

TORONTO

LAND USE

Report

ABOUT TORONTO'S LAND USE COMMITTEE

JUNE 26, 1984 SPECIAL AGENDA

DEPUTATIONS

IS THERE ANY PRINCIPLE IN THE CITY OF TORONTO OFFICIAL PLAN THAT IS NOT UP FOR RE-NEGOTIATION IF THIS PROPOSAL SUCCEEDS? DOES THE OFFICIAL PLAN STILL MEAN ANYTHING? These were among the cogent questions contained in the brief submitted by Toronto-Dominion Bank President Robin Korthals to the special meeting of the Land Use Committee convened to hear depositions on the Scotia Plaza/Waterpark Place development proposals on June 26. The bank's submission was supplemented by reports from two consultants, while, according to Korthals, a transit capacity study is still underway. While stating that the issue of the lease for the T-D branch on Adelaide St. is "an entirely separate issue" and conceding that the lease value will drop as each year passes, "we know we're not wanted in the development", Korthals stated. Korthals' most interesting observation was that "the [Scotia Plaza tower] building is a very inefficient development; it's elegant but not efficient".

Planning consultant The Proctor and Redfern Group, retained by the Toronto-Dominion Bank, had a number of pithy statements about the Campeau Corporation proposal. "The proposed amendments to the Official Plan for the Scotia Plaza development, in our opinion, fall outside the general framework established by the Official Plan....The combination of a number of major departures from general planning principles, including unspecified bonus for historic preservation, density transfers between unrelated sites, extraction on an ad hoc basis of perceived public benefits, or density bonus without direct public benefit results in a planning system that relies on negotiations outside of the framework of the Official Plan and of good planning and as such is really an abdication of planning in favour of expediency." Proctor and Redfern suggested that retention of office employment on the waterfront made a lot of sense, while stating that "the introduction of double the number of office workers on the [Scotia Plaza] site than permitted by the Official Plan necessitates an improvement of transportation facilities".

Appraisal consultant Davis, Hicks & O'Brien Ltd., also retained by the Toronto-Dominion Bank, came up with a net \$48,697,000 benefit to the developer as a result of the density transfer between Scotia Plaza and Waterpark Place. This consisted of "Net benefit to the developer of extra historic building density exemption recommended, \$17,461,665; Net benefit to the developer of the transfer of 55,000 m²/592,034 sq. ft. of non-residential density or gross floor area from Waterpark Place to Scotia Plaza, \$27,233,564; Net benefit to the developer of the transfer of 488 units of residential density in the form of 49,443.5 m²/532,223 sq. ft. of gross floor area for residential use from Scotia Plaza, the "donor" lot, to Waterpark Place, the "receiving" lot, \$10,112,237; Estimated net benefit to the City by reason of the developer providing the City with its preferred [Bilrite Rubber] site at an agreed cost of \$2.45 million, \$3,215,000; Estimated net benefit to the City of developer provided "Workplace Daycare" facilities for 50 children each, for 25 years at Scotia Plaza and Waterpark Place, expressed in 1984 dollars, \$2,896,053".

DEPUTATIONS

TORONTO REDEVELOPMENT ADVISORY COUNCIL LINES UP WITH T-D BANK. In a letter dated June 20, TDAC Chairman Sydney Hermant stated: "The Chairman of the T-D Bank [Richard Thomson] has been kind enough to give us his considered views....This would accommodate the erection of a new Scotiabank tower and the retention of the designated buildings, Cameron Jefferies and the National Club totalling some 12 times coverage. It would also accommodate the demolition of the present Bank of Nova Scotia after completion of a new tower in the same sequence that the Bank of Montreal building across the street was demolished after the First Canadian Place tower was erected....In light of Mr. Thomson's views which reflect a desire for constructive compromise, this latest proposal would be acceptable to us".

THOMSON OF T-D BANK SPELLS OUT HIS POSITION. In a June 8 letter to the Toronto Redevelopment Advisory Council, Toronto-Dominion Bank Chairman and Chief Executive Officer Richard Thomson said: "The Bank's overall concern is that the rules governing developments in the financial core should be applied fairly to all landowners and in accordance with principles which will permit the best future development of the area. If bonuses similar to those accorded to the Scotia Plaza project in its proposed form are permitted to other landowners in the financial core, the viability of this part of the City will ultimately be impaired. While The Toronto-Dominion Bank's objections are on matters of principle, we would consider that construction of the Scotia Plaza development at 12 times coverage would be an equitable compromise, having regard to the densities enjoyed by the other major competing banks. This would preserve the financial district precinct with no height limits, would provide a major bank tower in each quadrant of the King and Bay intersection and would attest to Toronto's status as a world financial centre".

PLANNING COMMISSIONER REPORTS ON SCOTIA PLAZA OUTSTANDING MATTERS. In one of 3 follow-up reports [others: Development Review for Scotia Plaza; Heritage Easement Agreements for the historic buildings], Planning and Development Commissioner Steve McLaughlin reported that 14 "further reports" have been submitted to various Council committees since his March 2 final report on Scotia Plaza. Total potential employment for Scotia Plaza "when vacant office space and employee absenteeism are taken into account" is now projected at 6,390 workers, compared to a theoretical total employment of 7,714, using a floor space per worker figure of 277 sq. ft. When existing workers on the site are deducted, the projected increase is 4,000 workers, not 5,000 as in the March 2 report. Campeau Corporation has recently made submissions to the Public Utilities Co-ordinating Committee for 3 underground pedestrian tunnels: under Yonge St. from 102-4 Yonge to the King St. subway station; under King St. from south edge of Scotia Plaza to Commerce Court; under Bay St. from west edge of Scotia Plaza to First Canadian Place. The consultant is the IBI Group. Campeau Corporation and the Toronto Transit Commission have worked out an arrangement [mezzanine area expansion, north-south pedestrian tunnel, escalators at northwest corner of King and Yonge] which, together with the reduced worker projection [4,000 vs. 5,000], will overcome "overcrowding of the sidewalks, particularly at the subway entrance during rush hours". Workplace day care facilities have now been secured onsite in the Dunfield Building on Yonge St. With regard to net economic benefits to both Campeau Corporation and to the City, Commissioner McLaughlin reported that the required information would be too expensive to acquire or would be confidential and recommended against carrying out this request made by City Council. "The major benefits to be secured by the City from the proposed Scotia Plaza and Waterpark Place arrangements are not quantifiable in dollar terms", namely, retention of historic streetscapes for pedestrians and reduction of development densities for commercial use and increase of residential density at Waterpark Place. "Financial return, relative to the costs and risks involved, may be a determining factor to the developer. The City, on the other hand, is seeking through the Official Plan to ensure that its general objectives for the use and development of land are achieved. Public benefits that are consistent with the Official Plan's provisions and objectives and within the City's jurisdiction may be achieved through appropriate use of density incentives". McLaughlin ended this section of his report by saying that "financial valuation of public benefits" is not compatible with the City's approach to Official Plans and that the City "has no authority presently to utilize a balance sheet approach to development proposals".

HARBOUR COMMISSIONERS UNABLE TO ATTEND; COMMITTEE NOT AMUSED. At the last Land Use Committee meeting, the City's appointees to the Toronto Harbour Commissioners were requested to attend the next meeting to explain their role in the designation issue over Cherry Beach. Thus, when Ian Brown, General Manager of the Harbour Commissioners sent a last-minute note saying that the City's appointees were unable to attend the discussion on Submissions - Central Waterfront Final Recommendations and requested a deferral, the Committee members chose to be insulted. After all, while the current appointments haven't yet been made by City Council, the outgoing and incoming appointees are the same people. Some alderman appeared to take special exception to the fact that appointee Alderman Tom Clifford wasn't there.

IT'S THE LEASED WE CAN DO. Solicitor Sheldon Salcman of the firm of Bliss, Kirsh was back again before the Land Use Committee to dispose of the alternatives proposed for access to parking for the proposed development at 27 Carlton St. Without shared ramping with the 21 Carlton St., some weird and wonderful gambits, including split ramps between Carlton and Granby, at-grade access from Carlton, and leased space nearby had to be considered. The City Solicitor had reported that, since the City isn't a party to such leases, "there is little the City can do to prevent the voluntary termination of such leases after the necessary approvals have been given by the City for a development". After hearing the pitch for a Granby St. ramp, Alderman Jack Layton moved that the parking be provided offsite through a lease arrangement. Sheldon Salcman countered by stating that the leasing would be difficult and would be "highly onerous", might cause the entire development to founder, and was inequitable treatment, when contrasted with the easy path followed by the abutting development. Alderman Joanne Campbell said that "it is unfair to keep putting this off", noting that the alternatives seemed to be leading nowhere. A motion by Alderman Jack Layton was carried that the maps and text of the report be changed where appropriate to remove the references to the Granby St. ramp in favour of leased parking nearby.

SPORTING LIFE ASKS FOR A SPORTING CHANCE. The development review application for the relocation of the high volume Sporting Life store to 2665 Yonge St. (corner of Blythwood) brought out a large number of upset neighbours, who are concerned about parking, loading, and overall traffic implications of the proposed renovation of a former car dealership building. Solicitor Allan Blott reminded the Committee that the store is not required to provide any off-street parking, the neighbours having argued that the scale and volume of the store would be similar to that of a department store (they want 50 spaces provided). Blott then asked for and received a deferral until the next Committee meeting in mid July in order to meet first with City staff and then with the ratepayers' representative to sort out the problems. "We're prepared to be sensitive on leasing and parking", said Blott. Alderman Michael Walker cautioned about setting sights too high for a solution by the next meeting, as both he and fellow Ward 10 Alderman June Rowlands would be out of town for the next 2 weeks.

STITCH IN TIME SAVES NINE FOR WELLINGTON-PIPER DEVELOPMENT. Solicitor Stan Stein of Weir & Foulds, acting for Prudential Insurance Co. of America and Abak Estates Ltd. was successful in convincing the Committee to allow the Official Plan and Zoning amendments to proceed in tandem with a lane closing so that a building start could commence in October 1984 instead of January 1985. The 22 storey office development, which lies behind the Royal York Hotel and due west of the forthcoming fourth tower of the Toronto-Dominion Centre, also involves a heritage easement for the Toronto Club's unused density.

-7-

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COMMUNICATIONS

ALDERMAN MARTIN'S LETTER SPARKS A ROW. Alderman Dale Martin's letter containing a recommendation that Planning reports "routinely include an estimate of the net economic benefit accruing to the applicant as a result of the recommended [Official Plan and zoning] changes" required a lot of explanation before the idea was sent on its way to City Council, though with limiting amendments by Alderman Jack Layton [should apply to Official Plan amendments only; limit to Central Area for time being; consider costs as well as benefits to applicant and the City]. In response to probing from Aldermen Derwyn Shea, Michael Walker, Ying Hope, and Michael Gee, Martin specified that he wanted to be sure all developers, particularly abutting developers were dealt with fairly, that he wasn't interested in opening any private corporation's books to public scrutiny, but that he did want an explanation of added benefit derived from increased density when compared to the as-of-right (no change) development potential. Alderman Jack Layton tried to put the idea into some sort of context, saying that economic analysis is a logical step in the trend toward ever more precise analysis of development proposals by City Council. Later in the meeting, Alderman Ying Hope put the idea to good use while decrying a proposal for Committee support for a minor variance application for a development now under construction at 66 Avenue Road. He called for a site plan by-law amendment application to be made, as the developer allegedly stood to gain \$1.5 million by the enclosure of balconies. The question of fairness at stake was whether any change in a contentious development, which in this case went to the Ontario Municipal Board, should be made after-the-fact through a variance procedure, when it could have been a bargaining chip during the development negotiations. Though Aldermen Fred Beavis and Joe Piccininni decried the notion as a bunch of hooey, Alderman Joanne Campbell said, "This is the very kind of thing that infuriates residents associations" because "they have nothing left with which to negotiate". With Alderman Joe Piccininni's admonition that "this kind of baloney can be bought at Woolworth's for 69¢ a pound", the Committee sent 66 Avenue Road and its minor variance problem on to City Council with no recommendation. Ironically, Alderman Dale Martin, who is not a member of the Land Use Committee, was not on the scene to watch his idea being put to the test. In any event, the stage is set for Council to consider whether it should continue to turn a blind eye to the economic realities of development, particularly in view of the Davis, Hicks & O'Brien Ltd. evaluation of benefits accruing to the developer of Scotia Plaza and Waterpark Place.

-8-

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