

## 68 Merton St – Zoning Amendment Application – Final Report

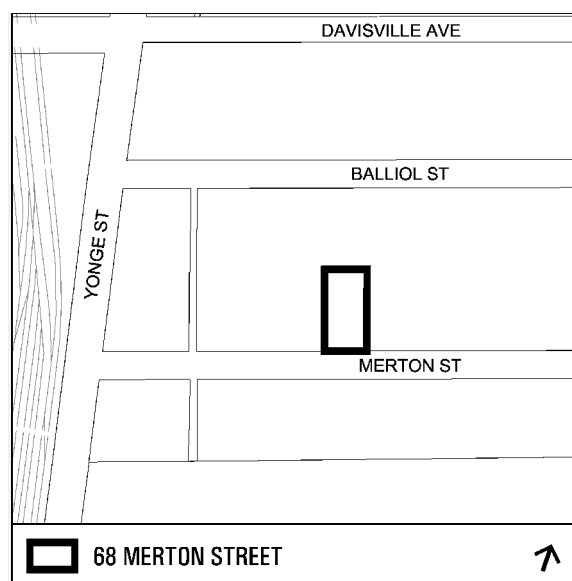
<b>Date:</b>	August 15, 2011
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 22 – St. Paul's
<b>Reference Number:</b>	10 310798 STE 22 OZ

### SUMMARY

This application proposes to amend the Zoning By-law to permit construction of a 13-storey, 143-unit residential condominium with below-grade parking for the residents and their visitors at 68 Merton Street.

This report recommends approval of the proposed development based on its planning and design attributes which include:

- a. the proposed development maintains adequate sunlight for residents in adjacent buildings and at pedestrian level on Merton Street;
- b. the inclusion of grade-related units on Merton Street will assist in the integration of the proposed building into the local neighbourhood context;
- c. the site is within a few blocks of the Davisville subway station and, as a result, has excellent transit connections to most points within the City;
- d. the site is on Merton Street and is in proximity to retail shops, services, entertainment and places of employment found on Yonge Street and



Mount Pleasant Road; and

- e. the Section 37 benefits that would be secured as a result of approval and construction of this development including improvements to the Kay Gardner Beltline Park and to Oriole Park or other local area park improvements.

This report reviews and recommends approval of the application to amend the Zoning By-law.

## **RECOMMENDATIONS**

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

1. City Council amend Zoning By-law 438-86, for the lands at 68 Merton Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the report dated August 15, 2011 from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 68 Merton Street (the subject of this report) to enter into an Agreement pursuant to Section 37 of the Planning Act to be registered on title as follows:
  - a. The community benefits recommended to be secured in the Section 37 Agreement are:
    - i. a payment of \$400,000.00 (indexed to inflation) which will be payable prior to the issuance of the first building permit. Such payment will be directed to the Planning Act Reserve Fund to be used for improvements to the Kay Gardner Beltline Park and/or Oriole Park or other local area park improvements;
  - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
    - i. The owner shall construct and pay for any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services should it be determined that improvements to such infrastructure is required to support this development.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The site, including the lots to its west and east at 64 and 84 Merton Street respectively, is subject to site-specific zoning by-law 1997-0523 which was approved by the Ontario Municipal Board. That by-law permits the redevelopment of those lots for a 10-storey mixed use building containing 124 residential units and 35 square metres of retail space.

## **ISSUE BACKGROUND**

### **Proposal**

The proposed development consists of a 13-storey, 143-unit residential condominium. The building includes four, 2-storey units at grade within the podium level. These units face the Merton Street frontage.

A total of 132 parking spaces including 1 car share space are proposed for use by condominium residents and their guests.

### **Site and Surrounding Area**

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

Historically, Merton Street between Yonge Street and Mt Pleasant Road consisted primarily of 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 3.0 to 5.75 times their lot areas.

Abutting properties are used as follows:

North: Immediately to the north/northeast of the property's rear property line is a 3-storey apartment building which fronts onto Balliol Street. 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: To the east of the site is a 1-storey building which was last 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. On the west and east sides 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 Garner 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 by the Planning Act, to conform, or not conflict, 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 is not required.

## **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. The site is on the north side of Merton Street and generally complies with the intent of these guidelines as outlined in the comments section of this report.

## **Zoning**

The lands are zoned CR T2.0 C2.0 R2.0 with a height restriction of 21 metres under By-law 438-86. That zoning permits a range of commercial and residential uses (refer to Attachment 6: Zoning).

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 permits 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 was submitted on July 27, 2011.

## **Reasons for Application**

The proposed development requires a number of amendments to By-law 438-86 to permit the construction of a 13-storey (41.35 metres) residential condominium at 6.33 times its lot area in total density, exceeds the height limit of 21.0 metres and the total permitted density of 2.0 times the lot area. Additional zoning amendments will also be required, including a reduction in required parking spaces from 156 to 132 spaces.

## **Community Consultation**

A community consultation was held on May 4, 2011. The meeting was attended by approximately 20 persons who were comprised of residents and commercial property owners on Merton Street. The proposed zoning amendments were discussed at the meeting. Comments and issues raised by those in attendance at the meeting as well as comments received by planning staff subsequent to the meeting have been discussed with the applicant and more detailed analysis to the initial study submissions and revisions to the original plans were made by the applicant.

Concerns expressed by residents and commercial property owners included:

- loss of commercial parking spaces (particularly to local businesses) when the existing surface commercial parking lot is redeveloped;
- shadow impact on the residential building to the east at 100 Merton Street;
- the proposed loading access located on the east side of the building would be aesthetically unpleasing and noisy to the residents of west-facing units of 100 Merton Street;
- the stacked, grade-related townhouses which are included in the building base should have typical front yards with soft landscaped areas to soften the Merton Street streetscape; and
- the applicant should reduce the impression of building mass through his selection of building facing materials and landscape materials.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

This application supports the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application also complies with the policies of the PPS that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other means, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes.

The proposed development complies with the above policies and other relevant policies of the Provincial Policy Statement and Plans by: intensifying the residential use of the site; making efficient use of the existing infrastructure; providing a mix of residential unit sizes and by being within a short walk of the Yonge-Davisville subway station and other surface TTC routes.

The proposed development also meets the policies of the Provincial Growth Plan. The Growth Plan promotes increasing intensification of the existing built-up area with a focus on areas of the City such as major transit station areas. The site is a few blocks from the Yonge-Davisville subway station and is within the Yonge Street corridor which is designated a 'Higher Order Transit Corridor' on Map 4 of the Official Plan.

Section 2.2.5.1 of the Growth Plan requires that the planning of higher order transit corridor areas strive to achieve:

- increased residential and employment densities that support and ensure the viability of existing and planned transit service levels; and
- a mix of residential, office, institutional and commercial development wherever appropriate.

The proposed development will increase residential densities in an area of Merton Street between the Yonge Street and Mt Pleasant Road commercial arterials that have easy access to public transit. This section of Merton Street has been converting from commercial to residential use since the 1980's.

## Land Use

The proposed residential condominium is a land use which is permitted in the *Mixed Use Area* designation of the Official Plan and the Yonge-Eglinton Secondary Plan. The proposed condominium is also permitted by the MCR zoning which applies to the site.

## 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 the Guidelines were 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. The intent of many of these performance standards have been met through the design of the proposed building as follows:

1. Buildings may be required to be set back at grade to provide a minimum sidewalk zone.

The proposed building provides a landscaped 4 metre setback from the front wall of the building (at grade) to the property line. The applicant also proposes to add street trees and other landscape plantings with irrigation to the 5.8 metre wide public sidewalk. The 4 metre private landscaped area in front of the townhouses would add soft landscaped greenery to the streetscape and appear as a continuation of the landscaped public (sidewalk) area.

2. There should be breaks at upper storeys that provide sky views and increased sunlight access to the sidewalk.

The proposed building complies with this guideline by providing 5 setbacks above the fifth to the thirteenth storey on the Merton Street elevation and 3 setbacks between the seventh and thirteenth storeys on the rear (north) elevation of the building.

3. Existing buildings with side wall windows should not be negatively impacted by new developments.

There are no existing residential buildings with window walls closer than approximately 20 metres to a window wall in the proposed building.



The base building is proposed to have a 5 to 7 storey party wall condition (no windows) for a depth of approximately 13 metres back from the front wall on the east and west elevations. Beyond that base, the building has windows and is set back 5.5 metres to the property line on both the east and west sides.

In the event that the properties to the east or west of the site are redeveloped, a built form similar to the proposed development could match the proposed building's party walls and setbacks. In this way, sunlight and privacy could be provided to any future units which may be proposed on these lots in the context of this low and mid rise area.

4. The building envelope should allow for a minimum of five hours of sunlight onto the Avenue sidewalks from March 21<sup>st</sup> to September 21<sup>st</sup>.

The proposed building is on the north side of Merton Street and does not significantly impact sunlight on the street.

5. Blank side walls should be designed as an architecturally finished surface and that large expanses of blank sidewalls should be avoided.

Details of the proposed building's east and west zero-lot-line walls have been provided with the applicant's site plan application (1:50 scale drawings). These walls would be finished with a combination of aesthetically interesting materials including wood, glass spandrel panels and finished metal cladding.

## **Density, Height, Massing**

The proposed development is 13-storeys (41.35 metres) with a total density of 6.07 times its lot area. While slightly higher in height and density, the proposed development generally fits within the local Merton Street context of up to 12 storeys and a floor space ratio of 5.75.

The site, which is within a *Mixed Use Area* in the Official Plan, abuts an *Apartment Neighbourhood* and not a *Neighbourhoods* designation to the north. Buildings of similar and greater heights and densities currently exist in the abutting *Apartment Neighbourhood*.

The massing of the proposed building is also kept within the parameters of the local context. It confirms the 5-storey base building height (on Merton Street) of the existing residential building to the east (100 Merton St) by providing the first of a number of stepbacks from Merton Street above its 5<sup>th</sup> floor.

To reduce the overall impression of building mass from Merton Street, the building uses its deep lot to extend successive floors away from the street using additional stepbacks above the 8<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> floors. A comment by a participant at the community consultation meeting suggested that the applicant should also attempt to reduce the impression of overall building mass through the selection of building facing materials. The applicants have submitted 1:50 scale drawings for review with their site plan application. The 1:50 scale drawings detail the cladding materials. The applicants are advised that staff will review the drawings with this resident's comment in mind.

From a bird's eye perspective, the proposed building takes the form of an inverted 'T' with the top of the 'T' spreading across the Merton Street (south end of the site) frontage. In anticipation of the possibility of similar redevelopments of the neighbouring properties, this portion of the building is proposed to be constructed utilizing a zero-lot-line, party wall condition on both the east and west property lines. The building is proposed to extend in a zero-lot-line fashion northwards into its lot for a depth of approximately 13.0 metres.

North of the zero-lot-line portion of the building, a 5.5 metre setback to the east and west property lines is proposed. The proposed setback plus a similar setback with any redevelopment which may occur on the two adjacent properties would provide separation between the proposed building and residential units in the buildings which could be built on either flank.

### **Urban Design and Development Guidelines for Merton Street Between Yonge St. and Mt. Pleasant Road**

The proposed building complies with the intent of the Urban Design and Development Guidelines for the north side of Merton Street as follows:

1. The Guidelines recommend that 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.

The proposed building has a 5-storey base which stretches from the east to west lot line, providing a continuous street wall on the Merton Street frontage.

2. The Guidelines recommend that street related building walls should be set back up to 4 metres to create a well landscaped streetscape.

The proposed building has a 4 metre landscaped setback to the Merton Street property line. The applicant is also proposing to provide street trees and other plantings in the public sidewalk right-of-way.

3. The Guidelines recommend that a street related expression line of 2 storeys should be incorporated into the design of the façade.

The proposed building achieves an expression line above the second floor with a change in built form from 2-storey grade related units to single level condominium units starting on the third floor. The change in built form is made more pronounced by a change in building materials from brick and wood accents on the 2-storey 'townhouse' units to glass materials above the second floor.

4. The Guidelines recommend that the taller building elements above 5 storeys should be: set back from the street related portion of the building; designed to maximize south views from existing buildings to the north; and should be stepped down towards the rear of their lots to reduce shadowing effect over the existing residential properties to the north.

The proposed building: steps its Merton Street elevation back approximately 2.75 metres above the fifth floor; maximizes south views from the properties to the north by providing a 5.5 metre setback from the east and west property lines (as described in point #3 under the discussion in this report of Mid-Rise Guidelines); and the building steps down three times at the rear (south to north) between the thirteenth and seventh floors to reduce the shadowing effect over the properties to the north.

5. The Guidelines recommend that east and west sides of buildings should be articulated and not consist of blank walls.

The proposed building's east and west walls are articulated, where no windows exist, by using a combination of glass spandrel panels, wood trellis materials and finished metal cladding.

6. The Guidelines indicate that building entries should be street and grade related.

The proposed building includes four street and grade related townhouses with their front doors facing Merton Street.

7. The guidelines recommend that servicing should occur from the side or rear of buildings.

The proposed building locates its servicing rooms and loading bay on the east side of the building. The loading bay and access drive are partially screened by wood landscape trellis.

## **Sun, Shadow, Wind**

The Official Plan requires that new development in *Mixed Use Areas* maintains adequate light for residents of abutting neighbourhoods. A design performance standard for mid-rise buildings is that the building envelope should allow for a minimum of 5 hours of sunlight on the (arterial) sidewalks between March 21<sup>st</sup> and September 21<sup>st</sup>.

While zoned and designated for mixed use development, Merton Street is not an arterial road. However, the applicant's shadow study for the months of March, June and September, as accepted by City staff, shows that the proposed building meets this standard. Also at least 5 hours of sunlight a day would be maintained on the surrounding residential buildings between the hours of 9:18 a.m. to 6:18 p.m. during March, June and September.

In response to a concern raised by a resident at the community consultation meeting, the applicant volunteered but was not required to provide a special shadow study detail. The detail highlighted the shadow effect that the proposed building would have on a particular unit on the fourth floor in the west face of the residential building at 100 Merton Street. The result of that analysis (again as accepted by City Staff) is that there would be no undue shadowing of any significance (under the City's Official Plan policies) on this resident's particular unit within the building at 100 Merton Street.

It is noted that the OMB approval of site specific zoning by-law 1997-0525 allows a 10-storey building across three lots including 64, 68 (the subject site) and 84 Merton Street. If constructed, that previously approved building would bring a 10-storey building wall significantly closer to the west face of 100 Merton Street. The existing building at 100 Merton Street would be more impacted by shadowing as a result.

### **Traffic Impact, Access, Parking**

Section 2.2 of the Official Plan, "Structuring Growth in the City: Integrating Land Use and Transportation," indicates that future growth within Toronto will be directed to areas (such as this) that; are well served by transit and the existing road network, have properties with redevelopment potential the redevelopment of which will have no significant impact on existing traffic flow or pedestrian safety, and that provide appropriate parking and site access.

### **Traffic Impact**

A Transportation Impact Study was provided by the applicant. The study was reviewed and accepted by the City's Transportation Services Division. Based on the following findings, the study concludes that the site is well-suited for the proposed residential development from a transportation perspective:

- the site is a short walk to the Davisville subway station and to surface bus routes on Yonge Street, Davisville Avenue and on Mt. Pleasant Road;
- the existing surface commercial parking lot on the site generates approximately 45 and 75 weekday morning and afternoon peak hour trips respectively;
- the proposed residential development is projected to generate approximately 40 and 35 weekday morning and afternoon peak hour trips respectively;
- the traffic volumes that are expected to be generated by the new development are relatively small. They are projected to generate 5 and 40 fewer trips than the existing parking lot in the morning and afternoon weekday peaks respectively;
- traffic originating from the proposed development can be acceptably accommodated at area intersections including the signalized intersections at Yonge and Merton Streets and at Mt. Pleasant Road and Merton Street; and
- no turning movement conflicts are expected between the proposed driveway and the continuous flow of traffic on Merton Street.

### **Loading**

The applicant is providing 1 Type G loading space as is required by By-law 438-86. This space is partially enclosed within the east side of the building. Technical Services has reviewed the plans and drawings of the proposed loading area and find it to be acceptable for the needs of the building and to meet the requirements of the zoning by-law.

At the community consultation meeting, a resident of a west-facing unit in the building at 100 Merton Street expressed a concern regarding the location of the loading area within the proposed building. At issue was the potential for a noisy and aesthetically displeasing facing aspect of the building.

The plans show that the proposed loading area is partially enclosed within the building and is over 30 metres away from the resident's unit. The distance to the neighbour's unit and the primarily internal location of the loading space will assist in dissipating the noise of the loading operations to the resident's unit. The applicant has been requested to review the external design of the proposed building as it surrounds the loading area for the purpose of providing an attractive east facing facade for the west facing units of 100 Merton Street. This will be reviewed through the site plan process.

### **Parking Allocation for the Proposed Residential Building**

The proposed development would provide 132 parking spaces allocated as follows: 116 for residents, 14 for their visitors, 1 car share space and 1 space for building staff. By-law 438-86 would require a total of 156 parking spaces including 120 for residents of the building and 36 spaces for visitors.

The application exceeds the total number of parking spaces (131) that would be required using the Downtown Condominium Parking Standards. Use of the Downtown Condominium Parking Standards for the proposed development in this location is acceptable to the Transportation Services Division. An amendment to the By-law 438-86 parking standard is included in the site specific by-law.

### **Local Commercial Parking – Supply and Demand**

One owner of an office building on Merton Street who was in attendance at the community consultation meeting was concerned that the loss of the 87-space surface commercial parking lot at the site would be detrimental to local businesses whose customers or clients use the lot. Some Merton Street residents were concerned that the loss of the existing parking lot would mean less availability of on-street parking for their visitors.

Both a commercial parking lot and a residential building are permitted uses within the commercial-residential zoning for the site. The applicant has no obligation under the zoning by-law to maintain a commercial parking lot on his property. However, to address this concern, the applicants were requested to expand their traffic study to include the supply of and demand for other existing off-street and on-street parking which could serve the drivers that currently park at the lot at 68 Merton Street.

A demand survey was done for inventoried off-street parking spaces within existing parking lots and garages for an area within a 500 metre radius of the site. A similar analysis was done for on-street parking in the area bounded by Davisville Avenue, Yonge Street, Mt. Pleasant Road and the south side of Merton Street.

### **Existing Off-Street Parking**

The applicants surveyed off-site parking demand at 2 local parking facilities, including the site, on Tuesday June 21, 2011 between the hours of 11:00 a.m. and 1:00 p.m. and on Wednesday June 22, 2011 between 11:00 a.m. and 2:00 p.m.

The lot located at 68 Merton Street was never observed to be operating at capacity. The peak demand for parking at the site on the days surveyed was on Wednesday June 22nd at 2:00 p.m. with 52 spaces or 60% of the 87 spaces occupied.

The commercial parking garage located at 30 Merton Street (approximately 3 doors to the west of the site) is the closest off-site commercial parking facility. Its peak demand was observed to be at 11 a.m. on Tuesday June 21<sup>st</sup> when it was operating at 70.4% capacity with 236 spaces filled and 99 spaces available. This garage did not operate at capacity at any time over the observation period. Never were there less than 99 unoccupied spaces at 30 Merton Street.

### **Existing On-Street Parking**

There are approximately 40 on-street parking spaces on the north side of Merton Street between Pailton Crescent and the lane on the west side of the parking garage at 30 Merton Street. These spaces allow short-term parking during various times of the day. The on-street parking came close but did not reach 100% capacity during the observation period.

Based on the applicant's study of demand for off-street and on-street parking spaces in proximity to the site, the current observed demand for public and private commercial parking could be accommodated within the available off-street and on-street parking spaces if the existing commercial parking at 68 Merton were no longer available.

### **Servicing**

The applicant has submitted a stormwater management report and site servicing plan, and a site grading and drainage plan in support of the proposed development to the Executive Director of Technical Services for review and acceptance prior to entering into a Site Plan Agreement with the City.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 – 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 143 residential units on a total site area of 0.1793 hectares (1,793 m<sup>2</sup>). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.1906 hectares (1,906 m<sup>2</sup>). However, a cap of 10% applies and hence the parkland dedication for the development would be 0.01793 hectares (179.3 m<sup>2</sup>).

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for an on-site parkland dedication that would be of a useable size and the site would be encumbered with below-grade parking.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

## **Streetscape**

Section 4.5.2(f) of the Official Plan requires that new development within Mixed Use Areas provide an attractive, comfortable and safe pedestrian environment. Policy (e) of that section also requires new development to locate and mass buildings to frame the edge of streets. The front wall of a mixed use mid-rise building is generally expected to be built to the front property line unless there is a setback required by the zoning by-law or unless the existing sidewalk width is insufficient.

In this case, By-law 438-86 does not require a front setback from the Merton Street property line. However, the proposed building is an entirely residential building with four, 2 storey, grade-related townhouse units incorporated into the building's base fronting onto Merton Street.

A comment was made at the community consultation meeting that the grade-related townhouse units in the base of the building should have typical front yards with soft landscaped areas to soften the Merton Street streetscape.

The applicant has responded by proposing grade-related units that have front windows and doors facing the street. These units will have significant 4.0 metre setbacks to allow a comfortable, landscaped transition from private to public space as one moves from the front door to the street. The 4.0 metre front setback either equals or exceeds the front setbacks of similar existing units in other buildings on both sides of Merton Street.

## **Environment**

The applicant has submitted a Phase I and II Environmental Assessment. Results showed no contamination of soil from past industrial uses on the site which include a bakery, a film and art studio and the existing parking lot. However the amount of fill (non-native soils and materials) found to be present on the site require that a degree of soil remediation will be necessary to restore the site to the Ministry of Environment standards for residential land use.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Any revisions to the Green Checklist circulation which may be required by commenting Divisions will be done with the Site Plan

application. Among other measures, the applicant is proposed to provide 46% of (195 square metres) the available roof area as a green roof.

## **Section 37**

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and the addressing of planning issues associated with the development (e.g., local shortage of parkland, provision of new parks facilities).

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments with a gross floor area of more than 10,000 square metres and when the proposed zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres, and/or increases the height significantly.

In this case, the gross floor area of the proposed development is increased by 7,768.5 square metres over and above the total gross floor area and approximately 20 metres over the height that is permitted by By-law 438-86.

This applicant has agreed to a contribution of \$400,000.00 (indexed to inflation) to be deposited to the Planning Act Reserve Fund. The funds will be secured in the Section 37 Agreement for improvements to be made to the Kay Gardner Beltline Park and to Oriole Park or other local park improvements.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

1. The owner shall construct and pay for any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services should it be determined that improvements to such infrastructure is required to support this development.

## **Tenure**

All residential units are proposed to be condominiums.



## **Development Charges**

It is estimated that the development charges for this project will be \$983,888.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

Tim Burkholder, Senior Planner

Tel. No. (416) 392-0412

Fax No. (416) 392-1330

E-mail: tburk@toronto.ca

## **SIGNATURE**

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Gregg Lintern, MCIP, RPP

Director, Community Planning, Toronto and East York District

(p:\2011\Cluster B\pln\teycc16211244072.doc) - es

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: South Elevation

Attachment 4: East Elevation

Attachment 5: West Elevation

Attachment 6: Zoning

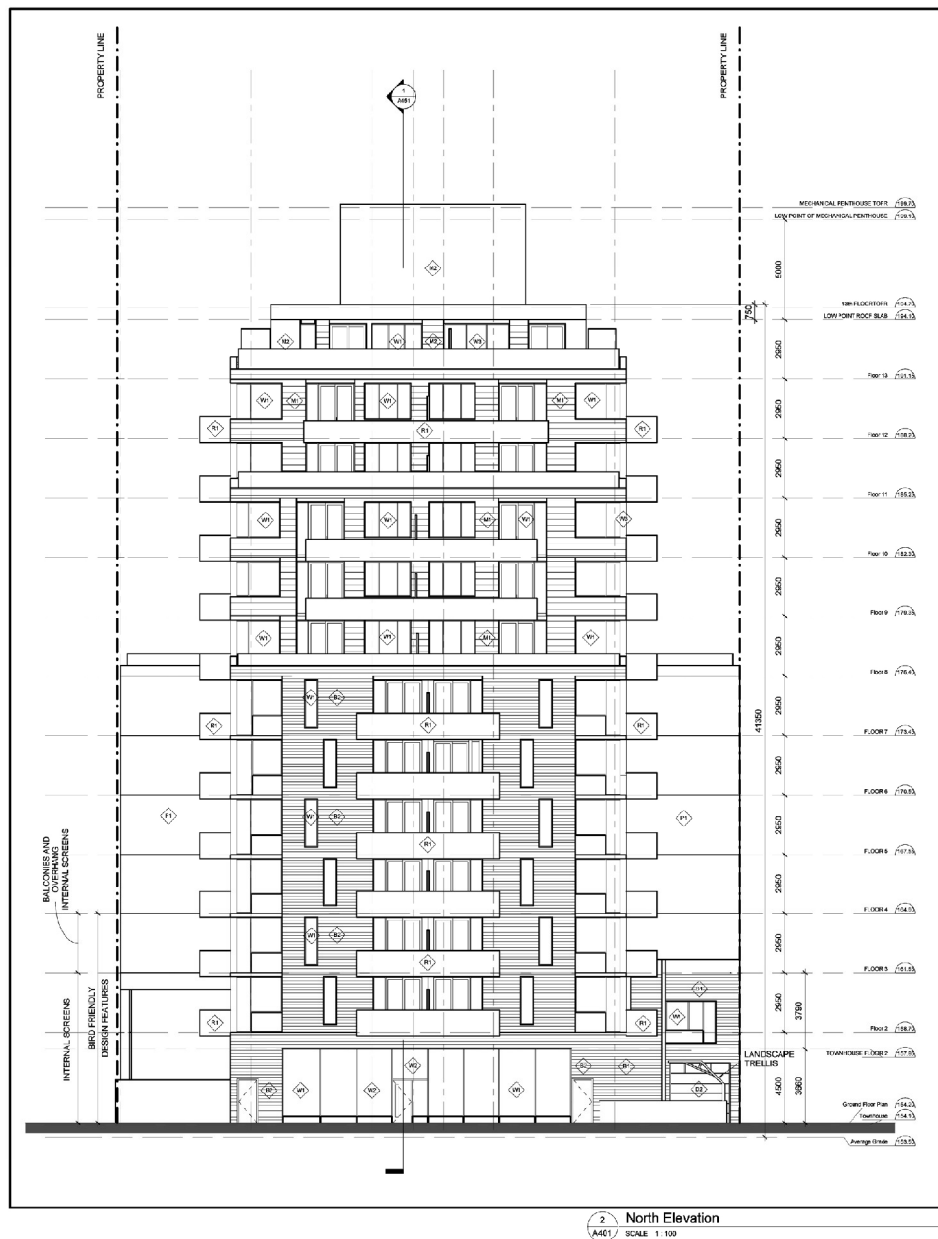
Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment

[illegible]

File # 10 310798 0Z

## Attachment 2: North Elevation



### North Elevation

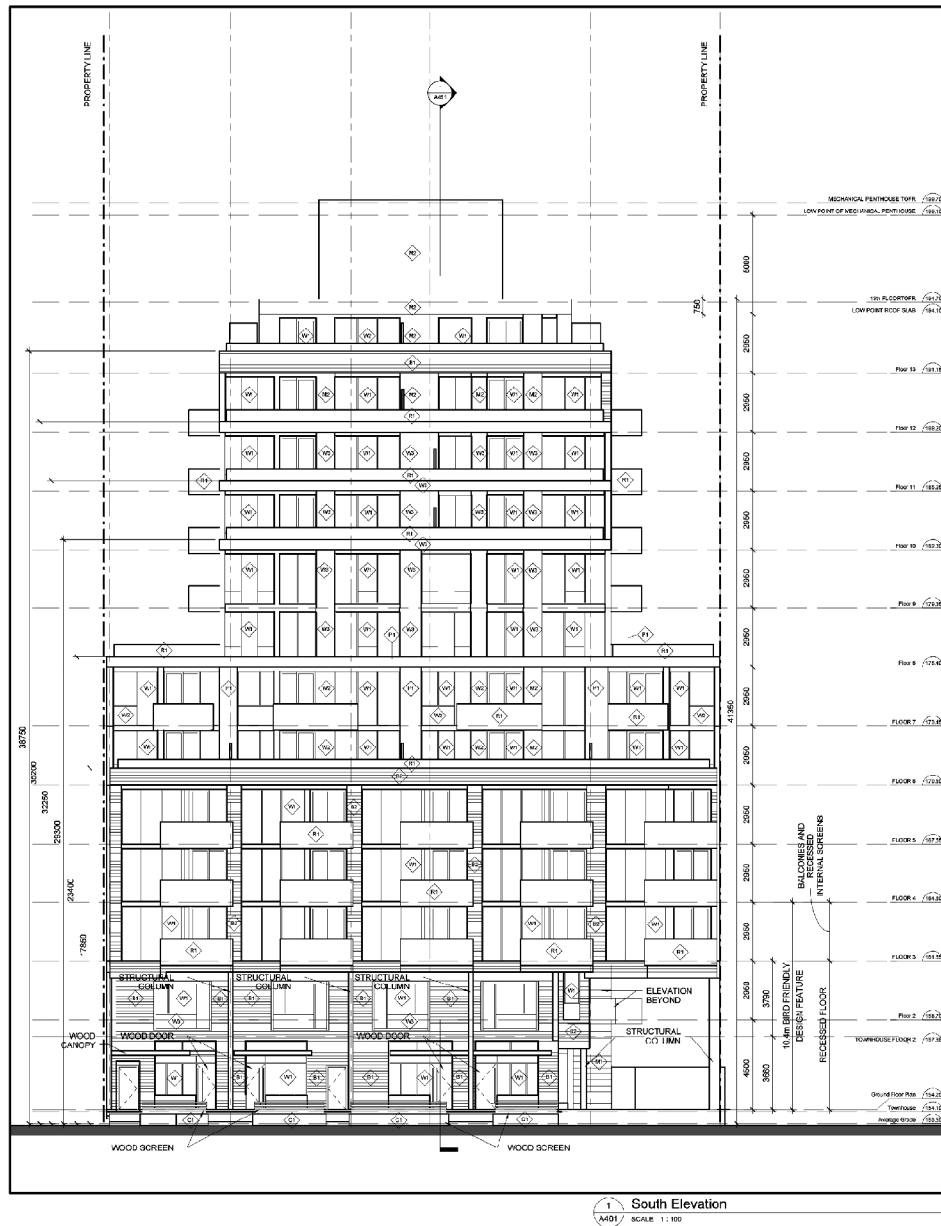
Applicant's Submitted Drawing

Not to Scale  
02/08/1

68 Merton Street

File # 10\_310798\_OZ

## Attachment 3: South Elevation



### South Elevation

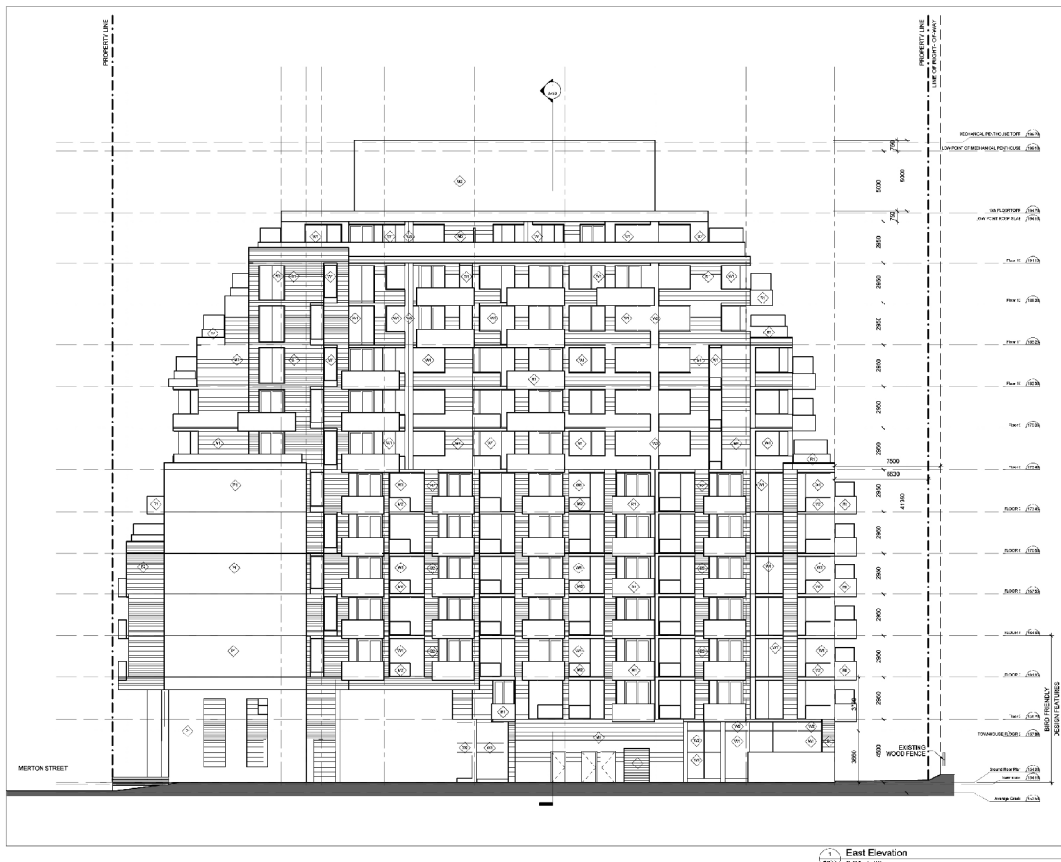
Applicant's Submitted Drawing

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02/06/1

68 Merton Street

File # 10\_310798\_OZ

## Attachment 4: East Elevation



### East Elevation

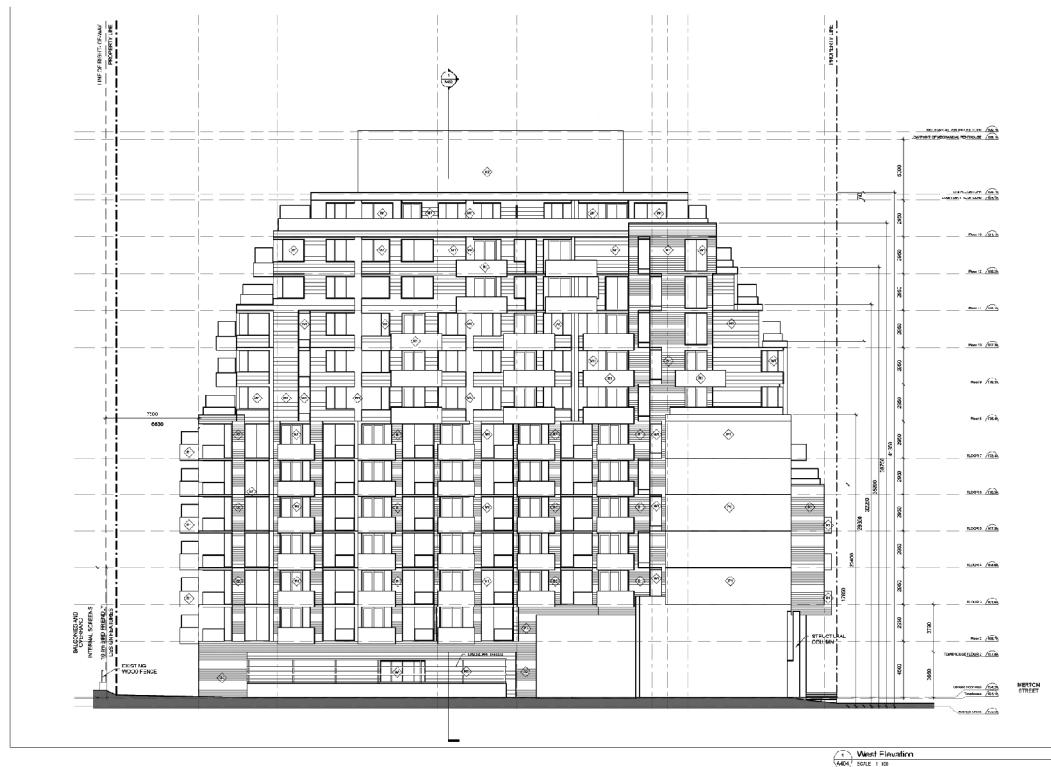
Applicant's Submitted Drawing

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02/08/1

68 Merton Street

File # 10\_310798\_02

## Attachment 5: West Elevation



### West Elevation

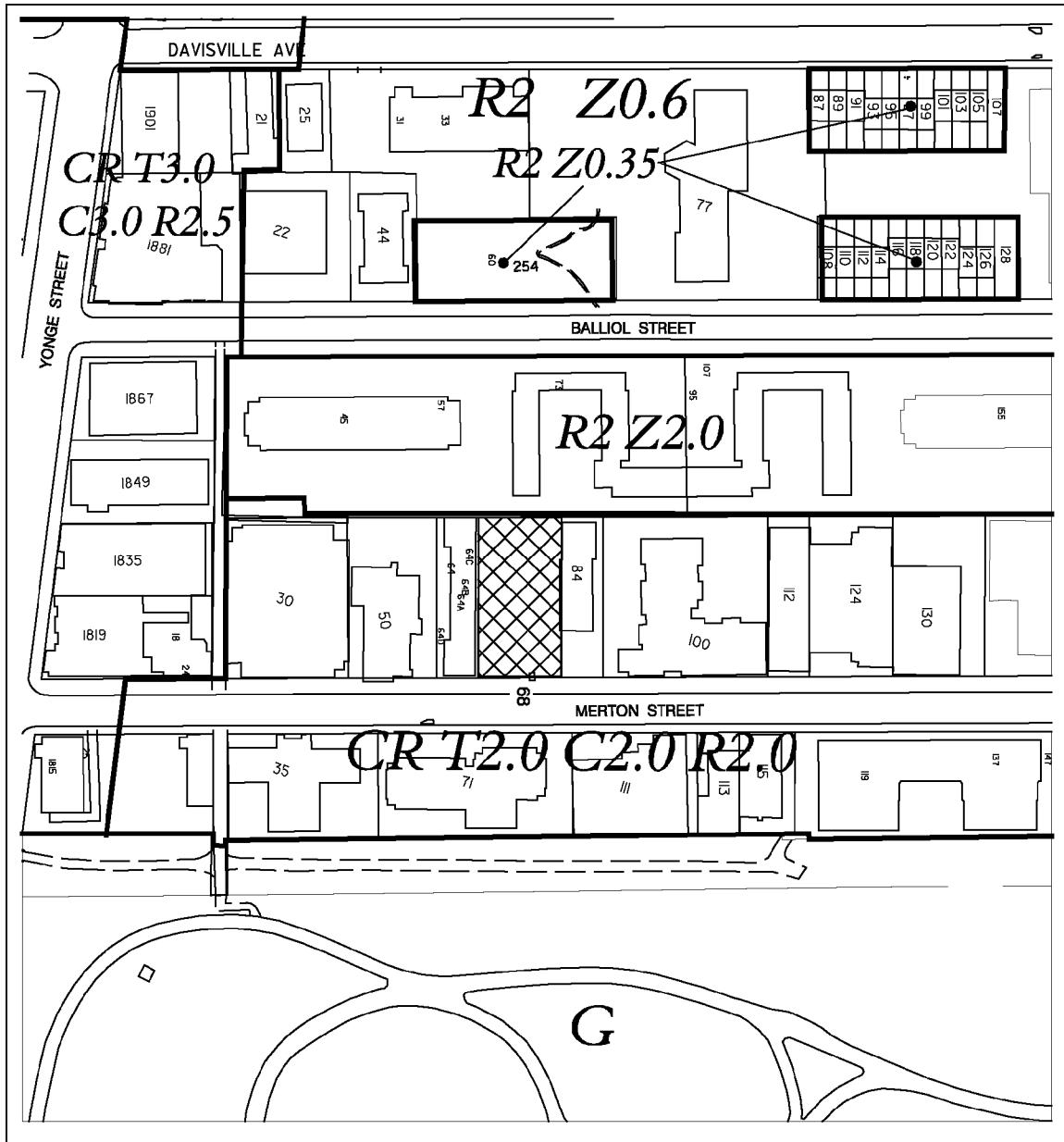
Applicant's Submitted Drawing

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02/08/1

68 Merton Street

File # 10\_310798\_02

## Attachment 6: Zoning



**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: 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			Sheridan Mews Limited

### 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):	10,885.5		Parking Spaces:	132	
Total Non-Residential GFA (sq. m):	0		Loading Docks	1	
Total GFA (sq. m):	10,885.5				
Lot Coverage Ratio (%):	36.4				
Floor Space Index:	6.07				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	10,885.5	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	96	Office GFA (sq. m):	0	0
2 Bedroom:	47	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	143			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Tim Burkholder, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 392-0412</b>



## **Attachment 8: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Item - as adopted by City of Toronto Council on \_\_\_\_\_, 2011

Enacted by Council: \_\_\_\_\_, 2011

### **CITY OF TORONTO**

#### **BY-LAW NO. xxx-2011**

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto respecting the lands municipally known in the year 2011 as 68 Merton Street**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density and height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements by the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2 with respect to '*height*', '*grade*', and '*sales office*' and 4(2)(a), 4(4)(b), 4(12), 4(13)(a), 4(13)(c), 4(16), 8(3) Part I 1, and 8(3) Part I 3(a), of Zoning By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of an apartment building, including uses accessory thereto, on the *lot* provided that:
  - (a) the *lot* consists of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) the total residential gross floor area erected or used on the *lot* does not exceed 10,885.5 square metres;
  - (c) the total combined non-residential and residential gross floor area erected or used on the *lot* does not exceed 10,885.5 square metres;
  - (d) the height of any *residential building* or structure, or portion thereof, does not exceed those *heights* in metres as shown on the attached Map 2;
  - (e) no part of any building or structure erected or used above grade is located otherwise than wholly within the areas delineated by the heavy lines on Map 2;
  - (f) except where a heavy line shown on Map 2 is contiguous with the boundary of a *lot*, nothing in Section 1(e) hereof shall prevent the following elements from projecting beyond the heavy lines shown on Map 2:
    - (i) eaves, cornices, lighting fixtures, fences and safety railings, trellises, balustrades, chimneys, vents, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, decks, planters, and public art features;
    - (ii) balconies to a maximum horizontal projection of not more than 1.7 metres; and
    - (iii) canopies to a maximum horizontal projection of not more than 2.5 metres.

- (g) no part of any building or structure to be erected on the *lot* shall exceed the *height* limits in metres specified by the numbers following the symbol "H" as shown on Map 2;
- (h) nothing in Section 1(f) of this By-law shall prevent the erection or use of the building elements or structures identified in Section 4(2) (a) (i) of By-law 438-86, as amended, subject to the limitations contained therein.
- (i) the minimum required number of parking spaces that shall be provided and maintained on the *lot* to serve the residents and their visitors of the project shall be in accordance with the following ratios:

*1-bedroom units*            0.7 space per dwelling unit

*2-bedroom units*            1.0 spaces per dwelling unit

*Visitors*                      0.1 space per dwelling unit

- (j) not less than 226 square metres of outdoor residential amenity space shall be provided and maintained on the *lot*;
- (k) not less than 286 square metres of indoor residential amenity space shall be provided and maintained on the *lot*;
- (l) the minimum required number of bicycle parking spaces that shall be provided and maintained on the *lot* to serve the residents and visitors of the project shall be in accordance with the following ratios:

resident bicycle parking            0.8 space per dwelling unit

visitor bicycle parking            0.2 space per dwelling unit

visitor bicycle parking may be provided using a stacked bicycle rack located at grade;

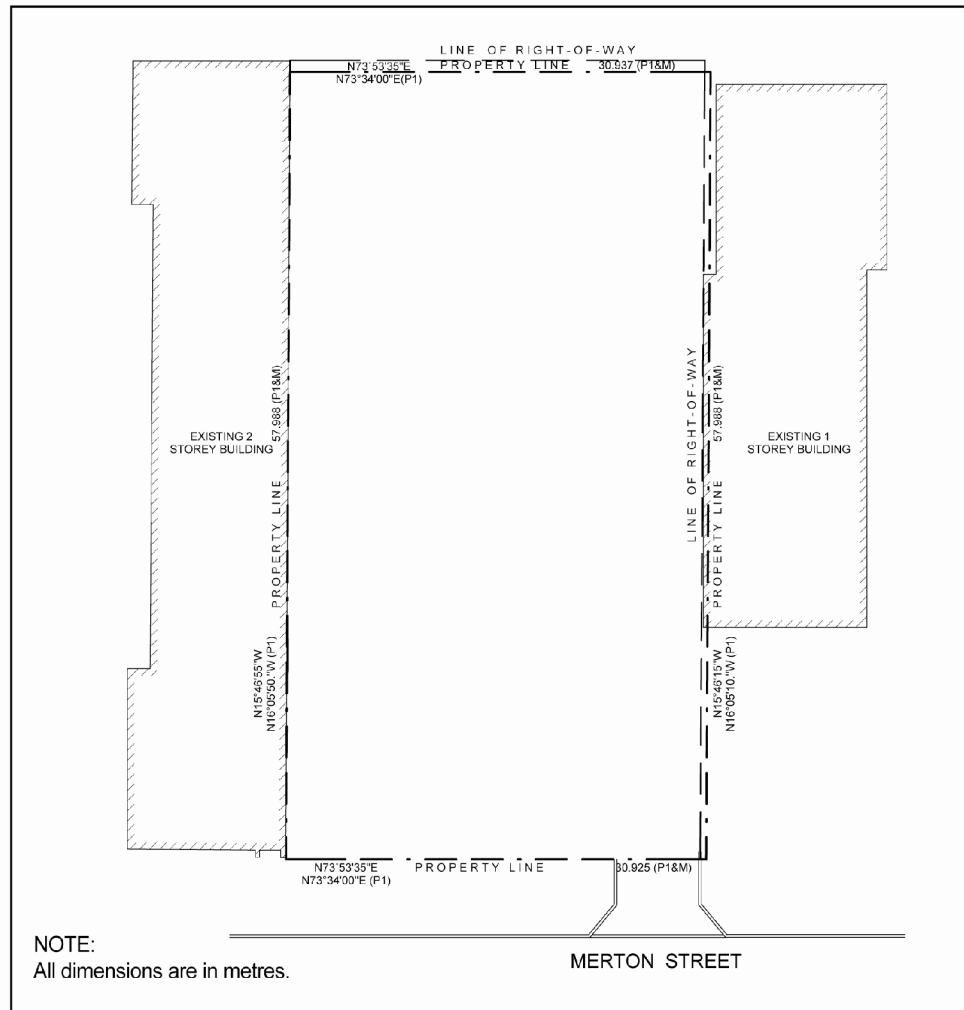
2. Pursuant to Section 37 of the *Planning Act* the *heights* and *density* of development permitted in the By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the lot of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.
3. Upon execution and registration of an agreement or agreements with the owner of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s)

requires the provision of a facility, service or matter of the payment of any monetary contribution as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the owner has satisfied the said requirements.

4. None of the provisions of By-law 438-86 shall apply to prevent a *sales office* on the lot as of the date of the passing of this By-law.
5. Definitions

For the purpose of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law 438-86, as amended except that the following definitions shall apply:

- (i) *Sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
- (ii) *Height* means the vertical distance between *grade* and the highest point of the roof, building or structure, as shown on Map 2, exclusive of any elements described in 1(d)(i) herein up to a maximum of 5.5 metres to the top of the mechanical penthouse roof slab; and
- (iii) *Grade* means 153.5 metres Canadian Geodetic Datum.



**Toronto** City Planning  
Map 1

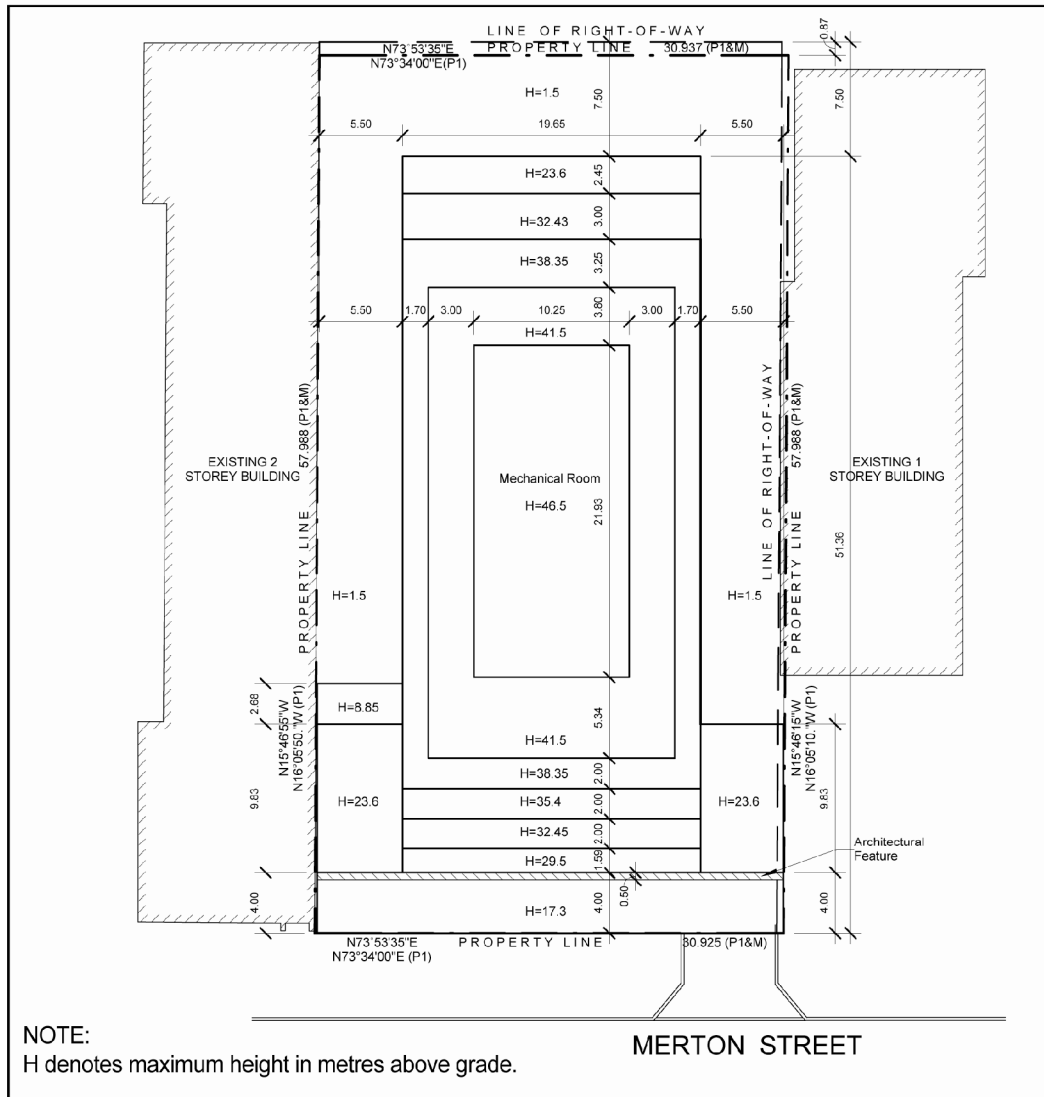
68 Merton Street

File # 10 310798 02

↑  
Not to Scale  
08/01/2011

TOPOGRAPHICAL SURVEY OF PART OF LOT 14 AND 16 REGISTERED  
PLAN M-5 CITY OF TORONTO AS PREPARED BY R. AVIS SURVEYING INC.

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM  
HORIZONTAL CONTROL MONUMENTS No. 02219741612 AND No. 02219740377, ARE  
REFERRED TO THE ONTARIO CO-ORDINATE SYSTEM MTM ZONE 10, CENTRAL  
MERIDIAN 79°30' WEST LONGITUDE.



## **Appendix "1"**

### **Section 37 Provisions**

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* and the owner with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. The *owner* shall pay to the City a payment of \$400,000.00 prior to the first above grade building permit. Such payment shall be indexed to the non-residential Construction Price Index for Toronto for the period from the date of Council enactment of this by-law to the date of payment. Such payment will be deposited to the Planning Act Reserve Fund to be used for the construction and associated costs of improvements to the Kay Gardiner Belt Line Park and improvements to Oriole Park and/or other local area park improvements.
2. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
  - (i) the owner shall construct and pay for any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services should it be determined that improvements to such infrastructure is required to support this development.

The *owner* of the *lot* shall enter into and register on title to the *lot* and on title to the lands known municipally in the year 2011 as 68 Merton Street, one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities matters set forth in this Appendix.