

**68 Merton St – Zoning Amendment Application -  
Preliminary Report**

<b>Date:</b>	February 25, 2011
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 22 – St. Paul's
<b>Reference Number:</b>	10 310798 STE 22 OZ

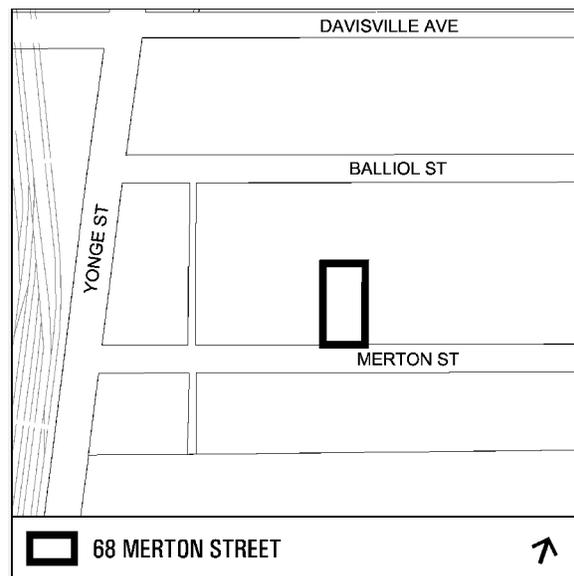
**SUMMARY**

This application is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to construct a 13-storey residential condominium with below-grade parking for the residents and their visitors at 68 Merton St.

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.

The next step is to hold a community consultation meeting to allow the public to review the application and to make their views on the proposal known to staff and the developer. A statutory public meeting is targeted to be held in the third quarter of 2011 provided that the applicant provides all required information in a timely manner.



## RECOMMENDATIONS

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### **The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting for the lands at 68 Merton 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.

### **Pre-Application Consultation**

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

## ISSUE BACKGROUND

### **Proposal**

This is a rezoning application to permit a 13-storey, 143-unit residential condominium. The building includes four 2-storey units at grade within the podium level facing the Merton Street frontage. The applicant is proposing to provide 132 parking spaces which include 1 car share space. More detailed site statistics are provided in Attachment 8, Application Data Sheet.

### **Site and Surrounding Area**

This site is located on the north side of Merton Street just east of Yonge Street. There are no buildings on the site which is currently being used as a commercial, surface parking lot containing 87 parking spaces.

Historically Merton Street, between Yonge Street and Mt Pleasant Road, consisted of primarily commercial and light industrial uses. Since the mid-1980's, the non-residential buildings have been replaced with residential condominiums, apartments and townhouses. The heights and densities of this generation of residential buildings in proximity to the subject site, generally range from 5 to 12-storeys and from 3.3 to 5.75 times the lot area.

North           Immediately to the north/northeast of the property's rear property line is a 3-storey apartment building which fronts onto Balliol Street. Immediately to the northwest is an 18-storey apartment building.

West            To the west of the site is a 2-storey building currently used as an art gallery. Further west is a 2-storey office building and a 3-storey parking garage.

- East           Immediately to the east of the site is a 1-storey building which is used as an animal hospital. Next to that is an 11-storey housing co-operative with an integrated 5-storey podium.
- South           To the south of the site, directly across Merton Street, is a 10-storey senior's apartment building. To the west and to the east of the senior's building is a 15-storey and a 5-storey residential condominium respectively. Further south of these buildings on the south side of Merton Street is the Kay Gardner Beltline Park and the Mt Pleasant Cemetery.

## **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 Provincial Policy Statement (PPS) and 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 *Mixed Use Area* under the City of Toronto Official Plan and abuts an *Apartment Neighbourhood* designation to the north. The *Mixed Use Area* designation permits a range of commercial, residential and institutional uses in single use or mixed use buildings.

The Plan provides a list of criteria which are intended to direct the design and orientation of new development proposals within *Mixed Use Areas*. The proposed development will be evaluated with respect to the full list of criteria found in Section 4.5.2 of the Official Plan. The criteria include:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;

- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- provide good site access and circulation and adequate supply of parking for residents and visitors; and
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

### **Yonge-Eglinton Secondary Plan**

The site is also within the boundaries of the Yonge-Eglinton Secondary Plan. The Secondary Plan generally defers to the Official Plan with respect to this site. However, some policies of the Secondary Plan do apply. These include:

Section 2.4 states, "it is a primary objective to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among uses in *Mixed Use Areas, Neighbourhoods, Apartment Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement."

Section 2.8 states, "parking requirements may be reduced for residential components of mixed use buildings in the *Mixed Use Areas* and residential development in the *Apartment Neighbourhoods* which are in close proximity to subway access, in order to: reduce conflicts between vehicular traffic and on-street servicing, maximize the utilization of existing parking facilities, and encourage residential uses to locate within the Secondary Plan area."

With respect to the preceding discussion of relevant Official Plan and Secondary Plan policies, an Official Plan Amendment will not be required, provided that the proposed development is found to be in compliance with these and all other applicable policies of the Plan and is otherwise supportable.

### **Urban Design and Development Guidelines for Merton Street between Yonge Street and Mt Pleasant Road**

The Merton Street Design Guidelines were adopted by Council in 1996. The intent of the Guidelines was to direct the transition of this section of Merton Street from a primarily commercial and industrial area to residential uses.

The north and south sides of the street abut different land uses. The north side backs onto an *Apartment Neighbourhood* and the south abuts the Kay Gardiner Beltline Park and the Mt Pleasant Cemetery. Separate guidelines were drafted to fit the specific development context of the north and the south sides of the street. Sixty-eight Merton St is on the north side. The North Side Design Guidelines include the following:

- The north side of Merton Street should be developed as a generally continuous and articulated, street related building wall of 5 storeys, fronting a well landscaped streetscape with the highest portion of the building not exceeding 7 storeys;

- Street-related building walls should be set back up to 4 metres from the property line in order to create a well landscaped streetscape. Portions of buildings may be built to the property line to reduce the impact on the development to the north;
- A street-related expression line of 2 storeys should be incorporated into the design of the façade;
- Taller building elements (above the 5-storey height) should be set back from the street-related building, massed toward the street line and should be designed and oriented to maximize southward views from existing high rise developments to the north. Building heights should be stepped down towards the north in order to reduce the shadowing effect over the properties to the north; and
- Building entries should be street and grade-related and where appropriate, building frontages should include street-related uses at grade.

### **Mid-Rise Guidelines**

In 2010, Council adopted the Avenues and Mid-Rise Buildings Study. The study includes guidelines which are intended to encourage the construction of better designed mid-rise buildings on the City's Avenues where growth is expected and desirable.

These Guidelines apply to mid-rise developments which are proposed to be constructed on The Avenues. This site is not located on an Avenue on Map 2 of the Official Plan but it is located within the Yonge-Eglinton Secondary Plan area. The Yonge-Eglinton Secondary Plan does not contain specific mid-rise policies or guidelines. However, the staff report on the Mid-Rise Study noted that although it was to provide performance standards and recommendations for mid-rise buildings on The Avenues, they may also be appropriate and useful to guide the review of proposals for mid-rise buildings in Mixed-Use Areas not on Avenues.

The Mid-Rise Guidelines include various building performance standards including:

- the maximum allowable height of buildings on the Avenues will be no taller than the width of the Avenue right-of-way, up to a maximum mid-rise height of 11-storeys (36 metres);
- mid-rise buildings may be required to be set back at grade to provide a minimum sidewalk zone;
- the transition between an Avenue property and areas designated *Apartment Neighbourhoods* to the rear should be created through setbacks and other provisions;
- there should be breaks at upper storeys between new and existing mid-rise buildings that provide sky-views and increased sunlight access to the sidewalk. This can be achieved through side step-backs at the upper storeys; and
- the building envelope should allow for a minimum of 5-hours of sunlight onto the Avenue sidewalks from March 21<sup>st</sup> to September 21<sup>st</sup>.

## **Zoning**

The lands are zoned CR T2.0 C2.0 R2.0 with a height restriction of 21 metres under By-law 438-86 and CR 2.0 (c2.0; r2.0) SS2 (x2495) with a height restriction of 21 metres under By-law 1156-2010 which was adopted by Council on August 25, 2010. The zoning under both By-laws permits a range of commercial and residential uses. Refer to Attachments 6 (Zoning, By-law 438-86) and 7 (Zoning, By-law 1156-2010).

The lands are also subject to a site-specific by-law which was approved by the Ontario Municipal Board and enacted in 1996. The site-specific approval included numbers 64, 68 and 84 Merton Street and permit a 10-storey mixed commercial-residential building to be constructed on these three lots.

## **Site Plan Control**

The proposed development is subject to site plan control. An application must be submitted and will be considered concurrently with the Zoning Amendment application.

## **Tree Preservation**

The applicant has submitted an arborist report and tree preservation plan for review by City Forestry. The site is presently an asphalt surface parking lot. There are 2 City-owned Honey Locust trees planted in the Merton Street boulevard at the south end of the site. The applicant proposes to remove these trees. An application for a removal permit will need to be submitted. These trees will need to be replaced according to City Forestry requirements. There are no other trees on the subject site.

To the north (at the rear) of the property is a 1.7 metre high retaining wall. There are 2 trees growing off-site above the retaining wall and beyond a wooden fence. The applicant's arborist expects that these tree's roots will be protected by the retaining wall and fence and will not be damaged by the construction of the proposed development. City Forestry will verify that or will require protection measures.

There is also a row of Manitoba Maples of less than 30 cm in diameter growing off-site at the northeast end. Two of these trees extend over the site and may have to be removed, according to City Forestry requirements, to allow for construction of the proposed condominium.

## **Reasons for the Application**

The City currently has 2 general zoning by-laws that apply to this site. By-law 438-86 is the in-force by-law which applies to the former City of Toronto. By-law 1156-2010, as adopted by Council on August 25, 2010, is the new consolidated zoning by-law which applies to most areas within the amalgamated City and will eventually (upon approval by the Ontario Municipal Board) supersede or incorporate all other City by-laws.

Amendments to both By-laws (438-86 and 1156-2010) will be required to permit the proposed building density and height. The applicant is proposing a total gross floor area which equals over 6.0 times the lot area whether calculating density using the amount of floor area as defined by By-law 438-86 or By-law 1156-2010. Both By-laws permit a maximum density of 2.0 times the lot area.

The proposed building is determined to be 41.35 metres in height under both By-laws. The permitted height (under both) is 21.0 metres.

Additional areas of non-compliance with both Zoning By-laws will be determined through the Building Division's zoning review.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- planning rationale
- shadow studies
- site plan, elevations, floor plans, parking level plans, sections and landscape drawings
- tree preservation plan
- geotechnical report
- environmental site assessment
- servicing report
- stormwater management report
- arborist report
- pedestrian wind level study
- transportation impact study
- green standards checklist
- stage 1 archaeological assessment

A Notification of Complete Application was issued on January 24, 2011.

### **Issues to be Resolved**

Prior to submitting a Final Report to Toronto and East York Community Council, the following issues as well as any others which may be identified by staff and the local community will need to be reviewed and addressed:

- consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;
- conformity with Official Plan policies particularly with respect to the sections on *Mixed Use Areas*;
- built form and massing issues including but not limited to height, setbacks, step backs, sky view, privacy. Staff will review the height, density, massing and site orientation of the proposed 13-storey building which is 6.18 times its lot area to determine whether it would be a fit in relation to the existing and planned developments on Merton Street between Yonge Street and Mt Pleasant Road. (Refer to elevation drawings at Attachments 2 through 5.);
- sustainability components of the building and the applicant's commitment to Toronto Green Standard targets; and
- transportation issues which may arise that are related to local traffic impacts, vehicular and bicycle parking, access and loading.

## **Section 37**

The Official Plan includes policies pertaining to the exchange of public benefits for increased density and height for developments that are over 10,000 square metres in gross floor area pursuant to Section 37 of the Planning Act. This proposed development is over 11,000 square metres.

## **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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E-mail: tburk@toronto.ca

## **SIGNATURE**

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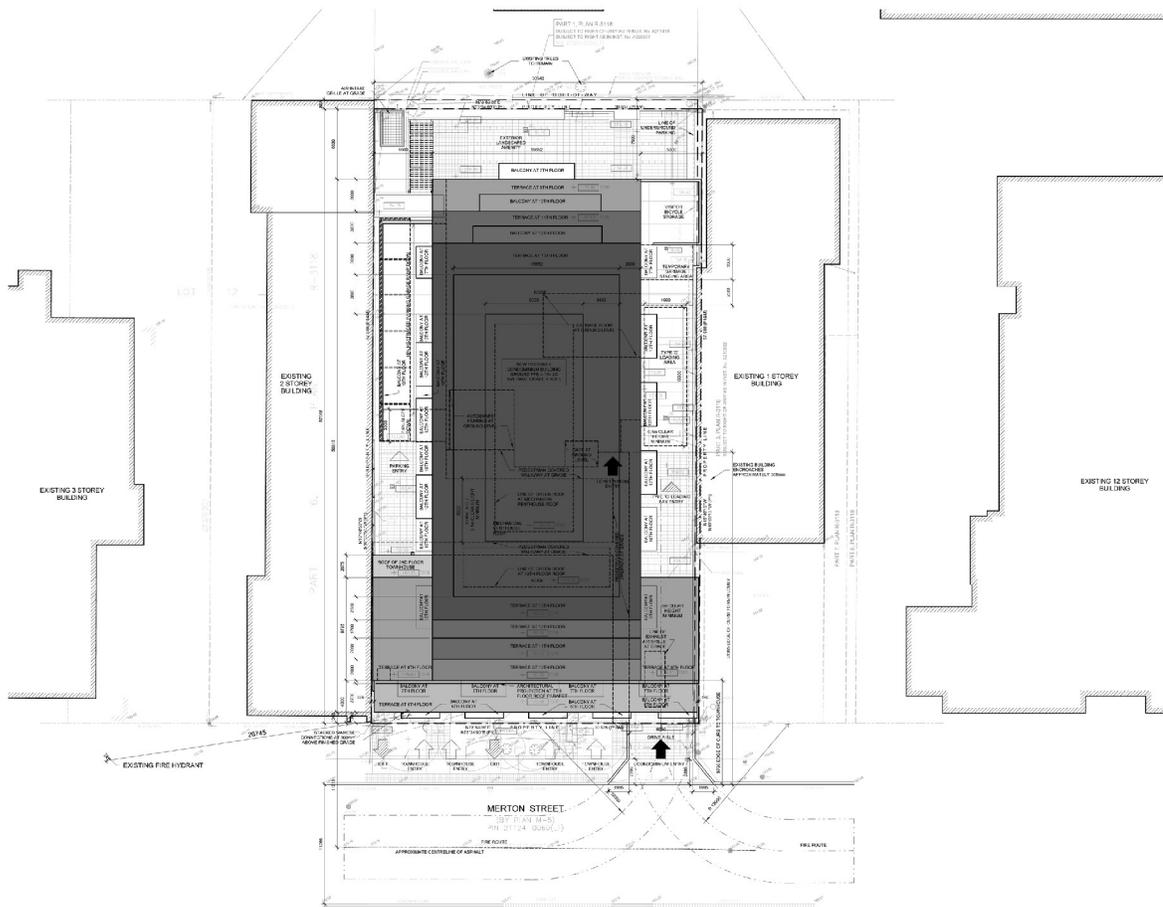
Gregg Lintern, MCIP, RPP  
Director, Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: South Elevation  
Attachment 4: East Elevation  
Attachment 5: West Elevation  
Attachment 6: Zoning (438-86)  
Attachment 7: Zoning (1156-2010)  
Attachment 8: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

Not to Scale 

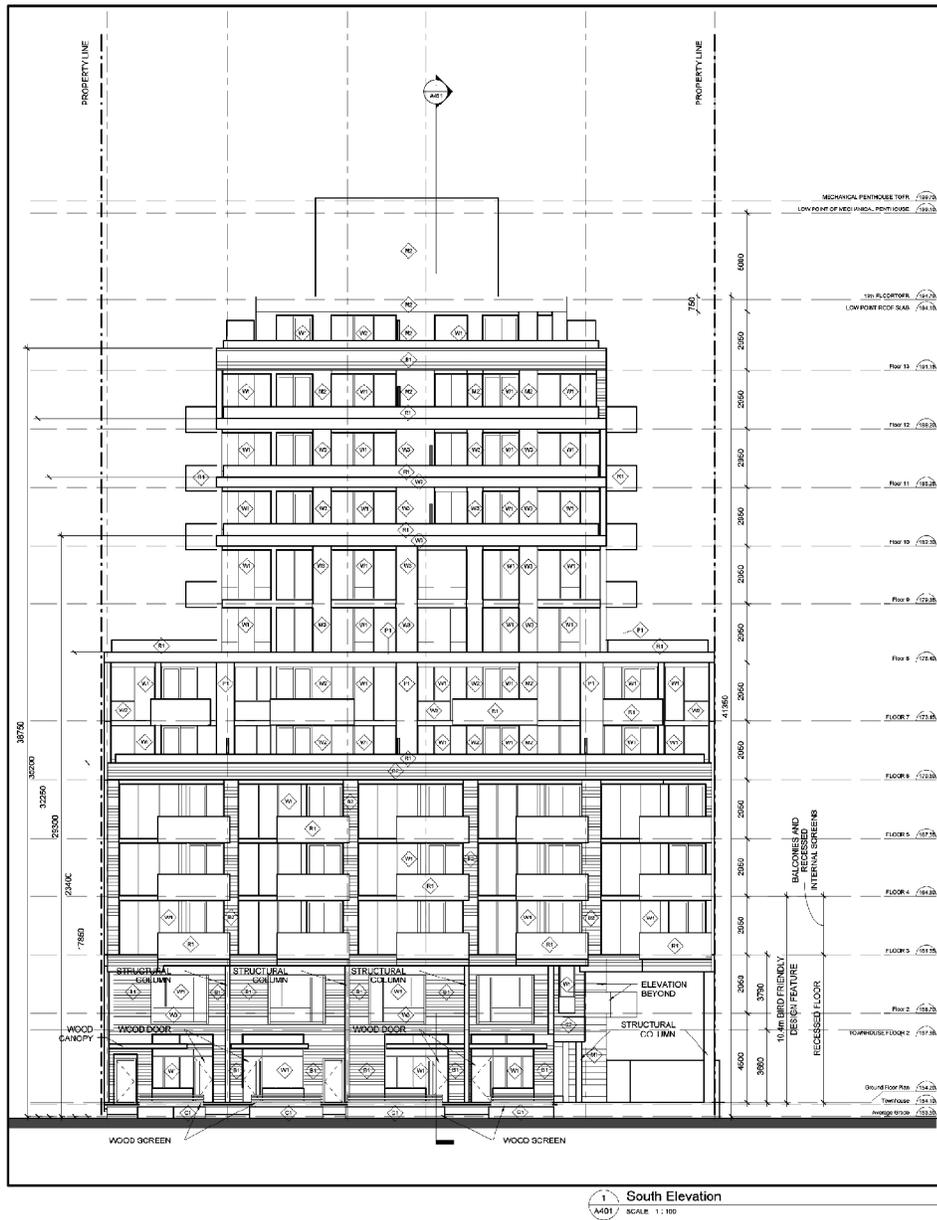
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68 Merton Street

File # 10\_310798\_0Z



# Attachment 3: South Elevation



## South Elevation

Applicant's Submitted Drawing

Not to Scale  
02/08/1

## 68 Merton Street

File # 10\_310798\_0Z

# Attachment 4: East Elevation



## East Elevation

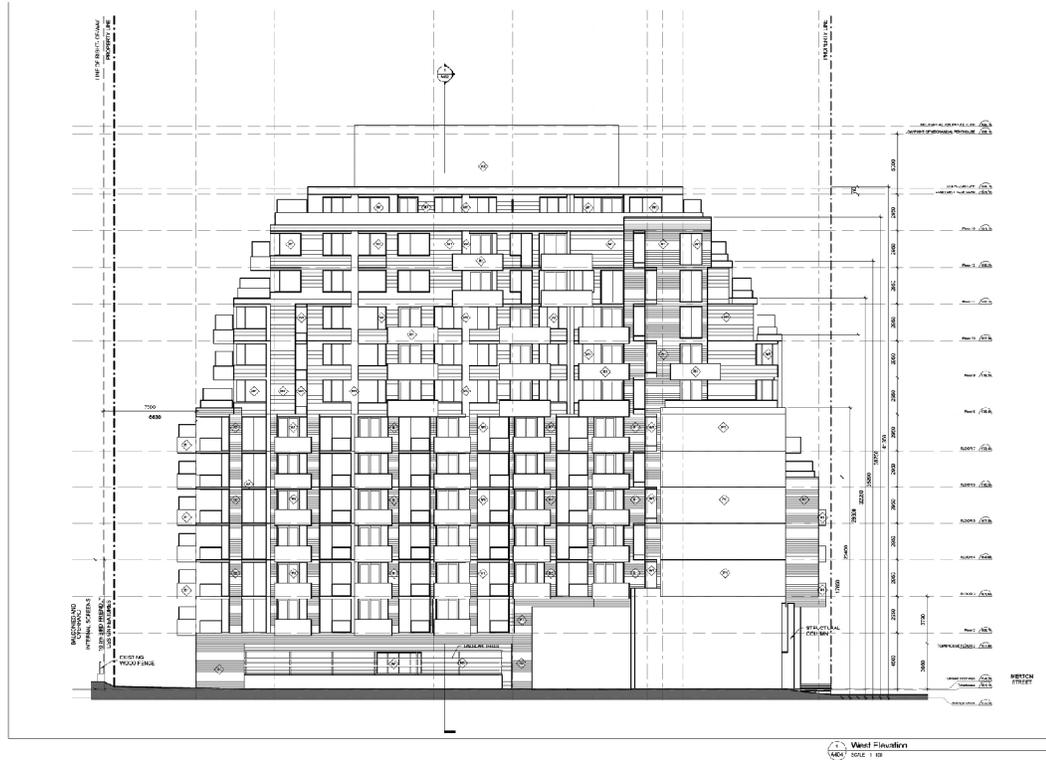
Applicant's Submitted Drawing

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68 Merton Street

File # 10\_310798\_0Z

# Attachment 5: West Elevation



## West Elevation

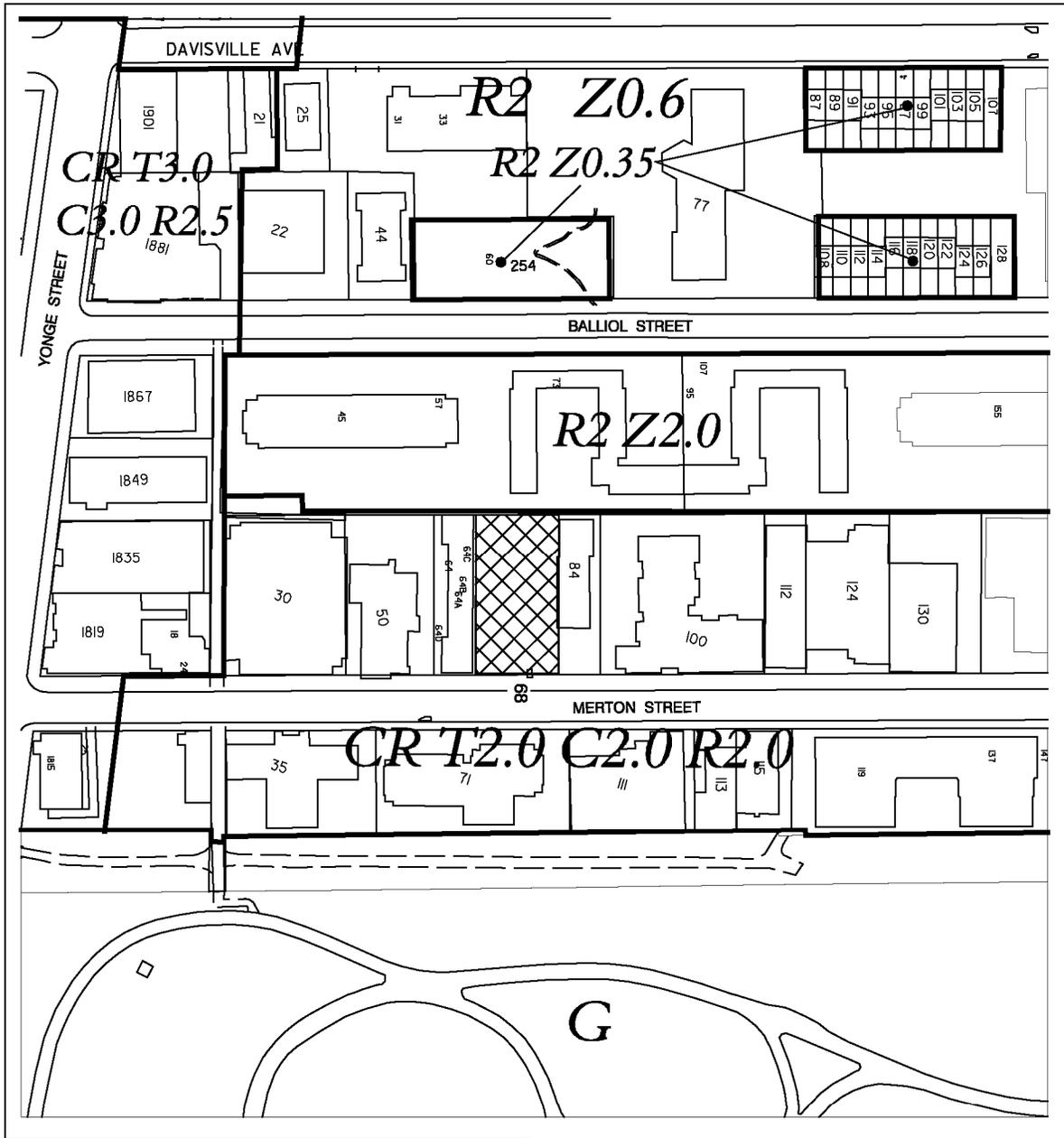
Applicant's Submitted Drawing

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## 68 Merton Street

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Attachment 6: Zoning (438-86)



**TORONTO** City Planning  
Zoning

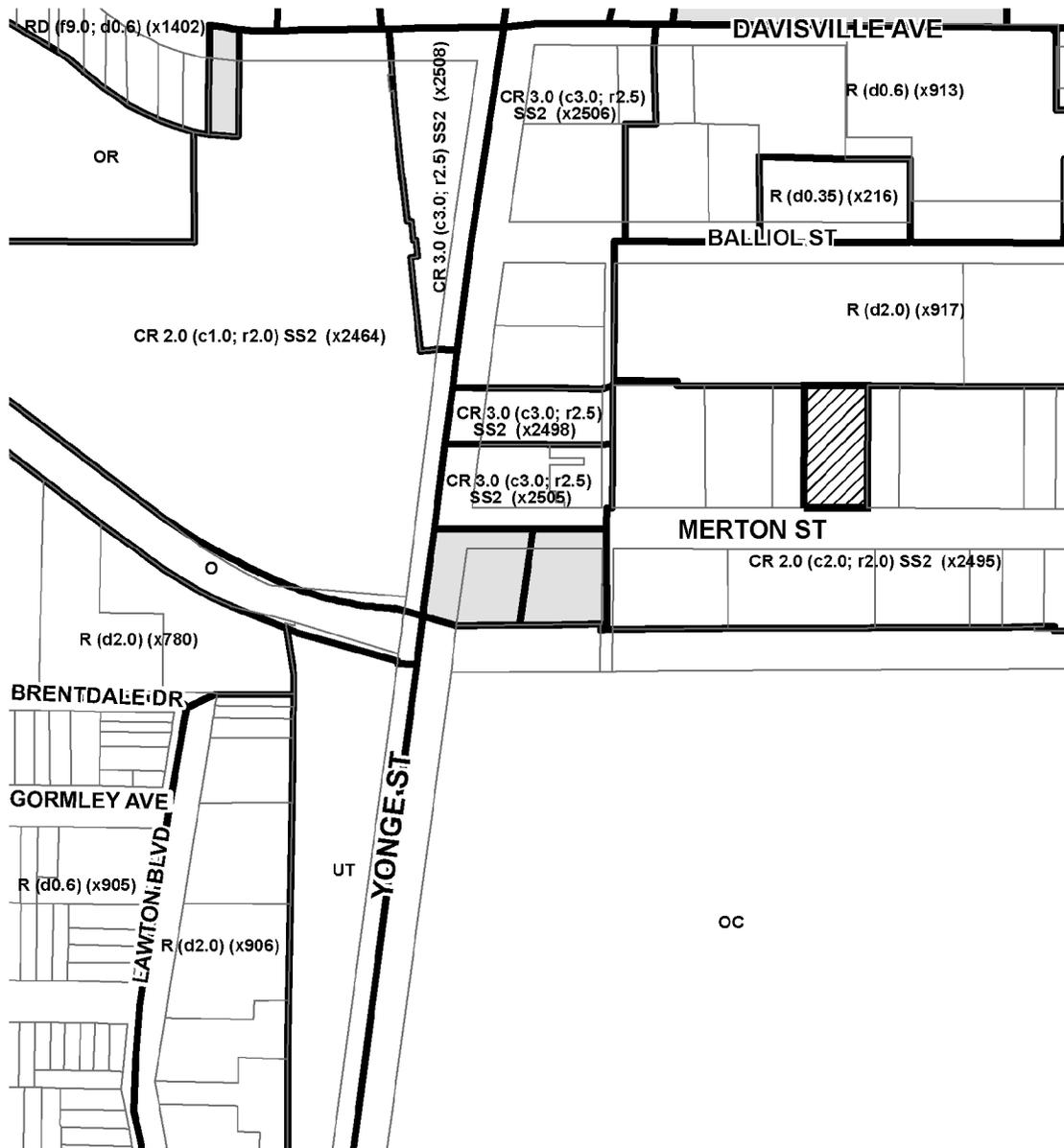
68 Merton Street  
File # 10\_310798\_02

- G Parks District
- R2 Residential District
- CR Mixed-Use District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 02/09/11

## Attachment 7: Zoning (1156-2010)



### Zoning City of Toronto By-law 1156-2010

**68 Merton Street**

File # 10 310798 0Z

- |                                |                                     |
|--------------------------------|-------------------------------------|
| Location of Application        | Not Part of Zoning By-law 1156-2010 |
| R Residential Zone             | OC Open Space - Cemetery Zone       |
| RD Residential Detached Zone   | UT Utility & Transportation Zone    |
| CR Commercial Residential Zone |                                     |



Not to Scale

02/08/2011

### Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	10 310798 STE 22 OZ
Details	Rezoning, Standard	Application Date:	December 8, 2010
Municipal Address:	68 MERTON ST		
Location Description:	PLAN M5 PT LOTS 14 & 16 RP 66R3118 PART 2 **GRID S2208		
Project Description:	Rezoning application to construct new 13 storey condo - 143 dwelling units, 3 levels below grade parking - 132 parking spaces.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
URBAN STRATEGIES INC		quadrangle	68 MERTON ST HOLDINGS INC

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T2.0 C2.0 R2.0	Historical Status:
Height Limit (m):	21	Site Plan Control Area:

#### PROJECT INFORMATION

Site Area (sq. m):	1793.6	Height:	Storeys:	13
Frontage (m):	30.925		Metres:	41.35
Depth (m):	57.988			
Total Ground Floor Area (sq. m):	652			<b>Total</b>
Total Residential GFA (sq. m):	11355.7		Parking Spaces:	132
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	11355.7			
Lot Coverage Ratio (%):	36.4			
Floor Space Index:	6.33			

#### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	96
2 Bedroom:	47
3 + Bedroom:	0
Total Units:	143

#### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	11355.7		0
Retail GFA (sq. m):	0		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

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