

1075 Bay Street – Zoning Amendment Application – Final Report

Date: June 4, 2021

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

SUMMARY

This application proposes to amend the Zoning By-law to permit a 59-storey mixed-use building (210.25 metres, inclusive of the mechanical penthouse) containing commercial space on the first and second floor, office space on the 3rd to 10th floor, and 541 residential units in the tower above. A privately-owned publicly accessible space (POPS) is proposed on Inkerman Street as well as a mid-block connection between St. Mary Street and Inkerman Street. The existing 13-storey office building on the property would be demolished. A total of 170 parking spaces and 605 bicycle parking spaces are proposed to support the new development.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and the Official Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 1075 Bay Street, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the report dated June 4, 2021 from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 569-2013, for the lands at 1075 Bay Street, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10 to the report dated June 4, 2021 from the Director, Community Planning, Toronto and East York District.

3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment(s) as may be required.

4. Before introducing the necessary Bills to City Council for enactment, require the owner to:

a) submit to the Chief Engineer and Executive Director, Engineering and Construction Services for review and acceptance, a revised Functional Servicing and Stormwater Management Report, Servicing Report Groundwater Summary, water-tight certification letters, and architectural plans to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development; and

b) make satisfactory arrangements and enter into the appropriate agreement(s) with the City for the design and construction of any improvements to the municipal infrastructure, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor, should it be determined that upgrades are required to the infrastructure to support this development, according to the revised Functional Servicing and Stormwater Management Report, Servicing Report Groundwater Summary, water-tight certification letters, and architectural plans accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.

5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:

a) The community benefits recommended to be secured in the Section 37 Agreement are as follows:

i. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City a cash contribution having a value to be agreed to by the owner and the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, prior to introducing the necessary Bills to City Council for enactment, such funds to be used for capital projects in the vicinity of the site in conformity with the City's Official Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;

ii. The cash contribution referred to in Recommendation 5(a)(i) shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, and calculated from the date of the Agreement to the date of payment;

iii. In the event the cash contribution referred to in Recommendation 5(a)(i) has not been used for the intended purpose within three years of the Zoning By-law Amendments coming into full force and effect, the cash

contribution may be directed for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

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

i. The owner shall:

A. Construct and maintain a minimum 265 square metre privately-owned publicly accessible space (POPS) and a mid-block connection through the site in the location generally identified in the Zoning By-law Amendment with specific configuration and design of the POPS and the mid-block connection to be determined in the context of Site Plan approval, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and

B. Prepare all documents and convey a public access easement in perpetuity in favour of the City over the POPS and the mid-block connection, including support rights, free and clear of encumbrances, and for nominal consideration, as a condition of Site Plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

ii. The owner will construct and maintain the development of the site in accordance with Tier 1 of the Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 of the Toronto Green Standard, where appropriate;

4. City Council authorize appropriate City Officials to take such actions as are required to implement City Council decision, including the execution and implementation of the Section 37 Agreement.

FINANCIAL IMPACT

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

DECISION HISTORY

A pre-application meeting was held on July 19, 2018. The current application was submitted on February 15, 2019 and deemed complete on April 3, 2019. A Preliminary Report on the application was adopted by Toronto and East York Community Council on April 24, 2019, authorizing staff to conduct a community consultation meeting with an

expanded notification area. Community consultation is summarized in the Comments section of this Report. The Toronto and East York Community Council also directed Community Planning and the applicant to create a working group and to consult with the local community as part of the Site Plan process, including the local residents association and other stakeholders prior to the issuance of Final Site Plan Approval.

The Toronto and East York Community Council Decision is available here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE5.30>

PROPOSAL

The original application submitted in February 2019 proposed a 66-storey mixed-use building (234.2 metres, inclusive of the mechanical penthouse) containing 528 residential units, office space (24,460 square metres) and ground floor commercial space (835 square metres). The existing 13-storey office building on the property would be demolished.

A revised proposal was submitted on March 16, 2021, in response to concerns raised by the public and staff comments, and is the subject of this report. The proposal includes a reduction in height to 59 storeys (210.25 metres, inclusive of the mechanical penthouse), and the massing has been revised to include an 11-storey base building with a 5-storey street wall expression along the three street frontages.

The proposal includes two-storey retail spaces located at the north and south ends of the Bay Street building frontage. The residential and office lobbies are located between the retail spaces with frontage and access to Bay Street. A mid-block connection is provided along the east property line that connects St. Mary Street to Inkerman Street and the approximately 265 square metre privately-owned publicly accessible space (POPS) located along Inkerman Street.

A total of 12,900 square metres of office space is included from the 3rd floor to the 10th floor.

Indoor residential amenity spaces have been provided on the 11th to 13th floors, totaling 1,651 square metres, and contiguous outdoor amenity space is located on the 12th and 13th floors totaling 537 square metres.

A Type G loading space is located at grade and is accessible from Inkerman Street. Two Type C loading spaces are located within a six-level underground parking garage also containing 170 parking spaces (58 visitor and non-residential, 108 residential, and 4 car-share). Access to the parking garage is located on St. Mary Street. A total of 605 bicycle parking spaces are proposed, with bicycle parking located on the mezzanine and 2nd floor of the building.

Refer to Table 1 for a comparison of the key statistics between the two submissions:

Table 1: Summary of Application Statistics

	Original Submission	Current Submission
Site Area (pre-widenings)	2,395	2,395
Density (FSI)	26.9	20.9
GFA (sq. m.)		
Residential	39,040	36,220
Retail/commercial	835	985
Office	24,460	12,900
Total	64,335	50,105
Residential Units		
Studio	0 (0%)	44 (8%)
1 Bedroom	313 (59%)	309 (57%)
2 Bedroom	147 (28%)	134 (25%)
3 Bedroom	68 (13%)	54 (10%)
Total	528	541
Amenity space (sq.m.)		
Indoor	1,420 (2.69/unit)	1,651 (3.05/unit)
Outdoor	710 (1.34/unit)	537 (0.99/unit)
Parking Spaces		
Residential	106	108
Visitor/Non-residential	91	58
Car Share	4	4
Total	201	170
Loading Spaces		
Type "G"	1	1
Type "C"	2	2
Type "B"	1	0
Building Height (m)		
Streetwall	61.7	23.7
Base Building	61.7	53.1
Tower	221.7	199.75
Mechanical Penthouse	12.5	10.5
Total	234.2	210.25
Setbacks (m)		
Bay St.	1.4 (1.0 post-widening)	1.4 (1.0 post-widening)
St. Mary St.	0.5	0.5
Inkerman St.	4.2	4.2

	Original Submission	Current Submission
Tower Setbacks (m)		
North	2.8	3.0
East	12.5	10.0
South	11	11.1
West	3 (2.6 post-widening)	5.4 (5.0 post-widening)
Tower Floorplate GCA (sq.m.)	799	800

See Attachment No. 2 to this report for the project data, Attachment No. 11 for the site plan, Attachments No. 12-13 for a three dimensional representation of the current proposal in context, and Attachments No. 14-16 for the elevations.

Site and Surrounding Area

The subject site is located on the east side of Bay Street and encompasses the block between St. Mary Street and Inkerman Street. An "L" shaped City-owned lane is adjacent to the eastern property boundary. The site has an area of approximately 2,395 square metres, with a frontage of 61.29 metres along Bay Street, 46.75 metres along Inkerman Street, and 34.00 metres along St. Mary Street. The site is generally flat, with a slight grade towards the southwest corner of the site.

The site is presently occupied by a 13 storey office building containing approximately 22,415 square metres of gross floor area, the majority of which is used for office space. Along the east edge of the building is a walkway that links St. Mary Street and Inkerman Street, a fenced lawn area, and an asphalt parking area with three vehicle parking spaces.

The buildings and uses surrounding the subject site include the following:

North: To the north of the subject site, on the north side of St. Mary Street is 1101 Bay Street, which is a 27-storey mixed use building with commercial uses at grade, and rental units above.

East: To the east of the subject site is a City-owned lane. East of the lane is a 24-storey residential apartment building located at 25 St. Mary Street. To the east of the apartment building is a new 35-storey mixed-use building at 75 St. Nicholas Street, with commercial uses at grade, and residential condominium units above.

South: To the south of the subject site, on the opposite side of Inkerman Street is a 23-storey mixed-use building with a ground floor commercial use and residential condominium units above, located at 1055 Bay Street.

West: On the opposite side of Bay Street are two residential condominium building with heights of 45- and 55-storeys at 65 St. Mary Street and 1080 Bay Street, and the St. Basil's Catholic Parish located at 50 St. Joseph Street.

Reasons for Application

The proposal requires an amendment to the Zoning By-law for an increase in density, and height, as well as site-specific provisions for setbacks, amenity space, parking, loading and bicycle parking to implement the development.

APPLICATION BACKGROUND

Application Submission Requirements

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

- Arborist Report
- Community Services and Facilities Study
- Energy Strategy Report
- Functional Servicing and Stormwater Management Report
- Hydrogeological Investigation Report
- Noise Impact Statement
- Pedestrian Level Wind Study
- Planning Rationale Report
- Public Consultation Strategy
- Shadow Study
- Toronto Green Standard Checklist
- Urban Transportation Considerations Report

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have had an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of employment

opportunities; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; the adequate provision and distribution of educational, health, social, cultural and recreational facilities; the resolution of planning conflicts involving public and private interests; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent

with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on May 16, 2019, with Amendment 1 to the Growth Plan coming into effect on August 28, 2020 (the "Growth Plan (2020)"). The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2020) 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 (2020) 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 plan for the prescribed densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those set out in the Growth Plan. Major Transit Station Area boundaries will not be delineated until such time as the City initiates and completes an MCR in conformity with the Growth Plan 2020.

At its meeting on April 22, 2021, the Planning and Housing Committee adopted the Draft Delineations for the Protected Major Transit Station Areas within the Downtown Secondary Plan and Draft Citywide Major Transit Station Areas (MTSA) Policy Directions as a basis for consultation. The draft sixteen Site and Area Specific Policies under consultation contain individual delineations, policies, and minimum density targets for each station area. The Minister of Municipal Affairs and Housing is the approval authority for the delineation of Protected Major Transit Stations Areas and the Minister's decision is not appealable. The staff report (Item PH22.6) can be accessed here: <https://www.toronto.ca/legdocs/mmis/2021/ph/bgrd/backgroundfile-165469.pdf> and the draft SASPs can be accessed here: <https://www.toronto.ca/legdocs/mmis/2021/ph/bgrd/backgroundfile-165470.pdf>.

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of this report.

Toronto Official Plan

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. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The Planning Act and Policy 4.6 of the PPS (2020) requires the City to update its Official Plan and keep it up to date. On September 21, 2020 the Minister of Municipal

Affairs and Housing Issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2, and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendments can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

This application has been reviewed against the policies of the City of Toronto Official Plan and Official Plan Amendment 183 (Site and Area Specific Policy 382), Official Plan Amendment 406 (Downtown Plan), and Official Plan Amendment 352 (and implementing By-laws 1106-2016 and 1107-2016) as follows:

Chapter 2 - Shaping the City

Section 2.1 Building a More Livable Urban Region

This section outlines the policies regarding the overall growth management and development objectives and standards within the City, including matters related to transportation, infrastructure, human services, climate change and population growth.

Policy 2.1.1 states broad development objectives regarding growth management within the City, including:

- a) focuses urban growth into a pattern of compact centres, mobility hubs, and corridors connected by a regional transportation system, featuring fast, frequent, direct, inter-regional transit service with integrated services and fares;
- b) makes better use of existing urban infrastructure and services;
- d) reduces auto dependency and improves air quality;
- g) increases the supply of housing in mixed use environments to create greater opportunities for people to live and work locally;
- j) improves the competitive position of the Toronto regional economy internationally and creates and sustains well-paid stable, safe and fulfilling employment opportunities for all individuals

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation

This section identifies policies related to coordinating growth with the City's existing and planned transportation infrastructure, including public transit, roadways, and pedestrian connections.

Policy 2.2.1 a) and b) states that population and economic growth should be undertaken in a manner that is supported by good and affordable transit services, and encourages expansion to the City's transportation infrastructure to accommodate new growth.

Policy 2.2.2 states that growth will be directed to the Centres, Avenues, Employment Areas, and the Downtown. The subject site is located within the Downtown area on Map 2 of the Official Plan.

Policy 2.2.3 a) i) and ii) states that the City's transportation network is to be maintained and developed to accommodate growth, including securing road widenings and expansions to rights-of-way.

Section 2.2.1 Downtown: The Heart of Toronto

This section outlines the policies for development within the Downtown. The proposed development is located in the Downtown area on Map 2 of the Official Plan. The Official Plan states that: "while we anticipate and want Downtown to accommodate growth, this growth will not be spread uniformly across the whole of Downtown."

Policy 2.2.1.1 states that the Downtown will accommodate development that achieves a minimum combined gross density target of 400 jobs and residents per hectare within the Downtown Urban Growth Centre ("UGC").

Policy 2.2.1.3 c) and d) states that the quality of the Downtown will be improved by enhancing existing parks and strengthening the range and quality of the social, health and community services located Downtown.

Policy 2.2.1.4 states that a full range of housing opportunities will be encouraged through residential intensification in the Mixed Use Areas of Downtown.

Chapter 3 - Building a Successful City

Section 3.1.1 Public Realm

This section provides guidance on the roles and key relationships between elements of the public realm as well as direction on the expansion, enhancement and maintenance of the public realm through development review and capital projects.

Policy 3.1.1.12 states that mid-block connections will be designed to complement and extend, but not replace, the role of the public streets, parks and open spaces as the main place for civic life and pedestrian activity. They should be designed for users of all ages and abilities, comfortable, safe and integrated into the local network of pedestrian movement with direct access from the public sidewalk and clear wayfinding within.

Policy 3.1.1.13 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for users of all ages and abilities, by:

- a) providing well designed and co-ordinated tree planting, landscaping, amenity spaces, setbacks, green infrastructure, pedestrian-scale lighting, street furnishings and decorative paving as part of street improvements;
- b) locating and designing utilities within streets, within buildings or underground, in a manner that will minimize negative impacts on the natural, pedestrian and visual environment and enable the planting and growth of trees to maturity; and

c) providing unobstructed, direct and continuous paths of travel in all seasons with an appropriate width to serve existing and anticipated pedestrian volumes.

Policy 3.1.1.16 states that the preservation, long-term growth and increase in the amount of healthy trees will be a priority for all development.

Policy 3.1.1.20 states that Privately Owned Publicly-Accessible Spaces (POPS) provided through development will:

- a) generally be publicly accessible and may include temporary commercial uses which animate the POPS;
- b) be designed and programmed for users of a variety of ages and abilities to serve the local population;
- c) be sited in highly visible locations; and
- d) be sited and designed to be seamlessly integrated and connected into the broader public realm;

Section 3.1.2 Built Form

This section provides principles on key relationships of the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the built form and ensure each new building will promote and achieve the overall objectives of the Official Plan.

Policy 3.1.2.1 states that development will be located and organized to fit with its existing and planned context. Development will frame and support the adjacent public realm to promote civic life and the use of these spaces, and to improve the safety, pedestrian comfort, interest and experience, and casual views to the public realm from the development by:

- a) generally locating buildings parallel to the street with consistent front yard setbacks;
- c) locating main building entrances on the prominent building facades so that they front onto a public street, are clearly visible and directly accessible from a public street;
- d) providing ground floor uses, clear windows and entrances that allow views from and, where possible access to the public realm;
- e) preserving existing mature trees wherever possible and incorporating them into the development site; and,
- f) providing comfortable wind conditions and air circulation at the street and adjacent open spaces to preserve the utility and intended use of the public realm, including sitting and standing.

Policy 3.1.2.3 states that development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

Policy 3.1.2.4 states that development will locate and organize vehicle parking, vehicular access and ramps, loading, servicing, storage areas, and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding properties.

Policy 3.1.2.5 states that development will be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by:

- a) providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context; and
- b) stepping back building mass and reducing building footprints above the streetwall height.

Policy 3.1.2.6 states that development will be required to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm, and in Policy 3.1.2.7 transition in scale will be provided within the development site and measured from shared and adjacent property lines.

Policy 3.1.2.10 states that development will promote civic life and provide amenity for pedestrians in the public realm to make areas adjacent to streets, parks and open spaces attractive, interesting, comfortable and functional by providing:

- a) improvements to adjacent boulevards and sidewalks including sustainable design elements, which prioritize street trees;
- b) co-ordinated landscape improvements in setbacks to enhance local character, fit with public streetscapes, and provide attractive, safe transitions between the private and public realms;
- c) weather protection such as canopies and awnings;
- d) landscaped open space within the development site;
- f) safe, direct pedestrian routes and tree plantings throughout the site; and
- g) public art, where the developer agrees to provide this.

Policy 3.1.2.11 states that new indoor and outdoor shared amenity spaces provided as part of multi-unit residential developments are encouraged to be high quality, well designed, and consider the needs of residents of all ages and abilities over time and throughout the year.

Section 3.1.3 Built Form - Building Types

This section provides policy direction for three scales of building types – Townhouse and Low-Rise Apartments, Mid-Rise, and Tall – for residential, office and mixed-use intensification. Tall buildings are the most intensive form of growth that come with both opportunities and challenges.

Tall buildings play a role in achieving residential and employment growth ambitions in the Downtown; however, not every site is appropriate for a tall building. Tall buildings should only be considered where they can fit into the existing or planned context, and where the site's size, configuration and context allows for the appropriate design criteria to be met.

Policy 3.1.3.8 states that tall buildings should typically be designed to consist of three parts – a base, a tower and a top – carefully integrated into a single whole.

Policy 3.1.3.9 states that the base portion of tall buildings should: a) respect and reinforce good street proportion and pedestrian scale; and b) be lined with active, grade-related uses.

Policy 3.1.3.10 states that the tower portion of a tall building should be designed to:

- a) reduce the physical and visual impacts of the tower onto the public realm;
- b) limit shadow impacts on the public realm and surrounding properties;
- c) maximize access to sunlight and open views of the sky from the public realm;
- d) limit and mitigate pedestrian level wind impacts; and
- e) provide access to daylight and protect privacy in interior spaces within the tower.

Policy 3.1.3.11 states that Policy 3.1.3.10 should be achieved by:

- a) stepping back the tower from the base building;
- b) generally aligning the tower with, and parallel to, the street;
- c) limiting and shaping the size of tower floorplates above base buildings;
- d) providing appropriate separation distances from side and rear lot lines as well as other towers; and
- e) locating and shaping balconies to limit shadow impacts.

Policy 3.1.3.12 states that the top portion of a tall building should be designed to:

- a) integrate roof top mechanical systems into the building design;
- b) contribute to the surrounding skyline identity and character; and,
- c) avoid up-lighting and excessive lighting.

Section 3.2.1 Housing

This section provides direction to encourage the provision of a full range of housing, in terms of form, tenure and affordability.

Policy 3.2.1.1 states a full range of housing, in terms of form, tenure and affordability will be provided to meet the current and future needs of residents.

Section 3.2.2 Community Facilities and Services

This section calls for adequate and equitable access to community services and local institutions, and sets out a policy framework, that encourages the inclusion of community service facilities as part of a private development.

Policy 3.2.2.1 c) states adequate and equitable access to community services will be encouraged by ensuring that an appropriate range of community services and facilities are provided in areas of major or incremental physical growth.

Policy 3.2.2.7 states the inclusion of community service facilities will be encouraged in all significant private sector development.

Section 3.2.3 Parks and Open Spaces

This section refers to Toronto's system of parks and open spaces and their important city-building role as the City grows and changes.

Policy 3.2.3.3 states the effects of development from adjacent properties, including additional shadows, will be minimized as necessary to preserve their utility.

Section 3.5.1 Creating a Strong and Diverse Civic Economy

This section outlines the policies related to economic growth within the City. Policy direction is provided that encourages a pattern of growth that supports existing jobs and employment areas, while integrating new employment opportunities within new development.

Policy 3.5.1.9 states that in Mixed Use Areas within the Downtown new residential development on a property with at least 1,000 square metres of existing non-residential gross floor area used for offices is required to increase the gross floor area for office purposes or replace the office floor space on a second site, prior to or concurrent with the residential development.

This policy is part of OPA 231, which is the subject of an LPAT appeal. The LPAT has not yet issued a decision regarding Policy 3.5.1.9.

Chapter 4 - Land Use Designations

Section 4.5 Mixed Use Areas

The site is designated Mixed Use Areas on Map 18 of 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. (Refer to Attachment No. 3 to this report)

Policy 4.5.2 a) states that development in Mixed Use Areas is to achieve a balance of high quality commercial, residential uses to reduce automobile dependency and supports the needs of the local community.

Policy 4.5.2 c) states development within Mixed Use Areas will locate and mass new buildings to provide a transition between areas of different intensity and scale through means such as setbacks and/or stepping down of heights.

Policy 4.5.2 e) states development will 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.

Policy 4.5.2 f) states development will provide an attractive, comfortable and safe pedestrian environment.

Policy 4.5.2 h) states development will take advantage of nearby transit services.

Policy 4.5.2 i) refers to development that will provide good site access and circulation and an adequate supply of parking for residents and visitors and in 4.5.2 j) locate and screen service areas, ramps, and garbage storage to minimize the impact on adjacent streets and residences.

Policy 4.5.2 k) refers to development that will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Policy 4.5.2 l) states development will provide opportunities for energy conservation and in 4.5.2 m) provide opportunities for green infrastructure including tree planting, stormwater management systems and green roofs.

Chapter 5 - Implementation

Section 5.1.1 Height and/or Density Incentives

This section refers to Section 37 of the *Planning Act* and establishes the provisions under which Section 37 may be used.

Section 5.2.1 Secondary Plans: Policies for Local Growth Opportunities

The site is located within the Downtown Plan area.

Policy 5.2.1.3 states Secondary Plans will promote a desired type and form of physical development resulting in highly functional and attractive communities and plan for an appropriate transition in scale and activity between neighbouring districts.

Section 5.6 Interpretation

This section establishes how the policies are to be understood and interpreted.

Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making and in Policy 5.6.1.1 that policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation.

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 approved 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 which includes the properties on both sides of Bay Street as well as the interior of most east-west blocks between Bay Street and Yonge Street to the west of the Yonge Street Character Area. (Refer to Attachment No. 4 to this report)

The non-policy text of Section 5.1 Bay Street Character Area states that growth is anticipated within the Bay Street Character Area in areas designated as Mixed Use Areas.

OPA 183 also contains policies related to sun and shadows, parks and open spaces, the public realm, and urban design, which have been considered during the review of the application.

Policy 6.A.1 states that development/redevelopment will adequately limit shadows to preserve or improve the utility, in both a functional and qualitative sense, of city streets, and publicly owned or publicly accessible open spaces (this policy does not apply to parks), having regard for the varied nature and acknowledging the importance of such areas. A mix of sun and shadow conditions will be maintained on the public realm consistent with the function of the affected space, and maintained on the private realm, including shared private outdoor amenity spaces serving multi-unit residential development, consistent with the typical function of such spaces for the times of day and year when such spaces are typically used.

Section 6.2 relates to the parks and open space system in the North Downtown Yonge Area. The parks and open space system is described as comprising of spaces that include existing and potential open spaces such as plaza courtyards, forecourts, and squares as shown on Map 2 of OPA 183. (Refer to Attachment No. 5 to this report)

Policy 6.2.5 states that for the area west of Yonge Street and north of Wellesley Street West, it is the objective of Council to provide opportunities for on-site dedications and new and improved publicly accessible open space as part of the development/redevelopment application review process.

Policy 6.2.7 refers to creating opportunities for greening and additional park and open space linkages through the creation and addition of plaza forecourts, tree plantings, green or enhanced streetscapes, and boulevard parking reclamations.

Policy 6.3.6 refers to creating an enhanced public realm and supporting pedestrian movement by expanding the sidewalk width, mid-block access, well designed promenades and potential new mid-block connections.

Policy 6.3.13 states Council's objective to widen the setbacks on east-west streets to secure a sidewalk zone (measured curb to building face) of at least 6 metres wide.

Policy 6.4.1 states that development/redevelopment will have a high standard of design, be appropriately scaled, relate positively to the existing and planned context and contribute to enhancing the surrounding public realm.

Policy 6.4.2 states that development/redevelopment will be massed to fit harmoniously with its surroundings and that setbacks, stepbacks, height restrictions, angular planes, appropriate floorplate areas, and/or facade articulation will be employed to achieve appropriate transition for this purpose.

Policy 6.4.4 states that floorplate sizes, stepbacks and tower separation distances will be important considerations in the evaluation of tall building development/redevelopment in order to address sunlight, shadow, sky view and privacy.

The North Downtown Yonge Site and Area Specific Policy 382 can be found here:

<http://www.omb.gov.on.ca/edecisions/pl131355-Aug-25-2017.pdf>

Site and Area Specific Policy 211 - Bloor Yorkville / North Midtown Area

Site and Area Specific Policy (SASP) 211 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.

The Bloor-Yorkville/North Midtown Area forms the north edge of the Downtown and provides for transition in density and scale to surrounding lower rise areas. This transition is important to reinforce the diversity of built form and use, to foster the stability of Neighbourhoods, and to minimize conflicts between commercial or mixed use areas and residential neighbourhoods.

The tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the Height Peak area in the vicinity of the intersection of Bloor/Yonge Streets. Buildings will step down from the Bloor/Yonge intersection within the Mixed Use Area in descending ridges of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church. Height and density permissions generally diminish the further one gets from Bloor Street. These height ridges provide a transition in scale from the Height Peak at Yonge/Bloor and will be developed 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 located at the south end of the Bay Street Height Ridge, on the periphery of the SASP area. (Refer to Attachment No. 6 to this report)

Official Plan Amendment 406 - The Downtown Plan

Official Plan Amendment 406 (the Downtown Plan) was adopted by City Council on May 22, 2018 and approved by the Minister of Municipal Affairs on June 5, 2019. The Amendment includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. It applies to all applications deemed complete after June 5, 2019. This application was deemed complete prior to June 5, 2019 and as such the plan does not currently apply to this application. However, the policies in the plan are informative as to the most current policy direction for the Downtown. (Refer to Attachment No. 7 to this report)

The Downtown Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – provides a comprehensive and integrated policy framework to shape growth in Toronto’s fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

The Downtown Plan can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

Official Plan Amendment 352 – Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. 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, which provide the detailed performance standards for portions of buildings above 24 metres in height.

OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 were appealed to the Local Planning Appeal Tribunal (LPAT) following City Council's adoption of the planning instruments. On November 25, 2020 and February 2, 2021, City Council approved modifications to OPA 352 and the Zoning By-laws with the intention of resolving the appeals. On March 15, 2021, City Legal, together with the appropriate City Staff, presented the modifications to the LPAT for approval. On May 28, 2021, the LPAT partially approved modifications to OPA 352 and the Zoning By-laws; however, OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 remain under appeal with respect to the subject site at 1075 Bay Street.

Further background information can be found at www.toronto.ca/tocore.

Official Plan Amendment to Further Protect Heritage Views of City Hall, Old City Hall and St. James Cathedral

Official Plan Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, including Old City Hall. The protected view of Old City Hall includes the main entrance, tower and cenotaph as viewed from the southwest and southeast corners at Temperance Street and includes the silhouette of the roofline and clock tower. The City has initiated an Official Plan Amendment process with the intent of providing additional guidance for the conservation of this significant landmark property.

The draft Amendment can be found here

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

The outcome of staff analysis and review of relevant Official Plan policies and designations, Secondary Plans, and Official Plan Amendments noted above are summarized in the Comments section of this report.

Zoning

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 metres by the City of Toronto Zoning By-law 569-2013. The site is subject to Sections 12(2) 132 and 259 of former City of Toronto By-law 438-86 which prohibits commercial parking garages and private commercial garages, and requires street-related retail and service uses for at least 60 percent of the frontage abutting a priority retail street (Bay Street). (Refer to Attachment No. 8 to this report)

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

Policy 5.2.5.6 of the Growth Plan indicates supporting documents will direct the development of a high quality public realm and compact built form in achieving minimum intensification and density targets of the Plan.

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the following guidelines.

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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 link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings.

Map 1 from the Downtown Tall Building Guidelines identifies Bay Street as a High Street and Map 2 identifies a height range of 92-152m (30-50 storeys). St. Mary Street is identified as a Secondary High Street on which tall buildings are an appropriate form of development, though at a lower scale than the surrounding High Streets. The Downtown Tall Building Guidelines also outline several factors which would mitigate the potential height of a tall building, including small site size and negative impacts on heritage properties, sunlight on parks and open spaces, and views of prominent and heritage properties, structures and landscapes.

The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals.

The link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

North Downtown Yonge Urban Design Guidelines

The North Downtown Yonge Urban Design Guidelines provide further direction for implementation of the policies contained in OPA 183 for each of the Character Areas as well as an area-wide built form and public realm framework.

The North Downtown Yonge Urban Design Guidelines are available at:

<https://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile61187.pdf>

Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines

On July 28, 2020, City Council adopted the updated Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines ("Growing Up Guidelines"). The update was based on the continued review and assessment from the draft guidelines adopted by Council in July 2017. The objective of the Growing Up Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Growing Up Guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

The link to the guidelines is here:

<https://www.toronto.ca/wpcontent/uploads/2019/12/94d3-CityPlanning-Pet-Friendly-Guidelines.pdf>

Retail Design Manual

On October 27, 2020, City Council adopted the Retail Design Manual. The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces by providing aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses.

The Retail Design Manual can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf>

Site Plan Control

The subject site and proposed development are subject to Site Plan Control. As of the date of this report, a Site Plan Control Application has not yet been submitted.

Draft Plan of Condominium

The proposed development will be subject to a Draft Plan of Condominium application to implement the proposed ownership tenure within the development.

COMMUNITY CONSULTATION

A community consultation meeting was held on September 12, 2019 at the Central YMCA. Approximately 50 members of the public attended the consultation meeting, along with the Councillor and City staff. A number of individuals and groups also contacted City staff and the applicant before and after the community consultation meeting with specific questions, concerns and suggestions. Comments expressed during the community consultation meeting and provided through written submissions include:

Built Form

- Height and density of the development is too tall and too dense for the area;
- Height of the podium and separation distance from 25 St. Mary Street;

Public Realm and Open Space

- Not enough parks, green space, and playgrounds in the area;
- Impacts on St. Mary Street and the playground;
- Proposal should include public amenities, open space, walkways, and trees;
- Bay Street sidewalk should be wide enough to provide trees;
- Suggestion to make St. Mary Street a pedestrian priority street;

Wind, Light, Noise, Privacy

- Existing wind tunnel on Bay Street and the potential impact of this development;
- Impacts on sunlight for surrounding buildings;
- Shadow impacts on adjacent buildings and green spaces, including the St. Nicholas Character Area;
- Concerns about noise from the loading area;
- Concerns about noise from the building mechanical equipment;
- Concerns about overlook from the amenity space;

Transportation

- Existing traffic concerns;
- Concerns about increased traffic on Bay Street and the surrounding streets;
- Concerns about the feasibility of using Inkerman Street for loading;
- Insufficient parking proposed;
- Impacts on TTC capacity;
- Suggestion to provide access from Bay Street and a circular driveway for pick-up and drop-off;

Others

- Servicing capacity and site flooding;
- Managing a high volume of parcel deliveries for the building;
- Capacity at area schools;
- Suggestion to include a daycare; and,
- Construction impacts including noise, traffic, air pollution, and safety.

The comments received from members of the public primarily relate to the original proposal. The revised proposal addresses many of these concerns through decreases in the overall height and the height of the podium; inclusion of the POPS and mid-block connection on site; and review and acceptance of technical reports related to wind and shadow impacts, transportation impacts, and site servicing and stormwater management by City staff. Other matters will be addressed through the Site Plan Control review process.

A Public Consultation Strategy was provided in support of the application. In addition to the standard public consultation processes for Zoning By-law Amendment applications, the strategy notes that the applicant will identify and have informal and formal meetings and/or correspondence with local stakeholders to review issues and try and resolve any concerns prior to resubmission and the Final Report. These local community stakeholders may include: The Bay Cloverhill Community Association (BCCA), the Downtown Yonge BIA, adjacent condominium and property management companies, and the University of Toronto. City Planning staff understand that the applicant has undertaken such meetings and correspondence with the BCCA and representatives from 25 St. Mary Street and U Condominium prior to resubmission of the revised proposal.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Provincial plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any of the policies of the Plans.

The Provincial Policy Statement (2020)

From an intensification and land use perspective, this proposal is consistent with policies that promote efficient land use patterns (Policies 1.1.1, 1.1.2, 1.1.3.1, and 1.1.3.2) in a settlement area identified in the Official Plan for intensification and a varied mix of land uses. Specifically, the proposal includes a mixture of residential, office, and retail uses. The proposal will efficiently use planned and available infrastructure and public service facilities and constitutes transit-supportive development.

From a housing perspective, this proposal is consistent with policies that require a range and mix of housing options to meet projected market-based housing needs of current and future residents (Policies 1.1.1 b), 1.1.3.3, and 1.4.3).

From an employment perspective, the proposal is consistent with policies that support economic development and competitiveness (Policy 1.3.1) by maintaining a significant portion of office gross floor area on the site to support future business uses downtown.

From an open space perspective, the proposal is consistent with policies that promote healthy, active communities, including the mid-block connection and POPS (Policy 1.5.1).

From a built form perspective, Policy 1.7.1 e) indicates long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes. Policy 1.1.3.4 states appropriate development standards should be promoted to facilitate intensification, redevelopment and compact form. Development standards are established in the Official Plan, Secondary Plans, Site and Area Specific Policies, and supporting documents including urban design guidelines. This proposal is consistent in this regard as the proposed mass, scale, and height fits in its immediate existing and planned context.

It is City Planning staff's opinion that the application and the amending Zoning By-laws are consistent with the PPS, 2020.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The subject site is within the Downtown UGC, a strategic growth area defined in the Growth Plan (2020). The Downtown UGC, encompassing an area generally bordered by Bathurst Street, the midtown rail corridor and Rosedale Valley, Don River and Lake Ontario, will be planned to achieve, by 2031, or earlier, a minimum density target of 400 residents and jobs combined per hectare.

With regard to intensification and land use, the proposal conforms to the policy direction that speaks to directing growth to settlement areas such as the Downtown UGC (Policy 2.2.1.2). Additional analysis on the application's conformity to the intensification targets for the Downtown UGC (Policy 2.2.3.2) is provided in the following section of this report. Furthermore, while the City is currently undertaking its municipal comprehensive review for development within major transit station areas, given the land uses and density being proposed, this proposal would contribute to and does not conflict with the overall density targets set out in Section 2.2.4 of the Growth Plan.

With regard to housing, the proposal conforms to the policy direction with respect to supporting housing choice (Policy 2.2.6.1 a)) and by incorporating a mix of unit sizes within the development (Policy 2.2.6.3).

With regard to economic and employment growth, the proposal conforms to the policy direction that directs major office growth to be directed to urban growth centres and major transit station areas (Policy 2.2.5.2).

With regard to built form and public realm, the proposal provides for a compact built form and contributes to a vibrant public realm (Policy 2.2.1.4 e)). The proposal also conforms to the appropriate type and scale of development for its location within the Downtown UGC and is designed in a manner that supports the achievement of complete communities (Policy 2.2.2.3).

In implementing these policies, Growth Plan Policy 5.2.5.6 states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form.

Conformity with Growth Targets and Density Targets

The most recent Official Plan update was undertaken when the City's Official Plan was approved by the Ontario Municipal Board in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

The subject site is within the Downtown UGC of the built-up area boundary as identified in the Growth Plan (2020), where a significant share of population and employment growth is anticipated. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2041. Additional density targets are

provided for the various UGC in the City at a rate of 400 people and jobs combined per hectare to help achieve this overall population. The City is presently on track to meet these overall 2041 Growth Plan (2020) forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

The density of the Downtown Toronto UGC area in 2016 is 354 people and jobs per hectare, based on the 2016 Census population and the 2016 Toronto Employment Survey results. From 2011 to 2016, the population increased by 41,668 people. Employment increased by 69,280 jobs over the same period. The increase in density as a result of this growth is an additional 52 people and jobs per hectare over the 2011-2016 period. This demonstrates total population and employment growth and growth in density of the UGC.

Table 2: Downtown Toronto Urban Growth Centre

Year	Census Population	TES Employment	Area (hectares)	Density (people & jobs)
2011	205,888	441,920	2,143	302
2016	247,556	511,200	2,143	354
2011-2016	41,668	69,280	2,143	52

Sources: 2011 and 2016 Census, Statistics Canada, 2011 and 2016 Toronto Employment Survey, City of Toronto

In the Downtown Toronto UGC area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet built (see ProfileToronto: How Does the City Grow? April 2017). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto UGC over the near term from 2016 as occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum UGC density target of the Growth Plan (2020). In addition, there would remain an additional ten years for additional approved development to occur.

According to our Toronto Employment Survey Bulletin, with the latest completed in 2019 and presented to the Planning and Housing Committee on January 2020, Downtown employment in 2016 was 511,200 or 23,888 jobs per square kilometre and in 2019 was 584,660 jobs or 27,320 jobs per square kilometre, i.e. the density of jobs in Downtown has risen from 239 jobs per hectare to 273 jobs per hectare, an increase of 34 jobs per hectare. So, if the City's density was 354 people and jobs per hectare in 2016, and if population in Downtown has not declined over the next three years to 2019, than based

on employment alone, the Downtown's density would have increased, potentially to 388 people and jobs per hectare in 2019, all other things being unchanged.

The proposed development is not required for the City to meet the density target of 400 people and jobs/hectare in the Downtown UGC. The density target is to be measured across the whole of the Downtown UGC, as indicated in policy 5.2.5.4 of Growth Plan (2020).

It is City Planning's staff's opinion that the application and the amending Zoning By-laws conform to the Growth Plan (2020).

Land Use

The site is designated Mixed Use Areas in the City of Toronto Official Plan. Policy 4.5.1 of the Official Plan states that Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings.

In the Downtown Plan (not applicable for this proposal) the site is designated Mixed Use Areas 1 – Growth. Policy 6.18 states that a wide range of commercial, residential and institutional land uses, and parks and open spaces are permitted in the Mixed Use Areas. Policy 6.24 states that development within Mixed Use Areas 1 will generally be encouraged to provide a significant proportion of non-residential uses within new mixed-use developments.

The proposal includes a total gross floor area of 50,105 square metres. Residential uses account for 36,220 square metres, and the non-residential component includes 12,900 square metres of office uses and 985 square metres of retail and commercial space.

The existing 13-storey office building on the site contains approximately 22,415 square metres of gross floor area, the majority of which is used for office space, whereas the proposed development includes 12,900 square metres of office space. Policy 3.5.1.9 of the Official Plan requires that where properties with at least 1,000 square metres of existing office gross floor area are redeveloped that the gross floor area for office purposes be increased. Policy 6.7 for the Bloor-Bay Office Corridor in the Downtown Plan similarly requires that development will ensure no net loss of office and non-residential gross floor area, and encourages development to provide a net gain of gross floor area for office uses. Policy 3.5.1.9 of the Official Plan is currently the subject of an LPAT appeal. Similarly, the policies of the Downtown Plan do not apply to this application, as discussed in the Policy Considerations section of this report.

City Planning staff find that the proposed office gross floor area for this proposal decreased from the original submission due to modifications to the built form of the proposal, including increased setbacks and stepbacks from Bay Street and a lower streetwall and base building height, is acceptable. The provision for office space at this location is consistent with the mix of land uses envisioned within the Mixed-Use Areas designation of the Official Plan, and contributes to a complete community that supports employment opportunities within the Downtown.

Based on the policy framework for this site, it is City Planning staff's opinion that the proposed mix of land uses conforms to the Official Plan and supports the creation of a complete community within the Downtown.

Housing

The PPS and the Growth Plan acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs for a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents.

The proposal includes a total of 541 residential dwelling units comprised of 44 (8%) Studio units, 309 (57%) 1 Bedroom units, 134 (25%) 2 Bedroom units, and 54 (10%) 3 Bedroom units.

The unit mix meets the policy direction of the Official Plan to provide a full range of housing and meets the unit mix objectives of the Downtown Plan and the Growing Up Guidelines to provide a minimum of 15% 2 Bedroom units, 10% 3 Bedroom units, and an additional 15% as a combination of 2 and 3 Bedroom units within new developments. However, the unit sizes do not meet the unit size objectives of the Downtown Plan and the Growing Up Guidelines, which City Planning staff will continue to encourage the applicant to provide through the Site Plan Control review process.

Built Form

The proposed built form has been reviewed against the Official Plan, OPA 183, SASP 211, and OPA 406 and OPA 352 (both approved but not in effect for this application), as well as the relevant design guidelines described in the Policy Considerations section of this report.

Policy 1.1.3.4 of the PPS states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form. Policy 2.2.2.3 b) of the Growth Plan states that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas. The Official Plan and urban design guidelines provide the City's strategy for identifying the appropriate height and massing of development.

Policy 3.1.2.1 of the Official Plan states that development will be located and organized to fit with its existing and planned context. Similarly, Policy 6.4.1 of OPA 183 states that development/redevelopment will have a high standard of design, be appropriately scaled, relate positively to the existing and planned context and contribute to enhancing the surrounding public realm.

Policy 3.1.2.6 of the Official Plan states that development will be required to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm. Similarly, Policy 6.4.2 of OPA 183 states that development/redevelopment will be massed to fit harmoniously with its surroundings and that setbacks, stepbacks, height restrictions, angular planes, appropriate floorplate areas, and/or facade articulation will be employed to achieve appropriate transition for this purpose.

A Planning Rationale Report was submitted in support of the original application, along with an addendum letter in support of the resubmission to address the revised plans and supporting materials. The rationale concludes that the proposal will fit, respect and support its existing and planned context, and that the proposed built form is both appropriate for and compatible with the scale and height of buildings that exist and are planned for Bay Street where North Downtown Yonge meets Bloor-Yorkville. It is City Planning staff's opinion that the proposal is appropriate for its existing and planned context and provides an appropriate relationship and transition to neighbouring properties and the public realm. The height and massing of the base building and towers are assessed in the following sections of this report, including setbacks and separation distances from neighbouring properties and buildings.

Built Form - Base Building

The base building, or podium, is the lower portion of the building which defines its relationship to the public realm. Policy 3.1.3.9 of the Official Plan states that the base portion of tall buildings should respect and reinforce good street proportion and pedestrian scale, and be lined with active, grade-related uses. Policy 3.1.2.5 adds that the building massing should provide streetwall heights and setbacks that fit harmoniously with the existing and/or planned context, and step back the building mass above the streetwall height.

Tall Building Design Guideline 3.1.1 recommends aligning the new base building with the height of the existing streetwall context, or provide a base building height between 10.5 metres and 80% of the width of the adjacent right-of-way (up to 24 metres) where there is no consistent streetwall height context. Guideline 3.2.2 recommends a minimum stepback of 3 metres from the face of the base building to the tower along all street frontages.

The proposed streetwall height on Bay Street, St. Mary Street, and Inkerman Street is 5 storeys (23.7 metres). The surrounding streetwall context on Bay Street is varied with base building expressions generally in the range of 2-3 storeys. The existing building on the subject site rises straight up to its full 13-storey height. Bay Street has a planned right-of-way width of 27 metres, and 80% of this width yields a 21.6 metre guideline for base building height.

Given the varied context surrounding the site, City Planning staff find that the proposed base building height is acceptable. The proposed streetwall height, as well as the 11-storey height of the base building above the streetwall stepback, allows for the provision of office uses as part of the mixed use building. City Planning staff find that the

proposed base building design improves upon the existing condition on the site. A stepback of 4 metres is proposed above the streetwall on Bay Street to the tower above. City Planning staff are satisfied with the proposed stepback as it exceeds the Guideline minimum of 3 metres in order to shift the tower massing further from Bay Street.

A stepback of 2-2.5 metres is proposed on St. Mary Street and 3 metres on Inkerman Street to the upper levels of the base building above. City Planning staff find that the massing of the base building, including the stepbacks above the 5 storey streetwall, also improves upon the existing condition as it will result in a greater separation distance from 1055 Bay Street.

The tower is setback 3-4.8 metres from the edge of the base building on St. Mary Street and 9.2-10.7 metres on Inkerman Street. It is City Planning staff's opinion that the proposed stepbacks are acceptable given the site's context and frontage on three different streets. The proposed stepbacks will provide a sufficient distinction between the base building and tower elements.

Built Form - Tower Placement, Separation Distances, and Floorplates

Policy 3.1.3.10 of the Official Plan states that the tower portion of a tall building should be designed to reduce the physical and visual impacts of the tower onto the public realm by limiting shadow and wind impacts, and maximizing sunlight and open views of the sky. The tower design should also provide access to daylight and protect privacy in interior spaces within the tower. Policy 3.1.3.11 states that Policy 3.1.3.10 should be achieved through measures such as stepping back the tower from the base building, limiting and shaping the size of tower floorplates, and providing appropriate separation distances from side and rear lot lines as well as other towers.

Policy B) i) of OPA 352 (not in effect for this application) states that development will provide setbacks from the lot lines to the tower portion of the building so that individual tall buildings on a site and the cumulative effect of multiple tall buildings within a block contribute to building strong healthy communities by fitting in with the existing and/or planned context. By-laws 1106-2016 and 1107-2016 require towers to be setback the greater of 3.0 metres from a lot line that abuts a street and 12.5 metres from the centre line of that abutting street; 12.5 metres from the centre line of an abutting lane; and 12.5 metres from a lot line having no abutting street or lane.

The Tall Building Design Guidelines, which provide further direction in order to implement Official Plan policies related to built form and tall buildings, limit the tower floorplate to 750 square metres (Guideline 3.2.1), direct the stepping back of a tower 3 metres or greater from the face of the base building along street frontages (Guideline 3.2.2), and direct that towers provide a setback of 12.5 metres or greater from side and rear property lines or the centre line of an abutting lane (Guideline 3.2.3).

As discussed in the previous section of this report, the tower is setback 4 metres from the edge of the base building on Bay Street, 3-4.8 metres on St. Mary Street and 9.2-10.7 metres on Inkerman Street, which is consistent with the Tall Building Design Guidelines.

Above the base building, the proposed tower floorplate is 800 square metres. While the tower floorplate exceeds the recommended size contained in the Tall Building Design Guidelines, City Planning staff consider this acceptable given the resulting shadow and wind impacts described in the following sections of this report, as well as appropriate setbacks as discussed further below.

The tower is positioned to provide a 5.4 metre (5.0 metres post-widening) setback from the west property line (Bay Street), a 3 metre setback from the north property line and 14 metres to the centre line of St. Mary Street, and a 11.1 metre setback from the south property line and 13.2 metres to the centre line of Inkerman Street. These tower setbacks meet or exceed the requirements of By-laws 1106-2016 and 1107-2016 and the Tall Building Design Guidelines. They also provide tower-to-tower separation distances of 24.2 metres to 1101 Bay Street and 16.7 metres to 1055 Bay Street which were built with minimal setbacks from St. Mary Street and Inkerman Street, respectively.

On the east side of the building, the tower is set back 10 metres from the nearest property line at the closest point, increasing to approximately 24 metres where the site widens at the south end. City Planning staff find that the proposed setback is acceptable on balance given the importance of providing a generous stepback from Bay Street. This setback results in a tower separation distance of approximately 36 metres from the existing building at 25 St. Mary Street. Should the property at 25 St. Mary Street be redeveloped with a tall building in the future, the same policies and guidelines with respect to providing setbacks from the property line would apply to ensure appropriate spacing between the tall buildings. In order to further mitigate any future tower separation concerns, projecting balconies will not be permitted within the 10 metre tower setback.

Built Form - Tower Height

The proposed tower height is 59 storeys (199.75 metres, plus a 10.5 metre mechanical penthouse). The overall height has been reduced from the original proposal to provide a better fit and transition within the emerging height context for Bay Street, the North Downtown Yonge area, and the Bloor-Yorkville/North Midtown area beyond.

While the proposal is taller than the recent developments nearby which have established the highest heights in the area (including 65 St. Mary Street (159 metres), 1080 Bay Street (185 metres), and 10 St. Mary Street (159 metres)), the height is compatible with the emerging context, especially within the Mixed Use Areas 1 designation of the Downtown Plan. The proposed tower height also fits within the general transition down from the tallest buildings located in the vicinity of the intersection of Yonge Street and Bloor Street (including 1 Bloor Street East (257 metres) and 1 Bloor Street West (308 metres)), as outlined in SASP 211.

Policy 3.1.5.44 of the Official Plan establishes view protection policies for Old City Hall, including the silhouette view of the roofline and clock tower as viewed from the southwest and southeast corners of Bay Street and Temperance Street. 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. However, the status report also includes proposed height limits for the view corridor which shows a height of 280 metres at Wellesley Street West, implying that the proposed tower would not intrude into the Old City Hall view corridor.

City Planning staff are satisfied that the reduced tower height reflected in the revised proposal is acceptable for this site.

Shadow Impact

Policy 3.1.3.10 b) of the Official Plan states that the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties.

Policy 6.A.1 of OPA 183 states that development/redevelopment will adequately limit shadows to preserve or improve the utility, in both a functional and qualitative sense, of city streets, and publicly owned or publicly accessible open spaces.

A Shadow Study reflecting the revised proposal was submitted in support of the application which shows the proposal casting new shadows on George Hislop Park at 5:18 PM on March 21st. The proposal will also cast shadows on the surrounding streets and sidewalks, as well as neighbouring properties, at various times throughout the year.

City Planning staff finds the level of shadow impact generated by the revised proposal to be acceptable.

Wind Impact

Policy 3.1.2.1 f) of the Official Plan states that development will provide comfortable wind conditions and air circulation at the street and adjacent open spaces to preserve the utility and intended use of the public realm, including sitting and standing. Similarly, Policy 4.5.2 e) states that development in Mixed Use Areas will maintain comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

A Pedestrian Level Wind Study reflecting the revised proposal was submitted in support of the application. The study indicates that the surrounding public realm will experience wind conditions that are acceptable for the intended use (suitable for standing and walking throughout the year). Along the Bay Street frontage, the residential and office lobbies as proposed are suitable for walking or better during winter months. To achieve conditions that are more comfortable for standing or better at these locations, the study recommends that these entrances be recessed into the building façade, or vertical wind barriers be installed adjacent to the doorways. The integration and design of these mitigation measures will be achieved through the Site Plan Control review process.

The mid-block pedestrian connection and POPS located at the east side of the building will be comfortable for standing or better throughout the year, and comfortable for sitting during the spring and summer months.

The outdoor amenity spaces will generally be comfortable for sitting and standing throughout the year, with specific areas recommended for mitigation subject to the final design of these amenity spaces. These design elements will be established during the Site Plan Control review process, and opportunities for mitigation will be addressed as required.

City Planning staff have reviewed the Pedestrian Level Wind Study and are satisfied with the assessment, conclusions, and recommendations contained within the study. Generally, wind conditions will remain unchanged along the site, with marginal changes in quality in specific areas. The amenity spaces will be able to function as intended, and will not suffer adverse effects of wind. The proposal is consistent with the established Official Plan policies.

Amenity Space

Policy 4.5.2 k) of the Official Plan states that multi-unit residential developments will provide indoor and outdoor recreation space for building residents. Policy 3.1.2.11 adds that new indoor and outdoor shared amenity spaces are encouraged to be high quality, well designed, and consider the needs of residents of all ages and abilities over time and throughout the year.

Amenity space for building residents is proposed on the 11th to 13th floors at a rate that meets the minimum requirement of 4 square metres of amenity space per dwelling unit (of which at least 2 square metres shall be indoor) contained in Zoning By-law 569-2013. A total of 1,651 square metres of indoor amenity space (3.05/unit) is proposed along with 537 square metres of outdoor amenity space (0.99/unit). Wind conditions and required mitigation for the outdoor amenity space is discussed in the Wind Impact section of this report. The outdoor amenity space will experience a mix of sun and shade throughout the day.

Detailed design of the amenity space, including provisions for households with children (Growing Up Guidelines) will be reviewed and secured through the Site Plan Control review process.

Traffic Impact, Access, Parking and Loading

Policy 3.1.2.4 of the Official Plan states that development will locate and organize vehicle parking, vehicular access and ramps, loading, servicing, storage areas, and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding properties.

Policy 4.5.2 i) of the Official Plan states that in Mixed Use Areas development will provide good site access and circulation and an adequate supply of parking for residents and visitors.

Vehicular access for parking will be from St. Mary Street on the north side of the site. A ramp will provide access to a 6-level underground garage containing a total of 170 parking spaces. Of the total parking supply, 108 parking spaces will be for residents of the building, resulting in a residential parking supply of 0.2 parking spaces per unit. A

total of 58 parking spaces will be shared between residential visitors and the office and retail uses, and an additional 4 parking spaces will be dedicated for car share.

Access to a Type G loading space will be from Inkerman Street on the south side of the site. As part of this development, Inkerman Street is proposed to be widened to allow for two-way traffic between Bay Street and the loading space. Inkerman Street would continue to be one-way eastbound to the east of the loading space on the subject site. Two Type C loading spaces are proposed within the P1 level.

A total of 605 bicycle parking spaces are proposed for residents and visitors on the mezzanine and 2nd floor of the building.

An Urban Transportation Considerations Report was submitted in support of the original application, along with an update memo in support of the revised submission. The study concludes that the proposed parking, loading, and bicycle parking supply is appropriate and will accommodate the parking, loading, and bicycle parking needs of the proposed building. The study also concludes that new trips generated by the proposed development can be accommodated by the existing transportation network without the need for improvements.

Transportation Services staff have reviewed the Urban Transportation Considerations Report.

Road Widening

In order to satisfy the Official Plan requirement of a 27 metre right-of-way for this segment of Bay Street a 0.4 metre road widening dedication along the Bay Street frontage of the subject site is required and is proposed to be conveyed to the City through the Site Plan Control review process. There is no additional land required for St. Mary Street or Inkerman Street.

To satisfy the requirement of a 6 metre lane right-of-way on the east side of the property, a 2.05 metre lane widening is required for the lane running north-south and a 2.44 metre lane widening is required for the lane running east-west, to be conveyed to City, at nominal cost. Transportation Services staff are continuing to review the function of the existing lane to determine whether the widening lands are required at this time. This will be determined during the Site Plan Control review process.

Privately-Owned Publicly Accessible Open Space (POPS)

Policy 3.1.1.20 of the Official Plan states that Privately Owned Publicly-Accessible Spaces (POPS) are to have high public visibility, be seamlessly integrated and connected into the broader public realm, and be designed and programed for users of a variety of ages and abilities to serve the local population.

A POPS with an area of approximately 265 square metres is proposed at the south-east corner of the site along Inkerman Street and bordered by a City-owned lane. The area of the POPS could be increased to approximately 347 square metres if the lane widening lands are not required to be conveyed to the City. This will be determined

during the Site Plan Control review process. Currently, this portion of the site is occupied by a fenced lawn area and a small asphalt parking area. This area is identified as a "Green Open Space" on Map 2 of OPA 183.

A Landscape Layout Plan was submitted in support of the application which shows six new trees within the POPS and conceptual proposed landscape features. A mid-block connection, discussed further in the Public Realm section of this report, would be aligned adjacent to the POPS and provide a pedestrian connection to St. Mary Street. The final design of the POPS will be determined during the Site Plan Control review process.

Staff consider the proposed POPS to be a positive element of the proposal as it contributes to the open space network within the North Downtown Yonge area. Staff recommend that the POPS be secured in the Section 37 Agreement and its final design be secured through the Site Plan Control approval process.

Public Realm

Policy 6.3.6 of OPA 183 states that it is the objective of Council to create an enhanced public realm and support pedestrian movement by expanding the sidewalk width, mid-block access, well designed promenades and potential new mid-block connections. Policy 3.1.1.12 of the Official Plan also refers to mid-block connections which will be designed to complement and extend the role of public streets, parks and open spaces as the main place for civic life and pedestrian activity.

The proposal includes a mid-block connection in the form of a pedestrian walkway along the east property line that connects St. Mary Street to Inkerman Street and the POPS. Currently there is a walkway along the east side of the existing building which is identified as a "Pedestrian Mid-block Connection" on Map 2 of OPA 183. This mid-block connection is part of a chain of north-south mid-block connections throughout the North Downtown Yonge area.

The proposed walkway is 2.5 metres wide, and sheltered by the building above by virtue of its design as a covered colonnade at the side of the new building.

Staff consider the proposed mid-block connection to be a positive element of the proposal as it contributes to the public realm and pedestrian connectivity within the North Downtown Yonge area. Staff recommend that the mid-block connection be secured in the Section 37 Agreement and its final design be secured through the Site Plan Control approval process.

Consistent with Policy 3.1.1.13 of the Official Plan, the proposal incorporates appropriately-sized sidewalks along its public frontages. The building is set back 1.4 metres (1.0 metres post-widening) from the west property line and 0.5 metres from the north property line in order to provide a setback of 6 metres from the curb to the face of the building. Since the original submission, the base building massing has been revised so that the setbacks are provided free and clear without any building mass overhanging the setbacks. A two-storey forecourt is proposed at the northwest corner of the building

at the Bay Street and St. Mary Street which is intended to include enhanced landscaping and public art.

Along Inkerman Street, a 2.5 metre public sidewalk is proposed from Bay Street to the POPS. There is no sidewalk on the north side of Inkerman Street east of the subject site.

Consistent with Policy 3.1.2.1 d) of the Official Plan, ground floor uses including retail and residential lobbies will provide clear windows and entrances that allow access and views from the public realm on Bay Street, St. Mary Street, and the corner of Inkerman Street. First floor heights for these street-facing uses will meet the recommendations in the Tall Building Design Guidelines and the Retail Design Manual.

City staff are satisfied that the proposal is consistent with the applicable public realm policies of the Official Plan, including OPA 183. Further detailed design of the public realm will be addressed during the Site Plan Control review process.

Servicing and Stormwater Management

A Functional Servicing and Stormwater Management Report, Geotechnical Report, Hydrogeological Investigation Report, Servicing Report Groundwater Summary, Hydrological Review Summary, and water-tight certification letters were submitted in support of the application. The proposed development is to be serviced by connections to the watermains on Bay Street and St. Mary Street, the sanitary service connection will discharge to the combined sewer on Inkerman Street, and a new storm service connection is proposed towards Bay Street. The stormwater management plan includes a stormwater detention tank in the P1 level to store runoff, and rooftop and podium sources will enter a rainwater harvesting cistern for re-use in irrigation and toilet-flushing purposes.

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items for review, including the required service connections for the office and residential components, updated hydrant flow test data, short term groundwater discharge during construction, and the proposed storm sewer connection. Before the necessary Bills are introduced to City Council for enactment the owner must submit to Engineering and Construction Services a revised Functional Servicing and Stormwater Management Report, Servicing Report Groundwater Summary, water-tight certification letters, and architectural plans for review and acceptance to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development and make satisfactory arrangements and enter into the appropriate agreement(s) with the City for the design and construction of any improvements to the municipal infrastructure should it be determined that upgrades are required to the infrastructure to support this development.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The non-residential component of this proposal is subject to a 2% parkland dedication while the residential component is subject to a cap of 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the first above grade building permit.

Tree Preservation

The applicant submitted a Tree Preservation Plan and an Arborist Report in support of the application. A City-owned tree located adjacent to the site on St. Mary Street and 3 private trees at 25 St. Mary Street were surveyed and are proposed to be preserved. A City owned tree located within the adjacent public lane is proposed to be removed to allow for construction of the POPS. Urban Forestry staff have reviewed the submission materials, have indicated that this existing City-owned tree should be preserved within the future POPS. The detailed design of the POPS and matters related to tree preservation will be addressed during the Site Plan Control review process.

The Planning Addendum Letter submitted in support of the application indicates that underground utilities along the Bay Street and St. Mary Street frontages prevent the establishment of street trees in these locations. This will be investigated in further detail during the Site Plan Control review process.

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. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the Zoning By-law process including

automobile infrastructure, cycling infrastructure, and the storage and collection of recycling and organic waste. Other applicable TGS performance measures will be secured through the Site Plan Control review process.

Community Services Assessment

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

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. 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 Community Services and Facilities Study was submitted in support of the application. City Planning staff have determined that the development will create demand and capacity pressures on existing CS&F facilities. Therefore the following priorities have been identified for consideration as Section 37 community benefits, should the application be approved in some form:

- Securing a non-profit, licensed child care facility to be integrated within the proposed development in accordance with the Child Care Development Guideline;
- Securing financial contributions towards a new Community Recreation Centre to serve growth in the North Downtown area; and/or
- Securing financial contributions towards capital improvements of local library branches to increase their capacity to support growth.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

- A cash contribution having a value to be determined and be allocated to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

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

- The owner construct and maintain a minimum 265 square metre privately-owned publicly accessible space (POPS) and a mid-block connection through the site, with specific configuration and design of the POPS and the mid-block connection to be determined and secured for public access in the context of Site Plan approval;
- The owner construct and maintain the development of the site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate;

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to: intensification within the Downtown, which is a designated growth area; a contextually appropriate built form which provides an acceptable interface with the surrounding streets and neighbouring properties; and an appropriate mixture of land uses that provide for residential growth and employment within the Downtown. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

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

ATTACHMENTS

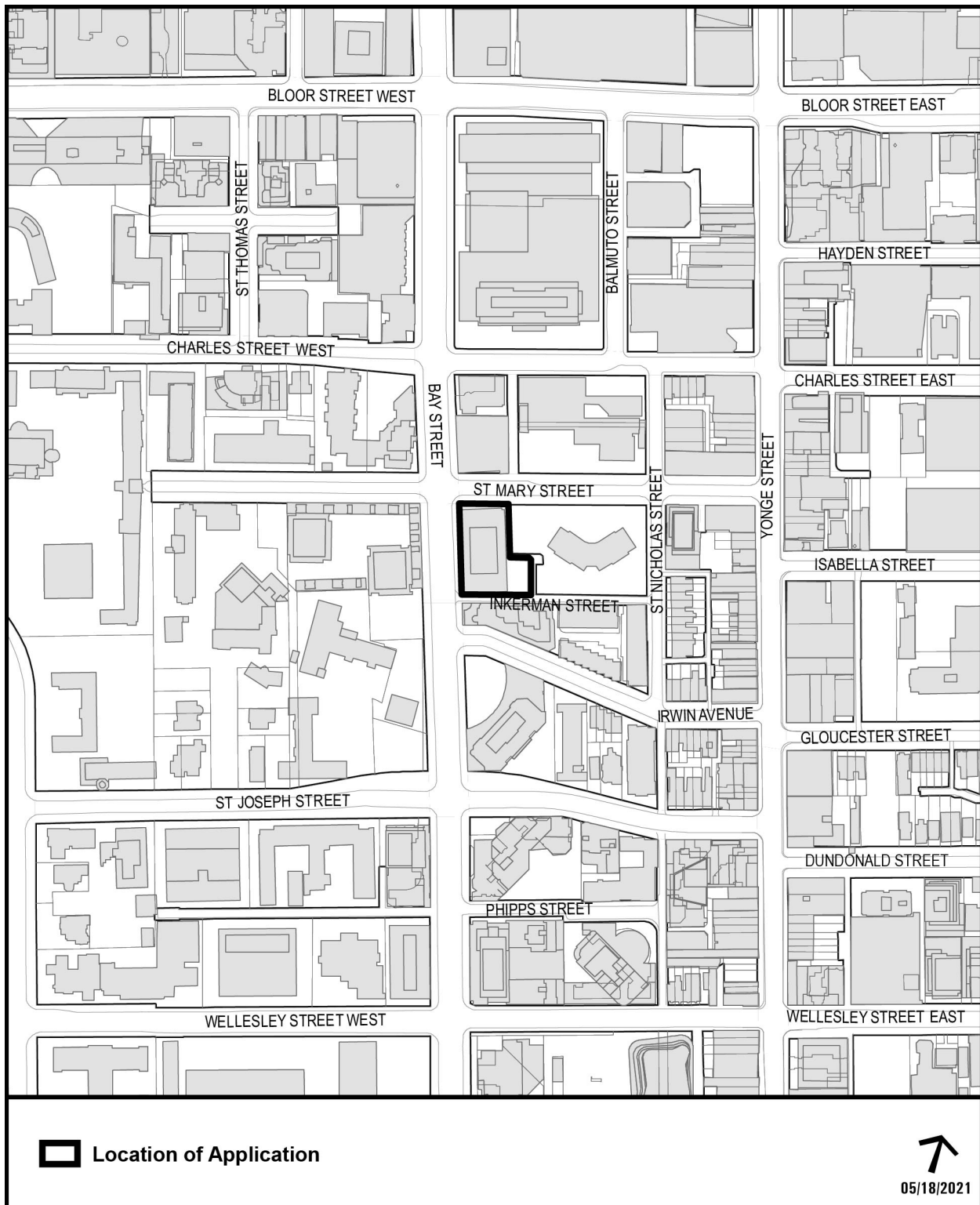
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: OPA 183 (SASP 382) Map 1: Character Areas
- Attachment 5: OPA 183 (SASP 382) Map 2: Open Space Network and Height Areas
- Attachment 6: SASP 211 Map 2: Built Form Height Peaks and Ridges
- Attachment 7: OPA 406 Map 41-3: Mixed Use Areas
- Attachment 8: Existing Zoning By-law Map
- Attachment 9: Draft Zoning By-law Amendment to By-law 438-86
- Attachment 10: Draft Zoning By-law Amendment to By-law 569-2013

Applicant Submitted Drawings

- Attachment 11: Site Plan
- Attachment 12: 3D Model of Proposal in Context - Southwest
- Attachment 13: 3D Model of Proposal in Context - Northeast
- Attachment 14: West Elevation
- Attachment 15: North Elevation
- Attachment 16: South Elevation
- Attachment 17: East Elevation

Attachment 1: Location Map



APPLICATION DATA SHEET

Municipal Address: 1075 BAY STREET **Date Received:** February 15, 2019

Application Number: 19 115511 STE 13 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment application to permit a 59-storey mixed-use building (210.25 metres, inclusive of the mechanical penthouse) containing commercial space on the first and second floor, office space on the 3rd to 10th floor, and 541 residential units in the tower above. A privately-owned publicly accessible space (POPS) is proposed on Inkerman Street as well as a mid-block connection between St. Mary Street and Inkerman Street. The existing 13-storey office building on the property would be demolished. A total of 170 parking spaces and 605 bicycle parking spaces are proposed to support the new development.

Applicant	Agent	Architect	Owner
HUNTER & ASSOCIATES LTD		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
Height Limit (m):	46	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	2,395	Frontage (m):	61	Depth (m):	47
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,490		1,554	1,554
Residential GFA (sq m):			36,220	36,220
Non-Residential GFA (sq m):	22,415		13,885	13,885
Total GFA (sq m):	22,415		50,105	50,105

Height - Storeys:	13	59	59
Height - Metres:		210.25	210.25

Lot Coverage Ratio (%)	64.89	Floor Space Index:	20.9
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	36,220	75
Retail GFA:	985	
Office GFA:	12,900	50
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			541	541
Other:				
Total Units:			541	541

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	44	309	134	54	
Total Units:	44	309	134	54	

Parking and Loading

Parking Spaces:	170	Bicycle Parking Spaces:	605	Loading Docks:	3
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CONTACT:

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Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

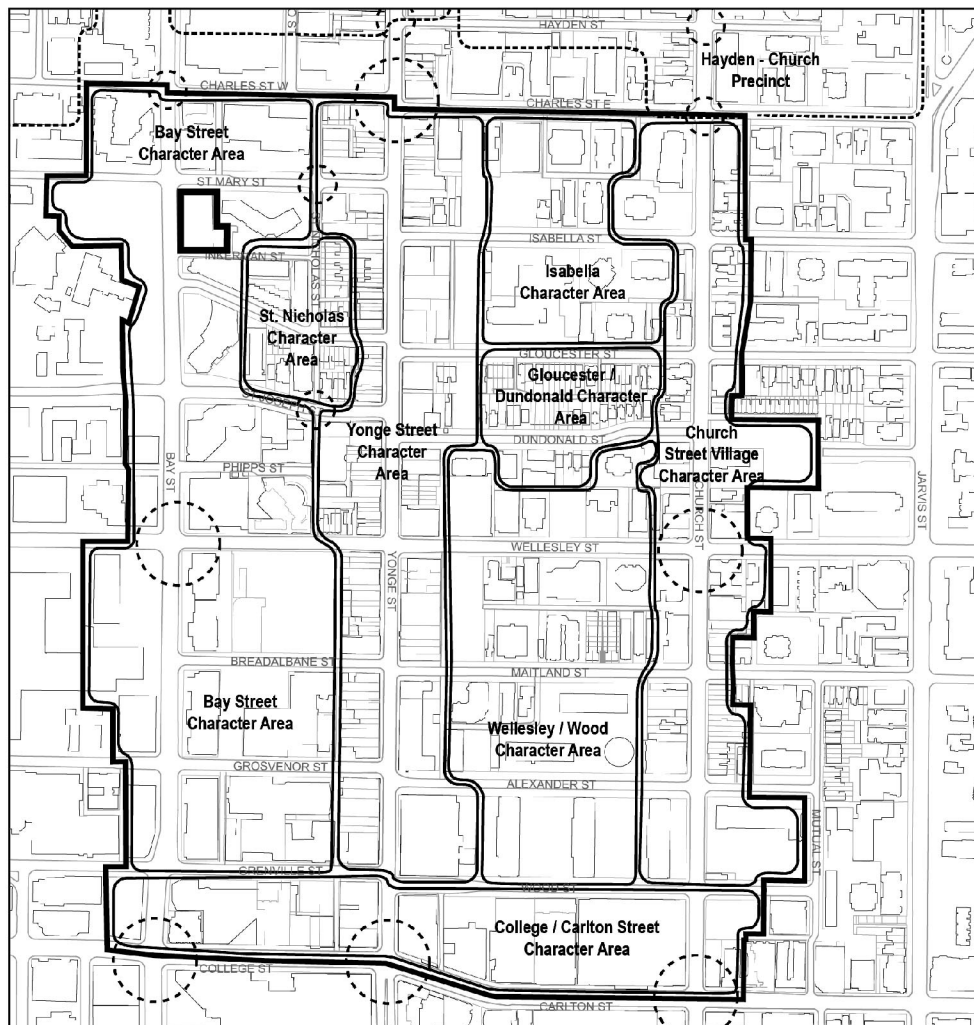
1075 Bay Street

File # 19 115511 STE 13 02




 Not to Scale
 03/11/2019

Attachment 4: OPA 183 (SASP 382) Map 1: Character Areas



Toronto City Planning
 Official Plan Amendment #183
 Map 1: Character Areas

North Downtown Yonge
 Planning Framework Study
 File # 11 247686



↑
 Not to Scale
 08/22/2013

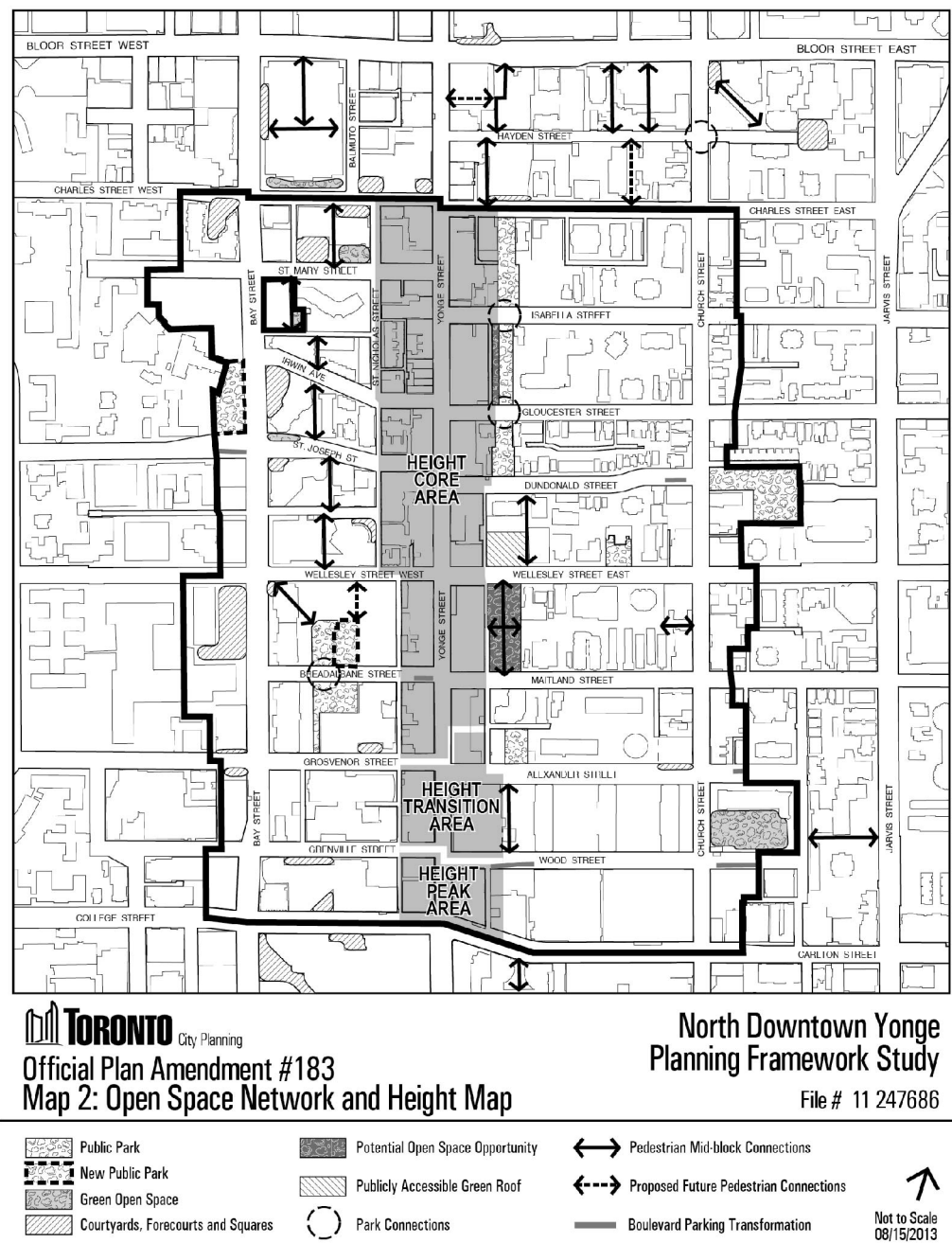
OPA 183 Character Areas

Location of Application

1075 Bay Street
 File # 19 115511 STE 13 0Z

Not to Scale
 05/18/2021

Attachment 5: OPA 183 (SASP 382) Map 2: Open Space Network and Height Areas



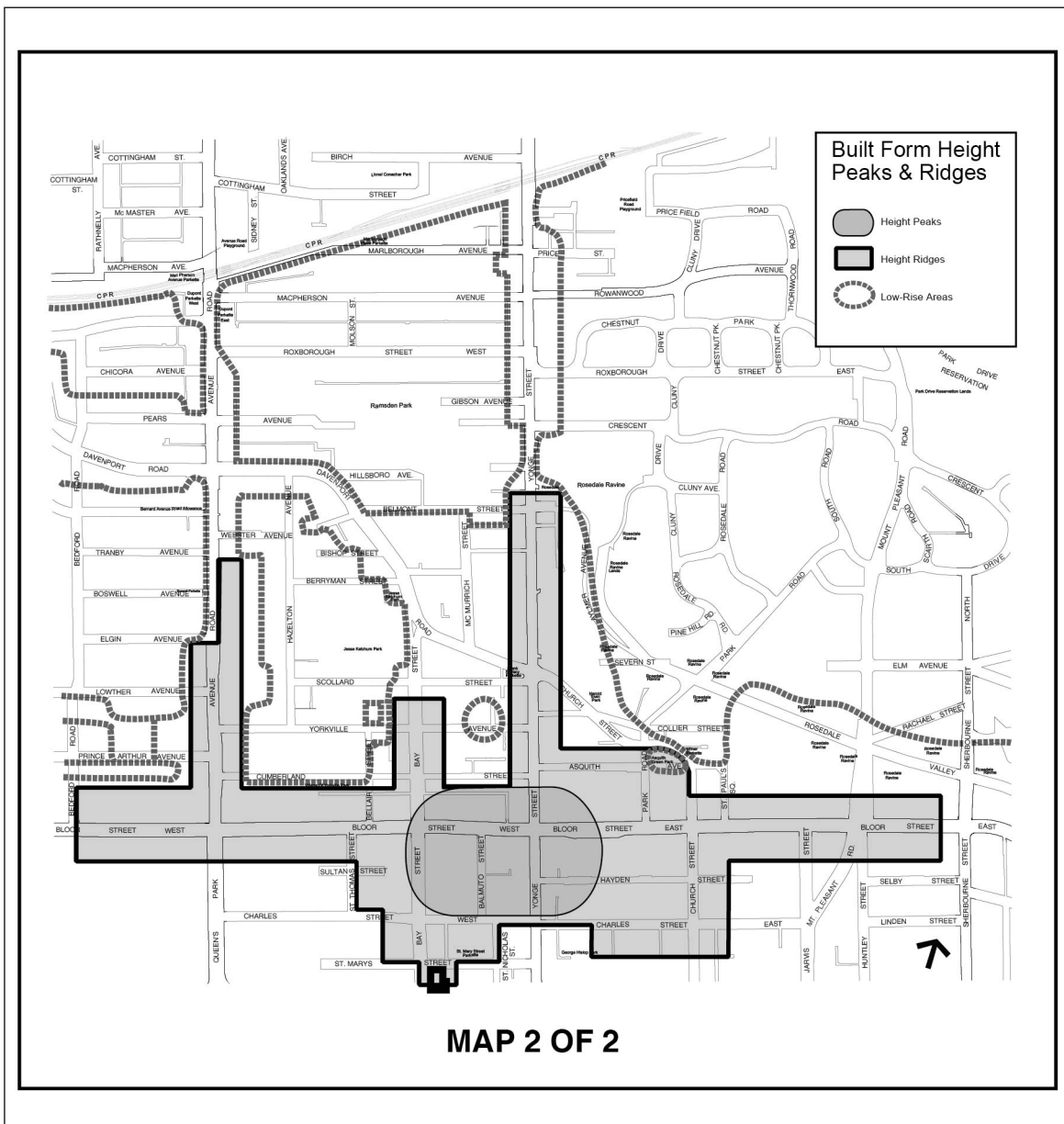
OPA 183 Open Space Network

Location of Application

1075 Bay Street
File # 19 115511 STE 13 0Z

Not to Scale
05/18/2021

Attachment 6: SASP 211 Map 2: Built Form Height Peaks and Ridges



Toronto City Planning

Official Plan - SASP211 Map 2of2

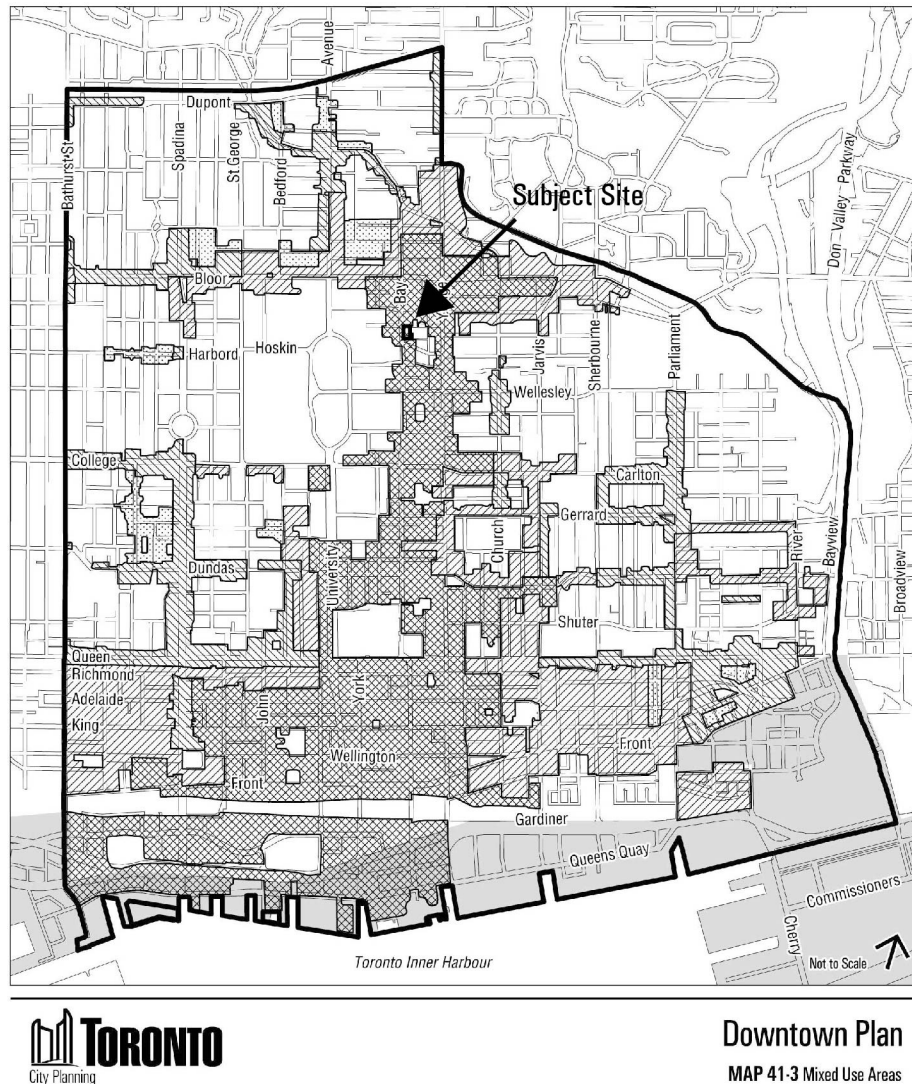
1075 Bay Street

File # 19 115511 STE 11 02

 Location of Application


Not to Scale
05/18/2021

Attachment 7: OPA 406 Map 41-3: Mixed Use Areas



Downtown Plan Map 41-3 (Mixed Use Areas)

 Location of Application

1075 Bay Street

File # 19 115511 STE 13 02

Not to Scale
05/18/2021



File # 19 115511 STE 13 OZ



R Residential **CR** Commercial Residential



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



Not to Scale
Extracted: 05/18/2021

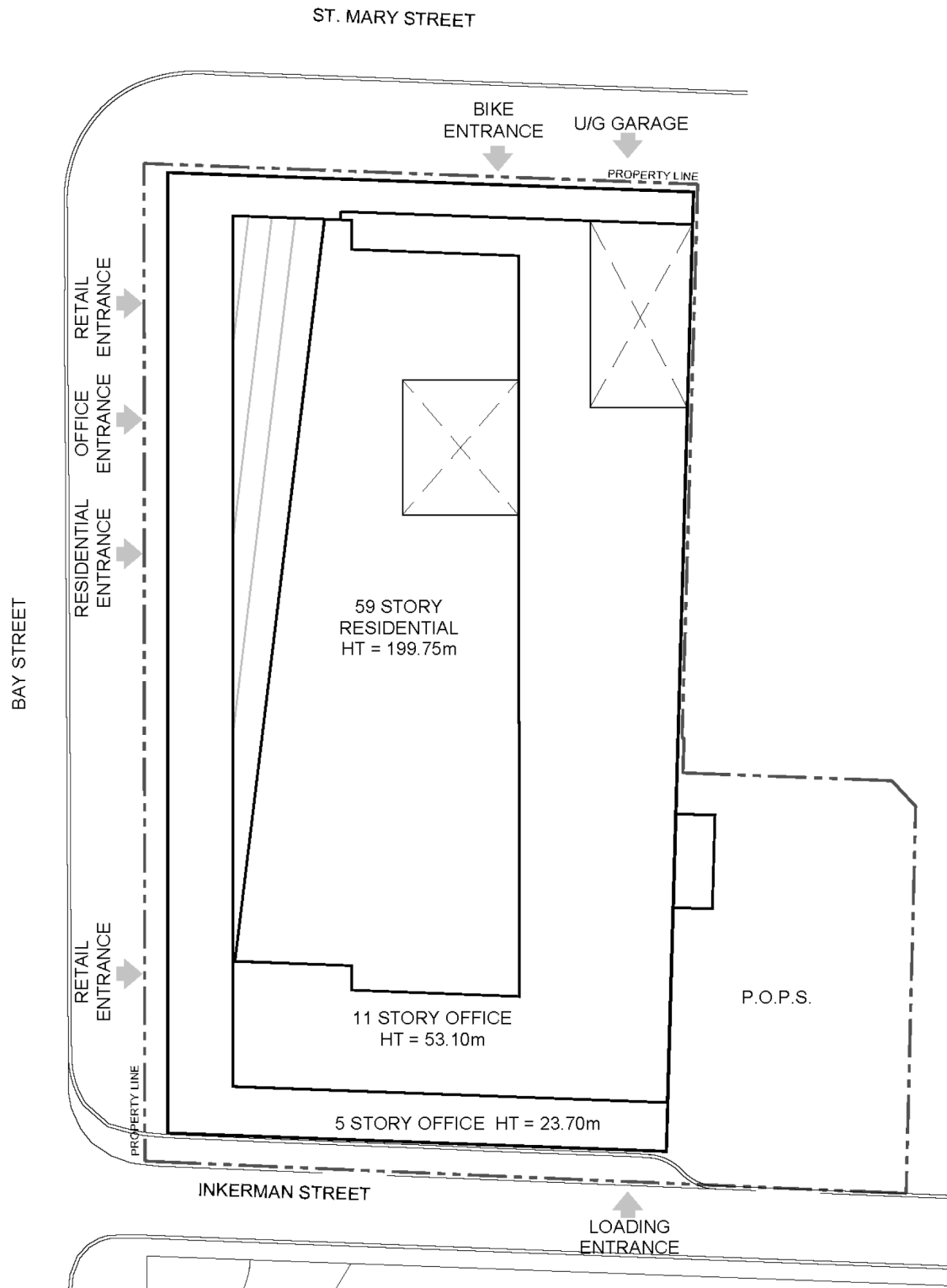
Attachment 9: Draft Zoning By-law Amendment to By-law 438-86

The draft By-law will be made available on or before the June 24, 2021 Toronto and East York Community Council Meeting.

Attachment 10: Draft Zoning By-law Amendment to By-law 569-2013

The draft By-law will be made available on or before the June 24, 2021 Toronto and East York Community Council Meeting.

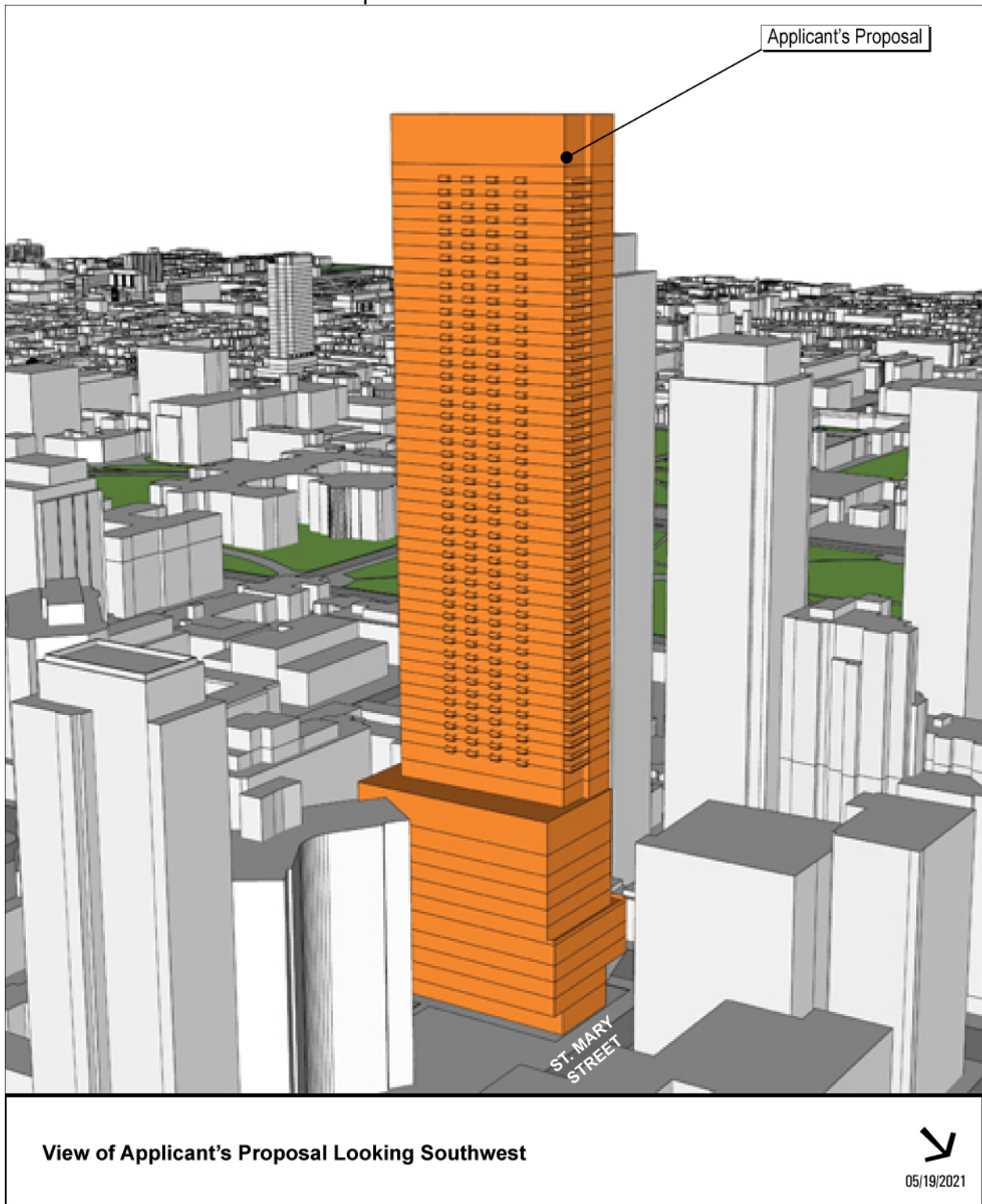
Attachment 11: Site Plan



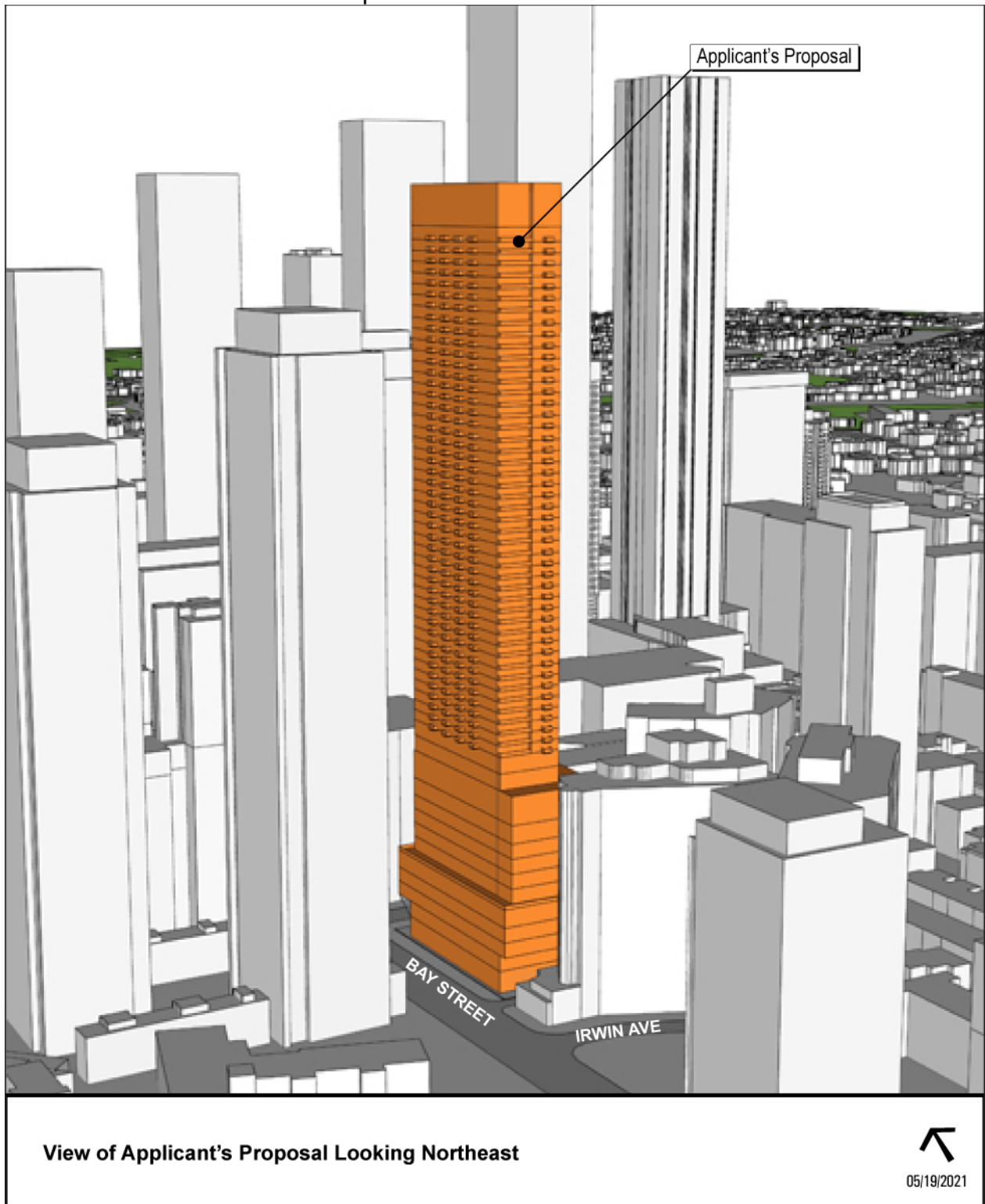
Site Plan



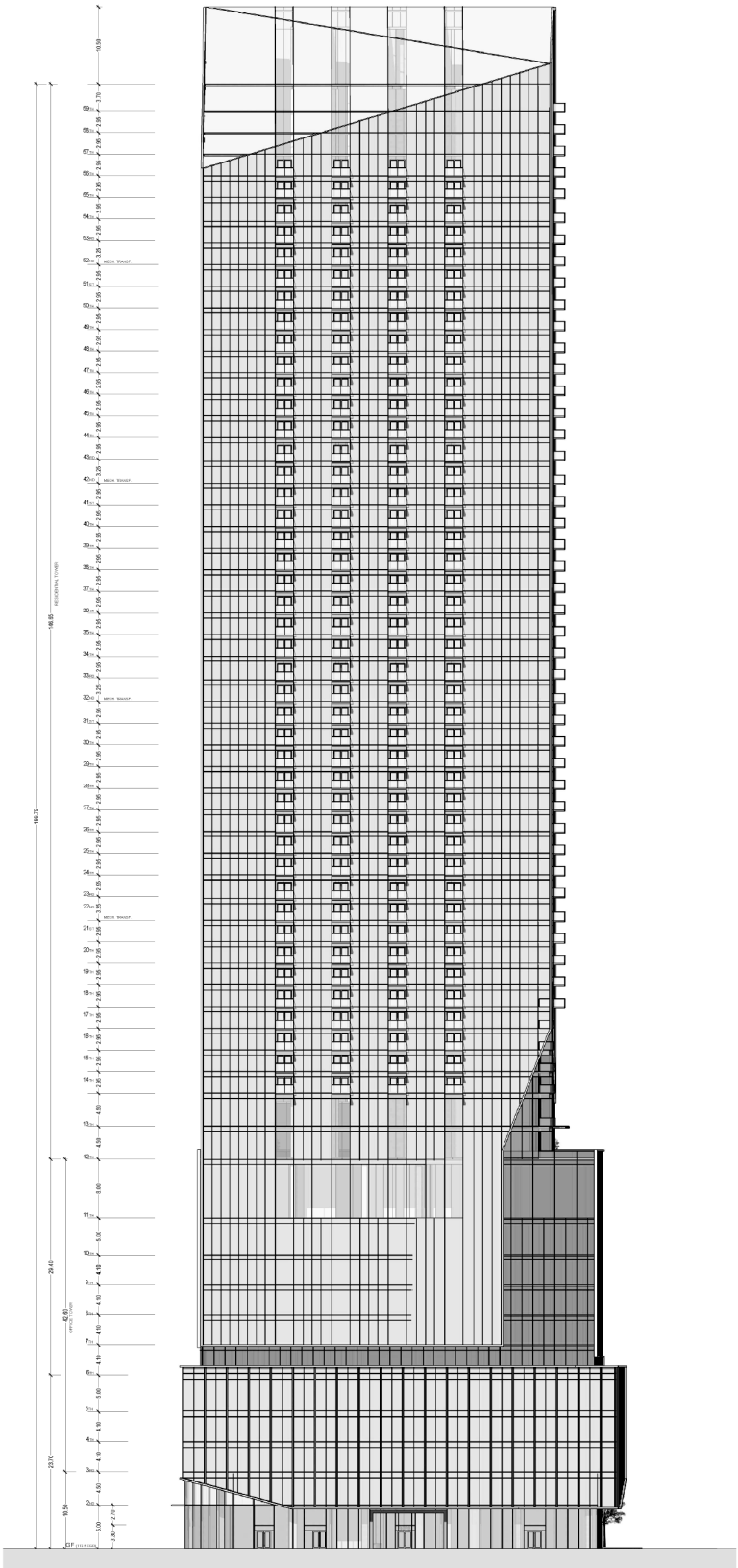
Attachment 12: 3D Model of Proposal in Context - Southwest



Attachment 13: 3D Model of Proposal in Context - Northeast

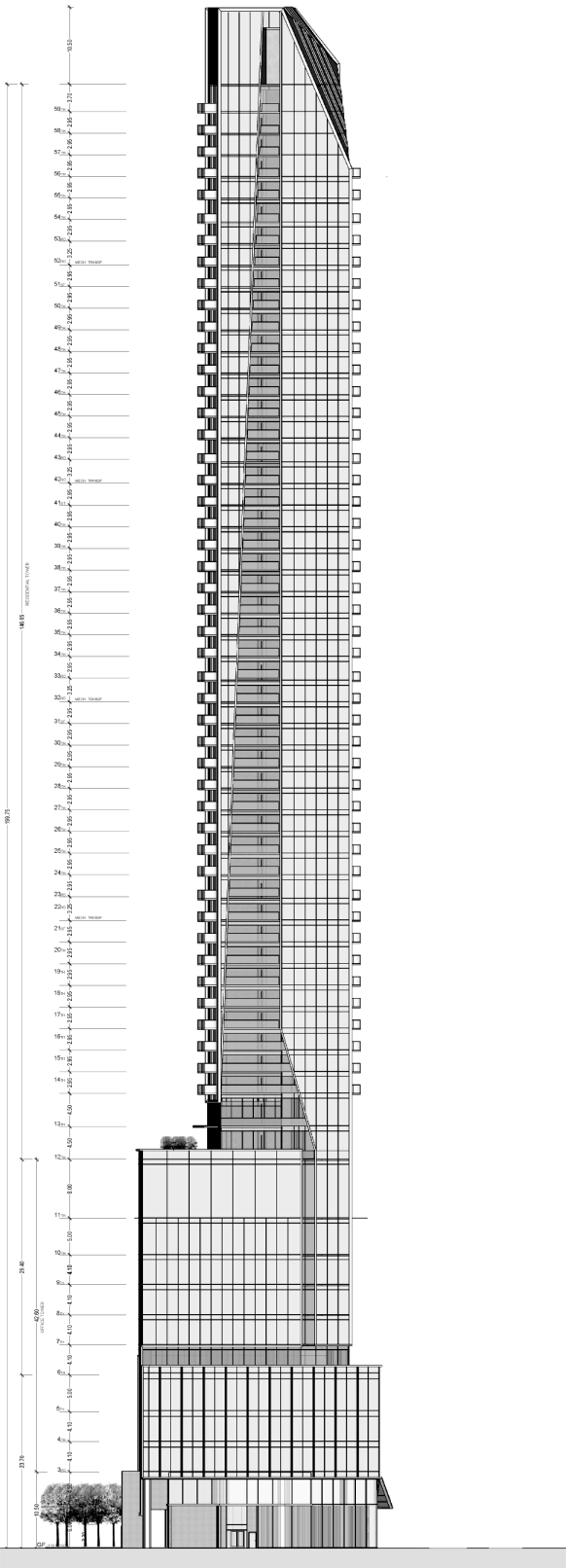


Attachment 14: West Elevation



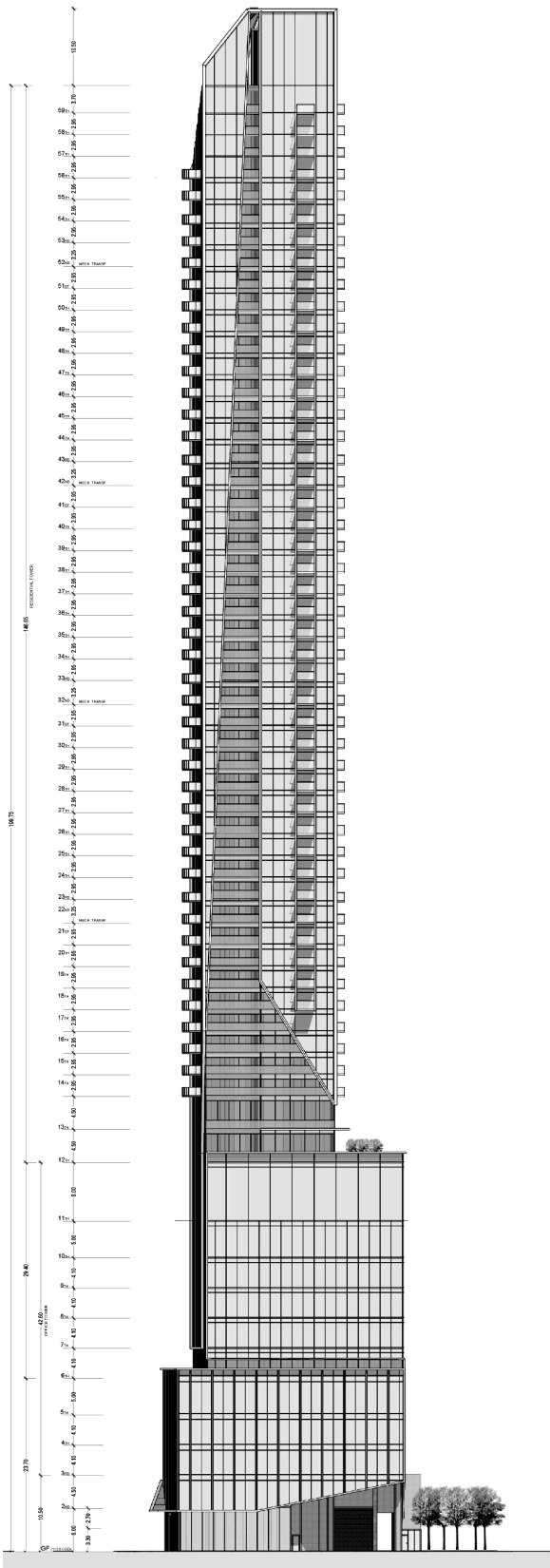
West Elevation

Attachment 15: North Elevation



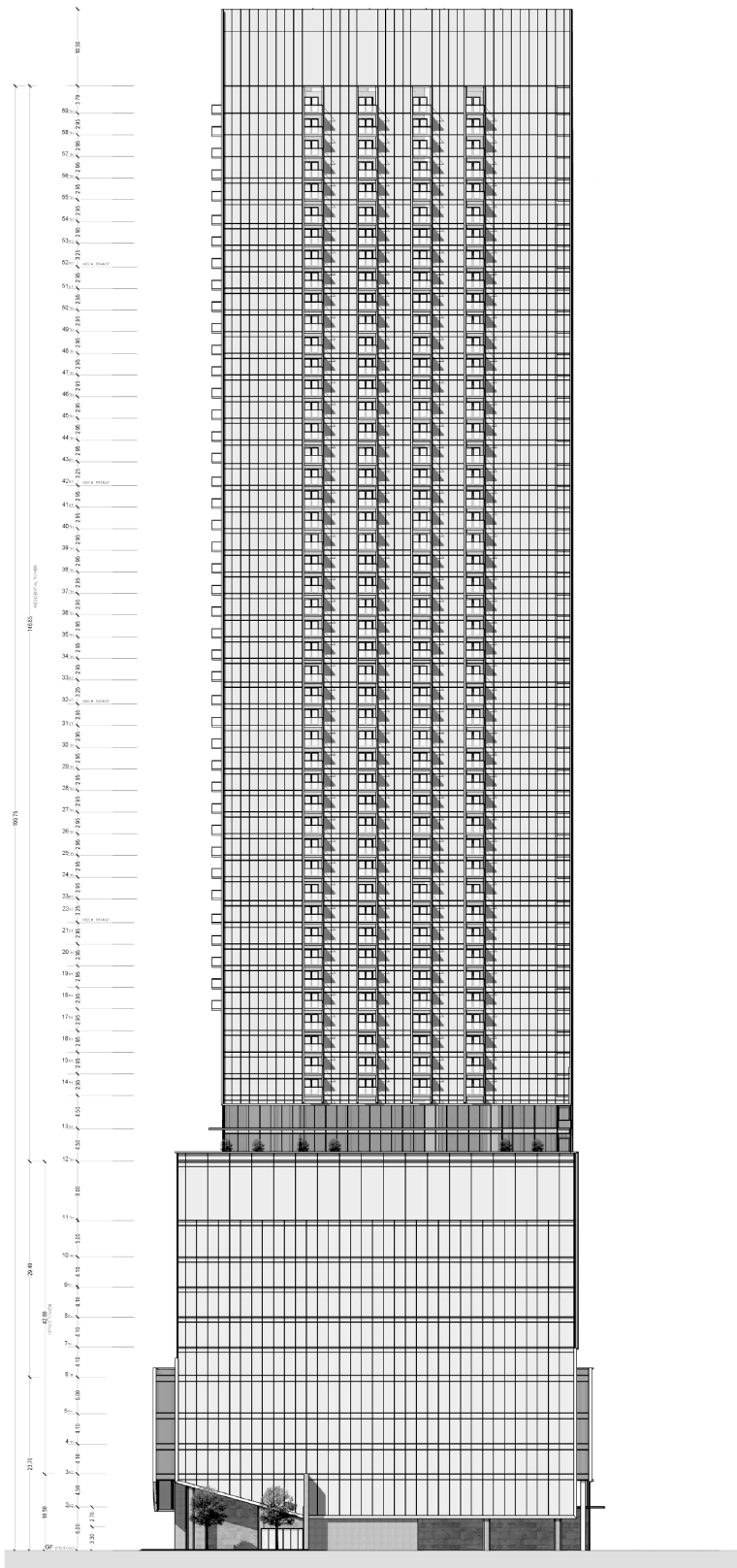
North Elevation

Attachment 16: South Elevation



South Elevation

Attachment 17: East Elevation



East Elevation