

99 Blue Jays Way - Rezoning Application - Preliminary Report

Date:	May 25, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	09 129610 STE 20 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

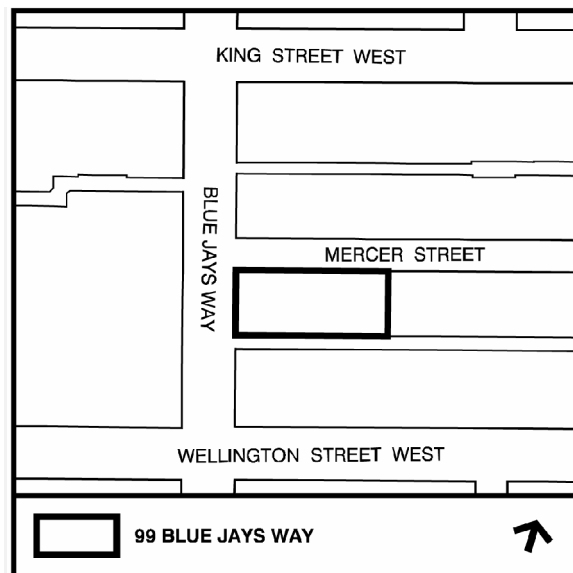
This application proposes to amend the former City of Toronto Zoning By-law 438-86 to permit the development of a 40-storey mixed-use building, comprised of 309 residential units and commercial uses at grade located at 99 Blue Jays Way, where the Wayne Gretzky’s Restaurant is presently operating.

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 November 2005, the applicant submitted a Zoning By-law Amendment application to permit the proposed development of the subject property with a 27-storey (92.9 metre) mixed-use building. In May 2007, City Council passed site-specific By-law 574-2007 permitting the subject property to be redeveloped with a 20-storey (63.75 metre) mixed-use residential building with commercial uses on the lower levels.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

This application proposes the development of a 40 storey mixed-use building (136 metres). The first eight floors (23.80 metres) 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 3 to 40, and commercial and office uses on the 1st and 2nd floors.

The proposed total gross floor area of the development is 29,038.09 square metres, of which the residential floor area is 27,008.09 square metres and the commercial/office floor area is 1,213.09 square metres, resulting in a floor space index of 20.43. The unit breakdown consists of 28 studio residential dwelling units, 164 one-bedroom units, 86 two-bedroom units, and 31 three-bedroom units. A total of 213 vehicle parking spaces (19 visitor, 2 non-residential, and 192 resident parking spaces) and 200 bicycle parking spaces are proposed (see Attachment 4 – Application Data Sheet).

Site and Surrounding Area

The site is located on the east side of Blue Jays Way on the south-east corner of Blue Jays Way and Mercer Street. The site has a frontage of 24.62 metres on Blue Jays Way and 57.79 metres on Mercer Street and an overall site area of 1,422.79 square metres. There is a public lane that runs along the south edge of the site that will be used for servicing. The site is surrounded by the following uses:

North: The northern edge of the site is defined by Mercer Street which has a right-of-way of 12.2 metres, opposite of which is a vacant lot currently used for surface parking. An application has been submitted for an Official Plan amendment and Zoning By-law Amendment to redevelop the site with two separate mixed-use buildings: one 48 storey (149.8 metres) building, and one 18 storey (62.85 metres) building. 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.

South: The southern edge is defined by a public lane, opposite of which is the ICON condominium. The ICON buildings range 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.

West: The western edge of the site is defined by Blue Jays Way, opposite of which is a mix of commercial and residential uses ranging in height from approximately 3 to 16 storeys. An application has been submitted for a Zoning By-law Amendment to redevelop the existing Diesel Playhouse Theatre into a 41 storey (142 metres) mixed-use building incorporating the existing heritage façade. Directly south of the Diesel Playhouse is the Soho residential condominium and hotel which has a maximum height of approximately 50 metres at Blue Jays Way and Wellington Street West.

East: The eastern edge of the site is bounded by a small lot currently used for parking beyond which is a 6 to 10 metre high commercial building which extends for most of the remainder of the block. To the northeast, on the north side of Mercer Street, is the La Germain Hotel.

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 new 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.

Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended by By-law 574-2007 (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/law0574.pdf>

The site specific Zoning By-law permits a maximum height of 63.75 (mechanical penthouse) and lower height restrictions on other portions of the lands. The site specific By-law also includes 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 63.75 metres by 74.5 metres, resulting in a proposed building height of 138.25 metres inclusive of the mechanical penthouse. In addition, the proposed building does not comply with other lesser height restrictions that are in effect on the lands.

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 of 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

Application Submission

The following reports/studies were submitted with the application: Planning Rational, Sun/Shadow Study, Boundary Plan of Survey, Topographical Survey, Architectural

Plans, Context Plan, Concept Site and Landscape Plan, Underground Garage Plan, Tree Declaration, Traffic Impact and Parking Study Update.

A Notification of Incomplete Application issued on April 30, 2009 identified the outstanding material required for a complete application submission which includes an Archaeological Assessment or previous clearance by Heritage Preservation Services and the Ministry of Culture.

Issues to be Resolved

The subject property is located within the King-Spadina Secondary Plan, East Precinct area. This area is presently undergoing a Built-form review, while the Toronto Entertainment District BIA has completed 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 review of the application.

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 Standard, adopted by City Council in July 2006.

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

CONTACT

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SIGNATURE

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

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ATTACHMENTS

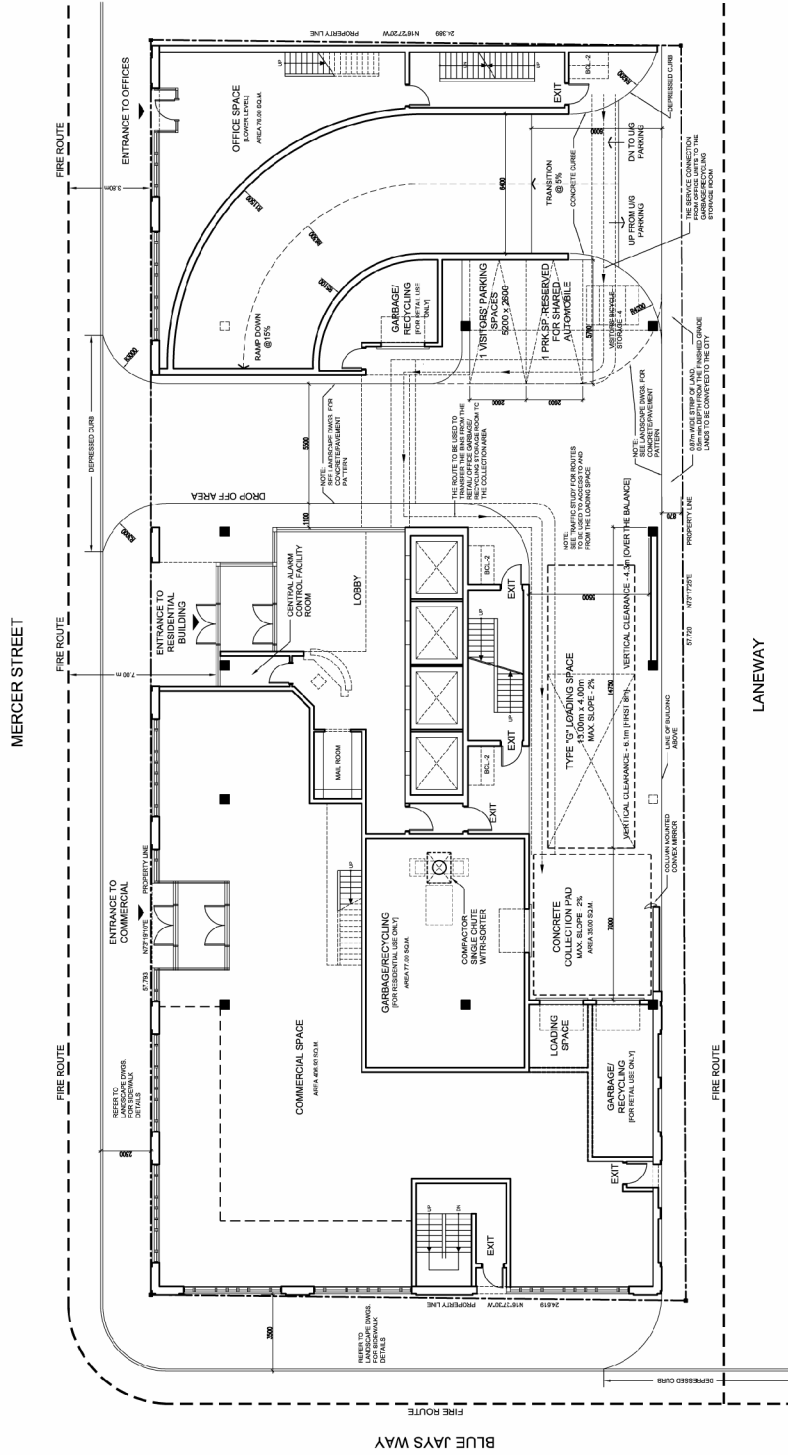
Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 1: Site Plan



99 Blue Jays Way

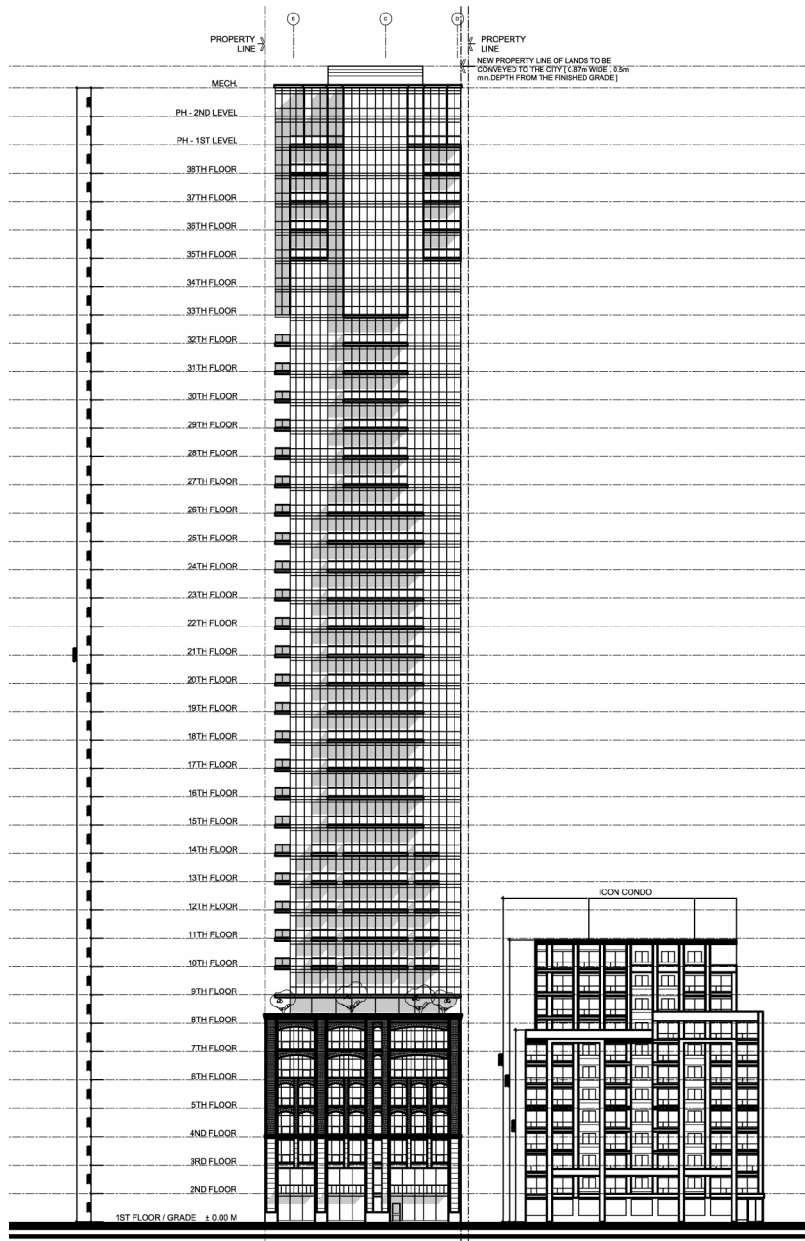
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Site Plan
Applicant's Submitted Drawing

Not to Scale
05/20/2009



Attachment 2: Elevations



West Elevation

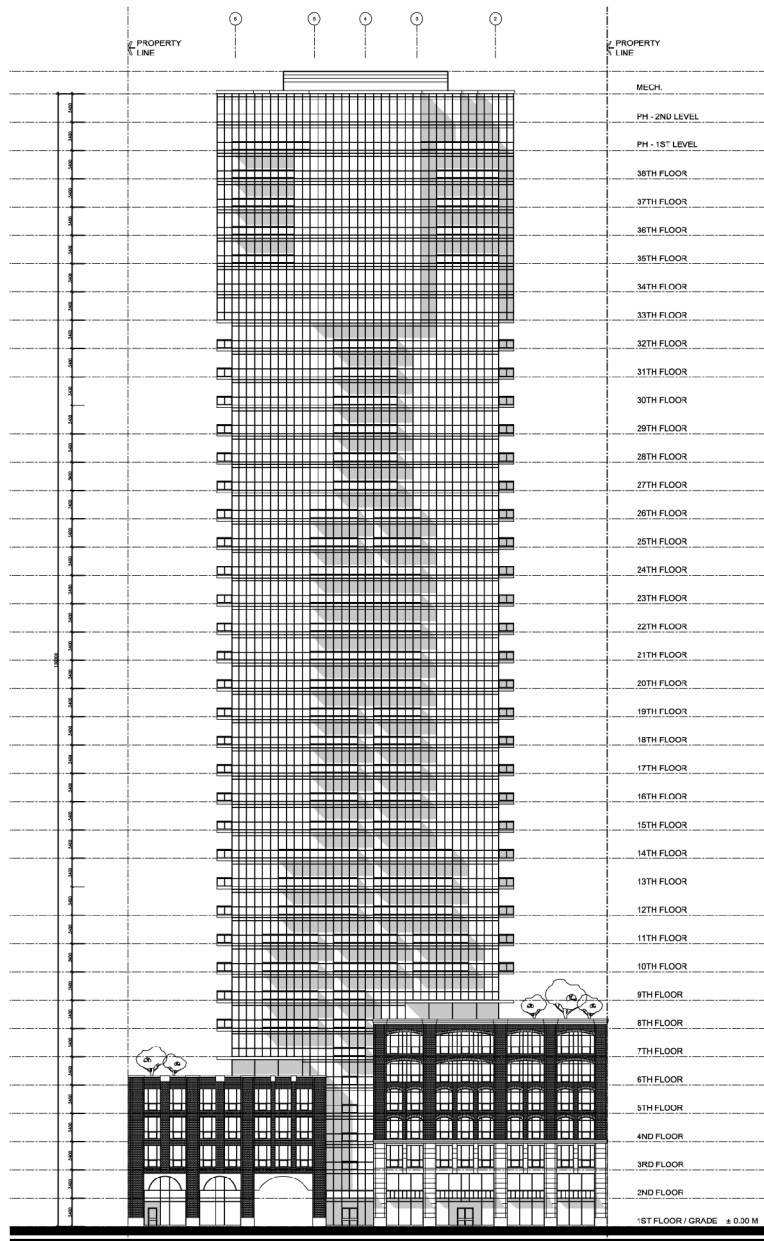
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North Elevation

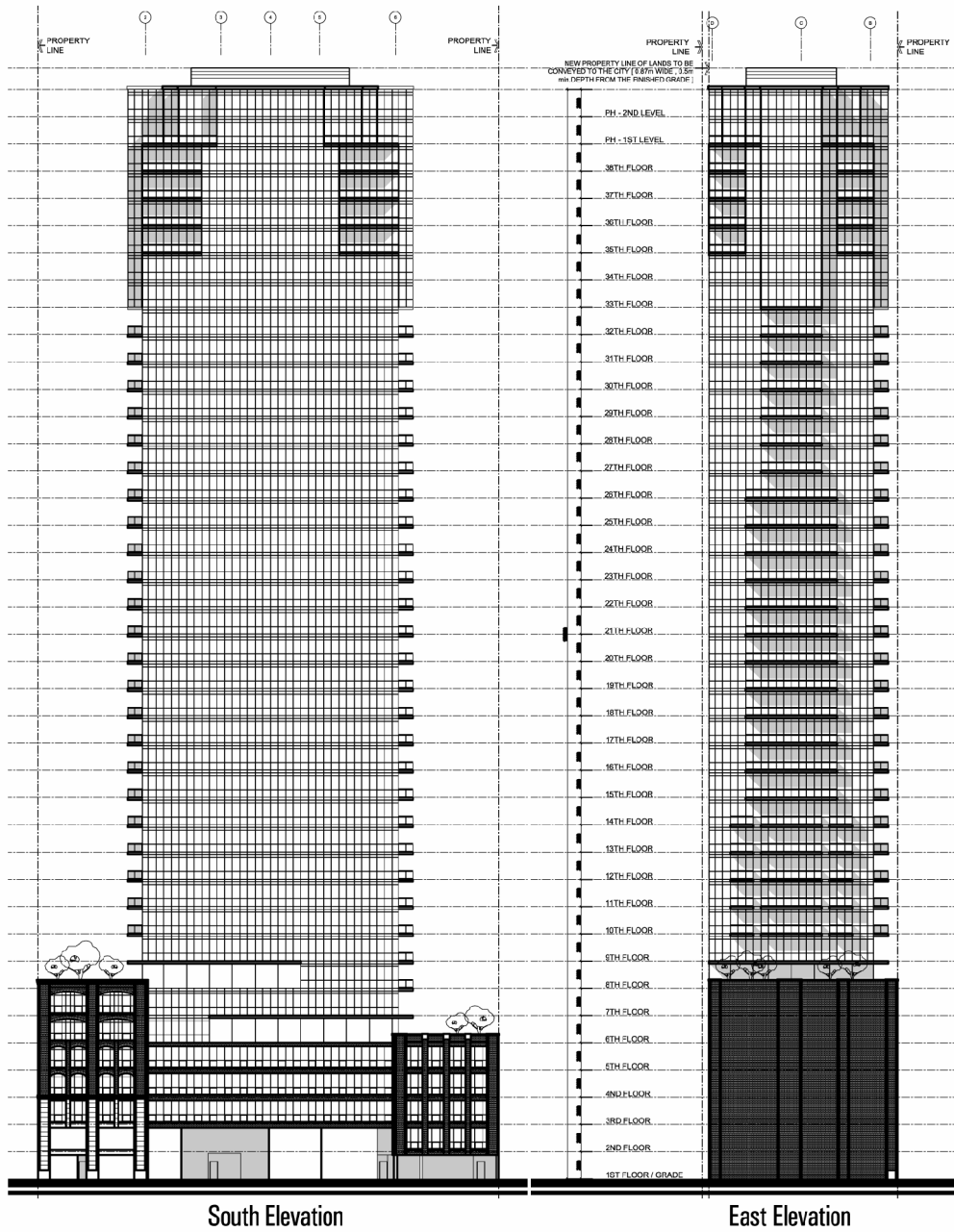
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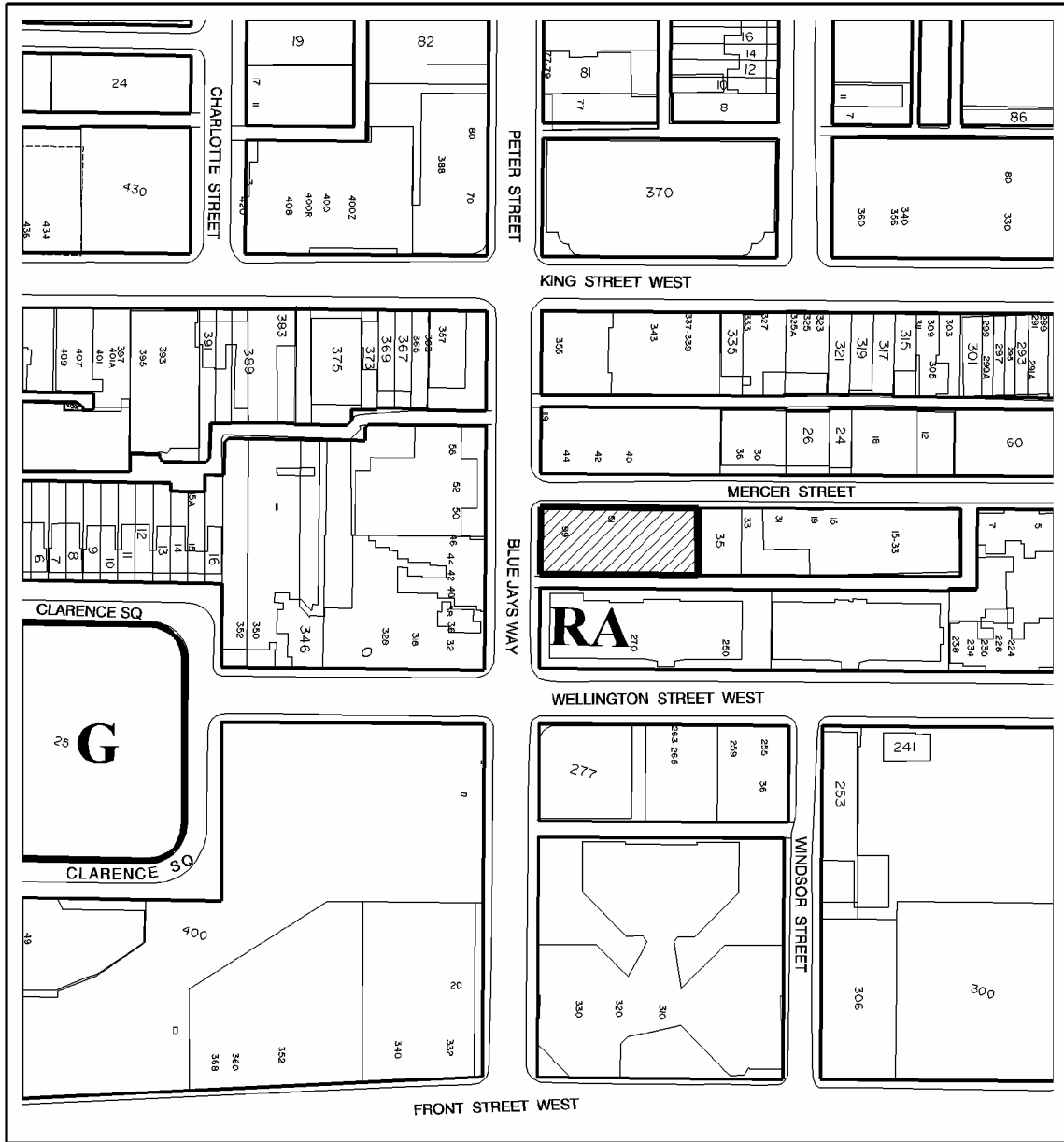
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Attachment 3: Zoning



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RA Reinvestment Area District
G Parks District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 05/20/2009

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	09 129610 STE 20 OZ
Details	Rezoning, Standard	Application Date:	April 23, 2009

Municipal Address: 99 BLUE JAYS WAY
 Location Description: PL 57 LTS 1 TO 7 **GRID S2015
 Project Description: Revision to previous approval, 40 storey building, 138..25 metres, 309 units and 213 below grade parking spaces.

Applicant:	Agent:	Architect:	Owner:
N JANE PEPINO AIRD & BERLIS LLP		SEDUN + KANERVA ARCHITECT INC. LEN SEDUN	FORTY-ONE PETER STREET INC

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	Y
Zoning:	RA	Historical Status:	N
Height Limit (m):	61	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1422.79	Height:	Storeys:	40
Frontage (m):	24.6		Metres:	136
Depth (m):	57.7			
Total Ground Floor Area (sq. m):	767.15			Total
Total Residential GFA (sq. m):	27008.09		Parking Spaces:	213
Total Non-Residential GFA (sq. m):	1213.09		Loading Docks	1
Total GFA (sq. m):	28221.18			
Lot Coverage Ratio (%):	54			
Floor Space Index:	20.43			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	27008.09
Bachelor:	28	Retail GFA (sq. m):	796.61
1 Bedroom:	164	Office GFA (sq. m):	416.48
2 Bedroom:	86	Industrial GFA (sq. m):	0
3 + Bedroom:	31	Institutional/Other GFA (sq. m):	0
Total Units:	309		

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