

TORONTO STAFF REPORT

October 27, 2004

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Preliminary Report
Application to amend the former City of Toronto Zoning By-law 438-86, as amended
Sapphire Tower (Graphic Arts Building Inc. - Harry Stinson)
66 Temperance Street
04-157269 STE 28 OZ
Toronto Centre-Rosedale, Ward 28

Purpose:

To provide preliminary information on the above-noted applications and to seek Community Council's directions on further processing of the applications and on the community consultation process.

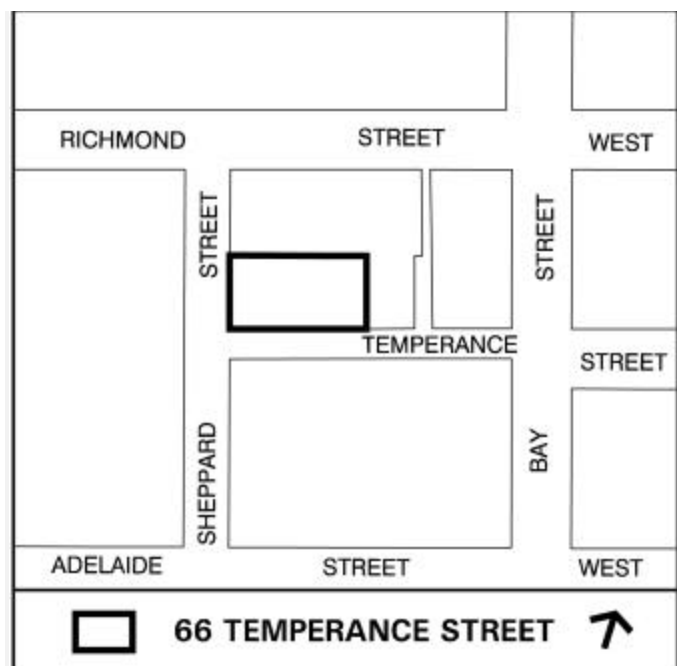
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor;
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site;
- (3) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act; and



- (4) the applicant:
- (i) work with City staff to address the issues identified in this report; and
 - (ii) submit a Planning Rationale Study, Site Servicing Report, Pedestrian Level Wind Study and Transportation Impact Study.

Background:

Graphic Arts Building Incorporated owns the site at 66 Temperance Street. The property is a 1,127 square metre parcel located at the northeast corner of the intersection of Temperance and Sheppard Street, in proximity to the intersection of Richmond and Bay Street. The site has had long-term use as a surface parking lot.

The site is subject to site specific zoning By-law 149-2002, which was adopted to permit a two-phase development. The first phase involved the restoration and conversion of the Graphic Arts Building at 73 Richmond Street West, located immediately to the north (parcel A in the By-law schedule), for live/work space, with commercial uses at grade. The By-law also approved the securing of a Heritage Easement Agreement and a Section 37 Agreement for the Graphic Arts Building, which were subsequently entered into. The second phase involved the construction of a 55-storey residential building at the rear of the Graphic Arts Building, at 66 Temperance Street (parcel B in the By-law schedule). Site Plan Approval was issued for the first phase, but not for the second, because the applicant cancelled the project.

The By-law permits a height of 158 metres, and a total gross floor area of 38,620 square metres on the lot at 66 Temperance Street (parcel B). Subsequent to this, in December 2002, the Committee of Adjustment approved variances permitting a height of 165.25 metres and a total gross floor area of 41,580 square metres on parcel B.

Comments:

Proposal

The proposed development consists of an 81-storey cylindrical tower and an adjoining 62-storey tower that are “attached” at the centre. There is a 17-storey podium that will extend to the lot lines. The 81-storey building would be topped by a spherical architectural feature extending almost the breadth of the building that doubles as a mass damper to mitigate building sway. This would extend to a height of 285.2 metres and would support a spire that extends farther to a height of 319.2 metres. Attachments 2 and 3 show the proposal’s site plan and elevations. Floors 3 to 11 would be dedicated for parking. The remainder of the building would be for residential “hotel-condominium” use, consisting of 1,132 units, plus amenity space.

The proposal includes 63,200 square metres of total gross floor area, 63,135 square metres of which is residential and above-grade parking, for a density of 56.1 times the area of the lot on parcel B. Please refer to the Application Data Sheet in Attachment 1 for additional information on the proposal.

Site Description

The site is located at the northeast corner of the intersection of Temperance and Sheppard Street. It is currently being used as a surface parking lot, with a capacity of approximately 60 cars. The following uses surround the site:

North: abutting the site is a six-storey commercial/residential building, the “Graphic Arts” building, which is designated under the Ontario Heritage Act.

South: across Temperance Street is a 14-storey commercial building, housing Bell Canada offices and equipment.

East: abutting the site is a nine-storey commercial building.

West: across Sheppard Street is an eight-storey parking structure. Abutting this to the north is an 11-storey commercial building. This is the site of the Richmond – Adelaide Centre, a Council-approved 40-storey office tower for which construction has not commenced.

The Temperance and Sheppard area is predominantly built up with high-rise commercial buildings. Many of those that front Bay or Richmond Streets have retail uses at grade.

Official Plan

The site is designated as “Financial District” in the former City of Toronto Official Plan. This designation permits non-residential uses such as offices and retail and residential uses, alone or in combination, to a maximum density of 12 times the lot area. Limits of 8.0 and 11.7 times the lot area are placed on non-residential and residential uses respectively.

New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. The first pre-hearing on the new Plan was held on April 19th and 20th, 2004, the second pre-hearing was held on September 14, 2004, and another is scheduled for December 7, 2004.

Once the Plan comes into full force and effect, it will designate the property as “Mixed Use Area,” within the Financial District and the Downtown and Central Waterfront urban structure area. The lands adjacent to the subject site are also designated Mixed Use Areas. The Plan contains development criteria that direct the form and quality of development in this area. The proposal will be reviewed for compliance with these criteria and conformity with the intent of the new plan.

Zoning

The underlying as-of-right zoning is “CR”, or “commercial-residential,” with a total density of 12 times the lot area. The commercial density limit is 8.0 times the lot area, and the residential density limit is 11.7 times the lot area. The underlying height permission is 137 metres.

The site is subject to site specific zoning By-law 149-2002, which permitted a height of 158 metres, and a total gross floor area of 38,620 square metres on parcel B. The By-law also approved the securing of a Heritage Easement Agreement and Section 37 Agreement, for the adjacent Graphic Arts Building (parcel A), which were entered into. Subsequent to this, in December 2002, the Committee of Adjustment approved variances permitting a height of 165.25 metres and a total gross floor area of 41,580 square metres for parcel B.

Site Plan Control

To date, a site plan application has not been filed.

Reasons for the Application

The applicant has filed for a Zoning By-law amendment because the proposed density at 66 Temperance Street (Parcel B in zoning By-law 149-2002) of 56.1 times the area of the lot and total height of 256 metres (excluding the rooftop architectural feature and spire) significantly exceeds the underlying as-of-right permissions of 12 times and 137 metres, and the permissions established by site specific zoning By-law 149-2002 of 34.3 times the area of the lot and 158 metres on parcel B.

It should be noted that only a Zoning By-law Amendment has been applied for. An Official Plan Amendment is necessary, and therefore, an application and related fee are required. The determination of whether this application will be an amendment to site specific zoning By-law 149-2002 or whether it is to be a new site specific zoning by-law has yet to be made.

Pre-Application Discussions

At the request of the applicant, City Planning staff met with the applicant's development team regarding preliminary development concepts for the site. An initial meeting occurred on January 30, 2004, with a subsequent meeting on April 23, 2004. At these meetings, City staff raised a number of concerns with the development concept for the site including building scale, height, access, and shadow impacts.

Issues to be Resolved

This application is incomplete, and further information is required to allow City staff to adequately review it. Details are further discussed in the Requirement for Additional Information section. Prior to presenting a Final Report to Community Council, the following issues as well as any other issues that may be identified, must be addressed. These issues were discussed during pre-application meetings with the applicant's team.

- (a) the ability to meet the intent and spirit of the existing and new Official Plan, Council policies and other applicable planning policies including the Provincial Policy Statement, and to represent good planning and community building;
- (b) the appropriate height and massing of the tower including a comparison to the approved massing;
- (c) the spacing of towers in the Financial District;
- (d) the mitigation of impact on the surrounding buildings, uses and spaces, such as Nathan Philips Square, including but not limited to light, view, privacy, sunlight penetration, shadow and sky view;

- (e) the contribution to (or detraction from) the local urban environment and appropriate design and integration of the public and private realms;
- (f) the at-grade relationship of the building to the street;
- (g) the building functionality and design of the above-grade parking, given the small, constraining nature of the site;
- (h) the ability to be adequately serviced by existing municipal infrastructure;
- (i) the transportation/access issues, given that the limited access to the site and its small size restrict opportunities to park at and service the proposed building;
- (j) the relationship to the abutting heritage building; and
- (k) the identification and security of public benefits pursuant to Section 37 of the Planning Act including appropriate community services, facilities and amenities which address local priorities including public art.

The application has been circulated to City Departments for review. This circulation and community consultation may identify other issues that require resolution.

Requirement for Additional Information

To support the application and to assist staff with their review of the proposal, the following studies and reports are required by the City at this stage in the review process.

Planning Rationale Study

In the covering letter with the application, the applicant provided a general review of the proposal including a summary of the perceived positive benefits. A detailed study from the applicant is required to provide a planning rationale as to why the current permissions for the site, established less than two years ago, are inappropriate and why the proposal is appropriate and represents good planning.

Site Servicing Report

A Site Servicing Report by a qualified consultant is required to determine the sanitary flow and water supply demand resulting from the proposed development, how the site can be serviced and whether the existing municipal infrastructure is adequate or whether infrastructure upgrades and improvements are required.

Pedestrian Level Wind Study

A Pedestrian Level Wind Study is required to assess the predicted effects of the building mass on wind velocities and currents that impact pedestrians.

Transportation Impact Study

A Transportation Impact Study has been requested by the Toronto Transit Commission, and will be required by UDS Transportation Planning and WES Transportation Services.

Section 37

The Official Plan contains provisions pertaining to the exchange of public benefits for increased height and density pursuant to Section 37 of the *Planning Act*. City Planning staff, in consultation with the local councillor, will be discussing with the applicant how these policies will be addressed should this application, or some variation thereof, proceed.

Public Art

The former City of Toronto Official Plan contains provisions regarding a public art contribution in all development proposals exceeding 20,000 square metres of gross floor area. In its current form, the developer would be required to make a public art contribution in keeping with Official Plan policy.

Conclusions:

Upon receipt of the required information, the next steps in the review process are to hold a community consultation meeting in the local neighbourhood and to continue to work with the applicant's team on the development concept for the site. Once the review is complete and outstanding issues resolved, a Final Report will be prepared for consideration by Community Council.

Contact:

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Ted Tyndorf
Director, Community Planning, South District

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List of Attachments:

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: Elevations
Attachment 4: Official Plan
Attachment 5: Zoning

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	04 157269 STE 28 OZ
Details	Rezoning, Standard	Application Date:	July 15, 2004

Municipal Address:	66 TEMPERANCE ST, Toronto ON
Location Description:	PT TOWN LTS 5 & 6 S/S RICHMOND ST W **GRID S2806
Project Description:	Proposed 81 storey, 1132 unit hotel condominium development.

Applicant:	Agent:	Architect:	Owner:
Turner Fleischer Architects Inc., Peter Turner		Turner Fleischer Architects Inc., Peter Turner	Graphic Arts Building Inc., Harry Stinson

PLANNING CONTROLS

Official Plan Designation:	Financial District	Site Specific Provision:	149-02
Zoning:	CR T12.0 C8.0 R11.7	Historical Status:	
Height Limit (m):	137	Site Plan Control Area:	Y

PROJECT INFORMATION

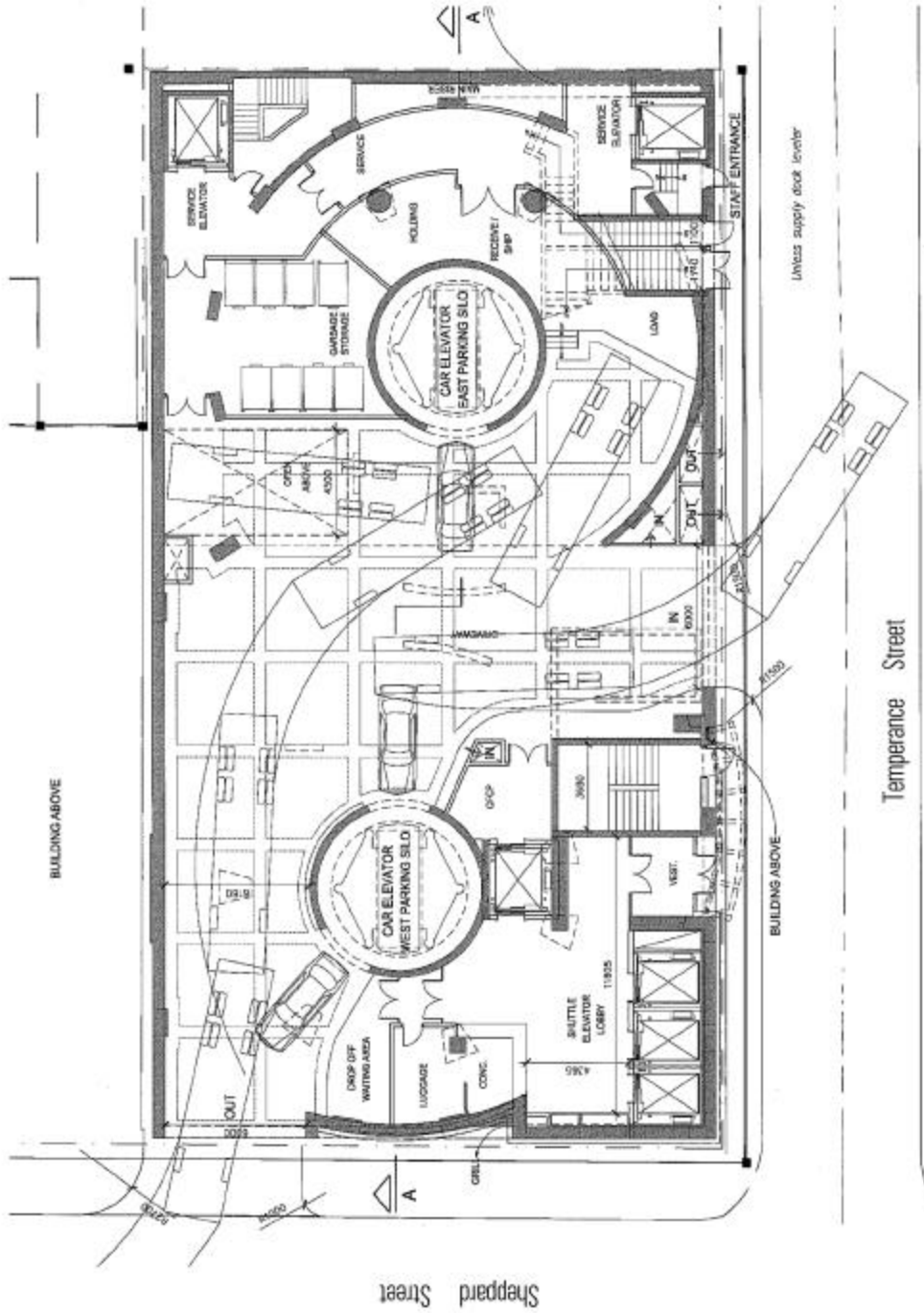
Site Area (sq. m):	1127.28	Height:	Storeys:	81
Frontage (m):	45.95		Metres:	256
Depth (m):	24.53			
Total Ground Floor Area (sq. m):	1127.28			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	336
Total Non-Residential GFA (sq. m):	63200		Loading Docks	2
Total GFA (sq. m):	63200			
Lot Coverage Ratio (%):	100			
Floor Space Index:	56.1			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	1132	Retail GFA (sq. m):	65	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	63135	0
Total Units:	1132			

CONTACT:	PLANNER NAME:	Michael Cole, Planner
	TELEPHONE:	(416) 392-0420



Site Plan

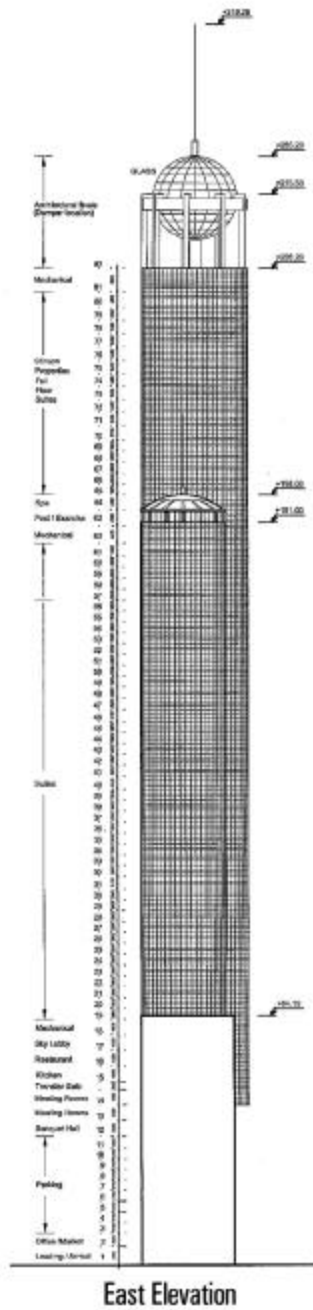
Applicant's Submitted Drawing

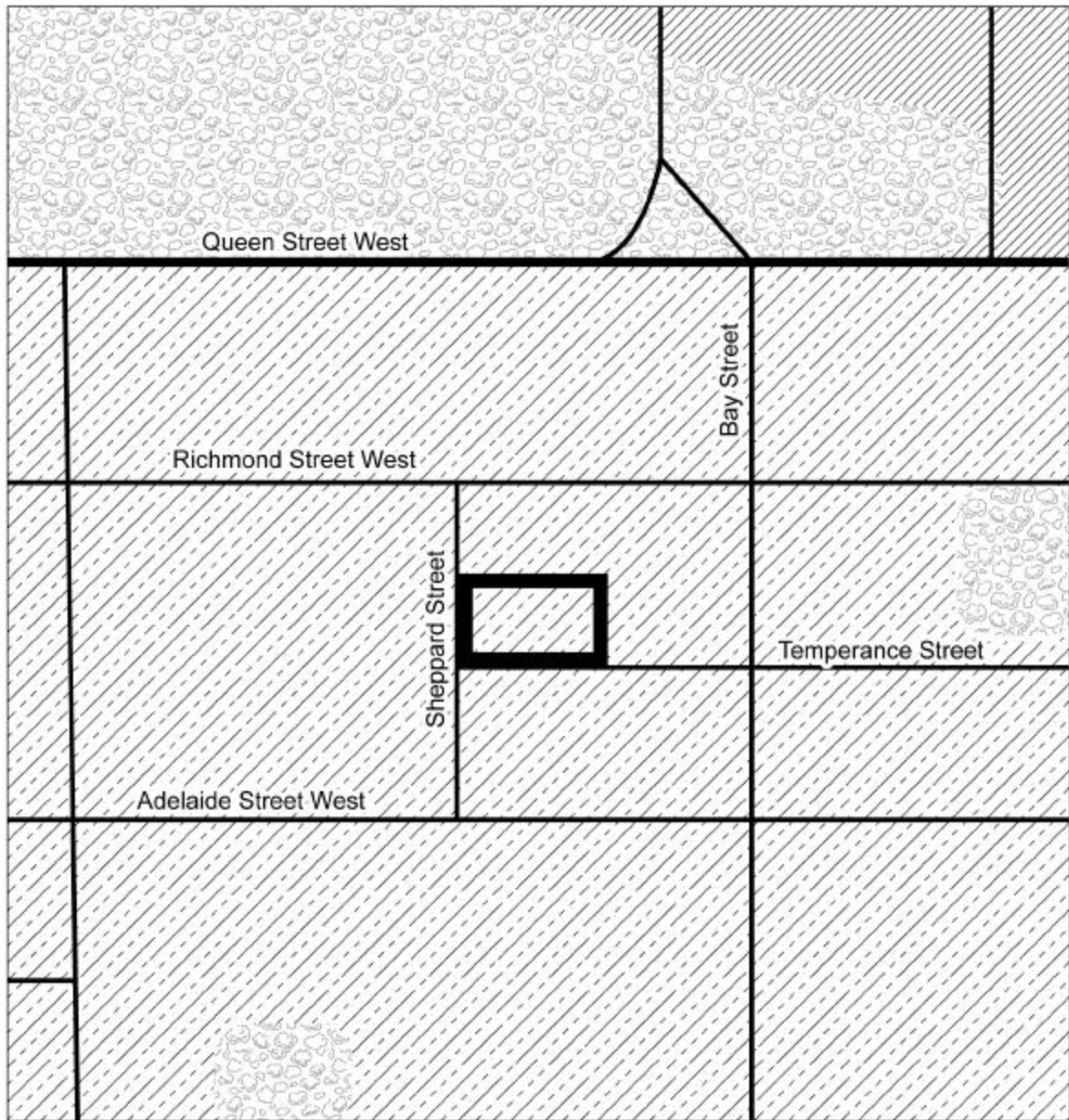
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66 Temperance Street

File # 04_157269





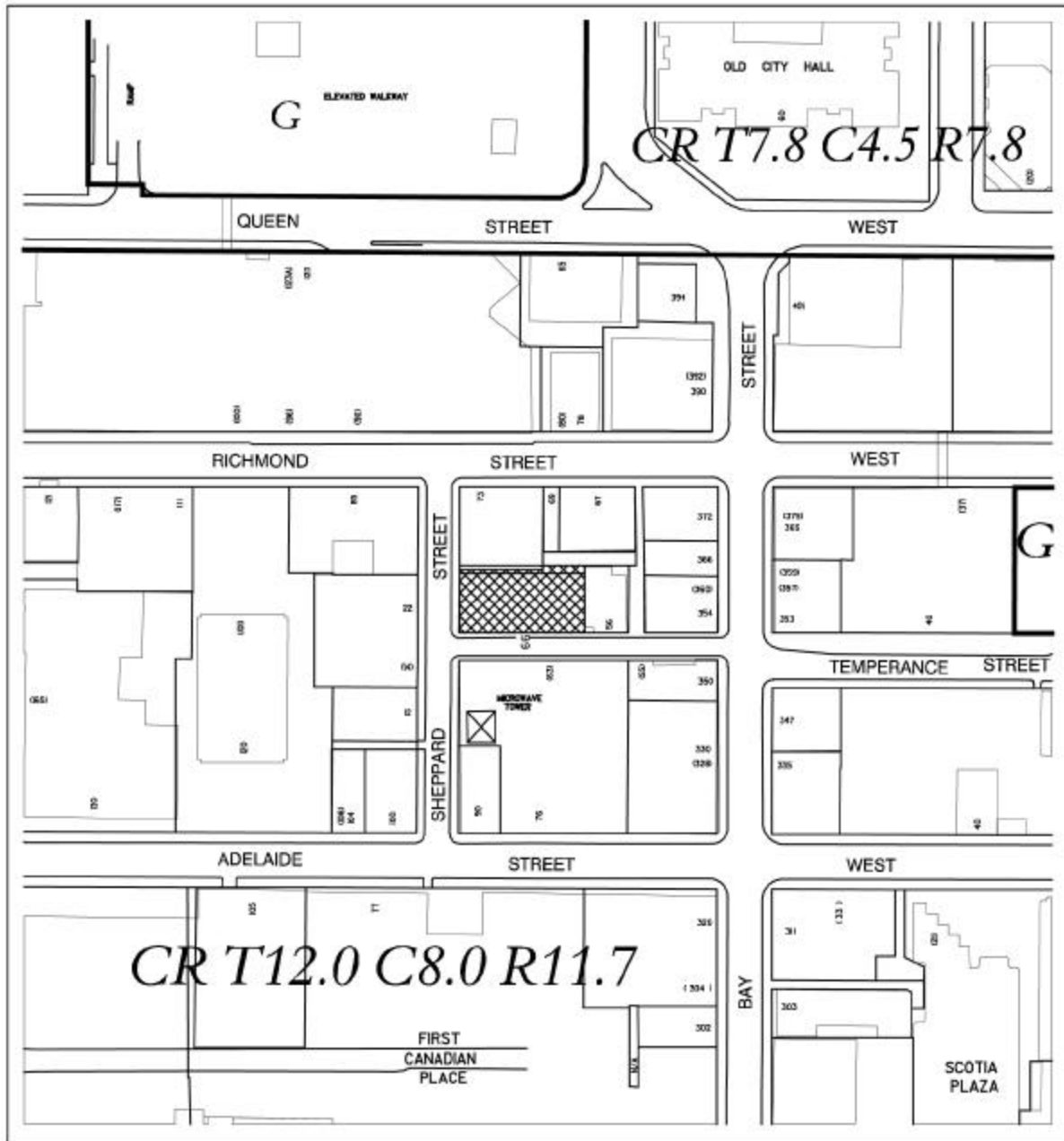
 **TORONTO** Urban
Development Services
Official Plan

66 Temperance Street

File # 04_157269




Not to Scale
09/24/04



Toronto Urban Development Services
Zoning

66 Temperance Street
File # 04_157269

G Parks District
CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 09/24/04 - EM