

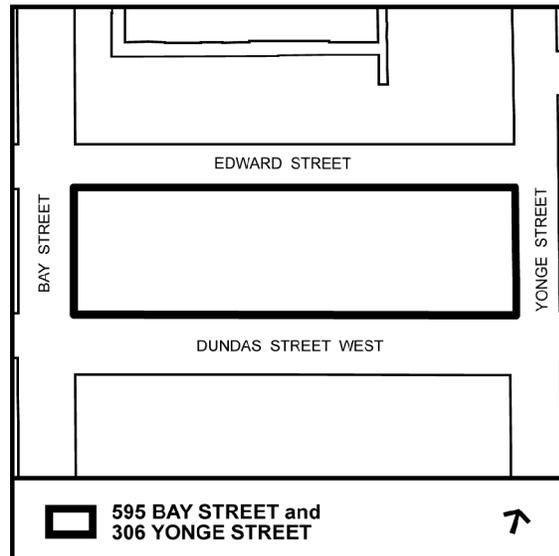
**595 Bay Street and 306 Yonge Street - Zoning
Amendment Application – Final Report**

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| Date: | October 21, 2013 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 27 – Toronto Centre-Rosedale |
| Reference Number: | 13 166022 STE 27 OZ |

SUMMARY

This application proposes five-storey additions to both office towers at the Atrium on Bay known municipally as 595 Bay Street and 306 Yonge Street. The application further proposes an addition on Bay Street covering the exterior split stair that currently occupies that space.

The Official Plan calls for new residential development to be balanced with increased employment opportunities within the *Downtown and Central Waterfront Areas* of the Official Plan. This application represents an important opportunity to achieve the objectives of the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe and the Official Plan in this regard. The applicant is also proposing many improvements to the public realm and internalizing the TTC staircase at Yonge Street and Dundas Street West.



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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 595 Bay Street and 306 Yonge Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the report (October 21, 2013) 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 Bills to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. Internalize the TTC Staircase at the northwest corner of Yonge Street and Dundas Street West to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Executive Officer of the Toronto Transit Commission.
 - ii. Make improvements to Edward Street beyond the property line of 595 Bay Street and 306 Yonge Street substantially as shown in Attachment 1 of the report from the Director, Community Planning, Toronto and East York District, titled: "595 Bay Street and 306 Yonge Street - Zoning Amendment Application – Final Report" and dated October 18, 2013.
 - iii. The provision of a financial contribution in the amount of \$350,000 for streetscape improvements on the north side of Edward Street and area, to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - iv. Improve the below-grade entrance from Dundas Station to 595 Bay Street and 306 Yonge Street to make it accessible to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Executive Officer of the Toronto Transit Commission.
 - v. Require that the cash amounts identified in Recommendation a. (iv) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On May 30, 2012, the Committee of Adjustment heard an application for an addition to the Atrium on Bay that consisted of adding four storeys to each tower and an addition on Bay Street. Five variances were sought, including an increase in the permitted gross floor area and relief from the angular plane provisions of the by-law.

The Committee of Adjustment approved the minor variances. Subsequently, the decision of the Committee of Adjustment was appealed to the Ontario Municipal Board ("the Board") by neighbouring residents. The applicant submits that before the scheduled pre-hearing, they withdrew their request to have a hearing when it was determined that additional commercial space could be added to their proposal beyond what they had originally requested. The Board, therefore, procedurally closed the file (when the application was withdrawn) by refusing the appeal before any hearing or pre hearing took place.

ISSUE BACKGROUND

Proposal

The applicant is proposing five-storey additions to each of the office towers at the Atrium on Bay. The mechanical penthouses for the project are proposed to be wrapped by commercial office space. The proposed tower heights are 19 storeys (75.65 metres, Yonge Street Side) and 18 Storeys (78.95 metres, Bay Street Side). The total gross floor area proposed for the development is 132,816 square metres, which is an increase of 26,360 square metres from the existing gross floor area.

The applicant is proposing an addition on the Bay Street frontage which will bring the Atrium on Bay out to the lot line, removing the split stair cases that currently exist on that frontage. A 5.5 metre sidewalk will be maintained and improved, while the plaza at Dundas Street West and Bay Street will also be retained. The reclaimed GFA for the area will be used for a better PATH connection and expanded retail space. Two new elevator cores are proposed for the building and the existing escalators and decorative pools are proposed to be relocated. Car parking and bicycle parking are not proposed to be changed as part of this application.

As part of the application, a number of cosmetic improvements to the architectural cladding system will be applied. Significant streetscape improvements are proposed for all frontages and in particular Edward Street. As part of the application, the exterior TTC staircase will be removed at Dundas Street West and Yonge Street and will be internalized in the Atrium on Bay.

For more information see Attachment 6 – Application Data Sheet.

Site and Surrounding Area

The site takes up most of a City block comprising Edward Street, Yonge Street, Dundas Street West and Bay Street. The site is currently occupied by the Atrium on Bay, a mixed-use commercial office building with retail at and below the ground floor built in 1979. The site also has a PATH connection to the Toronto Motorcoach Terminal, the Eaton Centre and the Dundas Subway.

North: Edward Street, beyond which are commercial, retail and residential uses ranging in height from 3 to 26 storeys. Continuing further north is the Eaton Chelsea Hotel at 26 storeys and Aura Development at 78 storeys and College Park.

East: Yonge Street, beyond which is 10 Dundas Street East (which has been called the Metropolis Building or Toronto Life Square in the past), a mixed-use commercial and retail development that frames Dundas Square. Continuing east are primarily low-rise retail and commercial buildings.

South: Dundas Street West, beyond which is the Eaton Centre, a mixed-use commercial and retail development that takes up the entire block from Dundas Street West to Queen Street West. The predominant character of Yonge Street in this area is mid to low rise, with some office towers rising to 25 storeys and the proposed Massey Tower at 60 storeys.

West: Bay Street, beyond which is the Toronto Motorcoach Terminal, a regional bus terminal owned by the City of Toronto. Continuing further west is an 8-storey medical building and low-rise retail and restaurant uses. A 29-storey rental building is currently under construction on the southwest corner of Bay Street and Dundas Street West.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto's Official Plan contains a number of policies that affect the proposed development. Some specific policies are listed below; however, compliance with other relevant policies of the Official Plan including the environment and transportation will also be addressed.

Chapter 2 – Shaping the City

Section 2.2.1 Downtown: The Heart of Toronto

The proposed development is located in the *Downtown* area as defined by Map 2 of the City of Toronto Official Plan. Section 2.2.1 outlines the policies for development within the *Downtown*. The *Downtown* is where much of the growth in the City of Toronto is expected to occur. The *Downtown* will continue to evolve as the premier employment area of the City of Toronto and provide a range of housing for those working in the area. The City will also explore opportunities to maintain and improve the public realm. The City of Toronto Official Plan further states that: "while we anticipate and want *Downtown* to accommodate growth, this growth will not be spread uniformly across the whole of *Downtown*. In fact, there are many residential communities *Downtown* that will not experience much physical change at all, nor should they." Transportation within the *Downtown* is expected to be accommodated by transit. Priority will be given to transit improvements in the *Downtown*. Transit vehicles will be given priority on streets within the *Downtown*, particularly those with streetcars. A program of improvements will be implemented to enhance the pedestrian environment and efforts made to improve the safety of walking and cycling *Downtown*.

Chapter 3 – Built Form

Section 3.1.3 Built Form – Tall Buildings

The applicant is proposing to construct a Tall Building. Policy 3.1.3 states that Tall Buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to speaking about specific built form characteristics, the policy states that proposals for Tall Buildings clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Section 3.2.3 Parks and Open Spaces

To the south-east of the proposed development is Dundas Square, which is considered a park in the Official Plan. Policy 3.2.3 of the Official Plan speaks to maintaining and enhancing Toronto's system of parks and open spaces and states that the effects of development from adjacent properties (shadows, wind, etc.) will be minimized to preserve their utility. It outlines a parkland acquisition strategy, grants authority to levy a parkland dedication or alternative cash-in-lieu and calls for the expansion of the existing network of parks and open spaces.

Chapter 4 – Land Use Designations

Section 4.5 Mixed Use Areas

The site of the proposed development is in an area designated *Mixed Use Areas* in 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. Development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale. Furthermore, development in *Mixed Use Areas* should be located and massed to 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.

Development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environments; have access to schools, parks and community centres as well as libraries and childcare. It should also take advantage of nearby transit services; provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

Site and Area Specific Policies

Site and Area Specific Policy 174

Site Specific Policy 174 of the Official Plan provides an overall framework for continued revitalization in the area north and south of Dundas Square along Yonge Street. A portion of the site at 595 Bay Street is affected by this policy along the Yonge Street frontage. The policy provides general planning objectives and built form principles for the area.

New development in the area should locate buildings along property lines fronting on Yonge Street in such a way that they define and form continuous edges along the street. They should have a scale consistent with the height limits within the area and respect the existing transition in height and scale between the buildings and height limits within the area. In addition, new development should site and organize the lower levels of the building associated with the pedestrian realm to enhance the public nature of streets, open spaces and pedestrian routes, provide public uses which are directly accessible from grade level and encourage, where possible, servicing and vehicular parking to be accessed from rear lanes rather than from streets.

Furthermore, new development shall be encouraged to design and locate servicing and vehicular parking so as to minimize pedestrian/vehicular conflicts. New development shall be sited and massed to provide adequate light, view and privacy standards; achieve a harmonious relationship to their built form context through such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line, profile and architectural character as well as expression.

New development will be articulated and massed in widths compatible with narrow lot patterns dominant on Yonge Street between Gerrard and Queen Streets and new development will minimize the wind and shadow impacts on Yonge Street, flanking streets and open spaces.

Zoning

The Site is currently zoned Mixed-use (CR T7.8 C2.0 R7.8) with a maximum height of 61 metres. An angular plane applies to the site at Bay Street and Yonge Street. The angular plane for Yonge Street begins at 16 metres and rises at 44 degrees. The Angular Plane for Bay Street starts at 34 metres and rises at 60 degrees. The original by-law for the Atrium on Bay was enacted in 1979 as By-law 522-79 and later varied. It prevails over the general provisions of Zoning By-law 438-86 when they conflict.

Site Plan Control

This application requires Site Plan Approval. An application for Site Plan Control was submitted on March 2, 2012.

Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications.

The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). 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 new and current Downtown tall building proposals. The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

The site abuts Yonge Street, Dundas Street West and Bay Street. All of these streets are identified as a "High Street" with a Tower and Base typology on Bay Street and a Canyon Typology on Dundas Street West. The height range identified for the abutting section of Dundas Street West is 20 storeys to 35 storeys (62 metres to 107 metres). Yonge Street is identified as a "special character street" with no recommended heights; the guidelines do propose a 20 metre setback from Yonge Street for towers proposed to be constructed above a heritage building. Bay Street has recommended heights of 30 storeys to 50 storeys (92 metres to 152 metres).

Reasons for Application

The applicant requires relief from the angular plane provisions of Zoning By-law 438-86, as amended. The application also requires relief from the Gross Floor Area provisions of site specific zoning by-law 522-79, as amended, as well as the built form performance standards such as setbacks and first floor heights in the same by-law.

Community Consultation

A Community Consultation meeting was held on September 11, 2013. Forty people attended the meeting, with the exception of 6 individuals; all were residents of 633 Bay Street, the condominium building to the north of the Atrium on Bay. The response to the proposal was negative. Concerns were principally expressed about the ongoing issues with illegal parking and deliveries on Edward Street and the impact this expansion would have on congestion. Concerns were also expressed about the shadow impact on Dundas Square, particularly in the hours after 4 p.m.

The residents of 633 Bay Street also expressed concerns about the impact the proposed addition would have on their private amenity space, from a shadow, noise and nuisance stand point. They are also concerned about the impact the increased height would have on views from the upper floors as well as sunlight from the lower floors.

Concerns were also raised about the accessibility of the TTC subway station entrance/exit from the Atrium on Bay and the applicant was encouraged to explore opportunities to make this accessible. Residents also questioned the impact the Bay Street addition would have on safety and visibility from vehicles making turns from Edward Street onto Bay Street.

There was also a legal issue raised by the residents of 633 Bay Street in relation to a density transfer agreement that was entered into by 633 Bay Street, the Atrium on Bay and the City of Toronto. The agreement states that the consent of 633 Bay Street is required for increases in density at the Atrium on Bay and vice versa. This issue will be addressed later in the report, however, City Planning Staff have been advised by the City Solicitor that Staff must process an application made under *the Planning Act* regardless of prior agreements.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement ("PPS") states in section 1.1.1 b) that municipalities shall create sustainable communities by: "accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs".

Section 1.3 goes on to state that planning authorities shall promote economic development by: "providing for an appropriate mix and range of employment (...) to meet long-term needs. Furthermore, the PPS states, in Section 4.5, that the Official Plan is the most important vehicle for implementing the Provincial Policy Statement. The proposed addition of commercial space is consistent with these policies and the policies of the City of Toronto Official Plan which is the vehicle for the PPS. For this reason, the proposal is consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe ("The Growth Plan") designates Toronto as a growth area and Downtown Toronto as an *Urban Growth Centre*. It also requires municipalities to set targets for residential and employment intensification. The Growth Plan for the Greater Golden Horseshoe states that: "population and employment growth will be accommodated by directing a significant portion of new growth to the *built-up areas* of the community through *intensification*", and by: "encouraging cities and towns to develop as *complete communities* with a diverse mix of land uses, a range and mix of employment and housing types...". The proposed commercial office space expansion acts to support these policies. Therefore, the proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposed development is located in the *Mixed Use Areas* of the Official Plan. The uses proposed for the project are commercial office space and retail. This constitutes a mixed-use building and complies with the land use provisions for *Mixed Use Areas* in the Official Plan. Furthermore, the area is located in the *Downtown and Central Waterfront Areas* of the Official Plan. Section 2.2.1 of the Official Plan, policy 1 states that the: "*Downtown* will continue to evolve as a healthy and attractive place to live and work". In particular, the *Downtown* will build: "on the strength of *Downtown* as the premier employment centre in the GTA." The proposed expansion of Commercial Office Space of the Atrium on Bay furthers these policies of the Official Plan.

Floor Space Index

The density or floor space index of the proposed additional development is 10.58 times. The density proposed is significant, however, it is much less than recent approvals in the area including: 382-388 Yonge Street (Aura) at 15.36, 501-502 Yonge Street at 15.2 times and 454-465 Yonge Street at 25.8 times, all of which are predominantly residential developments.

Built Form and Massing

When discussing the built form and massing of the Atrium on Bay, it is important to remember that this is an addition to an existing building. Most of the conditions are pre-existing and the application should be understood within this context. The proposal is for a five-storey addition on each of the towers of the Atrium on Bay, continuing what is the existing built form condition for those additional storeys. While the original Atrium on Bay deviates from the Tall Building Design Guidelines ("The Guidelines") in some respects, the overall construction complies with the Guidelines in a number of ways.

The Guidelines allow for a canyon built form along Dundas Street West and a Tower-Base form along Bay Street. The proposal for the Atrium on Bay is largely for a Tower-Base typology; however the minimal setbacks on Dundas Street West and Edward Street create a modified canyon typology. In this case, the Atrium on Bay complies with both suggested built forms on the different frontages. In terms of the floor plate, the buildings are quite large (approximately 2,784 square metres), however these are commercial floor plates and the Tall Building Design Guidelines acknowledge that larger floor plates for commercial only buildings are necessary for functionality.

The principal change to the proposed massing is the addition of a retail space on Bay Street. The Atrium on Bay is currently set back from its property line, with a split stair case leading to the Toronto Motorcoach Terminal PATH connection and the below grade portions of the Atrium on Bay. The applicant has proposed to cover that stair and construct a three-storey "glass box" addition which would bring the Atrium on Bay in line with buildings to the north and south. The addition itself helps to bring the Atrium into compliance with the Tall Building Design Guidelines as it provides a true base building condition on Bay Street. The split stair interrupts pedestrian sight lines and creates adverse safety conditions. The addition alleviates these undesirable pedestrian conditions and leaves a 5.5 metre wide sidewalk area which will be revitalized.

Site and Area Specific Policy 174 covers Yonge Street between Queen Street and Gerrard Street. Only a small portion of the Atrium on Bay is affected by this policy (The Yonge Street frontage). That portion of the Yonge Street frontage is not proposed to be changed as part of this application, however, the existing built form complies with the Area Specific Policy. Specifically, it transitions from a tower to a low scale built form, enhances the public realm, and provides opportunities for retail and entertainment uses. Furthermore, the internalizing of the Dundas TTC Station stairwell promotes "Yonge Street as a pedestrian oriented retail and entertainment area," as stated in the policy.

The built form provisions of Area Specific Policy 174 are intended to apply to new construction, however, the built form of the Atrium of Bay already complies with many of those provisions. Specifically, the Atrium on Bay serves to define a consistent street edge, scales its built form down to the Yonge Street frontage and locates servicing off of major streets. Staff have reviewed the proposal against Site and Area Specific Policy 174 and find that it complies.

Height

The proposed heights of the east and west towers are 20 storeys (78.95 metres) and 19 storeys (75.65 metres) respectively. This is well within the range provided for in the Tall Building Design Guidelines. The flight path for the Hospital for Sick Children also passes over the Atrium on Bay at its north east corner. The applicant has supplied an analysis of the height as it relates to the flight path. The proposed building does not intrude into the flight path.

Steppedbacks and Separation Distances

The two towers themselves achieve a separation distance of 55 metres, greater than the 25 metres required by the Guidelines. By maintaining this gap and not filling in the space between the towers, impacts of the proposed addition, particularly in respect to light penetration and views, are mitigated. Furthermore, the eastern most tower is setback 41 metres from Yonge Street, the guidelines suggest 20 metres where a heritage property is present. The western most tower is setback 7 metres from Bay Street, where the guidelines require 3 metres and is never closer than 25 metres to the condominium at 633 Bay Street. The proposed built form, therefore, complies with the setback and separation requirements of the Tall Building Design Guidelines.

Sun, Shadow, Wind

Policies listed under 4.5.2 in the City of Toronto Official Plan for *Mixed Use Areas* require that new buildings be massed: "to 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." The built form section of the Official Plan requires that new development limit shadow effects on parks and open spaces so as to preserve their utility. The city generally evaluates these conditions between the vernal and autumnal equinoxes (March 21 and September 21, respectively).

Although no specific times are mentioned in the Official Plan, the Tall Building Design Guidelines state that there should be no incremental shadow impact generated by a building on a signature park between 10 a.m. and 4 p.m. and all other parks between 12 p.m. and 2 p.m. An incremental shadow impact is any new shadow generated over and above what is already present, taking into account as-of-right zoning permissions as well. The Tall Building Guidelines are clear that Staff can request additional or less protection given particular circumstances.

Dundas Square is not considered a signature park in the Guidelines. During the community consultation, significant concerns were raised about the potential shadowing on Dundas Square generated by the proposed addition. City Staff requested that the applicant provide shadow studies from 9 a.m. to 7 p.m. for March 21st, September 21st, June 21st and December 21st. For March 21st and September 21st there is no incremental shadow impact generated by the proposal on Dundas Square. At 5 p.m. Dundas Square is shadowed by the Eaton Centre and the shadow for the Atrium on Bay has not yet reached the square. At 6 p.m. the shadow has still not reached the square. By 7 p.m. the square is shadowed by pre-existing built form.

On December 21st, Dundas Square is shadowed by pre-existing built form by 4 p.m. On June 21st, at 5 p.m., the shadow cast by the Atrium on Bay has not yet reached the Square. At 6 p.m. there is an incremental shadow increase on Dundas Square for one hour. By 7 p.m. Dundas Square is shadowed by pre-existing built form.

City Planning Staff have reviewed the shadow cast by this addition beyond the dates and times called for in the Tall Building Design Guidelines and are satisfied that there is only a marginal increase in shadows on Dundas Square generated by the additions proposed to the Atrium on Bay, for a small portion of the year. City Staff do not think that this increase will affect the utility of the square. The proposed addition also complies with the Tall Building Design Guidelines.

During the community consultation, concerns were also raised about the potential shadow impact on the private amenity space at 633 Bay Street. City Planning Staff have reviewed the shadow studies and find that the addition will not shadow the private amenity space of 633 Bay Street at any point in time.

Pedestrian Amenity

The Atrium on Bay already includes pedestrian weather protection as a feature of the building, and this will be enhanced with the addition on Bay Street. Furthermore, as part of this redevelopment, the TTC staircase at the north west corner of Yonge Street and Dundas Street West will be internalized. Yonge Street and Dundas Street is the busiest pedestrian intersection in Canada. The TTC staircase, as currently configured, creates a bottle neck and unsafe pedestrian conditions. Internalizing the staircase into the Atrium on Bay will significantly improve the pedestrian experience and the public realm.

Furthermore, the applicant is proposing significant sidewalk widening and tree plantings on Edward Street as part of the proposal, beyond the applicant's property line. Edward Street is the "back of house" for the Atrium on Bay with loading and parking entrances located there. This creates an undesirable pedestrian condition and sub-standard public realm. Although it is not desirable to remove servicing entrances from this area, the proposed increased sidewalk widths and trees will help to enhance the public realm, beautify Edward Street and restore some balance to the street in terms of users. As part of the Section 37 contribution, the applicant has also agreed to a cash contribution of \$350,000 for the future improvement of the north side of Edward Street, from Bay Street, adjacent to 633 Bay Street, and continuing to Yonge Street.

Traffic Impact, Access, Parking and Servicing

Engineering and Construction Services Staff have reviewed the potential traffic impact, access, parking and servicing issues associated with the proposed addition. After reviewing the proposal, Staff have found that there is adequate parking in the area to service any new potential employees generated by the addition, assuming that all new employees would drive to work, which is unlikely. They have found that there is adequate loading bays for the proposal and that servicing is appropriately supplied from Edward Street.

During the community consultation, concerns were raised by the community about illegal parking and deliveries on Edward Street and at times on Dundas Street West. City Staff have reviewed these concerns and believe this to be an enforcement issue. There is adequate parking and loading; the owners and tenants should be utilizing the provided internal infrastructure.

City Staff have passed along the concerns of the residents to the Parking Enforcement Unit of the Toronto Police Service, and should illegal activity continue, enforcement efforts should be stepped up.

The Density Transfer Agreement

During the community consultation, the issue of the pre-existing density transfer agreement was raised. Density Transfer Agreements were used in some cases by the former City of Toronto to allocate built form permissions. In the case of the Atrium on Bay, all residential density was transferred to 633 Bay Street. In exchange, all the commercial density from 633 Bay Street was transferred to the Atrium on Bay. The agreement was executed on October 5, 1979 and subsequently registered on title. The consent of all parties was required in order to vary the density maximums.

The solicitor for 633 Bay Street has claimed that the City of Toronto has no "right, title or authority" to process or make any determination on the merits of *Planning Act* applications without the consent of all parties. City Planning Staff forwarded this correspondence to the City Solicitor. The City Solicitor has instructed Planning Staff that the City is obligated under the *Planning Act* to process and make a determination on any application to amend its Zoning By-law, provided the prescribed information and materials are submitted to the City. The City Solicitor has further stated that no provisions in an agreement registered on title can remove a property owner's right under the *Act* to apply for a Zoning By-law Amendment. Furthermore, the Committee of Adjustment on two prior occasions (July 23, 2005 and December 16, 2005) increased the total Gross Floor Area of the Atrium on Bay without the consent or objection of 633 Bay Street. As such, City Planning Staff have continued to process the application and now submit their recommendations to Toronto City Council for consideration.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the 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 the City Wide Parkland Dedication By-law 1020-2010.

The proposal is to construct 5 additional storeys of office space on each of the 2 towers and to construct a 2 storey addition on the west side of the building. In response to the circulation, which includes the plans prepared by Page + Steele/IBI Group Architects (date stamped by City Planning May 14/13), the Policy and Development Section of the Parks, Forestry and Recreation Division advised that: "the proposed additional non-residential floor area would be subject to a 2% cash-in-lieu of parkland dedication payment required under City Wide Parkland Dedication By-law 1020-2010. The cash-in-lieu payment is part of the building permit application process. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit."

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives.

Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure and Cycling Infrastructure, as well as, Storage and Collection of Recycling and Organic Waste.

Section 37

Section 37 of the *Planning Act* allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site, Heritage Conservation District studies identified in the Official Plan; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and the addressing of planning issues associated with the development (e.g. local shortage of parkland, replacement rental apartment units).

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

1. Internalize the TTC Staircase at the northwest corner of Yonge Street and Dundas Street West to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Executive Officer of the Toronto Transit Commission.
2. Make improvements to Edward Street beyond the property line of 595 Bay Street and 306 Yonge Street substantially as shown in Attachment 1 of the report from the Director, Community Planning, Toronto and East York District, titled: "595 Bay Street and 306 Yonge Street - Zoning Amendment Application – Final Report" and dated October 18, 2013.
3. The provision of a financial contribution in the amount of \$350,000 for streetscape improvements on the north side of Edward Street and area, to the satisfaction of the Chief Planner and Executive Director, City Planning.

4. Improve the below-grade entrance from Dundas Station to 595 Bay Street and 306 Yonge Street to make it accessible to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Executive Officer of the Toronto Transit Commission.
5. Require that the cash amounts identified in Recommendation a. (iv) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.

The estimated total value of the Section 37 benefit based on cost of construction is \$4,350,000 to \$5,000,000. Precision is difficult at this early stage as final construction drawings have not been prepared.

CONCLUSION

The application proposes a five-storey addition of commercial office space to the Atrium on Bay, a commercial office building at 595 Bay Street and 306 Yonge Street. Increases in commercial office space are necessary for the continued health of the *Downtown and Central Waterfront Areas* of the Official Plan, and its continued growth as an employment centre. The City of Toronto has seen extraordinary growth of residential uses in the *Downtown*. Two thirds of all residential units required to meet the City of Toronto's residential growth targets by 2031 have either been constructed, approved or are awaiting construction. The City of Toronto is well on its way to accommodating the residential growth required by the Growth Plan for the Greater Golden Horseshoe. The City of Toronto, however, must also continue to evolve as a place of employment. The City of Toronto must grow as a complete City where people can live work and play. For this reason the City of Toronto has been actively promoting the construction of employment uses, including commercial office space, as well as the retention and intensification of designated *Employment Areas* in the Official Plan. The proposal for 595 Bay Street helps to achieve these goals.

City Staff have evaluated the proposal against applicable policies of the Official Plan and the concerns raised by the community. City Planning Staff find that the impacts arising from the proposal are minimal, that the application is in the public interest and that it constitutes good planning. For this reason City Planning Staff recommend that Toronto City Council approve the application.

CONTACT

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Tel. No. 416-392-0459
Fax No. 416-392-1330
E-mail: gcescat@toronto.ca

SIGNATURE

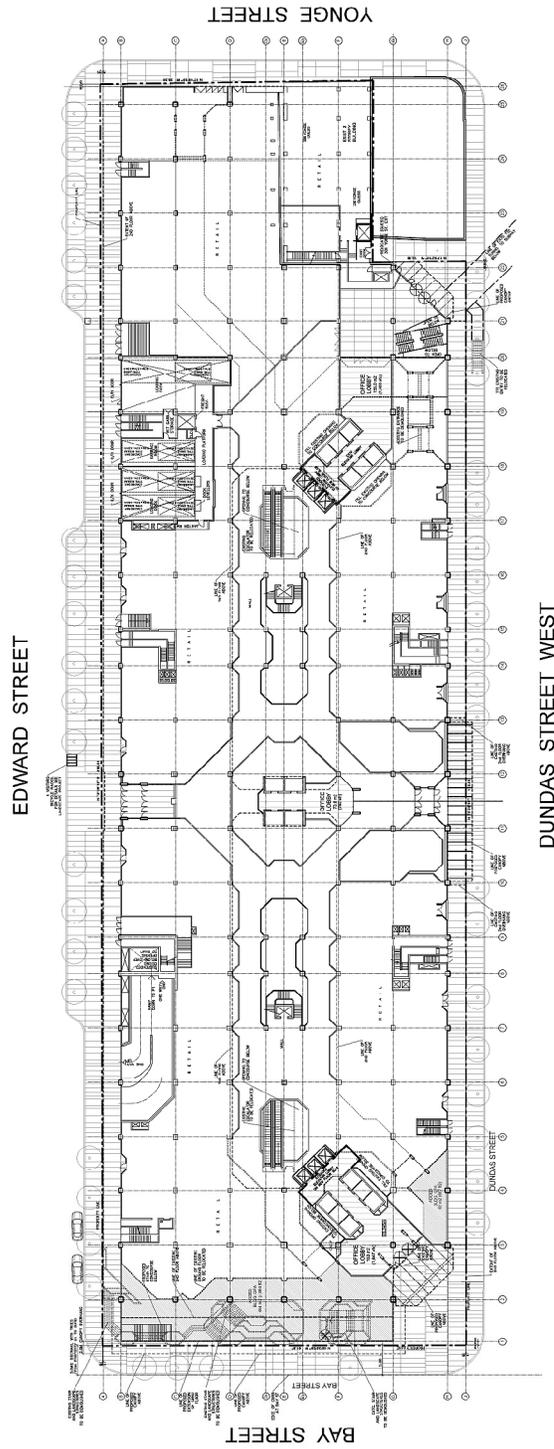
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

(p:\2013\Cluster B\pln\teycc\27603607063) - vc

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East and West Elevations
Attachment 4: South Elevation
Attachment 5: Zoning
Attachment 6: Application Data Sheet
Attachment 7: Draft Zoning By-law

Attachment 1: Site Plan



Site Plan

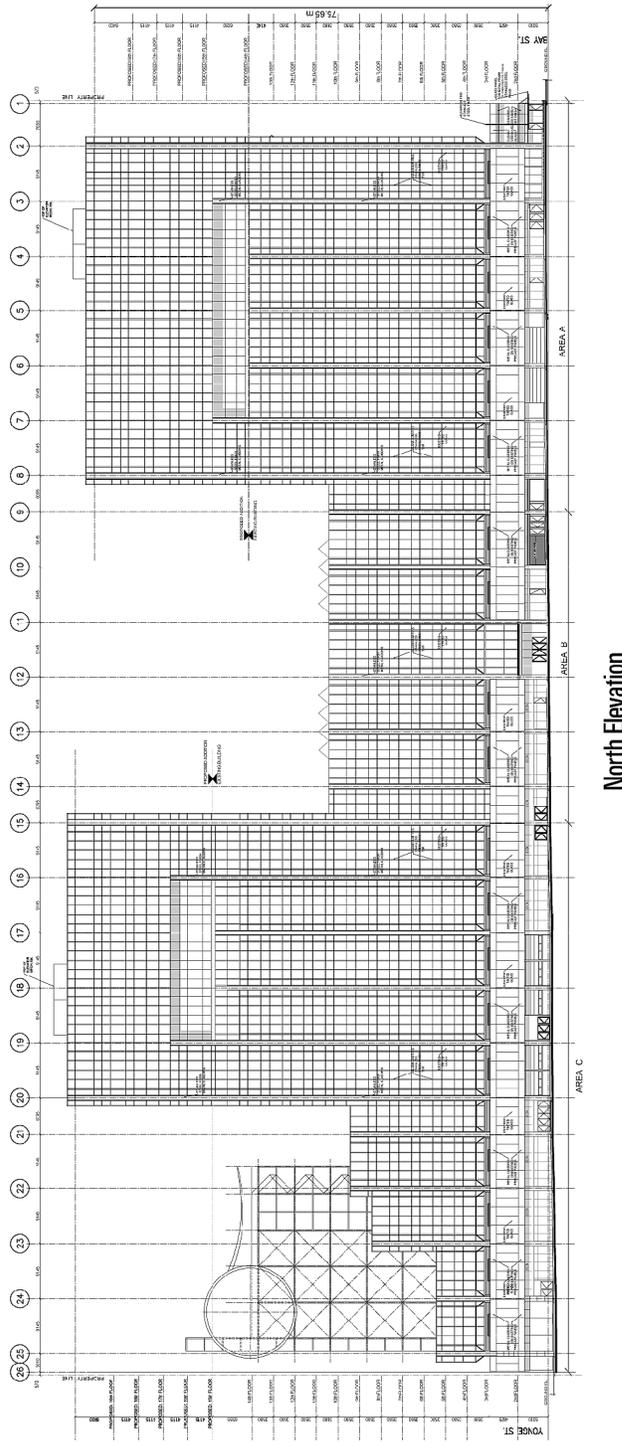
Applicant's Submitted Drawing

Not to Scale
05/23/2013

File # 13 166022 0Z

595 Bay Street and 306 Yonge Street

Attachment 2: North Elevation

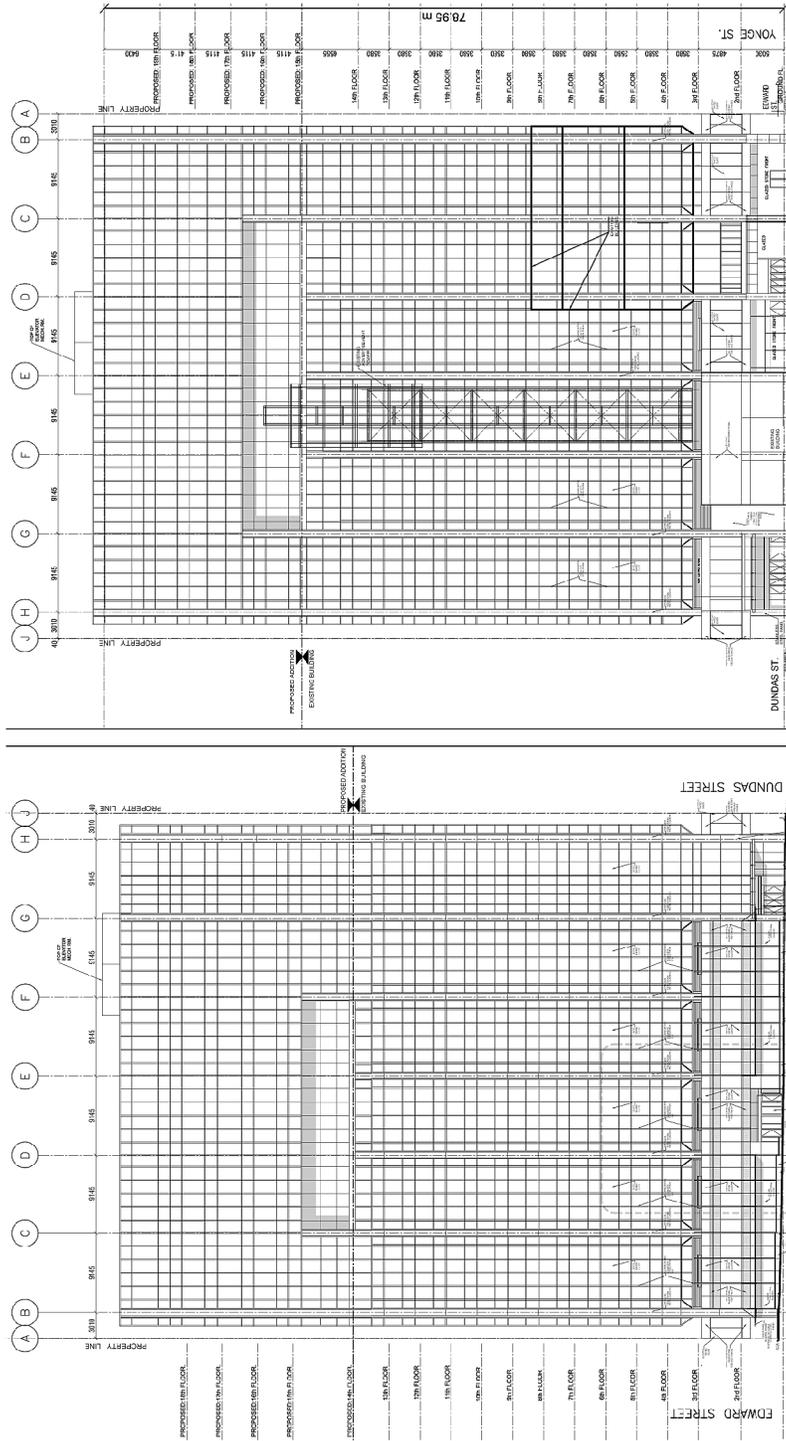


Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/23/2013

595 Bay Street and 306 Yonge Street

File # 13 166022 0Z

Attachment 3: East and West Elevations



East Elevation

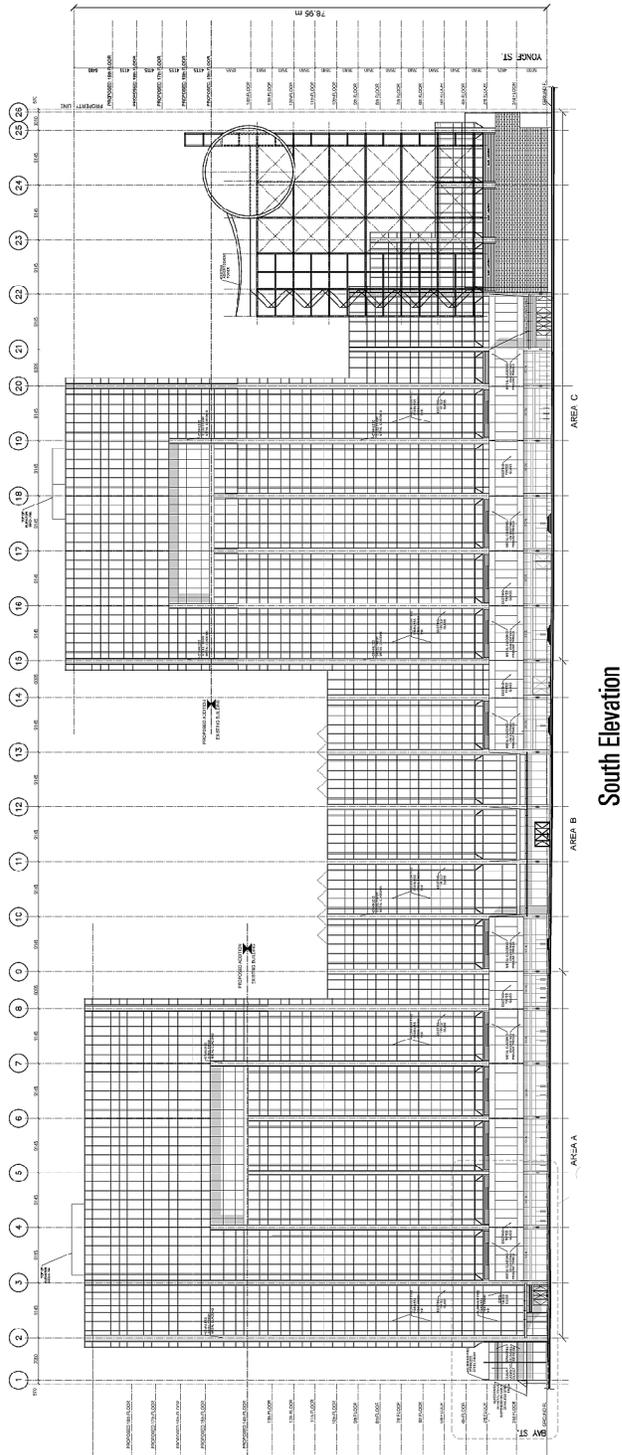
West Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/23/2013

595 Bay Street and 306 Yonge Street

File # 13 166022 0Z

Attachment 4: South Elevation



Elevations
Applicant's Submitted Drawing
 Not to Scale
 05/23/2013

595 Bay Street and 306 Yonge Street

File # 13 166022 0Z

Attachment 7: Draft Zoning By-law

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

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to lands municipally known as 595 Bay Street, 14-80 Dundas Street West, and 304-316 Yonge Street

WHEREAS authority is given to Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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* regarding the proposed Zoning By-law amendment;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2(1) with respect to the definition of *grade*, *height* and *lot* and Sections 4(2)(a); 4(5)(b); 4(8)(b); 4(13)(a); 4(17); 8(3)Part I 1. and 2.; 8(3) Part III 1.; 8(3) Part XI 2; 12(2)132; 12(2)208; and 12(2)260; of *By-law No. 438-86*, and *By-law No. 522-79*, as amended by *By-law No. 43-79*, *By-law No. 428-82*, *By-law No. 636-82*, *By-law No. 715-82*, and *By-law No. 1997-0194*, shall apply to prevent the erection, enlargement and use of a *non-residential building*, and *accessory* uses thereto including a *parking garage* on the *lot*, provided that all of the provisions of this By-law are complied with.
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
 - (b) the total aggregate *non-residential gross floor area* erected on the *lot* shall not exceed 132,825 square metres;
 - (c) no above *grade* portion of a building or structure on the *lot* shall be located other than wholly within the areas delineated by heavy lines on the attached Map 2, except for the following:
 - (i) awnings, balustrades, canopies, cornices, eaves, fences, guardrails, landscape features including planters, lighting fixtures, media tower, ornamental elements, parapets, railings, safety railings, screens, stairs, stair enclosures, underground garage ramps and their associated structures

including retaining walls and curbs, vents, wheelchair ramps, and window sills;

- (d) the *height* of any building or structure, or portion thereof, including mechanical and elevator/stair overrun, shall not exceed the *heights* indicated by the numbers following the symbol H on the attached Map 2 of this By-law, with the exception of the following elements which may project above the *height* limits:
- (i) structures on any roof used for outside or open air recreation, maintenance, safety, or wind protection purposes, green roofs, parapets, guardrails, screens, and window washing equipment, provided:
 - (1) the maximum height of the top of such structures is no higher than the sum of 3.0 metres and the *height* limits specified on Map 2; and
 - (2) the structures do not enclose space so as to constitute a form of penthouse;
 - (ii) awnings, balustrades, canopies, cornices, eaves, fences, landscape features including planters, lighting fixtures, ornamental elements, railings, skylights, stairs, stair enclosures, telecommunication equipment, underground garage ramps and their associated structures including retaining walls and curbs, vents, wheelchair ramps, and window sills; and
 - (iii) on the portion of the *lot* known municipally as 306 Yonge Street, a media tower with a maximum *height* the sum of 52.0 metres and the *height* limit specified on Map 2.
- (e) *parking spaces* required by *By-law 438-86*, or *By-law 522-79* both as amended or varied shall be provided and maintained in a *public garage*, a *private commercial garage*, a *private parking garage* or a *parking station*, any and all of which shall be located on the *lot* or within a 200 metres radius distance thereof, to the extent at least prescribed therein.
- (f) the minimum number of *parking spaces* shall be 525;
- (g) the minimum dimensions of a *parking space* accessed by a one-way or two-way drive aisle shall be 5.9 metres in length and 2.75 metres in width;
- (h) ingress and egress to and from the underground parking facility shall be provided by an unobstructed driveway or passageways providing access to a public highway and having a minimum width of 3.0 metres for one-way operations and a minimum width of 5.5 metres for two-way operation;
- (i) loading spaces shall be provided and maintained on the *lot* in accordance with the following:

| Use | Range of <i>Total Floor Area</i> (sq.m.) | Number of Loading Spaces Required | |
|---|--|-----------------------------------|-------------------------------|
| | | <i>Loading space - Type B</i> | <i>Loading space - Type C</i> |
| Office purposes, including Government Office; Clinic; Medical/Dental Office | 28,000-51,999 | 2 | 3 |
| | 52,000-75,999 | 3 | 3 |
| | 76,000-99,999 | 3 | 4 |
| | 100,000-123,999 | 4 | 4 |
| | 124,000-147,999 | 4 | 5 |

- (j) Notwithstanding the provisions of section 1.(i) of this By-law, the maximum number of loading spaces required to be provided and maintained on the *lot* shall not exceed in number and shall have the characteristics and dimensions set out below:

- 1 space 18.3m x 3.7m x 4.3m (vertical)
- 3 spaces 12.2m x 3.7m x 4.3m (vertical)
- 4 spaces 6.1m x 3.05m x 2.44m (vertical)

loading spaces are required to be provided and maintained at *grade* on the *lot* and four shall have access directly from Edward Street.

- (k) a minimum of 14 *bicycle parking space-occupant* shall be provided within the first floor level of the parking garage below *grade* ; and a minimum of 4 *bicycle parking spaces-visitor* shall be provided at *grade*;
- (l) a minimum of 1,555 square metres shall be provided as *common outdoor space* on the *lot*;
- (m) for clarity, indoor and outdoor public walkways which are directly accessible from the adjoining public sidewalks shall continue to be provided and maintained as required by By-law No. 522-79, as amended;
2. Despite any existing or future consent, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as if no consent, partition or division occurred.
3. For the purposes of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of *By-law 438-86*, as amended except that the following definitions shall apply:

- (a) “*By-law 438-86*” means By-law 438-86, as amended titled “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”,
 - (b) “*grade*” means the Canadian Geodetic Datum elevation of 93.74 metres;
 - (c) “*height*” means the vertical distance between *grade* and the highest point of the building or structure;
 - (d) “*lot*” means the lands outlined by heavy lines on Map 1 attached to this By-law; and,
 - (e) “*parking garage*” means a building or portion of a building, other than a *private garage* that is used for the temporary parking of motor vehicles.
4. Except as provided herein, the provisions of By-law 438-86, as amended, and By-law No. 522-79, as amended, shall continue to apply to the *lot*.
5. Within the *lot*, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

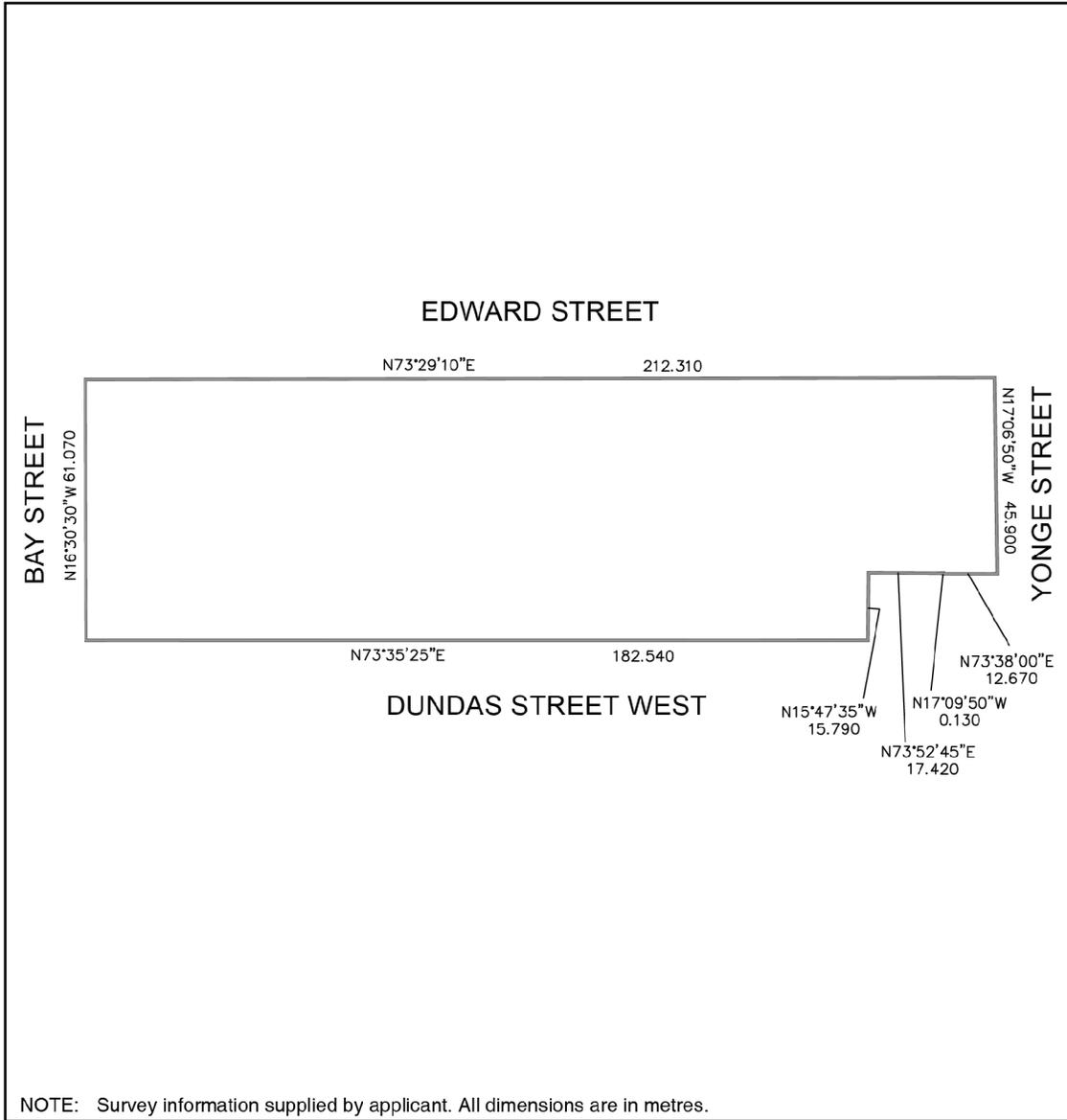
ENACTED AND PASSED this ____ day of _____, 20__.

ROB FORD,
WATKISS,
Mayor

(Corporate Seal)

ULLI S.
City Clerk

Map 1



Appendix 1

The facilities, services and matters set out herein are the matters required to be provided by the owner of the lot as its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City and the owner with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. Internalize the TTC Staircase at the northwest corner of Yonge Street and Dundas Street West to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Executive Officer of the Toronto Transit Commission.
2. Make improvements to Edward Street beyond the property line of 595 Bay Street and 306 Yonge Street substantially as shown in Attachment 1 of the report from the Director, Community Planning, Toronto and East York District, titled: "595 Bay Street and 306 Yonge Street - Zoning Amendment Application – Final Report" and dated October 18, 2013.
3. The provision of a financial contribution in the amount of \$350,000 for streetscape improvements on the north side of Edward Street and area, to the satisfaction of the Chief Planner and Executive Director, City Planning.
4. Improve the below-grade entrance from Dundas Station to 595 Bay Street and 306 Yonge Street to make it accessible to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Executive Officer of the Toronto Transit Commission.
5. Require that the cash amounts identified in Recommendation a. (iv) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.