

**832 and 860 Bay Street – Zoning By-law Amendment  
Application – Final Report**

<b>Date:</b>	April 14, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	06 162279 STE 27 OZ

**SUMMARY**

This is an application to amend the Zoning By-law 438-86, as amended, to permit a 48-storey mixed use building at 832 and 860 Bay Street. The base of the building will consist of the existing two-storey heritage building, formerly the McLaughlin Motor Car Showroom. The proposed gross floor area of the building is 37,287 square metres resulting in a density of 14.9 times the area of the lot. The development would include 466 dwelling units (36,337 square metres) and 950 square metres of at-grade retail space. The building is proposed to be a parallelogram shape, 149 metres in height to the top of the 48<sup>th</sup> floor.

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

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86, as amended, for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following public benefits:
  - (i) a Heritage Easement Agreement with the City for the retained and reconstructed portion of 832 Bay Street (McLaughlin Motor Car Showroom) including design guidelines for exterior signage;
  - (ii) a detailed Conservation and Restoration Plan, prepared by a qualified heritage consultant, detailing the dismantling, storage, restoration and reconstruction of 832 Bay Street (McLaughlin Motor Car Showroom) satisfactory to the Manager, Heritage Preservation Services;
  - (iii) prior to the issuance of any building permit for 832 Bay Street (McLaughlin Motor Car Showroom), including a permit for the demolition, excavation, and/or shoring of the property, the owner shall:
    - (a) provide a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all work included in the Conservation and Restoration Plan;
    - (b) provide a record of the as-found condition of 832 Bay Street (McLaughlin Motor Car Showroom), including all survey documentation and interior casting samples, satisfactory to the Manager, Heritage Preservation Services; and
    - (c) provide building permit drawings, satisfactory to the Manager, Heritage Preservation Services;
  - (iv) prior to the release of the Letter of Credit, the owner shall:
    - (a) complete the heritage conservation and restoration work, satisfactory to the Manager, Heritage Preservation Services; and
    - (b) provide and implement an interpretation program for 832 Bay Street (McLaughlin Motor Car Showroom), satisfactory to the Manager, Heritage Preservation Services;
  - (v) prior to the issuance of the first above grade permit, provide a contribution in the amount of \$800,000 to be used for the improvement of local streetscapes, other than those abutting the site, as outlined in the City's

Streetscape Manual and satisfactory to the Chief Planner and Executive Director, and/or parks, to be located within the area bounded by Yonge Street, Queen's Park Crescent East, Wellesley Street and College Street, which will be indexed in a form satisfactory to the City and as outlined in Appendix 1 of the Draft Zoning By-law amendment attached to this report;

- (vi) provide and maintain public art works pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the site;
  - (vii) incorporate, in the construction of the building, exterior materials to be shown on the podium on 1:50 scale drawings along Bay Street, Grenville Street and Grosvenor Street with building materials labelled to the approval of the Chief Planner and Executive Director;
  - (viii) require revisions to the development, addressing the recommendations of the Pedestrian Level Wind Report as prepared by F. H. Theakston Environmental Control Incorporated, date stamped as received September 24, 2007, which identifies areas where mitigation is required, satisfactory to the Chief Planner and Executive Director;
  - (ix) provide and maintain an irrigation system at the owner's expense for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services;
  - (x) be required to build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received by the Chief Planner and Executive Director on April 2, 2008;
  - (xi) remediate and strata convey to the City a 0.51 metres lane widening to a minimum depth of 0.5 metres from the finished grade prior to the earlier of the first residential occupancy or condominium registration; and
  - (xii) the owner shall provide and maintain open space at the north end of the site, paved and/or landscaped to the satisfaction of the Chief Planner, and kept free of debris and snow (on hard surfaces) and open to the public 24 hours a day 7 days a week.
4. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act.

5. As a condition for the proposed amendments to the Zoning By-law, the owner be required to:
  - a) provide and maintain a minimum number of parking spaces on the site in accordance with the following ratios:
    - 1-bedroom units at 0.18 spaces per unit
    - 2 bedroom units at 0.98 spaces per unit
    - 3 or more bedroom units at 1.0 space per unit
    - visitor spaces at 0.035 spaces per unit;
  - b) provide and maintain all proposed car-share parking spaces as surplus to the parking spaces that are required to satisfy the parking ratios noted in condition 5 a) above;
  - c) provide parking spaces in accordance with the dimensional requirements in By-law 494-2007, save and except for a maximum of:
    - i) 12 spaces which can have minimum widths of 2.6 metres and minimum lengths of 5.1 metres; and
    - ii) 68 spaces which can have minimum widths of 2.9 metres and minimum lengths of 5.1 metres.
6. The following definitions be included in the Zoning By-law amendment:
  - a) “*car-share motor vehicle*” means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of the building; and
  - b) “*car-sharing parking space*” means a *parking space* used for, and only for, the parking of a *car-share motor vehicle*.
7. The owner be required to provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that up-grades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services.
8. The owner be required to insert warning clauses regarding the TTC right-of-way in all offers to purchase, agreement of purchase and sale or agreements to lease, and condominium declaration documents for each affected residential unit, lot, and/or within the proposed development. Such warning clauses shall advise of the potential for noise, vibration, smoke, particulate matter, electromagnetic interference and stray current impacts on the proposed development and that the TTC accepts no responsibility for such effects.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

The application proposes a 48-storey residential condominium building. The base of the building consists of the existing two-storey heritage building formerly known as the McLaughlin Motor Car Showroom.

The southern portion of the heritage building was to be retained in situ while the façade on the northern half was to be retained. However, due to structural fragility, the heritage building is now proposed to be removed and the facade reconstructed following completion of the tower. The tower is to be constructed behind and set back from the façade in a parallelogram shape. The northern portion of the site is to be retained as open space.

The proposed gross floor area is 37,287 square metres, with a density of 14.9 times the area of the lot. The development includes 466 residential units and 950 square metres of retail space at grade. The proposed height is 149 metres to the top of the 48<sup>th</sup> floor. To the top of the mechanical penthouse is 154 metres with an additional 3 metres for a decorative screen.

### **Site and Surrounding Area**

The site is located on the west side of Bay Street and occupies the full length of the block between Grenville and Grosvenor Streets. The site area is approximately 2,505 square metres in size and is adjacent to a north-south lane on the west side of the site.

The site is occupied by a two-storey heritage building, the former McLaughlin Motor Car Showroom, which Council designated in 1999 under the Ontario Heritage Act. The building was constructed in 1925 and was one of the first automobile dealerships in Toronto. Until recently, it had continuously operated as a car dealership since first opening.

The following uses surround the site:

North: office buildings on the north side of Grosvenor Street, occupied by provincial government and medical offices;

South: an eight-storey office building;

East: residential condominium buildings with retail at grade. Existing developments range in height from 16 to 32 storeys. A new project by the same applicant consisting of two towers, 35 and 43 storeys in height, is under construction

immediately across the street. The Toronto Police Service Headquarters is also across from the site to the southeast; and

West: a four-storey apartment building located at 51 Grosvenor Street owned by Women's College Hospital and listed on the City's Inventory of Heritage Properties. Women's College Hospital occupies the rest of the block and its above grade parking ramp is immediately west of the site.

## **Provincial Policy Statement and Provincial Plans**

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is located within the "Downtown and Central Waterfront" in Toronto's urban structure. The Official Plan designates the site as a Mixed Use Area which permits a broad range of commercial, residential, institutional uses as well as parks and open spaces and utilities that provide criteria to direct the form and quality of development. No Official Plan amendment is required for this application.

## **Zoning**

The former City of Toronto Zoning By-law, 438-86, designates the property CR 7.8 C2.0 R7.8 which permits a range of residential and non-residential uses to a total density of 7.8 times the area of the lot. The height limit for the site is 61 metres. A further restriction on height requires a 60-degree angular plane extending over the property from Bay Street measured from a height of 34 metres above the property line.

By-law 836-1999 designated the property under the Ontario Heritage Act.

By-law 420-90 includes the site in an area defining the University of Toronto campus as an area to be examined for future designation as a heritage conservation district. A heritage conservation district process has not commenced.

## **Site Plan Control**

Site Plan Approval is required and an application has been filed.

## **Reasons for the Application**

The applicant seeks to amend Zoning By-law 438-86, as amended, to permit a mixed use building. Reasons for requiring an amendment to the Zoning By-law include but are not limited to the following:

- i) the proposed overall density of 14.9 times the area of the lot exceeds the permitted total density of 7.8 times the area of the lot;
- ii) the proposed height of 149 metres to the top of the 48<sup>th</sup> floor exceeds the height limit of 61 metres; and
- iii) the proposed development penetrates the 60-degree angular plane requirement for height in excess of 34 metres above the property line.

## **Community Consultation**

A community consultation meeting was held on January 25, 2007. Approximately 50 people were in attendance. Issues that were raised included the following:

- i) ensuring adequate provision of parking and potential for auto-share;
- ii) impact of additional tall buildings creating intensification on Bay Street corridor including shadow impacts on the adjacent streets and residences
- iii) provision of bicycle parking;
- iv) contribution of the building to the streetscape and the community in general;
- v) importance of green open space;
- vi) location and screening of loading dock from the units above;
- vii) wind impacts on Bay Street;
- viii) concern about traffic impacts; and
- ix) infrastructure capabilities.

As a result of the initial meeting, a Working Group was formed and chaired by Councillor Kyle Rae with representation from the Bay Corridor Community Association, Women's College Hospital, residential buildings in the area and City staff. Two meetings of the Working Group were held: April 17, 2007 and May 1, 2007.

The Working Group raised issues that were similar to those raised at the public meeting. At the end of the second Working Group meeting it was agreed that no additional meetings were required.

## **Agency Circulation**

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

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the Provincial Policy Statement. Section 1.4.3 of the Housing Section requires that an appropriate range of housing types and densities be provided to “meet the social, health and well-being requirements of current and future residents”. The built form in this case will provide a range of unit sizes.

Policy 2.6.1 of the Official Plan requires that significant built heritage buildings be conserved. In this case, conservation requires that the designated facades of the heritage building are measured, dismantled, salvaged, repaired, stored and reconstructed on the new concrete building structure once it is built.

The residential use adjacent to public transit, cultural institutions and amenities is consistent with the goals of the PPS. The redevelopment of this site for commercial and residential purposes is in keeping with the intent of the PPS.

Similarly, Council’s planning decisions are required to be consistent with the Growth Plan for the Greater Golden Horseshoe. In this case, the proposal conforms and does not conflict with the Growth Plan. Section 2.2.2 of the Plan states that:

1. Population and employment growth will be accommodated by:
  - (a) directing a significant portion of new growth to the built-up areas of the community through intensification.

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

### **Land Use**

The proposed use of this site as a mixed commercial/residential project is a permitted use in the Zoning By-law.

### **Heritage**

The existing building was completed in 1925 as the McLaughlin Motor Car Showroom. It is a good example of a specialized commercial building high-lighted with Neo-Gothic design elements. The significant exterior features are found on the Bay and Grenville Street facades (east and south facades) flanking the main entrance. This entrance is set in a stone arch containing double wood glazed doors, flanked by bronze light fixtures and surrounded by a commercial sign area and a parapet. The only interior design elements included in the designation are the plaster columns and ceiling beams and mouldings in the first floor new car showroom.

As a rare surviving example of an early 20<sup>th</sup> century automobile showroom, it is important to maintain as much of the original building as possible. Originally, the new building was to be constructed with the heritage facades and a portion of the interior



showroom in place with the existing heritage building acting as the podium for the new building. Subsequent to that proposal, a geotechnical survey of the site revealed that there was a high probability that the masonry wall of the designated building would crack during the deep shoring installation/excavation that would be required. As well, there was an indication that the soils underneath the foundations were problematic.

Consequently, the applicant's consultant submitted a revised Conservation Strategy that provided an up-date on these issues. The revised strategy recommended that the designated facades be measured, dismantled, salvaged, repaired, stored and reconstructed on the new concrete building once it is built. The southern part of the building would be demolished and the decorative interior elements would be reconstructed within the new building. This would require an adjustment of the interior columns to permit an accurate reconstruction of the interior features.

Heritage Preservation staff, after extensive consideration, have agreed that the revised conservation strategy balances a loss of authenticity against potential substantial damage during the period of construction.

On April 18, the Heritage Preservation Board will be considering a separate report from Heritage Preservation staff which will include condition for the reconstruction of the McLaughlin Motor Car Showroom. This report also incorporates requirements for the Section 37 agreement on this matter.

In addition, the application submitted a Stage 1 Archaeological Resource Assessment which was reviewed by Heritage Preservation staff. The property was deemed free of archaeological concerns.

### **Density, Height, Massing**

This proposal consists of a two-storey base building with a 46-storey tower above. The base building, when re-built, will retain the heritage scale, appearance, and relationship to the street it has had since it was first constructed in 1925. Retail uses proposed at grade along Bay Street and the north side of Grenville Street will serve to animate the street.

The tower portion of the project has been designed to have minimal impact on the surrounding area. During the course of discussions, the shape of the tower portion was shifted 11 metres south and was changed to a parallelogram. This change in siting and shape minimized shadow impacts on the surrounding area and maximized views between buildings.

The initial submission proposed that the building be sited to the north end of the lot. A "glass box" located at the north end of the site was to be the residential entrance to the building. During the Working Group discussions, it was identified that the area to the north of the existing building was appropriate for accessible open space. Accordingly, the building was sited to the south end of the property and the northern area is now proposed as landscaped open space. This area will be secured as publicly accessible open space in the Section 37 agreement. Public art is also intended to be located in this area of the site

which will allow the public to experience the art work at a closer range than might otherwise be possible.

The ground floor has now been designed with the residential entry to the building mid-block, connecting to a through lobby which can be accessed from the lane and the drop-off area.

The floorplate size is slightly larger (798 square metres) than recommended by the Design Criteria for Review of Tall Building Proposals study (743 square metres). To achieve the latter would require the tower dimensions to be reduced by less than 40 centimetres which would not have an appreciable impact on the streetscape. The proposed floorplate is supportable.

The tower is proposed to be setback four metres from the edge of the podium along Bay Street which is one metre less than the requirement in the guidelines. During the course of the Working Group discussions it was agreed that the setback was acceptable if no balconies were permitted for the first three floors above the podium on the Bay Street side of the building. This requirement is contained in the appended Draft Zoning By-law amendment.

The major streets of the City's downtown, including Bay Street, have traditionally been and continue to be the City's primary locations for tall buildings. While the design of this proposal requires variances from both the current Zoning By-law permissions and the tall buildings design guidelines, they are in keeping with the role and image of Bay Street.

### **Sun, Shadow, Wind**

The applicant has submitted studies to illustrate the shadows created by the proposed building on the equinoxes of March 21<sup>st</sup> and September 21<sup>st</sup> between the hours of 10 a.m and 4 p.m. The shadow impacts of the development are acceptable.

The applicant commissioned a study of the wind conditions created by this proposal. As a result, modifications to the podium level are required. As a provision of the Section 37 agreement, the mitigative measures will be incorporated into the final Site Plan Approval drawings.

### **Traffic Impact, Access, Parking, Bicycle Parking**

In the Preliminary Report, it was identified that there was a need to assess whether the amount of parking being provided was adequate to meet the expected demand. As shown on the chart below, the proposed parking supply was less than the minimum required under the Zoning By-law and the condominium standard.

Type of Space	No. Proposed	ZBL Requirement	Condominium Standard
Resident spaces	271 + 2 car share	312	405
Visitor spaces	16	28	28
Total	289	340	433

In response, the applicant's consultant (BA Group) submitted a report entitled: "The Burano Residential Project: Parking Considerations". In this report, the consultant indicated that based on the parking space and unit type sales data provided by the applicant, the proposed parking supply is adequate. Having reviewed this report, the Acting Director, Development Engineering, concurs with the resident parking supply which is based on the current proposed unit mix. In order to maintain the same level of provision, the amending by-law has been written to include a resident parking ratio that will be applied should the unit mix change.

The applicant is also proposing to provide two car share spaces on-site for use by the residents. It is intended that these spaces be located on P1, adjacent to the visitor parking. Typically, car-share spaces would reduce the resident parking requirement by a net of nine spaces for each car-share provided. In this instance, the number of car-shares being provided reflects the sales data provided by the consultant, i.e., the presence of a car-share program is a factor in whether a purchaser buys a parking space. Therefore, any car-share parking spaces must be surplus to the parking spaces that are required to satisfy the recommended parking ratios.

In order to justify the reduced visitor parking, the consultant completed a parking demand survey of the adjacent Women's College Hospital parking garage. Given the results of that survey, it was concluded that any overflow could be accommodated at the hospital parking garage or other area garages. The Acting Director, Development Engineering, concurred with this assessment with the result that a visitor parking space ratio of 0.035 is incorporated into the site specific by-law. The visitor parking will be signed and reserved for visitors only.

A Traffic Impact Study was prepared by the BA Group Limited and the traffic impacts have been determined to be acceptable by the Acting Director, Development Engineering.

One of the concerns raised during the community consultation was the provision of bicycle parking spaces. The Zoning By-law requirement for bicycle parking is 160 spaces for residents and 40 spaces for visitors. The applicant is proposing to provide 175 resident spaces and 44 visitor spaces for a total of 219 which are acceptable. The location of some of these spaces will be reviewed during the Site Plan Approval process.

### **Loading**

One type 'G' loading space will be provided with access from the north-south abutting public lane which is acceptable to the Executive Director, Technical Services. "No Parking" signs must be installed adjacent to the loading space in order to avoid vehicles parking in the area. The Site Plan Approval Agreement will include these signs.

The Executive Director, Technical Services has indicated that some of the proposed retail space for the project does not have direct on-site access to the proposed Type G loading space. This could result in loading activity occurring directly off the abutting public right-of-way or in deliveries being made to the individual retail units on the abutting public

boulevard. Consequently, the applicant must provide appropriate on-site service corridors to link all retail areas with the loading space which will be secured in the Site Plan Approval process.

### **Driveway Access and Site Circulation**

The access to the site is from the abutting north-south lane which is approximately 30 metres south of Grosvenor Street. This location is acceptable to the Executive Director, Technical Services. However, a stop sign at the top of the underground parking garage ramp will be required to regulate outbound traffic from the development.

### **Lane Widening**

Because the north/south lane on the western side of the site is deficient in width, a 0.51 metre lane widening is required from the northerly limit of the site for a distance of approximately 78.71 metres. It is intended that the underground parking garage will extend into the abutting north/south public lane as widened, which will necessitate a strata conveyance to a minimum depth of 0.5 metres from the finished grade. It is intended that this be secured in the Section 37 Agreement.

The Working Group was supportive of laneway improvements such as alternatives to concrete paving and additional lighting. Since the drop-off entrance to the residential building is from the laneway, it is anticipated that the laneway improvements will be secured in the Site Plan Agreement.

### **Servicing**

The Executive Director, Technical Services has indicated that servicing requirements for the introduction of Bills in Council have been met. Additional requirements will be secured in the Site Plan Agreement and include a site servicing plan, grading plan and a storm water management plan for review and acceptance prior to the release of the Site Plan Approval.

### **Open Space/Parkland**

As a result of a change in the design of the proposal, the northern portion of the site will become a small open space providing a landscaped area for the neighbourhood as well as the building residents. It is intended to be landscaped with benches and tables to facilitate greater use of the area. The design of this will be secured in the Site Plan Approval process.

### **Streetscape**

Streetscape improvements in accordance with the City's Streetscape Manual have been included as one of the benefits to be considered in the Section 37 Agreement within the area of Wellesley Street to College Street, Yonge Street to the east side of Queen's Park Crescent.

## **Toronto Green Development Standard**

The Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto.

The Green Development Standards Checklist submitted by the applicant indicates that the proposed development is intended to meet or exceed 29 performance targets related to air, energy, water and ecology. Some of the targets proposed to be met include the following:

- dedicated parking spaces for car pooling or auto-sharing;
- direct integration with existing pedestrian routes;
- the primary entrance of the proposed building is within 200 metres of transit;
- 45 per cent of materials, including adhesives, sealants, paints, coatings, carpets, composite wood and agrifiber products are low emitting;
- 70% of the developer supplied appliances are Energy Star compliant; and
- all water fixtures meet efficiency standards and where provided, all appliances meet efficiency standards.

## **Section 37**

Through discussions with the Ward Councillor and the applicant, the following community benefits are being recommended to be secured in the Section 37 agreement:

- (i) prior to the introduction of Bills in Council, the owner shall:
  - (a) enter into a Heritage Easement Agreement with the City for the retained and reconstructed portion of 832 Bay Street (McLaughlin Motor Car Showroom) including design guidelines for exterior signage; and
  - (b) provide a detailed Conservation and Restoration Plan, prepared by a qualified heritage consultant, detailing the dismantling, storage, restoration and reconstruction of 832 Bay Street (McLaughlin Motor Car Showroom) satisfactory to the Manager, Heritage Preservation Services;
- (ii) prior to the issuance of any building permit for 832 Bay Street (McLaughlin Motor Car Showroom), including a permit for the demolition, excavation, and/or shoring of the subject property, the owner shall:
  - (a) provide a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all work included in the Conservation and Restoration Plan;
  - (b) provide a record of the as-found condition of 832 Bay Street (McLaughlin Motor Car Showroom), including all survey documentation and interior

casting samples, satisfactory to the Manager, Heritage Preservation Services; and

- (c) provide building permit drawings, satisfactory to the Manager, Heritage Preservation Services.
- (iii) prior to the release of the Letter of Credit, the owner shall:
- (a) complete the heritage conservation and restoration work, satisfactory to the Manager, Heritage Preservation Services; and
  - (b) provide and implement an interpretation program for 832 Bay Street (McLaughlin Motor Car Showroom), satisfactory to the Manager, Heritage Preservation Services
- (iv) prior to the issuance of the first above grade permit, the owner shall contribute the amount of \$800,000 to be used for the improvement of local streetscapes, other than those abutting the site, as outlined in the City's Streetscape Manual and satisfactory to the Chief Planner, and/or parks, to be located within the area bounded by Yonge Street, Queen's Park Crescent East, Wellesley Street and College Street; which will be indexed in a form satisfactory to the City and as outlined in Appendix 1 of the Draft Zoning By-law amendment attached to this report;
- (v) the provision and maintenance of public art works pursuant to the Percent for Public Art program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the lot; and,
- (vi) the owner shall provide and maintain open space at the north end of the site, paved and/or landscaped to the satisfaction of the Chief Planner, and kept free of debris and snow (on hard surfaces) and open to the public 24 hours a day 7 days a week.

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

1. the incorporation, in the construction of the building, of exterior materials to be shown for the podium level on 1:50 scale drawings along Bay, Grosvenor, and Grenville Streets with building materials labelled to the approval of the Chief Planner;
2. the requirement to make revisions to the development to address the recommendations of the Pedestrian Level Wind Report as prepared by F. H. Theakston Environmental Control Incorporated, date stamped as received

September 24, 2007, which identified areas where mitigation is required, satisfactory to the Executive Director and Chief Planner;

3. the requirement to build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received by the Chief Planner and Executive Director on April 2, 2008;
4. the requirement to remediate and convey a strata conveyance to the City of a 0.51 metre lane widening to a minimum depth of 0.5 metres prior to the earlier of the first residential occupancy or condominium registration; and
5. provide and maintain an irrigation system at the owner's expense for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services.

## **Tenure**

The residential units are proposed as a condominium.

## **Development Charges**

It is estimated that the development charges for this project will be \$2,294,000. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONCLUSION**

City Planning is supportive of the Zoning By-law amendment to intensify this site as proposed given the site's location in the Downtown, in an area well serviced by the municipal infrastructure including public transit.

## **CONTACT**

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## **SIGNATURE**

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

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## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Elevations

Attachment 4: Elevations

Attachment 5: Elevations

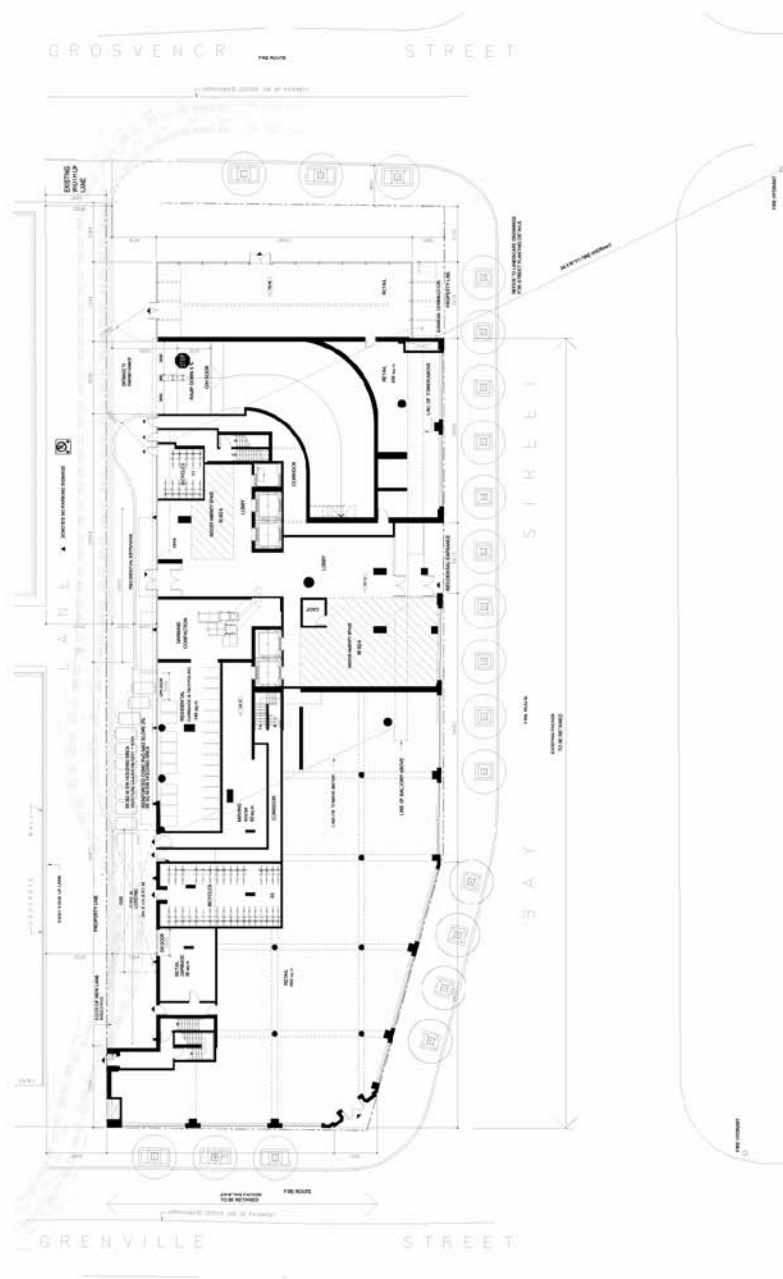
Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment



# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

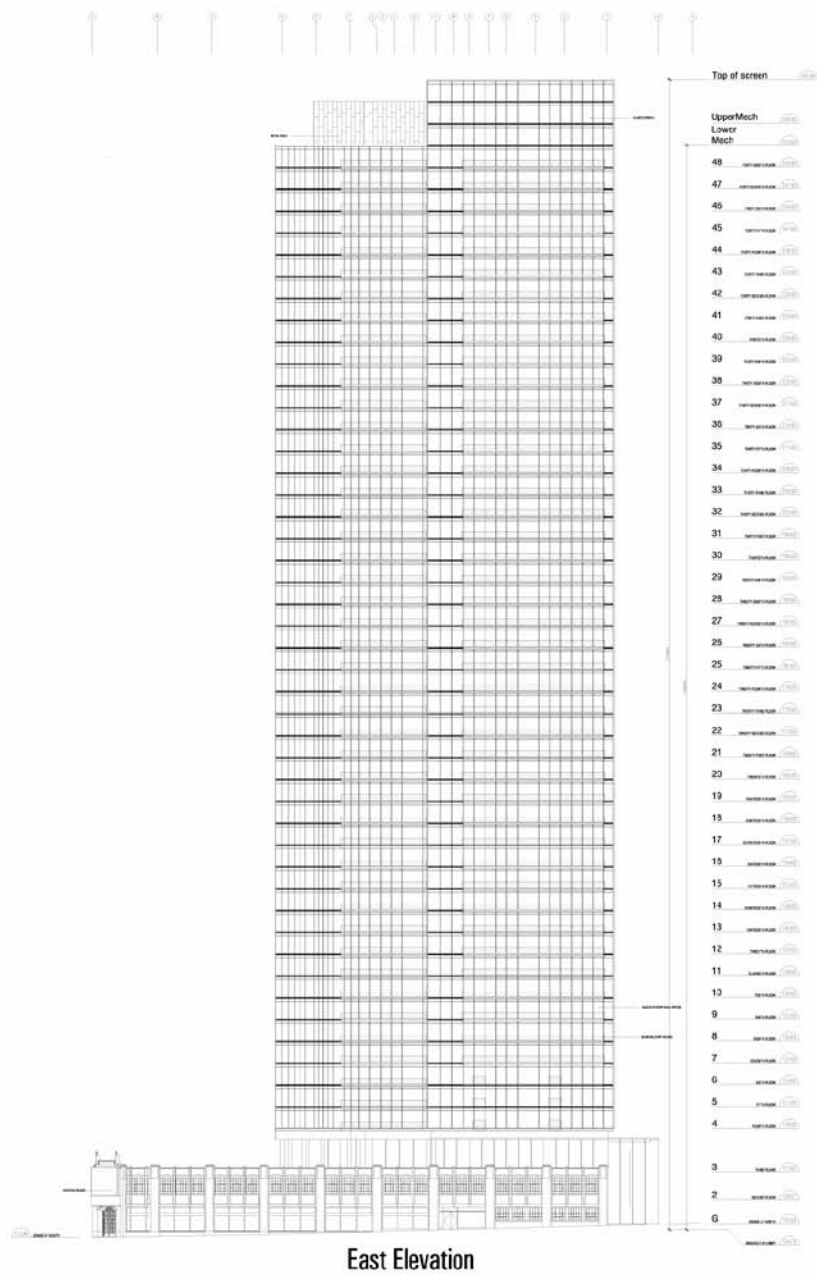
Not to Scale  
03/04/07



832 - 860 Bay Street

File # 06\_162279

## Attachment 2: Elevations



### Elevations

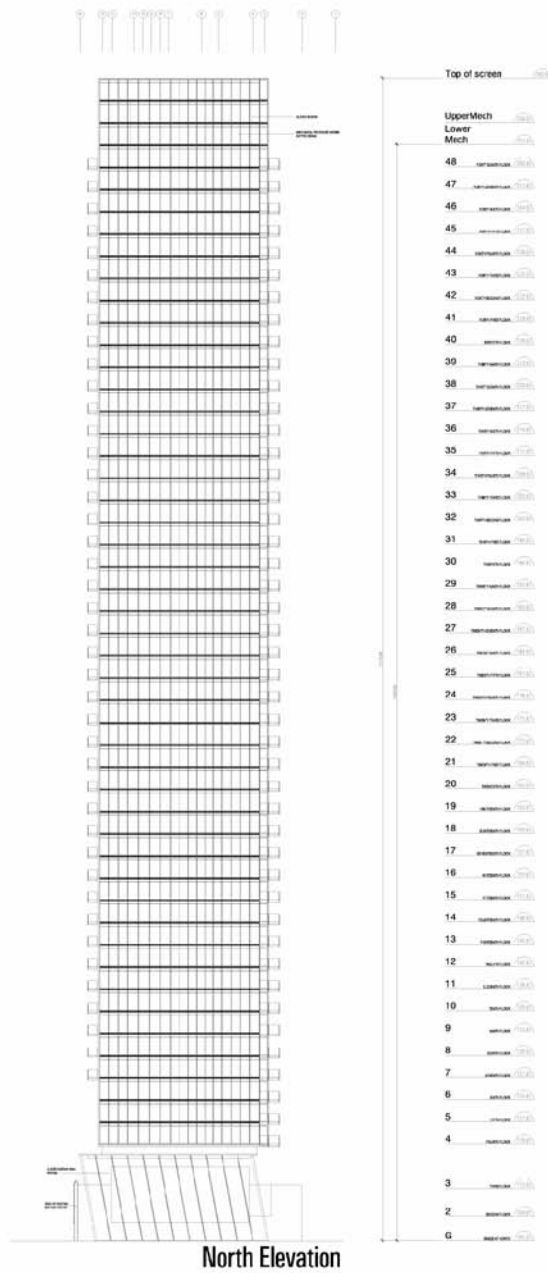
Applicant's Submitted Drawing

Not to Scale  
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832 - 860 Bay Street

File # 06\_162279

### Attachment 3: Elevations



## Elevations

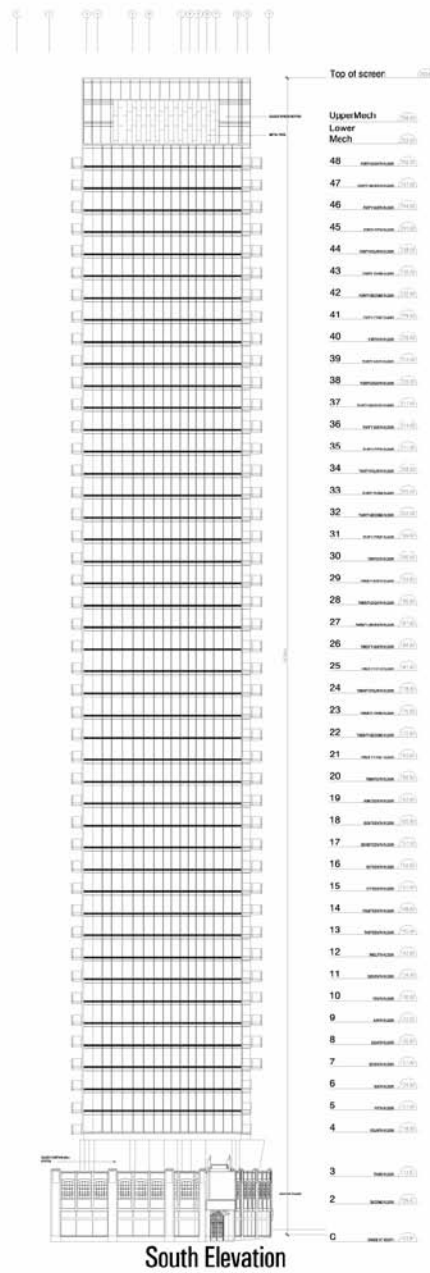
Applicant's Submitted Drawing

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832 - 860 Bay Street

File # 06\_162279

## Attachment 4: Elevations



### Elevations

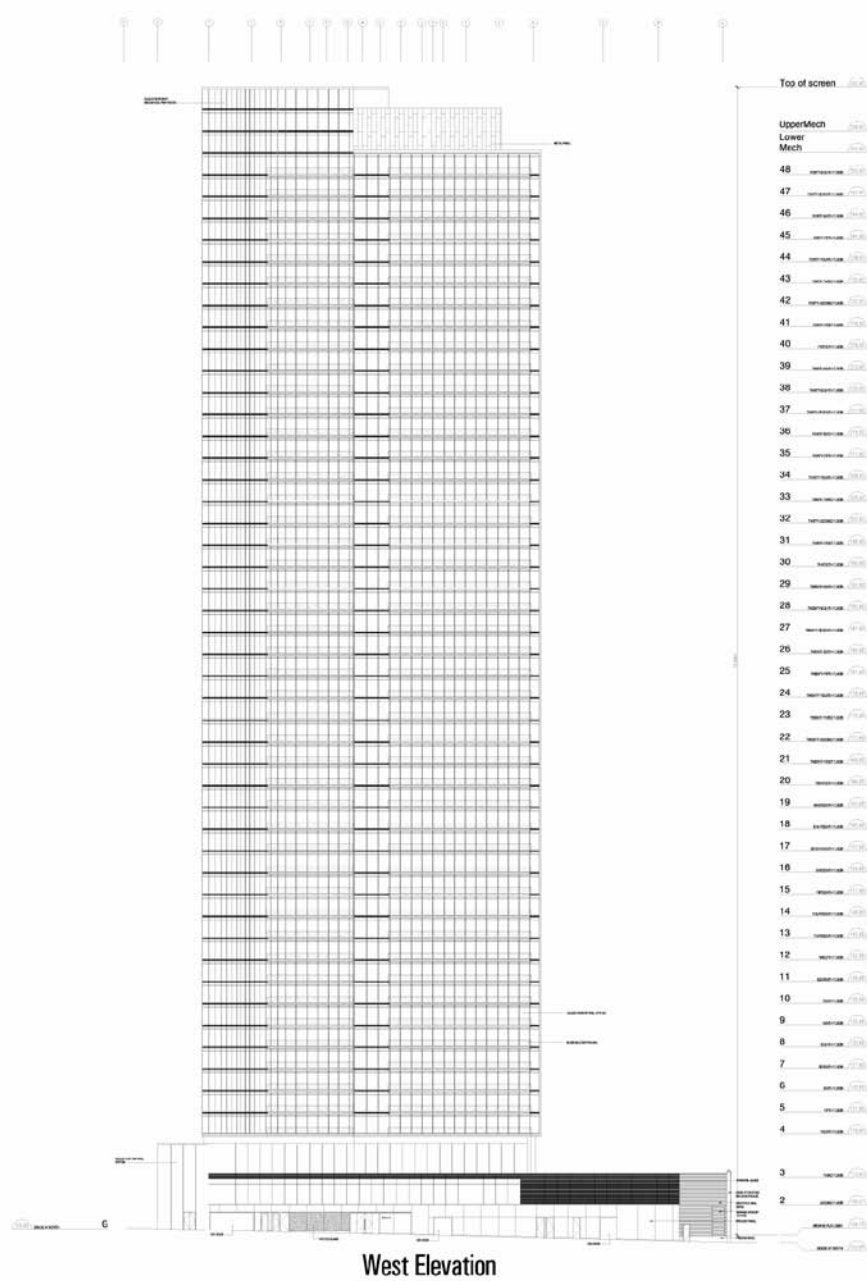
Applicant's Submitted Drawing

Not to Scale  
03/04/07

832 - 860 Bay Street

File # 06\_162279

# Attachment 5: Elevations



## Elevations

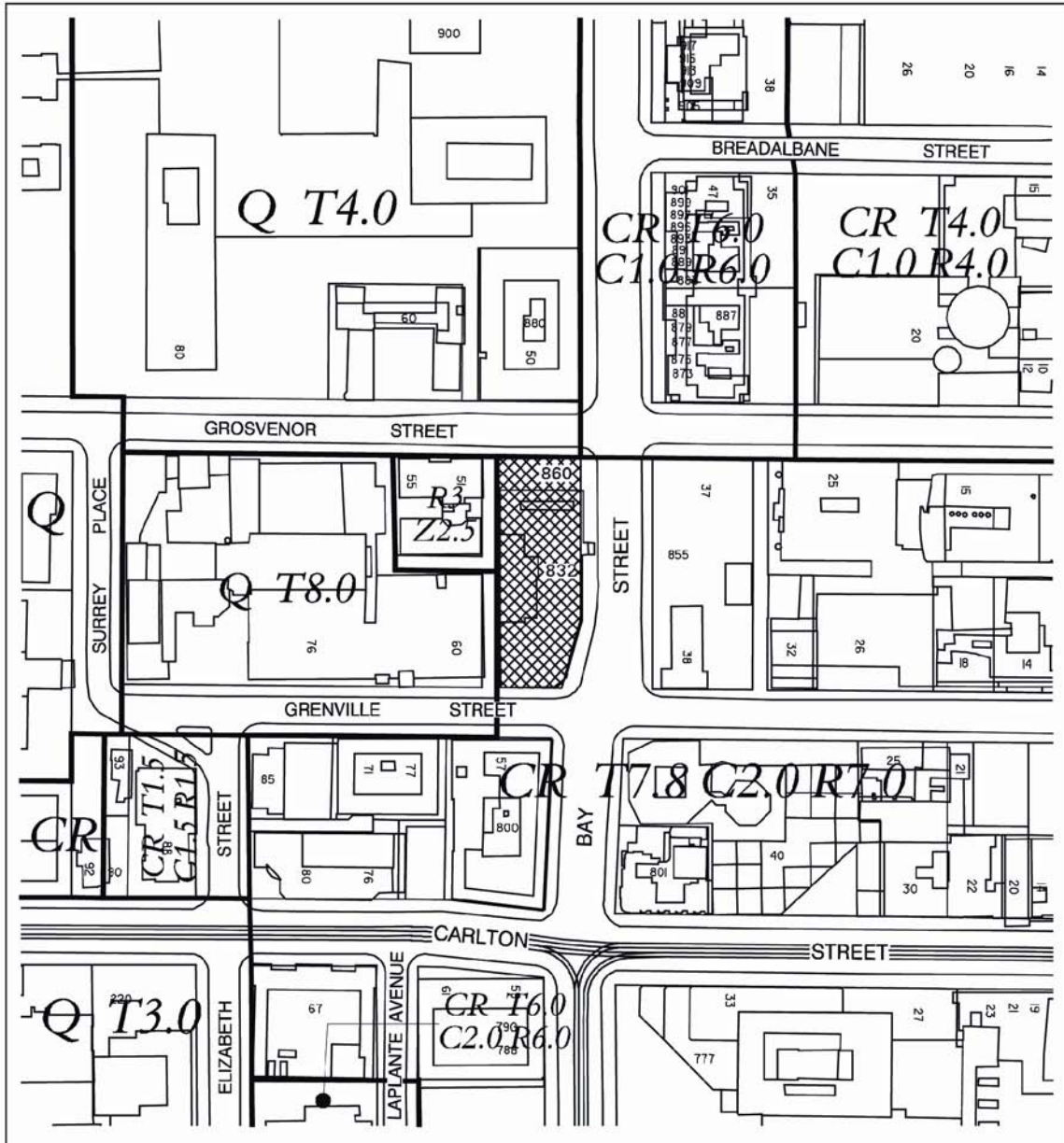
Applicant's Submitted Drawing

Not to Scale  
03/04/07

832 - 860 Bay Street

File # 06\_162279

## Attachment 6: Zoning



**832 - 860 Bay Street**

File # 06\_162279

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



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 02/25/08 - TA

## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	06 162279 STE 27 OZ
Details	Rezoning, Standard	Application Date:	July 31, 2006

Municipal Address: 832 BAY ST  
 Location Description: PL 159 PT LTS 150 TO 157 \*\*GRID S2709  
 Project Description: Proposed 48-storey building with the residential tower above an existing two-storey mixed use retail/commercial podium.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Mark Mandelbaum			Addison on Bay

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T7.8 C2.0 R7.8	Historical Status: Y
Height Limit (m):	61	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	2505.4	Height:	Storeys:	48
Frontage (m):	23.74		Metres:	158
Depth (m):	86.14			
Total Ground Floor Area (sq. m):	1978			<b>Total</b>
Total Residential GFA (sq. m):	36337		Parking Spaces:	289
Total Non-Residential GFA (sq. m):	950		Loading Docks	1
Total GFA (sq. m):	37287			
Lot Coverage Ratio (%):	79			
Floor Space Index:	14.88			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	36337	0
Bachelor:	0	Retail GFA (sq. m):	950	0
1 Bedroom:	233	Office GFA (sq. m):	0	0
2 Bedroom:	188	Industrial GFA (sq. m):	0	0
3 + Bedroom:	45	Institutional/Other GFA (sq. m):	0	0
Total Units:	466			

**CONTACT: PLANNER NAME: Helen Coombs, Senior Planner**  
**TELEPHONE: (416) 392-7613**

## **Attachment 8: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Item X.X, as adopted with amended by City of Toronto Council on XX and X, 2008

Enacted by Council: xx, 2008

### **CITY OF TORONTO**

**Bill No.**

**BY-LAW No. xxx-2008**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to lands municipally known in the year 2008 as 832 and 860 Bay Street.**

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2008 as 832 and 860 Bay Street,

AND WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment, and

AND WHEREAS the Council of the City of Toronto, at its meeting on XX, 2008, determined to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended,

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk,



height, spacing 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”, shall continue to apply to the *site*.

4. Notwithstanding Section 8(1) of By-law No. 438-86, as amended, the uses permitted on the *site* after the passage of this By-law are the *proposed building* and a lane.
5. Notwithstanding Sections 8(3) Part I 1 and 8(3) Part I 3(a) of By-law No. 438-86, as amended, the maximum combined *residential gross floor area* and *non-residential gross floor area* of all buildings or structures erected within the *site*, shall not exceed 37,287 square metres, of which the maximum *residential gross floor area* shall not exceed 36,337 square metres and the maximum *non-residential gross floor area* shall not exceed 950 square metres.
6. Notwithstanding Sections 4(14) and 12(2)260 of By-law No. 438-86, or any other provision thereof regarding set-backs, no part of any building or structure erected within the *site* after the passage of this By-law shall be located above finished ground level other than within a *building envelope*.
7. Section 6 hereof does not apply to the type of structure listed in the column entitled “Structure” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “Maximum Permitted Projection” are complied with:

Structure	Maximum Permitted Projection
parapets, planters, flower boxes, ornamental or architectural elements, roof build up and finishes, exhaust fans and flues, and doors	maximum 1.0 metre projection, provided the height of such “Structure” is not greater than 2.0 metres above that portion of the building to which it is attached
eaves, lighting fixtures, cornices, ornamental or architectural elements, balustrades, mullions, window sills	maximum 1.0 metre projection, provided the height of the “Structure” is no higher than that portion of the building to which it is attached
fences, safety railings, guardrails and landscape features, including trellises, wind mitigation screens and features and window washing equipment	no restriction on the extent of the projection provided the height of such “Structure” does not exceed 3.0 metres
Canopies and awnings	maximum 2.0 metre projection, provided the height of the canopy is no higher than that portion of the building to which it is attached

Structure	Maximum Permitted Projection
ramps (and associated structures) servicing an underground <i>parking garage</i>	no restriction, provided the height of such “Structures” does not exceed 2.0 metres above finished ground level
balconies	Only permitted above the third storey of the tower element <u>on the Bay Street side of the building</u> and with a maximum 1.6 metre projection for the only at the locations and heights noted for “BALCONY” on Map 2
wheelchair ramps, stairs, stair enclosures, landings and associated railings	no restriction, provided the height of such “Structure” does not exceed 3.0 metres
public art features	no restriction in extent of projection or height of “Structure”

8. Notwithstanding Section 4(2)(a) of By-law No. 438-86, as amended:
- (a) each component of a building or structure erected within the *site* shall, in respect of each corresponding area as identified and shown on Map 2, have the maximum *height* as shown following the corresponding symbol “H” on Map 2, and
  - (b) the preceding subsection (a) does not apply to prevent the erection or use above the said maximum *height* limits of the structural projections permitted outside a *building envelope* by Section 7 hereof, subject to the limitations set out in Section 7.
9. Notwithstanding any other provision of this By-law or of By-law No. 438-86, as amended, no part of any building or structure erected within the *site* after the passage of this By-law shall contain a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment on the roof of the said building or structure, or a fence, wall or structure enclosing such roof elements, unless the said roof elements are located entirely within the portion of the building or structure identified on Map 2 as “Mechanical Penthouse” and, for clarity, no component of any such roof element shall be higher than 154.12 metres above *grade*, provided that a screen may be erected on the roof having a maximum height of 3.0 metres above the mechanical penthouse roof *height* of 154.12 metres.
10. Notwithstanding Section 4(5)(b) of By-law No. 438-86, as amended, *parking spaces* for uses within the *site* shall be provided and maintained in accordance with the following minimums:
- (a) at least 2 *car-sharing parking spaces* shall be provided within the *site* and used at all times for the provision of *car-share motor vehicles*, and

- (b) (i) 0.18 *parking spaces* for each one bedroom *dwelling unit* located on the *site*,
- (ii) 0.98 *parking spaces* for each two bedroom *dwelling unit* located on the *site*,
- (iii) 1.0 *parking spaces* for each three or more bedroom *dwelling unit* located on the *site*,
- (iv) 0.035 *parking spaces* for visitors for each *dwelling unit* located on the *site*,

and

- (vi) such *parking spaces* as required by By-law No. 438-86 shall be required for any non-residential use located on the *site*.

11. All *parking spaces* shall be accessed as required by By-law No. 438-86 and have the minimum dimensions of a *parking space* as required by By-law No. 438-86, with the exception of:

- (i) 12 *parking spaces* which may have minimum dimensions of 2.6 metres in width by 5.1 metres in length; and
- (ii) 68 *parking spaces* which may have minimum dimensions of 2.9 metres in width by 5.1 metres in length.

12. Within the *site*,

- a. *Parcel A* shall be used for and only for the purposes of the *proposed building*, and
- b. *Parcel B* shall be used for and only for the purposes of a lane accessible to the public, for the *proposed building*, and for an underground *parking garage* and *accessory* uses to the *proposed building*.

13. Notwithstanding Section 4(12) of By-law No. 438-86, as amended, no person shall erect or use a building, located within the *site* unless *residential amenity space* is provided and maintained in accordance with the following table:

Type of Residential Amenity Space Required	Amount of Residential Amenity Space Required
<i>residential amenity space</i> in a multi-purpose room(s), at least one of which contains a kitchen and a	a minimum of 932 square metres of <i>residential amenity space</i>

washroom:	
<i>residential amenity space</i> located outdoors	a minimum of 875 square metres of <i>residential amenity space</i> of which at least 40 square metres is to be provided in a location adjoining or directly accessible from indoor <i>residential amenity space</i> , including accessible by stairs

14. Notwithstanding Section 8(3) Part III 1(a) of By-law 438-86, as amended, *common outdoor space* shall not be required on the *site*.
15. For clarity, the *site* shall be deemed to be a *lot* for the purposes of the *proposed building* and despite any existing or future severance, partition, or division of any part of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division occurred.
16. For clarity, Appendix “1” attached to this By-law is incorporated into this By-law and is deemed to be a part of this By-law.
17. For the purposes of the By-law, the following expressions shall have the following meanings:
  - (a) “*building envelope*” means a building envelope as delineated by heavy lines on Map 2 attached hereto;
  - (b) “*car-share motor vehicle*” means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of the building;
  - (c) “*car-sharing parking space*” means a *parking space* used for, and only for, the parking of a *car-share motor vehicle*;
  - (d) “*City*” means the City of Toronto;
  - (e) “*grade*” shall mean an elevation of 105.6 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment);
  - (f) “*height*” shall mean the vertical distance in metres between *grade* and the highest point of the building or structure;
  - (g) “*owner*” means the owner of the fee simple of the *site* or any part thereof;
  - (h) “*Parcel A*” and “*Parcel B*” mean the areas identified as *Parcel A* and *Parcel B* on Map 1 respectively;

- (i) “*proposed building*” means a *mixed use-building* containing *dwelling units* and one or more uses permitted under section 8(1)(f)(b)(iv) of By-law No. 438-86 and *accessory* uses thereto including a below grade *parking garage* and *car sharing*;
- (j) “*site*” means those lands outlined by heavy lines on Map 1 attached hereto; and
- (k) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.

ENACTED AND PASSED this    day of    , A.D. 2008.

DAVID R. MILLER,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS,  
City Clerk

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## Appendix “1”

### Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. prior to the issuance of the first above grade permit the *owner* shall provide a contribution in the amount of \$800,000 to be used for the improvement of local streetscapes, other than those abutting the site, as outlined in the *City’s* Streetscape Manual and satisfactory to the Chief Planner, and/or parks, to be located within the area bounded by Yonge Street, Queen’s Park Crescent East, Wellesley Street and College Street;
2. the *owner* shall provide a public art contribution in accordance with the *City* of Toronto’s public art program for a value of not less than one percent of the cost of construction of all buildings and structures on the *site* with the provision and maintenance of public art works pursuant to a public programme to be located on publicly accessible portions of the *site*,
3. the *owner* shall provide architectural design and exterior materials satisfactory to the Chief Planner and Executive Director;
4. prior to the introduction of Bills in Council, the *owner* shall enter into a Heritage Easement Agreement with the *City* for the retained and reconstructed portion of 832 Bay Street (McLaughlin Motor Car Showroom) including design guidelines for exterior signage;
5. prior to the introduction of Bills in Council, the *owner* shall provide a detailed Conservation and Restoration Plan, prepared by a qualified heritage consultant, detailing the dismantling, storage, restoration and reconstruction of 832 Bay Street (McLaughlin Motor Car Showroom) satisfactory to the Manager, Heritage Preservation Services;
6. prior to the issuance of any building permit for 832 Bay Street (McLaughlin Motor Car Showroom), including a permit for the demolition, excavation, and/or shoring of the subject property, the *owner* shall:
  - (1) provide a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all work included in the Conservation and Restoration Plan; and

- (2) provide a record of the as-found condition of 832 Bay Street (McLaughlin Motor Car Showroom), including all survey documentation and interior casting samples, satisfactory to the Manager, Heritage Preservation Services;
  - (3) provide building permit drawings, satisfactory to the Manager, Heritage Preservation Services;
7. prior to the release of the Letter of Credit, the owner shall:
  - (1) complete the heritage conservation and restoration work, satisfactory to the Manager, Heritage Preservation Services;
  - (2) provide and implement an interpretation program for 832 Bay Street (McLaughlin Motor Car Showroom), satisfactory to the Manager, Heritage Preservation Services;
8. the *owner* shall provide for any improvements to the municipal infrastructure required to support the development which may be identified by the Site Servicing Review accepted by the Executive Director of Technical Services;
9. the *owner* shall provide the timing of the contributions set out above in a manner satisfactory to the Chief Planner and Executive Director;
10. the *owner* shall provide the incorporation, in the construction of the building, exterior materials to be shown for the podium level on 1:50 scale drawings along Bay, Grosvenor, and Grenville Streets with building materials to be labelled to the approval of the Chief Planner and Executive Director;
11. the *owner* shall provide for the requirement to make revisions to the development to address the recommendations of the pedestrian level Wind Report as prepared by F. H. Theakston Environmental Control Incorporated, date stamped as received September 24, 2007, which identified areas where mitigation is required, satisfactory to the Executive Director and Chief Planner;
12. the *owner* shall agree to build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received by the Chief Planner and Executive Director on April 2, 2008;
13. prior to the final building permit for the *proposed building*, the remediation and strata conveyance to the City of a 0.51 metres lane widening to a minimum depth of 0.5 metres, and a covenant to provide support for the said lane widening through the provision and maintenance of the proposed below grade parking garage;

14. the owner shall provide and maintain open space at the north end of the site, paved/and or landscaped to the satisfaction of the Chief Planner and Executive Director, and kept free of debris and snow (on hard surfaces) and open to the public 24 hours a day 7 days a week; and
15. the owner shall provide and maintain an irrigation system at the owner's expense for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services.

Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.



