(ii), 8(3)PART I 1, 8(3)PART I 2, 8(3) PART I 3, 8(3)PART II 1 , 8(3) PART III 1(a), 8(3) PART XI 2, 12(2)276 of By-law No. 438-86, being “A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of 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 and use of a *mixed-use building* containing *dwelling units*, *corporate suites*, and non-residential uses, including a *hotel*, *parking stacker* and *accessory uses* on the lands municipally known in the year 2002 as 311 Bay Street (hereafter referred to as the “*lot*”) provided:
 - (1) the *lot* consists of at least the lands delineated by heavy lines on the attached Map 1;
 - (2) the total combined *residential gross floor area* and *non-residential gross floor area* of the building does not exceed 65,900 square metres, provided that:
 - (i) the *non-residential gross floor area* is not less than 22,000 square metres;
 - (ii) the above *grade* portion of the building used for parking purposes does not exceed an aggregate *residential gross floor area* and *non-residential gross floor area* of 8,500 square metres;
 - (3) the aggregate total *dwelling units*, *corporate suites* and guest rooms in the *mixed use building* does not exceed 538, provided that the total number of *corporate suites* does not exceed 39;
 - (4) the *non-residential gross floor area* shall comprise a *hotel* of at least 225 guest rooms and may include *accessory uses* and uses permitted in sections 8(1)(f)(b)(i), (ii), (iv) and (vi) of By-law 438-86;

- (5) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines shown on the attached Map 2 with the exception of cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, balconies, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, bay windows, wheel chair ramps, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;
- (6) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H shown on the attached Map 2, except for safety railings, parapets, chimneys and a structure on the roof of the building used for safety or wind protection purposes.
- (7) a maximum aggregate of 283 *parking spaces*, which may be provided and maintained on the *lot* in a combination of *parking stackers* and parking spaces for the occupants of, and visitors to the building are provided and maintained on the *lot* of which:
- (i) 149 *parking spaces* are provided and maintained for the *dwelling units* together with 19 visitors spaces;
 - (ii) 88 *parking spaces* are provided and maintained for the *hotel* exclusive of any *corporate suites*;
 - (iii) 27 *parking spaces* shall be provided for *corporate suites*;
 - (iv) a maximum of 30 *parking spaces* may be provided with a minimum width of 2.6 metres and a minimum length of 5.6 metres, a maximum of 10 parking spaces may be provided with a minimum width of 2.6 metres and a minimum length of 5.5 metres, and a maximum of 5 parking spaces may be provided with a minimum width of 2.6 metres and a minimum length of 4.6 metres;
- except that a further 12 parking spaces shall be provided and maintained for the purposes of valet parking operations.
- (8) loading spaces are provided and maintained on the *lot* in accordance with the following:
- (i) three *loading spaces – type C* are provided and maintained in the above *grade* portion of the *parking garage*;
 - (ii) one *loading space – type G*, two *loading spaces – type B* and one *loading space type C* are provided and maintained in the below *grade* portion of the *parking garage*;

- (9) at least 85 square metres of gross floor area on the ground floor of the building shall be used for no purpose other than one or more of a retail store, service, rental or repair shop, restaurant or take-out restaurant;
- (10) indoor *amenity space* shall be provided and maintained within the building at a rate of 2 square metres per dwelling unit;
- (11) the owner of the *lot* enters into an agreement, pursuant to section 37 of the *Planning Act* to secure the following facilities, services and matters:
 - (i) the contribution by letter of credit in the amount of \$500,000 towards the construction of community services and facilities which may be drawn upon once this amendment and the implementing zoning by-law are in full force and effect;
 - (ii) a contribution of funds in the amount of \$1,500,000 towards the construction of community services and facilities to be provided at the time this amendment and the implementing zoning are in full force and effect;
 - (iii) a contribution of funds in the amount of \$300,000 towards the construction of Dundas Square to be provided at the time of building permit issuance;
 - (iv) 1% of the gross construction costs of the project is devoted to the provision of public art;

subject to the agreement providing that if this amendment and the implementing zoning by-law does not come into full force and effect the agreement shall terminate as provided for therein and the matter referred to in clause (i) herein above shall be returned to the Owner.

2. For the purposes of this By-law:

- (1) “*corporate suites*” shall mean *dwelling units* which may be used for either residential or *hotel* purposes. For the purposes of this by-law *corporate suites* shall be deemed to be residential gross floor area;
- (2) “*community services and facilities*” shall be as defined in By-law 438-86, as amended, which may include, but is not limited to, a public pool at Lord Dufferin School;
- (3) “*amenity space*” shall mean space which may include, but is not limited to, recreational and/or spa facilities, meeting rooms, ballrooms, group dining facilities and kitchen facilities related thereto which may be used by residents for recreational or social purposes on a non-exclusive basis;

- (4) “*hotel*” shall mean a building or a portion of a building containing guest rooms without culinary facilities, lobby, recreational facilities, ballrooms, *restaurants*, valet parking facilities, and *accessory* uses including hotel administration offices;
 - (5) “*height*” shall mean the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in section 1(6);
 - (6) “*grade*” shall mean 85.4 metres Canadian Geodetic Datum;
 - (7) “*loading space – type G*” shall mean a loading space with a length of at least 13.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres;
 - (8) “*parking stacker*” means a mechanical motor vehicle parking facility with parking spaces which are positioned above each other and may not be readily accessible at all times without manoeuvring another vehicle or a device;
 - (9) all terms appearing in italics shall have the same meaning as those terms have for the purpose of the aforesaid By-law No. 438-86, except as herein before provided.
3. Notwithstanding any severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

ENATED AND PASSED this day of , A.D. 2003.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

The Toronto East York Community Council also submits the following report (January 20, 2002) from the Director, Community Planning, South District:

Purpose:

To provide a definition of hotel for the draft Zoning By-law Amendment.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that Attachment 3, "Draft Zoning By-law Amendment" contained in the report of the Director, Community Planning, South District dated December 20, 2002 be modified to include the changes contained in Attachment 1 of this report.

Background:

On November 12, 2002 Toronto East York Community Council adopted, in principle, the Final Report on this application, and a Supplementary Report containing a draft Official Plan and Zoning By-law Amendment. My Supplementary Report dated December 20, 2002 indicated that details of the definition of hotel were to be finalized in consultation with the applicant. This report recommends a resolution of this matter.

Comments:

The proposed draft Zoning By-law for this development is contained in Attachment 3 of my December 20, 2002 report. At that time the definition of hotel for the amending draft Zoning By-law was not finalized. Attachment 1 of this report contains a definition of hotel that builds on its definition in the Hotel Registration of Guests Act RSO 1990, which has been the traditional means of defining hotels in the General Zoning By-law, By-law 438-86, as amended. The definition of hotel proposed adds to the traditional Zoning By-law definition by requiring that it contain a ballroom, restaurant, valet parking facilities and hotel administration offices and guest registration and service facilities. The Hotel Registration Act states that a hotel is for the purposes of providing food and sleeping accommodation to the travelling public and provides distinctions from other types of accommodation such as a private hotel, apartment hotel or boarding house. In addition the proposed by-law definition precludes other types of lodging accommodation such as a rooming house, hostel or tourist and guest room which are associated with single family houses.

The applicant has requested that limited cooking facilities be permitted in the hotel guest rooms to permit meal preparation by the hotel chefs. After having reviewed this matter, I am recommending that cooking facilities may be permitted in the guest rooms subject to the conditions set out in the attached draft Zoning By-law. Trump International feels that a key part of their marketing as a brand name hotel is to offer in-room chef cooking. Other luxury hotels in North America offer similar culinary facilities in at least some of their guest rooms. Trump International's hotel adjacent to Central Park in New York, which is rated as a five-star hotel, has kitchen facilities in its guest rooms. The solicitor for the development has advised that Trump International is the development lead and hotel operator for the site.

Conclusions:

This report recommends an expanded definition of hotel based on the traditional definition of hotel and recommends due to the luxury nature of this hotel, that meal preparation by hotel chefs may be permitted in the guest rooms.

Contact:

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Attachment No. 1

Proposed Modifications to Draft Zoning By-law Amendment

"For the purposes of this amendment:

1. Hotel means a building or part thereof comprising non-residential gross floor area used within the meaning of the Hotel Registration and Guest Act, RSO, 1990, Chapter H17, but does not include a hostel, a rooming house, or a tourist and guest room, or a mechanical or electronic game machine for gambling purposes, and shall include a lobby and guest registration area, recreational facilities, at least one meeting, conference or ballroom, at least one restaurant, valet parking facilities, and accessory uses for the purposes of operating the hotel and includes hotel administration offices and guest service facilities.
2. A guest room may contain facilities for the preparation of meals for hotel guests by a hotel chef provided the meal preparation facility forms part of the sleeping area of the guest room."

The Toronto East York Community Council also submits the following report (October 28, 2002) from the Director, Community Planning, South District:

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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(Attachments referred to in the foregoing reports were forwarded to all Members of the Toronto East York Community Council with the agenda for its meeting on January 21, 2003, and copies are on file in the office of the City Clerk.)

The Toronto East York Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, the following communications, and a copy is on file in the office of the City Clerk:

- (November 8, 2002) from David Vallance, Chair, The Confederation of Resident & Ratepayer Associations in Toronto (CORRA);
- (November 8, 2002) from Allan Leibel, Goodmans LLP, obo Scotia Plaza;
- (December 31, 2002) from John Sewell;
- (January 4, 2003) from Matthias Schlaepfer;
- (January 18, 2003) from Patricia Harvie;
- (undated) from Donna McPhail;
- (January 19, 2003) from Susan Stock;
- (January 17, 2003) from Maureen Federchuk, O&Y Enterprise Real Estate Services;
- (January 19, 2003) from John Tyacke;
- (January 19, 2003) from Terry Mills, Oriole Park Development Committee;
- (undated) from Ellen Greenwood and E. Jennifer Warren, Moore Park Residents Association;
- (January 21, 2003) from George D. Milbrandt, Co-Chair, Federation of North Toronto Residents' Associations (FoNTRA);
- (January 20, 2003) from Brian Maguire, Secretary, North Hill District Home Owners' Association;
- (January 20, 2003) from Andy Manahan, Universal Workers Union, Local 183;

- (January 20, 2003) from Agnes Vermes, Leaside Property Owners' Association Incorporated;
- (January 21, 2003) from Marjorie Harris;
- (January 21, 2003) from Kristine Connidis;
- (January 20, 2003) from Vernon Short;
- (January 20, 2003) from Michael Visser;
- (January 21, 2003) from John Sewell; and
- (January 21, 2003) from Eric Stevenson, President, The National Club.

The following persons appeared before the Toronto East York Community Council in connection with the foregoing matter:

- Matthias Schlaepfer;
- Paul Clifford, President, HERE, Local 75;
- John Sewell;
- George Milbrandt, Federation of North Toronto Residents' Associations;
- Eric Stevenson, President, National Club;
- Zygmunt Uznanski;
- Terry Mills, Chair, Oriole Park Development Committee;
- Maureen Federchuk, Executive V. P., Property Management, O & Y Enterprise;
- Philip Mostowich, Brookfield Properties Ltd.;
- David Vallance, Chair, The Confederation of Resident & Ratepayer Associations in Toronto (CORRA);
- Allan Leibel, Goodmans, representing Scotiabank;
- Lee Sims, Director, IBI Group;
- Andrew Lennox, Scotiabank;
- John Tyacke, Summerhill Residents' Association;
- Steve Diamond, McCarthy Tetrault, on behalf of the applicant;
- Eb Zeidler, Zeidler, Grinnell Architects, on behalf of the applicant;
- Tony Yates, Principal, BA Consulting Group, on behalf of the applicant;
- Charles Reiss, Trump Organization; and
- Russell Flicker, Vice President, Trump Organization.

(City Council, at its regular meeting on February 4, 5 and 6, 2003, had before it, during consideration of the foregoing Clause, the following report (January 31, 2003) from the Commissioner of Urban Development Services:

Purpose:

To report directly to City Council as requested by Toronto East York Community Council in Clause 10, Report No. 1.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that this report be received for information.

Background:

On January 21, 2003 Toronto East York Community Council had reports before it respecting the redevelopment of 311 Bay Street for a hotel and residential condominium building. Community Council adopted the report as amended, and requested that additional reporting be provided to City Council on shared access with Scotia Plaza and the possible closure of the public lane abutting the site.

Comments:

a) *Shared Access Ramp*

The 311 Bay Street proposal contains an underground loading facility with access off Bay Street. A second access point off Adelaide Street West serves cars and light delivery trucks. A shared access ramp facility and/or loading facility between Scotia Plaza and the proposal could potentially eliminate the need for an access from Bay Street. Should the owners of 311 Bay Street and Scotia Plaza wish to explore the option of sharing access, their consultants would have to undertake a technical feasibility study and have it reviewed by the Commissioner of Works and Emergency Services. Such a modification could take place as part of Site Plan Approval. Notwithstanding the above, the Commissioner of Works and Emergency Services has commented that the proposal's loading arrangement as currently proposed is adequate, subject to the conditions related to the operation of the driveway recommended by him.

b) *Public Lane Closure*

A substandard public lane currently abuts the east and south limit of the site. The National Club uses the lane for loading. If the lane were closed and incorporated into the site, the National Club's loading would have to be incorporated into the underground loading facilities as part of the 311 Bay Street development. Moreover, the incorporation of the public lane into the development would not eliminate the need for loading access off Bay Street and would only marginally reduce the overall density of the development. The applicant's transportation consultant also assessed this option in its review of the loading alternatives for the project. The consultant concluded and staff concur that there is little advantage in incorporating the public lane into the development proposed for 311 Bay Street

Staff from the Department of Works and Emergency Services have been consulted with respect to this report.

Contact:

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(City Council also had before it, during consideration of the foregoing Clause, the following communications:

- (a) (January 21, 2003) from Charles Noble; and*
- (b) (January 20, 2003) from David Vallance, Chair, The Confederation of Resident and Ratepayer Associations in Toronto (CORRA).)*

(Mayor Lastman, at the regular meeting of Council held on February 4, 5, and 6, 2003, declared an interest in the foregoing Clause, in that his son's firm is representing someone who is opposed to the application.)

(Councillor Pitfield, at the regular meeting of Council held on February 4, 5 and 6, 2003, declared an interest in the foregoing Clause, in that her husband works in a building adjacent to the subject property.)