



STAFF REPORT ACTION REQUIRED

15-35 Mercer St - Zoning Amendment Application - Preliminary Report

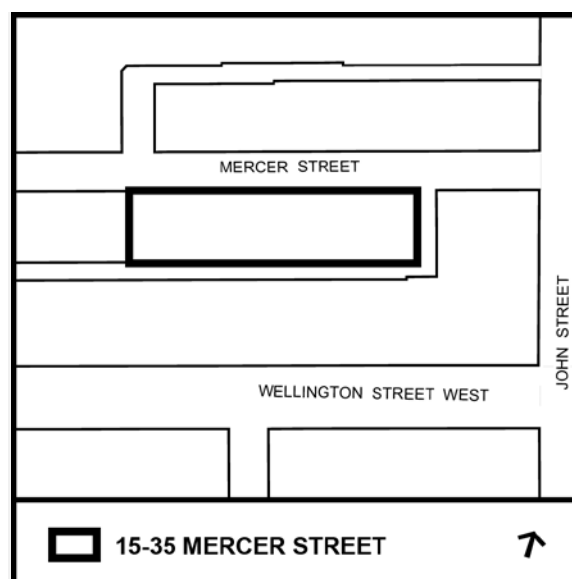
Date:	May 25, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	15 135436 STE 20 OZ

SUMMARY

The application proposes to amend Zoning By-law 438-86 at 15-35 Mercer Street to permit a 57-storey mixed-use building consisting of two towers with a multiple storey link at the top. The proposed building would be 191 metres in height, including the mechanical penthouse. The building would contain a ground floor restaurant, a commercial fitness area, a 163 room hotel including conference and banquet facilities, 884 residential units, and 4 levels of underground parking accommodating 216 parking spaces. The applicant proposes to retain the façades of the designated heritage buildings at 15-33 Mercer Street and to retain the interior of the lobby of the Pilkington Glass building at 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 applications and on the community consultation process.

Planning staff have circulated the application to other City departments for review and comment. Staff recommend that a community consultation meeting be



scheduled for the third quarter of 2015. Staff anticipate submitting a final report on the application to Community Council in the second quarter of 2016. This target date assumes that applicant will provide all required information in a timely manner.

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 after a revised application has been submitted.
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 of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2011 an application was submitted to amend the former City of Toronto Zoning By-law 438-86 to permit the development of a 49-storey mixed use building at 15-35 Mercer Street. The proposed building was to contain 567 residential units and be comprised of a 6-storey podium and a 42-storey tower (191metres). Retail uses were proposed at grade on Mercer Street. On-site parking was to be provided in a five (5) level underground parking garage. The applicant proposed to retain the façades of the designated heritage buildings at 15-31 Mercer Street. The property was subsequently sold and the Zoning Amendment application was closed with the consent of the applicant.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on October 18, 2014 to discuss complete application submission requirements. At that meeting staff identified a number of issues to be resolved with the proposal including height and overdevelopment of the site.

Community Consultation

A pre-application community consultation meeting was held on February 3, 2015. At that meeting participants identified a number of issues to be resolved with the proposal including;

- The proximity of the proposed building to the existing 20-storey residential building at 50 John Street to the east and the 12-storey and 17-storey residential buildings on Wellington Street West to the south;
- The proposed building is too tall for the location;
- Mercer Street and the laneway to the south are narrow and can't support a building this tall;
- The significant number of units proposed will generate additional traffic and the proposed hotel use will generate on-street parking as a result of the pick-up/drop-off activities associated with these facilities;
- Traffic is very bad now because of proximity of the Rogers Centre and other events in the area.
- There needs to be a balance between height and density and the benefits delivered to the community;
- On-site amenities for residents are needed, including outdoor space, particularly given the lack of green space in the neighbourhood;
- Investigate opportunities for a daycare facility and facilities for dogs on-site; and
- Provision of three bedroom units that are large enough for a family.

ISSUE BACKGROUND

Proposal

The applicant proposes the development of a 57-storey mixed-use building consisting of two towers with a 4-storey plus mechanical link at the top connecting the two towers. The green roof and mechanical elements of the building add an additional 17.0 metres in height resulting in a total height of 191 metres (181.3 metres excluding mechanical). The mixed-use building has a nine-storey (37.6 metres) base building which includes the facades of the designated heritage buildings and is the proposed location for the hotel use including 163 hotel rooms, banquet and conference facilities. A restaurant is proposed at grade on Mercer Street.

The proposed gross floor area of the development is 37,590 square metres, resulting in a floor space index of 34. The proposed residential gross floor area is 67,265 square metres and the non-residential GFA is 13,129.2 square metres including 547 square metres of restaurant use and 12,582.2 square metres of hotel use (163 hotel rooms). The two towers have a floor plate of 734.4 square metres and 686.4 square metres respectively and a separation distance of 20 metres. The two towers are proposed to be connected by a

bridge of 4 storeys plus mechanical from the 54th storey to the roof top. The proposed unit mix consists of 634 one-bedroom units, 157 two-bedroom units, and 93 three-bedroom units for a total of 884 units. A total of 216 parking spaces in parking stackers designed to hold two cars per stacker are proposed in a four (4) level underground parking garage. A total of eight hundred and eighty-five (885) bicycle parking spaces are proposed. A vehicular drop-off zone for the hotel is proposed at the west side of the site off of Mercer Street and the residential parking garage entrance is located at the south east corner accessed from the public lane on the east side of the site. The proposed development includes a 0.9 metre lane widening of the public lane on the south edge of the site to achieve a 6.0 metre wide lane. Loading access is proposed from the public lane on the south side of the site. See Attachment 6 – Application Data Sheet.

The two tower portions of the proposed building step back above the base building by 1.7 metres from the north property line on Mercer Street, 4.2 metres including projected balconies from the east property line, 7.4 metres from the west property line including projected balconies. The proposed tower is on the south property line, assuming the 0.9 metre laneway widening is conveyed to the City.

A total of 1,768 square metres of indoor amenity space and 594 square metres of outdoor amenity space is proposed. The By-law requires 1,768 square metres of indoor and outdoor amenity space.

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 96.0 metres on Mercer Street, a depth of approximately 24.7 metres and an overall area of 2,365.8 square metres. 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. The property at 35 Mercer Street at the west end of the site is occupied by a commercial parking lot. All of the buildings on the site are designated under Part IV of the *Ontario Heritage Act* (By-law No. 347-92). In October of 2014 Council approved amendments to the reasons for designation of these properties under the *Ontario Heritage Act* to more fully reflect the important heritage attributes of these buildings.

The site is surrounded by the following uses:

North: To the north are a series of approved buildings on King Street West and on Mercer Street with maximum heights up to 48-storeys.

- 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, at 12 to 17-storeys. South of Wellington Street is a Toronto Hydro transformer station and the Marriott Hotel and Residences.
- West: To the west of the site on Mercer Street and on Blue Jays Way a series of mixed use buildings have been approved up to a maximum height of 44-storeys.
- 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), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 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 and through consistency with the Official Plan's heritage policies.

In October of 2013 Council adopted Official Plan Amendment (OPA) 199, amendments to the Official Plan resulting from a City-initiated comprehensive review of heritage policies. The OPA was approved by the Minister of Municipal Affairs and Housing without modifications in November of 2013. The owners of the subject site appealed OPA 199 to the Ontario Municipal Board (OMB). On May 15, 2015 the OMB issued an order approving OPA 199 as modified, with the exception of the outstanding site-specific appeals, including the subject site.

King-Spadina Secondary Plan

The subject site is situated within the King-Spadina Secondary Plan found in Chapter 6.16 of the Official Plan. The King-Spadina Secondary Plan emphasizes reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. The policies of Section 3 - Built Form and in particular the policies of Section 3.6 – General Built Form Principles specify that:

- buildings are to be located along the front property line to define edges along streets and lower levels are to provide public uses accessed from the street;
- servicing and parking are encouraged to be accessed from lanes rather than streets to minimize pedestrian/vehicular conflicts;
- new buildings will be sited for adequate light, view and privacy and compatibility with the built form context;
- 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;
- appropriate proportional relationships to streets and open spaces will be provided; and wind and shadow impacts will be minimized on streets and open spaces;
- streetscape and open space improvements will be coordinated in new development; and
- high quality open spaces will be provided.

A primary objective of this plan is to use the historic fabric of the area to assess new development. The particular scale, massing and street relationships of the existing heritage buildings on Clarence Square and Clarence Square Park are important features to consider when assessing new development in this part of the King-Spadina Secondary Plan area. Moreover, applicable plan area guidelines articulate that new development should maintain and reinforce the existing building heights of the area in conjunction

with the relationships of buildings to one another along the street and the design of buildings at the street level.

Zoning

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.

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. At its meeting on August 25, 2014, City Council endorsed the following directions for the King-Spadina East Precinct to be used in reviewing current and future development applications:

- A downward gradation of tower heights from east to west from University Avenue towards Spadina Avenue;
- Limiting heights approaching Queen Street West to prevent shadowing on the north sidewalk after 12:00 (noon) in the spring and fall equinoxes;
- Employing the city-wide Tall Buildings Guidelines to evaluate towers, particularly with regard to tower spacing and tower floor plates;
- Evaluating new development applications in the context of a block plan for the block on which they sit;
- Seeking the inclusion of family-sized units in all new residential development; and
- Requiring the inclusion of employment uses in new residential development that replaces existing office uses, resulting in a net gain in employment, consistent with OPA 231.

A final staff report on the Built Form Study is expected in the fourth quarter of 2015.

King-Spadina Heritage Conservation District Study

The King-Spadina area is identified as a Potential Heritage Conservation District (HCD) in Map 39 – Site and Area Specific Policy 305 in the Official Plan. On August 16, 2012, City Council authorized the King-Spadina HCD Study, encompassing an area generally bounded by Queen Street West to the north, Bathurst Street to the west, Wellington Street and King Street West to the south, and University Avenue to the east. The subject site is within the boundary of the study area. The study process will result in the preparation of an HCD plan(s) and an HCD by-law to protect the historical and cultural significance of the study area. Details on the King-Spadina HCD study are available here:

http://www.toronto.ca/heritage-preservation/heritage_districts.htm

Site Plan Control

The proposed development is subject to site plan approval. A site plan application has not been submitted in conjunction with the zoning amendment application.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

TOcore

On May 13, 2014, the Toronto and East York Community Council (TEYCC) considered a Staff Report regarding *TOcore: Planning Toronto's Downtown*, along with a related background document entitled *Trends and Issues in the Intensification of Downtown*.

Both reports are available at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=222101f2e9745410VgnVCM10000071d60f89RCRD>. TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary infrastructure to remain a great place to live, work, learn and play. TOcore is in its initial 'taking stock' phase, which involves an analysis of existing conditions, growth trends and priority issues in the Downtown. The review of this application will be informed by the issues being considered under TOcore.

Reasons for the Application

The applicant has submitted a Zoning By-law Amendment application to permit a building with two towers both of which exceed the permitted maximum building height of 30 metres by approximately 160 metres, resulting in proposed tower heights of 191.0

metres inclusive of the mechanical penthouse. In addition, there are deficiencies with the proposed outdoor amenity space, setbacks, the number of vehicular parking spaces, among other technical criteria. 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;
- Hard Landscape Plan;
- Context Plan;
- Concept Site Plan;
- Underground Garage Plans;
- Heritage Impact Assessment;
- Functional Servicing Report;
- Transportation Impact Study;
- Stormwater Management Report;
- Tree Declaration Report;
- Building Mass Model;
- Sun/Shadow Study;
- Preliminary Pedestrian Level Wind Assessment; and
- Green Standards Checklist.

A notice of complete application was sent on May 1, 2015.

Issues to be Resolved

This development application at the proposed height and density is not supportable. Planning staff will work with the applicant to resolve the outstanding issues to try to reduce the scale of development and achieve an acceptable built form and density. Issues to be addressed include:

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. Contributions to improvements to the public realm and provision of open space;
6. Traffic, parking, site servicing, and impacts on the pedestrian realm that may result from the intensity and scale of the proposed development;
7. Replacement of office uses; and
8. 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.
9. Should the application move towards approval, the applicant will need to withdraw the site specific appeal to proposed Official Plan Amendment 199.

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

Design Review Panel

This proposal was before the Design Review Panel on May 5, 2015. The panel voted unanimously for a redesign of the proposal. A number of issues were identified at that meeting, including but not limited to:

- The scale of development is incompatible with the narrow right-of-way on Mercer Street and there is too much density for the site.
- The separation distance between towers is too tight.
- Setbacks at the ground level and at the podium level are very tight.
- Heritage buildings are not being kept intact.
- Lack of access to sunlight and sky view

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.

Section 37

Should this project proceed to approval in a modified form, appropriate Section 37 benefits will be assessed in accordance with Sections 5.1 and 7.2 of the King-Spadina Secondary Plan and secured as part of the final report and by-laws.

CONTACT

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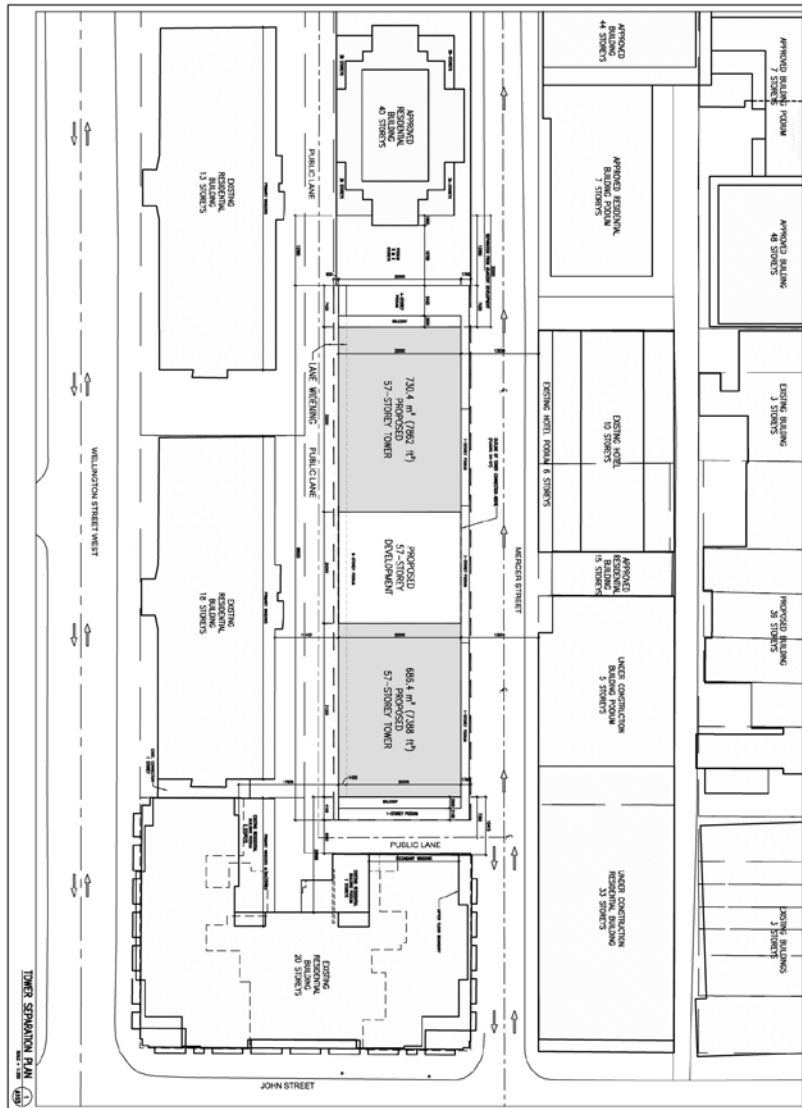
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

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

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

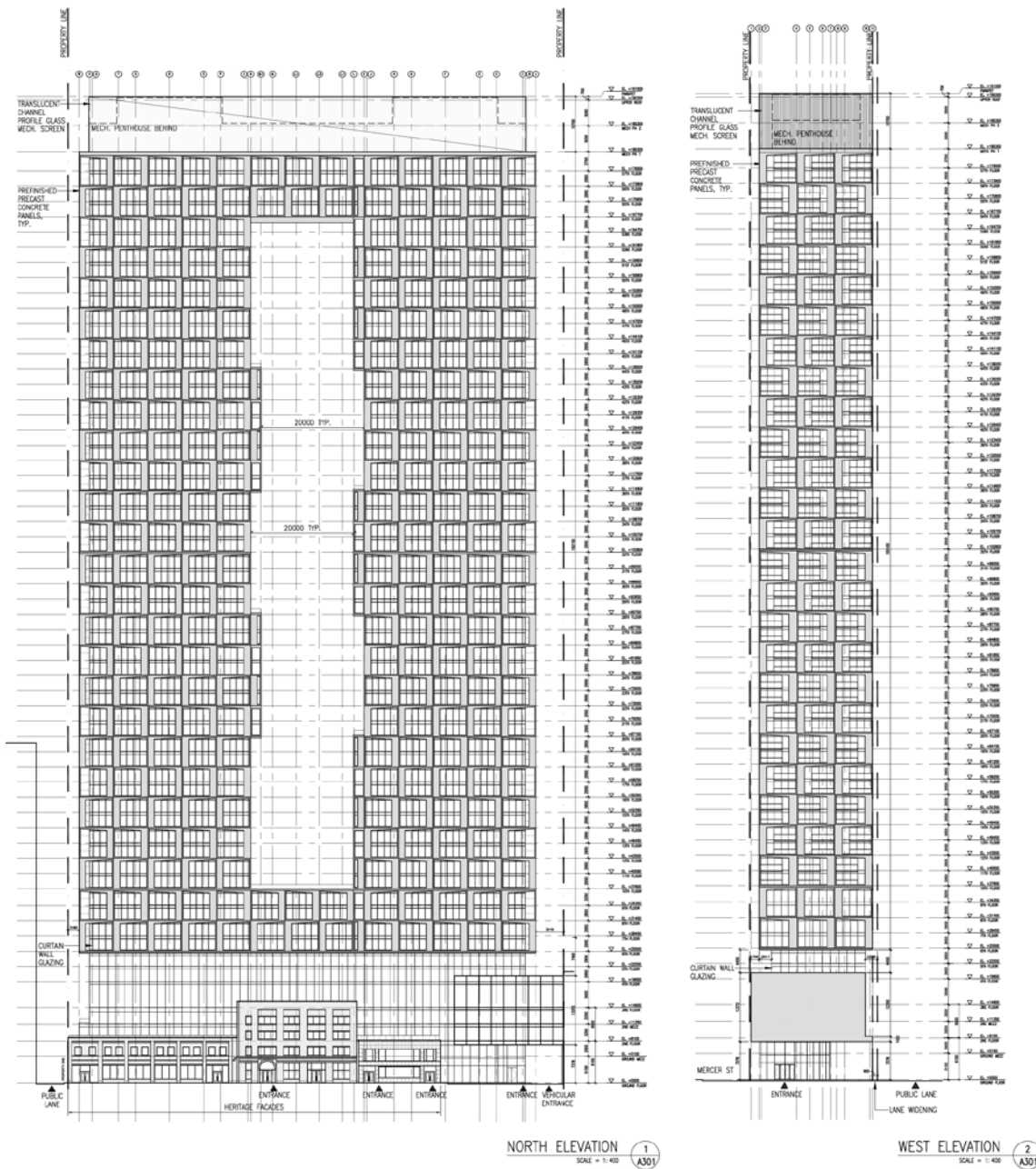
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05/08/2015



15-35 Mercer Street

File # 15_135436_STE 20 02

Attachment 2: North and West Elevations



North and West Elevations

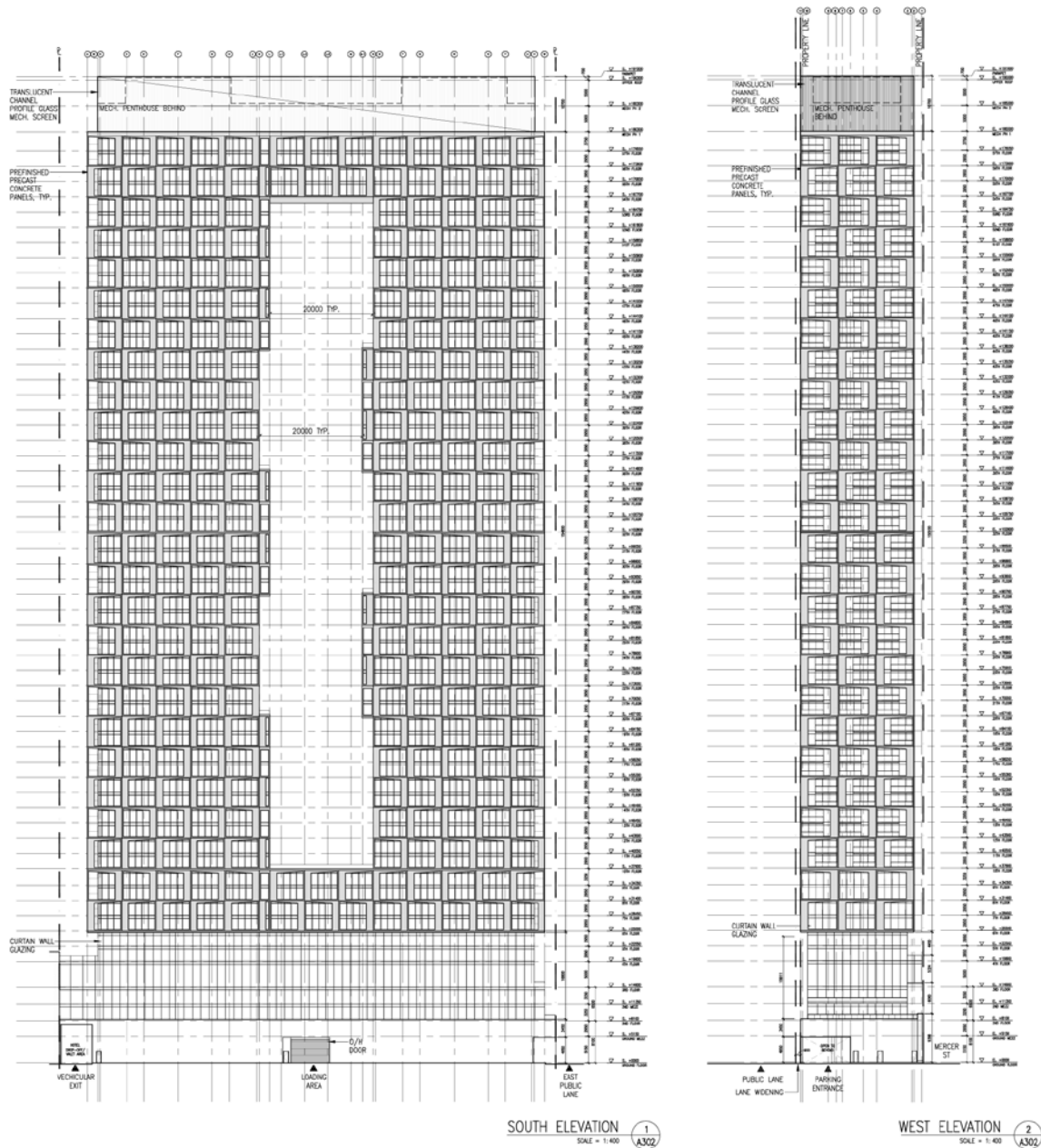
Applicant's Submitted Drawing

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15-35 Mercer Street

File # 15_135436_STE 20 0Z

Attachment 3: South and East Elevations



South and East Elevations

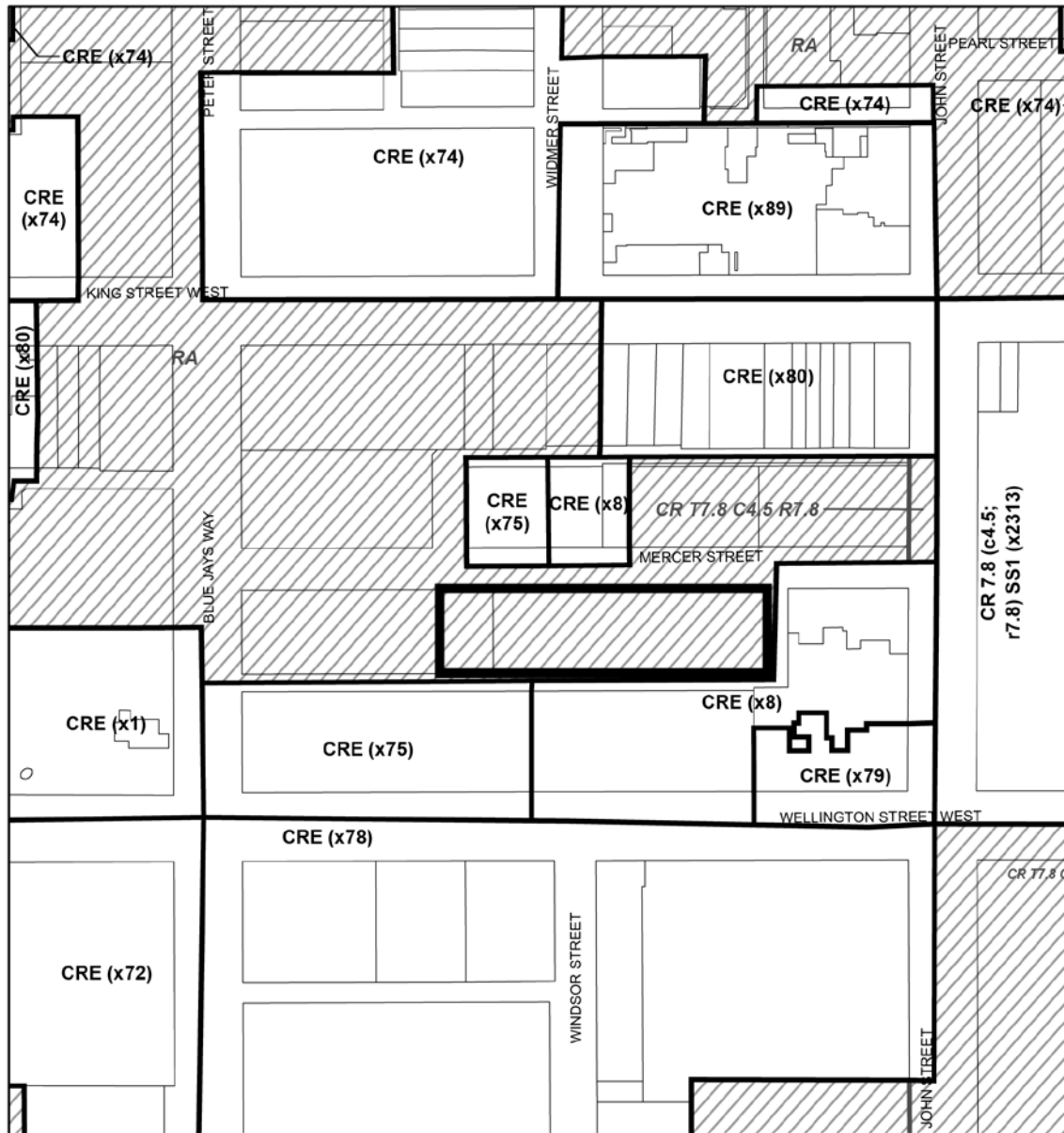
Applicant's Submitted Drawing

Not to Scale
 05/08/2015

15-35 Mercer Street

File # 15_135436_STE 20 0Z

Attachment 4: Zoning



Zoning By-Law No. 569-2013

15-35 Mercer Street

File # 15_135436 STE 20 02

 Location of Application
CR Commercial Residential
CRE Commercial Residential Employment

 See Former City of Toronto By-Law No. 438-86
CR Mixed-Use District
RA Mixed-Use District



Not to Scale
 Extracted: 05/07/2015

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	15 135436 STE 20 OZ
Details	Rezoning, Standard	Application Date:	April 1, 2015
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:	Proposal for rezoning related to one 57 storey mixed use buildings containing a ground floor restaurant, a commercial fitness area, a 163 room hotel including conference and banquet facilities and 884 residential units, with 4 levels of underground parking accommodating 216 parking spaces.		
Applicant:	Agent:	Architect:	Owner:
MADISON GROUP		TEEPLE ARCHITECTS INC.	35 MERCER STREET LIMITED

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):	2365.8	Height:	Storeys:	57
Frontage (m):	95.99		Metres:	191
Depth (m):	24.72			
Total Ground Floor Area (sq. m):	2092			Total
Total Residential GFA (sq. m):	67265		Parking Spaces:	216
Total Non-Residential GFA (sq. m):	13129.2		Loading Docks	5
Total GFA (sq. m):	80394.2			
Lot Coverage Ratio (%):	88			
Floor Space Index:	34			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	634
2 Bedroom:	157
3 + Bedroom:	93
Total Units:	884

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	67265	0
Retail GFA (sq. m):	547	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	12582.2	0

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