

1235 and 1255 Bay Street – Official Plan Amendment and Zoning Amendment Application – Preliminary Report

Date: November 3, 2021
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward: 11 - University-Rosedale

Planning Application Number: 21 214121 STE 11 OZ

Current Use(s) on Site: A 10-storey commercial office building is located at 1235 Bay Street and a 9-storey commercial office building is located at 1255 Bay Street.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 1235-1255 Bay Street for a 35-storey mixed-use building with 357 dwelling units and 89 square metres of commercial space on the ground floor (1255 Bay Street). The existing 10-storey office building at 1235 Bay Street is to be retained.

The application has been circulated to all appropriate agencies and City divisions for comment. City Planning staff will proceed to schedule a community consultation meeting for the application in consultation with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 1235-1255 Bay Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

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

THE APPLICATION

Complete Application Submission Date: September 29, 2021

Application Description

This application proposes to demolish the existing 9-storey office building at 1255 Bay Street, including 5,492 square metres of existing office space, and construct a new a 35-storey (129.8 metres, including 7.0-metre mechanical penthouse) mixed-use building consisting of 357 dwelling units (103 studio (29%); 109 one-bedroom (30%); 109 two-bedroom (30%); 36 three-bedroom (10%)) and 89 square metres of commercial space on the ground floor. The proposed tower will cantilever over the existing 10-storey office building at 1235 Bay Street which is to be retained. A total of 42 vehicle parking spaces and 429 bicycle parking spaces are provided in a 5-level below-grade parking garage. The proposed density is 16 times the area of the lot.

See Attachments 2-3 of this report, for a three dimensional representation of the project in context.

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

Reasons for the Application

The Official Plan Amendment Application proposes to exempt the development from the requirement to replace the existing office space at 1255 Bay Street.

The Zoning By-law Amendment Application proposes to amend Zoning By-laws 438-86 and 569-2013 to vary performance standards including: building height; building setbacks; floor space index; amenity space and parking space requirements. Additional amendments to the Zoning By-law may be identified as part of the application review.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application was submitted on September 17, 2021.

POLICY CONSIDERATIONS/PLANNING FRAMEWORK

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy-led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. 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.

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) as amended 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 are planned for the prescribed densities.

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. Authority for the Official Plan derives from the Planning Act. The PPS recognizes the Official Plan as the most important document for its implementation.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also provides for the use of Section 37 of the Planning Act to pass bylaws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities and local improvements.

The site is located on lands shown as Downtown and Central Waterfront on Map 2 of the Official Plan. The site is designated as Mixed Use Areas on Map 17 of the Official Plan. See Attachment 4 of this report for the Official Plan Land Use Map.

Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Downtown Plan

The site is designated Mixed Use Areas 1 - Growth. This designation includes areas with the greatest heights and largest proportion of non-residential uses. Intensification will occur in a diverse range of building typologies, including tall buildings, with height, scale and massing, dependant on the site characteristics and supportive of intensification suitable for a downtown growth area.

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

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

The tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the Height Peak in the vicinity of the intersection of Yonge and Bloor Streets. Buildings will step down from the Yonge and Bloor Street intersection in descending ridges of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church Streets called Height Ridges. The subject site is located in the Height Ridge on Bay Street.

Zoning By-laws

The south portion of the site (1235 Bay Street) is zoned CR 7.8 (c4.5; r7.8) SS1 (x1517) under Zoning By-law 569-2013 and CR T7.8 C4.5 R7.8 under Zoning By-law 438-86. These zones permit a range of commercial and residential uses. The maximum permitted height is 61 metres, and the maximum permitted density is 7.8 times the area of the lot.

The north portion of the site (1255 Bay Street) is not currently zoned under Zoning By-law 569-2013. Under Zoning By-law 438-86, the site is zoned CR T7.8 C4.5 R7.8, with a density of 7.8 times the area of the lot and a height limit of 61 metres.

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

Design Guidelines

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

- Tall Building Design Guidelines;
- Retail Design Manual;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Toronto Accessibility Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines

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

Toronto Green Standard (Climate Mitigation and Resilience)

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2050 or sooner. In 2021, an updated TransformTO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2050 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including TransformTO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

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 TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

The Toronto Green Standard can be found at the following link:
<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>.

COMMENTS

ISSUES TO BE RESOLVED

City Planning staff have identified a number of preliminary issues with the proposed development. Staff will work with the applicant to address these concerns and achieve a proposal which is compatible with its surrounding context.

Provincial Policies and Plans Consistency/Conformity

Revisions may be required to ensure that the proposed development conforms with the Growth Plan, and is consistent with the PPS.

Official Plan Conformity

The application looks to amend the Official Plan. Staff will review and assess the appropriateness of the proposal to ensure that it meets the objectives of the Yonge-St. Clair Secondary Plan and other relevant policies in the Official Plan.

Land Use

The application proposed to demolish 5,492 square metres of existing office space at 1255 Bay Street. Staff will continue to assess the suitability of the proposed land use based on the Growth Plan (2020) and the City's Official Plan policies.

- Assessing the mix of uses, in particular the proportion of non-residential uses; and
- The site is part of the Bloor-Bay Office Corridor in the Downtown Plan, which requires development to ensure no net loss of office and non-residential floor area.

Built Form, Planned and Built Context

Staff will assess the suitability and appropriateness of the proposed height, massing, and other built form issues based on applicable Provincial policies; the City's Official Plan policies; the Yonge-Eglinton Secondary Plan; and the City's Design Guidelines.

The following preliminary issues have been identified:

- Appropriate massing, including setbacks and step-backs in relation to the area's existing and planned context;
- Separation distance of 14.2 metres to the approved tall building to the east;
- Tower floor plate size of 817 square metres;
- Pedestrian level wind conditions along Bay Street, Yorkville Avenue, and adjacent properties;
- Appropriate sidewalk widths and public realm.

Parking and Loading

Staff will review whether the vehicular parking supply of 42 spaces is adequate. City staff will review the proposed internal parking and loading configuration to determine if the circulation and configuration on Cumberland Street is appropriate.

Infrastructure/Servicing Capacity

Staff will review the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

Shadow

Shadow studies were prepared in support of the proposal which show the extent of the shadow from the proposed building on March 21 and September 21. Staff will continue to evaluate the potential shadow impacts of the proposed building.

Toronto Green Standard

City Planning staff will review the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Staff will encourage the applicant to pursue Tier 2, 3 or 4.

Section 37 Community Benefits

The proposal at its current height will be subject to Section 37 contributions under the *Planning Act*. Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the required Section 37 community benefits should the application be approved in some form.

Additional Issues

The application has been circulated to City divisions and public agencies for comment. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Next Steps

City Planning staff will host a Community Consultation Meeting.

City staff will work to resolve the issues raised in this report and additional issues that may be identified by staff and the public. Staff will report back at the appropriate time in the review of the application. If a Final Report is prepared, then the report will proceed

to the Toronto and East York Community Council meeting which will serve as the Statutory Public Meeting as required by the Planning Act before being considered at City Council for a decision.

CONTACT

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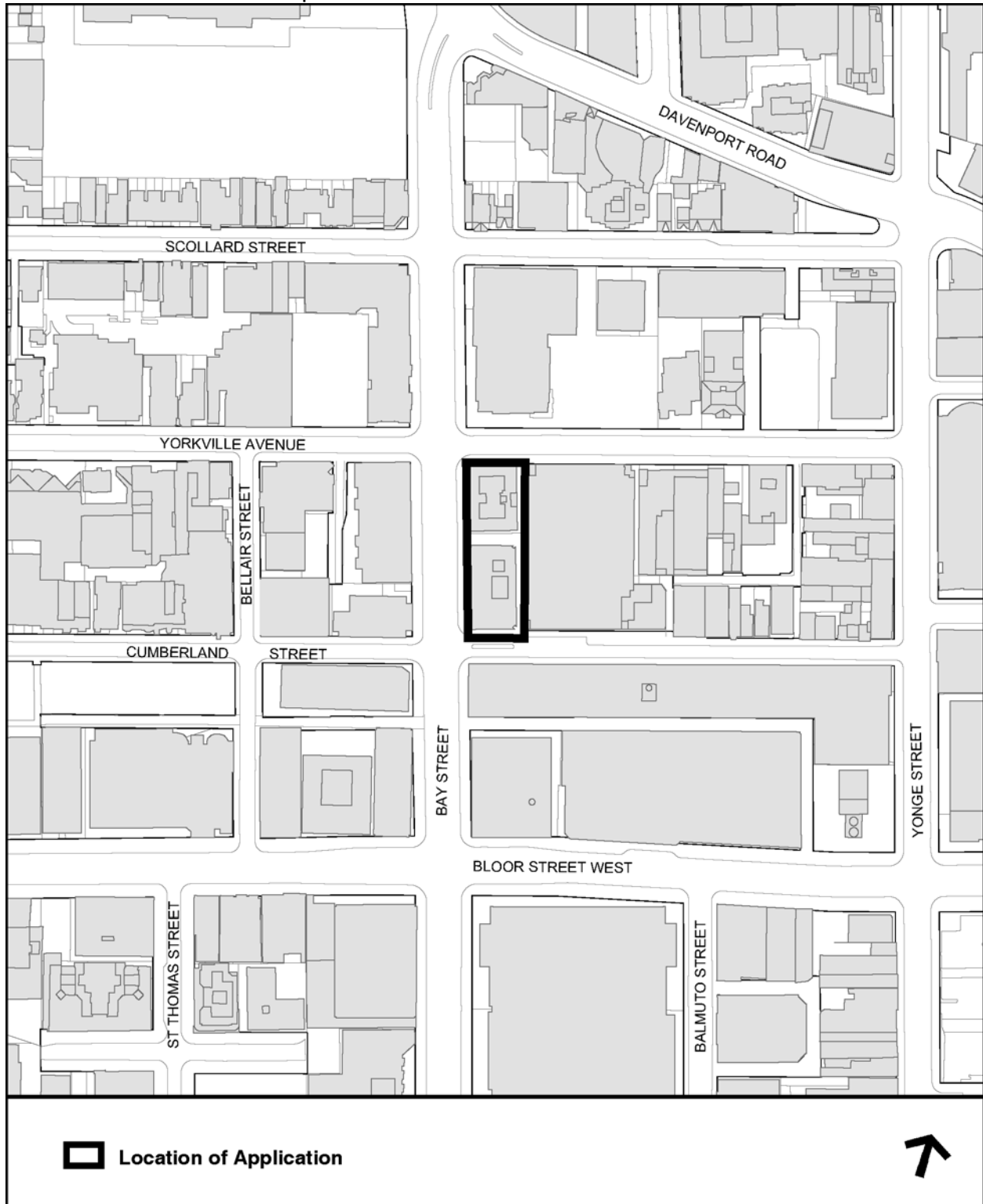
SIGNATURE

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

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: 3D Model of Proposal in Context (view looking northwest)
Attachment 3: 3D Model of Proposal in Context (view looking southwest)
Attachment 4: Site Plan
Attachment 5: Official Plan Map
Attachment 6: Zoning By-law Map
Attachment 7: Application Data Sheet

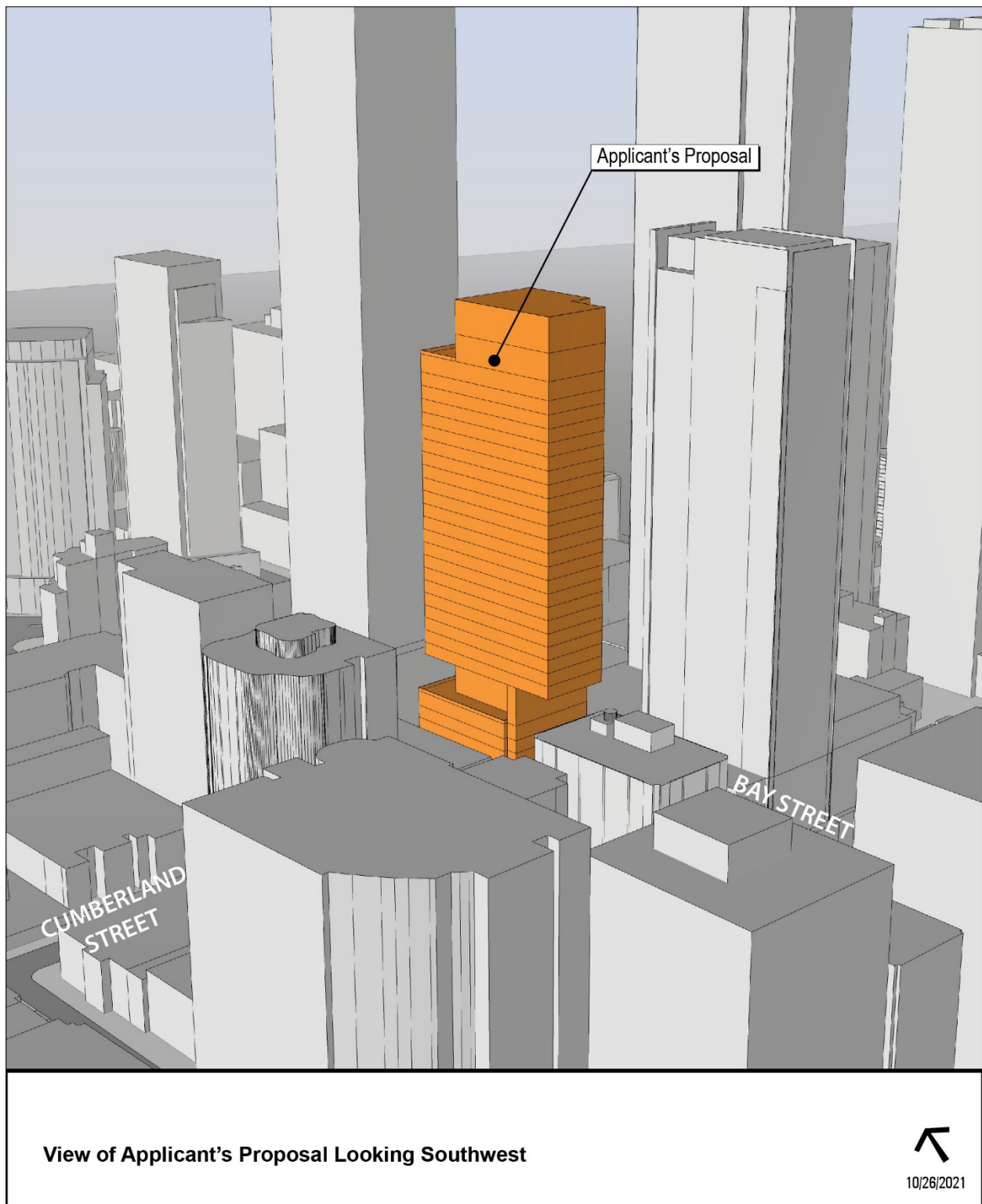
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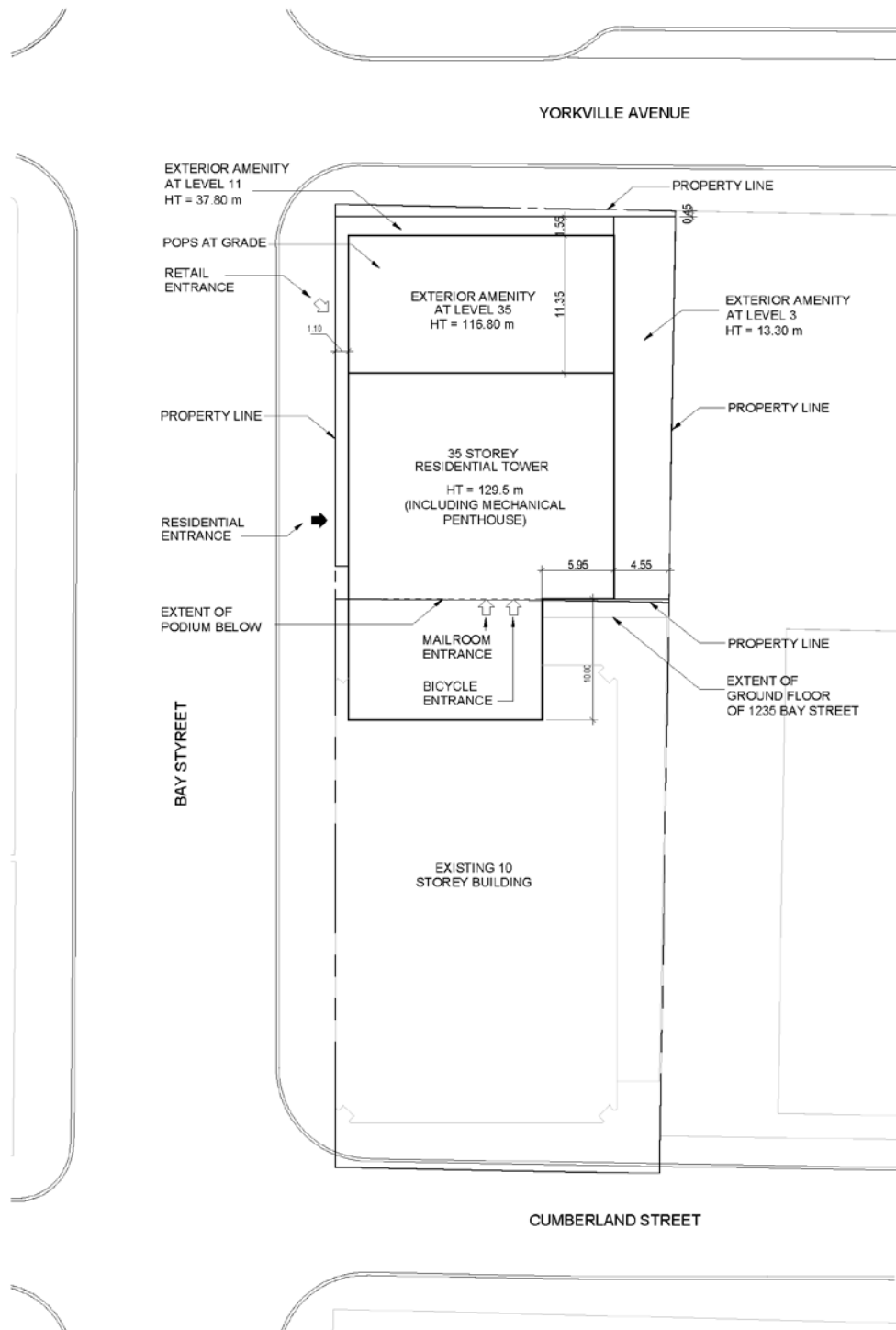
Attachment 2: 3D Model of Proposal in Context (view looking northwest)



Attachment 3: 3D Model of Proposal in Context (view looking southwest)



Attachment 4: Site Plan



Site Plan



Attachment 5: Official Plan Map



Official Plan Land Use Map #17

1235 & 1255 Bay Street

File # 21 214121 STE 11 0Z



Location of Application

Neighbourhoods

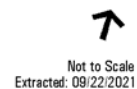
Mixed Use Areas

Parks

Institutional Areas



Not to Scale
Extracted: 09/22/2021

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Attachment 7: Application Data Sheet

Municipal Address: 1235 BAY ST Date Received: September 17, 2021

Application Number: 21 214121 STE 11 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: 35-storey mixed-use building.

Applicant	Agent	Architect	Owner
KS 1235 BAY STREET INC, KS 1255 BAY STREET INC, KS BAY STREET (FREEHOLD) INC			KS 1235 BAY STREET INC, KS 1255 BAY STREET INC, KS BAY STREET (FREEHOLD) INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 211 & 225
Zoning:	CR7.8 (c4.5; r7.8) SS1 (x1517)	Heritage Designation:	N
Height Limit (m):	61	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 2,180 Frontage (m): 80 Depth (m): 28

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):		1,093	787	1,880
Residential GFA (sq m):			25,068	25,068
Non-Residential GFA (sq m):		9,903	90	9,993
Total GFA (sq m):		9,903	25,158	35,061
Height - Storeys:	10	10	35	35
Height - Metres:			117	117

Lot Coverage Ratio (%)	86.26	Floor Space Index:	16.09
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	24,293	775

Retail GFA: 90
Office GFA: 9,903
Industrial GFA:
Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			357	357
Other:				
Total Units:			357	357

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		103	109	109	36
Total Units:		103	109	109	36

Parking and Loading

Parking Spaces:	42	Bicycle Parking Spaces:	429	Loading Docks:	1
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