

**55 Mercer Street (99 Blue Jays Way) - Public Art Plan**

Date: June 23, 2020  
To: Toronto East York Community Council  
From: Director, Urban Design  
Wards: Ward 10 - Spadina Fort York

**Planning Application Number:** 09 129610 STE 20 OZ / 19 253771 STE 10 SA

**SUMMARY**

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The purpose of this staff report is to seek City Council approval of 55 Mercer Street (99 Blue Jays Way) Public Art Plan. The Plan, which is included as Attachment 1 of this report, outlines the method by which the owner will commission public art on a publicly-accessible area of the development site.

The Public Art Plan provides a framework and description of the commissioning of public art including: introduction; project team; section 37 agreement reference; public art objectives; site context; site plan; public art location; budget; selection process; artist candidates; jury composition and schedule.

The attached plan meets the objectives of the City Planning's Percent for Public Art Guidelines and is supported by the Toronto Public Art Commission.

**RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council approve 55 Mercer Street (99 Blue Jays Way) Public Art Plan as attached (Attachment 1) to the report dated June 23, 2020 from the Director, Urban Design.

**FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## PROPOSAL

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The development site is at 55 Mercer Street, fronting Mercer Street, Blue Jays Way and a public lane that runs along the south edge of the site that will be used for servicing. The proposal is a mixed-use 47 storey building with residential and commercial uses.

Mercer Street is a narrow right-of way with vehicular and pedestrian access, anticipating increased pedestrian volumes with the proposed developments on Mercer and the surrounding area. Mercer Street is situated in the Entertainment District, an east-west Street connecting Blue Jays Way to John Street, also known as one of the cultural corridors of the city.

The development review process has resulted in a commitment to public art, resulting in the Public Art Plan (Attachment 1).

## APPLICATION BACKGROUND

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On June 8, 2010, City Council approved Zoning By-law amendments for the 99 Blue Jays Way (55 Mercer Street) site, subject to conditions set out in staff reports dated April 30 and May 20, 2010, including a public art contribution in accordance with the Percent for Public Art Program. A copy of the Council decision and reports can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE34.6>

On January 15, 2020, the Committee of Adjustment approved minor variances to the site-specific zoning by-law 1129-2010 regarding building height, setbacks and various development standards.

The Section 37 agreement dated July 2, 2010 was signed between the "Owner" and the "City", including requirements for the provision of a public art contribution. The owner has opted for Option 2 as defined in the Section 37 agreement, to commission art on-site with a contribution equal to one percent (1%) of the Gross Construction Costs of the Development in accordance with the Public Art program set forth in the Section 37 agreement.

The owner, in consultation with the City, has determined that the public art contribution will be on the subject site in a privately-owned, publically accessible area of the site.

### Toronto Official Plan

Public art was secured when this application was reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 3 - Building a Successful City

Section 3.1.4 Public Art

Policy 1. e) encouraging the inclusion of public art in all significant private sector developments across the City.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

## **COMMENTS**

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The proposed public art site will be located in a prominent location at the entrance of the development. The art will be visually and publically accessible on the north of the building facing Mercer Street at a terminus of a proposed mid-block connection on the north side of Mercer Street that connects Mercer Street to King Street West.

The proposed art will cover the residential entrance area of the building, including the two-storey exterior glazing and atrium space facing Mercer Street. The proposed art location is supported by City Planning staff and the Toronto Public Art Commission.

An artist will be selected through a two-stage design competition process. Stage 1: Request for Expression of Interest and Interview. The art consultant and developer team will review the long list of artist's responses to determine a short list of four (4) artists. The long list of artists has been provided in the Public Art Plan and represents a diverse background of work. Stage 2: Finalist Brief, the short list of four artists will develop proposals for the jury to review concepts and select the artist.

The artist will be selected by a three (3) person jury composition, drawn from the list provided in the Public Art Plan. The selection process, with a majority art experts is in keeping with the City's Percent for Public Art Guidelines. The jury will consist of independent art experts including one (1) resident of the Ward and one (1) Owner representatives.

In accordance with City policy, City Planning continues to encourage the developer to seek artistic excellence and expertise with broad representation from the art community in the selection of artists and jury members.

The estimated budget allocation for the art, administration and maintenance is described in the Public Art Plan which is in compliance with the City's Percent for Public Art Guidelines.

This proposal is supported by City Planning staff and was presented to the Toronto Public Art Commission at its meeting on May 27, 2020, which recommended approval of the proposed Plan.

### **Conclusion**

55 Mercer Street (99 Blue Jays Way) – Public Art Plan is in compliance with the City's objectives for the provision of public art associated with development.

This on-site program is in accordance with the City Planning Percent for Public Art Program, and is supported by the Toronto Public Art Commission. Upon City Council's approval, the owner will commence with the artist selection process as scheduled in the attached plan.

## **CONTACT**

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## **SIGNATURE**

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Lorna Day, Director Urban Design  
City Planning Division

## **ATTACHMENTS**

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Attachment 1: Public Art Plan