

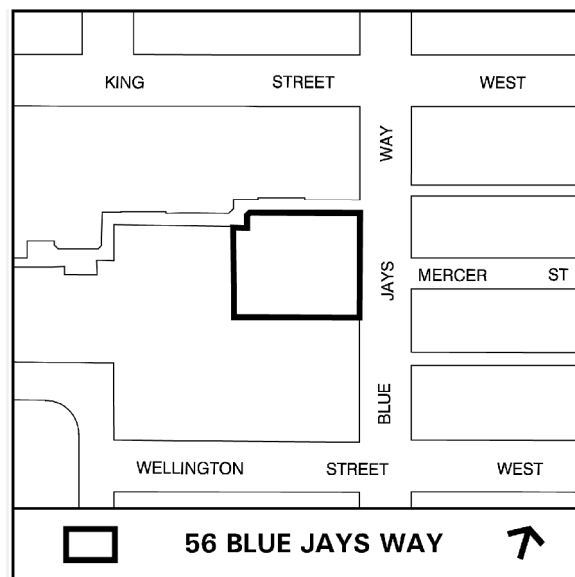
**56 Blue Jays Way – Zoning By-law Amendment –
Supplementary Report**

Date:	August 15, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	08 209949 STE 20 OZ

SUMMARY

The lands at 56 Blue Jays Way were rezoned in 2007 (By-law 1067-2007) to permit an 18-storey building. The lands were subsequently rezoned in 2010 (By-law 849-2010) to permit a 41-storey mixed use building at 56 Blue Jays Way. Amongst other matters, the rezoning required an amendment to the existing Heritage Easement Agreement registered on the site to address the revised proposal and permitted alterations, the submission of a Conservation Plan satisfactory to the Manager of Heritage Preservation Services, a securing letter of credit and restoration of the heritage façade. The approvals of both the 2007 and 2010 rezonings required the heritage façade to be retained intact, *in situ* (in place) and not disassembled. Additionally, other Section 37 benefits and related Section 37 Agreements were required for both rezonings.

This report recommends amendments to Zoning By-law 849-2010 and the Section 37 Agreement in order to allow the retained eastern façade (the "Heritage Façade") of the Diesel Theatre to be temporarily relocated within the site during the construction of the building (the building allowed under By-law 849-2010). The Heritage Façade would be returned to its original location, integrated into the new building and restored prior to completion of the redevelopment and, in any event, prior



to any portion of the new building being used for any commercial or residential purpose. The requirement that the Heritage Façade be retained intact and not disassembled remains unchanged. Amendments to the Heritage Easement Agreement and related Conservation Plan are also required and will be addressed in a report on the alteration of the designated property from Heritage Preservation Services staff being prepared for the September 7, 2011 meeting of the Toronto Preservation Board .

With the exception of the temporary relocation of the Heritage Façade and the requirement for a revised Conservation Plan, an amended Heritage Easement Agreement and an appropriate letter of credit to secure the relocation and return of such façade, the redevelopment and the Section 37 contributions remain unchanged.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council adopt the draft Zoning By-law Amendment to By-law 849-2010, attached as Attachment 1, to the report from the Director, Community Planning, Toronto and East York District, dated August 15, 2011, for the lands at 56 Blue Jays Way.
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 bill for enactment, City Council authorize City officials and require the owner to execute agreements to amend both the existing Section 37 Agreement and the existing Heritage Easement Agreement for 56 Blue Jays Way, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, with such agreements to be registered on title to the lands in a manner satisfactory to the City Solicitor, to reflect the changes as described in this report, including a revised Conservation Plan and letter of credit to reflect any increases, satisfactory to the Manager Heritage Preservation Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The lands at 56 Blue Jays Way were rezoned in 2007 (By-law 1067-2007) to permit an 18 storey building. In 2010 (By-law 849-2010) the lands were rezoned to permit a 41-storey mixed use building at 56 Blue Jays Way. The By-law detailed Section 37 contributions. Among other things, the registered Section 37 Agreement secures requirements related to the conservation of the façade of the Diesel Theatre to be retained as part of the development.

This report recommends amendments to the Section 37 Agreement and Section 37 related provisions of Zoning By-law 849-2010. The revisions to the Section 37 Agreement described in this report reflect a revised Heritage Impact Assessment submitted by the owner of the site, which proposes the temporary on-site relocation of the eastern façade of the Diesel Theatre during the construction of the new building on the site. The applicant is proposing that the Heritage Façade be moved intact and not dismantled. The prior applications adopted by City Council for this site required that the Heritage Façade be retained in its original location during construction of the new building. The façade of the Diesel Theatre will ultimately be incorporated into the façade of the new building, and restored, as had been originally proposed.

COMMENTS

The former George Crookshank House (56 Blue Jays Way) was designated by Toronto City Council under Part IV of the *Ontario Heritage Act* on December, 2007 (By-law 1362-2007). A pre-existing Heritage Easement Agreement was registered on November 21, 1996 that protected the east wall façade of the then listed property, and permitted alterations and development of a compatible scale.

The owner of the site has recently proposed a revised conservation strategy that temporarily relocates the Heritage Façade within the site during construction. The Heritage Façade will then be returned to its original location and be fully restored (Heritage Impact Assessment submitted by E.R.A. Architects Ltd., dated May 19, 2011). The current requirement that the Heritage Façade be incorporated into the façade of the proposed building remains unchanged. This differs from the original Heritage Impact Statement (HIS) prepared by AREA Ltd., received October 10, 2008, which is expressly referenced in the site specific Zoning By-law 849-2010. As well, this proposal by the owner to revise the conservation strategy differs from the strategy that was approved by Council for façade retention within the Heritage Easement Agreement.

Heritage Preservation Services Staff will report to the September 7, 2011 meeting of the Toronto Preservation Board regarding the proposed on-site relocation, reinstallation and conservation of the Diesel Theatre façade, including addressing the need for amendments to the existing Heritage Easement Agreement.

The Section 37 Agreement, and By-law 849-2010 which set forth the Section 37 contributions, are required to be amended to allow for the temporary on-site relocation of the Heritage Façade referred to in the updated Heritage Impact Assessment. This report recommends that City Council approve the required amendments to the site specific By-law 849-2010 as per the attached By-Law amendment and authorize staff to amend the Section 37 Agreement to allow for the temporary on-site relocation of the Heritage Façade, prior to the required re-installation and restoration of such façade located at 56 Blue Jays Way.

The other contributions and requirements of the Section 37 Agreement remain unchanged and will be maintained.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

Attachment 1:

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No.849-2010
with respect to the lands municipally known as
56 Blue Jays Way**

WHEREAS authority is given to the Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS the Council of the City of Toronto passed Zoning By-law No. 849-2010 on July 8, 2010; and

WHEREAS the Council of the City of Toronto wishes to amend the section 37 provisions that are set out in Zoning By-law No. 849-2010;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Sections 6(d)(i) and (ii) of Zoning By-law No. 849-2010 are deleted and replaced by the following:
 - "(d) Prior to the issuance of any Site Plan Approval pursuant to section 114 of the *City of Toronto Act, 2006*, for the *lot* or any portion of the *lot*, and prior to the issuance of any permit for the *lot* or any portion of the *lot*, including a building permit, including any permit for demolition, excavation, shoring, foundation or above grade, or a permit pursuant to the *Ontario Heritage Act* for alteration or demolition, but excluding any permits for repairs to the existing building on the *lot*, the *owner* of the *lot* shall,
 - i) submit additional information on or after the date of this By-law, as amended, based on the proposed Conservation Strategy, to include documentation substantially in accordance with that outlined in the Heritage Impact Assessment prepared by ERA Architects Inc. dated May 19, 2011, including an estimate of costs associated with its execution, for the temporary relocation on the *lot*, reinstallation, conservation and restoration of the heritage façade located at 56 Blue Jays Way, to the satisfaction of the City's Manager, of Heritage Preservation Services;

- ii) enter into an agreement with the City to amend the existing Heritage Easement Agreement for the *lot*, to address the proposed construction, permitted alterations and restoration, such agreement to be registered against title to the *lot* to the satisfaction of the City Solicitor and such agreement to be to the satisfaction of the City's Manager of Heritage Preservation Services; and
2. Section 6 (e) of Zoning By-law No. 849-2010 is deleted and replaced by the following:
 - "(e) In accordance with a detailed Conservation Plan to be approved by the City's Manager of Heritage Preservation Services on or after the date of this By-law, as amended, the development permitted by this By-law shall incorporate the exterior of the existing heritage façade located at 56 Blue Jays Way in its current location on the date of this By-law and the *owner* shall restore the heritage façade at 56 Blue Jays Way. In the event of a lesser expenditure by the *owner* than identified in the Conservation Strategy for such restoration, excluding all costs relating to any temporary relocation of the heritage façade on the *lot* and all costs relating to returning such façade to its original location, the difference shall be re-directed towards the provision of one or more heritage studies in the King-Spadina East Precinct.
3. Section 6(f) of Zoning By-law No. 849-2010 is amended by deleting "release" in the first sentence and replacing it with " issuance of any permit for the *lot* or any portion of the *lot*, including a permit pursuant to the *Ontario Heritage Act* for alteration or demolition, and including the issuance" and by inserting after "above grade, in the first sentence " but excluding any permits for repairs to the existing building on the *lot*,".
4. Except as amended herein, Zoning By-law 438-86, as amended and as further amended by By-law 849-2010, shall continue to apply to the *lot*.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)