



## STAFF REPORT ACTION REQUIRED

### 60 John Street; 12-18 Mercer Street – Zoning By-law Amendment Application – Final Report

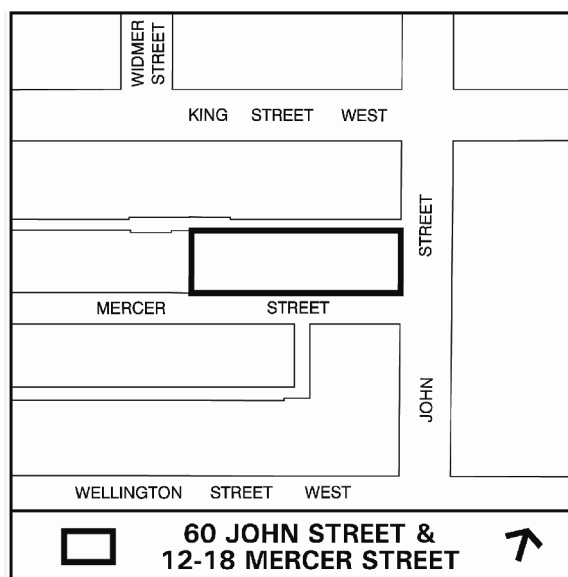
<b>Date:</b>	September 24, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20– Trinity-Spadina
<b>Reference Number:</b>	08 141778 STE 20 OZ

#### SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to construct a 33 storey (111.6 metres) mixed use building consisting of a five storey podium along the Mercer Street and John Street frontages and a tower on the east portion of the site at 60 John Street and 12-18 Mercer Street, containing approximately 337 residential units.

The proposal replaces a commercial surface parking lot and 4-storey office building with a residential condominium. It is consistent with the King Spadina East Precinct Built Form Study in that it is located within an area that can accommodate tall buildings without destabilizing the warehouse built form character of the area. The proposal meets many of the goals of the King Spadina Secondary Plan, and generally meets the intent of the 2006 King Spadina Urban Design Guidelines, and the Tall Building Guidelines.



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

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86, as amended, substantially in accordance with the draft Zoning By-law Amendment to be available at or before the Toronto and East York Community Council meeting on October 13, 2009.
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 for enactment, City Council authorize the appropriate City officials and require the owner to execute an Agreement pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the following facilities, services and matters:
  - a. An indexed cash contribution of \$1,300,000 prior to the first above-grade building permit, of which 10% will be allocated to affordable housing in Ward 20, and the remainder for the provision of one or more of the following: streetscape improvements to John Street and Mercer Street, Heritage Conservation District Studies in the King Spadina East Precinct subject to the appropriate Official Plan Amendment coming into force and effect, and design development supporting the John Street streetscape project;
  - b. A reduction of the cash contribution of 50% of the cost of relocating Bell and Rogers utility boxes from John Street to inside the development, up to a maximum of \$300,000;
  - c. A reduction of the cash contribution for the implementation of streetscape improvements to John Street and/or Mercer Street to a level beyond a standard Site Plan approval, to a maximum of \$100,000;
  - d. \$50,000 of the cash contribution is to be provided prior to the enactment of Bills, for the purpose of contributing to one or more Heritage Conservation District studies within the East Precinct of King-Spadina, subject to the appropriate Official Plan Amendment coming into force and effect, or design development for the John Street and/or Mercer Street streetscapes;

- e. A public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, with up to 50% of the public art contribution to be used on the development, including treatment of the proposed parking entrance on John Street, with the remainder allocated to the John Street streetscape improvement initiative;
- f. The implementation of a heritage interpretation program for Mercer Street and/or John Street to the satisfaction of the Chief Planner and Executive Director, City Planning.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support the development:

- g. Architectural plans, elevations and landscaping including 1:50 scale elevations, will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application submit 1:50 scale drawings in conformity with this requirement for the five storey podium;
- h. The owner shall incorporate in the construction of the buildings and thereafter maintain exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- i. The owner shall provide a minimum of ten percent (10%) of the residential units in the building having at least three bedrooms, or be convertible to three or more bedrooms;
- j. The owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, City Planning Division, date-stamped August 20, 2009;
- k. The owner shall provide and maintain an irrigation system, at the applicant's expense, for proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirements to maintain in good order and operation;
- l. The implementation of any wind mitigation measures required by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning Division, to be submitted as part of a revised application for Site Plan Approval.

4. Prior to the enactment of Bills, require the applicant to withdraw the appeal to the Ontario Municipal Board regarding Zoning By-laws 921-2006 and 922-2006 arising from the 2006 King-Spadina Secondary Plan Review.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

### **King-Spadina Built Form Review**

In 2005, a review of the King-Spadina Secondary Plan was initiated by Council to evaluate specific matters related to entertainment uses in the area, community infrastructure, built form policies and the policies related to the public realm. In September 2006, City Council enacted amendments to the King-Spadina Secondary Plan and RA zoning to update the planning framework for the Plan area which resulted in Official Plan Amendment 921-2006 and Zoning By-law Amendment 922-2006. These amendments to the Secondary Plan represent Council's current position on the planning framework for the King-Spadina Plan Area. The amendments to the Secondary Plan refined certain policies and updated maps to reinforce the original intent of the Plan to protect and enhance the area's unique physical attributes and heritage warehouse character. A new policy 3.7 provides criteria for considering tall buildings in certain parts of the East Precinct, which include setbacks above the base building and a requirement to not export facing distance constraints onto adjacent sites. The Zoning By-law amendment includes a provision that permits an additional 5 metres of building height, including mechanicals, subject to the mechanicals being wrapped and falling within a 45 degree angular plane from the street, for a total height of 35m.

These amendments are currently under appeal to the Ontario Municipal Board by some area owners and developers, including the applicant. A series of pre-hearing conferences have resulted in many appeals being withdrawn or settled. The hearing has been deferred with the consent of all parties, until November 2009. The applicant will be required to withdraw their appeal prior to Bills being enacted by Council.

### **King-Spadina East Precinct Built Form Study**

In April 2008, Council directed staff to undertake a further study of the built form in the East Precinct of the King-Spadina Secondary Plan Area, in response to the large number of applications that continued to challenge the planning framework of the area. This study recognizes areas within the East Precinct, which have been identified as Second Tier height areas, that can accommodate more height than currently permitted as-of-right, subject to meeting the criteria for development as set out in the King-Spadina Secondary Plan, the 2006 King-Spadina Urban Design Guidelines, the City's Tall Building Guidelines, and providing an appropriate Section 37 contribution. Any proposal seeking a Second Tier height beyond the current zoning permission of 30 m plus 5 m for mechanical will be required to undergo a rezoning process. This framework was

endorsed by Toronto and East York Community Council at its meeting of September 15, 2009. The subject site is within a Second Tier height area where staff has identified the potential for some additional height.

Further work by staff will involve preparation of detailed guidelines regarding urban design, built form and performance criteria to guide future development, and the development of a revised Secondary Plan and Zoning By-law for the King-Spadina East Precinct.

## **ISSUE BACKGROUND**

### **Discussions With The Applicant**

The original application submitted in March 2008 consisted of a 38-storey residential tower (approximately 126.5 m tall to the top of the mechanical penthouse), including a 5-storey podium. The proposal contained approximately 334 residential units, 1,070 square metres of retail, and 228 parking spaces.

A number of other development applications have been submitted within the vicinity of the subject application, including 355 King Street West/ 119 Blue Jays Way, 99 Blue Jays Way, and 56 Blue Jays Way. A Design Charette for these Mercer Street area applications was held in September 2008, to bring together stakeholders including the Ward Councillor, City Staff, the developers and their architects. The proponents for this development participated in this City-initiated exercise. Issues discussed during the charette included the relationship of the four proposals with each other; podium design, materials and articulation; pedestrian connections and open space; integration with heritage buildings; and streetscape. The charrette did not and was not intended to address the issue of the height of the individual proposals, but focused on the lower levels of the buildings, as the height framework for the area was still under review.

As a result of the charrette, concerns from the community, and discussions between the applicant and staff, the following changes were made to the original proposal.

- the proposed tower floor plate was reduced from approximately 966 sq. m to approximately 790 sq. m;
- the number of storeys was reduced to 33, and the overall height of the building was reduced to 111.6 m; and
- parking and loading access was moved from Mercer Street to John Street.

### **Community Consultation**

A public meeting was held June 17, 2008 in conjunction with two other applications in the immediate area. The meeting was held at Metro Hall directly across from the site. Approximately 85 members of the public attended the meeting as well as the applicant,

the architect, the Ward Councillor, and Planning staff. Concerns were raised with respect to:

Concern: The owner of 24 Mercer Street (a heritage building) raised a concern about the relationship of this proposal to that building. It was indicated that a spatial separation between that building and the proposed building, perhaps in the form of open space would be desirable. In addition, an important factor was to be able to keep the east elevation windows on 24 Mercer Street open and unobstructed.

Response: The plans were revised to address this issue by recessing the westernmost bay of the proposed building, to match the setback of 24 Mercer from the street. In addition, the podium at and above the second floor was notched back to allow more light to the side window of 24 Mercer.

Concern: Restaurant owners were concerned with the lane width, access, and waste management for their properties as bins are frequently hit by service vehicles and cars.

Response: As part of the requirements of the rezoning, the lane is being widened by 0.872 m.

Concern: The owner of 24 Mercer Street had concerns regarding access from Mercer Street to the underground parking garage.

Response: The entrance was originally from Mercer Street abutting 24 Mercer Street but has been revised to be from John Street.

Concern: The height of the building was too tall.

Response: In the revised proposal the height was reduced by five storeys (15 metres).

## **Current Proposal**

The proposal is for a 33-storey tower, with a height of 111.6 metres including the mechanical penthouse. The building will contain approximately 337 residential units. It should be noted that the unit count is not fixed and the unit sizes and mix have not been finalized. The total gross floor area is approximately 27,979 square metres and the residential gross floor area is approximately 26,977 square metres. The proposal provides 190 parking spaces, including 3 car-share spaces and 20 visitor spaces, as well as 200 spaces for resident and visitor bicycle parking.

The building consist of a 5-storey podium, which will occupy the entire site, and tower rising from the east portion of the podium at the corner of John Street and Mercer Street (see Attachment 2: West and East Elevations). A total of approximately 1,002 square metres (10,787 square feet) of grade-related commercial space is proposed, along both the Mercer Street and John Street frontages.

The proposal includes a total of 598 sq. m of indoor amenity space, the majority of which is on the second floor. Of the total, 78 sq. m is contiguous with 898 sq. m of outdoor amenity space on the roof of the podium.

Detailed statistics are provided in Attachment 6: Application Data Sheet.

## **Site and Surrounding Area**

The site is located at the eastern edge of the King-Spadina Secondary Plan, East Precinct Area. The site is located at the northwest corner of John Street and Mercer Street, within the block bounded by John Street to the east, King Street West to the north, Blue Jays Way to the west and Mercer Street to the south. The site area is 2,000 square metres with a frontage of approximately 82 metres on Mercer Street and approximately 24 metres on John Street. A public lane runs east-west along the northern boundary of the site from John Street to Blue Jays Way.

The easterly and westernmost portions of the site consist of at-grade commercial parking lots. The central portion of the site currently contains a 4-storey office building. The at-grade parking lot on the west side of the office building is currently used by United Postal Service for parking delivery vans. The existing office building is proposed to be demolished.

The subject site is surrounded by the following uses:

**North:** A public lane from John Street to Blue Jays Way, with 2- and 3-storey mixed use buildings abutting the lane to the north and fronting onto the south side of King Street West (an area known as “Restaurant Row”). A designated heritage building is located on the south-west corner of John Street and King Street West, and seven buildings directly adjacent to the subject site are being recommended by Heritage Preservation Services staff for inclusion on the City’s Inventory of Heritage Properties. Further north across King Street is the block containing the TIFF/ Bell Lightbox development (under construction), the proposal at 21-31 Widmer/ 299 Adelaide (approved by Toronto East York Community Council at its meeting of September 15, 2009) and the proposal at 295 Adelaide/100-104 John Street. All three of the approved and proposed buildings on this block exceed 40 storeys in height.

**South:** A 20-storey (66 m) residential condominium building (The Jefferson) at 50 John Street, and a designated 2-storey building at 15-33 Mercer Street. Further south is the Icon development at 250 Wellington Street which ranges from 12 storeys (approximately 35 metres) at Blue Jays Way, to 17 storeys (approximately 50 metres) mid-block, to 21 storeys (approximately 64 metres) near John Street.

**East:** Metro Hall is located on the east side of John Street, at a height of approximately 128 m to the top of its architectural roof feature.

West: A 3-storey building at 24 Mercer Street, which is listed as a heritage building, and an 11-storey (40 m) building at 26-30 Mercer Street (the Hotel Le Germain).

## **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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe

## **Official Plan**

The Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings.

Chapter Three – Building a Successful City identifies that most of the City's future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Development will be located, organized and massed to fit harmoniously with its existing and/or planned context. Development will limit its impacts on neighbouring properties and the public realm by respecting street proportions, creating appropriate transitions in scale, providing for adequate light and privacy, and limiting shadow and wind impacts. This section of the Plan also contains specific policies on tall buildings and built form principles to be applied to the location and design of tall buildings, including locating buildings parallel to the street, with clearly visible entrances and ground floor uses with views to the street; locating and organizing parking and servicing to minimize impacts; providing an appropriate scale for adjacent streets; minimizing shadowing, loss of sky view and wind impacts; contribution to the skyline character; and fit within the local context.

The site is designated *Regeneration Area* in the Official Plan, which permits the proposed residential and commercial uses.



## **King-Spadina Secondary Plan**

The subject site is located within the King-Spadina Secondary Plan area. The King-Spadina Secondary Plan (Chapter 6.16 of the Official Plan) provides a framework for reinvestment and development, the fundamental intent of which is to encourage reinvestment for a wide range of uses in the context of a consistent built form that relates to the historic building stock and the pattern of streets, lanes and parks.

In particular the policies of Section 3 – Built Form specify that new buildings will achieve a compatible relationship with their built form context through consideration of such matters of building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression. The policies encourage buildings to be located along the street edge with lower levels providing public uses accessed from the street; encourage servicing and parking to be accessed from rear lanes; site new buildings for adequate light, view and privacy; encourage compatibility with the built form context; provide appropriate proportional relationships to streets and open spaces; and minimize wind and shadow impacts on streets and open spaces. Section 6.3 of the Secondary Plan specifically encourages the removal of surface parking lots

The Urban Structure section of the Secondary Plan identifies a number of north-south “Significant Streets”. John Street is considered a significant street with a number of important public institutions.

By-law 921-2006, which is under appeal to the Ontario Municipal Board, proposed amendments to the King-Spadina Secondary Plan that are intended to further clarify and reinforce the fundamental intent of the Plan, re-emphasizing that new development should respond to the unique physical character of the area.

## **King-Spadina East Precinct Built Form Study**

The findings of the King-Spadina East Precinct Built Form Study include the principle that heights decrease generally from east to west (University Avenue to Spadina Avenue), and from south to north (Front Street to Queen Street). Within this general height trend are areas of localized conditions. One of these localized areas is south of Adelaide Street to Front Street, adjacent to the Metro Hall and Financial District area, which contains the subject site. This is a Second Tier height area with the potential for additional height. Given the local context of Metro Hall at 128 m and the approved and proposed developments on the block containing the TIFF/ Bell Lightbox, a Second Tier Height of up to 115 m may be appropriate, subject to meeting appropriate performance criteria including the objectives of the King-Spadina Secondary Plan, the 2006 King-Spadina Urban Design Guidelines and the City’s Tall Building Guidelines, as well as providing an appropriate Section 37 contribution.

Additional considerations for this particular site include shadow impacts on King Street West, which has been identified as a sunlight street and is subject to angular plane provisions in Section 12(2)260 of Zoning By-law 438-86, and the visual effects of additional height on the “Restaurant Row” character of King Street West.

## **Zoning**

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended. The RA zoning permits a range of uses and a maximum building height of 30 metres for this site. An additional 5 metres is permitted for rooftop mechanical elements. The Zoning By-law also contains a number of requirements related to building setbacks from the side and rear lot lines. Section 12(2)246 of the Zoning By-law requires a 3-metre setback above 20 metres on all street frontages.

By-law 922-2006, implementing the zoning by-law amendments arising from the 2006 King-Spadina Secondary Plan review, added provisions that included requirements for windows of dwelling units to maintain a separation of 15 m, and 7.5 m to a lot line that is not a public street. By-law 922-2006 is under appeal to the Ontario Municipal Board.

## **King-Spadina Urban Design Guidelines**

The King-Spadina Urban Design Guidelines (2004) support the implementation of the King-Spadina Secondary Plan. Updated King-Spadina Urban Design Guidelines were endorsed by City Council in September 2006. The updated Guidelines seek to encourage buildings with podiums that relate to nearby historic buildings, and evaluate tall buildings in terms of massing and height and impacts on light, view, privacy, sunlight access and wind conditions, as well as ensuring that the potential for other sites appropriate for tall buildings to develop in a similar manner is maintained. As well, setbacks between 3 and 9m are encouraged for tall portions of buildings so as to not overwhelm the street wall.

In addition to these Guidelines, tall buildings are to be assessed in accordance with the City's Tall Building Design Guidelines, including guidelines for tower separation, floor plate and sky view and shadow impacts.

## **City of Toronto Tall Building Guidelines**

The Tall Building Guidelines provide direction on matters related to the scale of buildings, building floor plates and spatial separation. Key criteria in the Guidelines are minimum facing distances of 25 metres between towers in order to achieve appropriate light and privacy, minimum side and rear yard tower setbacks of 12.5 m, and articulation of tower floor plates that are larger than 743 sq. m. to break down the massing of the building.

## **Site Plan Control**

The proposed development is subject to site plan approval. An application has not yet been submitted.

## **Reasons for Application**

The application proposes a height of 111.6 metres including the mechanical penthouse. This exceeds the maximum permitted building height by 81.6 metres.

A number of other variances are required for the proposal, including:

- Tower step back beyond a 20 m height on the Mercer Street frontage;

- Setback from the rear lane
- Permitted balcony and other projections;
- The amount of indoor residential amenity space is deficient by approximately 76 sq. m given the current unit count;
- The residential parking supply ratio is lower than typically required in the King-Spadina area;
- The proposal does not provide a Type B loading space.

An Official Plan amendment is not required.

### **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 proposal is consistent with the PPS by proposing intensification within a built-up urban area near higher order transportation.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by proposing intensification within the Downtown, which is identified as an Urban Growth Area.

### **Land Use**

The replacement of a large surface parking lot with a residential mixed use development is consistent with the policy direction of the Official Plan and the King-Spadina Secondary Plan.

### **Height and Massing**

Staff have been working cooperatively with this applicant and are of the opinion that this proposal generally meets the built form criteria of the King Spadina East Precinct Built Form Study.

The proposal's height of 111.6 m falls within the 115 m Second Tier height limit recommended by the Built Form Study. In the opinion of staff, it is important to maintain the visual prominence of the 157 m tall TIFF/Bell Lightbox development to the north of the site, as well as the 128 m tall Metro Hall, both of which were intended as landmark buildings at the time of their approval. The original height proposed for the tower was approximately 126.5 metres, which was very similar in height to Metro Hall and did not allow a "readable" difference from the pedestrian level. The revised height is approximately 16 m lower than Metro Hall, and preserves its visual prominence. The

proposed height is also lower than the buildings proposed and approved in the TIFF/ Bell Lightbox block, and therefore allows that block to continue to be a landmark for the King-Spadina East Precinct.

Studies completed by Planning staff have concluded that King Street's "Restaurant Row" makes a strong contribution to the heritage character of the King-Spadina East Precinct and a significant draw for the area. Restaurant Row should be protected in terms of sunlight access, sky view, visual character and scale. The location of the proposed tower element is at the corner of John and Mercer Streets, next to Metro Hall. This tower location provides the least visual impact on Restaurant Row, as height is concentrated at the easternmost edge of Restaurant Row.

The tower's floor plate of approximately 790 square metres is somewhat larger than the 743 square metre floor plate favoured by the Tall Building Guidelines, however it is an improvement over the originally proposed floor plate of 966 square metres. The site is large and the positioning of the tower allows a 25 m separation distance and adequate light, view and privacy between the proposed tower and adjacent tall buildings at Metro Hall and 50 John Street.

The proposal's five storey podium is generally consistent in height with the setback at the terrace level of the nearby Le Germain hotel. It has been notched back at the front and rear next to the listed 3-storey building at 24 Mercer Street to better relate to the setback of the heritage building and allow light to a side window. The detailed design and materials of the podium will be further refined during the Site Plan review process to ensure compatibility with the heritage character of Mercer Street.

Above a height of approximately 8 m, the podium portion of the building encroaches above the lands that the applicant is conveying to the City to widen the lane. The encroachment consists of balconies, indoor amenity space, and small portions of residential units facing north. Residential and amenity space will not be permitted to encroach over the lane, and any balcony encroachment must be approved by Right-of-Way Management and subject to an encroachment agreement. This issue is still under discussion between the applicant and staff. The site-specific zoning by-law provided to the October 13, 2009 meeting of Toronto and East York Community Council will eliminate the encroachment, as per the requirements of the most up to date memorandum from Technical Services. Should the balcony encroachment be subsequently permitted by Right-of-Way Management, a supplementary report will be provided to Toronto and East York Community Council and/or City Council prior to the introduction of Bills.

The tower portion of the building steps back less than 3 m above the podium along the Mercer Street frontage. This is acceptable.

### **Sunlight Access, Skyview and Shadow**

The site is directly south of King Street West, which has a height limit of 30 metres and a 44 degree angular plane from the street line at the 16 metre height level. The purpose of

the angular plane is to minimize shadow impacts and ensure sky views at pedestrian level on King Street West.

King Street is subject to an angular plane intended to preserve sunlight on the street. The Restaurant Row portion of King Street contains a number of outdoor patios that are a draw for people in the warmer months. While the Restaurant Row buildings themselves shadow the south sidewalk for much of the day, preserving sunlight on the north side of the street provides a greater sense of light for the patio patrons. The proposed building produces impacts on both the north and south sides of King Street West in the morning in March and September. The shadow has moved off of the north side of King Street across from Restaurant Row by approximately 2:30 pm in March and September and by approximately noon in June.

The proposed development will have no shadow impact on any public parks. The open space on the north side of Metro Hall is impacted in mid-afternoon in spring and late summer/fall.

## **Wind**

A pedestrian level wind study has not yet been submitted by the applicant but will be required as part of the Site Plan Approval application. The implementation of any wind mitigation measures required by the wind study will be secured in the Section 37 agreement.

## **Traffic Impact, Access, Parking**

A Traffic Impact Study submitted by the applicant concluded that the development will not have a noticeable impact on traffic impact on the adjacent road system.

The proposal includes 190 vehicular parking spaces, including 3 car-share spaces and 20 visitor spaces, plus 200 bicycle parking spaces, in five below grade parking levels. The applicant is proposing a reduced residential parking supply ratio relative to the Zoning By-law requirements for the King-Spadina area, which would require a total of 234 vehicular spaces. The number of required parking spaces for visitors and for bicycles will meet the requirements of the Zoning By-Law. Providing parking for residents in accordance with the requirements would require the applicant to provide another level of below grade parking.

The applicant's proposed parking ratio results in 26 fewer parking spots than would be required by the Zoning By-law requirements given the current unit mix. However, the applicant is providing 44 fewer spaces than required. This will be mitigated by a net reduction of 27 spaces that the applicant is seeking through supplying 3 car-share spaces at a reduction of 10 parking spaces per car-share vehicle. This creates a total net reduction of 17 spaces as compared to the Zoning By-law requirement. The proposal is situated on the King streetcar line and is approximately two blocks from the subway. Providing fewer parking spots for residents is consistent with encouraging the use of transit and cycling in the downtown.

Technical Services staff have requested that the applicant provide further analysis to support the reduced parking ratio. This information is pending. The site-specific by-law provided to the October 13, 2009 meeting of Toronto and East York Community Council will require the applicant to provide parking in accordance with the Zoning By-law requirements for the King-Spadina area, as per the requirements of the most up to date memorandum from Technical Services. Should Technical Services staff accept the reduced ratio, a supplementary report will be provided to Toronto and East York Community Council and/or City Council prior to the introduction of Bills.

Access to the parking for the building is proposed from John Street, adjacent to the city-owned lane to the north of the site. The access was not possible from the lane, due to the configuration and layout of the loading and ground floor areas of the proposal. The original access was from Mercer Street, directly adjacent to the three-storey listed building at 24 Mercer Street. Concerns from the owner of Mercer Street and discussions with staff resulted in the relocation of the access. The applicant has agreed to incorporate into the building two utility boxes belonging to Bell and Rogers, which are currently next to the John Street sidewalk, which will improve the pedestrian space. In addition, the applicant has agreed to use part of its public art contribution towards the treatment of the parking garage entrance on John Street. Both the relocation of the utility boxes and the public art treatment of the parking entrance will be secured in the Section 37 agreement.

Proposed loading facilities are accessed from the lane. One Type B and one Type G loading space are required by the Zoning By-law. The applicant is proposing to provide one Type G loading space, which has been accepted by Technical Services. Details regarding the loading space will be resolved during Site Plan review.

The applicant will be required to widen the existing lane to the north of subject site. The proposal will encroach both above and below the widening. Discussions between the applicant and Technical Services staff led to a resolution and the proposed encroachments are acceptable.

## **Servicing**

The Functional Servicing Report submitted by the applicant was acceptable.

## **Amenity Space**

The proposed indoor amenity space is less than the required 674 sq. m given the current unit count, however it is acceptable. Details such as the provision of kitchen and washroom facilities within the amenity space will be resolved during the Site Plan review process.

## **Heritage**

The proposal is adjacent to Restaurant Row along King Street West, which contains a designated building and a number of other buildings that are proposed to be listed in the Inventory of Heritage Properties. It is also adjacent to the listed building at 24 Mercer Street and across from a designated building at 15-33 Mercer Street. The proposal's relationship to these heritage resources has been discussed above.

Stage 1 and Stage 2 Archaeological Assessments were submitted for the property. Heritage Preservation Staff concur with the conclusions of the applicant's assessment and have determined that there is no archaeological concern with the project.

As noted above, the detailed design and proposed materials of the podium will be further discussed and refined during the Site Plan review process to ensure compatibility to the heritage character buildings on Mercer Street. The applicant has also agreed to develop a heritage interpretive program for Mercer Street as part of the project.

### **Large Units and Affordable Units**

The applicant will provide 10% of the units in the building as units with 3 or more bedrooms suitable for families, or convertible into units with 3 or more bedrooms. This will be secured in the Section 37 Agreement for the development. In addition, a contribution to affordable housing in Ward 20 will be secured in the Section 37 Agreement.

### **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 0.42 to 0.78 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 337 residential units on a site of 0.2 hectares (2,000m<sup>2</sup>). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.4493 hectares (4,493m<sup>2</sup>). However, a cap of 10% applies and hence the parkland dedication for the residential component of the development would be 0.02 hectares (200m<sup>2</sup>).

The applicant proposes to satisfy the parkland dedication through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 0.02 hectares (200m<sup>2</sup>) would not be of a useable size and the site would be fully encumbered with below grade parking.

The actual amount of cash-in-lieu to be paid will be determined at the time of the issuance of the building permit.

### **Streetscape**

The subject site is on John Street, which is the subject of a comprehensive streetscape improvement project to acknowledge the street's significance as a Cultural Corridor through streetscape design and public art. The John Street initiative is in the early design stage, and new developments along John Street will be expected to make streetscape improvements in the context of a coordinated streetscape strategy. The applicant

participated in a design charrette for John Street held in March 2009 and will be making improvements to John Street as part of the initiative.

The applicant also wishes to make improvements to Mercer Street, and has indicated a willingness to coordinate with staff and with adjacent and nearby developments to achieve a coordinated streetscape design for Mercer.

The proposal contributes to street animation on both John and Mercer streets by providing a residential entrance and a number of retail entrances on Mercer Street, as well as a retail entrance on John Street, and an attractive treatment of the parking and loading entrance to mitigate its location on John Street.

### **Toronto Green Standard**

The applicant proposes to meet a number of the minimum recommended measures in the Toronto Green Standard. These will be referenced in the Section 37 agreement. Further refinements to the green features of the proposal are expected through the Site Plan review process.

### **Section 37**

This application is subject to a contribution pursuant to Section 37 of the Planning Act. A contribution has been negotiated, in consultation with the Ward Councillor, that is consistent with the Section 37 contributions of recent approvals in King-Spadina. The Section 37 agreement will allow for the cash contribution to be reduced if the applicant carries out certain streetscape improvements as listed below:

- the relocation of the Bell and Rogers utility boxes from John Street to the interior of the building at an estimated cost of over \$400,000;
- the implementation of streetscape improvements to Mercer Street exceeding typical City standards, and potentially beyond the area immediately adjacent to the site; and
- implementation of improvements to John Street exceeding typical City standards and in keeping with the emerging design concept for John Street.

To this end, the Section 37 agreement will include an “upset limit” cash contribution, with flexibility to decrease the cash in exchange for the benefits listed above.

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

- a. An indexed cash contribution of \$1,300,000 prior to the first above-grade building permit, of which 10% will be allocated to affordable housing in Ward 20, and the remainder for the provision of one of more of the



following: streetscape improvements to John Street and Mercer Street, Heritage Conservation District Studies in the King Spadina East Precinct subject to the appropriate Official Plan Amendment coming into force and effect, and design development supporting the John Street streetscape project;

- b. A reduction of the cash contribution of 50% of the cost of relocating Bell and Rogers utility boxes from John Street to inside the development, up to a maximum of \$300,000;
- c. A reduction of the cash contribution for the implementation of streetscape improvements to John Street and/or Mercer Street to a level beyond a standard Site Plan approval, to a maximum of \$100,000;
- d. \$50,000 of the cash contribution is to be provided prior to the enactment of Bills, for the purpose of contributing to one or more Heritage Conservation District studies within the East Precinct of King-Spadina, subject to the appropriate Official Plan Amendment coming into force and effect, or design development for the John Street and/or Mercer Street streetscapes;
- e. A public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, with up to 50% of the public art contribution to be used on the development, including treatment of the proposed parking entrance on John Street, with the remainder allocated to the John Street streetscape improvement initiative;
- f. The implementation of a heritage interpretation program for Mercer Street and/or John Street to the satisfaction of the Chief Planner and Executive Director, City Planning.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support the development:

- g. Architectural plans, elevations and landscaping including 1:50 scale elevations, will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application submit 1:50 scale drawings in conformity with this requirement for the five storey podium;
- h. The owner shall incorporate in the construction of the buildings and thereafter maintain exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- i. The owner shall provide a minimum of ten percent (10%) of the residential units in the building having at least three bedrooms, or be convertible to three or more bedrooms;
- j. The owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, City Planning Division, date-stamped August 20, 2009;
- k. The owner shall provide and maintain an irrigation system, at the applicant's expense, for proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirements to maintain in good order and operation;
- l. The implementation of any wind mitigation measures required by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning Division, to be submitted as part of a revised application for Site Plan Approval.

### **Development Charges**

It is estimated that the development charges for this project will be \$ 2,170,000. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **CONCLUSION**

The proposal provides a generally desirable redevelopment of a parking lot with a mixed use building. The proposal provides an appropriately-scaled podium and will contribute to the improvement of the John Street and Mercer Street streetscapes. It is generally consistent with the direction of the King-Spadina East Precinct Built Form Study in that it is located in a Second Tier height area that accommodate tall buildings without

destabilizing the warehouse built form character of the area, and meets the intent of the Tall Building Guidelines.

## **CONTACT**

Judy Josefowicz, Senior Planner

Tel. No. 416 392-1306

Fax No. 416 392-1330

E-mail: [jjosefo@toronto.ca](mailto:jjosefo@toronto.ca)

## **SIGNATURE**

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Raymond David, Director  
Community Planning, Toronto and East York District

(P:\2009\Cluster B\pln\teycc\23194234017.doc)

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: West and East Elevation

Attachment 3: South Elevation

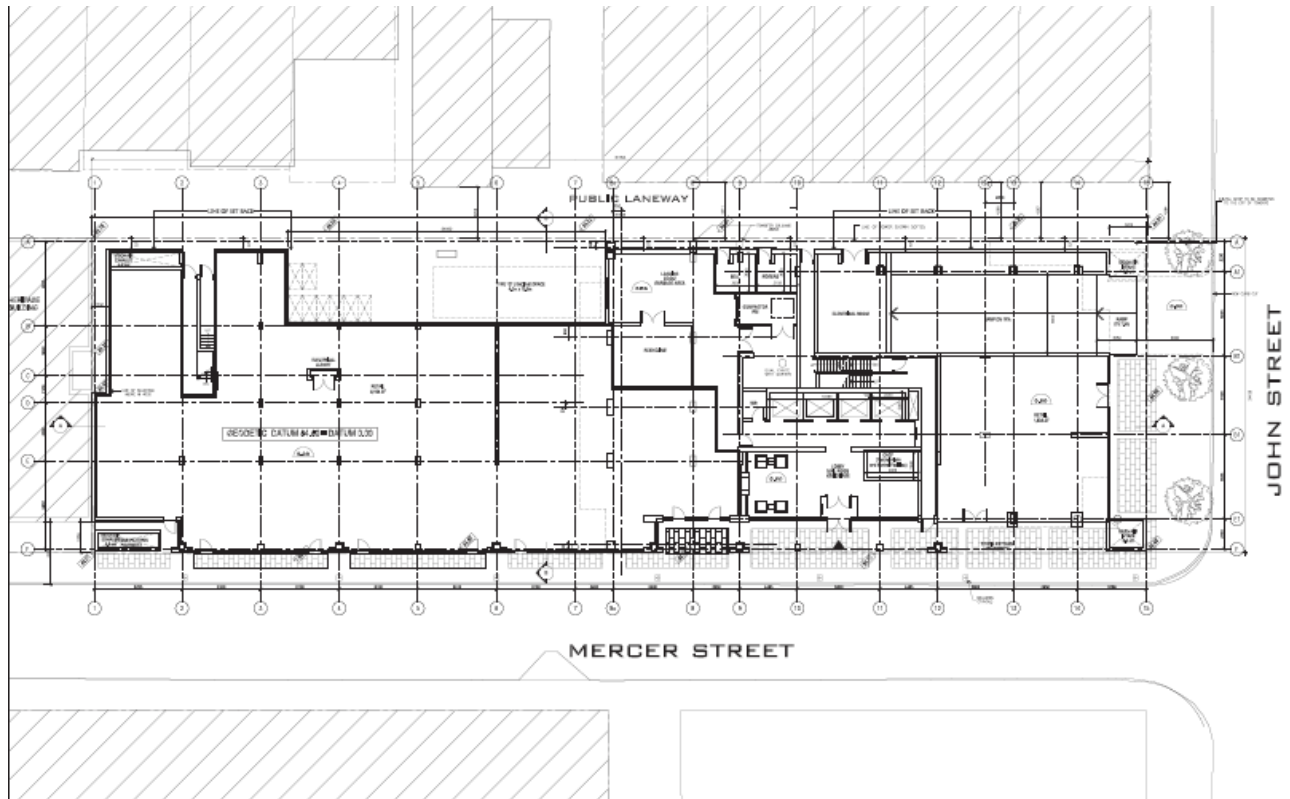
Attachment 4: North Elevation

Attachment 5: Zoning

Attachment 6: Application Data Sheet

Attachment 7: Draft Zoning By-law Amendment

## Attachment 1: Site Plan



### Site Plan Street

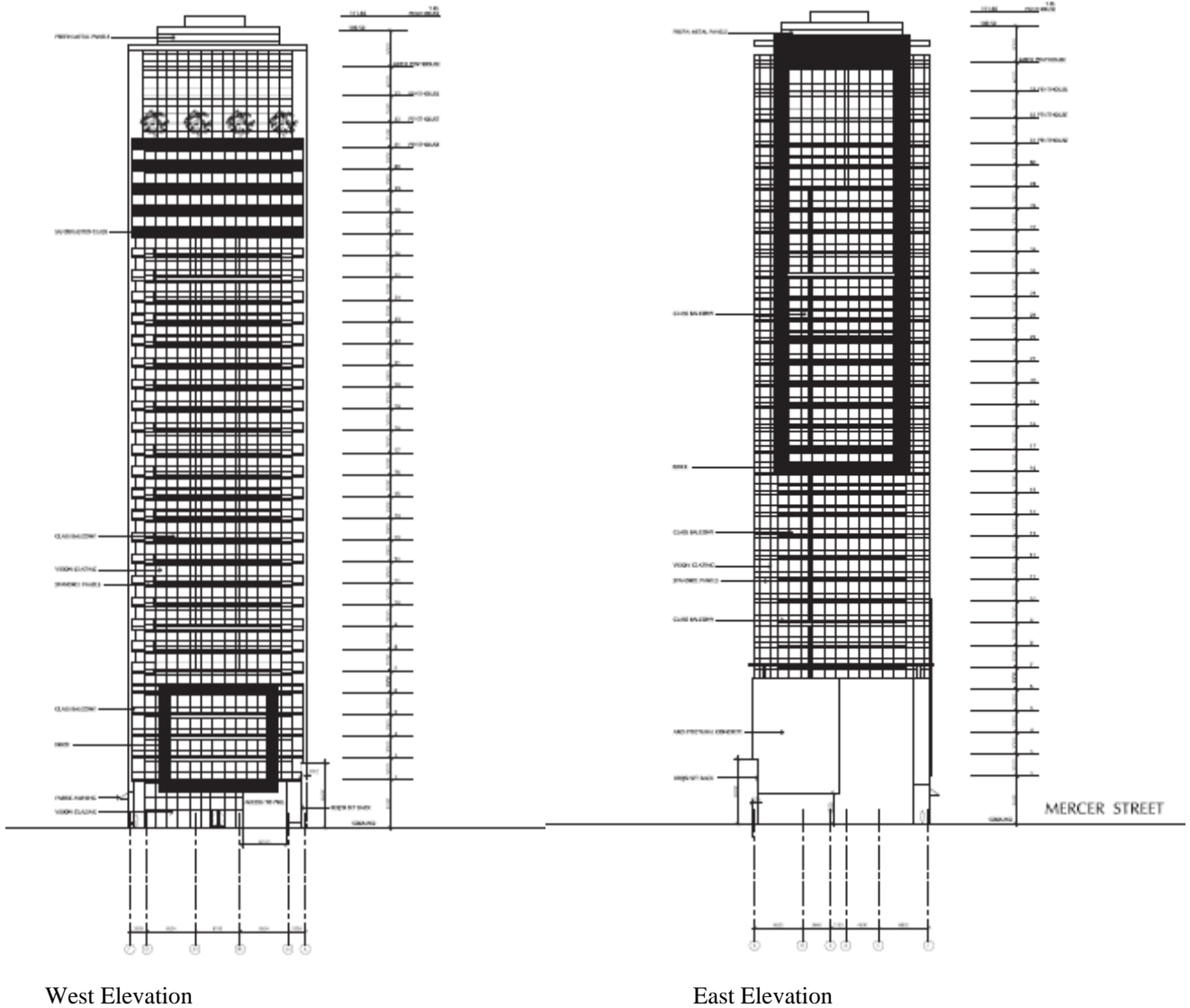
60 John Street, 12-18 Mercer

Applicant's Submitted Drawing

Not to Scale ↗

File # 08 141778 STE 20 OZ

## Attachment 2: West and East Elevations



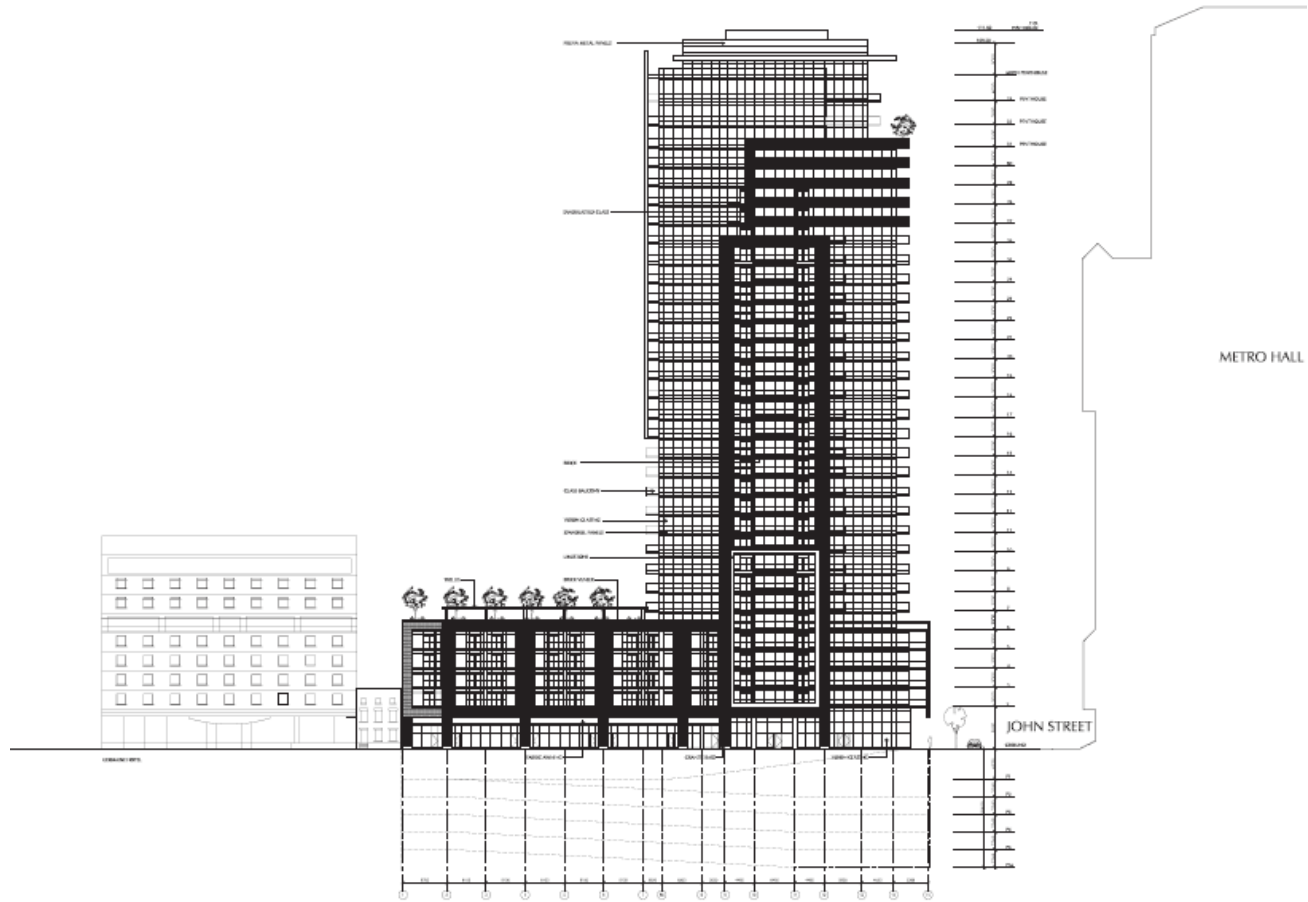
### West and East Elevation Mercer Street

Applicant's Submitted Drawing  
Not to Scale

### 60 John Street, 12-18

File # 08 141778 STE 20 OZ

### Attachment 3: South Elevation



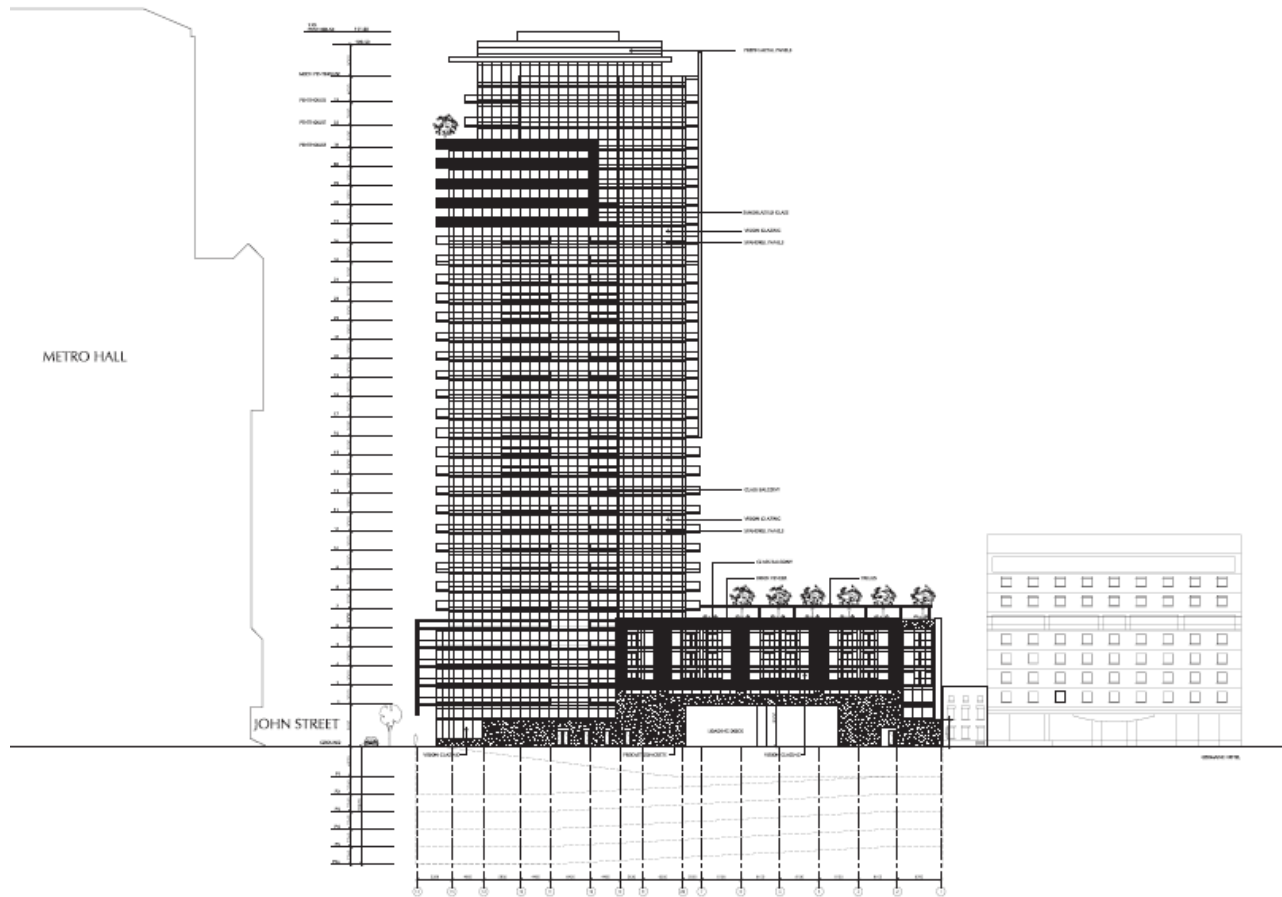
## South Elevation 18 Mercer Street

Applicant's Submitted Drawing  
Not to Scale

60 John Street, 12-

File # 08 141778 STE 20 OZ

## Attachment 4: North Elevation



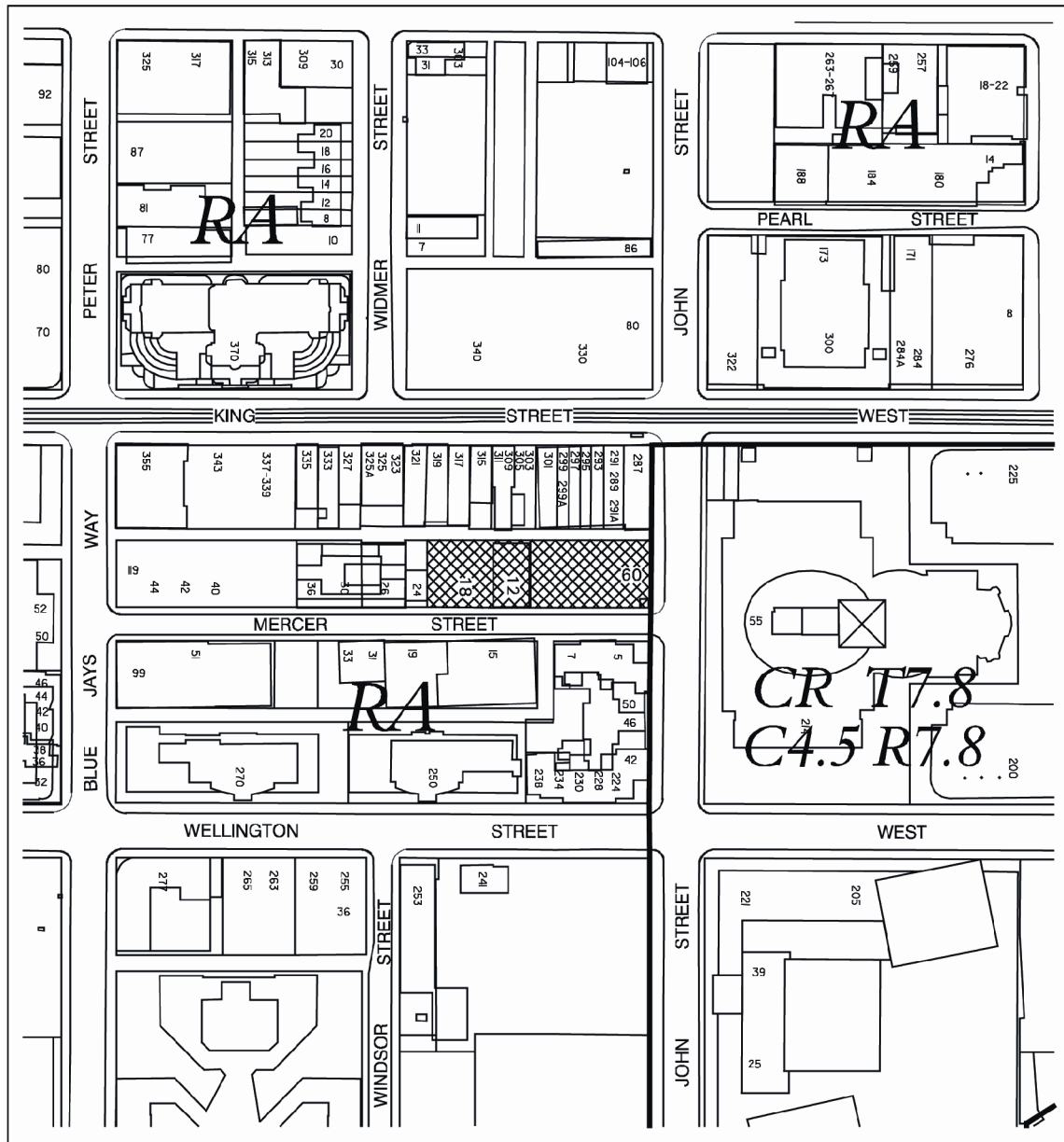
### North Elevation 18 Mercer Street

Applicant's Submitted Drawing  
Not to Scale

60 John Street, 12-

File # 08 141778 STE 20 OZ

## Attachment 5: Zoning



**TORONTO** City Planning  
Zoning

60 John Street & 12 - 18 Mercer Street

File # 08\_141778

RA Mixed-Use District  
CR Mixed-Use District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 05/23/08 - TA



## Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	08 141778 STE 20 OZ
Details	Rezoning, Standard	Application Date:	March 31, 2008

Municipal Address:	60 JOHN ST
Location Description:	PL 57 LTS 20 TO 24 PT LT19 **GRID S2015
Project Description:	Rezoning to permit the re-development of the lands (existing paid parking lot and 4 storey office building) for 33 storey mixed use building containing 337 dwelling units and grade related retail and 5 levels of below grade parking.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BARRY STERN		BBB Architects	SWISS CANADIAN MNGMT CO LTD

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	RA	Historical Status:
Height Limit (m):	30	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	2000	Height:	Storeys:	33
Frontage (m):	81.89		Metres:	111.6
Depth (m):	24.43			
Total Ground Floor Area (sq. m):	1425			<b>Total</b>
Total Residential GFA (sq. m):	26977		Parking Spaces:	190
Total Non-Residential GFA (sq. m):	1002		Loading Docks	1
Total GFA (sq. m):	27979			
Lot Coverage Ratio (%):	71.3			
Floor Space Index:	13.99			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	26977	0
Bachelor:	0	Retail GFA (sq. m):	1002	0
1 Bedroom:	210	Office GFA (sq. m):	0	0
2 Bedroom:	98	Industrial GFA (sq. m):	0	0
3 + Bedroom:	29	Institutional/Other GFA (sq. m):	0	0
Total Units:	337			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Judy Josefowicz, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>416-392-1306</b>

### **Attachment 7: Draft Zoning By-law Amendment**

To be available at or before the Toronto and East York Community Council meeting on October 13, 2009