

24 Mercer Street, Zoning Amendment Application - Preliminary Report

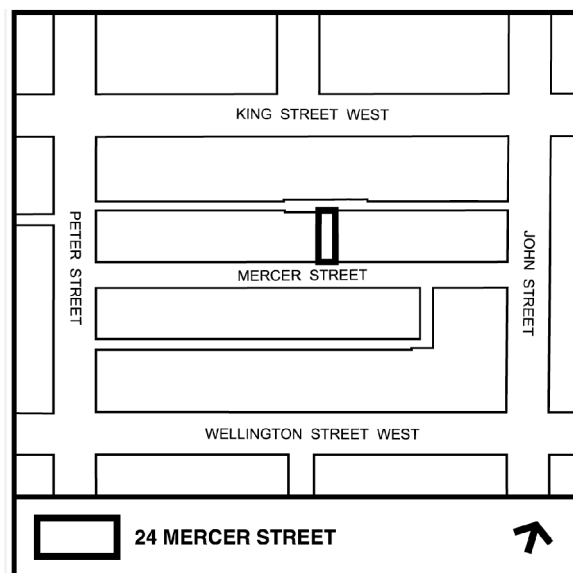
Date:	December 9, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	11 261965 STE 20 OZ

SUMMARY

This application proposes to amend the former City of Toronto Zoning By-law 438-86 to permit the construction of a new 21-storey residential building. The façade of the listed heritage building on the site is proposed to be retained. The building would include 27 units and 4 levels of below-grade accessory use. No vehicular parking is proposed. Twenty-seven bicycle parking spaces are proposed on the ground floor. Servicing is to be provided from the rear lane.

The application in its current form is not supportable. Of considerable concern to staff is the appropriateness of the height and massing of the proposed tall building built with no setback to adjacent lot lines. Also of concern is the loss of the significant portion of a listed heritage building and the absence of a sense of the scale or dimension of this building in the proposal. The absence of any vehicular parking is also an outstanding issue.

The further processing of the application and public consultation process are recommended in order to give the applicant the opportunity to work with City staff, the community and the Ward Councillor to address these issues, and others that may



arise through further review of the application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 24 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.

DECISION HISTORY

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on June 8, 2011 to discuss the proposed development. The applicant was told by City staff that a proposal as presented for a tall building on a very small site with no tower setbacks to adjacent properties, no provision for parking and the substantial demolition of a listed heritage building present a concern to staff.

The proposal was presented at a community meeting hosed by the local Councillor on September 12, 2011.

ISSUE BACKGROUND

Proposal

The applicant proposes the development of a 21-storey residential building (74.0 metres in height, excluding mechanicals). The proposed tower would be built to the lot lines of the adjacent properties to the east and west of the site. The façade of the first two storeys of the two and a half storey listed heritage building on the site is proposed to be retained. The building would include 27 units and 4 levels of below-grade accessory use. No vehicular parking is proposed. Twenty-seven bicycle parking spaces are proposed on the ground floor. Servicing is to be provided from the rear lane. The proposed development would have a floor space index of approximately 21.0.

Site and Surrounding Area

The site is located on the north side of Mercer Street and comprise a 8.036 metre (26 foot 4 inch) wide lot located between the future site of the approved development at 60 John

Street and 12 Mercer Street (a 33-storey tower and a 6- storey podium) and the 10-storey Le Germain Hotel. The site is 24.5 metres (80 feet) deep and has an area of 193.5 square metres. The site backs onto a public laneway which also serves the restaurants on the south side of King Street West.

The property at 24 Mercer Street is occupied by a two and a half storey building which is listed on the City of Toronto Inventory of Heritage Properties. The building has not been designated under Part IV of the *Ontario Heritage Act*. A heritage impact assessment has been completed by the applicant and submitted in support of the proposed development. The building on the site was designed by Toronto Architect John Tully and constructed in 1857. The building is described in the submitted Heritage Impact Assessment as an 'Adams Style' terrace house, which was originally a two storey structure. The third storey attic space was added later. The interior of the building has been substantially altered.

The site is surrounded by the following uses:

North: the northern edge of the site is defined by a public laneway. The laneway is sub-standard and would require a 0.87 metres widening as part of the proposed development. Backing on to the north side of the laneway are a row of two to three-storey commercial buildings fronting on King Street West. Most of these structures date from the 19th century and most of these are listed on the City's Inventory of Heritage Properties. On November 29, 2011, City Council adopted a motion to declare its intention to designate several of these structures under Part IV of the *Ontario Heritage Act*. The properties at 323-333 King Street West (two of which are currently listed and indentified as properties to be designated under Part IV of the *Ontario Heritage Act* as per Council's November 29th decision) are the subject of an application for a mixed-use development comprising a three to four-storey base building and a 39-storey tower. 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: The southern edge of the site is defined by Mercer Street which has a right-of-way of 12.2 metres. On the opposite side of Mercer Street are a series of two-to four storey commercial buildings and a commercial parking lot at 15-35 Mercer Street. This property is subject to a zoning amendment application to permit a mixed-use development consisting of a six-storey base building and a 49-storey residential tower. All of the buildings on the site are designated under Part IV of the *Ontario Heritage Act* (By-law No. 347-92). To the west of this site on the south side of Mercer Street toward Blue Jays Way is a two-storey building currently occupied by the Second City Comedy Club at 51 Mercer Street. 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). To the east of 15-35 Mercer Street is a 20-storey residential apartment building at 50 John Street.

West: Immediately to the east of the subject site is the 10-storey Hotel Le Germain. 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.

East: To the east of the subject site 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 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.

The Provincial Policy Statement 2.6.1 (PPS) indicates that "Significant built heritage resources and cultural heritage landscape shall be conserved". Properties included on the City's Inventory of Heritage Properties are considered to be "significant" in this context. In the PPS 2005, "conserved" means "the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment"

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.

In the City's Official Plan, policy 3.1.5.2 states that "heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved" and that "development adjacent to properties on the City's Inventory will respect the scale, character and form of the heritage buildings and landscapes."

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.

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 50 metres, resulting in a proposed building height of 80.0 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;
- Context Plan;
- Concept Site Plan;
- Underground Plans;
- Arborists Report;
- Archaeological Assessment;
- Heritage Impact Assessment;
- Site Servicing Report;
- Stormwater Management Design Brief;
- Transportation Impact Study;
- Pedestrian Level Wind Assessment;
- 3-D Building Massing Model; and
- Green Standards Checklist.

A Notification of Complete Application was issued on November 1, 2011.

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:

- 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.
- Compliance with the Design Criteria for Review of Tall Building Proposals. Specifically the requirement that tall buildings be located a minimum of 12.5 metres from a lot line in order to allow for a minimum separation between tall buildings. The small size of the site is inadequate to provide for any setbacks or stepbacks which would be required to accommodate a tall building. Staff are concerned about the precedent that the proposed development would in the event a very small lot is approved as a tall building site.
- The preservation of built heritage resources in a manner that conserves their values and attributes and complies with the Standards and Guidelines for the Conservation of Historic Places in Canada, Parks Canada;
- Traffic, parking, site servicing, and impacts on the pedestrian realm that may result from the intensity and scale of the proposed development. The absence of any proposed vehicular parking (resident or visitor) is a particular concern; and
- 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.

The application, as currently proposed, is not supportable by Staff. However, the applicant is willing to work with the City to provide parking on site and to pursue tower separation agreements with the adjacent landowners to achieve the tall buildings guidelines and other issues as identified.

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

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SIGNATURE

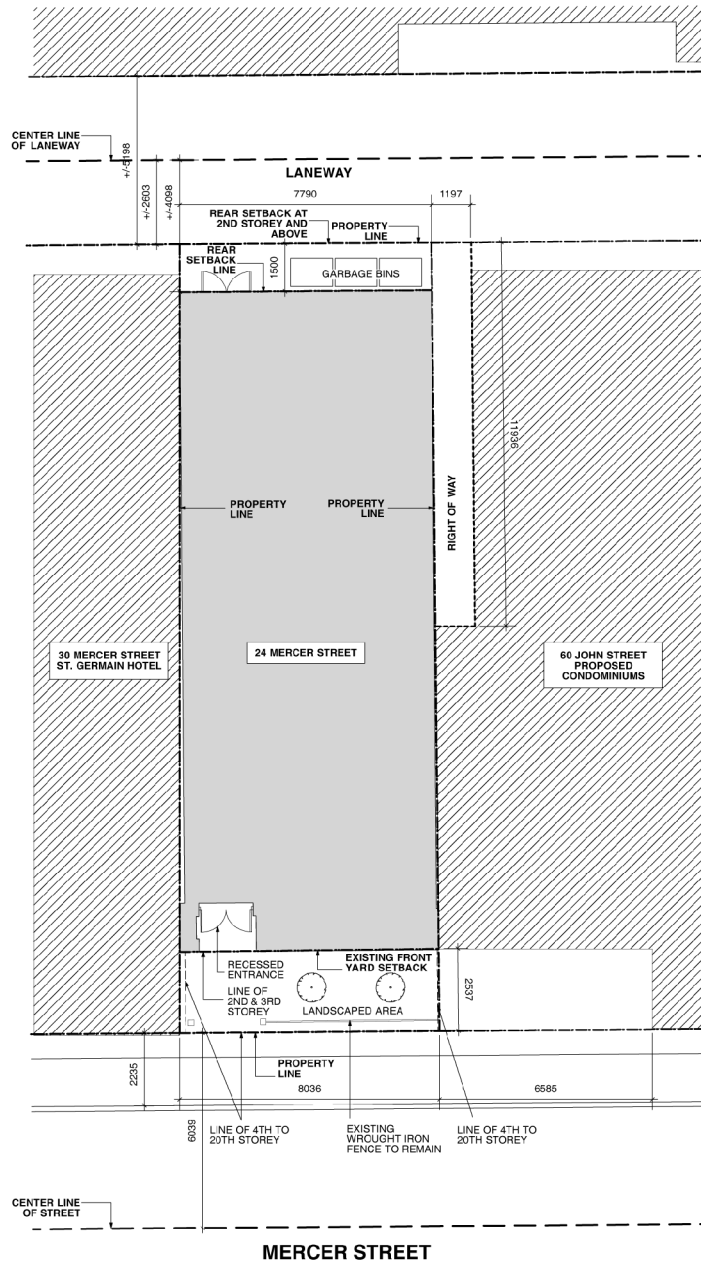
Gregg Lintern, Director, MCIP, RPP
Community Planning, Toronto and East York District

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ATTACHMENTS

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

Attachment 1: Site Plan



Site Plan

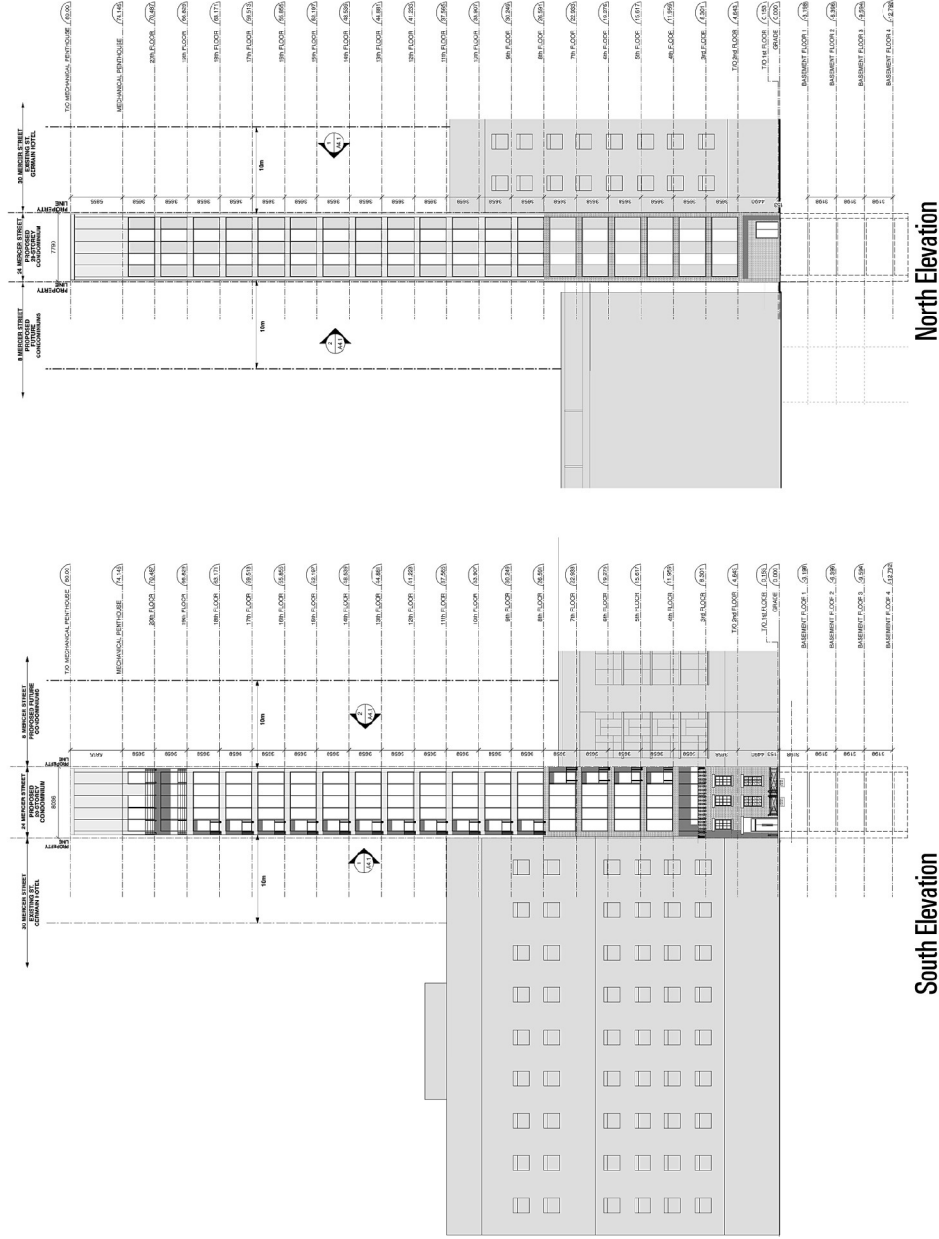
24 Mercer Street

Applicant's Submitted Drawing

Not to Scale 

File # 11 261965 0Z

Attachment 2: North and South Elevations



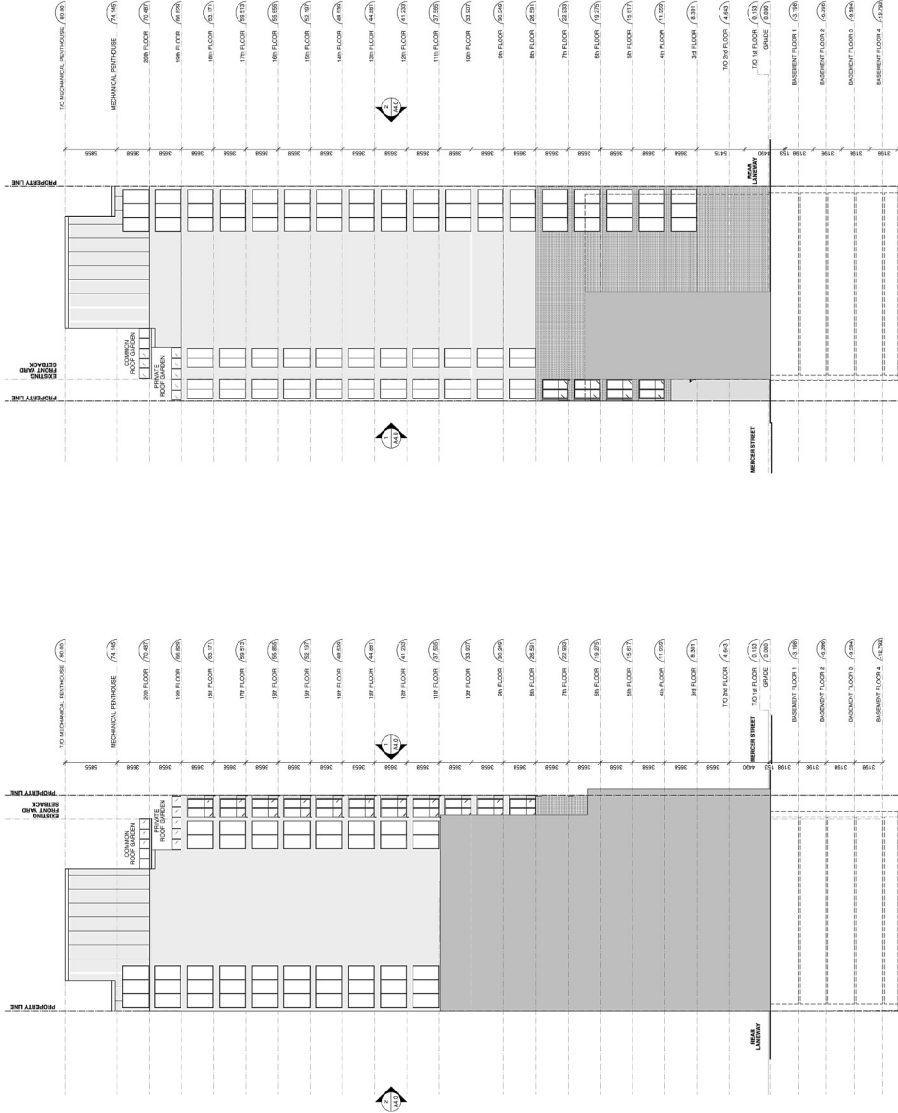
24 Mercer Street

Elevations
Applicant's Submitted Drawing

Not to Scale
11/25/2011

File # 11 261965 0Z

Attachment 2: East and West Elevations



East Elevation

West Elevation

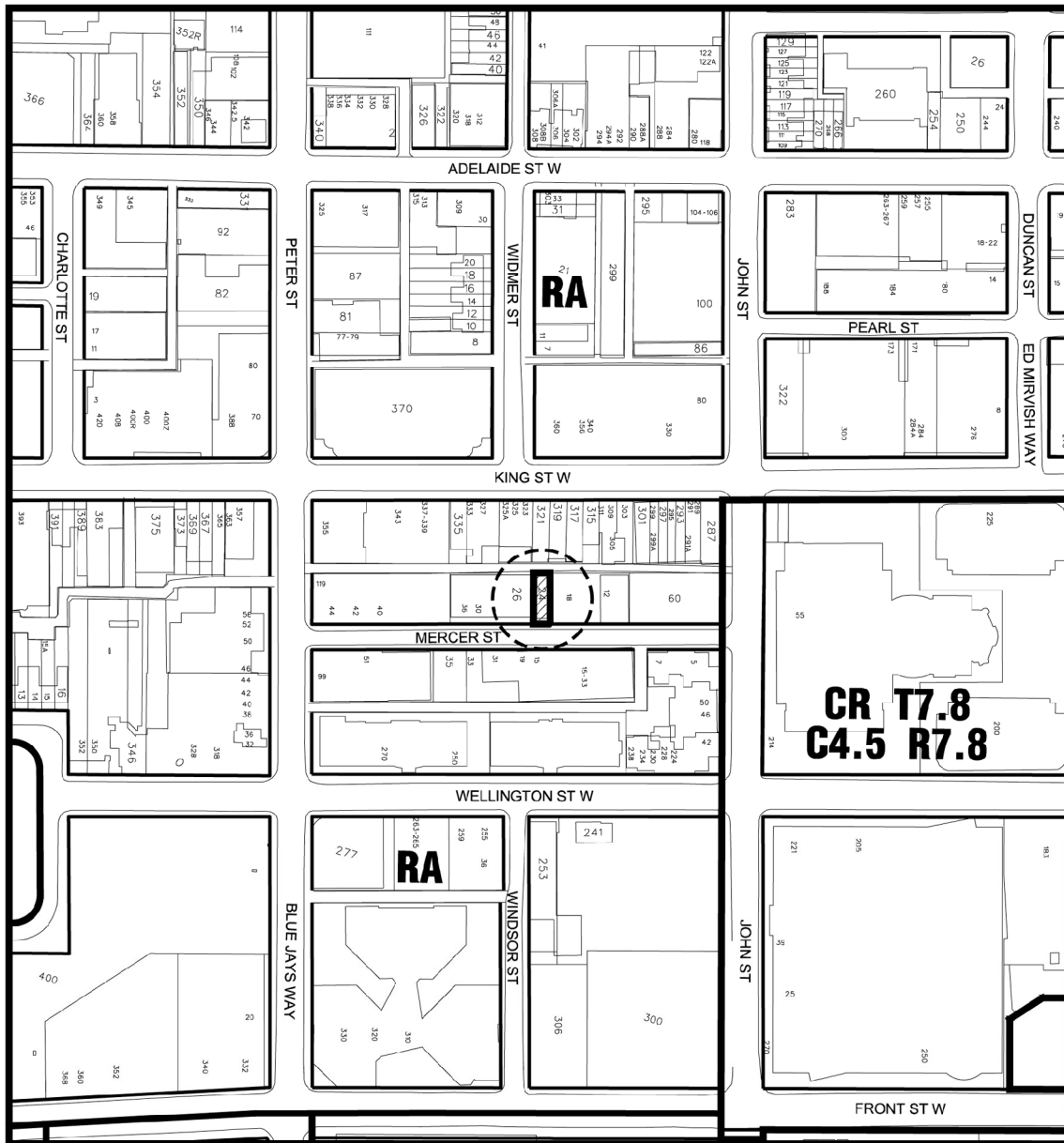
24 Mercer Street

Elevations
Applicant's Submitted Drawing

File # 11 261965 02

Not to Scale
11/25/2011

Attachment 4: Zoning



24 Mercer Street
File # 11 261965 0Z

RA Mixed-Use District
CR Mixed-Use District

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Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 11/25/2011

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	11 261965 STE 20 OZ
Details	Rezoning, Standard	Application Date:	August 23, 2011
Municipal Address:	24 MERCER ST		
Location Description:	PLAN 57 LOT 14 **GRID S2015		
Project Description:	Proposal to demolish an existing listed heritage building at 24 Mercer Street (facade to be retained) and construct a new 21-storey residential building. The building would include 27 units and 4 levels of below-grade accessory use. No vehicular parking is proposed. 27 Bicycle parking spaces are proposed on the ground floor. Servicing is to provided from the rear lane.		

Applicant:	Agent:	Architect:	Owner:
SCOTT MORRIS ARCHITECTS		SCOTT MORRIS ARCHITECTS	2071430 ONTARIO INC.

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):	193.5	Height:	Storeys:	21
Frontage (m):	8.036		Metres:	73.99
Depth (m):	24.453			
Total Ground Floor Area (sq. m):	157.6			Total
Total Residential GFA (sq. m):	3390.4		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	656.2		Loading Docks	0
Total GFA (sq. m):	4046.6			
Lot Coverage Ratio (%):	81.4			
Floor Space Index:	20.91			

Dwelling Units

Floor Area Breakdown (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	3390.4	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	10	Office GFA (sq. m):	0	0
2 Bedroom:	8	Industrial GFA (sq. m):	0	0
3 + Bedroom:	9	Institutional/Other GFA (sq. m):	656.2	0
Total Units:	27			

Contact:	Planner Name:	Dan Nicholson, Senior Planner
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