

**15-35 Mercer Street - Zoning Amendment Application - Preliminary Report**

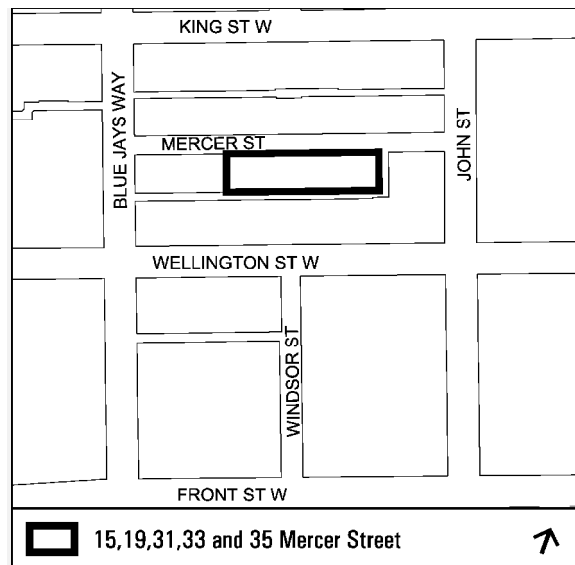
<b>Date:</b>	June 2, 2011
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity Spadina
<b>Reference Number:</b>	11 190616 STE 20 OZ

**SUMMARY**

This application was made 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 amend the former City of Toronto Zoning By-law 438-86 to permit the development of a 49-storey mixed use building. The proposed building would contain 567 residential units and be comprised of a 6-storey podium and a 42-storey tower. Retail uses are proposed at grade on Mercer Street. On-site parking is to be provided in a five (5) level underground parking garage. The applicant proposes to retain the façades of the designated heritage buildings at 15-31 Mercer Street. The façades are proposed to be integrated into the podium.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.



## RECOMMENDATIONS

---

### The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 15-35 Mercer Street 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*.

### Financial Impact

The recommendations in this report have no financial impact.

### Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on August 19, 2010 to discuss complete application submission requirements.

## ISSUE BACKGROUND

### Proposal

The applicant proposes the development of a 49 storey mixed-use building (144.2 metres, excluding mechanical). The six-storey base of the building, including the facades of the designated heritage buildings, is 14 metres in height. The mechanical elements of the building add an additional 9.0 metres in height resulting in a total height of 153.2 metres. Retail uses are proposed at grade on Mercer Street.

The proposed gross floor area of the development 37,590 square metres. The proposed residential gross floor area is 36,370 square metres and the non-residential gfa is 1,220 square metres, resulting in a floor space index of 15.6. The proposed tower has a floor plate of approximately 750 square metres. The proposed unit mix consists of 372 one-bedroom units, 183 two-bedroom units, and 12 three-bedroom units for a total of 567 units. A total of 218 parking spaces are proposed in a five (5) level underground parking garage. A total of three hundred and forty (340) bicycle parking spaces are proposed. Vehicular access to parking and loading is proposed at the east side of the site from an existing public laneway off Mercer Street. See Attachment 6 – Application Data Sheet.

### Site and Surrounding Area

The site is located on the south side of Mercer Street and comprises all of the lands between the approved development at 99 Blue Jays Way to the existing 20-storey apartment building at 50 John Street. The site has a frontage of approximately 96.1 metres on Mercer Street and has a depth of approximately 24.7 metres. The site has an overall area of 2,371 square metres (0.58 acres). There is a public lane which runs along the south and east edge of the site that will be used for servicing and vehicular access.

The properties at 15-33 Mercer Street site are occupied by commercial buildings of two and four storeys in height. All of the buildings on the site are designated under Part IV of the *Ontario Heritage Act* (By-law No. 347-92). The property at 35 Mercer Street at the west end of the site is occupied by a commercial parking lot.

The site is surrounded by the following uses:

**North:** The northern edge of the site is defined by Mercer Street which has a right-of-way of 12.2 metres. On the north side of Mercer Street immediately opposite the site is the 11 storey Hotel Le Germain and a three-storey house listed on the City's Inventory of Heritage Properties at 24 Mercer Street. To the east of these properties at 60 John Street and 12-28 Mercer Street is a four-storey commercial building and a one-storey sales centre. This property has been approved as the site of a 33-storey mixed-use building with a five-storey podium (the Mercer) through By-law No. 1238-2009. To the west of the Hotel Le Germain is the property at 355 King Street West and 119 Blue Jays Way, which is occupied by the six-storey Canadian Westinghouse Building and a commercial parking lot. The site has been approved as the site of a 42 and 47-storey mixed-use building with a 7-storey podium (By-law No. 1041-2010). The proposed 42 storey tower would be located at the corner of Blue Jays Way and Mercer Street. Further to the north on the south side of King Street West are a row of two to three-storey commercial buildings dating from the 19<sup>th</sup> century, many of which are listed on the city's Inventory of Heritage Properties. On the north side of King Street West are the 20-storey Hyatt Regency Hotel and the 42-storey Festival Tower and Bell Lightbox (TIFF).

**South:** To the south of the subject site is a public laneway. To the south of the laneway are two residential apartment buildings fronting Wellington Street West, a 12 storey apartment building at 270 Wellington Street West and a 17-storey apartment building at 250 Wellington Street West. South of Wellington Street is a Toronto Hydro transformer station and the Marriott Hotel and Residences.

**West:** To the west of the site at 51 Mercer Street is a two-storey building currently occupied by the Second City Comedy Club. Further west at 99 Blue Jays Way at the south-east corner of Blue Jays Way and Mercer Street is a three-storey building currently occupied by Wayne Gretzky's Restaurant. The site of these two buildings has been approved for a 40-storey mixed-use building with a 6 and 8-storey podium (By-law 1129-2010). On the west side of Blue Jays Way is the Soho residential condominium and hotel at the corner of Blue Jays Way and Wellington Street. To the north of the Soho is the site of the former Diesel Playhouse Theatre at 56 Blue Jays Way, which has been approved as the site of a 41-storey mixed-use building (Bisha) as per By-law No. 849-2010. At the south-west corner of Blue Jays Way and King Street West is one storey contemporary commercial building at 357 King Street West which is the subject of an application for a 40-storey mixed-use building.

**East:** The eastern edge of the site is defined by a public laneway. To the east of the laneway is a 20-storey residential apartment building at 50 John Street. To the east of John Street is Metro Hall, which includes a 27-storey office tower fronting on John Street and two 15-storey office towers at 225 King Street West and 200 Wellington Street West.

## **Provincial Policy Statement and Provincial Plans**

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

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

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is designated Regeneration Area in the City of Toronto Official Plan which permits the proposed residential and commercial uses. Chapter 6.16 of the new Official Plan contains the King-Spadina Secondary Plan. The King-Spadina Secondary Plan emphasizes the reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. 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 as building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.

## **Zoning By-law 438-86**

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 5 - Zoning Map, By-law No. 438-86). The RA Zone permits a range of residential uses, as well as commercial, institutional and limited industrial uses. As part of the RA zoning controls, density standards were replaced by built form objectives expressed through height limits and setbacks.

The Zoning By-law permits a maximum building height of 30 metres for this site. An additional 5 metres is permitted for rooftop mechanical elements. A 3-metre stepback above 20 metres on all street frontages is also required.

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

The Design Criteria for Review of Tall Building Proposals 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.

## **King-Spadina Secondary Plan Review and King-Spadina East Precinct Built Form Study**

The subject site falls within the East Precinct as identified within the King-Spadina East Precinct Built Form Study, considered by Council at its meeting on October 1, 2009. The Study included 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 with different localized conditions.

The subject site is within the area identified by the Built Form Study as the "Mercer Street Block". This area is described as containing a number of heritage buildings where additional height could be accommodated. It should be noted that there have been several tall buildings approved in this area since the Built Form Study was presented to Council in 2009.

The King-Spadina East Precinct Built Form Study identified areas where additional height beyond the "First Tier" or as-of-right heights as provided in By-law 483-86 are to be considered. Applications for buildings with "Second Tier" height permissions are to be considered in light of the policy objectives in the King-Spadina planning framework as well as the built form standards that apply to any tall building development in the City, including but not limited to: respect for heritage in the immediate context; preservation of sunlight on important pedestrian streets (including King Street West); conformity with the King-Spadina Built Form Guidelines; and achieving a 25 metre tower separation and a maximum 750 square metre floor plate to address light, view and privacy.

### **Site Plan Control**

The proposed development is subject to site plan approval. No site plan submission has been made to date.

### **Reasons for the Application**

The applicant has submitted a Zoning By-law Amendment application to permit a building that exceeds the permitted maximum building height of 30 metres by approximately 123 metres, resulting in a proposed building height of 153.2 metres inclusive of the mechanical penthouse. In addition, the proposed building does not comply with other restrictions that are in effect on the lands.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Planning Rationale Report;
- Shadow Study;
- Boundary Plan of Survey;
- Architectural Plans;
- Master Landscape Plan;
- Context Plan;
- Concept Site Plan;
- Underground Garage Plans;
- Archaeological Assessment;
- Heritage Impact Assessment;
- Functional Servicing Report;
- Transportation Impact Study;
- Preliminary Pedestrian Level Wind Assessment; and
- Green Standards Checklist.

City staff are reviewing the application for completeness.

### **Issues to be Resolved**

The subject property is located within the King-Spadina Secondary Plan, East Precinct area. The Toronto Entertainment District BIA has completed a Master Plan for their boundaries, which includes this area.

Issues to be addressed include, but are not necessarily limited to:

1. Conformity with the existing Urban Structure and Built Form policies of the King-Spadina Secondary Plan, including the requirement that development result in a built form and massing which is complementary to the historic physical fabric of the area.
2. Compliance with the Design Criteria for Review of Tall Building Proposals;
3. Height and massing relationships with the immediate area and resulting shadow impacts on the public realm associated with adjacent and nearby streets and properties in the vicinity;
4. The preservation of built heritage resources;
5. Traffic, parking, site servicing, and impacts on the pedestrian realm that may result from the intensity and scale of the proposed development;
6. Identification and securing of community benefits under Section 37 of the *Planning Act*, should the proposed development, or some version thereof advance, will be assessed in accordance with Sections 5.1 and 7.2 of the King-Spadina Secondary Plan.

Additional issues may be identified through the further review, circulation to City Divisions and the community consultation process.

### **Toronto Green Standard**

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

## **CONTACT**

Dan Nicholson, Senior Planner  
Tel. No. (416) 397-4077  
Fax No. (416) 392-1330  
E-mail: [dnichol2@toronto.ca](mailto:dnichol2@toronto.ca)

## **SIGNATURE**

---

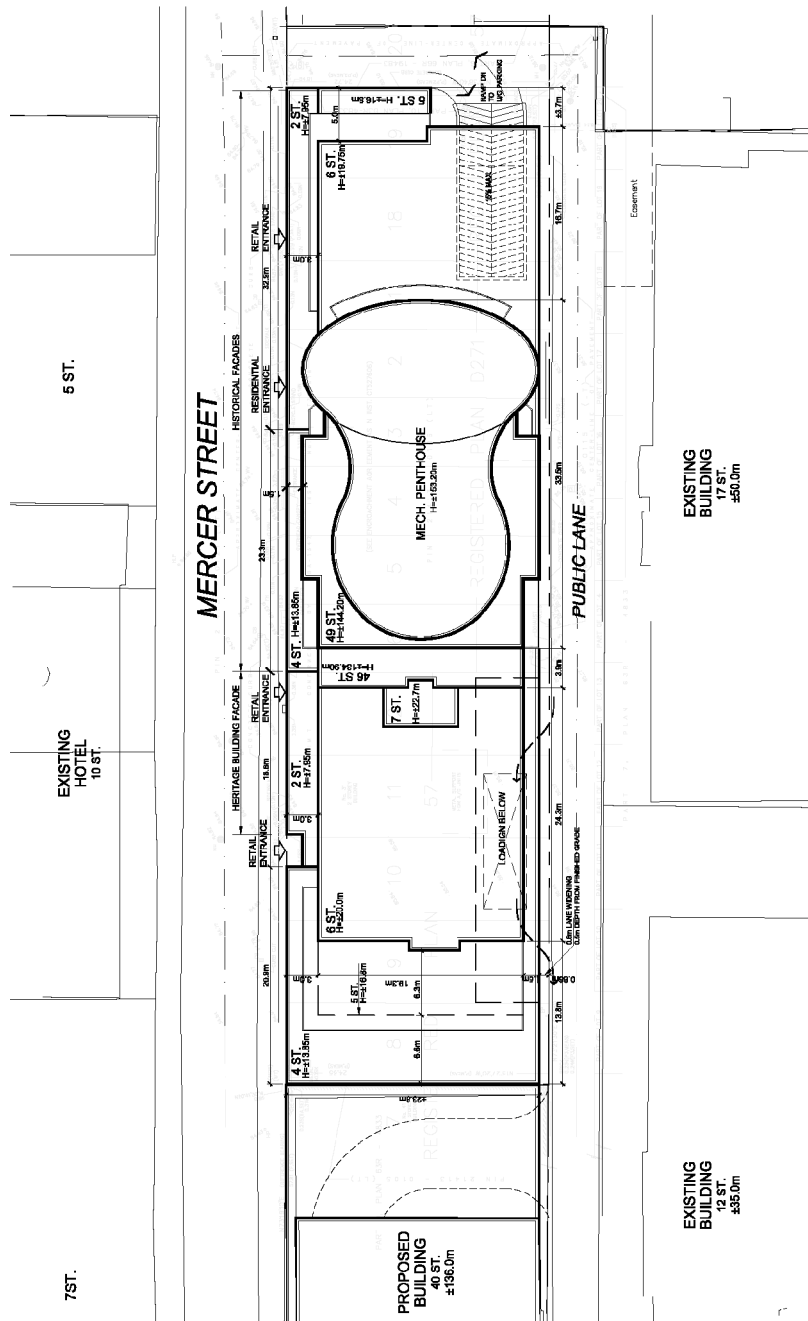
Gregg Lintern, Director, MCIP, RPP,  
Community Planning, Toronto and East York District

(p:\2011\Cluster B\pln\teycc16121677059.doc) - es

## **ATTACHMENTS**

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

# Attachment 1: Site Plan

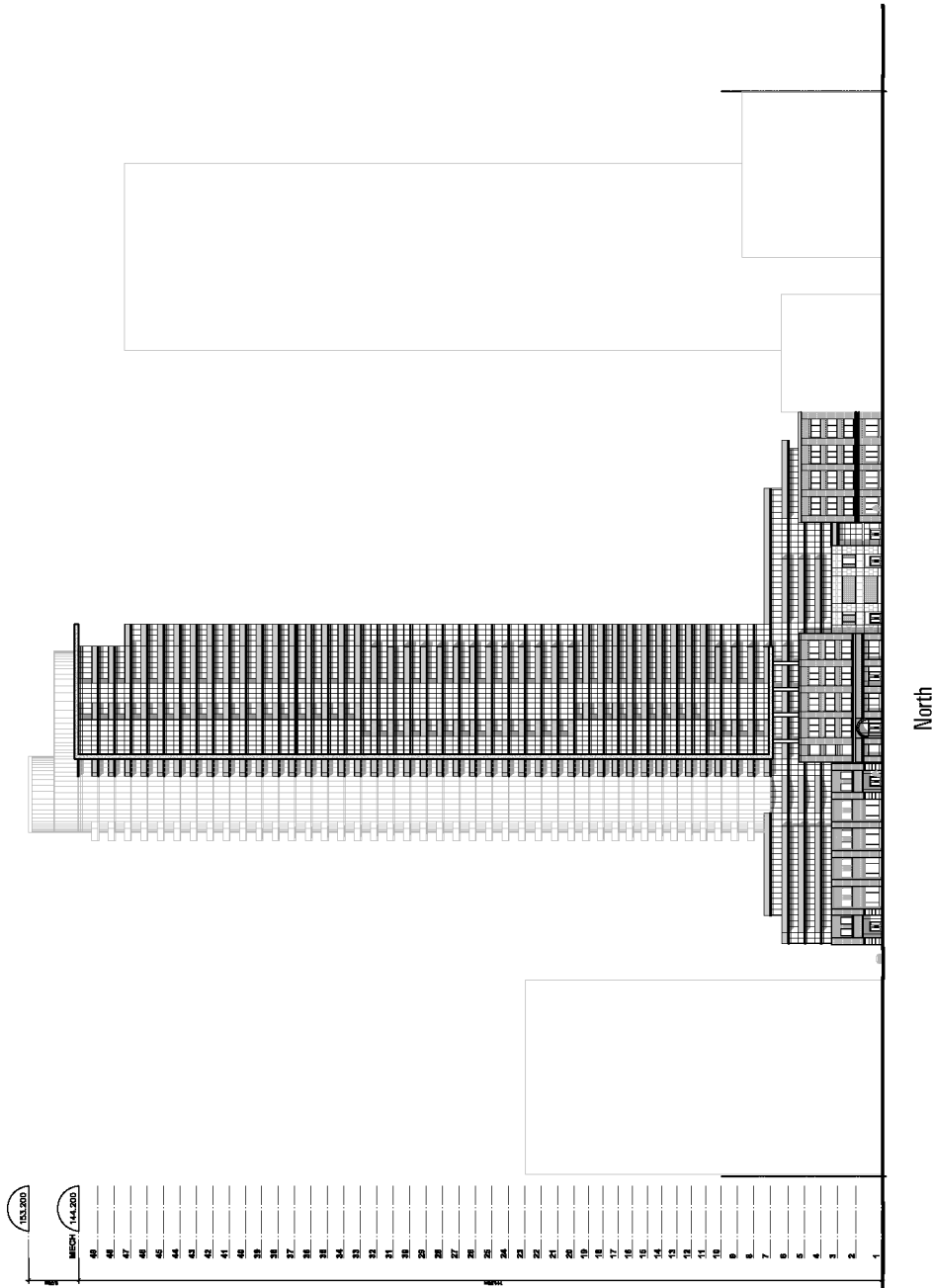


Site Plan  
 Applicant's Submitted Drawing  
 Not to Scale  
 06/30/2011

15-33 Mercer Street  
 File # 11 190616 0Z



# Attachment 2: North Elevation



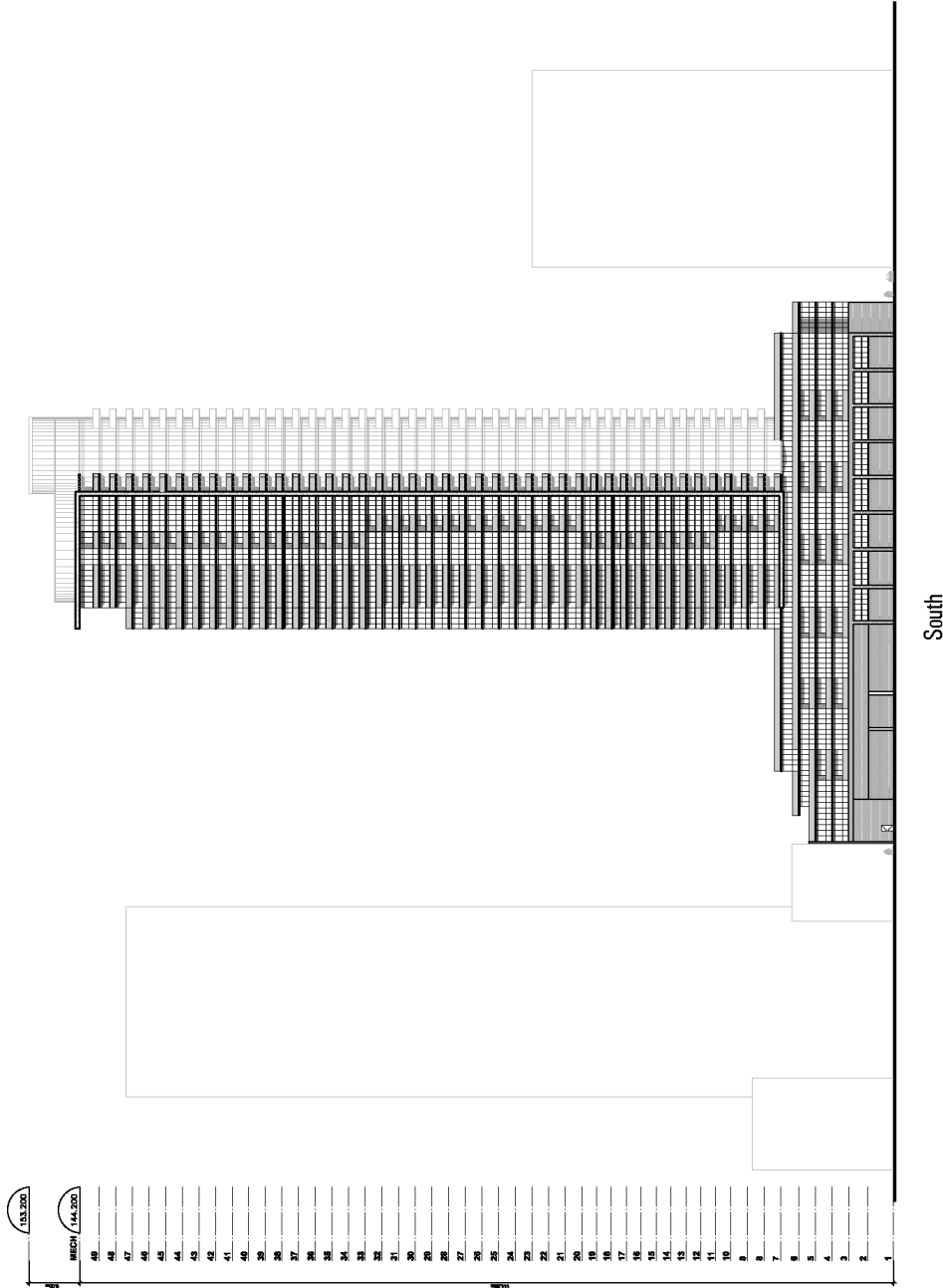
15-33 Mercer Street

Elevations  
Applicant's Submitted Drawing

File # 11 190616 0Z

Not to Scale  
05/30/2011

### Attachment 3: South Elevation

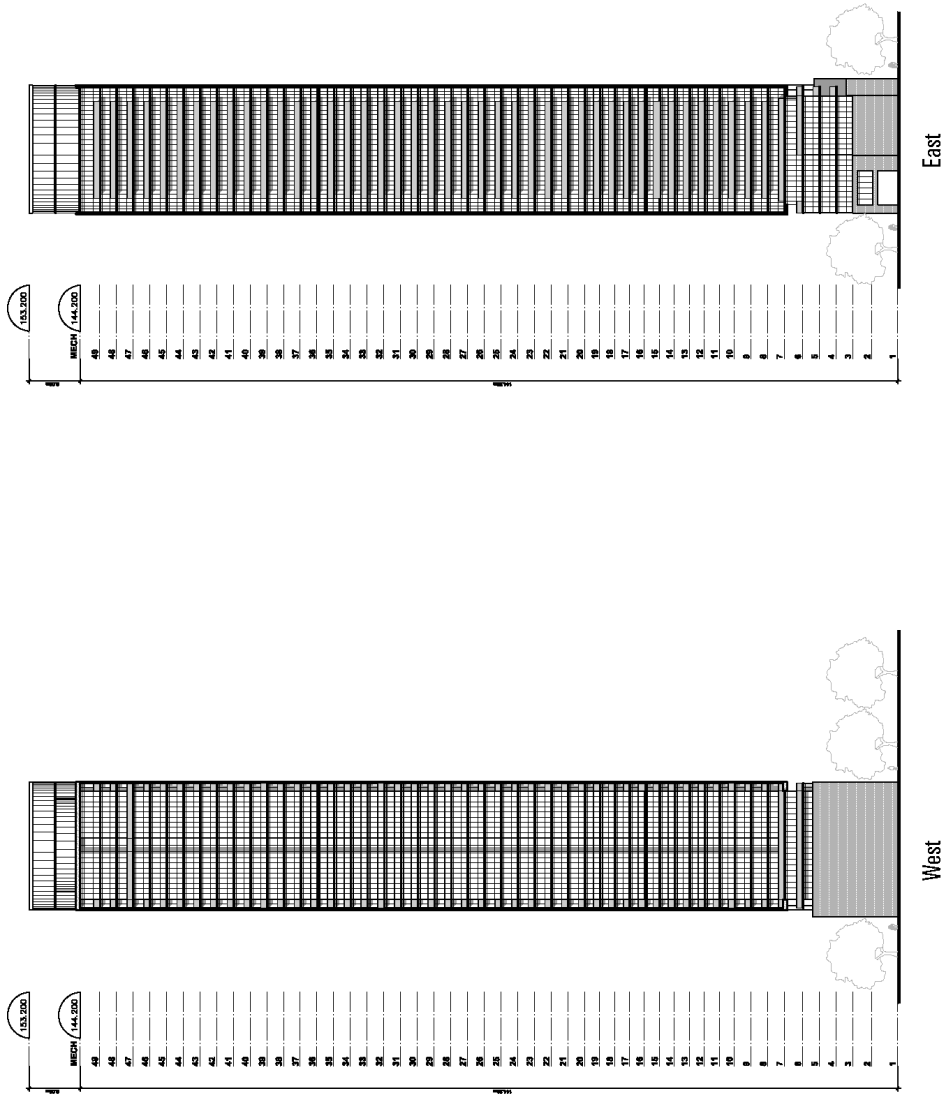


**Elevations**  
Applicant's Submitted Drawing  
Not to Scale  
06/30/2011

**15-33 Mercer Street**

File # 11 190616 0Z

**Attachment 4: East and West Elevations**



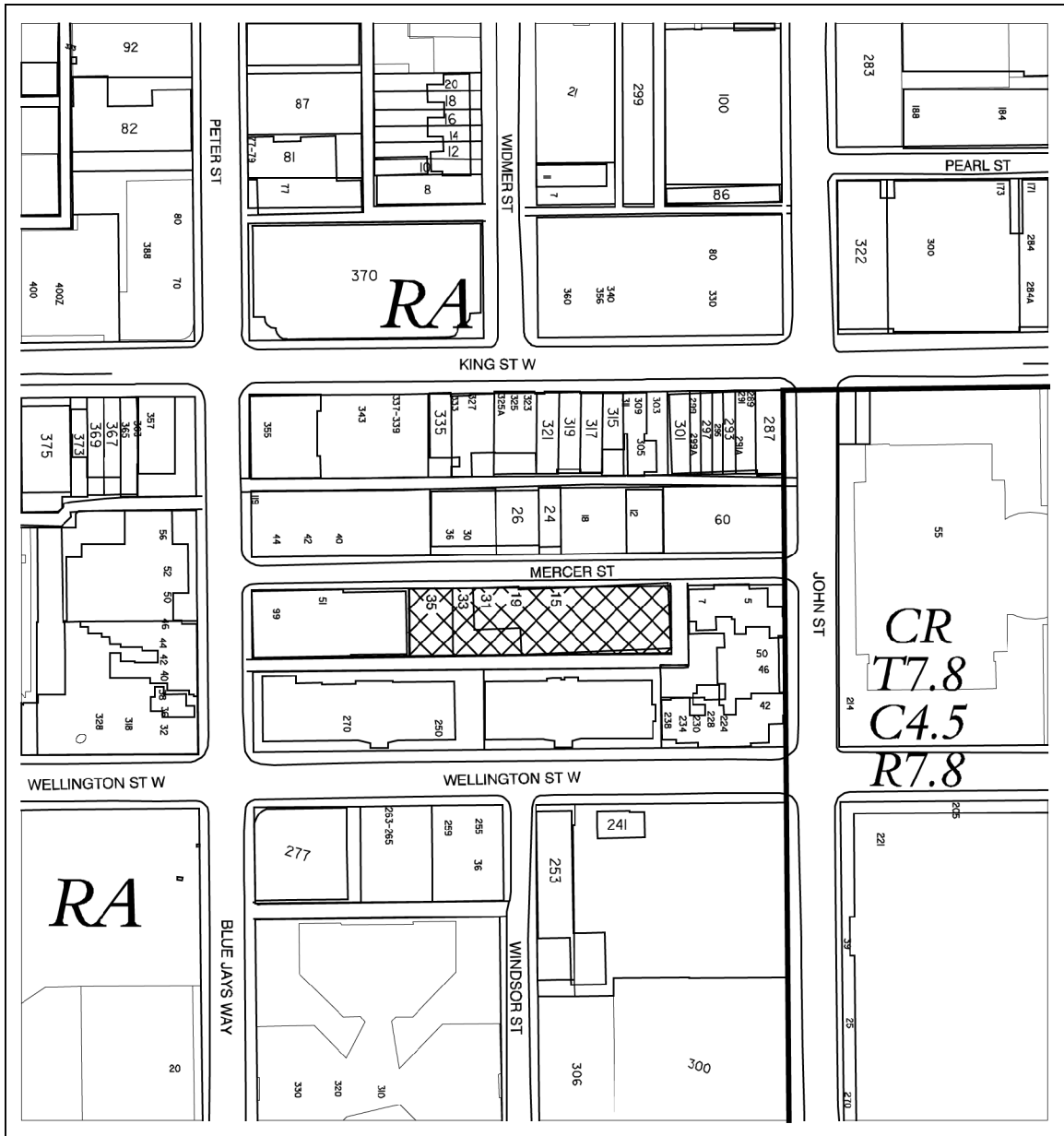
**15-33 Mercer Street**

**Elevations**  
 Applicant's Submitted Drawing

Not to Scale  
 05/30/2011

File # 11 190616 0Z

# Attachment 5: Zoning



15, 19, 31, 33 and 35 Mercer Street

File # 11\_190616\_OZ

CR Mixed-Use District  
RA Mixed-Use District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 05/30/11

## Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	11 190616 STE 20 OZ
Details	Rezoning, Standard	Application Date:	May 9, 2011
Municipal Address:	15 MERCER ST		
Location Description:	PLAN D271 LOTS 1 TO 6 PLAN 253A LOTS 8 TO 12 LOTS 18 & 19 **GRID S2015		
Project Description:	Rezoning application to permit the redevelopment of the lands for the purposes of a new mixed use building consisting of a 49 storey tower and a 6 storey base building. The development would include 567 residential dwelling units and 1,220 square meters of retail ground floor space. 218 Parking spaces are proposed in a five level underground parking garage. Included in the proposal is the retention of the street facing facades of the designated heritage buildings which are located on the property.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
C/O AIRD AND BERLIS, BARRISTERS & SOLICITORS		PAGE + STEELE /IBI GROUP ARCHITECTS	ANDREW ADLER INVESTMENTS LIMITED

### PLANNING CONTROLS

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

### PROJECT INFORMATION

Site Area (sq. m):	2,370.7	Height:	Storeys:	49
Frontage (m):	96.07		Metres:	144.2 (excl. mechanical)
Depth (m):	24.72			
Total Ground Floor Area (sq. m):	1930			<b>Total</b>
Total Residential GFA (sq. m):	36,370		Parking Spaces:	218
Total Non-Residential GFA (sq. m):	1,220		Loading Docks	2
Total GFA (sq. m):	37,590			
Lot Coverage Ratio (%):	81.4			
Floor Space Index:	15.86			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	36,370	0
Bachelor:	0	Retail GFA (sq. m):	1,220	0
1 Bedroom:	372	Office GFA (sq. m):	0	0
2 Bedroom:	183	Industrial GFA (sq. m):	0	0
3 + Bedroom:	12	Institutional/Other GFA (sq. m):	0	0
Total Units:	567			

**CONTACT:      PLANNER NAME:      Dan Nicholson, Senior Planner**  
**TELEPHONE:      (416) 397-4077**