

**56 Blue Jays Way – Rezoning Application - Preliminary Report**

<b>Date:</b>	December 10, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	08 209949 STE 20 OZ

**SUMMARY**

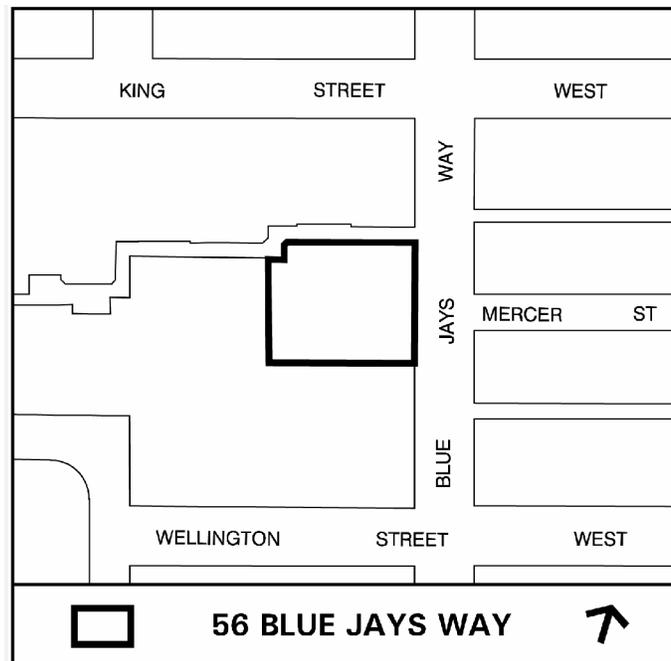
This application proposes to amend the former City of Toronto Zoning By-law 438-86 to permit the development of a 41 storey mixed-use building, comprised of residential and hotel uses at 56 Blue Jays Way, where the Diesel Playhouse Theatre is presently operating.

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.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting 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**

In 2005, a review of the King-Spadina Secondary Plan was initiated by Council to evaluate specific matters related to entertainment uses in the area, community infrastructure, built form policies and the policies related to the public realm. The study was completed in 2006 and resulted in Official Plan Amendment 921-2006 and Zoning By-law Amendment 922-2006 being approved by City Council which introduced limited changes to the planning framework for the area. These amendments were enacted by City Council in September 2006 and are currently under appeal to the Ontario Municipal Board by some area owners and developers. There have been a series of pre-hearing conferences resulting in many appeals being withdrawn or settled. A hearing is now scheduled for the Spring of 2009.

The subject lands were recently rezoned to permit an 18-storey building (62 metres), as a result of application no. 06-131719, which culminated in Council adopting By-law 1067-2007 (see By-law at: <http://www.toronto.ca/legdocs/bylaws/2007/law1067.pdf>).

### **PRE-APPLICATION CONSULTATION**

The subject lands were rezoned in 2007 after undergoing an extensive and comprehensive review. Since the site-specific zoning amendment, there have been several site-specific development applications in the immediate area that have also proposed more height and density.

A Design charrette for Mercer Street area was held in August, to bring together all the stakeholders in the area, including the Ward Councillor, City Staff, Developers and their architects. The proponents for this development participated in this City-initiated exercise.

### **ISSUE BACKGROUND**

#### **Proposal**

This application proposes the development of a 41 storey mixed-use building (142 metres). The first five floors (21.8metres) of the building will be the podium or base component. The building will be comprised of mechanical uses on floors 40 and 41, residential dwelling units on floors 12 to 39, amenity space on floor 11, hotel guest rooms on floors 4 to 10, a hotel ballroom on the 3<sup>rd</sup> floor, hotel lobby functions on the 2<sup>nd</sup> Floor, and restaurant uses and the residential lobby on the ground floor. The heritage façade is proposed to be maintained.

The proposed total gross floor area of the development is 33,444 square metres, of which the residential floor area is 26,280 square metres and the hotel floor area is 13,164 square

metres, resulting in a floor space index of 17.1. The unit breakdown consists of 127 hotel suites, 120 one-bedroom residential dwelling units, 120 two-bedroom units, and 24 three bedroom units. A total of 228 vehicle parking spaces (30 hotel, 16 visitor, and 179 resident parking spaces) and 198 bicycle parking spaces are proposed. (see Attachment 4 - Application Data Sheet)

Parking and loading will be accessed from the public lane that abuts the site to the north, with a drop-off area proposed to front onto Blue Jays Way and the public lane at the north east corner of the site.(see Attachment 1 - Site Plan).

### **Site and Surrounding Area**

The site is located on the west side of Blue Jays Way, between King Street West and Wellington Street West. The Blue Jays Way façade of the existing building, which is listed in the City’s heritage inventory, is proposed to be retained. The façade is set back 3 metres from the property line on Blue Jays Way. The site has a frontage of 40.69 metres and an overall site area of 1,979 square metres. There is a public lane that runs along the north edge of the site which will be used for servicing. The site is surrounded by the following uses:

North: to the north is a public lane and an OMB approved development on the lands municipally know as 371-379 King Street West for a 119 metre (35 storey) building.

South: to the south of the site is the Soho residential condominium and hotel which has a maximum height of 16 storeys (approximately 50 metres).

East: on the east side of Blue Jays Way, at Wellington Street West and running from Blue Jays Way to John Street is the Icon condominium. The Icon building ranges in height from 12 storeys (approximately 35 metres) at Blue Jays Way, to 17 storeys (approximately 50 metres) mid-block, to 21 storeys (approximately 64 metres) at John Street.

At the northeast corner of Blue Jays Way and Mercer Street is a commercial parking lot municipally known as 119 Blue Jays Way, north of which is the Westinghouse building at the corner of King Street West. A combined Official Plan and Zoning By-law amendment application is under review these lands. The Westinghouse building (355 King Street West) supports commercial uses, is 6 storeys (approximately 24 metres) in height and is designated under the Ontario Heritage Act.

Directly opposite at 99 Blue Jays Way on the south side of Mercer Street is a restaurant (Gretzky’s), which was rezoned (By-law 574-2007) to permit a 20 storey (64m) residential condominium with commercial uses on the lower level.

West: to the west of the proposed building is a 7 storey residential condominium building, developed in conjunction with the Soho hotel project.

## **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, Section 3 – Urban Structure and Built Form, subsection (e) specifies 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. Further, Section 4 – Heritage, subsection 4.3, states that 'New buildings should achieve a compatible relationship with heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line, and profile and architectural character and expression.

## **Zoning**

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended by By-law 1067-2007 (see Attachment 3 - Zoning Map). The site-specific Zoning By-law can be viewed at the following link:

<http://www.toronto.ca/legdocs/bylaws/2007/law1067.pdf>.

The site-specific Zoning By-law permits a maximum building height of 62 metres and lower height restrictions on other portions of the lands. The Site-Specific By-law also regulates a maximum amount of gross floor area and Section 37 requirements.

## **Site Plan Control**

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

## **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 62m, by 80m, resulting in a proposed 142m building height inclusive of the mechanical penthouse. In addition, the building does not comply with other lesser height restrictions that are in effect on the lands. The proposal also exceeds the maximum permitted gross floor area cited in By-law 1067-2007.

The built form policies of the King-Spadina Secondary Plan set out a policy framework that results in a built form and massing, which is complementary to the historic physical fabric in the area. This built form generally results in a mid-rise building that reinforces the area's warehouse character. Provided the proposed development is found to be in compliance with the development criteria for the Regeneration Areas and the policies of the King-Spadina Secondary Plan, an Official Plan amendment will not be required.

## **COMMENTS**

### **Issues to be Resolved**

The subject property is located within the King-Spadina Secondary Plan, East Precinct area. This area is presently undergoing two studies. The City is undertaking a Built-form review, while the Toronto Entertainment District BIA is in the process of completing a Master Plan for their boundaries, which includes this area.

This application will be evaluated in light of the Built-form review findings, which will not hinder the anticipated timing for the application review. The agent for this application has been present at a number of the consultation meetings related to the two studies and sits on the BIA Committee overseeing the Master Plan exercise.

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;
2. Compliance with the Tall Building Design guidelines;
3. Height and massing relationships with the immediate area and resulting shadow impacts on the King Street West public realm and properties in the vicinity;
4. Traffic, site servicing, and impacts on the pedestrian realm that may result from the intensity and scale of the proposed development;
5. Additional areas of non-compliance with the Zoning By-law may be identified through further review of the application; and,
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.

Staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Development Standard, adopted by City Council in July 2006.

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

## **CONTACT**

Philip Carvalino, Senior Planner  
Tel. No. 416-392-7574  
Fax No. 416-392-1130  
E-mail: pcarval@toronto.ca

## **SIGNATURE**

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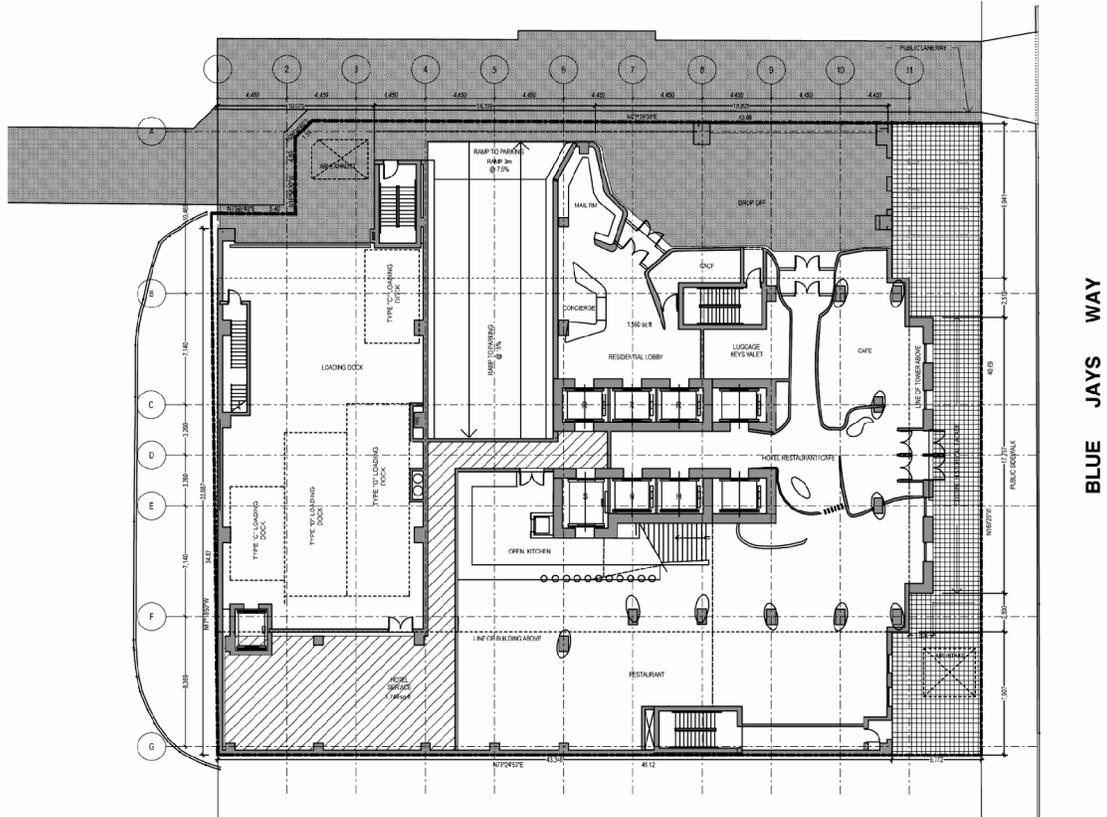
Raymond David, Acting Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Zoning  
Attachment 4: Application Data Sheet

# Attachment 1: Site Plan



## Ground Floor Plan

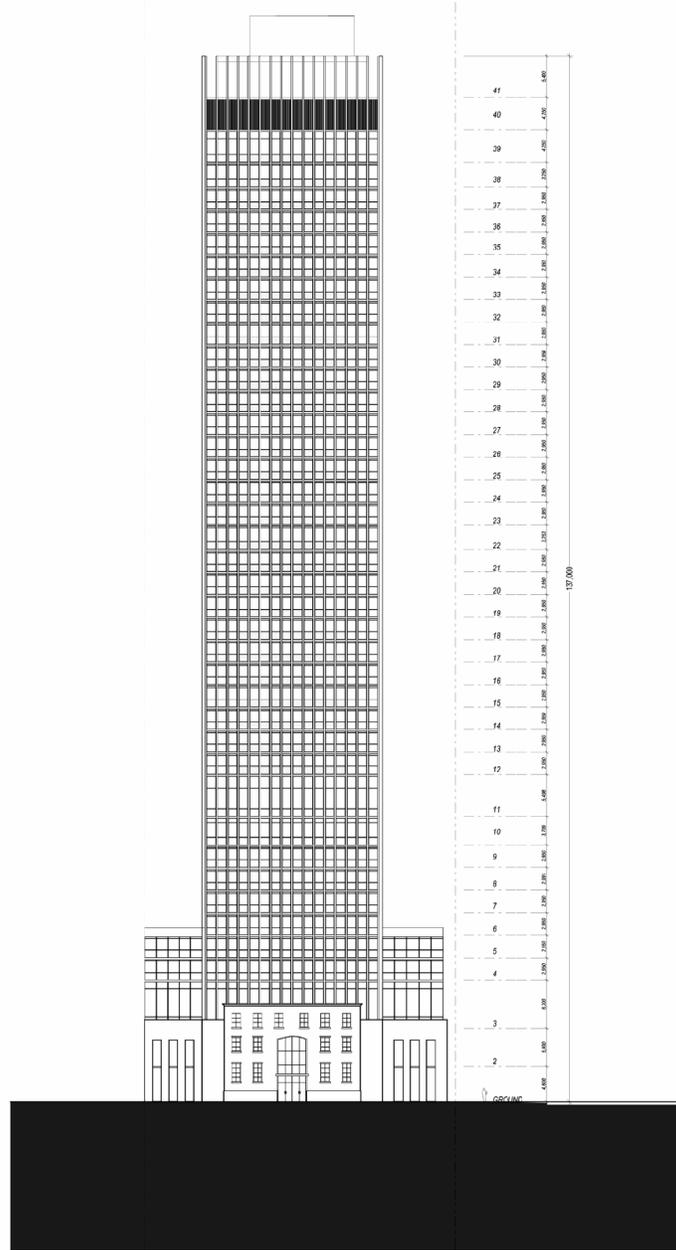
56 Blue Jays Way

Applicant's Submitted Drawing

Not to Scale 

File # 08\_209949

## Attachment 2: Elevations



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### East Elevation

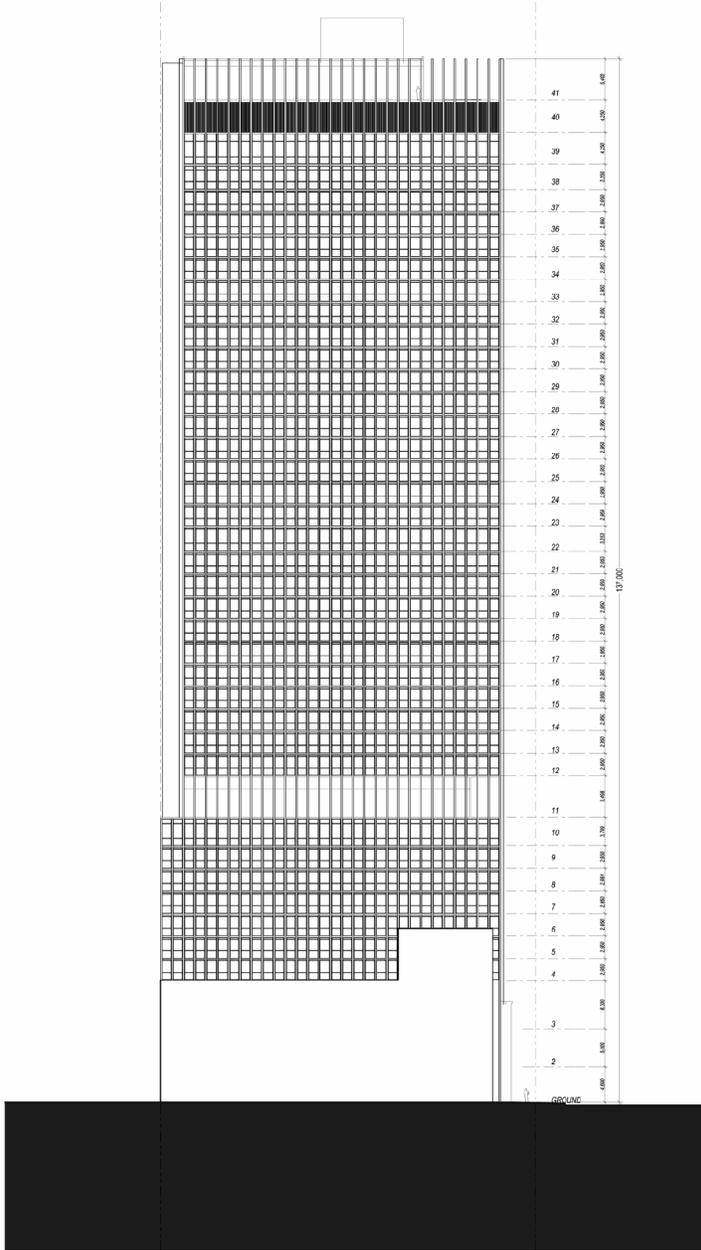
Applicant's Submitted Drawing

Not to Scale  
12/01/03

### 56 Blue Jays Way

File # 08\_209949

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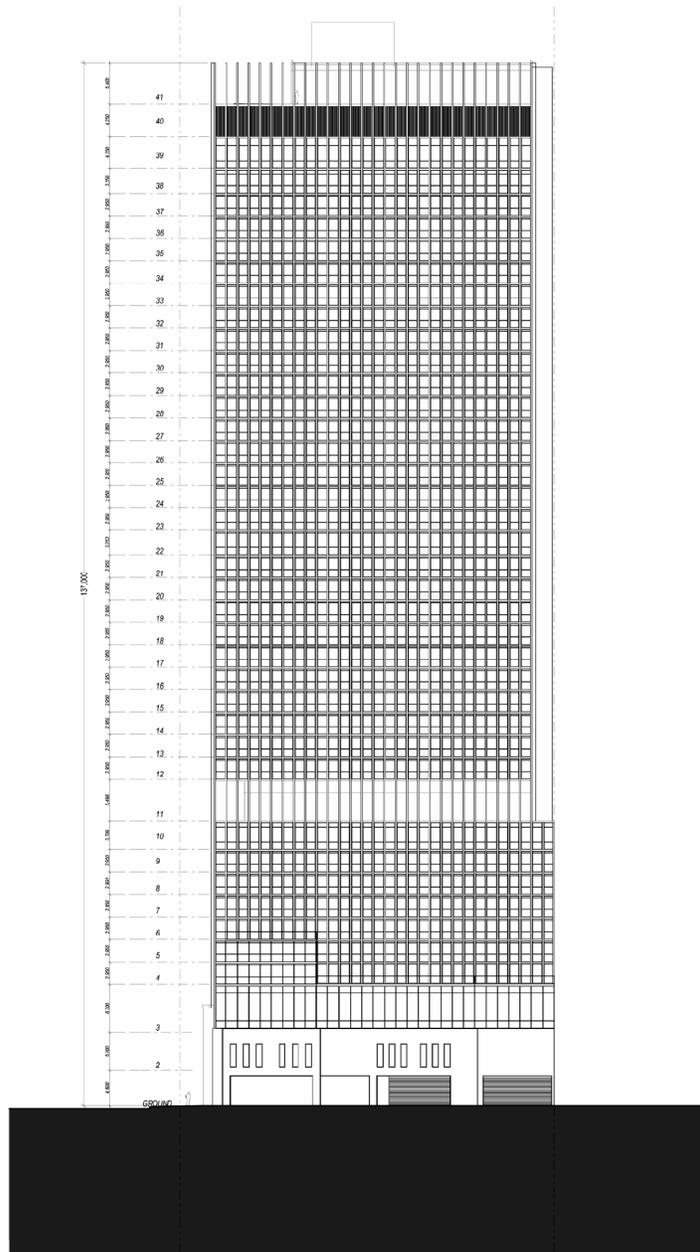
**South Elevation**

Applicant's Submitted Drawing

Not to Scale  
12/01/03

**56 Blue Jays Way**

File # 08\_209949



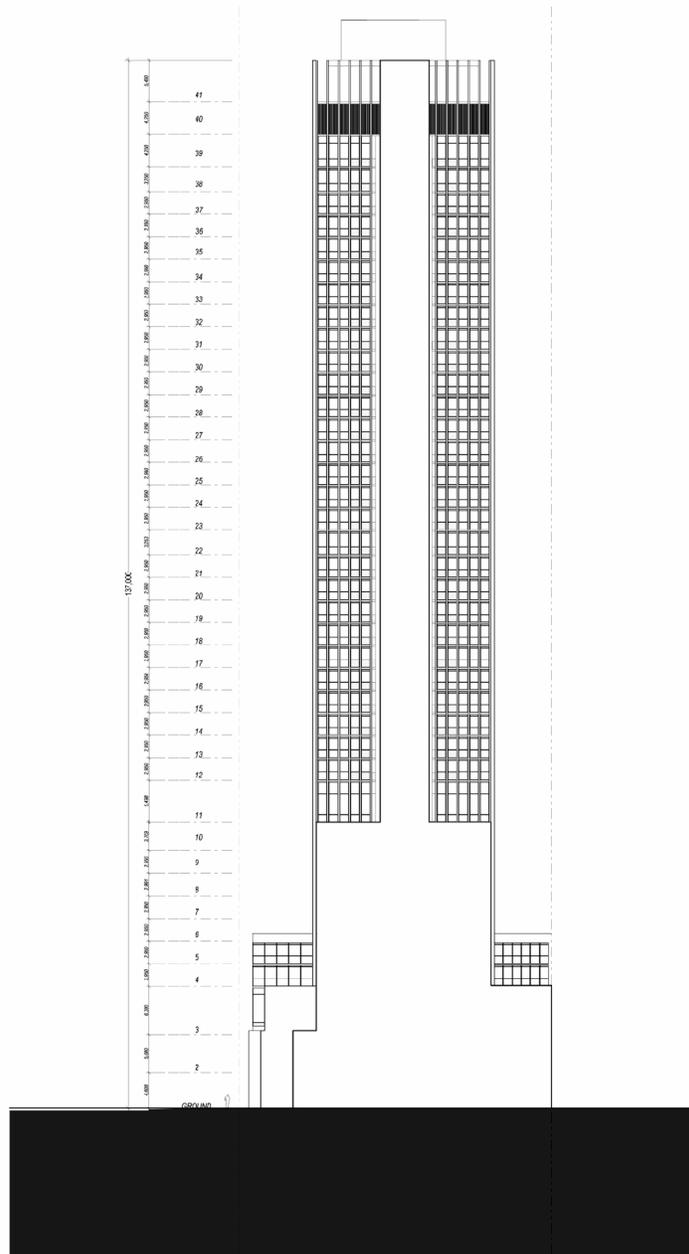
**North Elevation**

Applicant's Submitted Drawing

Not to Scale  
12/01/03

**56 Blue Jays Way**

File # 08\_209949



**West Elevation**

**56 Blue Jays Way**

Applicant's Submitted Drawing

Not to Scale  
12/01/03

File # 08\_209949



## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	08 209949 STE 20 OZ
Details	Rezoning, Standard	Application Date:	October 3, 2008

Municipal Address: 56 BLUE JAYS WAY  
 Location Description: PL D263 LTS 18 & 19 RP 64R15263 PT 1 \*\*GRID S2015  
 Project Description: New rezoning application to permit the construction of a 41 storey point storey tower on the lands - refer to previous by law 1067-2007.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
SHERMAN BROWN DRYER KAROL		WALLMAN ARCHITECTS	LIFETIME 56 BLUE JAYS WAY INC

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	1067-02
Zoning:	RA	Historical Status:	Y
Height Limit (m):	30	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	49.12	Height:	Storeys:	41
Frontage (m):	1979		Metres:	131.6
Depth (m):	40.7			
Total Ground Floor Area (sq. m):	1133			<b>Total</b>
Total Residential GFA (sq. m):	22710		Parking Spaces:	228
Total Non-Residential GFA (sq. m):	11089		Loading Docks	4
Total GFA (sq. m):	33799			
Lot Coverage Ratio (%):	57			
Floor Space Index:	17.1			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	120
2 Bedroom:	120
3 + Bedroom:	24
Total Units:	264

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	22710	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	11089	0	0

**CONTACT: PLANNER NAME: Philip Carvalino, Senior Planner**  
**TELEPHONE: (416) 392-7574**