

1235-1255 Bay Street – Official Plan and Zoning By-law Amendment Application – Decision Report - Approval

Date: February 6, 2023

To: Toronto and East York Community Council or City Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 21 214121 STE 11 OZ

SUMMARY

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law to permit a 35-storey mixed-use building with 357 dwelling units and 90 square metres of commercial space on the ground floor (1255 Bay Street). The existing 10-storey commercial building at 1235 Bay Street is to be retained.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 1235-1255 Bay Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 5 to this report.
2. City Council amend Zoning By-law 569-2013 for the lands at 1235-1255 Bay Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary bills to City Council for enactment, require the owner to submit a Functional Servicing and Stormwater Management Report and gas investigation report for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

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 SITE

Description: The site is rectangular and has an approximate area of 2,180 square metres, with a frontage of 80 metres on Bay Street, 28 metres on Yorkville Avenue, and 26.5 metres on Cumberland Street.

Existing Use: a 10-storey commercial building at 1235 Bay Street containing approximately 9,900 square metres of non-residential floor area, and a 9-storey commercial building at 1255 Bay Street containing approximately 6,264 square metres of non-residential floor area.

THE APPLICATION

Description: A 35-storey (131.1 metres, including mechanical penthouse) mixed use building.

Density: 15.6 times the area of the lot.

Commercial: A total of 91.5 square metres of commercial space is proposed at 1255 Bay Street. The existing 9,900 square metres of non-residential floor area at 1235 Bay Street will be retained.

Dwelling Units: The proposed 364 dwelling units, includes 127 studio (35%), 86 one-bedroom (24%), 114 two-bedroom (31%), and 37 three-bedroom (10%) units.

Parking and Loading: A total of 3 parking spaces and 1 Type-G loading space are proposed. Vehicular access is from Yorkville Avenue.

Additional Information

See Attachments 1, 2, 7, and 8 of this report for the Application Data Sheet, project in context, a site plan of the proposal, and three-dimensional representation, respectively. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at:
<http://app.toronto.ca/AIC/index.do?folderRsn=PJRSkk4rBG8nQTImaALjiQ%3D%3D>

Reason for the Application: The Official Plan Amendment application is required to amend the Downtown Plan to permit a reduction in the amount of existing non-residential floor area retained on-site.

The Zoning By-law Amendment application proposes to amend Zoning By-law 569-2013 to vary performance standards including: height; building setbacks; gross floor area and floor space index; and amenity space.

Site Plan Control: A Site Plan Control application was submitted on September 17, 2021.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement, and shall conform to provincial plans.

Official Plan: Mixed Use Area. See Attachment 3 of this report for the Official Plan Land Use Map.

Downtown Plan: Mixed Use Area 1. 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.

The site is located at the north edge of the Bloor-Bay Office Corridor. The policies of the Downtown Plan require that development within the Bloor-Bay Office Corridor will ensure no net loss of office and non-residential gross floor area.

Site and Area Specific Policy 211 (SASP 211): 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: 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.

See Attachment 4 of this report for the existing Zoning By-law Map.

Design Guidelines

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

- Tall Building Design Guidelines;
- Bloor-Yorkville/North Midtown Urban Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/>

Toronto Green Standard

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on December 8, 2021. Approximately 15 people participated, as well as the Ward Councillor at that time. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- concerns that the proposal is overdevelopment of the site;
- not enough green space;
- shadow impacts; and
- concerns that there is insufficient parking proposed.

The issues raised through community consultation have been considered through the review of the application.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan.

Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

Land Use

The proposed Official Plan Amendment to permit a reduction in the amount of non-residential floor area is acceptable, and the proposal provides an appropriate mix of uses on the site.

The proposed development will provide 91.5 square metres of non-residential floor area at 1255 Bay Street, and will retain approximately 9,900 square metres of non-residential floor area in the existing building at 1235 Bay Street. The development will provide approximately 29% of the total floor area of the site as non-residential uses.

Unit Mix

The Growing Up Guidelines indicate that a building should provide a minimum of 25% large units, of which 10% should be 3-bedroom units, and 15% should be 2-bedroom units. The proposed development exceeds these requirements with the provision of 364 residential units, of which 114 are two-bedroom (31%), and 37 are three-bedroom (10%). Planning staff are satisfied the proposed unit mix meets and exceeds the intent of the Growing Up Guidelines.

Public Realm

City staff are satisfied that the proposal conforms with the applicable public realm policies of the Official Plan. A total of six existing street trees on Bay Street will be retained, including the two existing street trees in front of 1255 Bay Street. New planters with soft landscaping will be provided along Bay Street in front of the new building.

The proposed building at 1255 Bay Street will provide a 6.0-metre sidewalk on Bay Street and a 4.36-metre sidewalk on Yorkville Avenue, widening to 8.3 metres near the corner of Yorkville Avenue and Bay Street. The proposed building will cantilever over the open space at the corner of Yorkville Avenue and Bay Street, starting at a height of 9.0 metres.

The existing building at 1235 Bay Street will be maintained, and is set back 0.0 metres from the Bay Street and Cumberland Street property lines, resulting in a 5.0-metre building to curb setback on Bay Street and 3.2 metres on Cumberland Street.

Shadow Impact

The shadow impact resulting from the proposal is acceptable. The proposal adequately limits shadow impacts on Neighbourhoods and parks, particularly during the spring and fall equinoxes.

The applicant-submitted shadow studies show the extent of the shadow from the proposed building on the spring and fall equinox (March 21 and September 21) and the summer solstice (June 21). The shadow studies demonstrate that the proposal has no impact on Jesse Ketchum Park to the north.

Wind Impact

A Pedestrian Level Wind Study reflecting the proposed building was submitted in support of the application. The study indicates that all areas at grade will be suitable for their intended uses throughout the year and no pedestrian areas surrounding the subject site at grade level will experience conditions that could be considered dangerous.

City Planning staff have reviewed the Pedestrian Level Wind Study and are satisfied with the assessment, conclusions, and recommendations contained within the study.

Built Form

City Planning staff finds that the proposal conforms with the applicable Official Plan and SASP 211 policies with respect to built form and massing. Furthermore, the proposal meets the intent of the Bloor-Yorkville/North-Midtown Urban Design Guideline and Tall Building Design Guidelines.

The base of the proposed building has been massed to respond to the existing and planned context surrounding the site and is appropriate for the site. On Bay Street and Yorkville Avenue the base building has a height of 10-storeys with the tower portion of the building stepped back above. Along the east property line the base building has a height of 1-storey.

The proposed height of 35-storeys (131.1 metres, including mechanical penthouse) is appropriate for the site and fits with the planned context. The proposed tower provides a step down of height on the Bay Street Height Ridge, and is lower in height than the Four Seasons Hotel (204 metres) to the north at Bay Street and Yorkville Avenue, which is in the Bay Street Height Ridge.

The Tall Building Guidelines call for a 25-metre tower separation distance to all nearby towers. The Bloor-Yorkville/North Midtown Urban Design Guidelines provide further direction on urban scale, in particular the guidelines note that on dense urban sites a minimum separation distance of 15 metres above the street wall must be achieved.

The tower portion of the building is setback 2.0 metres from the Bay Street property line and 2.5 metres from the Yorkville Avenue property line, achieving a 25-metre tower separation distance to the Four Seasons Hotel on the north side of Yorkville Avenue.

The majority of the tower is setback 5.0 metres from the east property line, increasing to 8.29 metres for the south portion of the tower. To the southeast, the tower will have a separation distance of 20 metres to the approved tower at 27-37 Yorkville Avenue. The majority of the tower is off-set from the tower to the southeast, with an overlap of approximately 8.0 metres. Where the two towers overlap, the units of the proposed building have been oriented to face south, and there are no projecting balconies into the separation distance.

The proposed tower cantilevers 10.5 metres over the existing commercial building at 1235 Bay Street to the south, and will be setback 32.5 metres from the Cumberland Street property line.

The proposed tower floor plate of 778 square metres is acceptable. The Tall Building Guidelines state that the tower floor plate should be limited to 750 square metres or less per floor. The Downtown Plan states that the tower floor plate will generally have a maximum of 750 square metres, and notes that increases may be appropriate where the impacts on wind and shadow are addressed.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

Road Widening

To satisfy the Official Plan requirement of a 27-metre right-of-way for this segment of Bay Street, the applicant will provide a 0.4-metre road widening dedication along the Bay Street frontage in front 1255 Bay Street.

Parking and Loading

A Transportation Impact Study was submitted to assess the traffic impact, access, parking and loading arrangements for this development. Vehicular access for loading and parking will be from Yorkville Avenue. A total of 3 parking spaces are proposed for visitors and short-term pick-up and drop-off.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items for review, and require the Functional Servicing and Stormwater Management Report to be revised and submitted to the City for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, prior to the enactment of bills.

Other issues identified by Engineering and Construction Services staff will be resolved as part of the Site Plan approval process.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods and include matters such as recreation, libraries, childcare, local schools, public health, and human and cultural services. Providing for a full range of

community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

Toronto Green Standard

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

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law, and future site plan agreement, will secure performance measures for various development features, including, but not limited to, the following:

- A total of 394 bicycle parking spaces and 3 vehicular parking spaces are provided to reduce single occupancy vehicle trips; and
- A total of six existing street trees on Bay Street will be retained, and new planters with soft landscaping will be provided along Bay Street in front of the new building.

The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

CONTACT

David Driedger, Senior Planner
Tel. No. 416-392-7613
E-mail: David.Driedger@toronto.ca

SIGNATURE

A handwritten signature in black ink, appearing to read 'Alex Teixeira', with a long horizontal stroke extending to the right.

Alex Teixeira MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

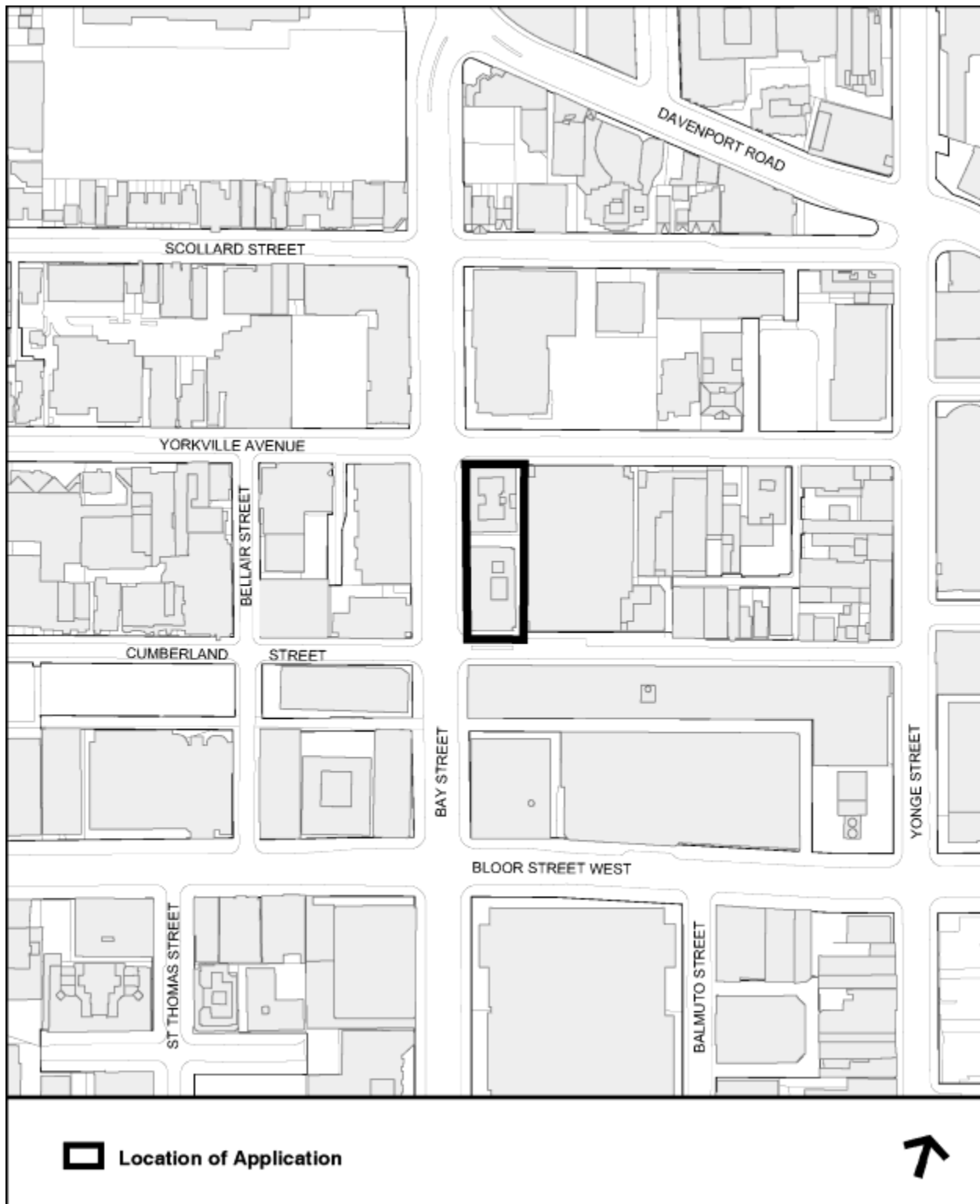
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Official Plan Amendment
- Attachment 6: Draft Zoning By-law Amendment

Applicant Submitted Drawings

- Attachment 7: Site Plan
- Attachment 8: 3D Model of Proposal in Context

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 1235-1255 Bay Street Date Received: September 17, 2021

Application Number: 21 214121 STE 11 OZ

Application Type: OPA & Rezoning

Project Description: A 35-storey mixed-use building. The existing 10-storey building at 1235 Bay Street will be retained.

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.	Quadrangle Architects Limited, 8 Spadina Avenue, Suite 2100, Toronto, ON, M5V 0S8	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:

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):	1,790	1,093	780	1,873
Residential GFA (sq m):			23,838	23,838
Non-Residential GFA (sq m):	16,375	9,903	92	9,995
Total GFA (sq m):	16,375	9,903	23,929	33,832
Height - Storeys:	10	10	35	35
Height - Metres:	30		124	124

Lot Coverage Ratio (%): 85.92 Floor Space Index: 15.52

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	23,439	399

Retail GFA: 92
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:		127	86	114	37
Total Units:		127	86	114	37

Parking and Loading

Parking Spaces: 3 Bicycle Parking Spaces: 438 Loading Docks: 1

CONTACT:

David Driedger, Senior Planner
416-392-7613
David.Driedger@toronto.ca

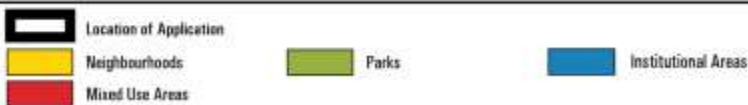
Attachment 3: Official Plan Map



Official Plan Land Use Map #17

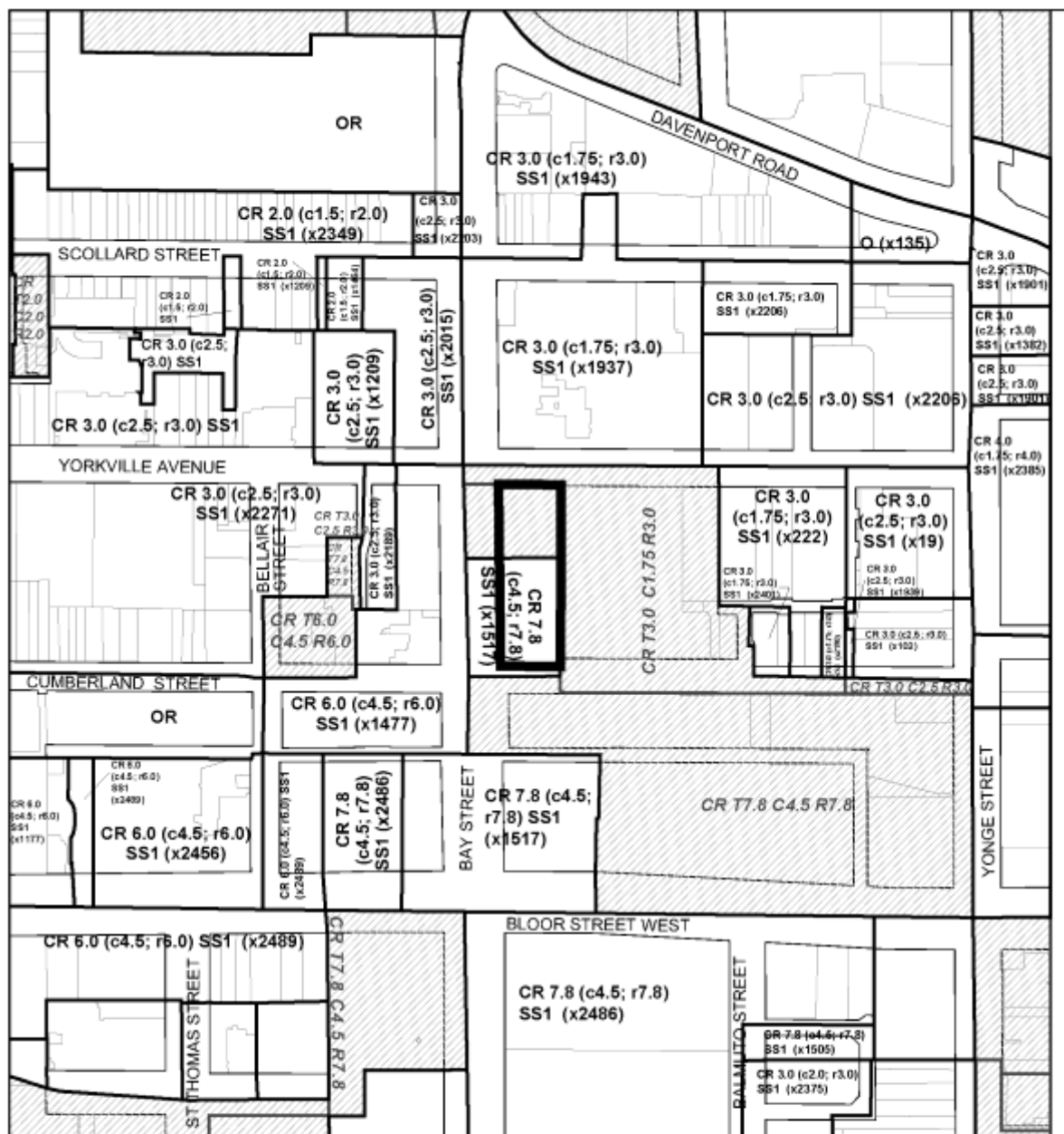
1235 & 1255 Bay Street

File # 21 214121 STE 11 0Z



Not to Scale
Extracted: 09/22/2021

Attachment 4: Zoning By-law Map



Zoning By-law 569-2013

1235 & 1255 Bay Street

File # 21 214121 STE 11 02

Location of Application

R Residential
CR Commercial Residential
O Open Space
OR Open Space Recreation

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

R3 Residential District
CR Mixed-Use District
G Parks District



Not to Scale
 Extracted: 09/22/2021

Attachment 5: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW No. [Clerks to insert By-law ##]

To adopt Amendment No. 642 to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2022 as 1235 and 1255 Bay Street.

WHEREAS authority is given to Council under the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The attached Amendment 642 to the Official Plan is adopted pursuant to the Planning Act, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 202X.

JOHN TORY,
Mayor

JOHN D. ELVIDGE,
City Clerk

(Corporate Seal)

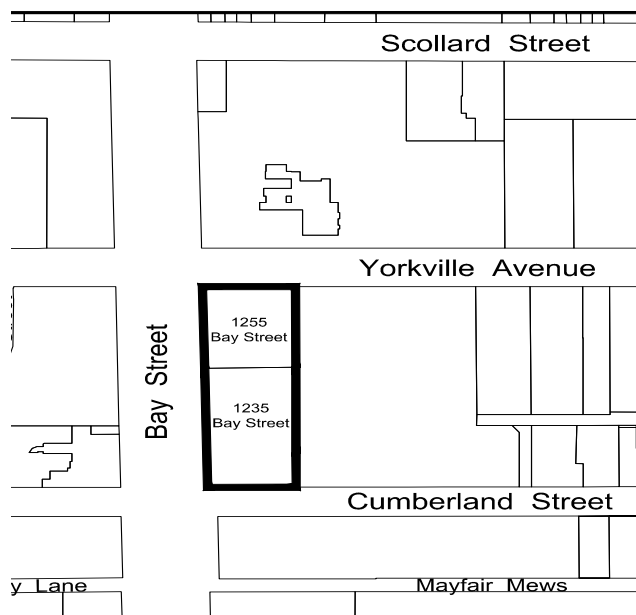
AMENDMENT 642 TO THE OFFICIAL PLAN

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Section 41, Downtown Secondary Plan is amended by adding a new bullet point to Section 17, Site and Area Specific Policies: "1235 and 1255 Bay Street".
2. Chapter 7, Map 28, Site and Area Specific Policies, is amended by adding the lands as shown on the map below as Site and Area Specific Policy (824).
3. Chapter 7, Site and Area Specific Policies, is amended by adding the following Site and Area Specific Policy:

824. 1235 and 1255 Bay Street

A mixed-use building is permitted at 1255 Bay Street and is allowed to cantilever over the existing office building at 1235 Bay Street to the south. The office and non-residential gross floor area within the existing building at 1235 Bay Street must be retained. Replacement of the existing office and non-residential gross floor area at 1255 Bay Street is not required.

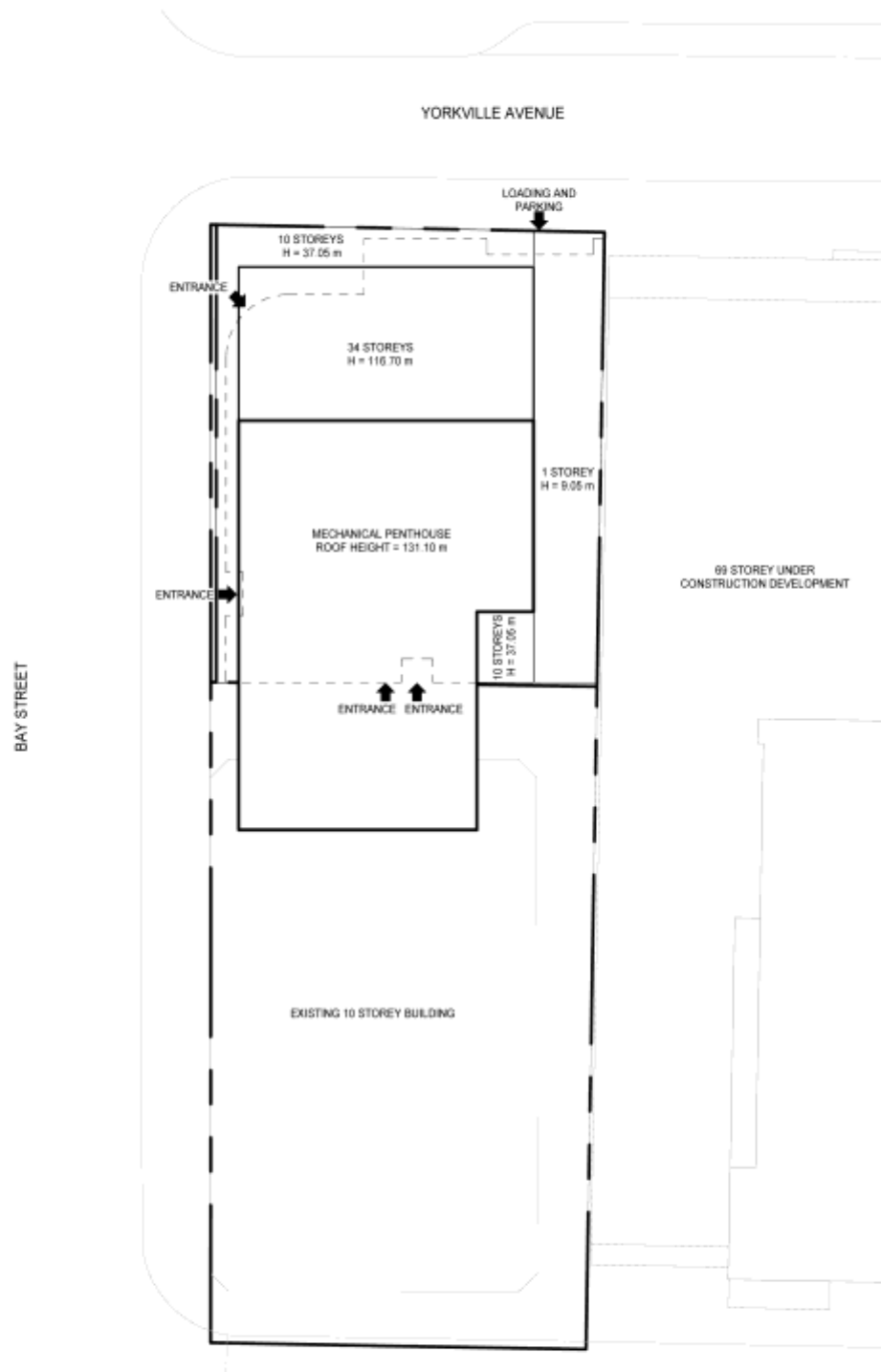


Key Plan

Attachment 6: Draft Zoning By-law Amendment

To be provided prior to the February 23, 2023 Community Council meeting

Attachment 7: Site Plan



Site Plan



Attachment 8: 3D Model of Proposal in Context

