

1200 Bay Street – Official Plan and Zoning By-law Amendment Application – Preliminary Report

Date: August 24, 2020

To: Toronto and East York Community Council

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

Ward: Ward 11 - University-Rosedale

Planning Application Number: 20 151996 STE 11 OZ

Date Complete Application Submitted: June 3, 2020

Current Use on Site: a 12-storey office building containing approximately 10,000 square metres of office space, fronting onto Bloor Street West, Bay Street, and Critchley Lane.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 1200 Bay Street. The proposal is to demolish an existing 12-storey office building and to construct a new 87-storey (324 metres, including mechanical) mixed-use building. The proposal is not acceptable, the tower is too tall, and the site is too small to accommodate a tall building with appropriate tower setbacks and separation distances. Staff will work with the applicant to determine what form of development may be appropriate and achievable on this site. It is not clear whether a tall building is achievable without working with the adjacent land owner to the west to achieve appropriate tower separation.

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 1200 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 City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

ISSUE BACKGROUND

Site Description

The subject site is located at the northwest corner of Bloor Street West and Bay Street. The rectangular-shaped site is 899 square metres in size, has a frontage of 19 metres on Bloor Street West, 49 metres on Bay Street, and 17.5 metres on Critchley Lane to the north.

Application Description

This application proposes to amend the Official Plan, Site and Area Specific Policy (SASP) 211, and Zoning By-laws (569-2013 and 438-86) for the property at 1200 Bay Street to permit an 87-storey (324 metres, including mechanical) mixed-use building containing 1,104 square metres of retail gross floor area, 10,274 square metres of office gross floor area, and 332 residential units. The proposed density is 61.09 times the area of the lot. No vehicle parking spaces are proposed on site and a total of 673 bicycle parking spaces are proposed on P1 and P2.

To the immediate west of the site, at 80-82 Bloor Street West, is a Zoning By-law Amendment application for a 78-storey (259.6 metres, including mechanical penthouse) mixed-use building (File no. 13 248425 STE 27 OZ). On August 3, 2017 the owner appealed the application to the Local Planning Appeal Tribunal (LPAT), a settlement hearing has been scheduled for October 7, 2020.

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

See Attachment 1 of this report, for a three dimensional representation of the project in context.

Application Submission Requirements

The following reports/studies were submitted in support of the applications:

- Survey Plan;
- Architectural Plans, Elevations and Sections;
- Landscape Plans;
- Civil Plans;
- Shadow Study;

- Planning Rationale Report;
- Public Consultation Strategy Report;
- Community Facilities & Services Study;
- Pedestrian Wind Study;
- Transportation Considerations Report;
- Heritage Impact Assessment;
- Functional Servicing and Stormwater Management Report;
- Hydrogeological Review Summary and Report;
- Noise and Vibration Feasibility Study;
- Energy Modelling Report;
- Arborist Report;
- Draft Official Plan Amendment;
- Draft Zoning By-law Amendments;
- Toronto Green Development Standards Checklist; and
- Digital copy of the Building Massing Model.

All submission materials can be found at the following link: aic.to/1200BaySt

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 (2020) (PPS), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) 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.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

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 as *Downtown and Central Waterfront* on Map 2 of the Official Plan and Mixed Use Areas on Map 17.

The Downtown Plan

City Council adopted OPA 406 at its meeting on May 22-24, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area.

On August 9, 2018 the City's application under Section 26 of the *Planning Act* was sent to the Minister of Municipal Affairs and Housing for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019. Since this application was submitted on June 3, 2020, OPA 406, the new Downtown Secondary Plan, applies to this application.

The site is designated Mixed Use Areas 2 - Intermediate. Development in Mixed Use Areas 2 will include building typologies that respond to their site context, including mid-rise and some tall buildings.

Site and Area Specific Policy (SASP) 211 – Bloor Yorkville/North Midtown Area

SASP 211 in the Official Plan recognizes that the Bloor-Yorkville/North Midtown area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes Neighbourhoods, Apartment Neighbourhoods, Areas of Special Identity, Mixed Use Areas, and open space provided by parks and ravines. It forms the north edge of the Downtown and provides for transition in density and scale.

The subject site is located within the Bloor Street Height Ridge as illustrated on Map 2 in SASP 211. Height and density permissions within the Height Ridge generally diminish as distance increases from the Height Peak at Yonge and Bloor to provide for a transition in scale. Development along the Height Ridge will be at a lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas. The subject site is not located within an Area of Special Identity or Neighbourhoods as illustrated on Map 1 in SASP 211. The site is near the Low-rise Area and Area of Special Identity called the Village of Yorkville and Yorkville Park.

On April 4, 2017 Toronto and East York Community Council directed City staff to prepare a new Site and Area Specific Policy for the Bloor-Yorkville Area, to be included in the new Downtown Plan (OPA 406).

Site and Area Specific Policy (SASP) 225 - Lands North and South of Bloor Street Between Park Road and Avenue Road

SASP 225 of the Official Plan encourages pedestrian walkways, at or below grade and new parks in locations illustrated on the map within the Policy. The map identifies an existing underground pedestrian connection to the north of the site, linking with the east-west underground pedestrian mall and Bay and Bloor/Yonge Subway Stations.

Official Plan Amendment 231

At its meeting of December 16, 17 and 18, 2013, City Council adopted amendments to the Official Plan (OPA 231) to implement the results of the Official Plan and Municipal Comprehensive Review for Economic Health and Employment Lands Policies and Designations and Recommendations of Conversion Requests. Among other matters, OPA 231 introduced amendments aimed to stimulate the growth of new office space and maintain current concentrations of office space near rapid transit, such as the subject site.

OPA 231 was approved by the Minister of Municipal Affairs and Housing in July 2014. Portions of the amendment are under appeal at the Local Planning Appeal Tribunal (LPAT). Although not in full force and effect for the subject lands, OPA 231 represents Council's long-term land use planning direction as it relates to the need to include employment uses on the lands. The proposal provides for a complete replacement of the existing office uses on-site.

Official Plan Amendment 352 - Updating Tall Building Setbacks Downtown

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

Zoning By-laws

Under Zoning By-law 569-2013, the property at 1200 Bay Street is CR7.8 (c4.5; r7.8) SS1 (x1517) with a height limit of 61 metres and a maximum density of 7.8 times the area of the lot. Under Zoning By-law 438-86, as amended, the property is zoned CR T7.8 C4.5 R7.8 with a height limit of 61 metres and a maximum density of 7.8 times the area of the lot.

In both cases the CR zoning category allows for a broad range of residential and commercial uses, subject to various performance standards.

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/>

Bloor-Yorkville/North Midtown: Planning Framework & Implementation Strategy

The Bloor-Yorkville/North Midtown: Planning Framework & Implementation Strategy report (August 2015) was prepared by The Planning Partnership, Greenberg Consultants Inc., ERA Architects, and Michael Spaziani Architect Inc., on behalf of the

Bloor-Yorkville Business Improvement Association, ABC Residents Association, Greater Yorkville Residents Association, and Yonge Bay Bloor Business Association.

The objective of this community-led Planning Framework and Implementation Strategy is to address concerns over tall buildings and intensification. It outlines where development should and should not occur, the types of uses and built form that are appropriate, how future development applications will be analyzed, and the future planning approval processes that are required.

The report has two parts: an overview of the history, and current policy and development context; and, a policy framework and implementation strategies, and separate pedestrian realm network plan. The report organizes the Bloor-Yorkville/North Midtown area into 3 districts: the primary development districts; the corridor districts; and, the stable neighbourhood districts. Each district contains precincts, some of which are broken down into segments. Targeted planning policies are proposed for each district, precinct, and segment.

This site is located in the Urban Core within the Primary Development District. Within the Urban Core Precinct, the conditional maximum building height shall generally be 50 storeys or 190 metres. The Planning Framework & Implementation Strategy calls for a minimum separation between residential towers of 25 metres.

The report was tabled at the October 13, 2016 Toronto and East York Community Council and staff were directed to consider the report in preparation of the Secondary Plan for Bloor-Yorkville/North Midtown.

Design Guidelines

The following design guideline(s) will be used in the evaluation of this application:

- Bloor-Yorkville/North Midtown Urban Design Guidelines
- Downtown Tall Building Design Guidelines
- Growing Up: Planning for Children in New Vertical Communities 2017
- Pet Friendly 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

An Official Plan amendment has been submitted as the proposed development, among other matters, exceeds the height permitted in a "Height Ridge" in SASP 211.

The proposal requires amendments to Zoning By-laws 438-86 and 569-2013 to vary performance standards, including: the increase in overall height and density; reduction in building setbacks; reduction to amenity space; and reduction in vehicular parking standards; among others.

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

Staff are evaluating this application against the PPS (2020) and the applicable Provincial Plans to establish the application's consistency with the PPS (2020) and conformity with the Growth Plan (2019).

Official Plan Conformity

Staff will continue to evaluate this planning application to determine its conformity to the Official Plan, SASPs 211 - Bloor-Yorkville/North Midtown Area, and 225 - Lands North and South of Bloor Street Between Park Road and Avenue Road.

- The proposal in its current form does not conform to the Official Plan as explained below; and,
- Revisions are required to bring the application into conformity with the Official Plan.

Site Context and Organization

Staff will assess the suitability and appropriateness of the proposed development and site organization within the context of the block.

The following preliminary issues have been identified:

- The coordination of developments on the block. Any proposed development at 1200 Bay Street should be coordinated with the proposal at 80-82 Bloor Street West;
- Appropriate tower separation distance from the proposed building at 80-82 Bloor Street West. Staff will seek a minimum separation distance of 25 metres between towers;

- The appropriateness of the proposed loading. A consolidate parking and loading entrance with a single entry and exit point for the block should be explored;
- The appropriateness of below grade pedestrian connections and location of TTC Subway entrances. Opportunities to locate TTC Subway entrances on the site and throughout the block should be explored, as well as a coordinated approach to below grade and midblock pedestrian connections as they relate to SASP 225.

Built Form, Planned and Built Context

Staff will assess the suitability and appropriateness of the proposed height, massing, and other built form issues based on Section 2 (d), (p), (q) and (r) of the *Planning Act*; the PPS; the Growth Plan; the City's Official Plan policies; SASP 211; SASP 225; OPA 231; OPA 352; the Downtown Plan's policies; and the City's Design Guidelines.

The following preliminary issues have been identified:

- Site is too small to accommodate a tall building with appropriate tower setbacks and separation distances;
- Proposed tower is too tall and does not meet the "Height Ridge" policies of SASP 211;
- Suitability of the proposed density, and massing, including setbacks and step backs, in relation to the area's existing and planned built form and scale;
- Appropriate tower separation distance from the proposed building at 80-82 Bloor Street West. A minimum separation distance of 25 metres between towers is to be achieved. The current separation distance of 15 metres is unacceptable;
- Appropriate building setback at-grade to provide sufficient pedestrian sidewalk right-of-way;
- Shadow impact on Jessie Ketchum Park;
- Parkland Dedication under Section 42 of the Planning Act is being evaluated;
- Lack of trees in the public realm;
- Provision of sufficient amenity space;
- Design and dimensions of below grade connections to Bay subway station; and,
- Pedestrian level wind conditions along abutting and nearby streets, and surrounding properties. A Pedestrian Wind Assessment was submitted and is currently under review by City staff.

Transportation

Staff are assessing the transportation impacts of the proposed development and have identified the following issues:

- The appropriate number of parking spaces;
- The appropriateness of the proposed loading; and,
- The requirement to widen the adjacent public lane to meet current standards;

Heritage Impact & Conservation

Staff are reviewing the Heritage Impact Assessment (HIA) Report submitted with the application and evaluating whether the application will have an impact on cultural heritage resources on and adjacent to the site, and whether a conservation strategy will need to be implemented.

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.

Staff will evaluate 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.

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.

Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the of the required Section 37 community benefits should the application be approved in some form.

Infrastructure/Service Capacity

The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services staff: a Functional Servicing & Stormwater Management Report; Hydrogeological Report; and Transportation Impact Study. Staff will continue to review the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

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 and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement. Staff will work with the applicant through the review process to achieve Tier 2 or higher to achieve a greater degree of sustainability.

The applicant has submitted the required Toronto Green Standards Checklist for High Rise Residential Development.

The checklist is being reviewed for conformity with Tier 1 requirements and full compliance will be required prior to approval of the requested applications.

Other Matters

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

Staff will be moving forward with a community consultation meeting and expect to be able to report in short order on whether a supportable development option can be achieved on this site.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context

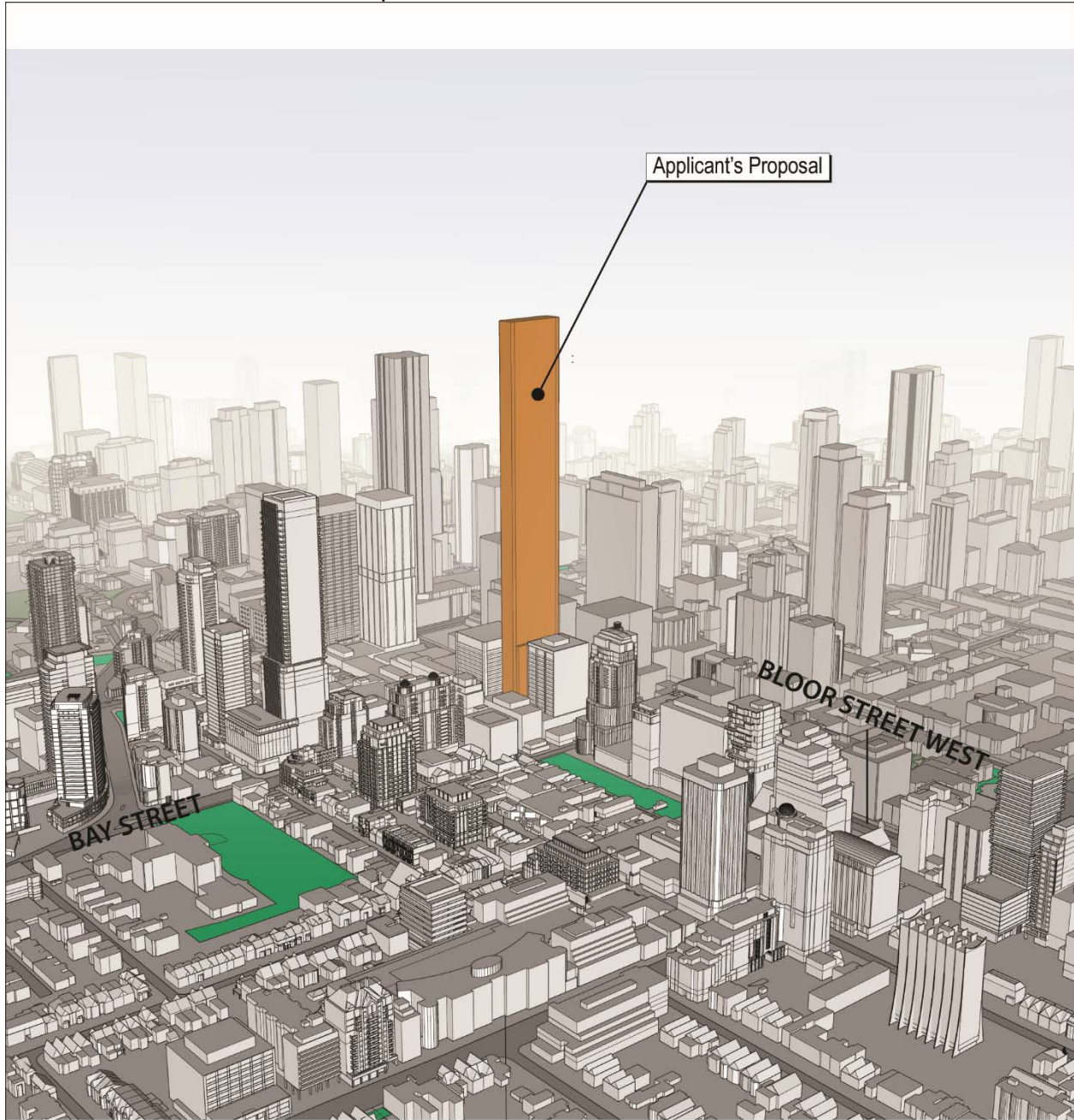
Attachment 2: Location Map

Attachment 3: Site Plan

Attachment 4: Official Plan Map

Attachment 5: Application Data Sheet

Attachment 1: 3D Model of Proposal in Context

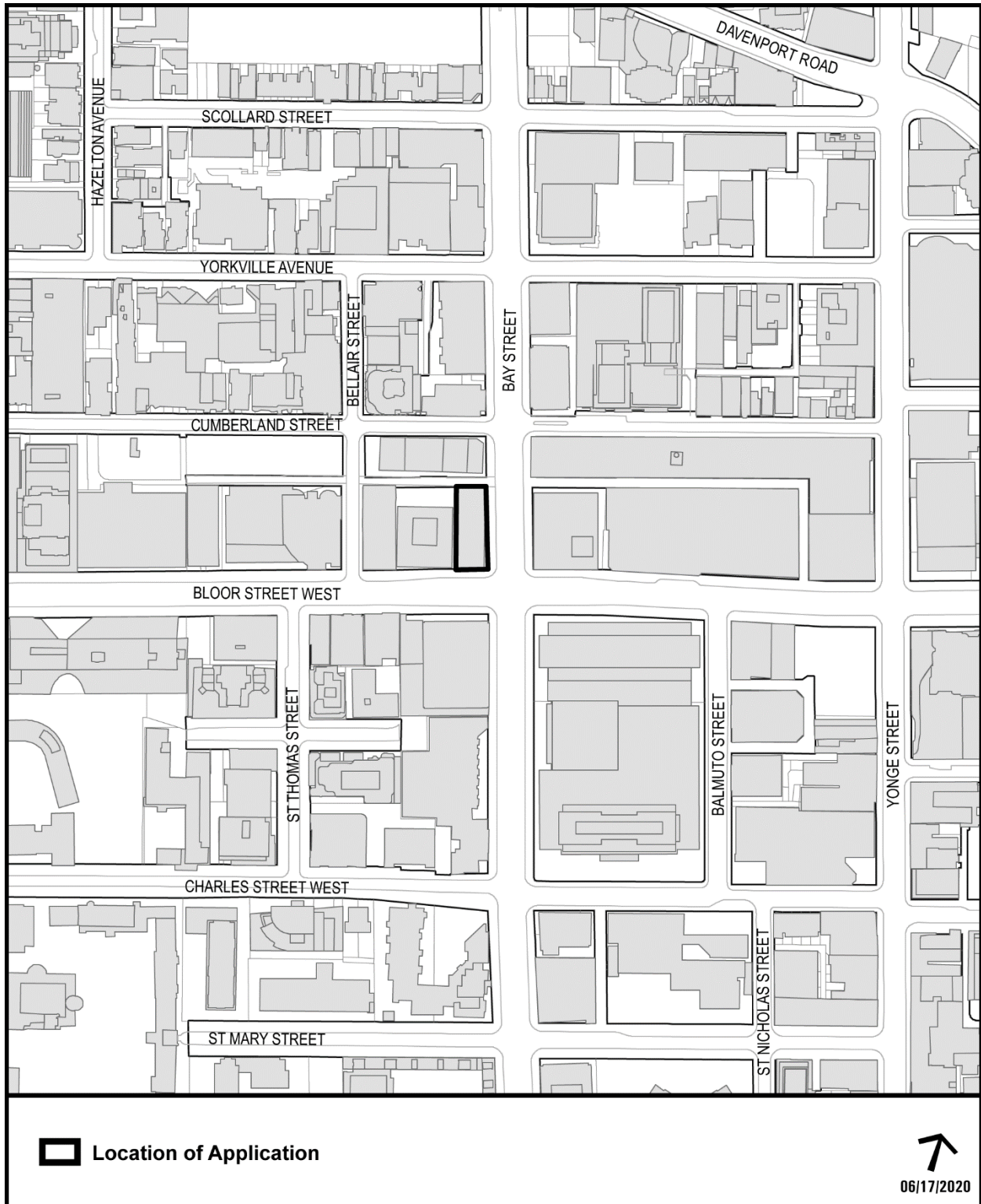


View of Applicant's Proposal Looking Southeast

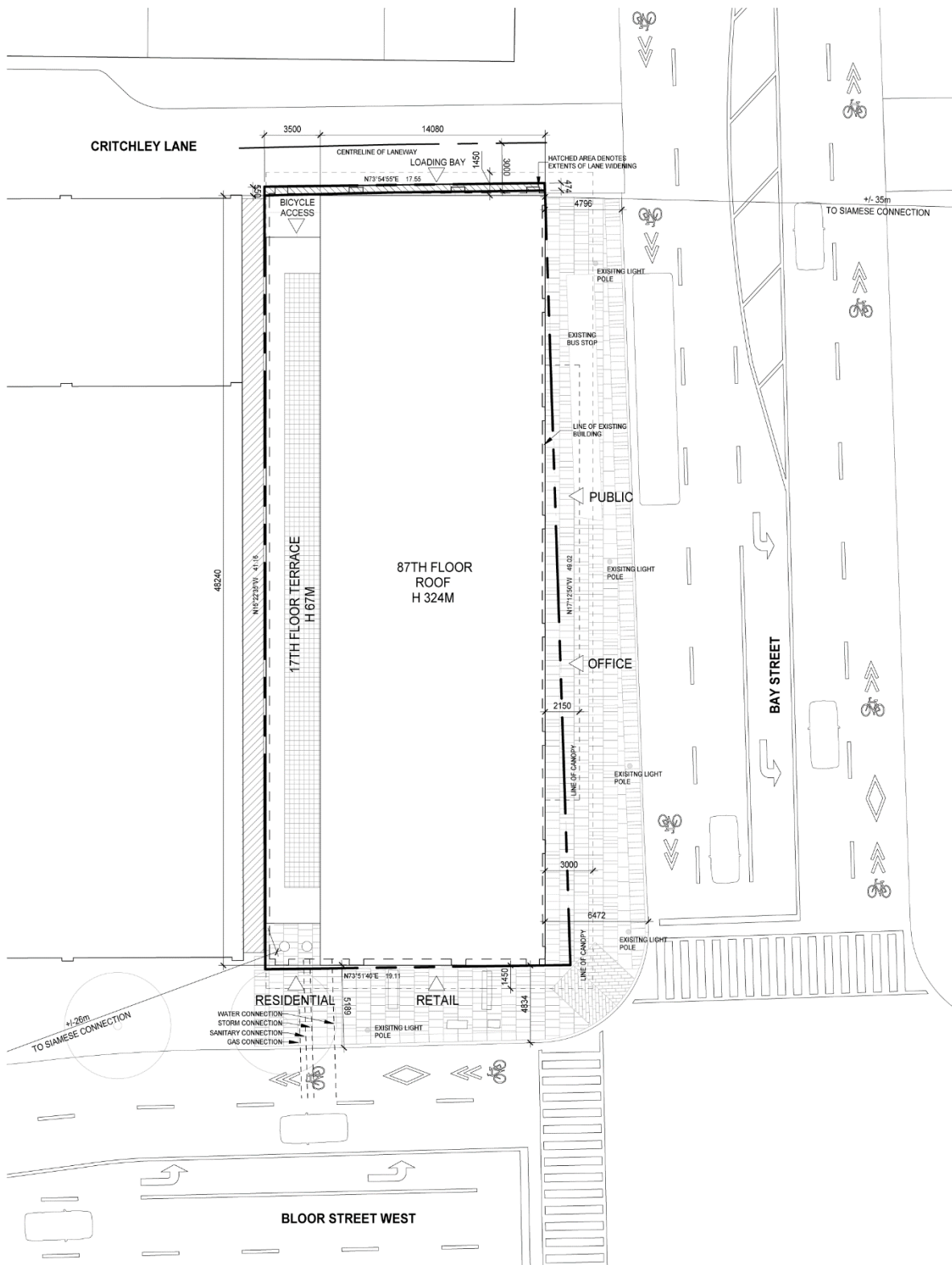


06/25/2020

Attachment 2: Location Map



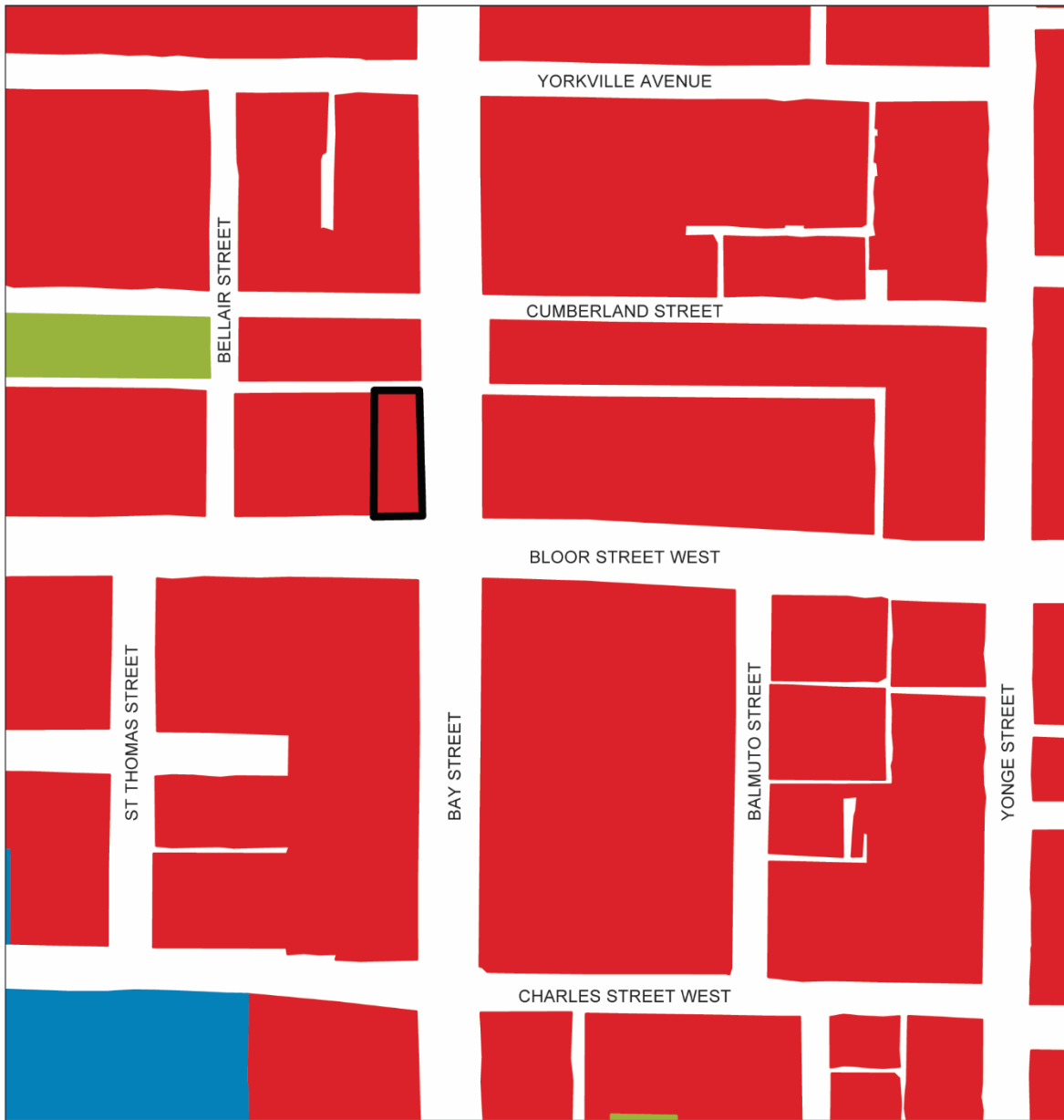
Attachment 3: Site Plan



Site Plan



Attachment 4: Official Plan Map



1200 Bay Street

Official Plan Land Use Map #18

File # 20 151996 STE 11 0Z

- Location of Application
- Mixed Use Areas
- Parks & Open Space Areas
- Institutional Areas
- Parks



Not to Scale
06/17/2020

Attachment 5: Application Data Sheet

Municipal Address: 1200 BAY ST Date Received: June 3, 2020

Application Number: 20 151996 STE 11 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: an 87-storey mixed-use building

Applicant	Agent	Architect	Owner
Tara Piurko, 40 King Street West, Suite 5800, Toronto, ON M5H 3S1	Tara Piurko, 40 King Street West, Suite 5800, Toronto, ON M5H 3S1	Quadrangle Architects Limited 901 King Street West, Suite 501 Toronto, ON M5V 3H5	Kroonenberg Toronto B V, 1200 Bay Street, Suite 813, Toronto, ON M5R 2A5

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: SASP 211

Zoning: CR 7.8 (c4.5; r7.8) SS1 (x1517) Heritage Designation:

Height Limit (m): 16 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 899 Frontage (m): 19 Depth (m): 49

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			825	825
Residential GFA (sq m):			41,612	41,612
Non-Residential GFA (sq m):			13,286	13,286
Total GFA (sq m):			54,898	54,898
Height - Storeys:	12		87	87
Height - Metres:			324	324

Lot Coverage Ratio (%): 91.8 Floor Space Index: 61.09

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	41,612	
Retail GFA:	1,097	

Office GFA: 9,516
 Industrial GFA:
 Institutional/Other GFA: 2,673

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			332	332
Other:				
Total Units:			332	332

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			140	120	72
Total Units:			140	120	72

Parking and Loading

Parking Spaces: Bicycle Parking Spaces: 673 Loading Docks: 3

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