

1075 Bay Street – Zoning Amendment Application – Preliminary Report

Date: April 3, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward 13 - Toronto Centre

Planning Application Number: 19 115511 STE 13 OZ

Notice of Complete Application Issued: April 3, 2019

Anticipated City Council Meeting Date: July 16, 2019

Current Use on Site: 13 storey mixed-use building containing retail and office uses (22,415 square metres), and associated parking area and green space.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 1075 Bay Street for a 66-storey mixed-use building. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 1075 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 application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Application Description

This application proposes to amend the Zoning By-law for the property at 1075 Bay Street to permit a 66-storey mixed-use building (234.2 metres, including mechanical penthouse) containing ground floor commercial space (835 square metres), office space (24,460 square metres), and 528 residential units. The proposed unit mix contains 313 one-bedroom units (59.3%), 147 two-bedroom units (27.8%) and 68 three-bedroom units (12.9%). The proposed density is 26.9 times the area of the lot. The existing 13-storey office building on the property would be demolished. A total of 201 parking spaces in six underground levels and 639 bicycle parking spaces are proposed to support the new development.

See Attachment 1 of this report for a three dimensional representation of the project in context, Attachment 2 for the location map, Attachment 3 for the proposed site plan, and Attachment 5 for the Application Data Sheet.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe (2017) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown within the Downtown and Central Waterfront on Map 2 of the Official Plan and designated Mixed Use Areas on Map 18. See Attachment 4 of this report for the Official Plan map.

Official Plan Amendment 183 - North Downtown Yonge

City Council adopted the North Downtown Yonge Area Specific Policy 382, known as Official Plan Amendment (OPA) 183 at its meeting on November 13, 2013. Parts of OPA 183 were adopted by the OMB in a Phase I hearing and are in full force and effect, including the majority of the Bay Street Character Area policies and the area-wide policies. Other parts of OPA 183, including the policies related to the Historic Yonge Street HCD, remain under appeal and will be addressed through a Phase II hearing, which is not yet scheduled. The site is located within the Bay Street Character Area.

TOcore: Planning Downtown

City Council adopted the Downtown Plan Official Plan Amendment (OPA 406), as amended, at its meeting of May 22-24, 2018. The Council decision is available here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Further, City Council authorized the City Planning Division to seek provincial approval of the OPA under Section 26 of the Planning Act, and enacted By-law 1111-2018 on July 27, 2018. The By-law is available here: <https://www.toronto.ca/legdocs/bills/2018/bill1109.pdf>

Council has directed staff to use the policies contained within the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister. The site is located in the Bloor-Bay Office Corridor and is designated Mixed Use Areas 1.

Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown

On October 5-7, 2016, City Council adopted OPA 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

Zoning By-laws

The site is zoned CR T6.0 C1.0 R6.0 by the former City of Toronto Zoning By-law 438-86, which permits a wide range of commercial and residential uses with a maximum density of 6.0 times the lot area and a maximum height of 46 metres.

The site is also zoned CR 6.0 (c1.0; r6.0) SS1 (x2397) with a maximum height of 46.0 metres by the City of Toronto Zoning By-law 569-2013, which is currently under appeal and is not in effect for the subject lands. The permissions and exceptions in Zoning By-law 569-2013 are largely the same as those in Zoning By-law 438-86, as amended.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- City-wide Tall Building Design Guidelines;
- Downtown Tall Buildings Vision and Supplementary Design Guidelines
- North Downtown Yonge Urban Design Guidelines; and
- Growing Up Draft Urban Design Guidelines.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

COMMENTS

Reasons for the Application

The Zoning Amendment Application has been submitted in order to permit an increase in the overall height and density on the site and to modify various performance standards including permitted projections, parking, bicycle parking, and outdoor amenity space requirements.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Section 2 of the Planning Act requires municipalities to have regard for matters of provincial interest, including: the protection of ecological systems, including natural areas, features and functions; conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that area of high quality, safe and accessible, attractive and vibrant.

The application will be evaluated against the PPS and the Growth Plan to establish the application's consistency with the PPS and conformity to the Growth Plan, including but not limited to whether: the proposal makes efficient use of land and resources, infrastructure and public facilities; the proposal is directed at an appropriate location; appropriate development standards are promoted which facilitate compact form; the proposal represents an appropriate type and scale of development and transition of built form to adjacent areas; and the proposal includes a range of housing to accommodate the needs of all household sizes.

Official Plan Conformity

The Official Plan designates the site as Mixed Use Areas in the Official Plan and locates it within the Bay Street Character Area of SASP 382 for North Downtown Yonge. The Mixed Use Areas designation permits a range of residential, commercial, office and institutional uses, which are subject to development criteria to ensure an appropriate built form is achieved. SASP 382 also contains area-wide policies in related to parks and open space and the public realm that will be considered when reviewing this application.

- Planning staff are reviewing the application for conformity with the Official Plan policies.

Built Form, Planned and Built Context

Staff are reviewing the suitability and appropriateness of the proposed height and massing and other built form criteria based on Section 2(j), (q) and (r) of the Planning Act; the PPS (2014); the Growth Plan (2017); the City's Official Plan policies; and Design Guidelines.

The following issues that require further assessment are:

- The appropriateness of the proposed building height of 66 storeys which is in excess of the height context for Bay Street and the general area, including existing and new buildings as well as other recent proposals.
- The appropriateness of the proposed tower setbacks to the east property line and to the centerlines of Bay Street, St. Mary Street and Inkerman Street. A minimum tower setback of 12.5 metres is set out in the City's Tall Building Guidelines and OPA 352 and the associated zoning by-laws. A tower setback of at least 3 metres from the edge of the podium is required on the west (Bay Street) side.
- The tower floor plate is approximately 1,932 square metres from levels 2 to 14, and 799 square metres for the tower portion above, with varied floor plates on the amenity levels and at the top of the building where the tower tapers. The tower floor plate will be assessed further in relation to the City's Tall Building Guidelines.
- Official Plan policies protect views from the public realm to prominent buildings, structures, landscapes and natural features, including the silhouette views of City Hall, Old City Hall, and St. James Cathedral. A City-initiated Official Plan

Amendment is underway to clarify the view protection policies. The most recent status report related to this study contains draft policies and mapping which includes 1075 Bay Street among the properties which could potentially be affected by the enhanced view protection policies for Old City Hall. The status report is available online:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-118130.pdf>

- Shadow impact on the playgrounds and open space areas on the north side of St. Mary Street as well as the open space areas at the University of Toronto/Victoria University. A Shadow Study was submitted and is currently under review by City staff.
- Map 2 - Parks and Open Space Network and Heights Areas of SASP 382 shows a "Green Open Space" in the southeast corner of the subject site as well as a north-south "Pedestrian Mid-block Connection" through the site from St. Mary Street to Inkerman Street. The application does not propose a mid-block connection or an open space.
- Appropriate streetscape design including minimum sidewalk widths, landscaping and overall design along Bay Street and St. Mary Street as informed by the North Downtown Yonge Urban Design Guidelines and existing streetscape plans.
- Wind conditions along Bay Street, St. Mary Street and Inkerman Street, including the proposed amenity spaces of the building and impacts on surrounding properties. A Pedestrian Wind Assessment was submitted and is currently under review by City staff.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). There are 5 trees within 6 metres of the subject property, one of which is located in the adjacent public lane and is proposed to be removed. The applicant is proposing nine new street trees and no new private trees on site.

- An Arborist Report, Tree Preservation Plan and Landscape Plans were submitted and are currently under review.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas

experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

- A CS&F Study was submitted and is currently under review by City staff. Staff will assess the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future population.

Infrastructure/Servicing Capacity

Connections to the existing watermain and sanitary sewer on Bay Street, St. Mary Street, and Inkerman Street are proposed to service the development. The proposed development will also need to meet the requirements of the City of Toronto's Wet Weather Flow Management Guidelines.

The proposed development will need to ensure the discharging of groundwater to the City's sewer system can be adequately supported.

- A Functional Servicing and Stormwater Management Report and Hydrogeological Investigation were submitted and are currently under review by City staff.

Transportation Impacts

A six level underground garage that provides 201 vehicular parking spaces and two loading spaces for the development is proposed to be accessed from St. Mary Street. Two additional loading spaces are proposed to be accessed from Inkerman Street.

- A Transportation Impact Study has been submitted and is under review.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features to be secured through the zoning by-law process include: automobile infrastructure; cycling infrastructure; and storage and collection of recycling and organic waste.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The proposal at its current height and density will be subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. City staff intends to apply Section 37 provisions of the Planning Act should it be approved in some form.

Other Matters

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

CONTACT

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SIGNATURE

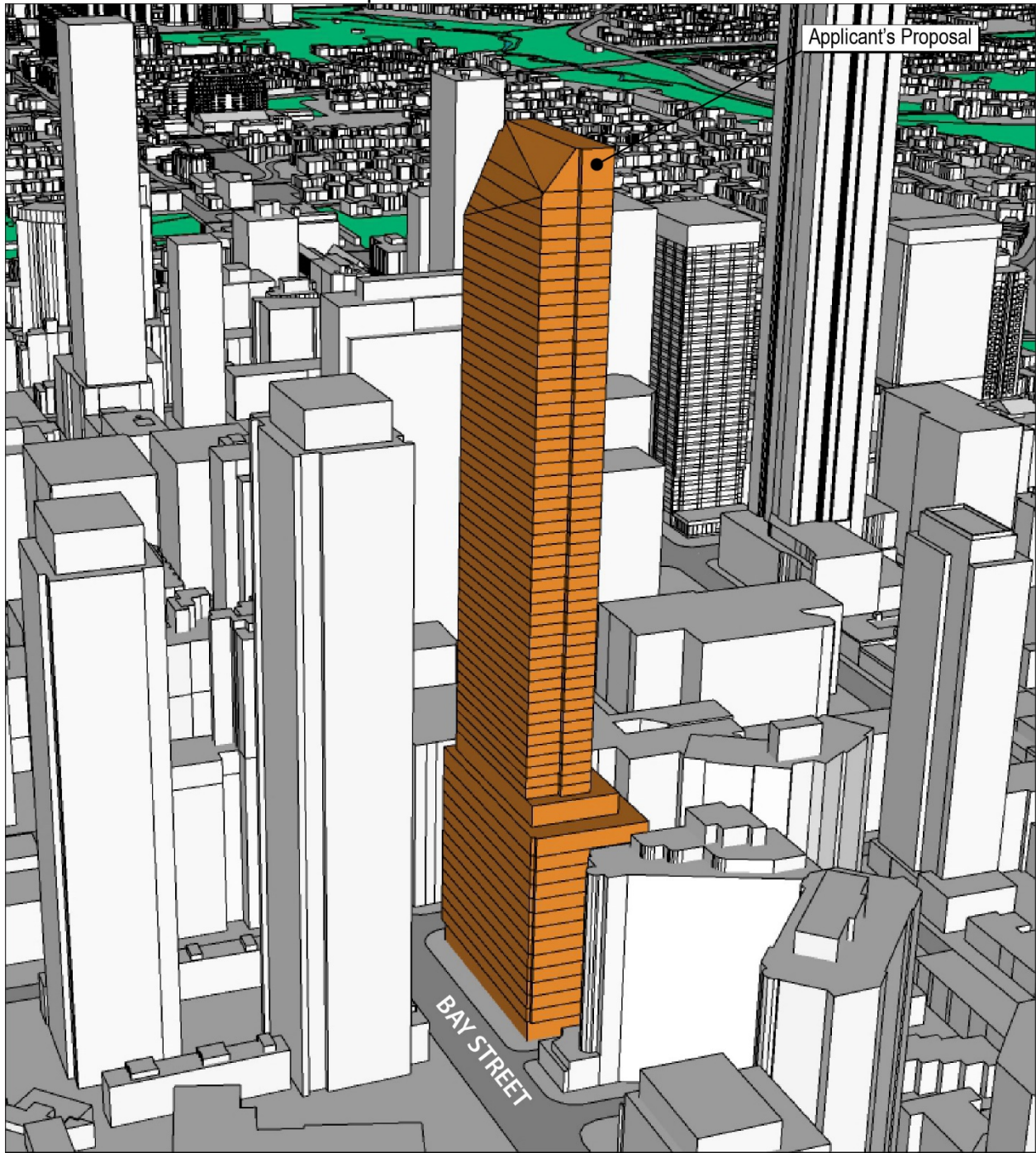
Lynda H. Macdonald, MCIP, RPP, OALA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Drawings

- Attachment 1: 3D Model of Proposal in Context
- Attachment 2: Location Map
- Attachment 3: Site Plan
- Attachment 4: Official Plan Map
- Attachment 5: Application Data Sheet

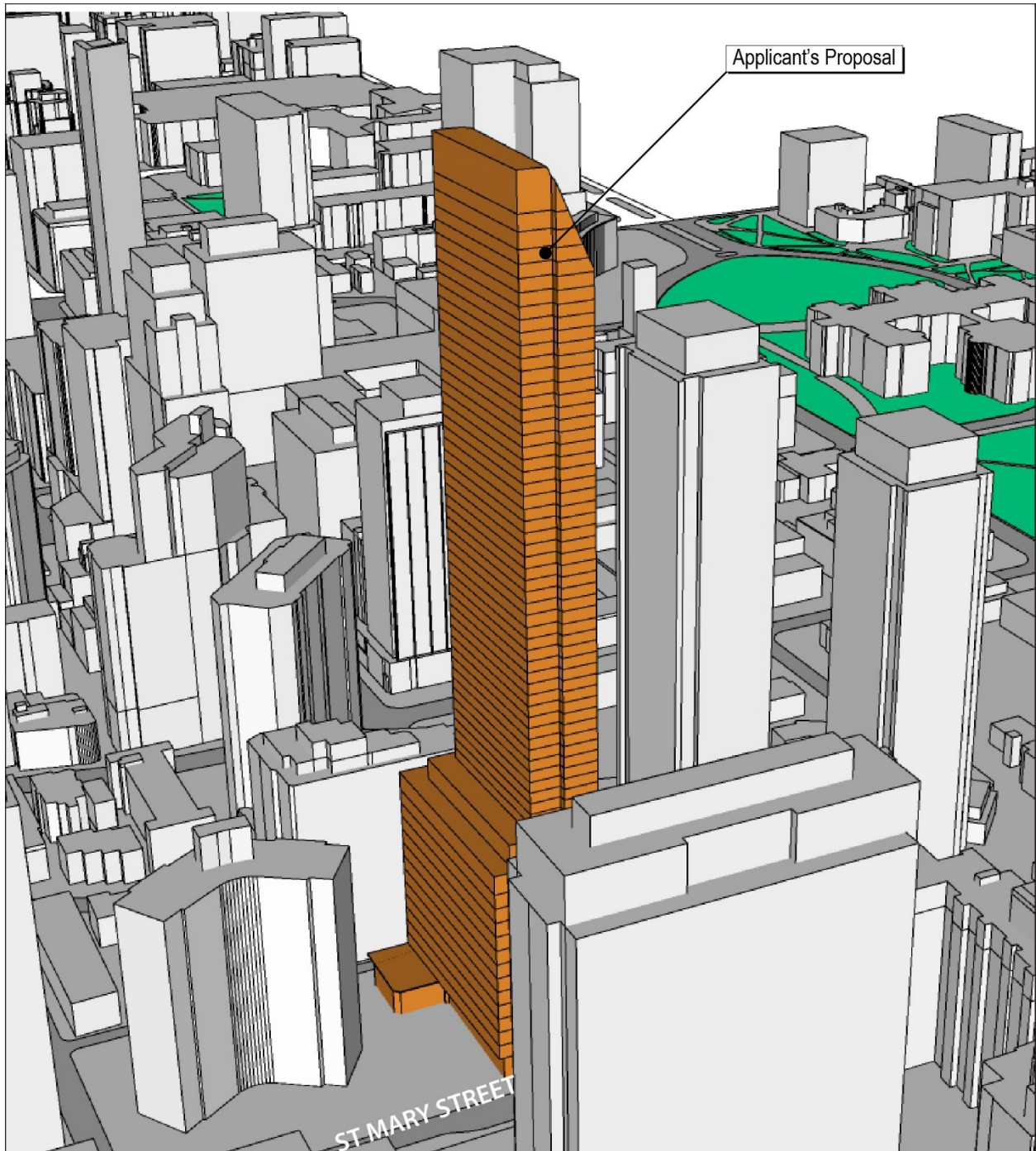
Attachment 1: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northeast



03/21/2019

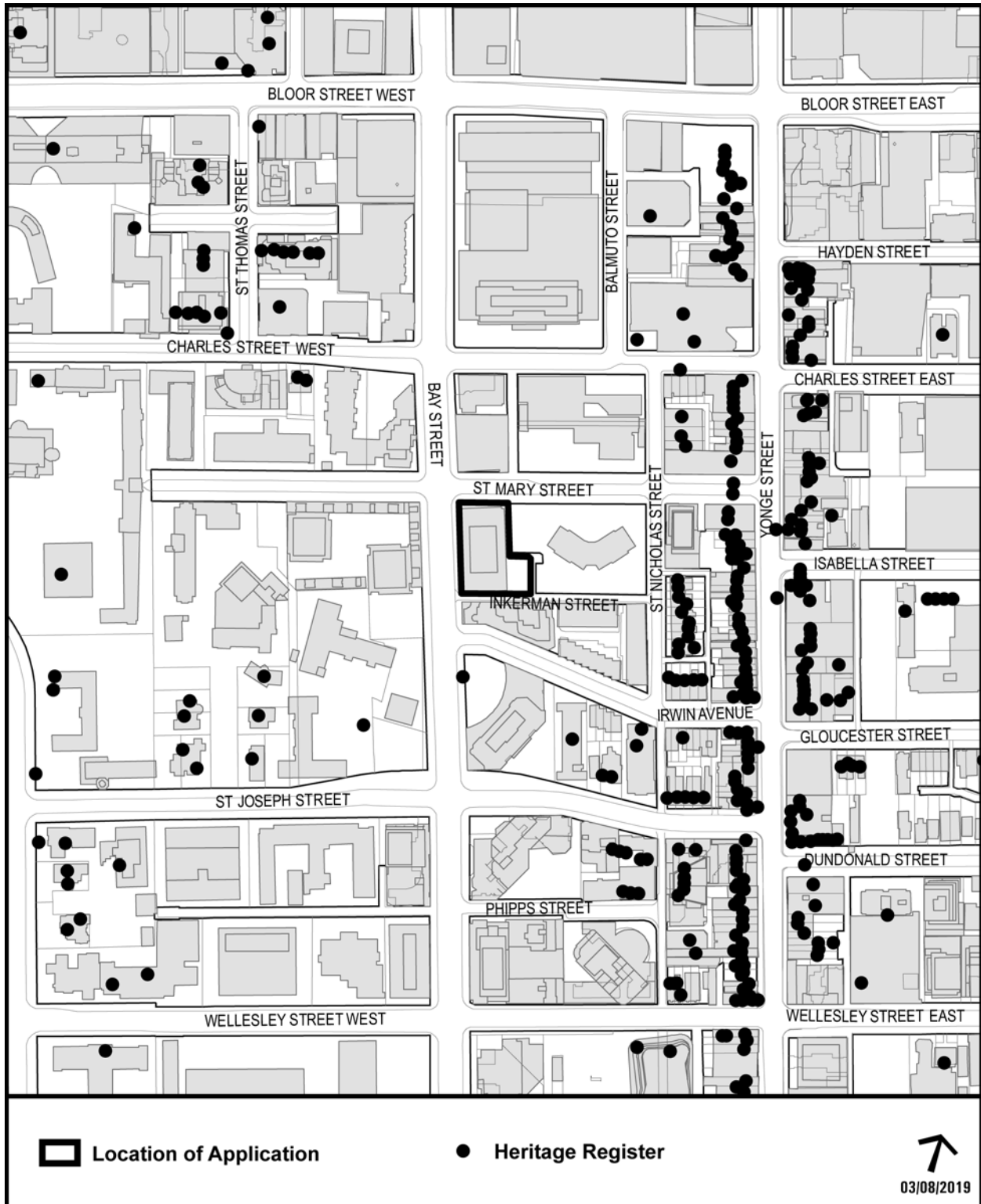


View of Applicant's Proposal Looking Southwest

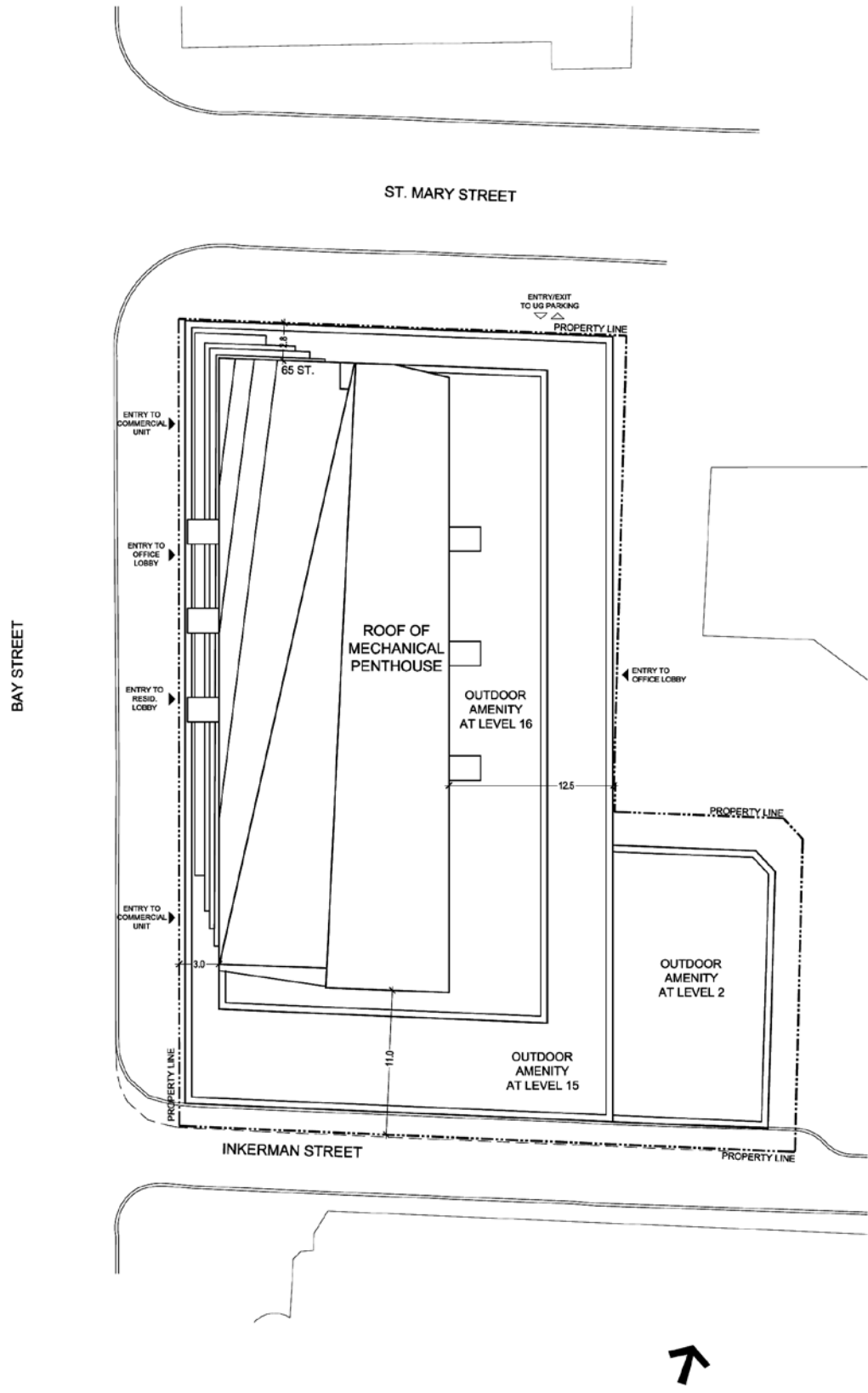


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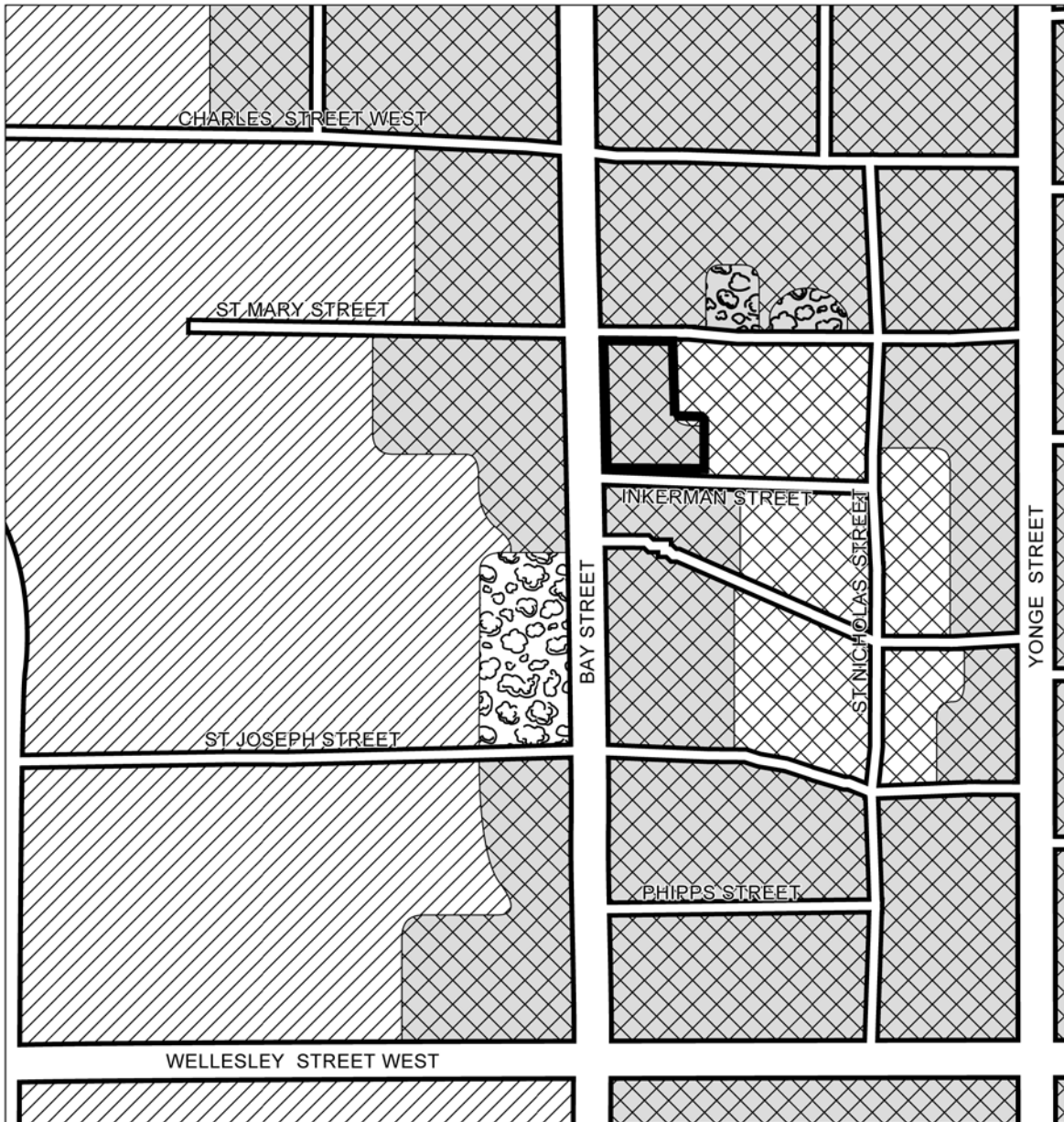
Attachment 2: Location Map



Attachment 3: Site Plan



Attachment 4: Official Plan Map



Official Plan Land Use Map #18

1075 Bay Street

File # 19 115511 STE 13 0Z

	Location of Application		Parks		Institutional Areas
	Apartment Neighbourhoods		Other Open Space Areas		
	Mixed Use Areas				

↑
Not to Scale
03/11/2019

Attachment 5: Application Data Sheet

Municipal Address: 1075 BAY ST Date Received: February 14, 2019

Application Number: 19 115511 STE 13 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment application to permit a 66-storey mixed-use building (234.2 metres, including mechanical) containing ground floor commercial space (835 square metres), office space (24,460 square metres), and 528 residential units. The existing 13-storey office building on the property would be demolished. A total of 201 parking spaces and 639 bicycle parking spaces are proposed to support the new development.

Applicant	Agent	Architect	Owner
HUNTER & ASSOCIATES LTD	CRAIG HUNTER	HARIRI PONTARINI ARCHITECTS	1075 BAY ENTERPRISES LIMITED PARTNERSHIP

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR T6.0 C1.0 R6.0	Heritage Designation:	N/A
Height Limit (m):	46	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m): 2,395 Frontage (m): 142 Depth (m): 47

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,490		1,361	1,361
Residential GFA (sq m):			39,040	39,040
Non-Residential GFA (sq m):	22,415		25,295	25,295
Total GFA (sq m):	22,415		64,335	64,335
Height - Storeys:	13		66	66
Height - Metres:			234.2	234.2

Lot Coverage Ratio (%): 56.8 Floor Space Index: 26.9

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	39,040	
Retail GFA:	835	
Office GFA:	24,460	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			528	528
Other:				
Total Units:			528	528

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			313	147	68
Total Units:			313	147	68

Parking and Loading

Parking Spaces:	201	Bicycle Parking Spaces:	639	Loading Docks:	4
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