

Consolidated Clause in Toronto and East York Community Council Report 6, which was considered by City Council on July 20, 21 and 22, 2004.

30

**Status Report - Official Plan and Zoning By-law
Amendment Application - 311 Bay Street
(Toronto Centre-Rosedale, Ward 28)**

City Council on July 20, 21 and 22, 2004, adopted this Clause without amendment.

The Toronto and East York Community Council recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (June 30, 2004) from the Director, Community Planning, South District:

Purpose:

The purpose of this report is to give a status update on the application and to confirm instructions to support this development at the Ontario Municipal Board.

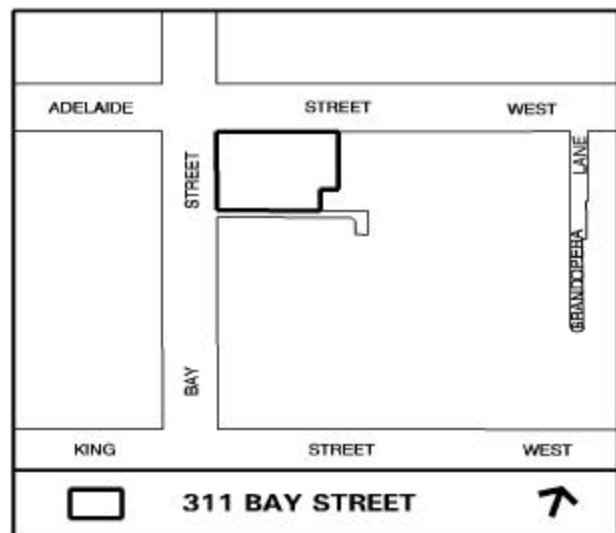
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) Council support amendments to By-laws 586-2003 and 587-2003 as outlined in this report; and
- (2) Council instruct the City Solicitor and the Commissioner of Urban Development Services to present the above-noted modifications for approval at the Ontario Municipal Board.



Background:

Application and Reporting History

On August 1, 2000 the City of Toronto received an application for an Official Plan and Zoning By-law Amendment for 311 Bay Street to permit a hotel and residential building. 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 was held on December 11, 2000.

A new project architect subsequently redesigned the proposal's architecture, massing, height, and servicing configuration. 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.

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 outstanding concerns raised by City staff.

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 contained an underground loading facility with access from Bay Street that incorporates a turntable for truck turnarounds. The proposal also contained an above grade parking garage at levels 2 through 8 that has a secondary loading area for three small trucks. The September 5, 2002 proposal resulted in a decrease in the residential floor area proposed from 38,435 sq. m. to 33,175 sq. m. due to the inclusion of above grade parking on levels 2 through 8. The floor area devoted to hotel use also increased by 163 sq. m.

City Council adopted Clause 10, Report 1 of the Toronto East York Community Council at its meeting held on February 4, 5, and 6, 2003, approving with amendments, reports from staff dated October 28, 2002, December 20, 2002 and January 20, 2003.

On July 11, 2003 the City Council adopted Official Plan Amendment No. 250 (By-law 586-2003) and Zoning By-law 587-2003 respecting 311 Bay Street, implementing City Council's February, 2003 approvals.

On July 31, 2003 the City Clerk received two Notices of Appeal of Official Plan Amendment No. 250 (By-law 586-2003) and Zoning By-law 587-2003. The appeals were from Goodmans, solicitors for the Bank of Nova Scotia and from Davies Howe Partners, solicitors for the National Club.

On April 8 and June 10, 2004, the applicant submitted revised plans to the City for circulation and review. The revisions are the result of internal changes made to the building since the July 2003 approval. These changes are outlined below.

On April 13, 2004 an Ontario Municipal Board pre-hearing conference was held. The pre-hearing conference set another pre-hearing date for late July, 2004 and a full hearing date for the fall, 2004.

Current Application Status

The table below compares the revised project with the project permitted by the By-laws adopted by City Council.

Proposal Date	Gross Floor Area (M2)	Height* (m)	Height in Storeys	Total Parking	Hotel Suites	Corporate Suites	Condo-minium Suites	Density
By-law Nos. 586-2003 and 587-2003	68,200	310	68	295	170 (min.)	39 (max.)	329	47.3
June 10, 2004	70,458	325	70	226	216	0	109	48.9

* height is measured to the top of the spire

Changes to the project include:

- (a) height adjustments to the main mechanical roof, which has increased from 270m to 284m. Both the curved roof element at the northwest corner of the site and the spire have increased in height from 285m to 301m and from 310m to 325m respectively. (The eastern setback remains unchanged and begins at 142m);
- (b) the shift and realignment of 5 floor levels from the residential component to the hotel component result in an increase from 68,200m to 70,458m in total gross floor area due to the larger floor-plate of a typical hotel floor;
- (c) a decrease in the total number of parking spaces (295 spaces to 226 spaces), reflecting the decrease in combined hotel and residential units (538 units to 325 units);
- (d) a reconfiguration of the loading area to convert a type “G” space below grade to a “B” (based on private garbage collection) and moving the type “C” space from below grade to above grade so that all four type “C” spaces are above grade; and
- (e) some minor changes to the access arrangements for the proposal which include improved manoeuvring space and sight lines created through the modification of a single inbound Adelaide Street West access to 2 inbound lanes which link directly to a front door lay-by area.

Comments:

The revised plans and drawings, shadow drawings and the Traffic Impact Study (TIS) Update Report submitted by the applicant's traffic consultant were circulated to civic officials for review. The comments are outlined below.

The Commissioner of Works and Emergency Services has provided a comprehensive set of conditions relating to site plan approval and updated provisions which should be captured in changes to the site specific zoning by-law.

The applicant's Traffic Impact Study (June, 2004) outlines that the revised project will result in approximately one-third less trips being generated by the site during the peak hours, when compared to the previous proposal. In turn, this will improve driveway operations, reduce impacts on the adjacent road system and decrease activity levels within the pick-up/drop-off and valet areas of the site. The consultant further concludes that the traffic generated by the revised development scale can be reasonably accommodated on the existing road network. The Works and Emergency Services Department concur with the conclusions of the consultant.

With respect to the site-specific by-law, the Commissioner of Works and Emergency Services is recommending that parking ratios and other adjustments be introduced into the by-law as follows:

- (a) hotel gross floor area – 1 space per 371 square metres;
- (b) residential condominium – 0.3 space per bachelor unit; 0.70 space per one bedroom unit; 1.0 space per two bedroom unit; 1.2 space per three or more bedroom unit and 0.06 space per unit for visitors;
- (c) minimum 11 spaces valet spaces;
- (d) dimensioned minimum's on 18-sub standard parking spaces as per the drawings;
- (e) certain minor adjustments to other sub standard parking spaces; and
- (f) clarification that a modified Type G loading space in lieu of one of the Type B loading spaces will be provided.

Standard requirements for accommodating infrastructure (sewer maintenance, vaults, hydro and telephone), street lighting improvements, environmental site assessment and streetscaping improvements have been provided and should be appropriately secured in the Section 37 Agreement. It is also appropriate to implement City Council's direction to restrict access to and from the Bay Street driveway to the site between 7:00 a.m. and 7:00 p.m. through a provision in the Section 37 Agreement.

Urban Forestry has noted one City owned tree involved with this project. The tree is situated on Adelaide Street West adjacent to the development site. Prior to the completion of Site Plan Approval and the issuance of a Landscape Permit, the applicant will be required to obtain

Council approval to remove the tree, make a Tree Loss Payment of \$1,176.0, and meet with City staff to finalize all streetscape issues.

From a planning point of view, the changes to the project are minor and are the result of the reworking of the building program to address market considerations. The changes to the project have generally enhanced the “hotel” use in the building. While the applicant is requesting a 3.3% increase in gross floor area, the impact of the increase has been offset by the reduction in the total suite number. The reduced suite number will generate approximately one-third less traffic than the previous proposal. The overall reduction in traffic will serve to improve driveway operations and off-site street impacts.

The additional height proposed is the result of adding two quarter floors to the penthouse level of the building. The underlying zoning for the site has no height limit. At the revised height, the main roof (284m) of the proposal will be 9m higher than Scotia Plaza (275m), and 14m lower than First Canadian Place (298m).

The revised shadow drawings indicate there will be a minor incremental increase in the shadow impact when the current proposal is compared to the Council approved project.

Council approved By-laws Nos. 586-2003 and 587-2003 will require the following adjustments as a result of the proposed revisions in addition to the changes outlined above relating to parking and loading:

Proposed Changes	Council Approved By-law	Amendments
Maximum permitted non-residential and residential GFA	68,200 sq.m.	70,458 sq.m.
Minimum total non-residential GFA	22,000 sq.m.	32,860 sq.m.
References to corporate suites	Referenced in body text of the By-law and in the definitions section	Remove all references to corporate suites since they have been removed from the proposal
Aggregate total dwelling units	538	325
Minimum number of guest rooms in the hotel section	170	216
Height limits shown on Map 2 of the By-law schedules	Spire – 310m Northwest corner – 285m Main roof – 270m	Spire – 325m Northwest corner – 301m Main roof – 284m
Maximum aggregate of parking spaces for dwelling units, visitor parking, and hotel suites.	283	215

Valet parking operations	A further 12 parking spaces shall be provided and maintained for the purposes of valet parking operations.	A further 11 parking spaces shall be provided and maintained for the purposes of valet parking operations.
Loading space types and locations	<p>Above Grade 3 type “C” loading spaces provided and maintained in the above grade portion of the parking garage; and</p> <p>Below Grade 1 type “G” loading space, 2 type “B” loading spaces, and 1 type “C” loading space</p>	<p>Above Grade 4 type “C” loading spaces provided and maintained in the above grade portion of the parking garage; and</p> <p>Below Grade 2 type “B” loading spaces below grade and one modified Type “G” (alteration based on requirement for private pickup)</p>

Staff consider the changes outlined above to be supportable.

Conclusions:

Staff believe that the amendments proposed for By-laws 586-2003 and 587-2003 should be supported by Council and that Council should instruct the City Solicitor and the Commissioner of Urban Development Services to present the above-noted modifications for approval at the Ontario Municipal Board. The opinion of staff is that there is no additional impact from the proposed minor increase in gross floor area and height.

Contact:

Gregg Lintern, Manager, Downtown Section
 Tel: 416.392.1791; Fax: 416.392.1330; E-mail: glintern@toronto.ca