

141 Bay Street - Zoning Amendment Application - Preliminary Report

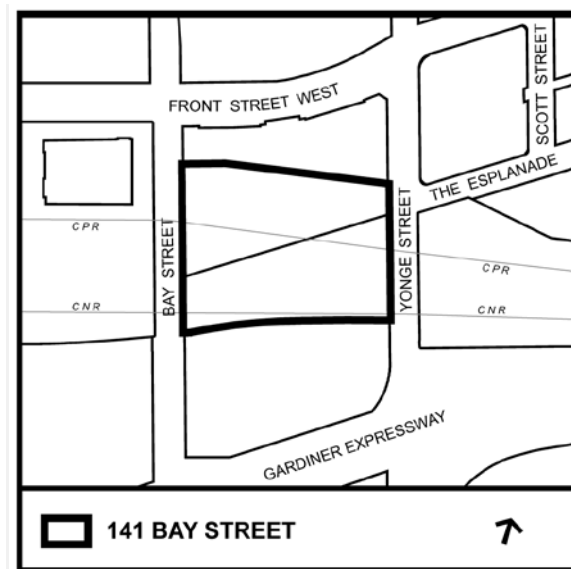
Date:	October 22, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	15 208844 STE 28 OZ

SUMMARY

This application proposes to permit a 58-storey (265 metre high) office development including a 7-storey base building and 440 parking spaces in a 5-level underground garage. The site includes 141 Bay Street and a partial overhang above the rail corridor.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process.

The next step is to conduct a community consultation meeting to allow the public to review the application and provide feedback. This meeting is expected to take place in the first quarter of 2016. A final report is targeted for the second half of 2016. The target date for the final report assumes that the applicant will provide all required information in a timely manner.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 141 Bay Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

This proposal is the second phase of a two phase, two-tower office development that includes the properties at 45 Bay Street and 141 Bay Street as well as a connecting elevated privately-owned and publicly-accessible open space over the rail corridor that connects to both buildings.

The first phase of the development at 45 Bay Street is a 48-storey office building and includes a new GO bus terminal proposed at the podium level to replace the existing GO bus terminal currently located at 141 Bay Street. The proposed development at 45 Bay Street also involves an overbuild over the railway for a publicly accessible open space, new PATH connections and an area for a potential LRT station for the future East Bayfront LRT.

At its meeting of January 28, 2015, the Committee of Adjustment granted the necessary variance to permit the construction of the proposed office building at 45 Bay Street, a railway overbuild to permit publicly accessible open space above the rail corridor and a small building at 141 Bay Street that will give access to the publicly accessible open space from the north side of the rail corridor (file Nos. A1039/14TEY and A1040/14/TEY). The Committee of Adjustment decision included the requirement for the applicant to enter into an agreement with the City pursuant to Section 45 of the Planning Act to secure the platform for a potential LRT station for the future East Bayfront LRT. There were no appeals to the decisions.

At its meeting on June 10-12, 2015, City Council approved an application to remove the Holding Symbol (h) from a portion of the lands at 45 Bay Street to permit the development. This proposal is currently the subject of a site plan application (file No. 14 229173 STE 28 SA).

Pre-Application Consultation

A number of pre-application consultation meetings regarding both the 45 Bay Street and 141 Bay Street components of this project were held in 2014 and 2015 with the applicant to discuss complete application submission requirements as well as various other issues related to the East

Bayfront LRT, the GO bus terminal, tower setback to the building at 1 Front Street West, and potential PATH connections.

ISSUE BACKGROUND

Proposal

The second phase of the development is located at 141 Bay Street and is the subject of this development application. The proposal at 141 Bay Street is for a 54-storey office building (58 storeys including mechanical penthouse) including a 7-storey base building. It includes 131,622 square metres of office space and 4,450 square metres of retail and amenity space at grade and on the fourth floor.

The gross floor area of the tower floor plate is 2,398 square metres at the lower levels of the tower up to 2,633 square metres at the upper levels. The tower is setback approximately 19 metres from Bay Street, 77 metres from Yonge Street, and 6 metres from the north property line. The proposal overhangs the rail corridor south of 141 Bay Street by approximately 7-10 metres. The applicant has entered into an agreement with Metrolinx for air rights above the rail corridor.

In 1996, an Ontario Municipal Board settlement was approved, permitting a tower with a height of 137 metres on the Dominion Public Building at 1 Front Street West which is located immediately north of the subject site. The proposed tower would be located 12 metres from the approved but never built tower at 1 Front Street West.

The main pedestrian access to the office building is proposed along Bay Street. A stairway and elevator access to the elevated greenspace is proposed along Bay Street on the 141 Bay Street property as part of the 45 Bay Street development application. Pedestrian access to the 5 retail units proposed on the east portion of the site would be accessed from the north side of the base building along the adjacent private laneway. Parking and loading access is proposed on the eastern portion of the site from Yonge Street.

The proposal includes two new privately-owned publicly-accessible spaces at ground-level located at opposite ends of the site. The open space at the west end of the site along Bay Street is located outside the main lobby of the office building and is proposed to include a canopy at the 5th floor that ties in to the design of the 45 Bay Street building (phase 1). The open space proposed at the east end of the site would be located along Yonge Street east of the proposed retail uses along the laneway.

The applicant is proposing to build a new PATH connection to Union Station. The connection would be located on the second floor of the west side of the proposed building extending over Bay Street to connect to Union Station. The proposal is also protecting for a PATH connection on the east side of the building which would extend from the second floor of the base building, across Yonge Street and connect with the nearly completed Backstage Condominium at 1-7 The Esplanade [File nos. 08-223450 STE 28 OZ (Zoning) and 08-231943 STE 28 OZ (OPA)]. The interior portion of the PATH connection through the Backstage Condominium has been built. It extends through the base building eastward from Yonge Street to allow for a future connection to the municipal public parking garage at 2 Church Street.

There are 440 car parking spaces proposed in 5 levels of underground parking. In addition, the applicant is proposing 9 loading spaces located on the second floor of the underground garage. The parking and loading is proposed to be accessed from Yonge Street. There is a shared private laneway between 141 Bay Street and 1 Front Street West which is proposed to be used for emergency access to 141 Bay Street and for pick-up and drop-off activities. The application also includes 536 bicycle parking spaces of which 263 will be for occupants of the building and 273 for visitors.

Site and Surrounding Area

The property at 141 Bay Street is located between Yonge Street and Bay Street, south of the Dominion Public Building at 1 Front Street West and north of the CNR Rail corridor. The GO bus terminal is currently located at 141 Bay Street. A portion of the office tower as well as an extension of the approved elevated open space will cantilever over the rail corridor.

The 141 Bay Street portion of the site is rectangular and relatively flat. It has an area of 6,936 square metres with a frontage of 39 metres on Bay Street and 44 metres on Yonge Street. The length of the site between Yonge Street and Bay Street is approximately 171 metres. The portion of the site within the rail corridor begins at a height of approximately 10 metres above track level. The air rights cover an area of 15,584 square metres.

North: The Dominion Public Building is located north of the site at 1 Front Street West. There is a shared private laneway between 141 Bay Street and 1 Front Street West.

South: The CNR Rail corridor is located to the north of the 141 Bay Street portion of the site. Beyond the rail corridor is the related proposal at 45 Bay Street (phase 1) for a 48-storey office building including a railway overbuild to create publicly accessible open space above the rail corridor. A residential condominium is located at 18 Yonge Street, which is just east of the proposed office building.

East: To the east of the site is Yonge Street. There are currently two developments nearing completion on the east side of Yonge Street. The L-Tower on the northeast corner of Yonge Street and The Esplanade is a 57-storey residential condominium and The Backstage is a 36-storey residential condominium project on the southeast corner of Yonge Street and The Esplanade.

West: Bay Street is located to the west of the site. Union Station is located on the west side of Bay Street.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided

that provincial interests are upheld. 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is located within the *Downtown and Central Waterfront* area on Map 2 – Urban Structure in the Official Plan and within the *Financial District* area on Map 6 – Downtown and Central Waterfront Boundaries. The site is designated *Mixed Use Areas* and *Utility Corridors* on Map 18 – Land Use Plan. The site is also located in within the Railway Lands East Secondary Plan.

Chapter Two of the Official Plan – Shaping the City, states that the *Downtown* area offers opportunities for substantial employment and residential growth. It is the most accessible business location in the GTA and the largest employment centre in the region. The Official Plan states that the *Downtown* will accommodate development that builds on the strength of the *Downtown* as the premier employment centre in the GTA and focuses on the *Financial District* as the prime location for the development of prestige commercial office buildings and landmark buildings that shape the skyline.

The *Mixed Use Areas* designation permits a range of land uses including retail, offices, institutions and parks and open space. Development in *Mixed Use Areas* is required to: create a balance of high quality commercial, residential, institutional and open spaces that reduce the need for automobile dependency; provide new jobs and homes for Toronto's growing population on underutilized lands and the *Downtown*; create and sustain well paid, stable, safe and fulfilling employment opportunities; take advantage of nearby transit; and provide an attractive, comfortable and safe pedestrian environment.

The *Utility Corridor* designation states that rail corridors are primarily used for the movement of people and goods. Development or redevelopment of lands nearby or adjacent to *Utility Corridors* will protect for access to potential bicycle and pedestrian trails or parks and open spaces and screen and secure the property edge through such measures and setbacks, fencing, site grading, berms, landscaping, building treatment and construction techniques.

The site is also located in the Railway Lands East Secondary Plan area which covers the eastern segment of the downtown railway lands, generally from John Street to Yonge Street and Front Street West south to Lakeshore Boulevard. The Secondary Plan identifies area-specific policies and objectives regarding Building Form, Housing, Open Spaces, Community Facilities, Heritage, Transportation and Environment. The 141 Bay Street site is located within *Mixed Use Area A*

and *Precinct 1* on Maps 17-2 – Land Use Map, and Map 17-5 – Precincts Plan. The Secondary Plan states that the *Mixed Use Areas 'A'* designation permits commercial office uses and will be regarded as a commercial extension of the Financial District.

The Secondary Plan also states that proposals for decking and/or building over the rail tracks in the areas designated Utility Corridors not including Utility Corridor 'A' (Union Station) will be considered and by-laws may be passed to permit development over the rail tracks in this area provided that: the capacity and safety of train operations is not reduced; future flexibility for improvements to the track system is not reduced; environmental concerns have been addressed; and the primary objective of the rail corridor and Union Station, which is the effective, safe and efficient provision of rail transportation services, will not be compromised.

Zoning

The site is located within the Railway Lands East Area 'A' Zoning By-law No. 168-93. The 141 Bay Street portion of the site is designated as h (CR Block 1). This zoning designation permits a wide variety of uses including office and retail uses. The zoning by-law allows for a maximum height of 137 metres and a maximum density of 8 times the site area. Due to the Holding Symbol ('h'), the uses permitted at 141 Bay Street are temporarily limited to railway, public facility, transportation, and temporary construction uses. The Railway Lands East Area Secondary Plan includes a number of conditions that must be met in order to remove the holding symbol including the submission of a precinct plan, environmental report, and a development concept plan as well as entering into an environmental agreement and a precinct agreement with the City.

The rail corridor portion of the site is zoned T which permits only railway and public uses. Public uses are identified as a waterworks plant, pumping station, transit line, train station, and pedestrian walkway.

Site Plan Control

This site and application are subject to Site Plan Control. An application for Site Plan Control has not been submitted but will be required.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

TOcore

On May 13, 2014, Toronto and East York Community Council considered a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'. These reports along with additional information are available on the study website at: www.toronto.ca/tocore

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary infrastructure to remain a great place to live, work, learn and play. TOcore is in its initial 'taking stock' phase, which involves an analysis of existing conditions, growth trends and priority issues in the Downtown. The study team will be reporting back to TEYCC by the end of 2015 on the results of Phase One and the priorities for Phase Two, "Planning and Analysis". The review of this application will be informed by the issues being considered under TOcore.

Heritage Preservation

The site is located in the Union Station Heritage Conservation District and is adjacent to significant heritage buildings including Union Station and the Canada Dominion Building. In addition, the proposal includes a PATH connection from the proposed development directly into Union Station. The applicant has submitted a Heritage Impact Assessment which is under review by Heritage Preservation staff.

Tree Preservation

The applicant has submitted a tree preservation plan in support of the application. There are 33 trees located on the 141 Bay Street site. None of these trees are large enough to be protected under the City of Toronto Private Tree By-law and are proposed to be removed to accommodate the proposed development. There are three trees located in the public right-of-way adjacent to the south west portion of the site. All are proposed to be removed. Urban Forestry staff are reviewing the request to remove the trees and have requested additional information from the applicant. The owner will be required to obtain the necessary permits and submit a satisfactory replanting plan prior to the removal of any protected trees.

Reasons for the Application

The zoning by-law amendment application is required to permit the proposed 58-storey mixed-use development and establish the appropriate development standards. Significant changes to the zoning by-law include allowing commercial uses in the utility corridor, increasing the permitted height from 137 metres to 265 metres, and increasing the maximum permitted density from 8 to 15.9 times lot coverage. The zoning by-law amendment application is also required to remove the Holding Symbol ('h').

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Urban Design Analysis and Planning Rationale
- Sun-Shadow Study
- Digital Building Mass Model
- Green Development Standards Checklist
- Archaeological Assessment
- Heritage Impact Assessment
- Combined Natural Heritage Impact Study and Arborist/Tree Preservation Report

- Pedestrian Level Wind Study
- Preliminary Wind Tunnel Report
- Snow Drift Study
- Air Quality Study
- Noise Impact Study
- Vibration Study
- Urban Transportation Considerations
- Functional Servicing and Stormwater Management Report
- Report on Geotechnical Investigation
- Phase One Environmental Site Assessment
- Limited Phase Two Environmental Site Assessment
- Pedestrian Flow Study

A Notification of Complete Application was issued on September 21, 2015. Although it is not a complete application submission requirement of the Planning Act and the Toronto Official Plan, a Rail Corridor Exhaust and Ventilation Study is required to be submitted by the applicant in order for City staff to complete the assessment of this application.

Issues to be Resolved

The following issues are to be addressed through the review of this application:

- consistency with the PPS and the Growth Plan for the Greater Golden Horseshoe;
- consistency with Official Plan policies including the Railway Lands East Secondary Plan;
- heritage issues including:
 - consistency with the policies of the Union Station Heritage Conservation District;
 - the proposed PATH connection to Union Station;
 - impacts on surrounding heritage buildings including Union Station and the Dominion Public Building at 1 Front Street West; and
 - impacts related to the Union Station Train Shed;
- identification and mitigation of any negative transportation impacts resulting from the proposed development;
- location and size of the ground level privately-owned publicly-accessible amenity areas;
- location and configuration of a potential at-grade pedestrian connection between Yonge Street and Bay Street;
- improvements to the public realm including sidewalks and other pedestrian spaces;
- capacity of the existing sanitary servicing to accommodate the proposed development;

- separation distance between the proposed tower and the existing zoning permissions for a 137 metre high tower at 1 Front Street West;
- shadow impacts on the surrounding area including Berczy Park; and
- identification and securing of public benefits pursuant of Section 37 of the Planning Act should the proposal be approved.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

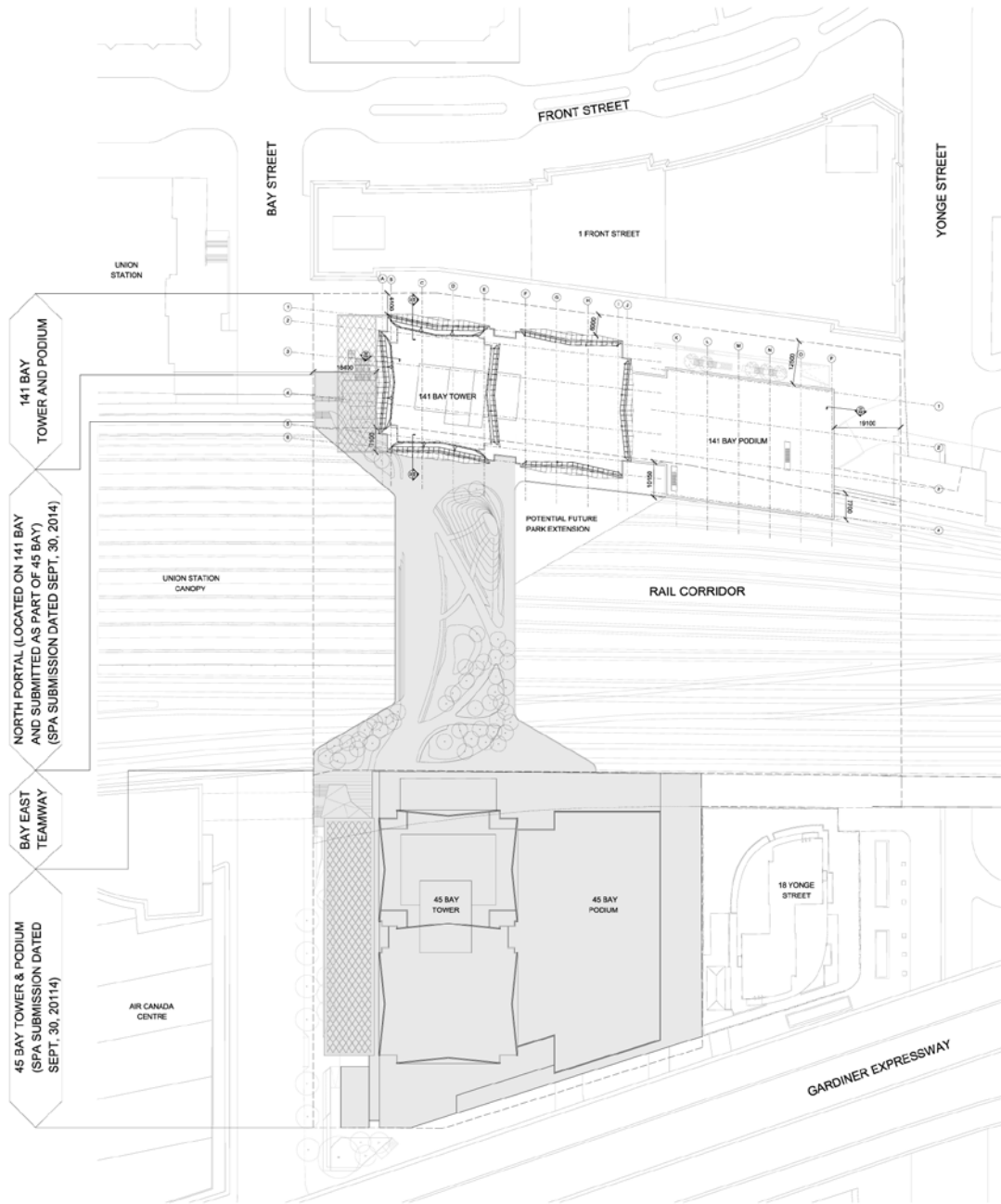
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS


- Attachment 1: Site Plan
- Attachment 2: East and West Elevations
- Attachment 3: North Elevation
- Attachment 4: South Elevation
- Attachment 5: Zoning
- Attachment 6: Application Data Sheet

Attachment 1: Site Plan



Site Plan

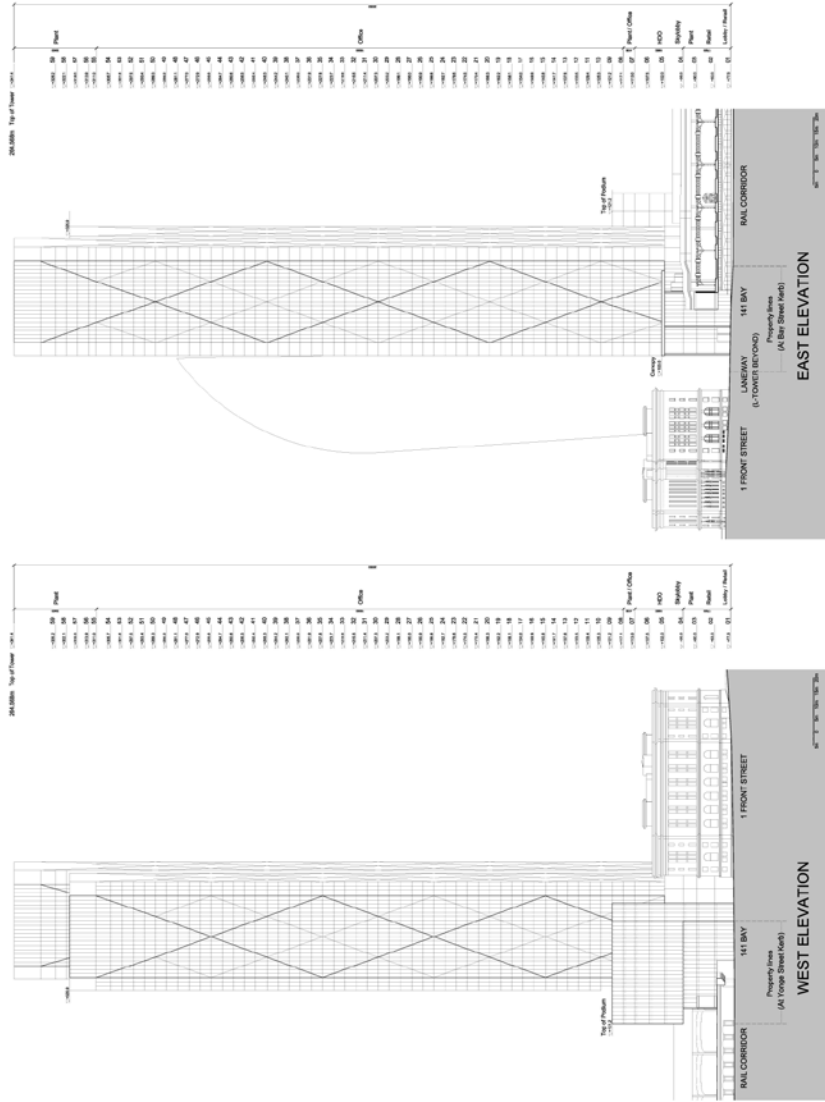
Applicant's Submitted Drawing

Not to Scale 
10/05/2015

141 Bay Street

File # 15_208844 STE 28 0Z

Attachment 2: East and West Elevations



Elevations

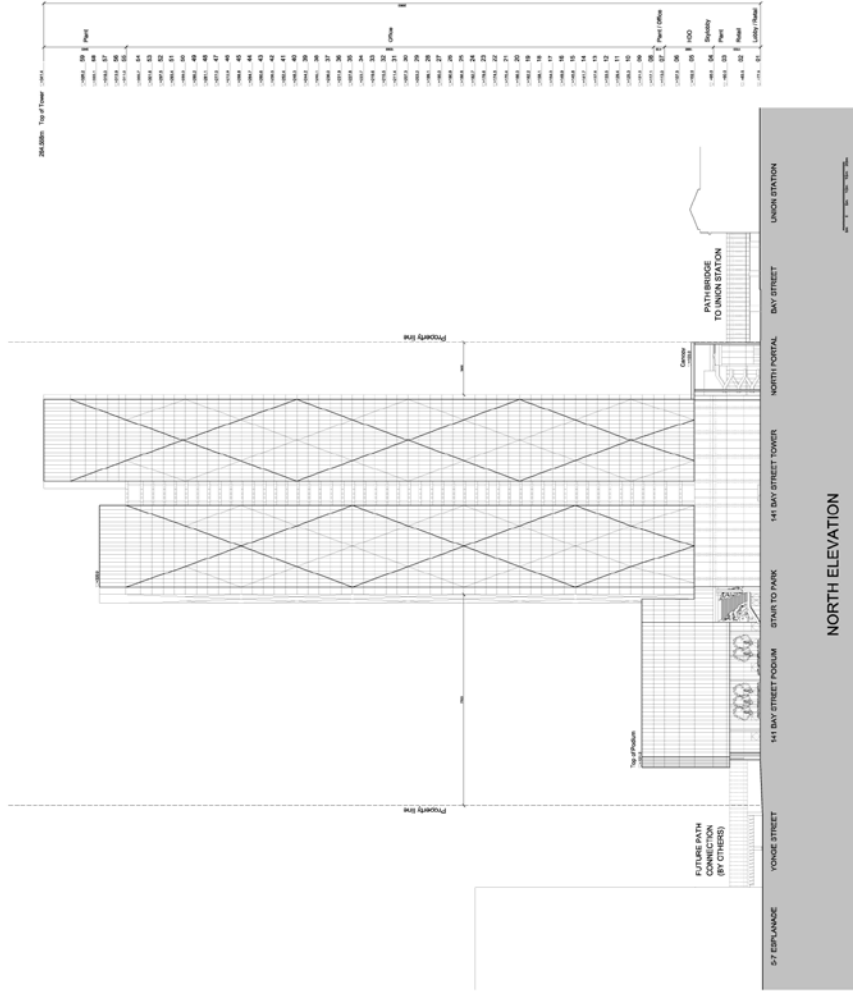
Applicant's Submitted Drawing

Not to Scale
05/10/2015

141 Bay Street

File # 15 208844 STE 28 0Z

Attachment 3: North Elevation



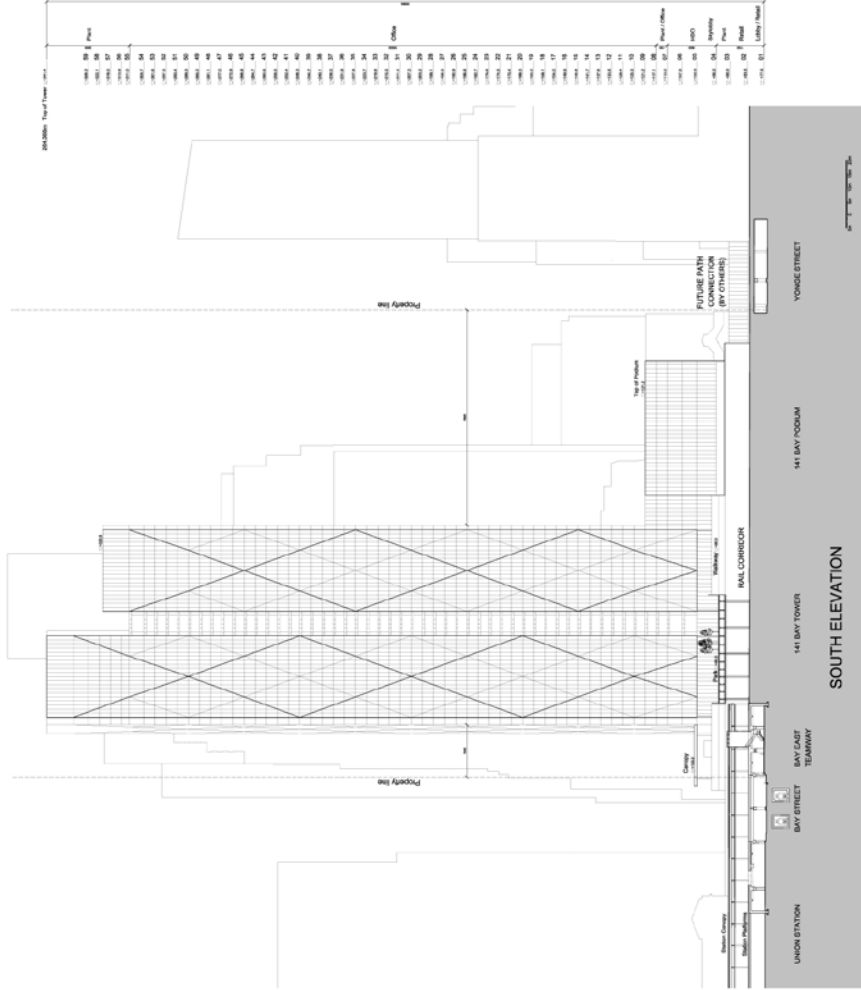
141 Bay Street

Elevations

File # 15 208844 STE 28 0Z

Applicant's Submitted Drawing
 Not to Scale
 05/10/2015

Attachment 4: South Elevation



141 Bay Street

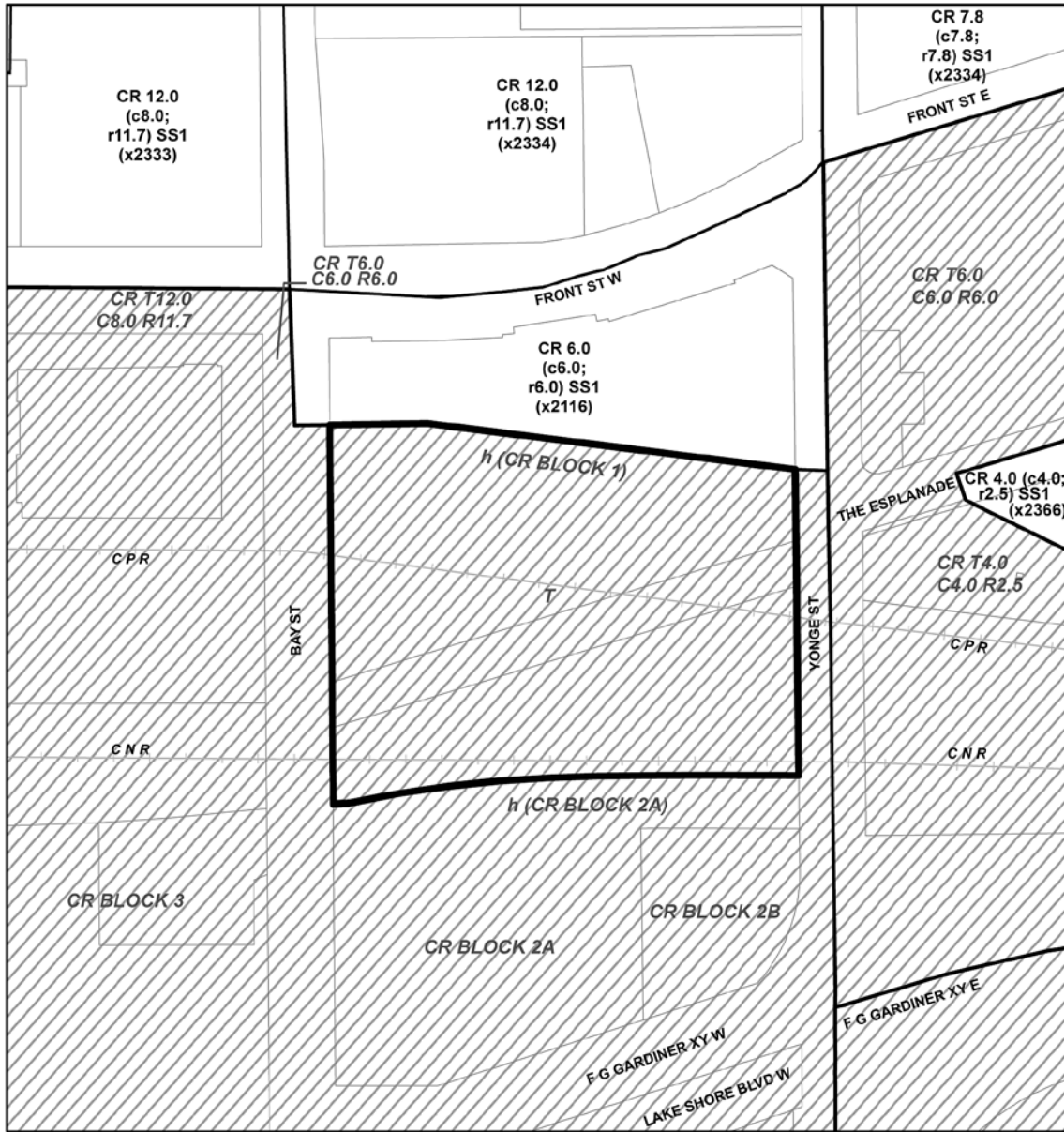
File # 15 208844 STE 28 0Z

Elevations

Applicant's Submitted Drawing

Not to Scale
05/10/2015

Attachment 5: Zoning



Zoning By-law 569-2013

141 Bay Street
File # 15 208844 STE 28 0Z

Location of Application
CR Commercial Residential

See Former City of Toronto Bylaw No. 438-86
CR Mixed-Use District
T Industrial District

Not to Scale
Extracted: 10/15/2015

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	15 208844 STE 28 OZ
Details	Rezoning, Standard	Application Date:	August 18, 2015
Municipal Address:	141 BAY ST		
Location Description:	PLAN 12164 PT LOTS 12 TO 14 RP 64R16698 PARTS 1 TO 4 **GRID S2811		
Project Description:	The proposed development at 141 Bay Street and a portion of the adjoining Metrolinx Downtown Rail Corridor is for a 58-storey (265 metre high) office development including a 7-storey base building with retail and amenity uses on the first and fourth floors and 440 parking spaces in a 5 level underground garage.		

Applicant:	Agent:	Architect:	Owner:
FRANK LEWINBERG	FRANK LEWINBERG – URBAN STRATEGIES	WILKINSON EYRE ADAMSON AND ASSOCIATES	GREATER TORONTO TRANSIT AUTHORITY

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Railway Lands East Secondary Plan
Zoning:	T	Historical Status:	
Height Limit (m):	15	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	22,520	Height:	Storeys:	54
Frontage (m):	38.98		Metres:	264
Depth (m):	171.53			
Total Ground Floor Area (sq. m):	2,565			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	440
Total Non-Residential GFA (sq. m):	136,072		Loading Docks	9
Total GFA (sq. m):	136,072			
Lot Coverage Ratio (%):	11			
Floor Space Index:	6			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	4,450	0
1 Bedroom:	0	Office GFA (sq. m):	131,622	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

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