

984, 990 and 1000 Bay Street – Rezoning and Site Plan Applications – Request for Direction Report

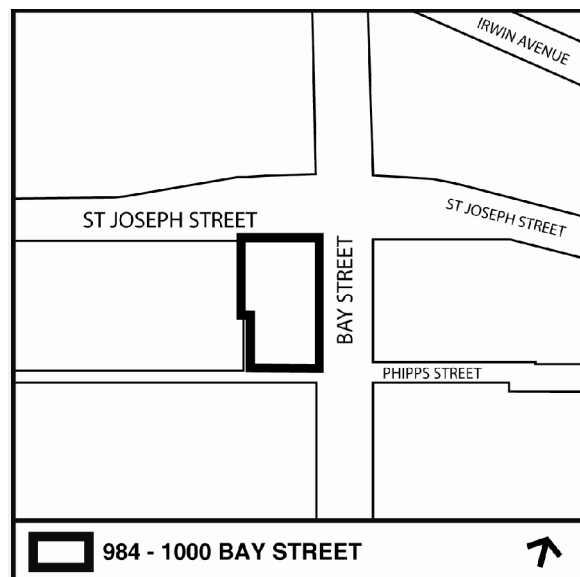
Date:	February 14, 2013
To:	City Council
From:	City Solicitor
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	Rezoning File No.: 11 318491 STE 27 OZ Site Plan File No.: 12 246492 STE 27 SA

SUMMARY

2302686 Ontario Limited, 990 Bay Street Limited, 1000 Bay Street Limited (“applicants”) made a zoning by-law amendment application (“application”) on 30 November 2011 and submitted a site plan control approval application on 13 September 2012 requesting permission for a mixed-use development of a 32-storey residential building, plus mechanical penthouse, with at grade retail space fronting Bay Street. The property is located at the southwest corner of Bay Street and St. Joseph Street, north of Wellesley Street. The applicants appealed the zoning by-law amendment application to the Ontario Municipal Board (“OMB”) on 31 August 2012 and appealed the site plan control approval application to the Ontario Municipal Board in December 2012 due to Council’s failure to make a decision with respect to the applications within the time prescribed by the *Planning Act*.

A pre-hearing conference was held on 6 December 2012 between interested parties and participants. The OMB set a hearing date for March 20, 21 and 22, 2013. It is urgent that Council consider this matter at this time so that staff may receive instructions for the OMB hearing.

Attached as Attachment 1 is the planning review for the applications which was prepared by City Planning Division.



RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council authorize the City Solicitor, the Chief Planner and other appropriate staff to attend the Ontario Municipal Boarding hearing as necessary.
2. City Council support the zoning by-law amendment application of 2302686 Ontario Limited, 990 Bay Street Limited, 1000 Bay Street Limited for the reasons set out in Attachment 1 to this report, subject to the following conditions being addressed to the satisfaction of the City Solicitor;
 - a) The owner shall submit acceptable documentation from a qualified Transportation Consultant that justifies the alternate parking standards for this project of a minimum 145 parking spaces to the satisfaction of the Executive Director, Engineering and Construction Services;
 - b) All balconies, the exhaust air shaft and all other building encroachments that extend over the widened public lane system shall be eliminated from the proposal to the satisfaction of the Executive Director, Engineering and Construction Services;
 - c) The owner shall enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - i) Prior to the issuance of the first above-grade building permit, pay to the City the sum of \$4,000,000, consisting of \$3,600,000 to be allocated to area park improvements and to local area streetscape improvements, including the narrowing of St. Joseph Street and \$400,000 to be allocated to capital improvements for local Toronto Community Housing buildings.
 - ii) Prior to the issuance of the first above grade building permit the owner shall make a Public Art Contribution of a maximum of \$500,000 for the “gateway” to St. Joseph Street;
 - iii) Require that the cash amounts identified in (i) and (ii) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.

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

- iv) A minimum of 33, 3-Bedroom Units, or 7% of all units, will be 3 bedroom units or at an average size of 950 sq. ft.;
 - v) The owner shall transfer a right-of-way in the nature of an easement in favour of the City, at no cost to the City, to enter in, over, upon and along the north-south private lane which runs from St. Joseph Street;
 - vi) The owner shall convey to the City for a nominal sum:
 - (i) A 1.17 metre wide strip of land to the full extent of the site abutting the easterly limit of the north-south public lane to the satisfaction of the Executive Director, Engineering and Construction Services; and
 - (ii) A triangular corner splay at the southwest corner of the property, as taken from the widened north-south public lane, to the satisfaction of the Executive Director, Engineering and Construction Services;
3. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director of City Planning, to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required to give effect to the intent of the recommendations contained in this report.
 4. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant respecting a final version of the zoning by-law, and the final site plans and conditions of site plan approval.
 5. City Council authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Financial Impact

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

The Zoning By-law Amendment application was submitted on 30 November 2011 requesting permission for a 32-storey residential building, plus mechanical penthouse, with at grade retail space fronting Bay Street. At its January 10, 2012 meeting, Toronto and East York Community Council received a Preliminary Report on the application. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor with a notice area in consultation with the Ward Councillor, and that notice for the public meeting be given according to regulations of the *Planning Act*.

The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-43211.pdf>

COMMENTS

The purpose of this report is to seek Council's direction for the appeal of these applications to the OMB. It is staff's opinion that the proposal is appropriate in its current built form and site design. Staff is recommending that the application be supported, subject to the conditions in the Recommendations Section of this report. The owner concurs in the recommendations except for recommendations 2a)- parking and 2b)- encroachments over the widened public lane.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1: City Planning Division Review

Attachment 2: Site Plan

Attachment 3: North Elevation

Attachment 4: South Elevation

Attachment 5: East Elevation

Attachment 6: West Elevation

Attachment 7: Existing Zoning

Attachment 8: Application Data Sheet

Attachment 1 – City Planning Division Review
Rezoning File No.: 11 318491 STE 27 OZ
Site Plan File No.: 12 246492 STE 27 SA

Description of Proposal

The proposal is to construct a mixed use building at the southwest corner of Bay Street and St. Joseph Street consisting of 458 residential units and 662 square metres of ground floor retail use along the Bay Street frontage.

The northerly portion of the lot would consist of a residential tower with a height of 32-storeys (104.74 metres including the mechanical room) connected by a 14-storey (45.14 metres) portion on the southerly portion of the lot.

The following building setbacks are proposed for this development:

	Setback
South side	Zero – on lot line
North side	5.4 metres from street line
East side	Zero – on lot line
West side	1.17 from lane to 4.8 metres from property line

The residential unit mix would be 120 studio units (26.2 %), 235 one-bedroom/one bedroom plus den units (51.3%), 70 two-bedroom/two bedroom plus den units (15.3%) and 33 three-bedroom units (7.2%).

A grade-related commercial space of 662 square metres of gross floor area is proposed for the grade-related retail commercial space on the ground floor along Bay Street. The floor-to-ceiling height on the ground floor would be 6.1 metres.

The canopy on Bay Street has been set at 2 metres in width to provide pedestrian weather protection and avoid conflict with the proposed street trees along Bay Street. No canopy is proposed along the St. Joseph Street frontage of the building.

A total of 527 square metres of outdoor amenity space is provided on the roof of the 14th floor level. A total of 824 square metres of indoor amenity space is proposed in various locations within the building, on the ground floor, second and third floors and on the 15th floor adjacent to the outdoor amenity space area.

The proposal provides a total of 145 parking spaces in an underground parking garage with three full levels and a partial fourth level. There would be a total of 115 parking spaces for residents, 27 parking spaces for visitors, and 3 car share spaces. The proposal also provides 459 residential bicycle parking spaces throughout the parking levels, including visitor spaces on the P1 level.

The existing private and public laneway located on the western edge of the property will provide access to the underground parking garage and entry into a Type "G" space loading space on the ground floor level. Separate residential and commercial garbage areas would be provided adjacent to the loading area.

The main pedestrian entrance into the residential condominium would be provided from St. Joseph Street, while the main entrances to the ground floor retail area would be from Bay Street.

Overall, the proposal has a gross floor area of 26,450 square metres with a density of 13.3 times the area of the lot. The Application Data Sheet in Attachment 8 provides additional information on the proposal.

DECISION HISTORY

A portion of the site at 1000 Bay Street was rezoned in 2010 (Site Specific Zoning By-law 1009-2010) to permit a 32-storey mixed use building including a proposed 13-storey hotel. The By-law permitted a range of heights up to 102 metres and a total gross floor area of 13,400 square metres.

The current owner of 1000 Bay Street, Cresford Developments, acquired 990 Bay Street and 984 Bay Street to enable a more comprehensive development of this portion of Bay Street which require the submission of this rezoning application. The purpose of this Zoning By-law Amendment is to delete the hotel use and permit minor changes to allowable building height and other zoning development standards. The overall form and height of the single tower is similar to that approved for 1000 Bay Street and generally reflects the existing zoning permissions.

The table below is a comparison of the previous permissions with the current proposal.

	Site Area	Total Gross Floor Area	On-site Parking	Number of residential units	Indoor Amenity Space (sq.m)	Outdoor Amenity Space (sq.m.)	Building Height
Site Specific By-law 1009-2010	1,150 square metres	13,373 square metres	100	99 residential units and 115 hotel units	215 (based on 99 units)	107.49 square metres (based on 99 units)	32 Storeys 102 square metres to top of mechanical
Current Proposal	1,988.7 square metres	26,450 square metres	145	458 residential units	824 square metres (Based on 458 units)	527 square metres (Based on 458 units)	32 Storeys 104.74 square metres to top of mechanical

Site and Surrounding Area

The development site is located on the southwest corner of Bay Street and St. Joseph Street. The land was being used as a commercial parking lot (1000 Bay Street) a restaurant with office above (990 Bay Street) and a seven-storey office building (984 Bay Street). The buildings on the site are in the process of being demolished.

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

North: St. Joseph Street and beyond is St. Basil's Church and further north is an approved 55-storey and 45-storey residential towers; a public park is approved for the northwest corner of Bay Street and St. Joseph Street and further west is the 5 storey Sorbara Hall Student Residence of St. Michael's College, University of Toronto;

South: Abutting the site is an east/west public laneway which will be used to access the proposed development. Further south is a 17-storey office building (northeast corner of Bay Street and Wellesley Street West – 56 Wellesley Street West);

East: Across Bay Street on the northeast corner of Bay Street and St. Joseph Street is a 28-storey (80.9 metres high) residential condominium building (44 St. Joseph and 1033 Bay Street), on the southeast corner is a 35-storey (104.9 metre high) residential building (1001 Bay Street); and

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

Provincial Policy Statement and Provincial Plans

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

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

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

Official Plan

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

Other important policies relevant to this application include those in the “Downtown”, “Public Realm”, “Built Form” and “Built Form – Tall Buildings” sections of the Plan.

Compliance with these and other relevant policies of the Official Plan including the environment and transportation have been used to assess the application.

The Toronto Official Plan is available on the City’s website at:

www.toronto.ca/planning/official_plan/introduction.htm

Downtown Tall Buildings Vision and Performance Standards Design Guidelines

In July of 2012, Toronto City Council adopted the Downtown Tall Buildings Vision and Performance Standards Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development proposals falling within the Guideline boundaries. The Guidelines replace the City wide Tall Building Guidelines which were already applied in this evaluation and are largely consistent with the City wide guidelines.

The Guidelines identify where tall buildings belong Downtown and establish a framework to regulate their height, form and relationship to their surroundings. They focus on: enhancing the pedestrian environment; minimizing shadowing of sidewalks, parks and public squares; protecting landmark views and heritage resources; and improving the quality of life (access to natural light, sky views and privacy) for people living and working Downtown. The Guidelines include a vision statement for downtown tall buildings; maps which identify "High Street" and "Secondary High Street" locations, recommended heights and building typologies for these streets; and twenty-three Performance Standards relating to the base conditions or tower portions of tall buildings or to their contextual fit within the Guideline area. The Guideline details are available at: <http://www.toronto.ca/planning/tallbuildingstudy.htm>.

The subject property is located on Bay Street which is identified as a High Street on Map 1. This portion of Bay Street falls within a height range of 92 metres to 152 metres (30 to 50 storeys) on Map 2, is identified as Tower Podium form on Map 3 and is identified as a Priority Retail Street on Map 4.

Zoning

As previously noted, the 1000 Bay Street portion of the development site was approved for a 32-storey (102 metre) building, under Site Specific Zoning Bylaw 1009-2010. The Site Specific Bylaw also permits 13,400 square metres of residential and non-residential gross floor area, 100 parking spaces and 116 bicycle parking spaces. There is also a total density permission limit of 11.6 times the lot area.

The properties located at 984 and 990 Bay Street that were not part of the previous rezoning application for 1000 Bay Street are zoned CR T6.0 C1.0 R6.0 under Bylaw 438-86, which permits both residential and commercial uses. Maximum permitted building height is 46 metres and there is a total mixed use density permission of 6.0 times the lot area.

Reasons for Application

The Zoning By-law Amendment has been submitted to establish uses and the development standards for the proposed development related to, among other matters, maximum density and height, commercial and residential floor area, number and mix of residential units, parking and loading requirements, building envelopes and required amenity space.

Community Consultation

A community consultation meeting was held by City Planning on February 5, 2012 with the area residents along with the applicant and their team, and the Ward Councillor

The following issues were raised by the members of the public:

- Shadows on the new park
- Narrowing of St. Joseph
- Balconies - Storage concerns
- Community benefits to be secured through a S. 37 agreement
- Façade treatment along St. Joseph
- Appearance of the entrance
- Unit sizes
- Location of the loading area outside the building
- Traffic concerns with St. Basil's lane
- Sidewalk width on Bay Street and St. Joseph

In addition to the community meeting, the applicant held an open house on April 10, 2012 to present revised plans to the area residents. The revisions to the plans were made to address some of the comments received on the proposal, including moving the loading space from the laneway to an area inside the building.

Planning staff have discussed the issues raised in the community meetings with the applicant, including the loading area, shadow on the park to the north and adjacent properties, mix of unit sizes, narrowing of St. Joseph, among other items. The applicant has worked to respond to many of the comments received.

Agency Circulation

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

COMMENTS

Consistency with Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS). The PPS encourages additional density through intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses. (Policy 1.1.2). Intensification shall meet appropriate development standards (Policy 1.1.3.4), which is discussed further in this report under the subheading "Built Form".

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus. The development includes a mix of uses and is within a relatively short walking distance to Wellesley station and is on the Bay Street Bus route.

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

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

The proposal is not in conflict with the Growth Plan.

Land Use

Official Plan policies encourage investment in the downtown, redevelopment of under-utilized sites and improvements to the public realm. The proposed mixed-use development conforms to the policies in the Official Plan.

The site is considered a development site and is large enough (34 metres X 61 metres) to accommodate additional height and density. The replacement of a large surface parking lot with a residential building with ground floor retail is consistent with the policy direction of the Official Plan. The proposed use of this site as a mixed-use building is a permitted use in the Zoning By-law.

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

Downtown Tall Buildings Vision and Performance Standards Design Guidelines

The proposed development has been reviewed in context of the Downtown Tall Buildings Vision and Performance Standards Design Guidelines. The proposed development meets many of the performance standards, including among others: active street related uses and ground floor animation; minimum ground floor height; clearly defined entrance ways; pedestrian scale façade articulation; pedestrian weather protection along Bay Street; minimizing parking, loading and servicing impacts; and minimizing the incremental shadow on the park. The building is also within the height range of 30 to 50 storeys envisioned for this portion of Bay Street.

As mentioned, a 32-storey building was previously approved for the site in 2010 at the southwest corner of Bay Street and St. Joseph Street. The primary purpose of the subject rezoning application was to add the two adjacent parcels to the south in order to provide a comprehensive development along this portion of Bay Street. Rather than proposing an additional tower on the site, the floor plate of the building was enlarged and includes a 14-storey portion. The building has been located and massed to be compatible with the adjacent buildings and to mitigate negative impacts on sky views, shadow, distance separation and wind.

Density and Height

The applicant is proposing a development at 26,450 square metres or 13.3 times the area of the lot with a height of 104.74 metres. This density and height is comparable to recent developments in the area. As discussed above, the proposal's additional density and height in excess of the underlying zoning permission is achieved in an acceptable built form that can be appropriately accommodated on this site.

Shadow and Wind

Section 3.1.2.3 (e) (Built Form) and Sections 4.5.2(d) and (e) of the Official Plan include policies that tall buildings must minimize the negative impact of shadows on adjacent open spaces.

The desire for Sunlight Protection for Park and Open Space and other Shadow Sensitive Areas is also in the Downtown Tall Building Vision and Performance Standards Design Guidelines.

The applicant has submitted a Shadow Analysis to show the shadow of the previously approved 32-storey building on the site and the incremental shadow from the current proposal, particularly on the adjacent city park on the north side of St. Joseph.

The applicant was requested to provide an additional shadow analysis in increments of 15 minutes during the September 21 equinox and June 21 solstice. The top of the main building and the mechanical penthouse was stepped back 2 metres to reduce the amount of incremental shadow the new city park and open space on the north side of St. Joseph Street and it was concluded that the additional shadow generated from the current proposal, compared to the previous approval, was minimal.

Shadow on City Park

During the September 21 equinox, the proposed 32-storey building will cast a shadow on the adjacent City Park from approximately 10:30 a.m. to 2:00 p.m. The existing adjacent buildings (44 St. Joseph Street and 1001 Bay Street) cast similar shadows from 9:00 a.m. to 11:00 a.m.

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

Shadow on 44 St. Joseph Street and 1001 Bay Street

The shadow drawings also demonstrated that there would be minimal additional shadow impacts on the building at 44 St. Joseph Street and on the 27th floor amenity space at 1001 Bay Street, which were part of the review for the previous development approval.

Wind Impacts

The applicant submitted a wind study conducted by Gradient Microclimate Engineering Inc. dated December 11, 2012 which tested potential wind impacts through numerous sensors placed in locations surrounding the project on St. Joseph Street, Bay Street and the future park on the north side of St. Joseph. The study concludes that the wind conditions at all tested ground and amenity level areas within and surrounding the

development site are acceptable for the intended pedestrian uses on an annual basis. The results were considered comfortable over many areas and acceptable in all areas for common pedestrian activities classified as sitting, standing and walking. No areas over the study site were found to experience conditions too windy for walking. A comparison of existing vs. future wind conditions revealed that the wind impact of the introduction of the proposed tower would be generally neutral.

University of Toronto Gateway Feature

The proposed development is located just east of the University of Toronto Secondary Plan. City Planning staff have requested a gateway feature into the University of Toronto along St. Joseph Street. City staff, in consultation with the applicant and Ward Councillor will design a gateway with streetscape improvements, as part of the street narrowing along this portion of St. Joseph.

Urban Forestry/Streetscape

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

The streetscape adjacent to the development site will be reinforced and improved through street tree plantings on Bay Street. St. Joseph Street is to be narrowed to provide a larger public boulevard with a streetscape design that will complement the proposed development and the public park on the north side of St. Joseph, and provide a gateway to St. Joseph and the University of Toronto property. The final streetscape design for this corner of Bay Street and St. Joseph Street will be developed as part of the design exercise for the narrowing of St. Joseph Street.

Funds for the gateway feature and streetscape improvements are to be secured within the Section 37 agreement.

Traffic Impact, Access, Parking

Traffic Impact Assessment

A Traffic Study prepared by Cole Engineering dated the November 10, 2011 was submitted and reviewed by Engineering and Construction Services staff. The final residential unit count is equal to or less than that which was assessed in the Traffic Impact Study from Cole Engineering. As a result, the traffic impacts of the project are acceptable.

Access

The existing private and public laneway located on the western edge of the property will provide access to the underground parking garage and entry into a Type "G" space loading space on the ground floor level. Separate residential and commercial garbage areas would be provided adjacent to the loading area. A public laneway is located south of the site and provides access to Bay Street.

City staff is requesting a 1.17 metre wide strip of land to the full extent of the site abutting the easterly limit of the north-south public lane and a triangular corner splay at the southwest corner of the property, as taken from the widened north-south public lane. The applicant will be required to address Engineering and Construction Services staff's concerns with the encroachment of the balconies, the exhaust air shaft and all other building encroachments that extend over the widened public lane system.

The owner is also requested to provide a public access easement over the north-south private lane which runs from St. Joseph.

Parking

A total of 145 vehicular parking spaces are proposed for the proposed development, which is less than the 278 vehicular parking spaces that are required by Transportation Services based on the application of the draft harmonized Zoning By-law and a typically accepted reduction of four resident parking spaces for each car-share parking space that is proposed. A summary of the parking requirements for the project in accordance with the above provisions is shown below.

Parking Requirements In Accordance With Zoning By-law 1156-2010

Use	No. of Units	Applicable Parking Rate ¹		Parking Spaces Required ²	
		Minimum	Maximum	Minimum	Maximum
Residential					
Bachelor Units	120	0.3	0.4	36	48
1 Bedroom Units	235	0.5	0.7	117	164
2 Bedroom Units	70	0.8	1.2	56	84
3 or More Bedroom	33	1.0	1.5	33	49
Visitors	458	0.1	-	45	-
Sub-Total Resident Spaces				242	345
Less Resident Space Reduction for 3 Car-Share Spaces				12	12
Total Resident Spaces				230	333
Total Visitor Spaces				45	-
Plus Proposed Car-Share Spaces				3	3
Grand Total				278	-

¹ No parking is required for the retail component of the project since its Gross Floor Area is less than one times coverage of the lot and is less than 1,500 square metres.

² Rounded down to the nearest whole number as required by Zoning By-law 1156-2010.

The proposed parking supply is approximately 50 percent less than the minimum requirements shown in the above table. In order to support this parking deficiency, a Parking Justification letter was submitted from Cole Engineering. It suggests that the minimum parking rates applied for a proposed development at 365 Church Street more accurately represented the parking demand that will be generated by the project. Transportation Services staff are not able to accept the proposed parking supply since the recommended parking rates result in higher parking requirements, as shown in the table below.

Project Parking Requirements In Accordance With Rates Applied to the 365 Church Street Development Proposal

Use	No. of Units	Applicable Parking Rate	Parking Spaces Required
		Minimum	Minimum
Residential Condominium			
Bachelor Units	120	0.22	26
1 Bedroom Units	235	0.36	85
2 Bedroom Units	70	0.58	41
3 or More Bedroom Units	33	0.76	25
Visitors	458	0.035	16
Sub-Total Resident Spaces			177
Less Resident Space Reduction for 3 Car-Share Spaces			12
Total Resident Spaces			165
Total Visitor Spaces			16
Plus Proposed Car-Share Spaces			3
Grand Total			184

In addition to the above, Transportation Services Staff noted that the rates applied to the 365 Church Street development were based on a proxy site parking utilization study that was completed for 285 Mutual Street. Staff questioned whether this proxy site was an appropriate comparison to the development proposed for this site since a detailed description in this regard was not provided in the parking study from Cole Engineering.

Given the above, unless acceptable documentation is provided which justifies otherwise, Transportation Services staff require that the proposal comply with the parking provisions in Zoning By-law 1156-2010. Car share parking spaces and a maximum of 10% small scarce spaces would be recognized.

Cycling Infrastructure

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

The applicant will be providing the required minimum of 0.8 bicycle parking spaces for residents of the condominium and the required minimum of 0.2 visitor bicycle parking spaces to be located within secure areas within the parking garage. The applicant also proposes 7 retail bicycle parking spaces primarily along the south wall of the building adjacent to the public laneway.

Pedestrian Infrastructure – Weather Protection

The applicant proposes a continuous weather protected canopy with a depth of two metres along the Bay Street frontage. Although a width of 3 metres would have been ideal, the width of the canopy was set at 2 metres by City staff to avoid conflict with the street trees being introduced along this portion of Bay Street in front of the new building. The proposed height of the canopy is approximately 5.4 metres above-grade.

Continuous weather protection is particularly important as it assists in improving microclimate and wind conditions experienced at the pedestrian level.

This area has a high concentration of pedestrians. Wide and clear sidewalks are a key component of City Council's approved Accessibility Plan and the Pedestrian Charter. The proposed pedestrian infrastructure including design, width and location of sidewalks, and the design and location of the canopies will be secured as part of the Site Plan approval.

Servicing

Staff is reviewing the functional servicing report, site servicing plan, grading plan, and stormwater management report prepared by Al Underhill & Associates Ltd. as part of the final Site Plan review to ensure that the existing City infrastructure has adequate capacity to support the development proposal and the drainage on the site meets City standards.

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

Residential Amenity Space

The general Zoning By-law requires 2 square metres of common outdoor and indoor residential amenity space per unit which results in a requirement for 916 square metres of indoor and 916 square metres of outdoor amenity space based on 458 units. The applicant is providing approximately 824 square metres of indoor amenity space and 527 square metres of outdoor amenity space. The proposed indoor amenity space at 1.8 square metres per unit and the proposed outdoor amenity space at 1.15 square metres per unit is less than the by-law requirement. The indoor amenity space has been designed to

provide a mix of amenity functions, including meeting rooms, lounge area and recreation rooms in different locations within the building and should provide sufficient indoor amenity space for the residents.

The amount of outdoor amenity space proposed is acceptable given the site conditions. A quality outdoor amenity area with a pool, lounge area, yoga stretch areas has been provided on the roof of the 14-storey portion of the building.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1020-2010.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The amount of the cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

On October 27, 2009, City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The applicant has indicated that the proposed development is intended to meet many of the performance targets related to air, energy, water, solid waste, and ecology.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure and Cycling Infrastructure.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37 – Community Benefits

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. The community benefits recommended to be secured in the Section 37 agreement are as follows:

- i) Prior to the issuance of the first above-grade building permit, pay to the City the sum of \$4,000,000, consisting of \$3,600,000 to be allocated to area park improvements and to local area streetscape improvements, including the narrowing of St. Joseph Street and \$400,000 to be allocated to capital improvements for local Toronto Community Housing buildings.
- ii) Prior to the issuance of the first above grade building permit the owner shall make a Public Art Contribution of a maximum of \$500,000 for the “gateway” to St. Joseph Street;
- iii) Require that the cash amounts identified in (i) and (ii) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.

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

- iv) A minimum of 33, 3-Bedroom Units, or 7% of all units, will be 3 bedroom units or at an average size of 950 sq. ft.;
- v) The owner shall transfer a right-of-way in the nature of an easement in favour of the City, at no cost to the City, to enter in, over, upon and along the north-south private lane which runs from St. Joseph Street;
- vi) The owner shall convey to the City for a nominal sum:
 - (i) A 1.17 metre wide strip of land to the full extent of the site abutting the easterly limit of the north-south public lane to the satisfaction of the Executive Director, Engineering and Construction Services; and
 - (ii) A triangular corner splay at the southwest corner of the property, as taken from the widened north-south public lane, to the satisfaction of the Executive Director, Engineering and Construction Services;

Tenure

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

Conclusion

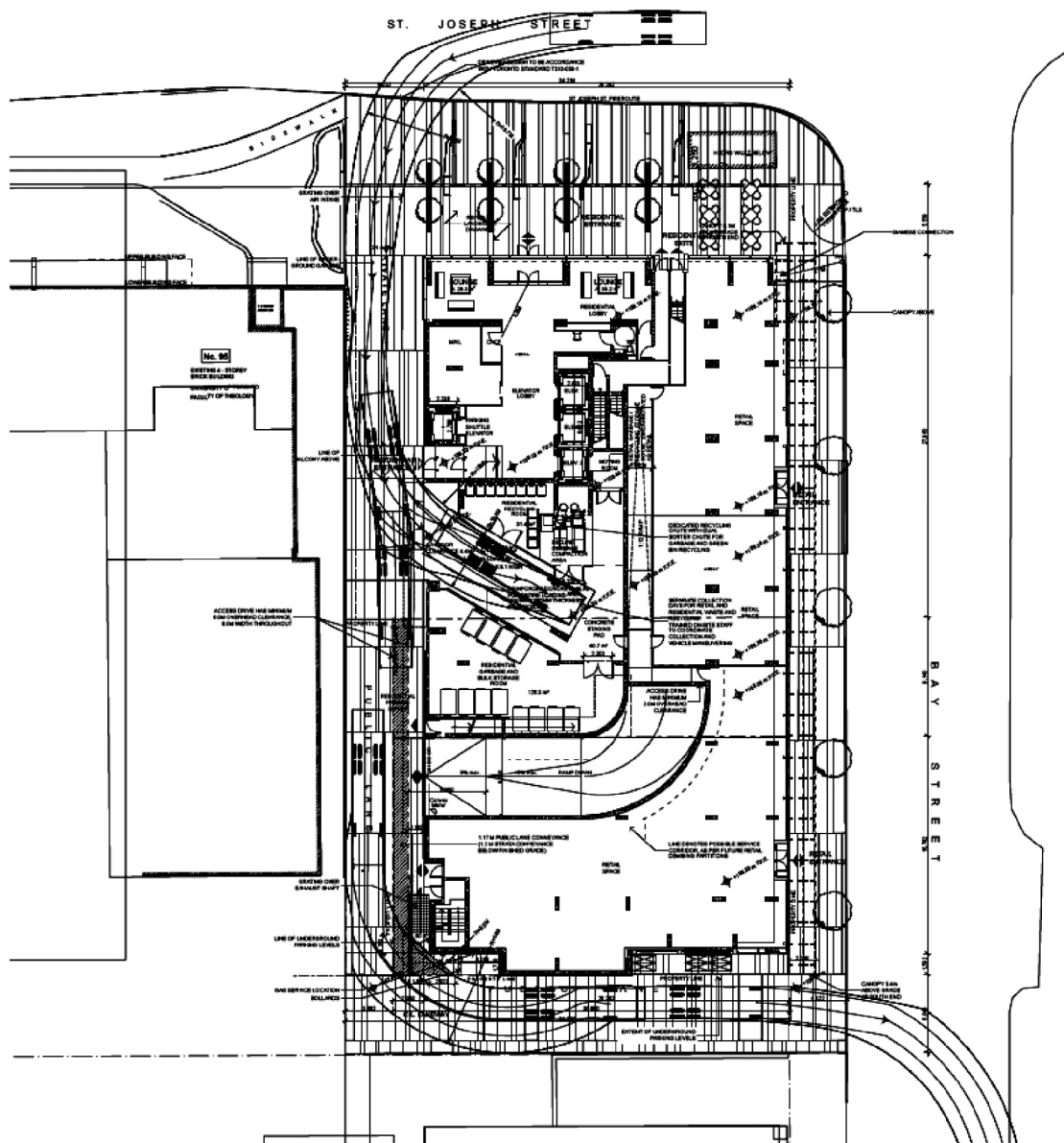
City Planning is supportive of the proposed development and the required Zoning By-law amendment, on a settlement basis, subject to the conditions in the recommendations section of the report from City Legal. The proposal represents an appropriate redevelopment on a parcel on Bay Street that is large enough to accommodate additional density and height. The building has been located and massed to be compatible with the adjacent buildings and to mitigate negative impacts on sky views, shadow, distance separation and wind.

As mentioned, a Site Plan Control Approval application has been submitted for the proposed development, which has also been appealed to the Ontario Municipal Board. The site plan drawings have been reviewed by the appropriate divisions and agencies. The applicant is in the process of addressing the various comments and another circulation of the site plan application is required. Staff is requesting that Council provide authorization to the City Solicitor, and other appropriate staff to finalize the site plan drawings and execute all necessary agreements and documents.

CONTACT

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City Planning Division
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Fax No. 416-392-1330
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Attachment 2: Site Plan



Site Plan

984, 990 and 1000 Bay Street

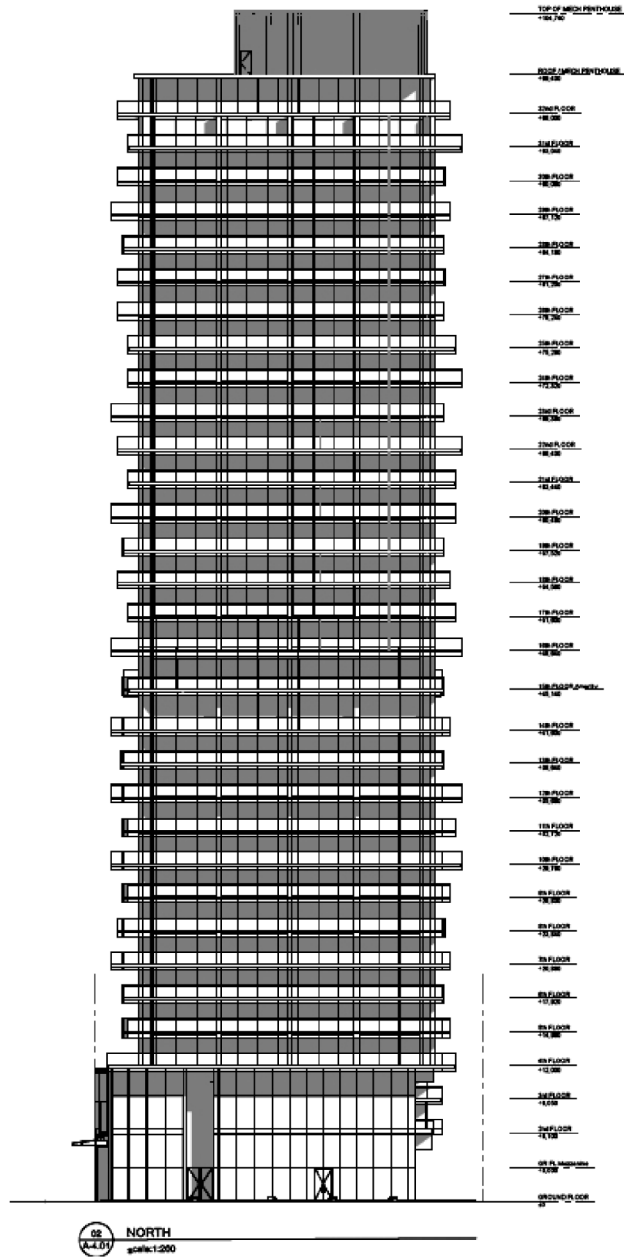
Applicant's Submitted Drawing

Not to Scale
02/05/2013



File # 11_318491_02

Attachment 3: North Elevation



North Elevation

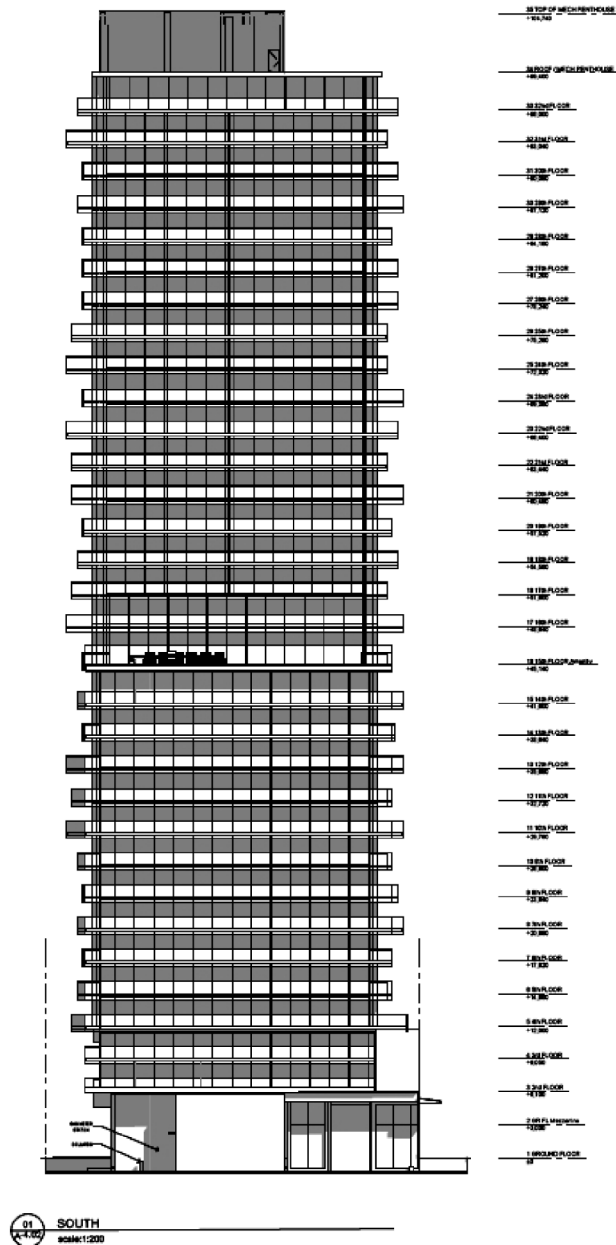
Applicant's Submitted Drawing

Not to Scale
02/05/2013

984, 990 and 1000 Bay Street

File # 11_318491_02

Attachment 4: South Elevation



South Elevation

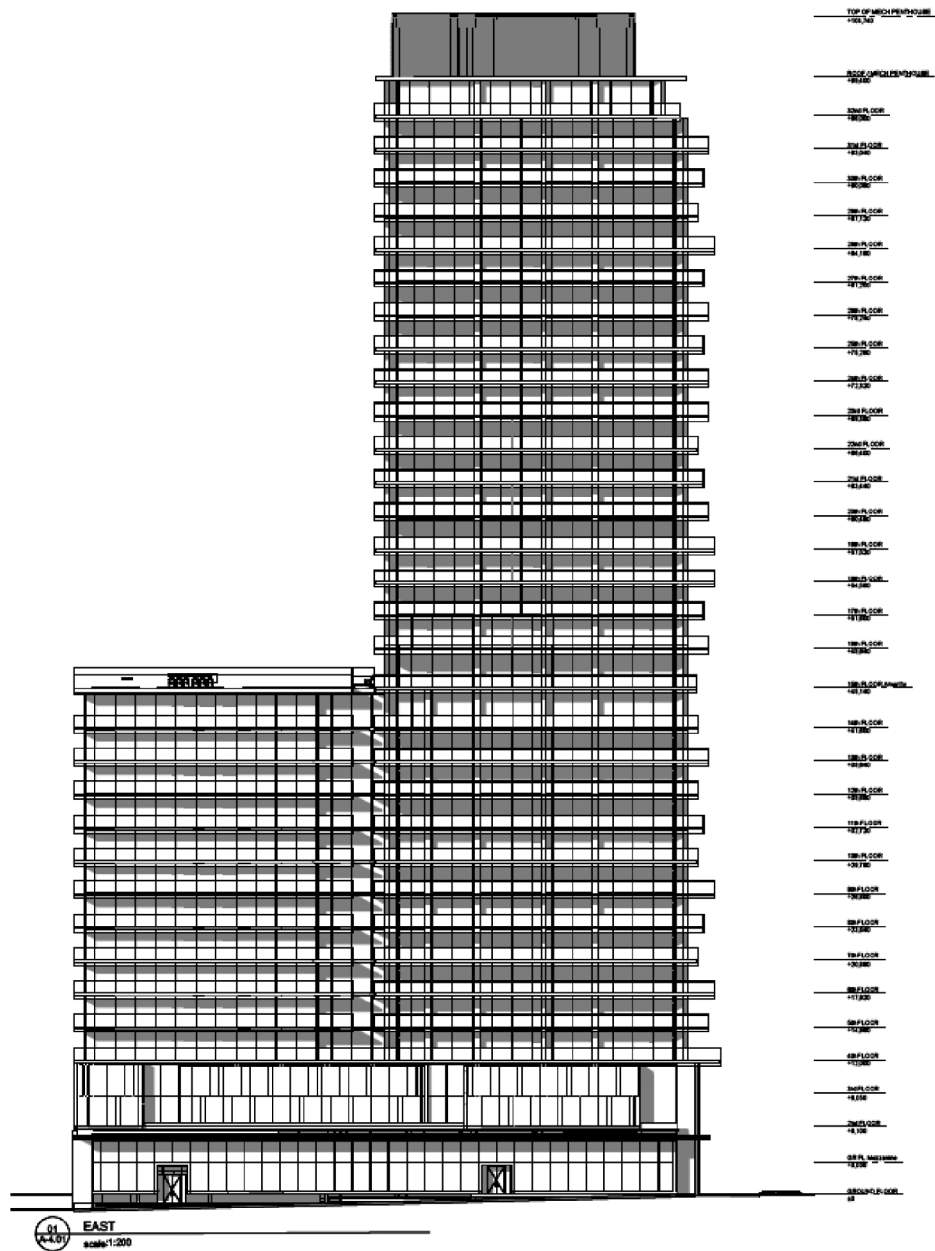
Applicant's Submitted Drawing

Not to Scale
02/05/2013

984, 990 and 1000 Bay Street

File # 11_318491_02

Attachment 5: East Elevation



East Elevation

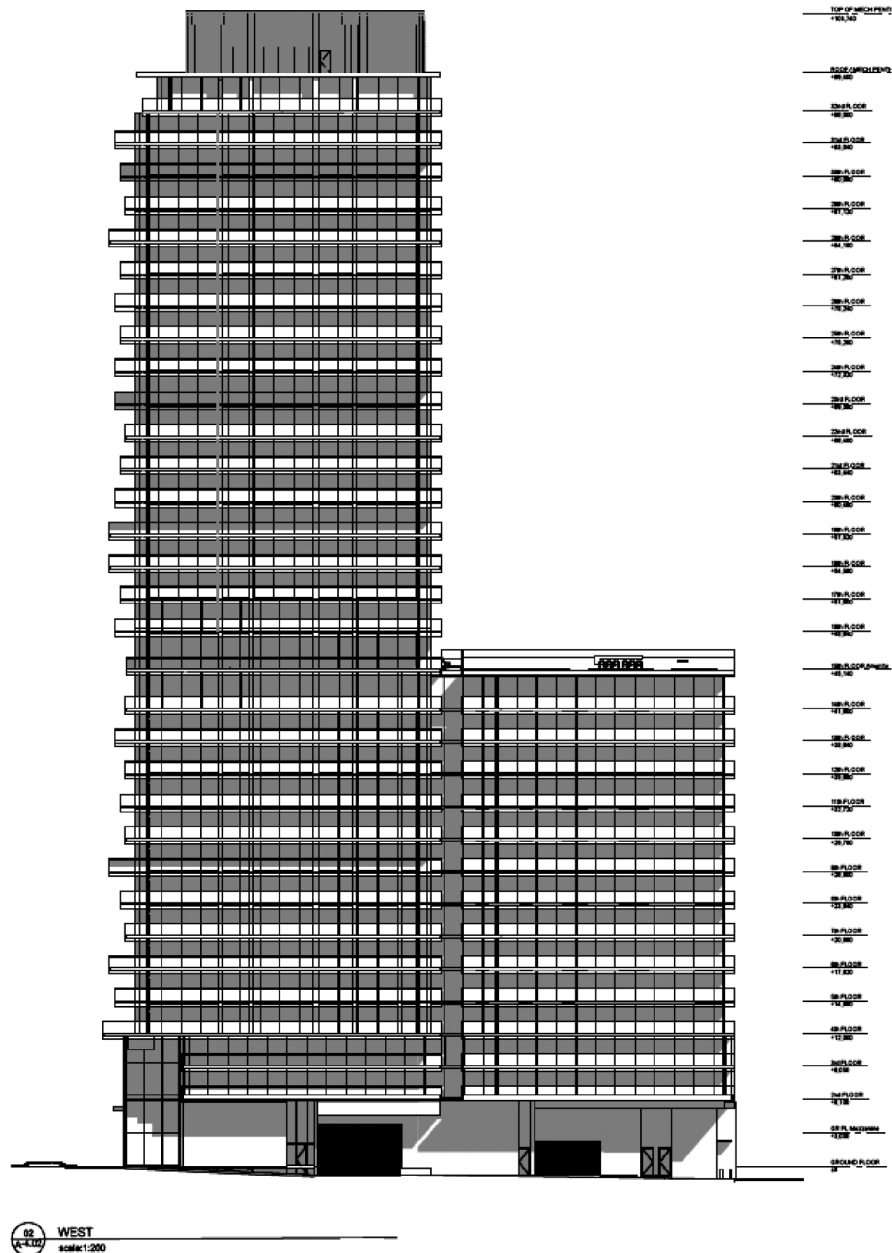
Applicant's Submitted Drawing

Not to Scale
02/05/2013

984, 990 and 1000 Bay Street

File # 11_318491_02

Attachment 6: West Elevation



West Elevation

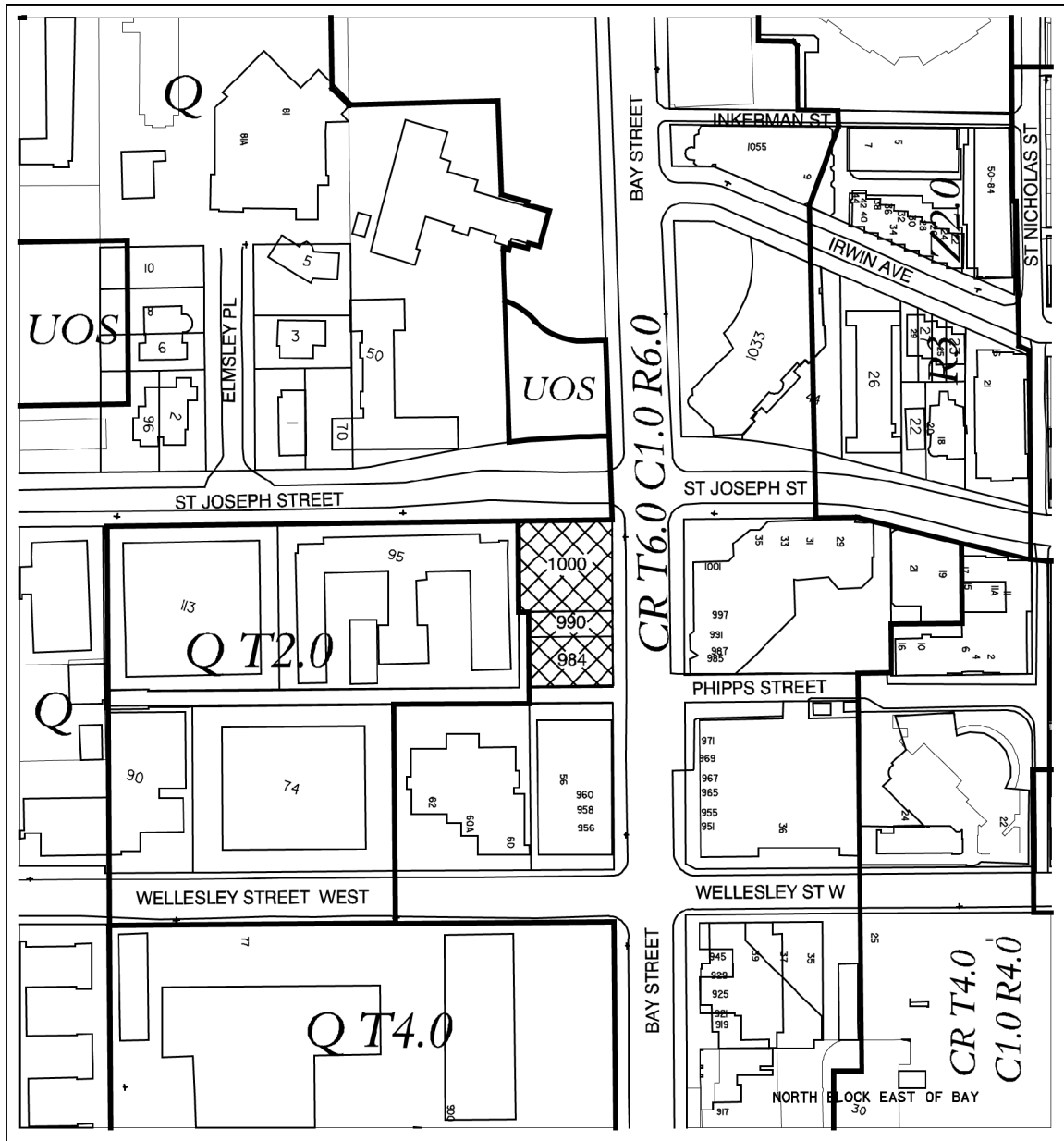
Applicant's Submitted Drawing

Not to Scale
02/05/2013

984, 990 and 1000 Bay Street

File # 11_318491_02

Attachment 7: Existing Zoning



Toronto City Planning
Zoning

984, 990 and 1000 Bay Street

File # 11_318491_02

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



Not to Scale
Zoning By-law 438-86 as amended
Extracted 01/15/2013

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	11 318491 STE 27 OZ
Details	Rezoning, Standard	Application Date:	November 30, 2011

Municipal Address:	984, 990 and 1000 BAY ST
Location Description:	PLAN 891 PT LOTS F & G **GRID S2707
Project Description:	REZONING APPLICATION HAS BEEN APPEALED TO THE OMB. Proposal is for a 32-storey residential tower with ground floor retail. A total of 458 dwelling units and a minimum 145 parking spaces. Associated Site Plan Application 12 246492 STE 27 SA.

Applicant:	Agent:	Architect:	Owner:
Airdberlis	Bousfields Inc.	aA architectsAlliance	2302686 Ontario Limited, 990 Bay Street Limited, 1000 Bay Street Limited

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Y
Zoning:	1009-2010 T6.0 C1.0 R6.0	Historical Status:	N
Height Limit (m):	102 and 46 metres	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1988.7	Height:	Storeys:	32
Frontage (m):	61.03		Metres:	104.74 metres including the mechanical room
Depth (m):	34.2			
Total Ground Floor Area (sq. m):	1538.9			Total
Total Residential GFA (sq. m):	25788		Parking Spaces:	145
Total Non-Residential GFA (sq. m):	662		Loading Docks	1
Total GFA (sq. m):	26450			
Floor Space Index:	13.3			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	120 (26.2%)
1 Bedroom:	235 (51.3 %)
2 Bedroom:	70 (15.3 %)
3 + Bedroom:	33 (7.2 %)
Total Units:	458

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade
Residential GFA (sq. m):	25788
Retail GFA (sq. m):	662

CONTACT:	PLANNER NAME:	Mark Chlon, Senior Planner
	TELEPHONE:	416-397-1761
	EMAIL:	mchlon@toronto.ca