

## **483-491 Bay Street and 20 Albert Street – Zoning Amendment – Final Report**

Date: June 6, 2022  
To: Toronto and East York Community Council  
From: Director, Community Planning, Toronto and East York District  
Ward: 13 - Toronto Centre

**Planning Application Number:** 19 239929 STE 13 OZ

### **SUMMARY**

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This application proposes to amend Zoning By-law 438-86 to permit a 59-storey addition on top of an existing 10-storey office tower (69-storeys total) at 483-491 Bay Street and 20 Albert Street. The addition entails 3 new office floors and 56 new residential floors with 538 dwelling units. The gross floor area of the tower addition would be 45,276 square metres and the total gross floor area including the existing building would be 133,949 square metres. The proposed building would have a height of 226.63 metres including the mechanical penthouse.

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

The proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to intensification in the Downtown, which is a designated growth area, in the form of a tall building which conforms to the Downtown Plan and generally conforms with the applicable guidelines. Staff worked with the applicant and the community to address and resolve various massing issues including appropriate tower heights and massing. This report reviews and recommends that Council approve the Zoning by-law amendment application.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 483-491 Bay Street and 20 Albert Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.5 to the June 6, 2022 report from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. Before introducing the necessary Bill to City Council for enactment, City Council require the owner to:

a) enter into an Agreement pursuant to Section 37 of the Planning Act, and any other necessary agreements, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor securing the matters identified in Recommendations 4 at the owner's expense, with such Agreement(s) to be registered on title to the lands at 483-491 Bay Street and 20 Albert Street in a manner satisfactory to the City Solicitor;

b) make satisfactory arrangements to withdraw its appeals to Official Plan Amendment 352, being the Downtown Tall Buildings Setback Area Specific Policy and the associated Zoning By-laws 1106-2016 and 1107-2016, as they relate to the subject lands.

4. City Council direct that the owner be required to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following community benefits at the owner's expense, as follows:

a) a cash contribution of three million two hundred thousand dollars (\$ 3.2 million) dollars to be allocated toward:

- i. \$1,200,000.00 for capital improvements to new or existing City-owned affordable housing, community, cultural and/or recreation facilities; and
- ii. \$2,000,000.00 to local area streetscape and park improvements

b) the cash contribution referred to in Recommendation 4(a) shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building 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, calculated from the date of the Agreement to the date of payment;

c) In the event the cash contribution referred to in this section has not been used for the intended purposes within three years of the By-law coming into full force and effect, the cash contribution may be redirected for other purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the site.

5. City Council also direct that the following be secured in the Section 37 Agreement as a legal convenience to secure matters required to support the development:

a) prior to the commencement of any excavation or shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, General Manager of Transportation Services and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the

development, will implement the Plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and General Manager, Transportation Services, in consultation with the Ward Councillor;

b) the owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

## **FINANCIAL IMPACT**

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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**

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A Preliminary Report on the application was adopted by Toronto and East York Community Council on January 8, 2020 authorizing staff to conduct a community consultation meeting with an expanded notification area.

The Preliminary Report can be viewed here:

<https://www.toronto.ca/legdocs/mmis/2020/te/bgrd/backgroundfile-141056.pdf>

Community consultation is summarized in the Comments section of this Report.

## **PROPOSAL**

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The application, when originally submitted, proposed a 60-storey (226.63 metres including the mechanical penthouse) residential addition on top of an existing 10-storey office tower (70-storeys total). The addition would contain a total of 45,539 square metres of residential gross floor area under By-law 438-86. The development would include 590 residential units.

The applicant's revised proposal is for a 59-storey (total height of 226.63 metres including the mechanical penthouse) addition on top of an existing 10-storey office building (69-storey total). The addition would include 3 new office floors on top of the existing podium, 2 floors of amenity space above that and 54 residential floors above in a tower form. The addition would contain a total of 5,704 square metres of office space

and 39,572 square metres of residential gross floor area for a total of 45,276 square metres under By-law 438-86. The development would include 538 residential units. The proposed total gross floor area, including the existing building, would be 133,949 square metres which equates to an approximate Floor Space Index of 11.72 under Zoning By-law 438-86.

Ground floor space would include the existing office lobby and atrium which would remain relatively unchanged with the exception of a new elevator core added to access the tower addition. Access to the residential portion of the development would be from the south-east corner of the site fronting Trinity Square (street) and Albert Streets. Vehicular and loading areas would remain unchanged within the existing building. New bicycle parking would be located on the 15th level with a dedicated elevator access from the ground floor. Residential amenity space would be located on floors 14 and 15.

Other details of the proposal are shown in Table 1 below and in Attachment 2 and 6-11:

**Table 1 – Summary of Application**

Category	Proposed
Tower addition setbacks:	
North to Trinity Square park boundary	7.6 m (existing building 4.6 m)
West to property line	73 m
East to midpoint Trinity Square (street)	10 m
South to property line	30.5 m
Tower addition setbacks:	3.0 m minimum 1.4 m at south-east corner pinchpoint
Tower addition floorplate GCA Floors 11 to 69	736 m <sup>2</sup>
Vehicular parking:	551 existing
Bicycle parking:	565 new
Loading spaces:	
Type B	2
Type C	2
Residential amenity space:	
Indoor	1,076 m <sup>2</sup>
Outdoor	1,076 m <sup>2</sup>
Unit Mix:	
Studio	54 (10.0%)
One bedroom	268 (49.8%)
Two bedroom	162 (30.2%)
Three + bedroom	54 (10.0%)
Total	538

### Site and Surrounding Area

The site is an 'L' shape lot with an existing 10-storey and a 15-storey office building linked by an indoor atrium, with an existing 88,673 square metres of gross floor area

under By-law 438-86. The site has approximately 100 metres of frontage on Albert Street and approximately 74 metres of frontage on Trinity Square (street). The lot area is 11,430.7 square metres. Refer to Attachment 1.

The surrounding uses are as follows:

North: Trinity Square Park

South: Albert Street and to the south of Albert Street, Old City Hall

West: Immediately west of the proposed tower addition is the above mentioned 15-storey existing office building forming part of this development site. West of that is Bay Street and City Hall.

East: Trinity Square (street) and to the east of Trinity Square (street), the Eaton Centre

### **Reasons for Application**

The proposal requires an amendment to the Zoning By-law for an increase in density and height along with changes required to setbacks, parking and amenity space provisions.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

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

- Aeronautical Assessment
- Arborist Report
- Architectural Plans
- Civil and Utilities Plans
- Draft Zoning By-law
- Energy Efficiency Report
- Geotechnical Study
- Heritage Impact Statement
- Hydrogeological Report
- Landscape and Lighting Plan
- Noise Impact Study
- Pedestrian Level Wind Study
- Planning Rationale
- Renderings
- Servicing Report
- Stormwater Management Report
- Sun/Shadow Study
- Toronto Green Standards
- Transportation Impact Study
- Tree Preservation Plan
- Vibration Study

These reports/studies can be viewed through the Application Information Centre (AIC) here: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

### **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 will be given 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**

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### **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.

### **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."

### **Provincial 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.

### **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 August 28, 2020. This was an amendment to the 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) 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.

### **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/>.



This application has been reviewed against the policies of the City of Toronto Official Plan including Official Plan Amendment 352 (implementing By-laws 1106-2016 and 1107-2016) and Official Plan Amendment 406 (Downtown Plan) as follows:

## **Chapter 2 – Shaping the City**

### **Policy 2.2.1 Downtown: The Heart of Toronto**

Policy 2.2.1 outlines the policies for development within the Downtown. The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. Although much of the growth is expected to occur in the Downtown, not all of the Downtown is considered a growth area. 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 2.2.1.3 c) and d) refers to 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**

On September 11, 2020, the Minister of Municipal Housing and Affairs approved amendments to the City's Official Plan with respect to the Public Realm (OPA 479) and Built Form (OPA 480) policies of the Plan. These policies are in force and in effect.

### **Policy 3.1.1 The Public Realm**

Policy 3.1.1 provides direction to the importance of the public realm including streets, sidewalks, boulevards, open space areas, parks, and public buildings.

Policy 3.1.2 states that the public realm will provide the organizing framework and setting for development and foster complete, well-connected walkable communities and employment areas.

### **Policy 3.1.2 Built Form**

Policy 3.1.2.1 states that development will be located and organized to fit within its existing and planned context.

Policy 3.1.2.4 requires new development to 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 requires development 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.

Policy 3.1.2.6 requires new development 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.

### **Policy 3.1.3 Built Form – Building Types**

Policy 3.1.3.7 tall buildings are generally greater in height than the width of the adjacent right-of-way.

Policy 3.1.3.9 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 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 3.1.5 Heritage Conservation**

Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, Old City Hall and City Hall being two of those properties.

### **Policy 3.2.1 Housing**

Policy 3.2.1 provides policy direction with respect to housing. Policy 3.2.1.1 states 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. A full range of housing includes: social housing, shared and/or congregate-living housing arrangements.

### **Policy 3.2.3 Parks and Open Spaces**

Policy 3.2.3 refers to the system of parks and opens spaces. 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.

## **Chapter 4 – Land Use Designations**

### **Policy 4.5 Mixed Use Areas**

The subject lands are 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.

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 i) refers to development that will provide 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.

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

### **Policy 4.8 Institutional Areas**

Policy 4.8.4 states that buildings will be sited and massed to protect the continued use of flight paths to hospital heliports. The applicable helicopter flight path is the St. Michael's Hospital helicopter flight path.

## **Chapter 5 – Implementation**

### **Policy 5.1.1 Height and/or Density Incentives**

This policy refers to Section 37 of the Planning Act which gives municipalities the authority to pass zoning by-laws involving increases in the height and/or density of development in return for the provision by the owner of community benefits. Section 5.1.1 of the Official Plan includes policies dealing with the use of Section 37. The policies state that Section 37 community benefits are capital facilities and/or financial contributions toward specific capital facilities and include amongst other matters, the provision of affordable housing.

### **Policy 5.6 Interpretation**

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.

### **OPA 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.

The applicant is one of the appellants to OPA 352. OPA 352 is in full force and effect except for a number of site specific appeals, which includes the subject lands. As such, for this site, OPA 352 is not in full force and effect. The owner will be required to withdraw their appeal of OPA 352 in connection with this approval.

The Official Plan Amendment as initially adopted by City Council can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

The Official Plan Amendment as approved by the Ontario Land Tribunal can be found here: <https://www.toronto.ca/legdocs/refdocs/11526.pdf>

### **Official Plan Amendment 406 -The Downtown Plan**

Official Plan Amendment 406 (the Downtown Plan) was adopted by City Council May 22, 2018 and approved by the Ministry on June 5, 2019. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Secondary Plan. It applies to all applications deemed complete after June 5, 2019. This application was deemed complete June 25, 2020 and as such the plan is in full force and effect for this application.

The 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 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, City Hall and Old City Hall being two of those properties. The City has initiated an Official Plan Amendment process with the intent of modifying this view corridor to enhance the view protection policies to and beyond City Hall and Old City Hall.

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 and Secondary plans noted above are summarized in the Comments section of the Report.

## Zoning

The site is zoned CR T7.8 C4.5 R7.8 under Zoning By-law 438-86 with a maximum height of 61 metres. City-wide Zoning By-law 569-2013 does not apply to this site.

The site is subject to certain permission and exception provisions, including: required 60% of the lot frontage to be street related retail, the prohibition of commercial parking garages or private commercial garages and new development to be under a 60 degree angular plane as measured from the Bay Street frontage.

## Airport Zoning Regulation - Helicopter Flight Path

City Council at its meeting of December 5, 2017 adopted an airport zoning regulation for the hospital helicopter flight paths, By-law 1432-2017, which is in full force and effect as authorized by an agreement between the City of Toronto and Federal Minister of Transport under the Aeronautics Act. In order to comply with the helicopter flight path and the related Official Plan Policy 4.8.4 and Downtown Policy 9.29 any development including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities has to be below or outside the protected flight path. The proposal is adjacent to the Obstacle Limitation Surface for the St. Michael's Hospital helicopter flight path.

The by-law can be found here:

<https://www.toronto.ca/legdocs/bylaws/2017/law1432.pdf>

## Design Guidelines

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.

The following design guidelines have been reviewed in the evaluation of this application:

- City-Wide Tall Building Design Guidelines,
- Downtown Tall Buildings: Vision and Supplementary Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities Guidelines
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings
- Retail Design Manual
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines

The City's Design Guidelines can be found at

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

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>.

## **Growing Up 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 Design Guidelines was considered in the review of this revised proposal.

The guidelines can be found here: <https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/growing-up-planning-forchildren-in-new-vertical-communities/>

## **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 Guidelines can be found here:

<https://www.toronto.ca/wpcontent/uploads/2020/01/960d-Toronto-Retail-Design-Manual-December-2019.pdf>

### **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 Guidelines can be found here:

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

### **Site Plan Control**

The subject site and proposed development are subject to Site Plan Control. An application has not been submitted.

### **Draft Plan of Subdivision**

A draft plan of subdivision has been submitted. The Chief Planner has delegated authority for Plans of Subdivision under By-law 229, as amended.

### **Community Consultation**

A community consultation meeting was held on March 4, 2020 which was attended by approximately 27 members of the public. At the meeting City staff and the applicant's team gave presentations about the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a round table format meeting. Specific comments related to the zoning amendment component of the development were:

#### Land Use:

- Concerns about density and whether there is sufficient infrastructure capacity
- Suggestion to include ground floor civic/community use space
- Suggestion to provide affordable housing and/or supportive housing

#### Urban Design:

- Impact to views from new City Hall
- Appropriate sidewalk width and need for appropriate access to new building

#### Transportation:

- Suggestion to provide for electric vehicles/rental bicycles and car share spaces

#### Trinity Square Park:

- Impact to Church and its patrons from the development
- Shadow and wind impacts on park

- Impacts of additional density on park

Concerns related to infrastructure capacity and transportation have been reviewed to the satisfaction of Engineering and Construction Services and Transportation Services. Suggestions to include additional ground floor uses were not feasible given the office uses which were being retained in the existing podium. Massing and design changes have also addressed view corridor and pedestrian realm issues as well as providing for a distinct residential entrance to the building. By relocating the proposed elevator core, which was originally located external to the existing building, impacts to Trinity Square Park in terms of wind, shadow and view have been appropriately addressed.

## **COMMENTS**

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### **Planning Act**

The Planning Act governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. Section 2 of the Planning Act sets out matters of provincial interest that City Council shall have regard to in making any decision under the Planning Act and requires that municipalities, when carrying out their responsibility under this Act regard shall be had to matters of provincial interest including:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development; and
- (r) the promotion of 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.

The proposed development has regard to the relevant matters of provincial interest. These provincial interests are further articulated through the PPS (2020) and the Growth Plan (2020).

### **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.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:



The key PPS policies applicable to this development include:

- Policy 1.1.1 b) refers to healthy communities accommodating an appropriate affordable and market-based range and mix of residential uses,
- Policy 1.1.3.3 states planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development accommodating a significant supply and range of housing options through intensification and redevelopment,
- Policy 1.1.3.4 refers to appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety,
- Policy 1.4.3 references an appropriate range and mix of housing options and densities and in f) establishing development standards for residential intensification,
- Policy 2.6.3 which prohibits site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The PPS references development standards, appropriate range and mix of housing, as well as conservation of heritage resources. Policy 4.6 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS and as such the proposals adherence to Official Plan policies is key. The proposed development represents an appropriate level of intensification for the site in a settlement area, within the Downtown where the City has directed growth.

As further discussed below, the consistency with the PPS relates to the provision of healthy communities through the mix of commercial and residential uses including the provision of a range of housing unit sizes. Additionally, the proposed massing incorporates appropriate development standards and conserves heritage view corridors as described and assessed later in this report. As such, in the opinion of City Planning, the proposed development and Zoning By-law Amendment are consistent with the Provincial Policy Statement (2020).

## **Growth Plan**

The key Growth Plan policies applicable to this development are:

- Policy 1.2.1 which refers to the achievement of complete communities, the efficient use of land, a range and mix of housing options to serve all sizes, incomes and ages of households,
- Policy 2.2.1.4 a) refers to the achievement of complete communities that feature a diverse mix of land uses including residential and employment uses and in c) a range and mix of housing options to accommodate the needs of all household sizes,
- Policy 2.2.1.4 e) provides for a more compact built form, and a vibrant public realm,
- Policy 2.2.2.3 b) which refers to an appropriate type and scale of development and transition of built form to adjacent areas and 2.2.2.3 f) refers to implementation through official plan policies and designations and other supporting documents,

- Policy 2.2.4.2 refers to maximizing the number of potential transit users that are within walking distance of major transit station areas,
- Policy 2.2.6.3 which refers to multi-unit residential developments to incorporate a mix of unit sizes, and

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. As such, the City's Official Plan and design guidelines have direct relevance for assessing Growth Plan conformity.

As with the PPS, the development site is located in an Urban Growth Centre which is directed for intensification. While growth is not uniform across the Downtown Urban Growth Centre, the policies of the Official Plan contemplate appropriately massed and scaled built form, that development conserves heritage resources, protects for public health and safety (through the avoidance of the helicopter flight path) and provides for intensification.

As further discussed below, the application proposes a mix of uses that has been designed to maximize density while providing for an appropriate type and scale of development within walking distance of a transit station. The proposal is in a compact form and represents an appropriate type and scale of development. In the opinion of City Planning, the proposed development and Zoning By-law Amendment conforms to the Growth Plan (2020).

The review of the proposed built form in relation to applicable Official Plan policies and relevant guidelines and their link in assessing PPS consistency and Growth Plan conformity is further examined below.

## **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. The non policy text of Section 4.5 of the Official Plan clarifies that not all Mixed Use Areas will experience the same scale or intensity of development.

In OPA 406 (the Downtown Plan) the site is designated Mixed Use Areas 1 – Growth which would include buildings with the greatest heights, the highest intensity of development and largest proportion of non-residential uses. Height, scale and massing will be dependent on site characteristics.

The proposed addition is a mixed use tower including both residential and office space which conforms with the Mixed Use Area policy for permitted land uses. Although the proposed land use would be permitted, the built form must also respond to the planned and built form context and minimize impacts. The built form is reviewed and assessed in the following sections.

## **Built Form**

The proposed built form has been reviewed against the Official Plan, including OPA 406 and OPA 352 as well as relevant design guidelines described in the Issue Background Section of the Report.

The proposed tower addition has been assessed in terms of the context and height, tower floorplate, stepbacks and placement, shadowing, flight path and view corridor impacts.

## **Tower - Context and Height**

The planned and built form context is one of the key considerations when assessing appropriate built form. The general intent in an area of high rise development is to ensure that sufficient separation distances are achieved to ensure light, view and privacy impacts are appropriately addressed for both residents and for pedestrians.

Official Plan Built Form Policies 3.1.2.1 and 3.1.2.5 require that new development be located and organized to fit within the existing and planned context. Policy 3.1.2.3 refers to development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls. Tall Building Policy 3.1.3.11 d) states that the tower portion of a tall building should be designed by providing appropriate separation distances from side and rear lot lines as well as other towers.

OPA 352, Policy B i) requires tall buildings to provide setbacks from the lot lines so that individual tall buildings and the cumulative effect of multiple tall buildings within a block fit in with the existing and/or planned context. Policy B ii d), e) and f) further reference access to natural light, a reasonable level of privacy for occupants, pedestrian level and occupant views between towers.

OPA 406 Policy 3.3 states new buildings will fit within their existing and planned context and provide compatibility between differing scales of development. Policy 9.25.3 refers to spacing and the relationship between tall buildings through the application of separation distances and tower orientation.

Tall Building Design Guideline 1.1 refers to context and defines a 250 m and 500 m radius for that context. Guideline 1.3 refers to tall buildings fitting within the existing or planned context. Guideline 3.2.3 further identifies minimum tower separation distances of 25 m between towers which can be achieved by 12.5 m setbacks to the side and rear lot lines and the mid-point of an abutting lane.

The existing and planned context features a mix of built forms including multiple towers as well as the Eaton Centre, civic facilities and parkland. Within a 250 metre radius of the site, as identified by the Downtown Tall Buildings Guidelines for assessing height, building heights range significantly from mid-rise heights up to 60-stories (197 Yonge Street).

Within this context, the application proposes the following tower setbacks.

	Setbacks for the residential portion of the tower addition
North	7.6 m to Trinity Square park boundary
South	30.5 m to south property line
East	10 m to midpoint of James Street right-of-way
West	73 m to property line

The existing 10-storey building (which is defined as a tower development based on its height in relation to the width of the right-of-way) has a 4.6 metres setback to the adjacent park and an as-of-right permission to maintain this 4.6 metres setback for an additional three stories. The proposed tower addition includes three floors of office space which would maintain this 4.6 m setback. The proposed residential component of the tower addition would maintain a 7.6 metres setback to the park. In this instance, given the existing as-of-right zoning permission and the increase in the setback for the residential portion of the development, the proposed north setback is acceptable.

The tower setbacks to the south and west exceed the recommended 12.5 metres setback. To the east, the setback to the midpoint of Trinity Square (street) has been reduced to 10 metres with no balcony projections from the recommended 12.5 metres and reviewed against the criteria in OPA 352 to permit such reductions.

The proposed 69-storey development generally fits within the planned and existing built form context and achieves appropriate tower separation distances. The proposed built form is acceptable and conforms to the Official Plan and relevant guidelines.

### **Tower - Floor Plate, Stepbacks and Placement**

The achievement of appropriate massing is related to the previously assessed tower separation distances and light, view and privacy issues. In this section of the report the analysis of massing involves an assessment of tower floor plates, stepbacks and tower placement.

Official Plan Built Form 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 context. Policy 3.1.3.11 refers to stepping back the tower from the base building, limiting and shaping the size of tower floorplates. Mixed Use Areas Policy 4.5.2 c) references appropriate setbacks and/or stepping down of heights between areas of different intensity and scale.

Downtown Plan Policy 9.13 to 9.15 refers to tall building floorplates designed to adequately limit shadow impacts on the public realm and neighbouring properties and maintain adequate skyview from the public realm. Step backs and/or limiting building floorplates allow daylight and sunlight to penetrate the street and lower building levels. Generally, floorplates would be a maximum of 750 square metres although increases may be appropriate where impacts are addressed. Additionally, policies 9.22 to 9.27 refer to transition in scale through the use of setbacks, step-backs and tower orientation among other means.

Tall Building Guideline 3.2.1 limits tower floor plates to 750 square metres including all built areas within the building but excluding balconies. Guideline 3.2.2 refers to minimum tower stepbacks of 3 metres above the podium which is illustrated in Guideline 3.2.3.

The proposed tower has a floor plate of 736 square metres with no projecting balconies. The tower would stepback a minimum 3 metres from the podium edge on all sides with the exception of a 1.4 metre stepback at a pinch point in the southeast corner.

The proposed siting of the tower addition is in response to the proposed Old City Hall view corridor and the St. Michael's Hospital helicopter flight path. As such, the tower addition has been sited on the north-east corner of the site in order to not intrude into either the proposed Old City Hall view corridor and to not intrude into the helicopter flight path. The resultant tower floor plate and tower stepbacks conform to the intent of the guidelines and crucially preserve the proposed Old City Hall view corridor and do not intrude into the helicopter flight path.

### **Tower - Height and Shadowing**

Official Plan Built Form Policy 3.1.2.5 refers to the need to ensure access to direct sunlight and daylight on the public realm and in 3.1.3.10 b) and c) the need to limit shadow impacts on the public realm and surrounding properties and maximize access to sunlight and open views of the sky from the public realm. For the Mixed Uses Areas designation, Policy 4.5.2 e) refers to maintaining sunlight on adjacent streets, parks and open spaces.

Downtown Plan Policy 9.17 and 9.18 states that development will adequately limit shadows on sidewalks, parks, open spaces and institutional open spaces as necessary to preserve their utility.

These policies are expanded on by Tall Building Guideline 1.3 (a) which refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties and by Guideline 1.4 which refers to protecting access to sunlight and sky view within the surrounding context of streets, parks, open space and other shadow sensitive areas.

Downtown Tall Building Design Guideline 3.2 states that tall buildings should not cast new shadows on non signature parks from 12:00 pm (noon) to 2:00 pm on September 21st.

The applicant has submitted studies illustrating the extent of shadowing that would result from the proposed development. The submitted shadow studies show that the proposed tower would shadow:

- Trinity Square Park (designated Parks and non-signature park) from 11:18-1:18 on March/September and June 21. A small slither of the park is also separately shadowed from 1:18-3:18 by the new elevator core;
- Larry Sefton Park (designated Parks and non signature park) at 10:18 June 21;

The upper levels of the proposed building were sculpted to ensure there would be no net new shadowing on Dundas Square. Within the protected times identified for non-signature parks by the guidelines (12:00-2:00 September 21), there will also be no shadowing to Larry Sefton Park.

Although there will be shadows within Trinity Square Park from the tower addition, it is noted that these shadows would be the the same even if the tower were to be reduced in height to approximately 20 stories, which in an MUA 1 landuse designation is not reflective of the policy direction for the highest densities and heights. By eliminating almost all of the shadows from the elevator core (except for a minor slither of the park) much of the shadowing impact has been mitigated. The residential tower addition would still shadow a portion of Trinity Square Park, however significant parts of the park will remain in sunshine, less those areas presently shadowed by existing tree canopies. Although the additional shadowing to Trinity Square Park significantly exceeds the guidelines, it is anticipated that the park will maintain a degree of its utility as the shadows move across in the midday. The orientation and limited floor plate of the tower help to mitigate impacts.

The additional shadows over and above existing height permissions are not ideal. However, in this instance and context, shadows have been eliminated from Dundas Square, reduced to one hour outside of the designated protected hours for Larry Sefton Park and significantly reduced for Trinity Square Park, balancing against other policy objectives the proposed shadowing is acceptable in this instance and context.

### **Tower - Height and Helicopter Flight Paths**

Official Plan Policy 4.8.4, Airport Zoning Regulation (By-law 1432-2017) and Downtown Policy 9.29 requires new buildings to be sited and massed to protect the helicopter flight paths. Any development including all temporary and permanent structures would have to be below or outside the protected flight path.

The proposal is adjacent to the helicopter flight path (Obstacle Limitation Surface) for the St. Michael's Hospital helicopter flight path. The application has been circulated to both the Hospital and Toronto Buildings for an assessment as to whether the proposal and its implementing by-laws conform to the flight path. At the time of signing this report, Toronto Buildings has not yet signed off on the proposal conforming with the flight path requirements. However, the draft by-law includes language requiring adherence to the flight path By-law.

At the building permit stage of the application there will be a subsequent review by Toronto Buildings which includes an assessment of crane swing impacts on the flight path.

### **Heritage - View Corridor**

Official Plan Policy 3.1.5.26 states that construction on or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of the property.

Downtown Policy 9.10 refers to development on sites that include or are adjacent to heritage properties will include base buildings that are compatible with the streetwall; height, articulation, proportion and alignment.

Tall Building Design Guideline 1.6 refers to tall buildings to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties. The Downtown Tall Buildings: Vision and Supplementary Design Guideline 3.4 refers to locating and designing tall buildings to respect and complement the scale, character, form and setting on on-site and adjacent heritage properties.

Official Plan Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, City Hall and Old City Hall being two of those properties. Specifically, the protected view is to these properties. The City has initiated an Official Plan Amendment process with the intent of modifying the view corridors in order to enhance the view protection policies to and beyond both City Hall and Old City Hall. The enhanced views are not yet approved.

The existing Bell Trinity Square development (the subject site) has no heritage status under the Ontario Heritage Act. Additionally, the proposal is not within the existing protected view corridor. However, the development site would be within the enhanced Old City Hall view corridor, which is not yet approved. The proposed tower addition has been located such that the tower addition will be at the eastern edge of the proposed Old City Hall view corridor.

The applicant submitted a Heritage Impact Statement. Heritage staff reviewed this report in conjunction with the proposed built form and view corridor analysis and determined that the proposed tower does not impact the existing or proposed Old City Hall and City Hall view corridors and that there are no other heritage concerns with the proposal.

## **Public Realm**

For development in the Downtown, Official Plan Policy 2.2.1.11 refers to street improvements to enhance the pedestrian environment. This is expanded on by Public Realm Policy 3.1.1.6 which refer, among other things, to a Complete Streets approach and in Policy 3.1.1.13 that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for users of all ages.

Downtown Plan Policy 9.1.2 refers to development being encouraged to contribute to liveability by improving the public realm. Additionally, Policy 9.5 requires buildings to be setback 6 metres from the curb to building face in order to increase the size of the sidewalk zone. Policy 9.6 allows for the reduction of this setback where a strong, legible, historic character of street-oriented buildings exists or a property on the Heritage Register exists on-site.

Tall Building Design Guideline 4.2 also recommends a minimum 6 metre wide sidewalk zone.

The applicant is retaining the existing building that will function as a podium for the tower addition. There is no opportunity to increase the building setback from the street. As part of a subsequent site plan application, there will be a further review of the improvements proposed and existing within the pedestrian realm, particularly along Albert Street, Trinity Square (street) and adjacent to the existing park.

### **Wind Impacts**

With respect to wind impacts on the pedestrian realm, Official Plan Policy 4.5.2 e and Tall Building Guideline 4.3 refer to comfortable wind conditions and the protection of the pedestrian realm from wind impacts. Policy 9.1.2 of the Downtown Plan refers to development contributing to liveability by reasonably limiting uncomfortable wind conditions.

The applicant has provided a Pedestrian Level Wind Study which concludes that wind conditions on and around the proposed development are predicted to be suitable for walking, standing or better. Although additional wind mitigation is not required, raised planters with tall dense vegetation and/or windscreens would extend the usefulness of the outdoor amenity space further into the shoulder seasons. These additional wind mitigation measures will be reviewed and could be implemented through the Site Plan application process.

### **Housing - Unit Mix and Unit Sizes**

The Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe and the City's Official 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 of 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. A full range of housing includes affordable rental housing and shared and/or congregate-living housing. Downtown Policy 2.2.1.1 c) also refers to the provision of a full range of housing opportunities.

Downtown Plan Policy 11.1 states that to achieve a balanced mix of unit types and mixes, developments containing more than 80 units will include:

- a minimum 15% of the total number of units as 2-bedrooms;
- a minimum 10% of the units as 3 bedrooms; and
- an additional 15% of the units will be 2 and/or 3 bedroom units or units that can be converted to 2 and 3 bedroom units through the use of accessible or adaptable design measures.

The Growing-Up Guidelines provide similar direction on the recommended mixture of residential unit types and unit sizes for multi-unit developments. The City's Growing Up Guidelines includes performance standards which represent tangible measures to accommodate the growing demand for family-oriented housing in vertical communities.



The applicant is proposing 54 (10%) studio units, 268 (49.8%) one-bedroom, 162 (30.2%) two-bedroom and 54 (10%) three bedroom units, the implementing by-law will include a similar unit mix. Staff are of the opinion that the proposed unit mix supports the unit mix objectives of the Growing Up Guidelines, OPA 406 and applicable Official Plan and provincial policies in order to accommodate, within new developments, a broad range of households including families with children. As part of the Section 37 Agreement, funds have been secured to potentially be used for capital improvements in new or existing City-owned affordable housing.

### **Amenity Space**

Official Plan Built Form Policy 3.1.2.11 states that new indoor and outdoor amenity spaces be provided as part of multi-unit residential developments and consider the needs of residents of all ages and abilities over time and throughout the year. Official Plan Policy 4.5.2 k) states that in Mixed-Use Areas development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. Downtown Policy 9.33 to 9.36 refers to the encouragement of amenity space to be designed in an appropriate form. Downtown Policy 9.37 also encourages the provision of pet amenity areas. These requirements are implemented through Zoning By-law 438-86, which requires a minimum of 2.0 square metres of indoor and 2.0 square metres of outdoor amenity space for each unit.

The development proposal includes both indoor and outdoor amenity space. The proposal is for a total of 1,067 square metres (2 square metres per dwelling unit) of indoor and 1,076 square metres (2 square metres per dwelling unit) of outdoor space proposed for a total of 2,152 square metres (4 square metres per dwelling unit). The amenity space has been designed so that a portion of the indoor space is adjacent to the outdoor space. A pet wash, pet relief and off-leash area have been provided on the 14th level. The proposed indoor amenity space provision is appropriate. The proposed spaces meet City requirements..

### **Parking and Loading**

A Transportation Impact Study was submitted with the application and has been reviewed by staff. Vehicular access and egress to the site would remain unchanged from the existing configuration with loading from James Street and vehicular access from Bay Street. These spaces are internal to the building. New residential bicycle parking would be located on the 15th level of the tower addition with a dedicated elevator access to the ground floor.

The proposal includes 551 parking spaces, 565 bicycle parking spaces, 2 Type B and 2 Type C loading spaces. Transportation Services staff have reviewed the proposal and commented that a minimum ratio of 0.12 resident parking spaces per unit, 3 car-share spaces, 4 short-term and 491 non-residential parking spaces would be required. Additionally, 2 Type B and 2 Type C loading space would be required. These requirements are reflected in the draft Zoning By-law Amendment attached to this report. It is noted that additional existing accessible and visitor parking spaces are available within the existing parking structure. The specific designation of these spaces,

including the installation of charging stations, will be implemented through the Site Plan process.

### **Site Servicing**

The applicant submitted a Functional Servicing Report, Hydrogeological Report, Stormwater Management Report and Geotechnical Study. Engineering and Construction Services has reviewed the reports and advises that there are no issues related to the zoning component of this application.

### **Open Space/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 cash-in-lieu. 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 permit.

Parks, Forestry and Recreation staff have also commented on the need to provide on-site dog relief stations to help alleviate the pressure on neighbourhood parks, this has been provided within the tower addition.

### **Urban Forestry**

An Arborist Report and Tree Preservation Report was submitted by the applicant. The report indicates there are twenty-one publicly owned and eighteen privately owned trees on and within 6 metres of the site. As the proposed development is for an addition on top of an existing building, there are no plans to remove any of these trees.

### **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.

Official Plan Policy 3.2.2.7 refers to the inclusions of community services facilities being encouraged in all significant private sector developments. Downtown Policy 10.2 states that development will be encouraged to contribute to the delivery of community facilities as a community benefit and in Downtown Policy 10.3.1 that they be located in highly visible locations.

The applicants submitted a Community Services and Facilities Study. Staff have reviewed the report and commented that the priority need for this areas is for securing financial contributions for the relocation and expansion of the City Hall library, the provision of an on-site non-profit licensed child care facility and/or financial contributions for community service facility improvements. As part of Section 37, funds have been secured for community facilities.

### **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:

An indexed cash contribution of three million two hundred thousand dollars (\$ 3.2 million) dollars to be allocated toward:

- \$1,200,000.00 for capital improvements to new or existing City-owned affordable housing, community, cultural and/or recreation facilities; and
- \$2,000,000.00 to local area streetscape and park improvements

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

a) prior to the commencement of any excavation or shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, General Manager of Transportation Services and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the Plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and

access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and General Manager, Transportation Services, in consultation with the Ward Councillor;

b) the owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

## **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 conforms 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 in the Downtown, which is a designated growth area, in the form of a tall building which generally conforms with the guidelines. Staff worked with the applicant and the community to address and resolve various massing issues including appropriate massing and setbacks for the proposed tower addition. The provision of a range of dwelling unit types will help address housing issues. Staff recommend that Council support approval of the Zoning By-law Amendment application.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft 438-86 Zoning By-law Amendment

## **Applicant Submitted Drawings**

Attachment 6: Site Plan

Attachment 7: 3D Model of Proposal in Context

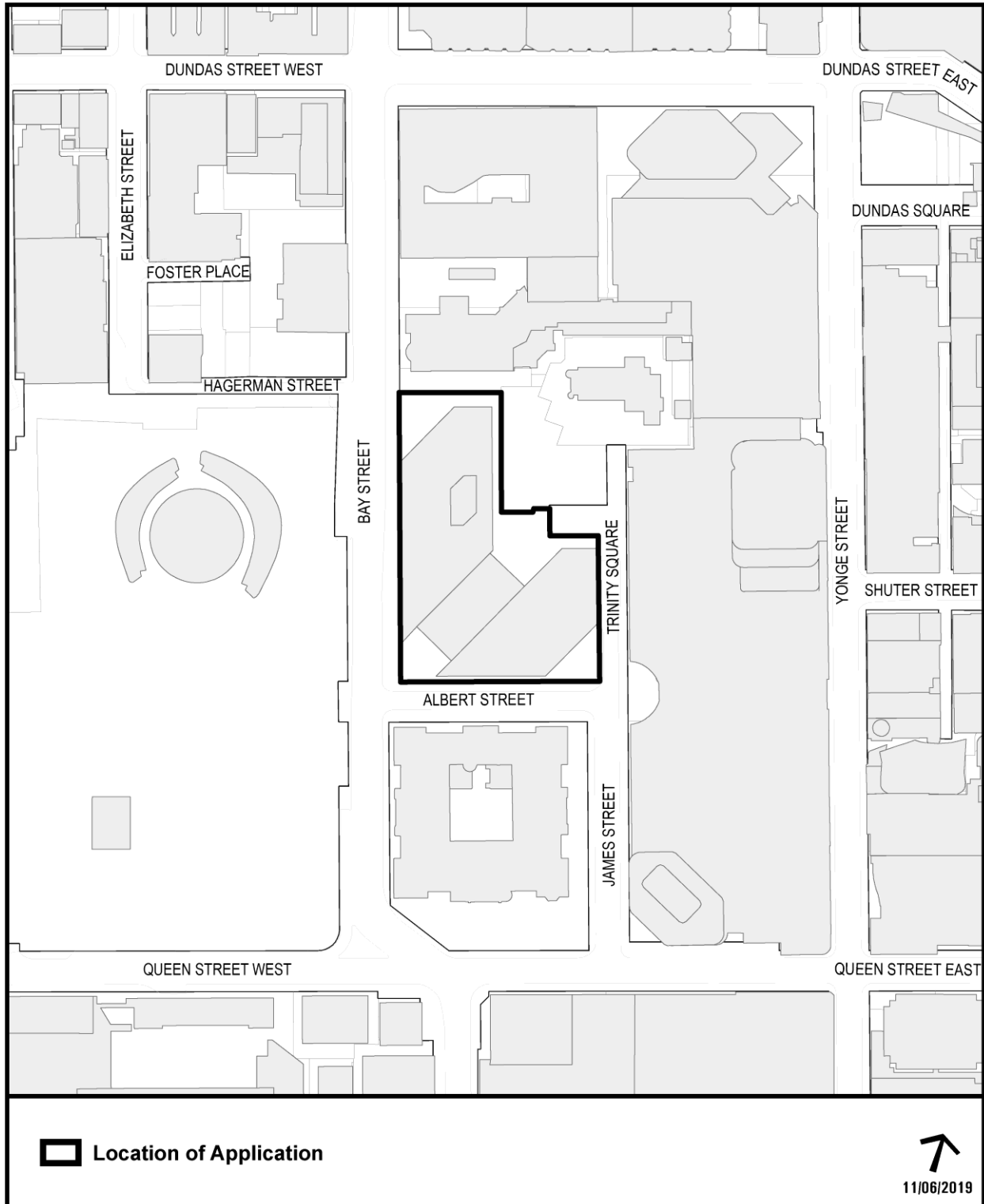
Attachment 8: North Elevation

Attachment 9: South Elevation

Attachment 10: West Elevation

Attachment 11: East Elevation

Attachment 1: Location Map



## Attachment 2: Application Data Sheet

Municipal Address: 483 BAY ST Date Received: October 23, 2019

Application Number: 19 239929 STE 13 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment Application for a proposed 59-storey addition atop the eastern portion of the existing 10-storey office building. The total height will be 69-storeys. Proposed 538 residential units in the addition

Applicant	Agent	Architect	Owner
4609482 CANADA LIMITED		IBI Group	BTS Realty Limited Partnership

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: CR7.8 (C4.5; R7.8) Heritage Designation:

Height Limit (m): 61 Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 11,431 Frontage (m): 146 Depth (m): 101

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	6,509	6,509	210	6,719
Residential GFA (sq m):			39,022	39,022
Non-Residential GFA (sq m):	88,691	88,691	5,859	94,550
Total GFA (sq m):	88,691	88,691	44,881	133,572
Height - Storeys:	10	10	69	69
Height - Metres:	38	38	219	219

Lot Coverage Ratio (%): 58.78 Floor Space Index: 11.69

<b>Floor Area Breakdown</b>	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	39,022	
Retail GFA:		
Office GFA:	94,550	
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			538	538
Other:				
Total Units:			538	538

### **Residential Units by Size**

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		54	268	162	54
Total Units:		54	268	162	54

### **Parking and Loading**

Parking Spaces:	551	Bicycle Parking Spaces:	565	Loading Docks:	4
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### **CONTACT:**

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416-392-0412  
Derek.Waltho@toronto.ca



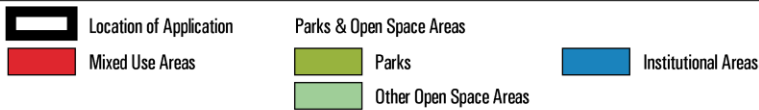
Attachment 3: Official Plan Land Use Map



483 - 491 Bay Street and 20 Albert Street

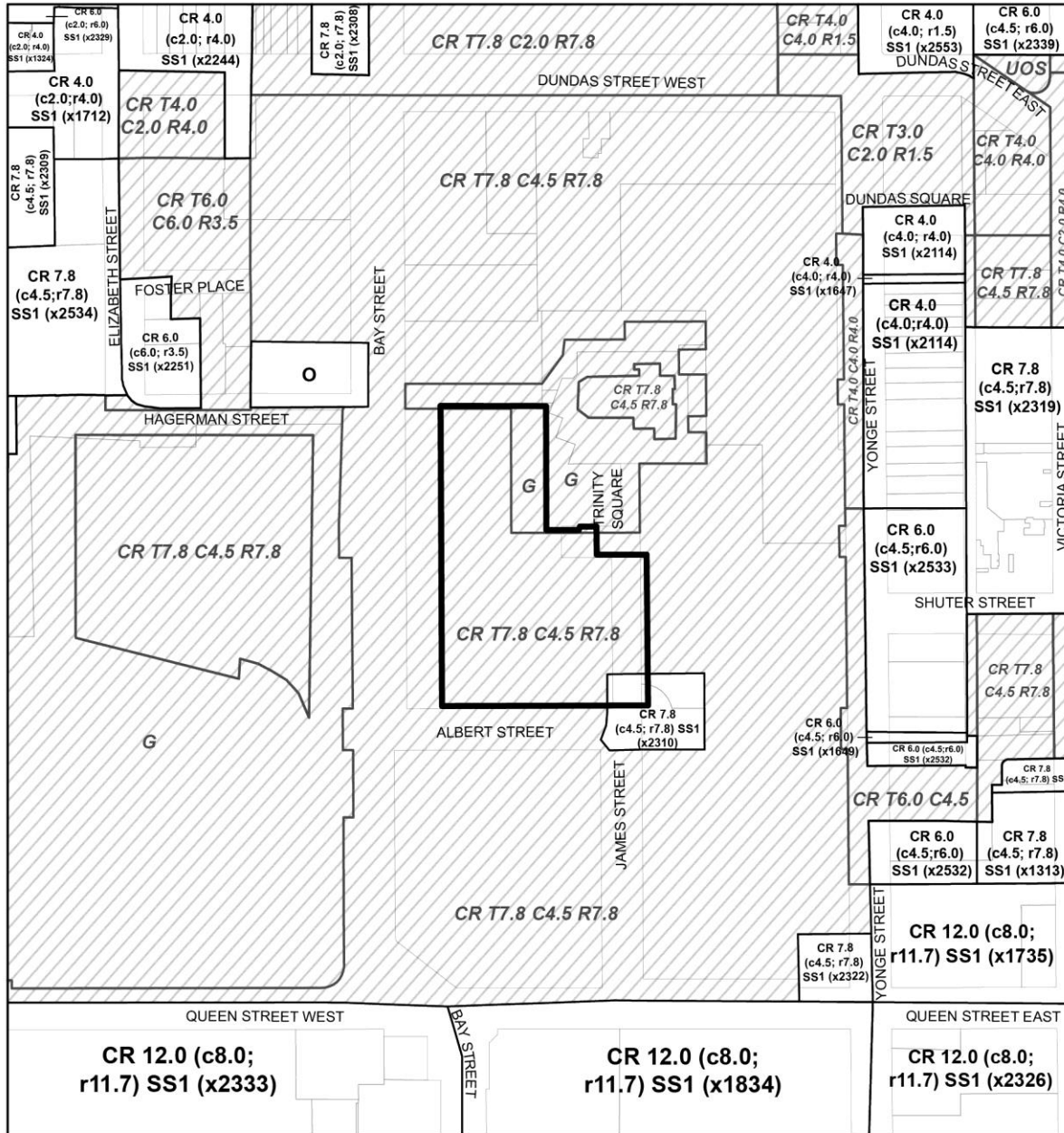
Official Plan Land Use Map #18

File # 19 239929 STE 13 0Z



↑  
Not to Scale  
11/08/2019

# Attachment 4: Existing Zoning By-law Map



## Zoning By-law 569-2013

483 - 491 Bay Street and 20 Albert Street

File # 19 239929 STE 13 OZ

Location of Application

See Former City of Toronto By-law No. 438-86

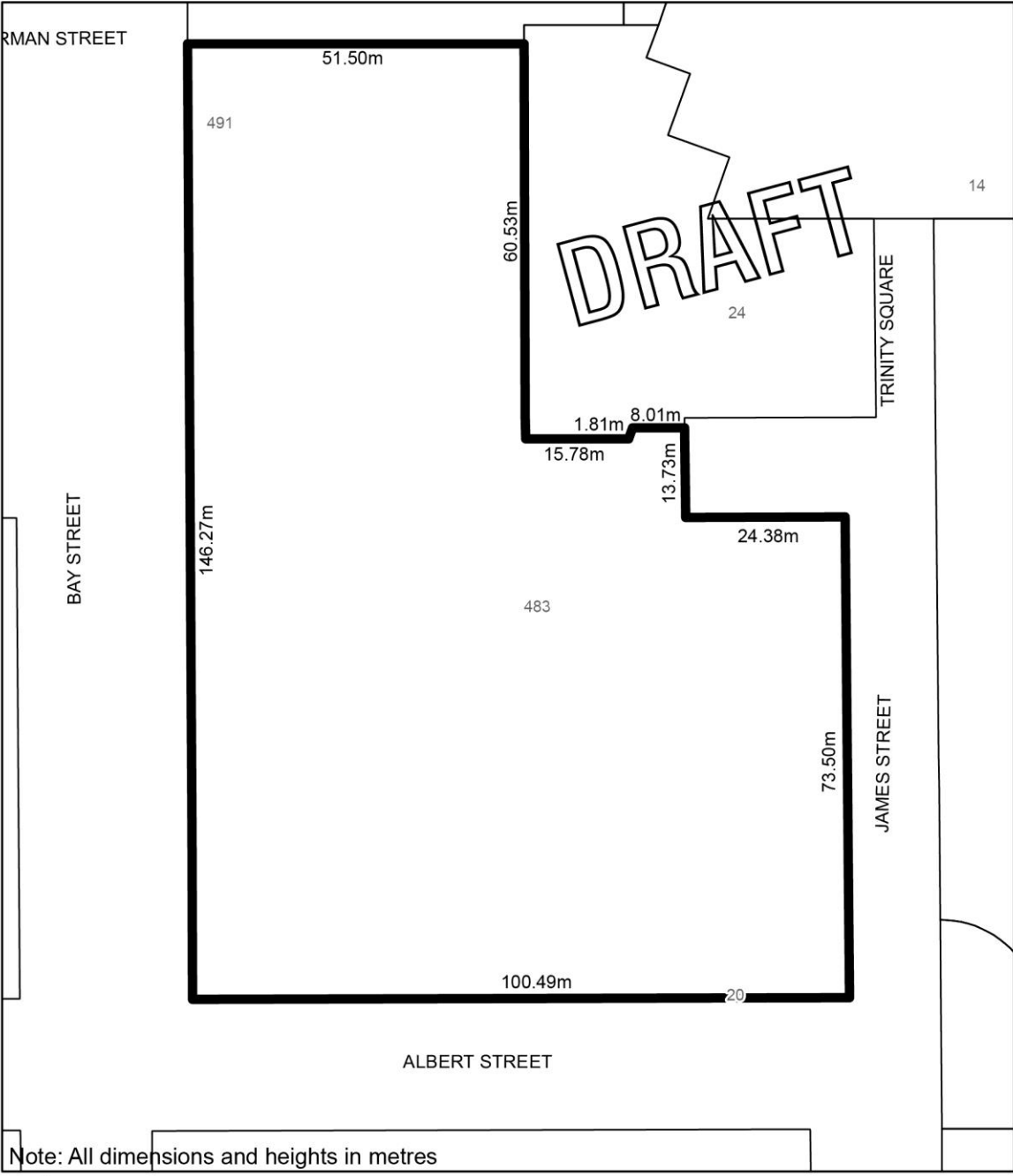
**CR** Commercial Residential  
**O** Open Space

**CR** Mixed-Use District  
**G** Parks District  
**UOS** Parks District

Not to Scale  
Extracted: 05/02/2022

Attachment 5: Draft 438-86 Zoning By-law Amendment

[To be provided prior to TEYCC meeting](#)

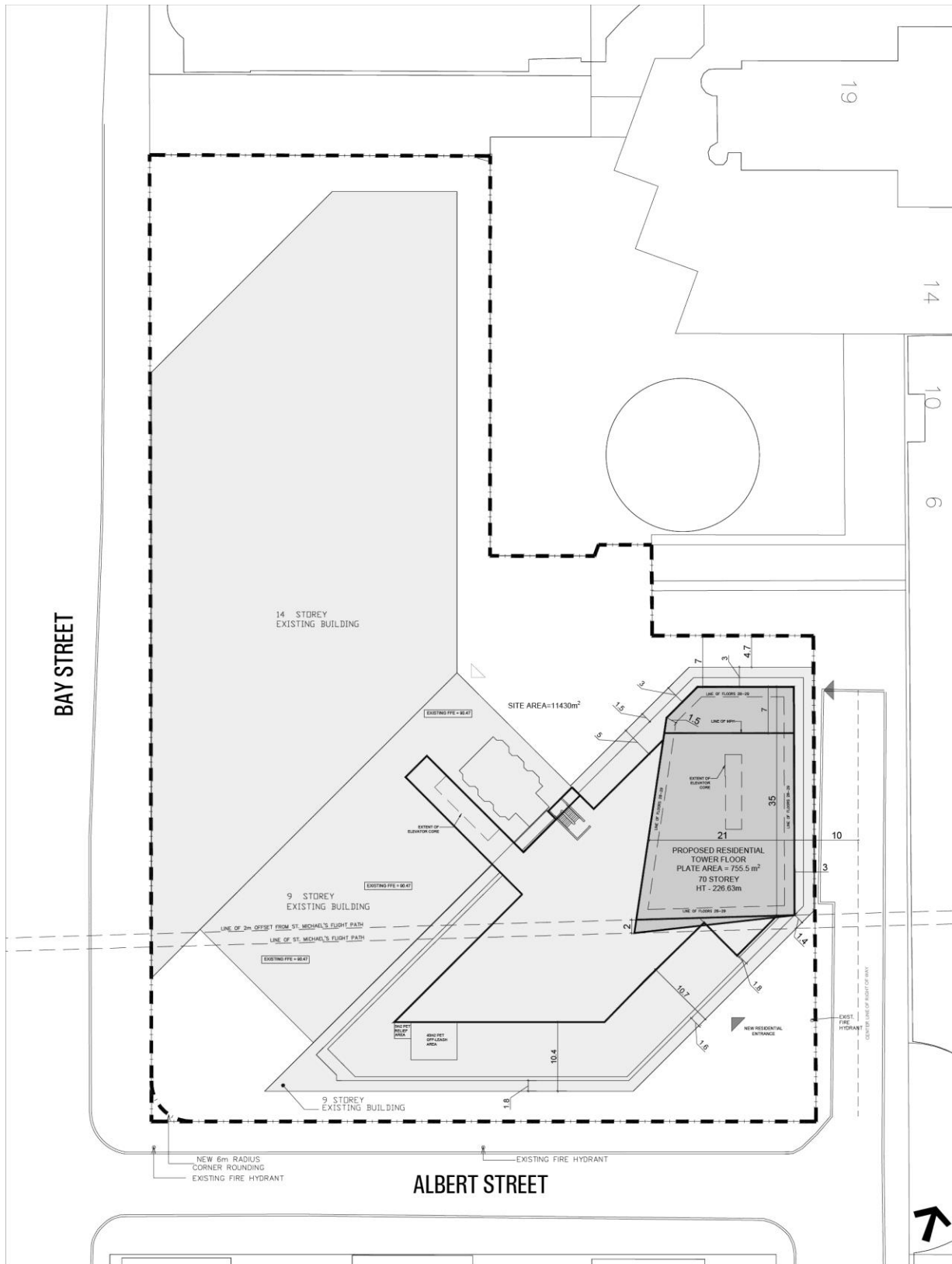


 **TORONTO**  
**Diagram 1**

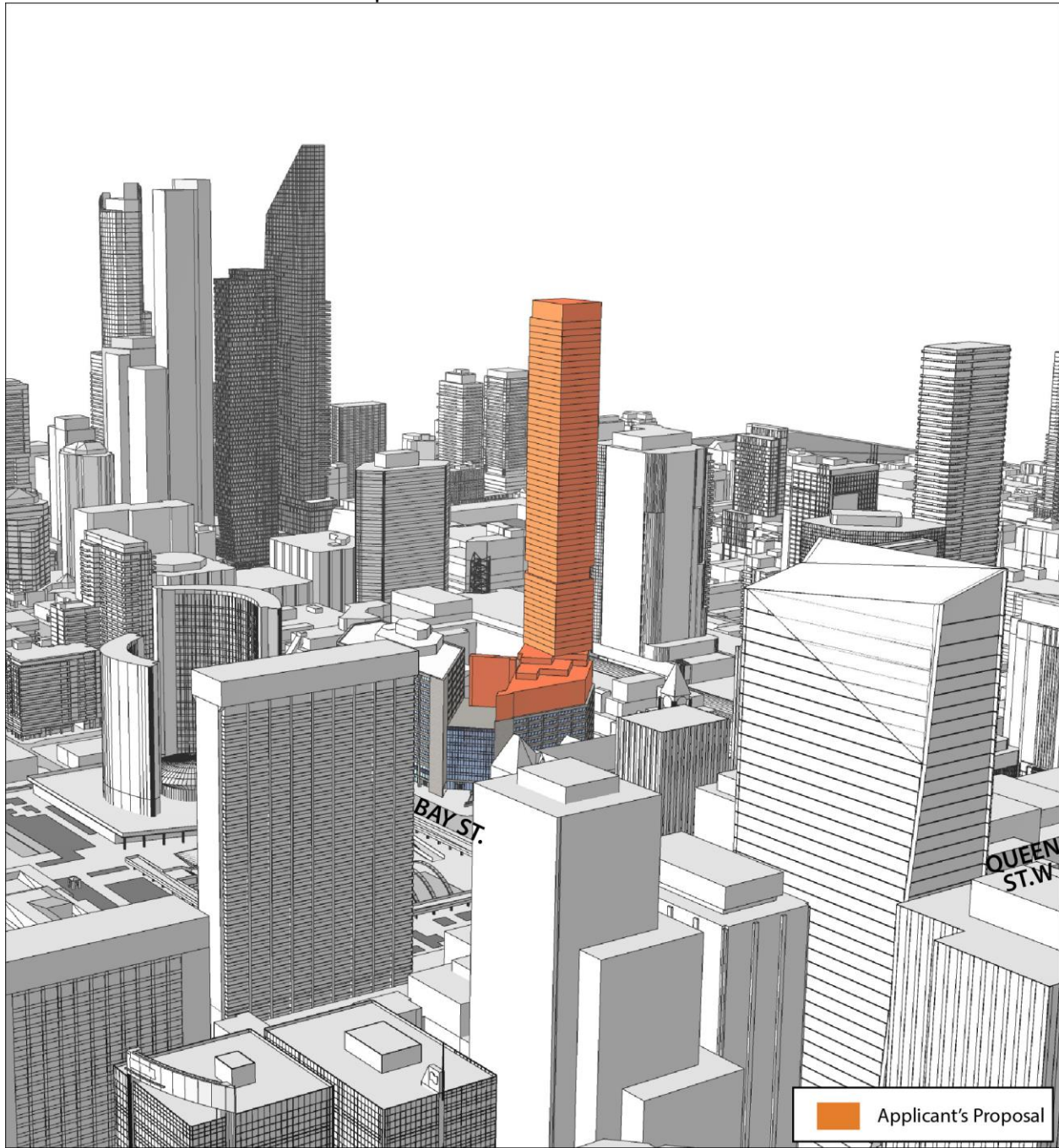
**483-491 Bay and  
 20 Albert Street**  
 File # 19 239929 STE 13 0

  
 City of Toronto By-law 569-2013  
 Not to Scale  
 05/02/2022

Attachment 6: Site Plan

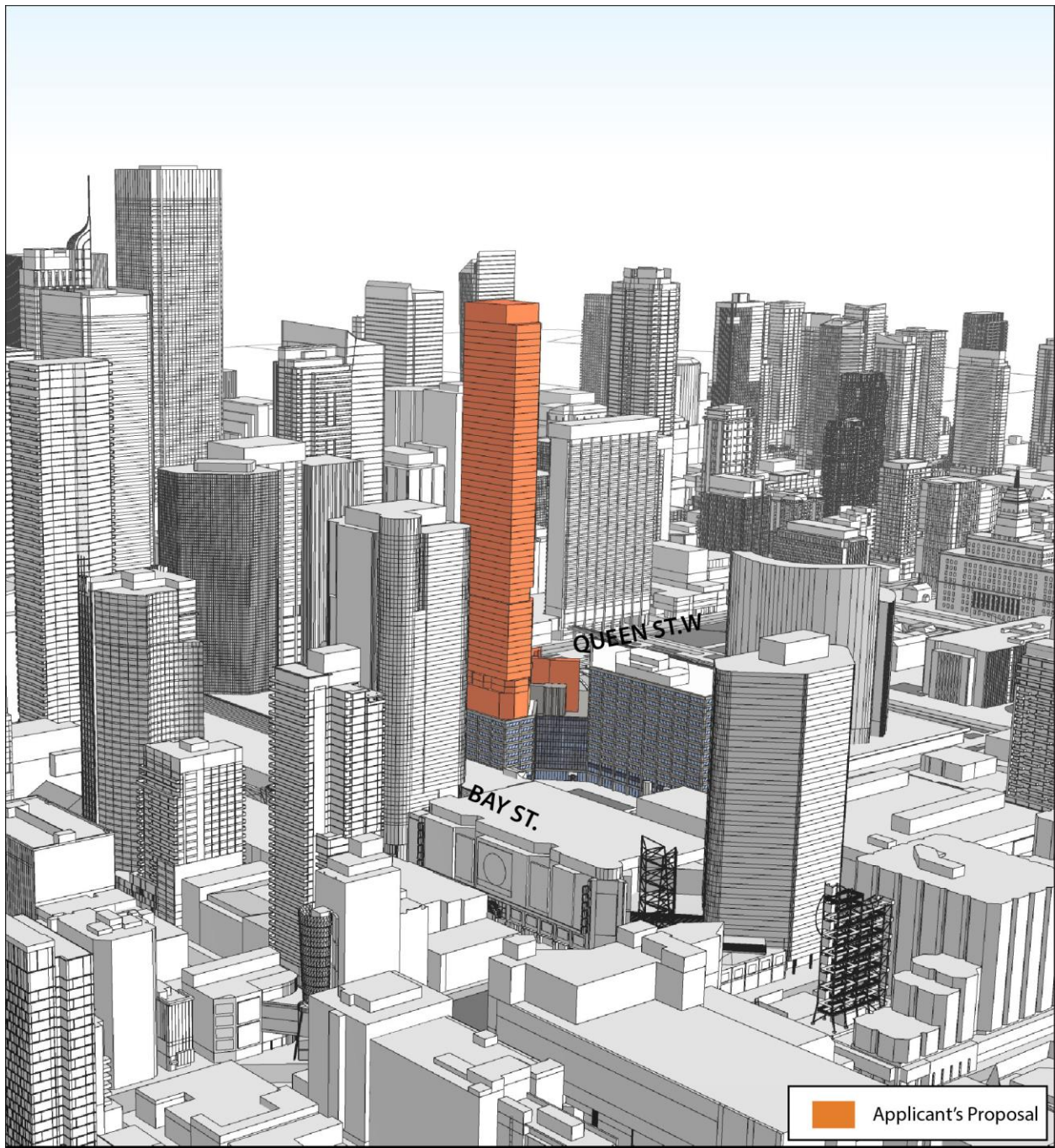


Attachment 7: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northeast



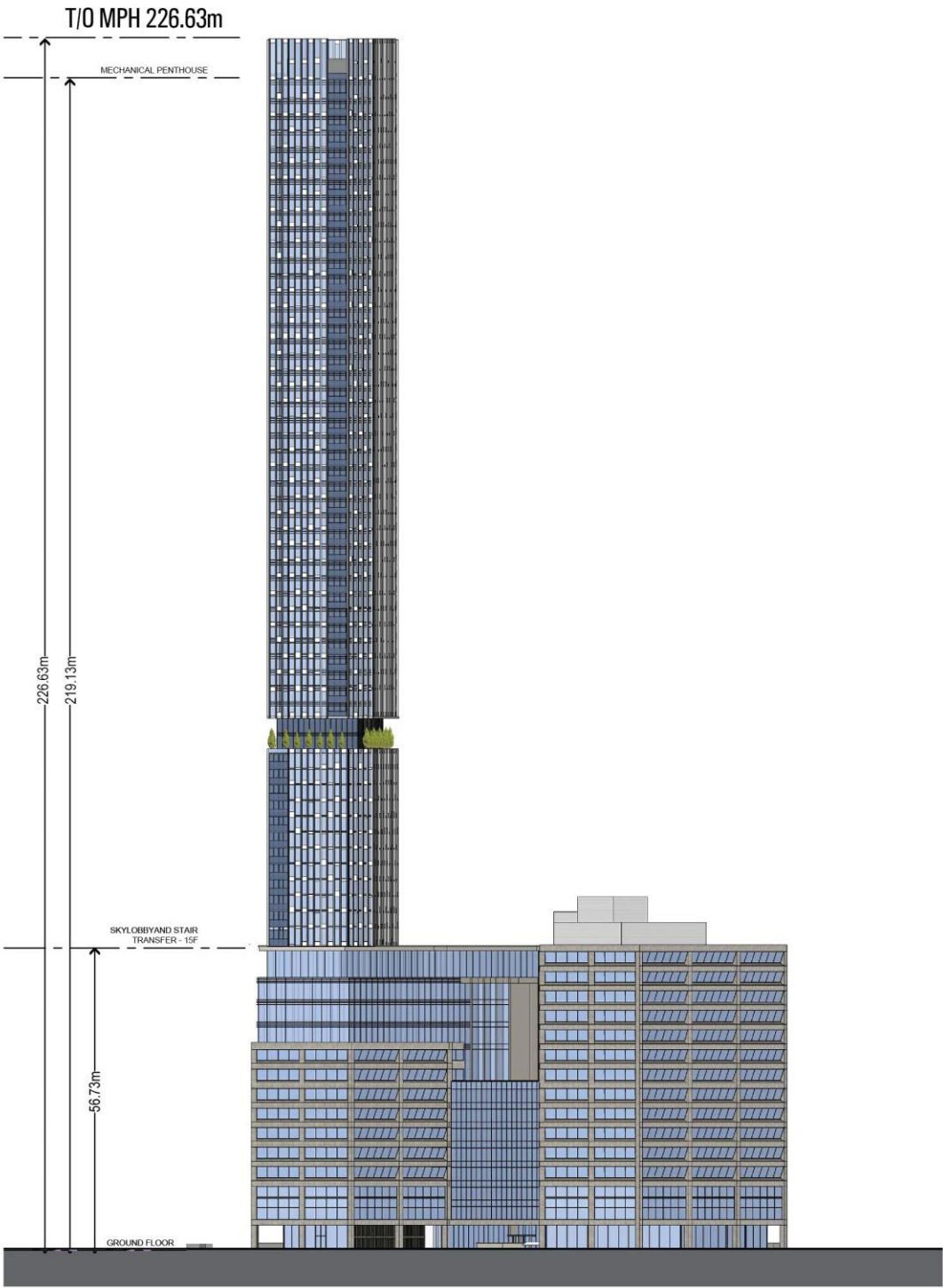


**View of Applicant's Proposal Looking Southwest**



04/29/2022

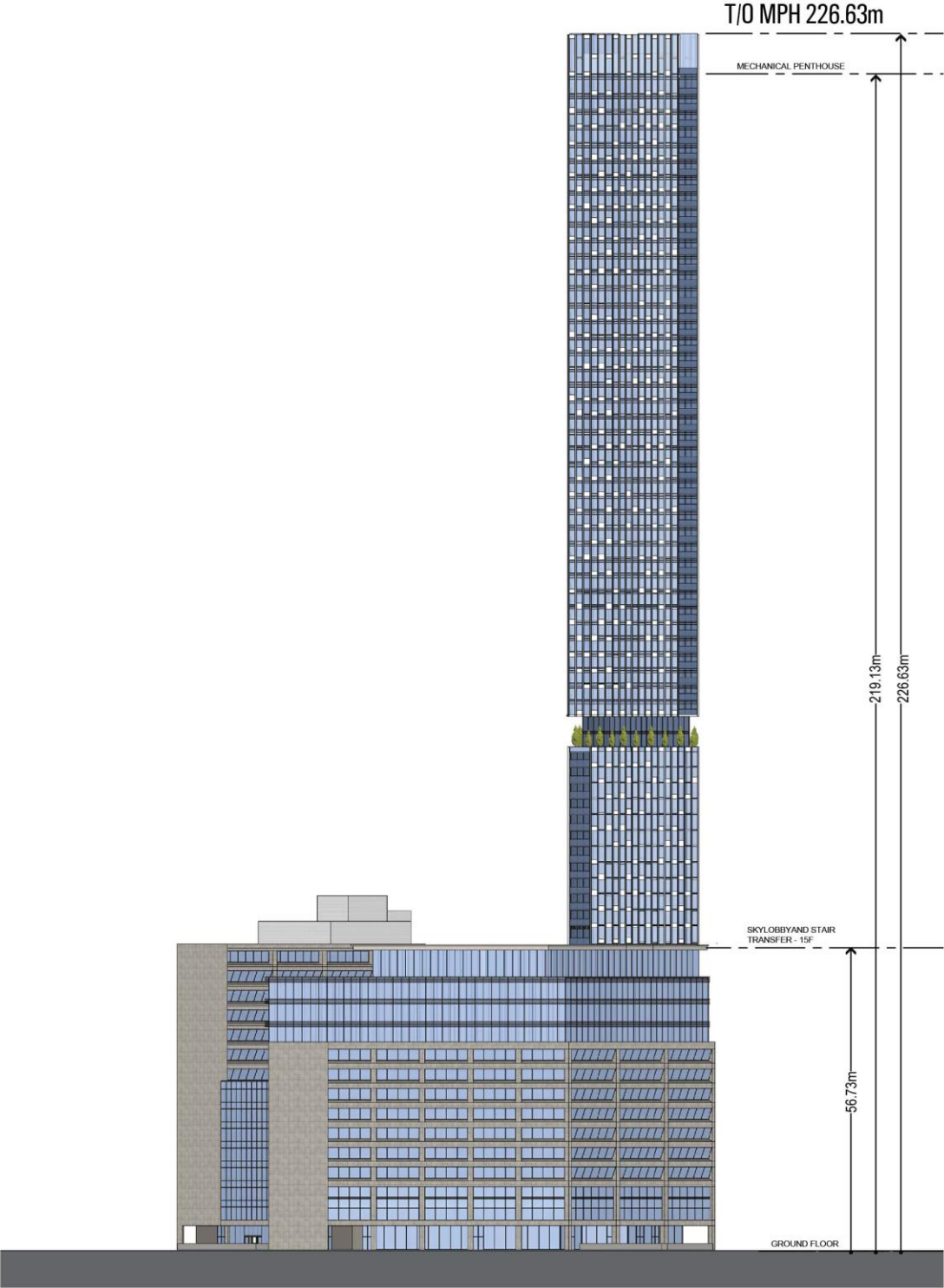
Attachment 8: North Elevation



North Elevation

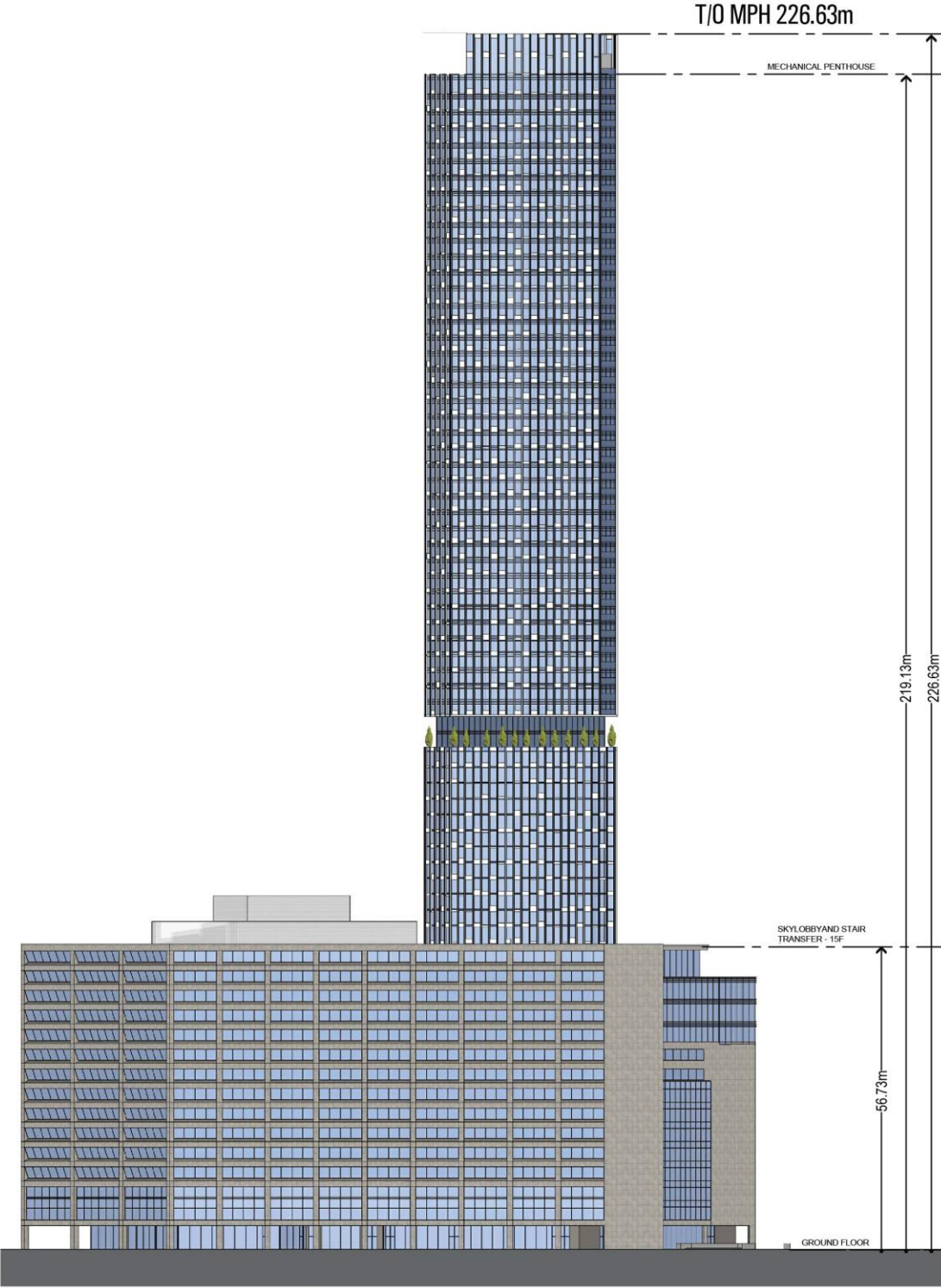


Attachment 9: South Elevation



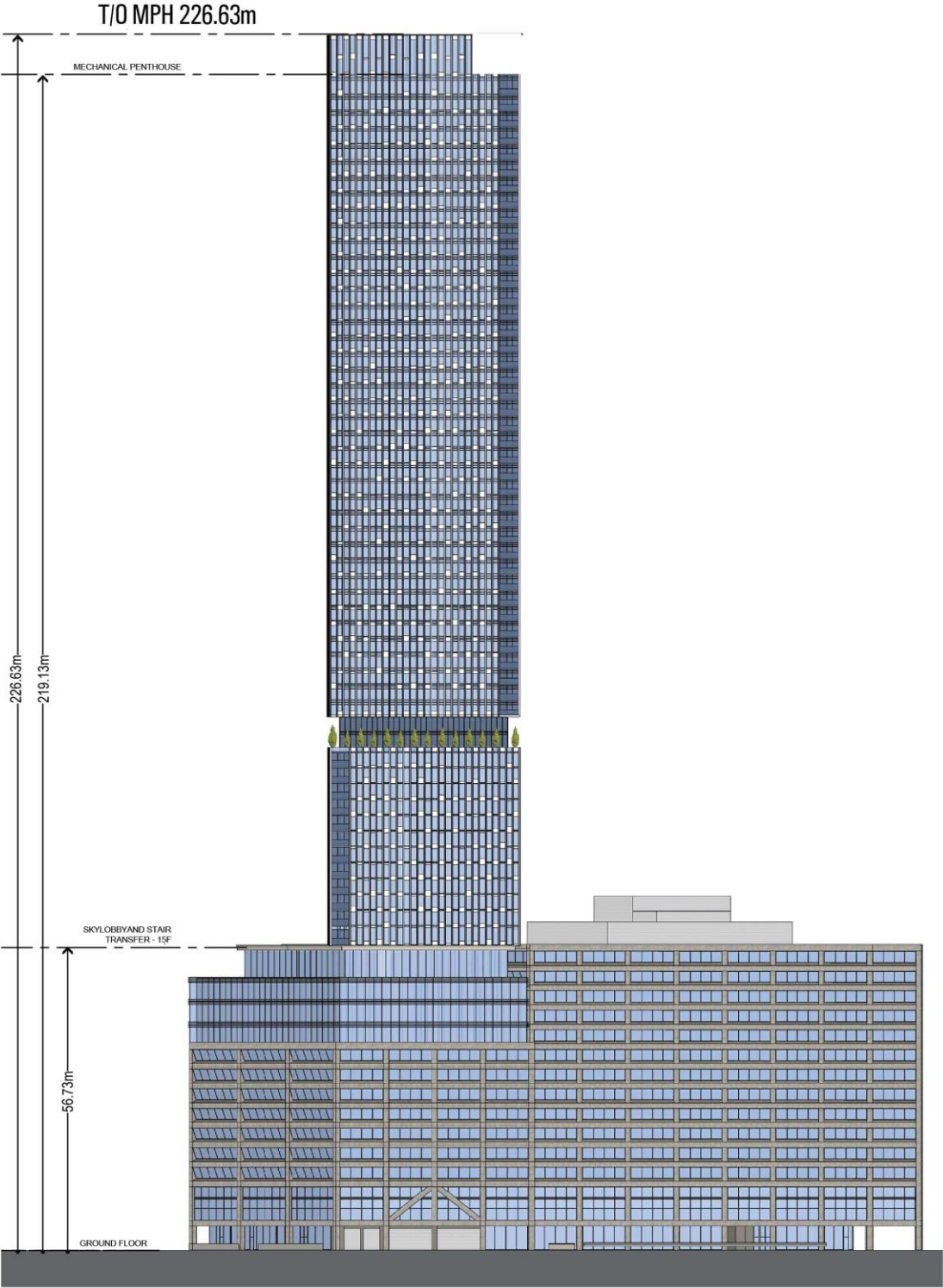
South Elevation

Attachment 10: West Elevation



West Elevation

Attachment 11: East Elevation



East Elevation