SUMMARY

This application proposes five-storey additions to both office towers at the Atrium on Bay known municipally as 595 Bay Street and 306 Yonge Street.

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.

Next steps for the project include the scheduling of a community consultation meeting and determination of the applications completeness. A final report is targeted for the fourth quarter of 2013. This target assumes the applicant responding to Staff concerns and providing 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 595 Bay Street and 306 Yonge 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 under the Planning Act.

**Financial Impact**
The recommendations in this report have no financial impact.

**DECISION HISTORY**
On May 30, 2012 the Committee of Adjustment heard an application for an addition to the Atrium on Bay that consisted of adding four storeys to each tower and an addition on Bay Street. The following variances were sought to implement the project:

1. **Section 4 (C) By-law 522-79, as amended by By-Law 428-82**
   The maximum permitted non-residential gross floor area is 100,557 m²
   Committee of Adjustment Decision A0880/05TEY permitted the existing non-residential gross floor area of 106,545.21 m². The proposed non-residential gross floor area of the altered building is 122,213.5 m².

2. **Section 10 (a) (i), By-law 522-79**
   No building or structure shall be erected or used above grade unless such building is setback at least 4.6 m from the Bay Street lot line from a minimum height of 2.7 m above grade. The proposed building is 0.15 m and 0.0 m from the lot line at the ground and second floors, respectively.

3. **Section 10 (a) (ii), By-law 522-79**
   No building or structure shall be erected or used above grade unless such building is 7.6 m from the Bay Street lot line for a minimum height of 2.7 m above grade. The altered building is 0.0 m from the Bay Street lot line.

4. **Section 12 (2) 260 (ii), By-law 438-86**
   No building on Yonge Street which penetrates an angular plane of 44° at a base height of 16 m above grade at the lot line is permitted. The altered building penetrates the angular plane as projected along Yonge Street.

5. **Section 12 (2) 260 (ii), By-law 438-86**
   No building on Bay Street which penetrates an angular plane of 60 at a base height of 34 m above grade is permitted. The altered building penetrates the angular plane as projected along Bay Street.

The Committee of Adjustment approved the minor variances. Subsequently the decision of the Committee of Adjustment was appealed to the Ontario Municipal Board by neighbouring residents. A pre-hearing was held on December 11, 2012. The applicant has advised Staff that at the pre-hearing the Board was advised that they wished to add more GFA to their application and did not want the Committee of Adjustment appeal to proceed to a hearing.
The Board, therefore, upheld the appeal and the variances were refused, sending the matter back to the City to be pursued as a Zoning Amendment Application.

**Pre-Application Consultation**

Pre-application meetings were held for the initial Site Plan Application and Committee of Adjustment Application on February 17, 2012. No pre-application meetings were held for the Zoning By-law Amendment Application.

**ISSUE BACKGROUND**

**Proposal**

The applicant is proposing five storey additions to each of the office towers at the Atrium on Bay. The mechanical penthouses for the project are proposed to be wrapped by commercial office space. The proposed tower heights are 19 storeys (75.65 metres, Yonge Street Side) and 18 Storeys (78.95 metres, Bay Street Side). The total gross floor area proposed for the development is 132,816 square metres. The applicant is proposing an addition on the Bay Street frontage which will bring the Atrium on Bay out to the lot line, removing the split stair cases that current exist on that frontage. Pedestrians will still be able to traverse this space through the addition. The reclaimed GFA for the area will be used for a better PATH connection and expanded retail space. Two new elevator cores are proposed for the building and the existing escalators and pools are proposed to be relocated. Car parking and Bicycle parking are not proposed to be changed as part of this application and are not required to be modified as per the site specific zoning provisions.

As part of the application a number of cosmetic improvements to the cladding system will be applied. Significant streetscape improvements are proposed for all frontages and in particular Edward Street. As part of the application the exterior TTC staircase will be removed at Dundas Street West and Yonge Street and will be internalized in the Atrium on Bay.

For more information see Attachment 7 – Application Data Sheet.

**Site and Surrounding Area**

The site takes up most of a City block comprising Edward Street, Yonge Street, Dundas Street West and Bay Street. The site is currently occupied by the Atrium on Bay, a mixed-use commercial office building with retail at and below the ground floor. The site also has a PATH connection to the Toronto Motorcoach Terminal, the Eaton Centre and the Dundas Subway.

North: Edward Street, beyond which are commercial, retail and residential uses ranging in height from 3 to 26 storeys. Continuing further north is the Aura Development at 78 storeys and College Park.

East: Yonge Street, beyond which is 10 Dundas Street East (which has been called the Metropolis Building or Toronto Life Square in the past), a mixed-use commercial and retail development that frames Dundas Square. Continuing east are primarily low-rise retail and commercial buildings.
South: Dundas Street Street West, beyond which is the Eaton Centre, a mixed-use commercial and retail development that takes up the entire block from Dundas Street West to Queen Street West. The predominant character of Yonge Street in this area is low rise, with some office towers rising to 25 storeys and the proposed Massey Tower at 60 storeys.

West: Bay Street, beyond which is the Toronto Motorcoach Terminal, a regional bus terminal owned by the City of Toronto. Continuing further west is an 8-storey medical building and low-rise retail and restaurant uses. A 29 storey rental building is currently under construction on the southwest corner of Bay Street and Dundas Street West.

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 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
Chapter 2 – Shaping the City

Section 2.2.1 Downtown: The Heart of Toronto
The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. Section 2.2.1 outlines the policies for development within the Downtown. The downtown is where much of the growth in the City of Toronto is expected to occur. The Downtown will continue to evolve as the premier employment area of the City of Toronto and provide a range of housing for those working in the area. The City will also explore opportunities to maintain and improve the public realm.

The City of Toronto Official Plan further states that: “while we anticipate and want Downtown to accommodate growth, this growth will not be spread uniformly across the whole of Downtown. In fact, there are many residential communities Downtown that will not experience much physical change at all, nor should they.”

Transportation within the Downtown is expected to be accommodated by transit. Priority will be given to transit improvements in the Downtown and transit vehicles will be given priority on streets within the Downtown particularly those with streetcars.
A program of improvements will be implemented to enhance the pedestrian environment and efforts made to improve the safety of walking and cycling Downtown.

**Chapter 3 – Built Form**

**Section 3.1.3 Built Form – Tall Buildings**

The applicant is proposing to construct a Tall Building. Policy 3.1.3 states that Tall Buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to speaking about specific built form characteristics, the policy states that proposals for Tall Buildings clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

**Chapter 4 – Land Use Designations**

**Section 4.5 Mixed Use Areas**

The site of the proposed development is in an area designated Mixed Use Areas in the Official Plan. Mixed Use Areas are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings.

Development within Mixed Use Areas should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale.

Furthermore, development in Mixed Use Areas should be located and massed to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Development in Mixed Use Areas should also provide attractive, comfortable and safe pedestrian environments; have access to schools, parks and community centres as well as libraries and childcare. It should also take advantage of nearby transit services; provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

Compliance with other relevant policies of the Official Plan including the environment and transportation will also be addressed.

**Site and Area Specific Policies**

**Site and Area Specific Policy 174**

Site Specific Policy 174 of the Official Plan provides an overall framework for continued revitalization in the area north and south of Dundas Square. A portion of the site at 595 Bay Street is affected by this policy along the Yonge Street frontage. The policy provides general planning objectives and built form principles for the area.
New development in the area should locate buildings along property lines fronting on Yonge Street in such a way that they define and form continuous edges along the street. They should have a scale consistent with the height limits within the area and respects the existing transition in height and scale between the buildings and height limits within the area. In addition, new development should site and organize the lower levels of the building associated with the pedestrian realm to enhance the public nature of streets, open spaces and pedestrian routes, provide public uses which are directly accessible from grade level and encourage, where possible, servicing and vehicular parking to be accessed from rear lanes rather than from streets.

Furthermore, new development shall be encouraged to design and locate servicing and vehicular parking so as to minimize pedestrian/vehicular conflicts. New development shall be sited and massed to provide adequate light, view and privacy standards; achieve a harmonious relationship to their built form context through such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line, profile and architectural character as well as expression. New development will be articulated and massed in widths compatible with narrow lot patterns dominant on Yonge Street between Gerrard and Queen Streets and new development will minimize the wind and shadow impacts on Yonge Street, flanking streets and open spaces.

**Zoning**

The Site is currently zoned Mixed-use (CR T7.8 C2.0 R7.8) with a maximum height of 61 metres. An angular plane applies to the site at Bay Street and Yonge Street. The angular plane for Yonge Street begins at 16 metres and rises at 44 degrees. The Angular Plane for Bay Street starts at 34 metres and rises at 60 degrees. The original by-law for the Atrium on Bay was enacted in 1979 as By-law 522-79 and later varied.

**Site Plan Control**

This application requires Site Plan Approval. An application for Site Plan Control was submitted on March 2, 2012.

**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 that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at [http://www.toronto.ca/planning/tallbuildingdesign.htm](http://www.toronto.ca/planning/tallbuildingdesign.htm)

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals. The Downtown Tall Buildings Guidelines are available at [http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines](http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines)
The site abuts Yonge Street, Dundas Street West and Bay Street. All of these streets are identified as a "High Street" with a Tower and Base typology. The height range identified for the abutting section of Dundas Street West is 20 storeys to 35 storeys (62 metres to 107 metres). Yonge Street is identified as a "special character street" with no recommended heights; the guidelines do propose a 20 metre setback from Yonge Street for towers proposed to be constructed above a heritage building. Bay Street has recommended heights of 30 storeys to 50 storeys (92 metres to 152 metres).

**Tree Preservation**

A number of street trees are planted along Dundas Street West in raised containers and are proposed to be re-planted in a continuous tree pit as part of this application. No street trees are proposed for Yonge Street, but six street trees in continuous tree pits are proposed for Bay Street and 14 street trees in granite planters are proposed for Edward Street. Urban Forestry will evaluate this application for compliance with City of Toronto guidelines.

**Reasons for the Application**

The applicant requires relief from the angular plane and Gross Floor Area provisions of the Zoning By-law as well as built form performance standards such as setbacks and first floor heights.

**COMMENTS**

**Application Submission**

The following reports/studies were submitted with the application:
- Functional Servicing and Stormwater Report;
- Transportation Consultation Review;
- Arborist Report;
- Shadow Studies;
- Green Standards Checklist;
- Pedestrian Level Wind Study;
- Planning Rationale; and
- Draft Zoning By-law.

City Staff are reviewing the application for completeness and will issue a letter of complete or incomplete application by June 9, 2013.

**Issues to be Resolved**

A report was submitted to the Chair of the Committee of Adjustment, Toronto and East York District dated May 8, 2012 from the Director, Community Planning, Toronto and East York District regarding the variances sought by the applicant to facilitate the original four-storey addition to the Atrium on Bay. In the report, City Planning Staff outlined their support for the Minor Variances proposed by the applicant at 595 Bay Street and how the proposed variances conformed to the four tests of a minor variance as outlined in the Planning Act.
Since then the applicant has made some changes to the application proposing to wrap the mechanical penthouses with more commercial office space. The overall height of the proposal has not changed and the massing changes are minor. As such, the list of issues to be resolved for this application is small in scope and includes:

1. improvements to the TTC entrance at Dundas Street West and Yonge Street and securing those changes in a manor acceptable to the City of Toronto and the TTC;

2. securing improvements to the Streetscape of Dundas Street West, Bay Street, Yonge Street and particularly Edward Street;

3. sustainability approach including compliance with the TGS;

4. the provision of adequate servicing, traffic and neighbourhood impacts;

5. the provision of continuous weather protection along the podium; and

6. identification and securing of public benefits pursuant to Section 37 of the Planning Act should the proposal be recommended for approval.

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

CONTACT
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E-mail: gcescat@toronto.ca

SIGNATURE

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

(p:\2013\Cluster B\pln\teycc14742244013) - vc
ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 1: Site Plan
Attachment 2: North Elevation

595 Bay Street and 306 Yonge Street

File # 13 160022 OZ

Applicant's Submitted Drawing

Elevations

Not to Scale
06/26/2013
Attachment 3: East and West Elevation
**Attachment 6: Application Data Sheet**

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**Applicant:**
Dentons Canada LLP  
77 King Street W., Suite 400  
Toronto, ON M5K 0A1

**Agent:**
Dentons Canada LLP  
77 King Street W., Suite 400  
Toronto, ON M5K 0A1

**Architect:**
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Suite 200, Toronto, ON  
M4V 1N6

**Owner:**
Atrium on Bay Portfolio Inc.  
3625 Dufferin Street, Suite  
500 Toronto, ON M3K 1N4

**PLANNING CONTROLS**

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**PROJECT INFORMATION**

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**FLOOR AREA BREAKDOWN**

(upon project completion)

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**CONTACT:**

**PLANNER NAME:** Giulio Cescato, Planner  
**TELEPHONE:** 416-392-0459, email gecscat@toronto.ca