

Toronto STAFF REPORT

February 3, 2004

To: Toronto South Community Council

From: Director, Community Planning, South

Subject: Status Report

Official Plan and Rezoning Application 02 035364 STE 27 OZ

Applicant: Piagga Limited

Architect: Roy Varacalli

764 Yonge St and 35 Balmuto

Ward 27 - Toronto Centre-Rosedale

Purpose:

This report outlines the status of the negotiations between City staff and Piagga Limited regarding an application to amend the Official Plan and Zoning By-law to permit a 48-storey mixed commercial residential building at 35 Balmuto Street (former Backstage Theatre). The application has been referred to the Ontario Municipal Board (OMB) and a second pre-hearing conference is scheduled for February 2004.

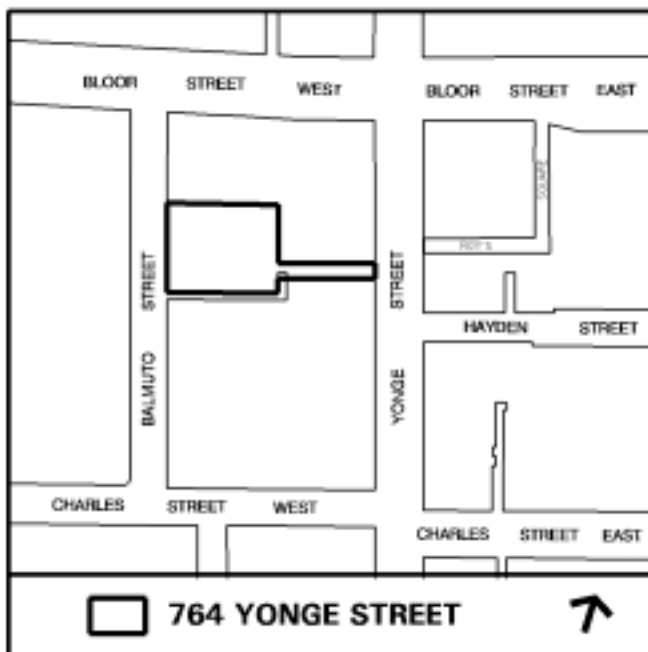
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) staff continue to negotiate with the applicant to resolve outstanding issues; and
- (2) the Commissioner of Urban Development Services be authorized to report directly to the March 2-4, 2004 meeting of City Council on the status of the negotiations with the applicant and report on any



outstanding issues in order to obtain instructions for the Ontario Municipal Board hearing.

Background:

In October 2002, Piaggia Limited submitted an application for an Official Plan and a Zoning By-law amendment to permit a 50-storey (151 metre) mixed commercial residential building containing 362 dwelling units that would replace the existing Backstage Theatre on Balmuto Street. The proposal also contained five levels of below-grade parking and five levels of above-grade parking with a total parking count of 334 spaces.

On January 23, 2003, Toronto East Community Council adopted a Preliminary Report dated December 16, 2002 on the application. The report recommended that staff be directed to schedule a community consultation meeting. The report also outlined a number of issues to be addressed by the applicant including the appropriateness of the overall height and massing of the development and consideration of the physical impact of the proposed building on the neighbourhood.

Staff withheld the scheduling of the community consultation meeting until more of the issues in the Preliminary Report had been adequately addressed including receipt of supporting documentation, which had not been submitted with the original application. The applicant referred the application to the Ontario Municipal Board in May 2003 without a community consultation meeting having been held.

On September 9, 2003, Toronto East York Community Council adopted a Status Report recommending that the Commissioner of Urban Development Services report directly to Council on the status of the negotiations with the applicant and direction for the October pre-hearing conference.

City Council, at its meeting of September 22, 23, 24 and 25, 2003, adopted a Directions Report from the Commissioner of Urban Development Services and directed the City Solicitor and planning staff to attend the Ontario Municipal Board and support the position outlined in the September 22, 2003 Directions Report. Council further directed staff to continue negotiating with the applicant to address the issues outlined in the Report.

A pre-hearing conference was held October 14, 2003 at which time an Issues List was developed. The applicant indicated a willingness to continue to negotiate with the City to address the fundamental areas of concern expressed in the Preliminary and Directions reports. A second pre-hearing conference is scheduled for February 13, 2004 in order for the parties to report on the status of the negotiations. In the event that a negotiated settlement could not be achieved, the Board chair also scheduled a hearing date to commence on April 5, 2004 for a duration of 3 weeks.

Staff has continued to meet with the applicant in an attempt to resolve the outstanding issues detailed in the previous staff reports. In response, the applicant has submitted a number of

revised concepts, including the most recent submission dated January 9, 2004 proposing a 48 storey mixed commercial residential building with a total of 316 units.

A discussion of the site with respect to its surrounding area; applicable policies in the former and new City of Toronto Official Plans; Zoning; and, Site Plan Control have been detailed in both the December 16, 2002 Preliminary Report and the September 22, 2003 Directions Report and will not be restated here.

Reasons for the Application

The density as currently proposed is 15.34 times the lot area significantly exceeding the maximum of 7.8 permitted by the more permissive of the Official Plan and zoning designations of the site. The height of 147 metres is more than double the more permissive of the height limits of 61 metres on the site. Issues with respect to conformity to new City of Toronto Official Plan policies dealing with sites designated "Mixed Use Area", which will apply to the subject site, as well as development criteria for Mixed Use Areas, will be discussed in the staff report that will go to City Council at its meeting of March 2-4, 2004.

Comments:

Based on the initial review of the original application, staff had a number of concerns with respect to the building's height and how the proposed building's scale and density would "fit" on the site given the relative size of the lot and its location on the block. These issues were originally outlined in the staff report and further detailed in the Directions Report.

The location and policy framework support intensification and a tall building on this site. Other policies in both the existing and new Official Plan and implemented through the zoning, seek to achieve buildings which are well-designed, fit on their site, relate to their context, address the public realm and accommodate appropriate potential building to building relationships so that residential units are liveable.

Through a series of meetings between city staff and the applicant, the following issues have now been addressed in the latest revised concept plan submitted by the applicant (January 2004) and are proposed to be included in the final resubmission of drawings to the City.

(a) Building Height and Above Grade Parking

In an effort to address some of the issues with respect to height, the applicant's latest concept shows a 147-metre tall (48-storey) building, a slight reduction from the original 151-metre (50-storey) submission. In addition, the existence of above grade parking in the podium of the building has been improved through the introduction of residential units facing Balmuto Street, and wrapping around the building's north and south podium facades, thereby shielding the appearance of above grade parking levels behind the units.

(b) Setback and Separation Distance

In a mixed-use “CR” zone, building sides that have windows must have a minimum setback of 5.5 metres to an abutting lot line providing for a minimum 11 metres between buildings to provide adequate light, view and privacy conditions. The previous submission only allowed for a 4.0 metre wide setback for floors 7 to 24. The latest concept now shows the required 5.5 metre setback for floors 7 through to 21.

As the building rises above the 21st floor, the setbacks increase from the building’s north and south lot lines above the podium, providing for a separation distance of approximately 17 to 20 metres which also results in smaller average floor plate sizes. The average floor plates have been reduced from approximately 600 m² in the original 50-storey proposal to approximately 581 m² in the latest submission, with the top 10 floors being approximately 411 m² in floor area. The affect of these changes is a reduction in density. While the building’s 6 storey podium is still bulky for the site, the separation distance in the upper floors provides for better future “building to building” relationships and serves to create more liveable and amenable residential units, an important intent of the Official Plan.

(c) Supporting Studies

The applicant has recently submitted a Preliminary Functional Servicing Report, a Phase 1 Environmental Site Assessment Report and appropriate Shadow Studies – these studies had not been submitted as part of the original application or subsequent concepts, and therefore City staff will now have the opportunity to review the studies to determine their potential impact on the development.

(d) Community Benefits

The applicant and the City have discussed a package of community benefits that contribute to the planning merit of the proposal and implement Official Plan policies related to well-managed and balanced growth. In exchange for the increases in height and density, an agreement has been reached on the following:

- (i) \$1,000,000 toward the Bloor Street Transformation Project;
- (ii) Public Art in accordance with the City’s one percent program; and
- (iii) the provision of certain materials, to be confirmed, for the podium and tower facades of the building.

These and other matters such as streetscape improvements to the site, lane widenings and improvements will be secured in a Section 37 Agreement executed prior to consideration of the matter by the OMB.

(e) Summary of changes to date

The following table denotes the areas of improvement made, through negotiations with the applicant, between the original submission and the January 2004 concept.

Submission Details	Oct. 2002 Submission	Jan. 2004 Concept
Height	50 storeys (151 metres) (168 metres with mechanical penthouse)	48 storeys (147 metres) (158 metres with mechanical penthouse)
Number of units	362	316
Density	17.5 times the lot area	15.34 times the lot area
Total vehicular parking	334 spaces	245 (includes 40 visitor)
Location of parking	5 below and 5 above grade	5 below and 4 above grade
Total bicycle parking	181 (includes 36 visitor)	200 (includes 40 visitor)
Minimum sideyard setback	4.0 metres from abutting lot line	5.5 metres from abutting lot line

Concerns outlined in previous reports included the scale of the project given the size of the site, the proposed massing, urban design opportunities in the vicinity and compliance with Official Plan objectives.

The applicant has made certain changes to address fundamental concerns especially respecting the setbacks and built form. While further changes would be desirable, provided the outstanding issues are addressed, staff is of the view that a settlement could be recommended.

Agency Comments and Outstanding Issues

The applicant has met with City staff and presented a number of revised “concept plans” for the proposal, however revised plans have not been formally re-submitted. At this time, therefore, staff cannot comment on any issues that may arise from circulating revised plans to civic officials in other City departments. In addition, the applicant is still required to submit a Pedestrian Level Wind Study and Landscape Plan. The revised plans will also confirm the treatment of the ground floor of the building and its relationship to the streetscape and other streetscape improvements.

Conclusions:

The applicant has made several improvements to the design of the building to address certain fundamental issues. Staff will continue to meet with the applicant in an effort to resolve the outstanding issues. With the resubmission of plans based on the latest concept plan submitted by the applicant, staff will be in a position to report directly to City Council to obtain final instructions for the purpose of the April 2004 OMB hearing.

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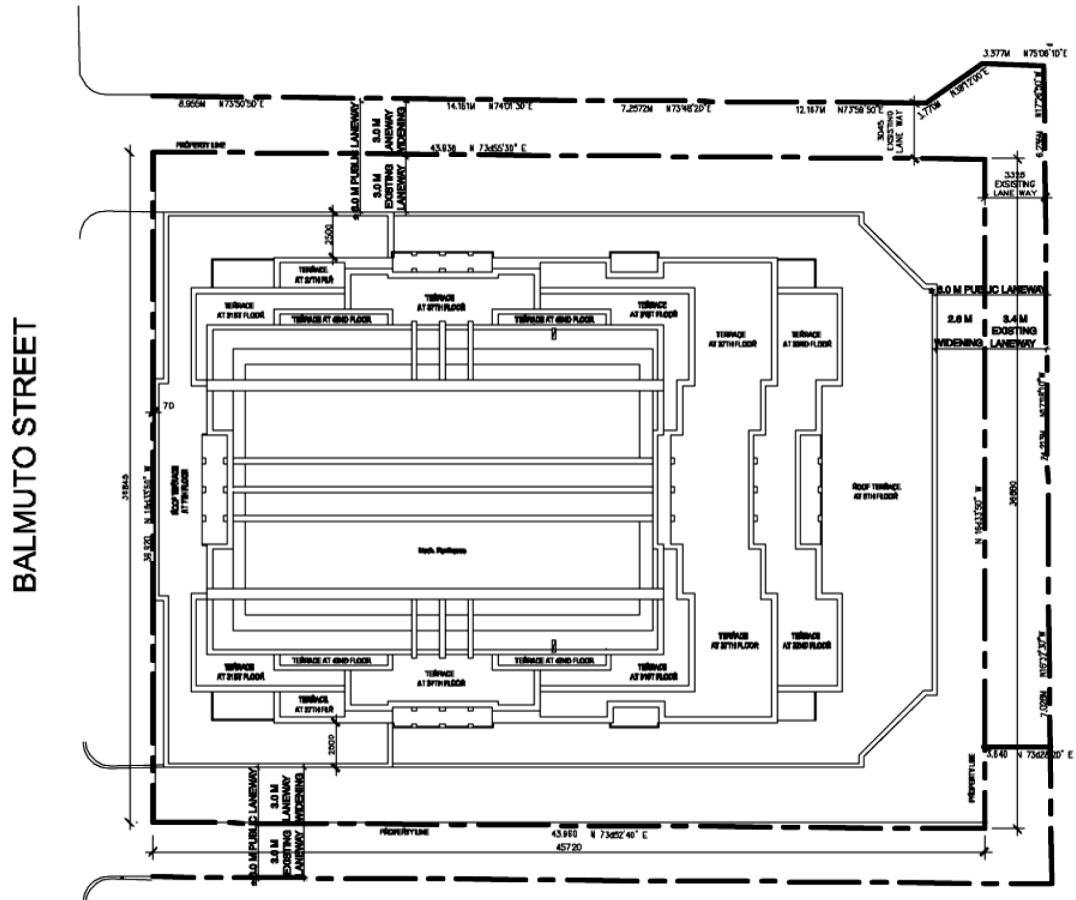
Ted Tyndorf
Director, Community Planning, South District

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List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: North and East Elevations
- Attachment 3: South and West Elevations
- Attachment 4: Official Plan
- Attachment 5: Zoning

Attachment 1



Site Plan

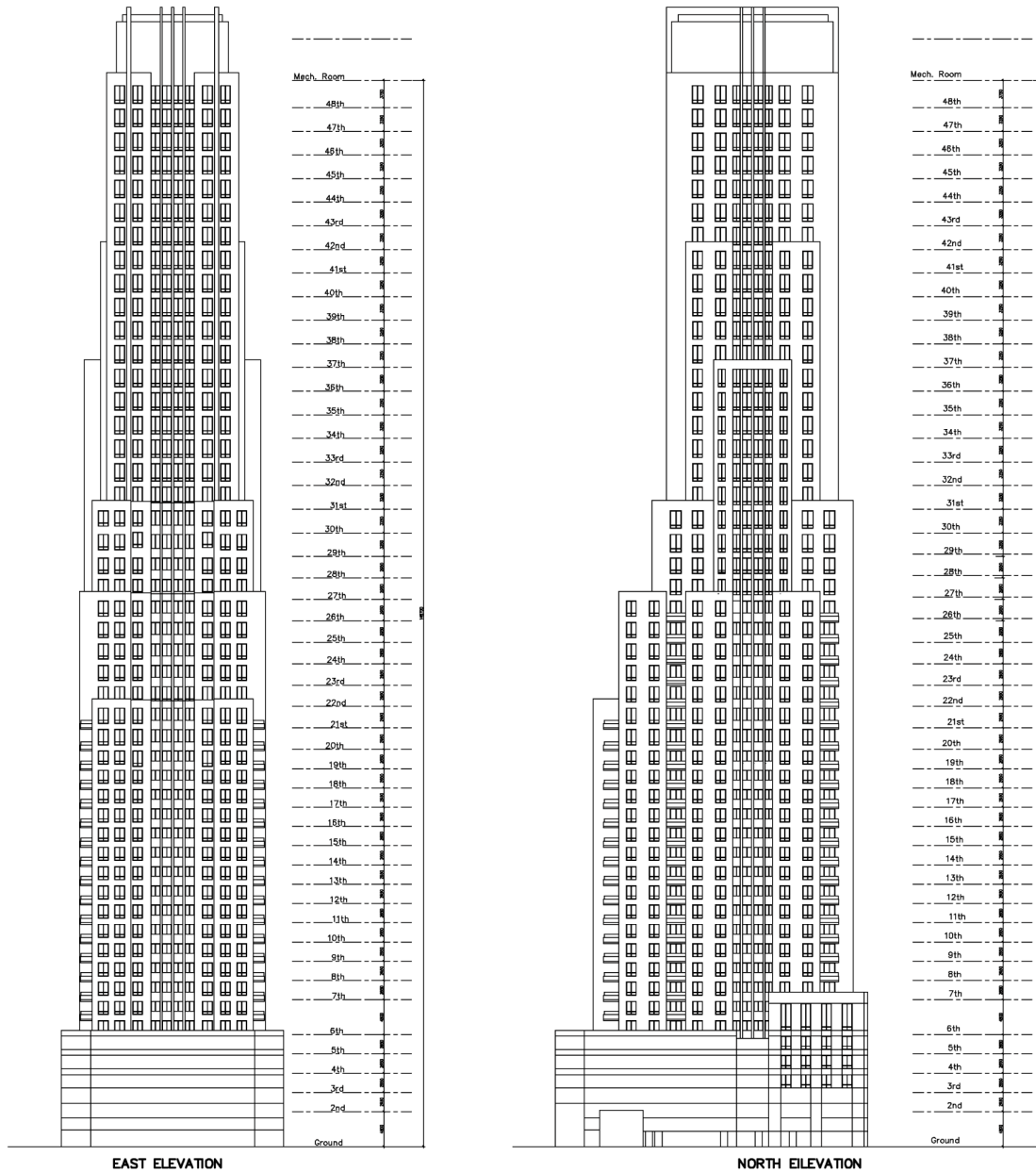
764 Yonge Street & 35 Balmuto Street

Not to Scale
01/03/04



File # 02_035364

Attachment 2



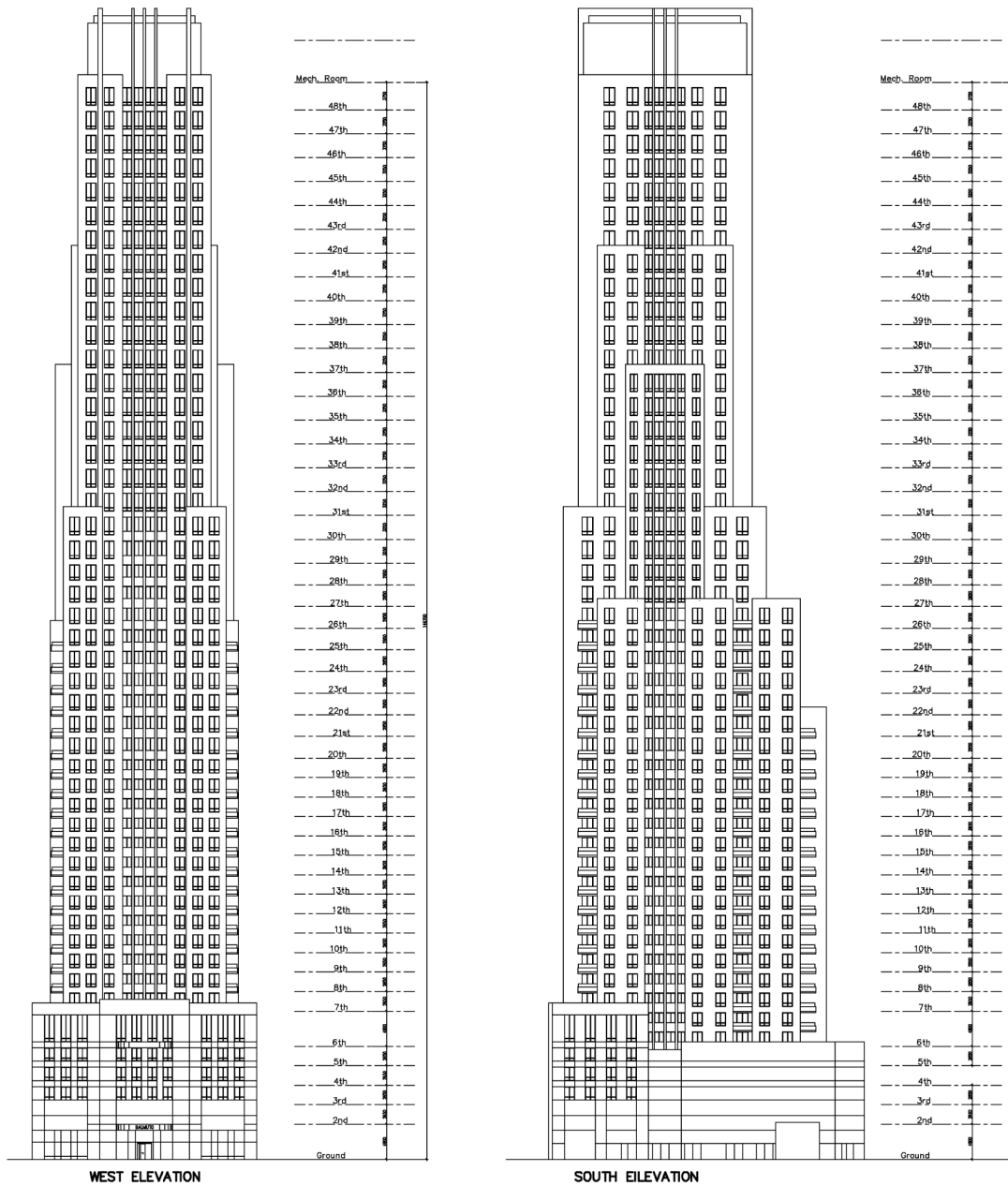
Elevations

764 Yonge Street & 35 Balmuto Street

Not to Scale
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File # 02_035364

Attachment 3



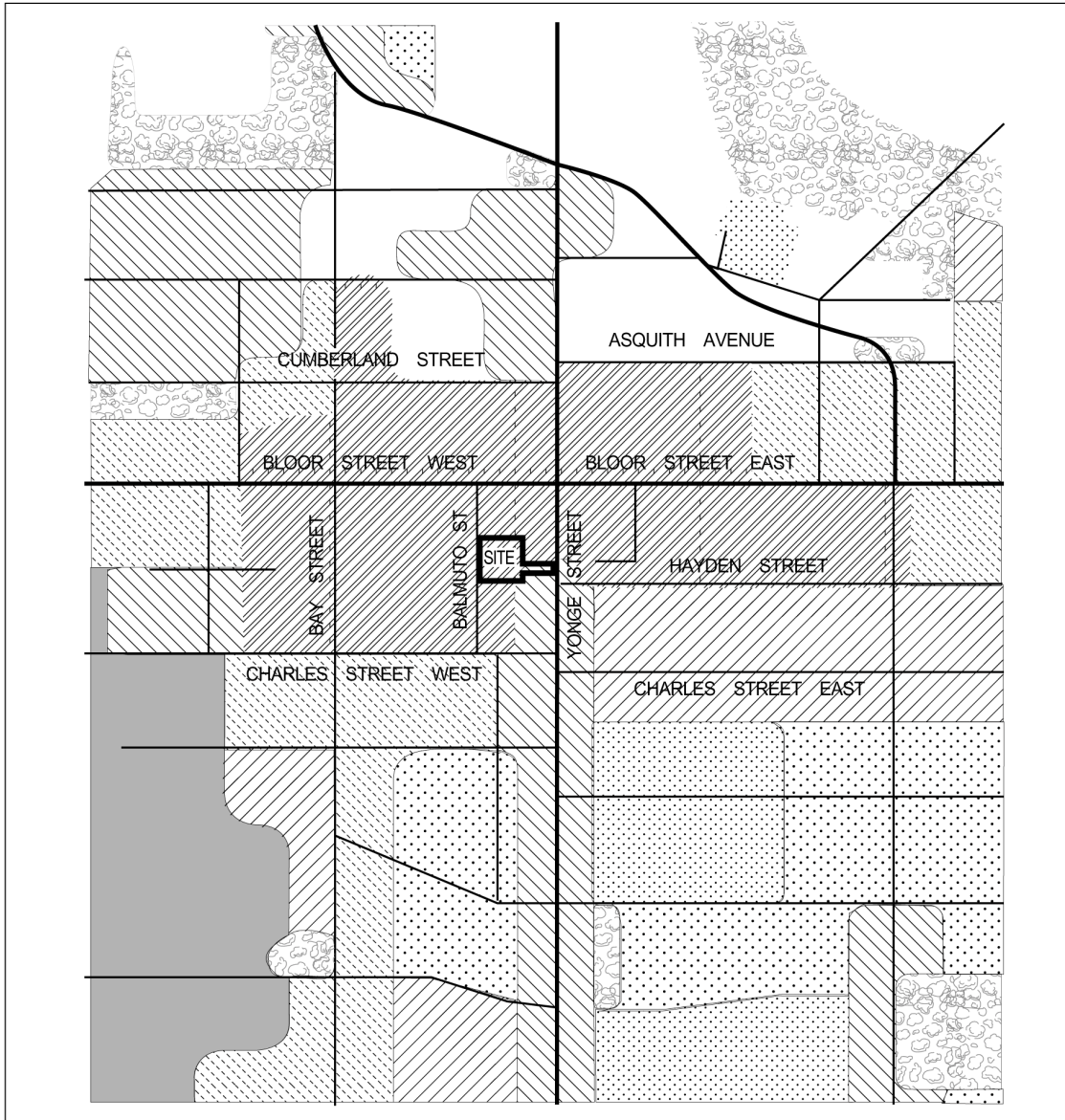
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Attachment 4



 **Toronto** Urban
Development Services
Official Plan

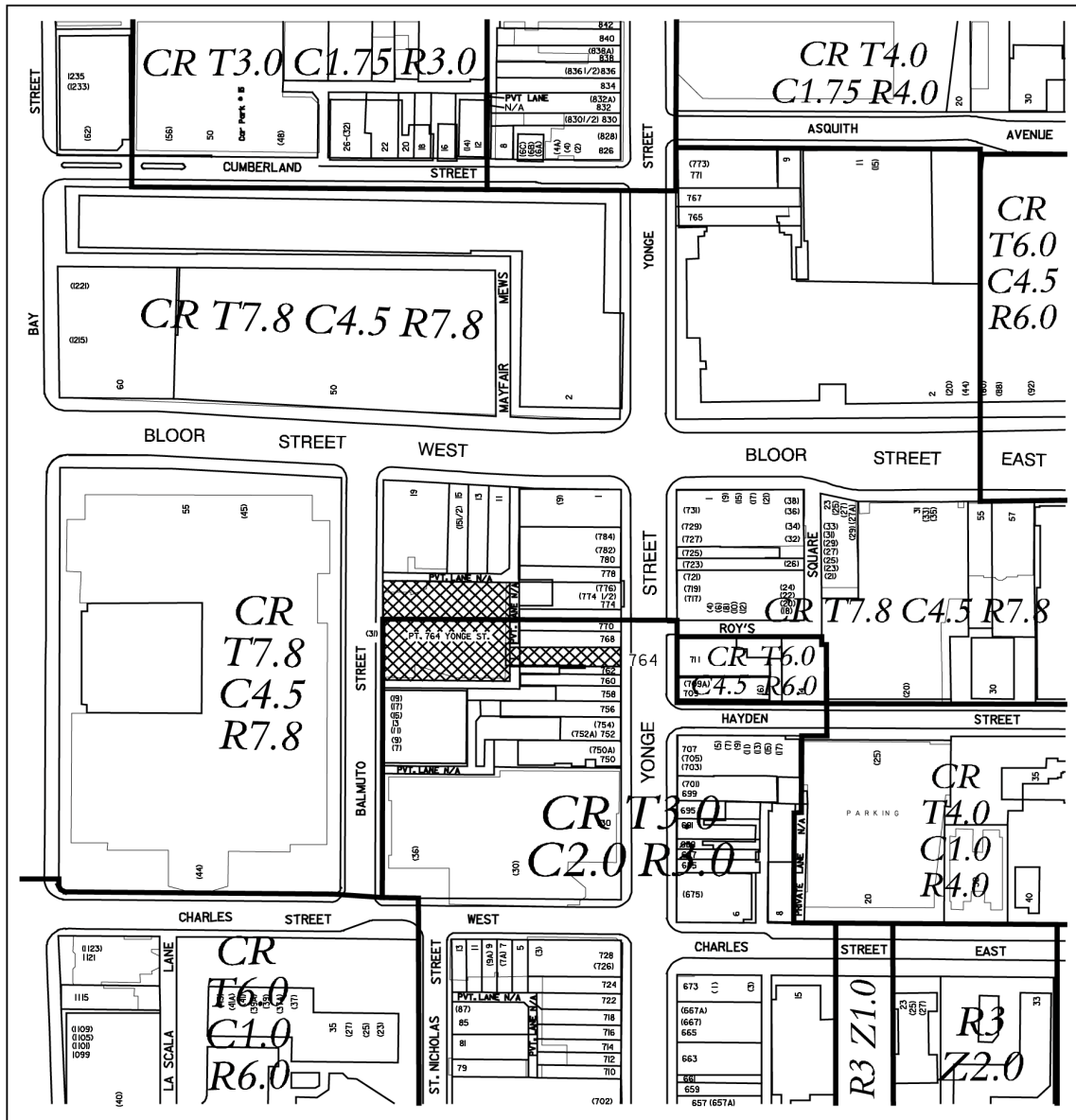
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 Low Density Residence Areas	 High Density Mixed Commercial-Residential Areas 'B'	 University Areas
 Medium Density Residence Areas	 Low Density Mixed Commercial-Residential Areas	 Open Space
 High Density Residence Areas	 Medium Density Mixed Commercial-Residential Areas	 Site


Not to Scale
12/10/02

Attachment 5



Toronto Urban Development Services
Zoning

764 Yonge Street & 35 Balmuto Street

File # 02_035364

R3 Residential District
CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 12/10/02