

**75, 77 and 83 Mutual Street - Zoning Amendment Application
- Request for Direction Report**

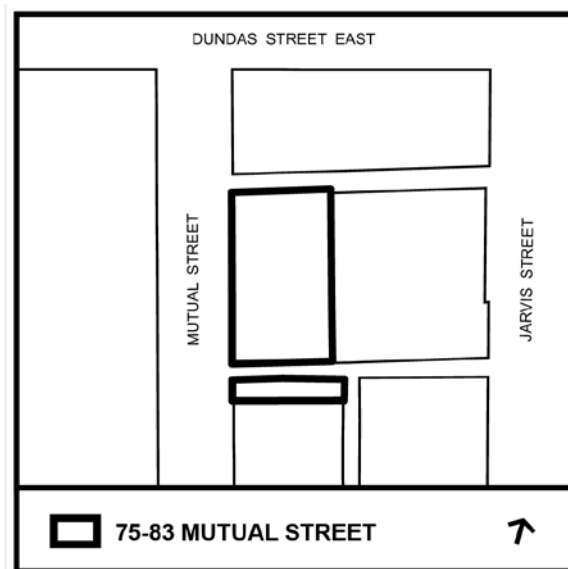
Date:	October 15, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	14 183553 STE 27 OZ (Zoning By-law Amendment) 14 183555 STE 27 RH (Rental Housing Demolition and Conversion)

SUMMARY

The purpose of this report is to request direction from City Council on the pending Ontario Municipal Board (OMB) hearing on the rezoning application at 75, 77 and 83 Mutual Street. The application proposes to permit the construction of a 38-storey building consisting of: 344 dwelling units, of which 22 are rental replacement units; 345 bicycle parking spaces; and 128 vehicular parking spaces within a 5-level underground garage. The application also proposes to expand the 2.5-storey building converted for office use at 75 Mutual Street to a 4-storey building.

The proposal as submitted does not fit within its existing and planned context as required by the Official Plan, in particular on overall height and tower setbacks as articulated in the City's Tall Building Guidelines. The proposal is also deficient in amenity space and vehicular parking spaces. As such, City Planning is not in support of this proposal.

On September 4, 2015, the application was appealed to the OMB by the applicant pursuant to Section 34(11) of the *Planning Act* for indecision within 120 days.



A Rental Housing Demolition and Conversion Application, file no. 14 183555 STE 27 RH, was submitted under Section 111 of the *City of Toronto Act* to demolish 22 rental housing units at 77 Mutual Street pursuant to Chapter 667 of the Toronto Municipal Code and was reviewed concurrently with the Zoning By-law amendment application. The City's decision on the Rental Demolition application is not subject to an appeal to the OMB.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the applicant's appeal respecting the Zoning By-law amendment application for 75, 77 and 83 Mutual Street (file no. 14 183553 STE 27 OZ), and attend any Ontario Municipal Board hearings in opposition to such appeal, and retain such experts as the City Solicitor may determine are appropriate.
2. City Council authorize City staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report.
3. City Council authorize the Director, Community Planning, Toronto and East York District in consultation with the local Councillor, to secure services, facilities, and matters pursuant to Section 37 of the *Planning Act*, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.
4. City Council defer making a decision on the application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act* to demolish the 22 existing residential rental dwelling units at 77 Mutual Street (file no. 14 183555 STE 27 RH), until such time as a decision is made on the Zoning By-law amendment application and a Tenant Consultation meeting has been held.
5. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

In November 2013, the applicant met with City staff and the local Councillor regarding a 35-storey proposal on the site. The proposal was strongly opposed by City Planning staff as it failed to meet the city-wide Tall Building Guidelines and the Downtown Tall Building Guidelines respecting tower separation distances and overall height. City staff indicated that a proposal that met tower separation distances and that is within a height range of approximately 10 to 17 storeys would be appropriate for the site in order to fit contextually within the surrounding area.

In April and May 2014, a proposal for an even taller 38-storey building was presented by the applicant to City staff and the local Councillor. City Planning's comments were consistent with

those provided in November 2013. On July 2, 2014, the Zoning By-law amendment application was filed.

On January 13, 2015, Toronto and East York Community Council (TEYCC) adopted Preliminary Report dated December 15, 2014. The report indicated the application was similar to the earlier preliminary proposals and reconfirmed City Planning's opposition to the proposal as it substantially deviated from the performance measures as set out in the Council adopted Tall Building Design Guidelines, in particular the guidelines dealing with overall building height and tower separation distances. The report can be accessed at: <http://goo.gl/HczhIX>

ISSUE BACKGROUND

Original Proposal

The original application proposed a 38-storey building (126.2 metres including mechanical penthouse), consisting of a 4-storey base building and a 34-storey tower. The setbacks of the base building ranged from 0 metres to the rear property line, to 13 metres to the south property line. The proposed tower had stepbacks that would create separation distances of 18.2 metres, 22 metres and 13.7 metres to the neighbouring tall buildings at 155-200 Dundas Street East (Pace Condos), 192 Jarvis Street and 186-188 Jarvis Street respectively, compared to the 25 metre separation distance in the Tall Building Guidelines. The original proposal's setback and stepback conditions, along with other proposal data are summarized in the table in the following section of this report.

Pedestrian access to the residential lobby and the street-related retail space were proposed off of Mutual Street. The sidewalk width along Mutual Street abutting the site was proposed to be widened to 6 metres. The proposed massing of the building along Mutual Street projected 2.95 metres over the widened sidewalk from the 3rd storey, creating an overhang along the pedestrian sidewalk. A parkland dedication on site of 199 square metres, south of the City-owned public laneway was also proposed.

Vehicular access was proposed from the east-west City-owned laneway abutting the site to the north, via Mutual Street. The application proposed a 4-level underground parking garage that accommodated 75 resident, 2 car-share and 23 visitor parking spaces. A Type G loading space was proposed to be accessed from the same east-west City-owned laneway to the north. A total of 388 bicycle parking spaces were proposed in the underground parking garage, ground floor, and 2nd storey.

Current Proposal

On June 2, 2015, City Planning received a revised application. The revisions include:

- Remassing the tower by eliminating the southeast massing of the original proposal, and in turn reducing the floor plate from 753 square metres to 705 square metres;
- Eliminating the street-related retail space fronting on Mutual Street and replacing it with 3 at-grade residential units;

- Eliminating the proposed 199 square metre park at 73 Mutual Street, and retaining and expanding the existing office building; and,
- Increasing the number of vehicular parking spaces from 100 to 128 with the addition of an underground level.

City Planning staff acknowledge that the revisions improve the proposal. However, the main issues regarding overall building height and appropriate separation distances to neighbouring tall buildings were not addressed through the revised submission. A summary of the original and revised proposal is provided in the table below:

	Original Proposal July 2, 2014	Revised Proposal June 2, 2015
Floor Space Index	18.8	18.1
Tower Floor Plate (sq.m.)	753	705
Building Height - including mechanical penthouse (m.)	126.2	126.4
No. of Storeys	38	38
Base Building Setbacks (m.)		
North	4.5 (to centreline of laneway)	4.5 (to centreline of laneway)
East	0	0
South	13	13
West	0.2	0.2
Tower Stepbacks (m.)		
North	6	6
East	6	3.7 to 5.8
South	15	15 to 28
West	2	2
Breakdown of GFA per Use (sq.m.)		
Residential	27,812	26,478
Retail	378	0
Office	0	631
Total	28,190	27,109
Breakdown of Res. Units		
Bachelor	22 / 5.9% (rental replacement)	22 / 6% (rental replacement)
1 Bedroom	218 / 58.1%	152 / 44%
2 Bedroom	102 / 27.2%	137 / 40%
3 Bedroom or larger	33 / 8.8%	33 / 10%
Total	375 / 100%	344 / 100%
Amenity Space (sq.m.)		
Indoor	334	481
Outdoor	488	429
Total	822	910

	Original Proposal July 2, 2014	Revised Proposal June 2, 2015
No. of Vehicular Parking Spaces		
Resident	75	103
Residential Visitor	23	23
Non-residential	0	0
Car-share	2	2
Total	100	128
No. of Bicycle Parking Spaces		
Residential Occupant	344	310
Residential Visitor	38	35
Retail	6	0
Office	0	0
Total	388	345
Loading Access	1 Type "G"	1 Type "G"

Site and Surrounding Area

The site is a rectangular shaped parcel located in the northwest quadrant within the block bordered by Dundas Street East to the north, Jarvis Street to the east, Shuter Street to the south, and Mutual Street to the west. An east-west City-owned laneway bisects the site. The site is currently used: as a staging area for nearby construction at 83 Mutual Street; a 2-storey rental housing building at 77 Mutual Street containing 22 bachelor apartment units that were occupied at the time of the application; and a 2.5-storey building converted for office use at 73 Mutual Street.

The surrounding uses are as follows:

- West: On the west side of Mutual Street is the block bordered by Dundas Street East, Dalhousie Street, Shuter Street, and Mutual Street. A series of residential co-operative buildings ranging in height from 12 to 17 storeys, and Arena Gardens Park are situated within this block. On the southern portion of the block is 76 Shuter Street – a 15-storey condominium building, and 64-70 Shuter Street – an approved 24-storey mixed-use building ("Core Condominium") currently under construction.
- North: A City-owned public laneway. Beyond are 3 commercial buildings ranging from 1 to 3 storeys with frontage on Dundas Street East. Northeast is 155 Dundas Street East – an approved 43-storey condominium ("PACE Condominium") currently under construction.
- East: A 14-storey condominium building at 192 Jarvis Street; and a 30-storey student residence building currently under construction at 186-188 Jarvis Street. Further southeast is the 11-storey Hazelburn co-op residence building at 178 Jarvis Street.

South: A series of 2-storey townhomes converted for commercial and office use and a north-south City-owned public laneway. Further south, at the corner of Mutual Street and Shuter Street is the 3-storey residential building at 90 Shuter Street.

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include: the orderly development of safe and healthy communities; the adequate provision of a full range of housing; and the appropriate location of growth and development.

The Provincial Policy Statement (PPS), 2014, provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities by accommodating a range and mix of uses; providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important and indicates the Official Plan is the most important vehicle for implementation of the PPS. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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; 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 reviewed the proposed development for consistency with the *Planning Act* and the PPS, and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan places the site within the *Downtown and Central Waterfront* on Map 2 – Urban Structure. The *Downtown* is a growth area and will continue to evolve as a healthy and attractive place to live and work. However, growth is not envisioned to spread uniformly throughout the *Downtown*.

The site is designated *Mixed Use Areas* on Map 18 – Land Use Plan. Section 4.5 indicates *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. Policy 2 provides development criteria for *Mixed Use Areas*, which directs that development shall: locate and mass new buildings to provide a transition between areas of different development intensity and scale; locate and mass buildings to frame the edges of streets with good proportion; maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets; provide good access and circulation for vehicular activity; and provide indoor and outdoor recreation space for residents. Development in *Mixed Use Areas* should also: provide new jobs and homes on underutilized

lands; provide access to schools, parks and community centres; and take advantage of nearby transit services.

Section 3.1.2 – "Built Form" directs new development to fit within the existing and/or the planned context of the neighbourhood. In particular, Policy 3 requires new development to be massed to fit harmoniously into its existing and/or planned context by: creating appropriate transitions in scale to neighbouring buildings; providing for adequate light and privacy; and framing adjacent streets and open spaces in a way that respects the street proportion. Policy 4 requires new development be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure that there is adequate access to sky view. Policy 5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Section 3.1.3 – "Built Form – Tall Buildings" provides policy direction for tall buildings. Policy 2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; taking into account the relationship of the site to topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Section 3.2.1 – "Housing" includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 6 requires that new development resulting in the loss of six or more rental housing dwelling units with affordable or mid-range rents will not be approved unless the following are secured:

- i. at least the same number, size and type of rental housing dwelling units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
- ii. for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and,
- iii. an acceptable tenant relocation and assistance plan addressing the right to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship.

Section 5.6 – "Interpretation" provides guidance on the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, Section 1.5 – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. The Official Plan is available at: <http://goo.gl/q127OD>

Zoning

Under Zoning By-law 438-86, the site is zoned CR "Mixed-use District" with a height limit of 30 metres on 75 and 77 Mutual Street, and 27 metres on 83 Mutual Street. A density of 4 times the lot area is permitted, where the maximum commercial density is 0.5 times the lot area, and the maximum residential density is 4 times the lot area. The CR designation permits a mixture of residential and non-residential uses. Permissions and exceptions applicable to the site include: a building mass that cannot project beyond a 70 degree angular plane above a height of 6 metres along Mutual Street; and setbacks of 2 to 3 metres along Mutual Street.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. *Planning Act* applications submitted after May 9, 2013 are subject to the new Zoning By-law. 75 to 77 Mutual Street are zoned CR 4.0 (c0.5; r4.0) SS1 (x2211) "Commercial Residential" with a height limit of 30 metres. 83 Mutual Street is zoned CR 4.0 (c0.5; r4.0) SS1 (x2010) "Commercial Residential", with a height limit of 27 metres. The permissions and exceptions that are applicable in By-law 438-86 for the site are carried over to By-law 569-2013 (refer to Attachment 4 – Zoning).

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

This tall building application is surrounded by other tall buildings to the northeast and to the east. Guideline 3.2.3 indicates a tall building shall achieve a setback of 12.5 metres from the property line or centre line of an abutting lane, in order to achieve a separation distance of 25 metres between tall buildings. A tall building on this site may not be appropriate if the minimum separation distance of 25 metres cannot be achieved.

This application was reviewed against all the performance measures of the Guidelines, including: fit and transition in scale; sunlight and sky view; views from the public realm; floor plate size; tower placement; site servicing and access; publicly accessible open space; pedestrian realm; and sustainable design.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals.

Mutual Street is identified as a Secondary High Street on Map 1, and within a Tower – Base Form typology on Map 3. The height range for this Secondary High Street ranges from 10 to 17 storeys. The proposed 38-storey building on Mutual Street exceeds the planned building height context set by the Guidelines. The Downtown Vision and Supplementary Design Guidelines can be accessed at: <http://goo.gl/QQLJGt>

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's rental housing policies. The By-law prohibits demolition or conversion of rental housing dwelling units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

Proposals involving 6 or more rental housing dwelling units or where there is a related application for a Zoning By-law amendment require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued.

Council approval of demolition under Section 33 of the *Planning Act* is required where 6 or more residential dwelling units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*. The By-law provides for the co-ordination of all the approval authorities needed for the demolition of the rental housing. When there is an application for rezoning as well as an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time after receiving a joint report from Planning. Unlike *Planning Act* applications, decisions made by the City under Chapter 667 are not appealable to the Ontario Municipal Board.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition and replacement of 22 residential rental dwelling units.

TOcore: Planning Toronto's Downtown

On May 13 2014, TEYCC considered a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'. These reports along with additional information are available on the study website at: www.toronto.ca/tocore

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary infrastructure to remain a great place to live, work, learn and play. TOcore is in its initial 'taking stock' phase, which involves an analysis of existing conditions, growth trends and priority issues in the Downtown. The study team will be reporting back to TEYCC by the end of 2015 on the results of Phase One and the priorities for Phase Two, "Planning and Analysis". The review of this application was informed by the issues being considered under TOcore.

Reasons for Application

An amendment to the Zoning By-law is required in order to establish: a maximum building height of 120 metres whereas 27 and 30 metres are permitted; a density of 18.1 times the lot area, whereas a density of 4 times the lot area is permitted. Other non-compliance items include: reduction in vehicular parking spaces; location of vehicular and bicycle parking spaces; reduction in 1st storey height; reduction in amenity space area, and reduction in building setbacks.

An application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition and replacement of 22 rental dwelling units was also submitted in association with the proposed rezoning.

City Division/Agency Circulation

The application was circulated to all appropriate City Divisions and agencies. Comments received have been used to assist in evaluating the application.

Community Consultation

On January 12, 2015, a community consultation meeting was held at the Metropolitan United Church at 56 Queen Street East. City Planning staff, the applicant, the local Councillor and approximately 50 members of the public attended. Members of the public generally did not support the proposal. Concerns raised at the meeting, and through written submissions include:

On sunlight/shadows and views due to the proximity of the tower to nearby buildings:

- Incremental shadow impacts and loss of natural light to residents living in neighbouring buildings;
- Reduction on the utility of the rooftop garden at 192 Jarvis Street;
- Compromised views for residents of 192 Jarvis Street with units facing west and south; and,
- Overlook issues of the proposed outdoor amenity space towards the existing amenity space at 192 Jarvis Street;

On height and massing:

- The height of the building does not fit along Mutual Street;
- Insufficient setbacks of the tower from the base building along Mutual Street;
- Insufficient separation distances between the proposal to the neighbouring tall buildings; and,
- Overhang/arcade at street level needs to be redesigned;

On transportation:

- Vehicular congestion at the City-owned laneway north of the site where both loading and vehicular access are proposed; and,
- The need to provide additional bike sharing infrastructure in the area;

On amenity areas and community benefits:

- Safety concerns with the proposed park; and,
- Injury to the private trees at 192 Jarvis Street.

On rental housing:

- Relocation plans for the existing rental housing residents at 77 Mutual Street is needed;
- How the rental housing units will be integrated with the proposal; and,
- Different types of rental units should be provided.

No tenant consultation meeting as per Chapter 667-14 of the Toronto Municipal Code has been held at this time. This meeting will be scheduled in a future date.

Site Plan Control

An application for Site Plan Approval, file no. 14 183547 STE 27 SA was submitted in conjunction with the Zoning By-law amendment application, and has also been appealed to the OMB by the applicant under section 41(12) of the *Planning Act* for indecision within 30 days of application submission.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is generally consistent with the PPS, 2014 in regards to accommodating a range and mix of uses, and providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents. However, the PPS recognizes the local context is important, and that a well-designed built form contributes toward overall long-term economic prosperity. Policy 4.7 indicates the Official Plan is the most important vehicle for implementation of the PPS. Further, policy 1.1.3.3 indicates planning authorities shall identify appropriate locations for intensification and redevelopment. In this context, the Official Plan further implements the direction of the PPS to require appropriate built form to fit harmoniously into its existing and planned context. This proposal has not addressed the policy direction of the Official Plan.

The proposal is generally not in conflict with the Growth Plan for the Greater Golden Horseshoe (GPGGH). The site is within the urban growth centre of the built-up area boundary as delineated in the GPGGH, where a significant share of population and employment growth is anticipated. In conjunction of the direction for intensification within the urban growth area, Section 2.2.3.6 of the GPGGH directs the City's Official Plan and supporting documents, such as Design Guidelines, to establish policies to identify appropriate scale of development. Further, section 2.2.3.7 of the GPGGH directs development within intensification areas to provide an appropriate transition of built form to adjacent areas. In this context, the Official Plan and the Design Guidelines provide direction on the appropriate height and separation distances between buildings. This proposal has not addressed the policy direction of the Official Plan, and its supporting documents.

Land Use

The proposal consists of residential and office uses, and complies with the intent of the land use provisions for *Mixed Used Areas* in the Official Plan.

Massing and Separation Distances

The proposed tower location results in separation distances of 18.3 metres to the tower elements of the 43-storey building to the northeast (measured diagonally from the northeast corner of the proposal), and 20 metres and 14.1 metres to the 14-storey and 30-storey buildings respectively to the east. Section 3.2.3 of the Tall Building Guidelines indicates a tall building shall achieve a setback of 12.5 metres from the side and rear property lines or centre line of an abutting lane, in order to achieve a separation distance of 25 metres between tall buildings. City Planning is not in support of the proposed massing. A greater separation distance is needed within this cluster of tall buildings to provide for: maintaining the amenity of the public realm; sky view in between building masses; privacy for occupants of the impacted residential units; and access to natural light in the impacted buildings' interior. As such, the separation distances that would result from this proposal do not conform to the built form policy direction of the Official Plan in ensuring its fit within the existing and planned context.

Other massing concerns City Planning staff have identified through the review of the application include: increasing the tower setback along Mutual Street; increasing the base building setbacks to the north and south property lines; and reducing the massing of the proposed expansion to the office building at 75 Mutual Street.

City Planning staff will continue discussions with the applicant and seek increases to the proposed tower setbacks in order to achieve better tower separation distances, and to improve the other massing conditions identified.

Height

The proposed 38-storey building of 126.4 metres is not supported by City Planning. The proposed height of the proposal is over 4 times the permitted building height provision of Zoning By-law, and is over 2.5 times the planned maximum building height identified in the Downtown Tall Building Guidelines for this section of Mutual Street – a Secondary High Street where tall buildings are anticipated to be at a lower scale in comparison to Jarvis Street and Dundas Street East – two High Streets.

The proposed height of the proposal does not conform the Official Plan in: maintaining the amenity of the public realm; providing access to natural light and sky views; and providing sufficient privacy and amenity for the residents living within the surrounding properties. As such, the building height from this proposal does not conform to the built form policy direction of the Official Plan in ensuring its fit within the existing and planned context. City Planning staff will continue discussions with the applicant to seek a reduction to the overall height of the building.

St. Michael's Hospital Flight Path

The proposal is partially within the Flight Path Obstruction Marking Area of St. Michael's Hospital. Policy 4 in section 4.8 – "Institutional Areas" of the Official Plan indicates new buildings in vicinity of hospital heliports be sited and massed to protect the continued use of its flight paths. City Planning staff have circulated the application to St. Michael's Hospital for comments.

Sun, Shadow and Wind

Shadow studies submitted in support of the application assessed the proposal's shadow impacts during the spring and fall equinoxes. Arena Gardens Park, located west of the site across Mutual Street, will be impacted by shadows cast from the proposal between 9:18am to 11:18am during the equinoxes. This level of shadow impact on this park is acceptable given the policy context and impacts of existing and planned buildings.

The Pedestrian Wind Study submitted in support of the application assessed projected wind velocities within and surrounding the proposed site. The report concluded suitable wind conditions will be achieved at the entrances of the development, surrounding and adjacent sidewalks, and the outdoor amenity areas, provided that wind mitigation measures are implemented.

Residential Amenity Space

The proposed 481 square metres of indoor and 429 square metres of outdoor amenity space is not sufficient. Zoning By-law standards require 2.0 square metres per dwelling unit each for indoor and outdoor amenity space. This standard results in 844 square metres each for indoor and outdoor amenity space for the 344 unit proposal. City Planning staff requests this proposal to conform to the Zoning By-law standards on amenity space.

Traffic Impact and Vehicular Access

The Transportation Considerations Report and Update submitted in support of the application concluded vehicular manoeuvring egress and ingress is appropriate. Engineering and Construction Services (ECS) staff has reviewed the submitted documentation and are satisfied with its conclusions.

Vehicular Parking

The proposed total of 128 vehicular parking spaces consisting of: 103 resident; 23 visitor; and 2 car-share spaces is not sufficient for the proposed development. ECS staff require 0.41 parking

spaces for residents per dwelling unit and 0.067 parking spaces for visitors per dwelling unit, with a reduction of the requirement with the inclusion of up to four car-share spaces.

This requirement results in a total of 153 spaces based on the 344 unit and 2 car-share space proposal. Staff requests this proposal to meet the parking ratio of 0.41 spaces for residents and 0.067 for visitors per dwelling unit.

Bicycle Parking

The proposed total of 345 bicycle parking spaces consisting of: 310 resident; and 35 visitor spaces is sufficient for the proposed development.

Servicing and Stormwater Management

The Functional Servicing and Stormwater Management Report and addendum letter submitted in support of the application conclude that the proposal can be adequately serviced with the existing municipal infrastructure. ECS staff has reviewed the submitted documentation and have outstanding concerns including: groundwater discharge; capacity and connection requirements for the 4-storey office building; and measures to contain stormwater. Staff will continue discussions with the applicant to address the outstanding servicing and stormwater management concerns.

Rental Housing Demolition and Conversion By-law

The existing rental building at 77 Mutual Street contains 22 bachelor dwelling units. Based on information submitted by the applicant, all 22 rental dwelling units have affordable rents. Affordable rents are defined in the Official Plan as rents at or below average market rent for the City of Toronto by unit type. At the time of application, all 22 rental dwelling units were occupied.

The applicant proposes to replace all existing residential rental dwelling units with units of approximately the same size and type; restrict the rents for all replacement rental dwelling units for a period of at least 10 years; and provide an acceptable Tenant Relocation and Assistance Plan.

The existing bachelor units are generally very small, ranging in size from 21 to 46 square metres, the average unit size being 29 square metres. City Planning staff will continue to work with the applicant to increase the average unit size of the proposed replacement rental dwelling units to improve the long-term viability of these replacement rental dwelling units.

As the Zoning By-law amendment application has not been finalized and, in light of the fact that a tenant meeting has not been held under Chapter 667, this report recommends that Council defer making a decision on the Rental Demolition and Conversion Application.

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 to 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 Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 4,587 square metres or 306% of the site area. However, for site that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use. In total, the parkland dedication requirement is 150 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as the site is directly across the street from Arena Gardens Park. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit, should the application be approved in some form.

Tree Preservation

An Arborist/Tree Preservation Declaration form was submitted as part of the application, indicating there are no trees with diameters of 30 centimetres or more on or within 6 metres of the site. Urban Forestry staff have reviewed the documentation and is satisfied the requirements and related approval process of the City's Private Tree By-law and City Street Tree By-law has been complied with.

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. City Planning staff will continue discussions with the applicant on ways to achieve Tier 2 of the TGS.

Section 37

The proposal at its current height, massing, and density would normally be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits were not discussed in the absence of an agreement on the proposal's height and massing. Should this proposal be approved in some form by the OMB, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicant, in consultation with the local Councillor.

CONCLUSION

City Planning staff cannot support this application in its current form, and recommends the City Solicitor and City Planning staff be directed to attend the OMB hearing. The proposal represents an overdevelopment of a mid-block site on a Secondary High Street that is envisioned for a lower-scale development. Further, the application is deficient in amenity space and vehicular

parking spaces based on the number of dwelling units proposed. City Planning staff can support a tall building proposal on the site, provided it is lower in scale with improved tower stepbacks in order to fit within its existing and planned context so that the general amenity for pedestrians and residents within the area are not compromised.

City Planning staff recommends continued discussions with the applicant be sought to revise the proposal which addresses the issues set out in this report.

CONTACT

Henry Tang, Planner
Tel. No. (416) 392-7572
E-mail: htang2@toronto.ca

SIGNATURE

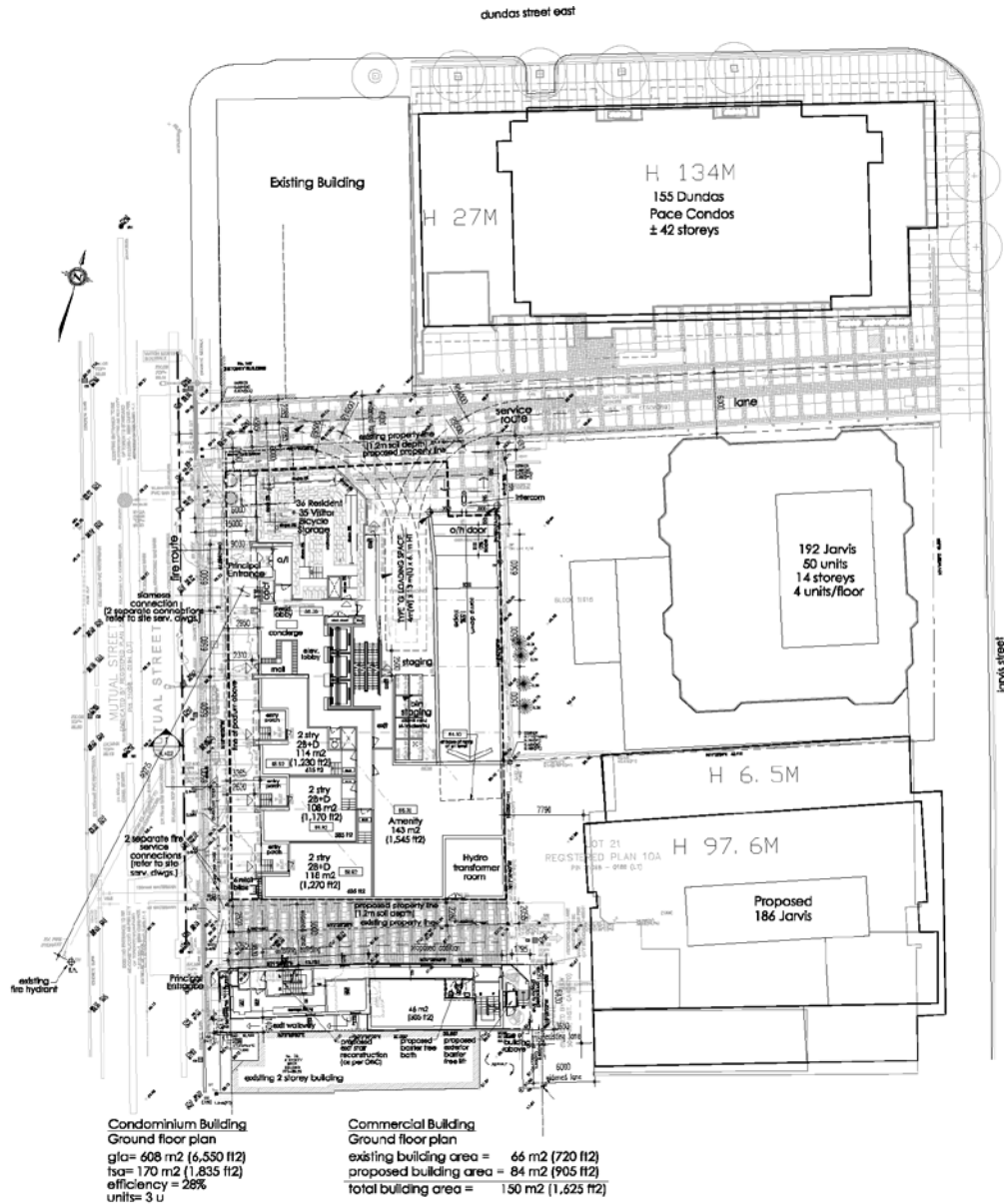
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

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

Attachment 1: Site Plan



Site Plan

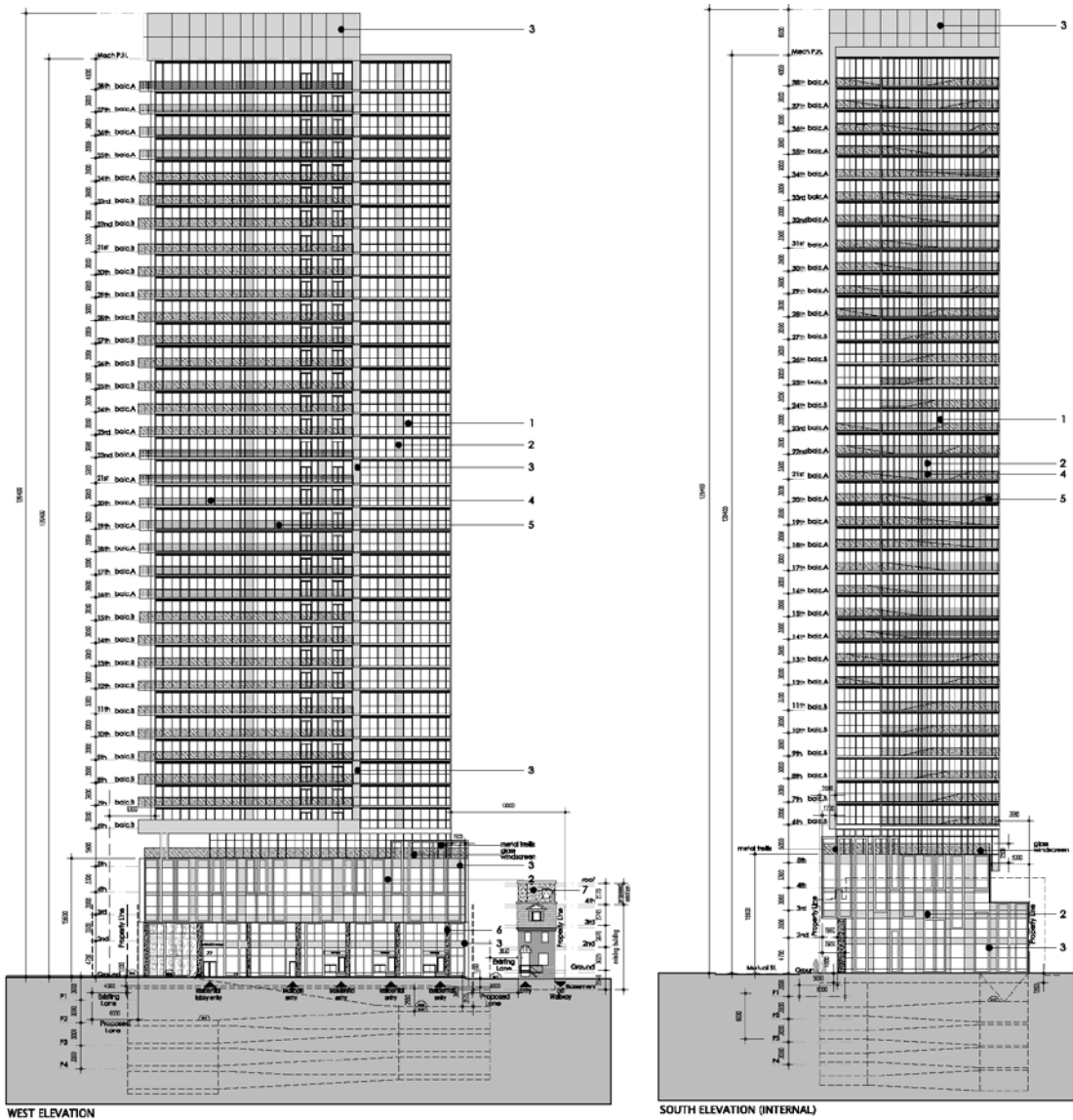
Applicant's Submitted Drawing

Not to Scale

75, 77 and 83 Mutual Street

File # 14_183553 STE 27 02

Attachment 2a: West and South Elevations



West and South Elevations

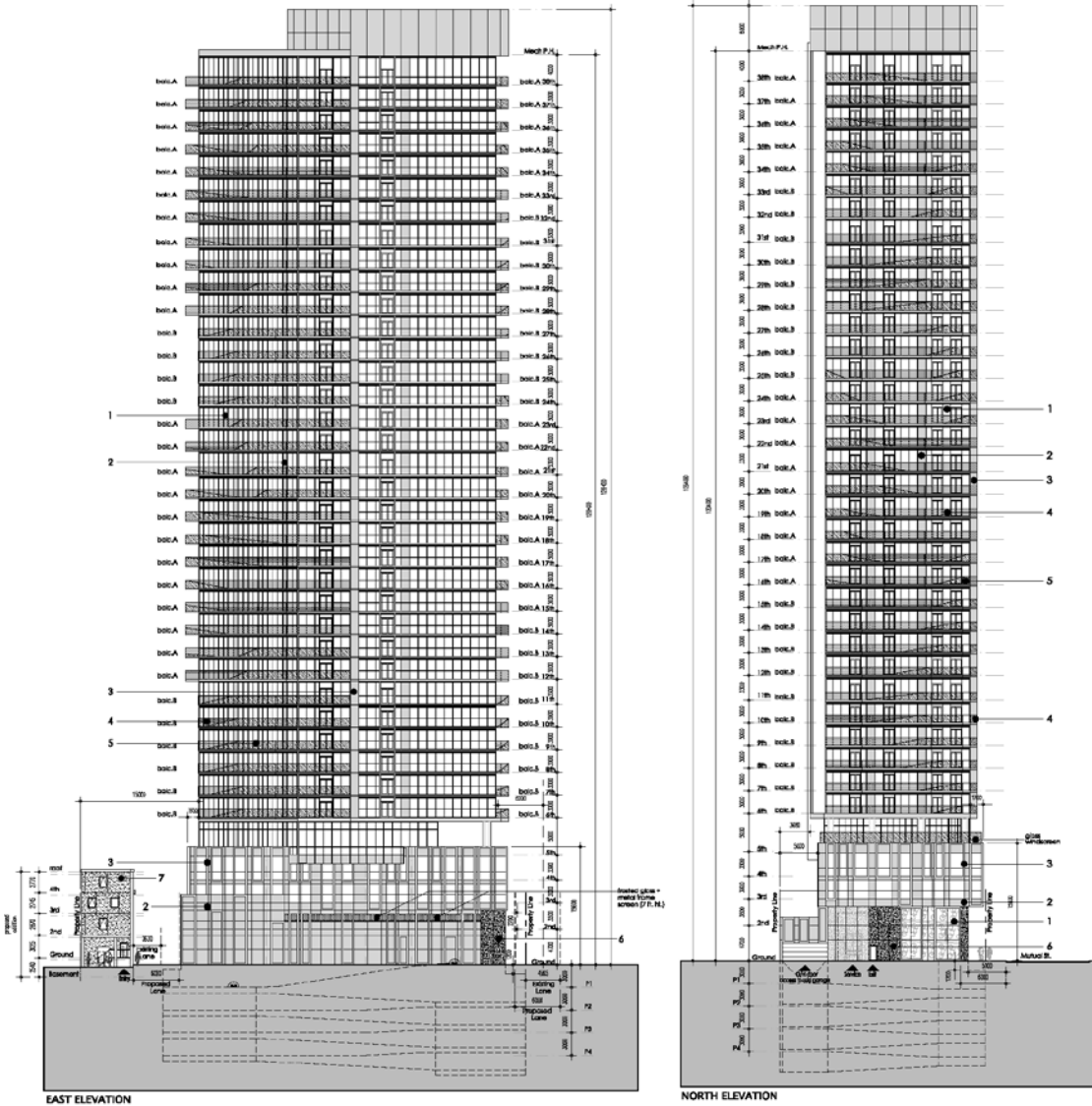
Applicant's Submitted Drawing

Not to Scale
10/01/2015

75, 77 and 83 Mutual Street

File # 14_183553 STE 27 OZ

Attachment 2b: East and North Elevations



East and North Elevations

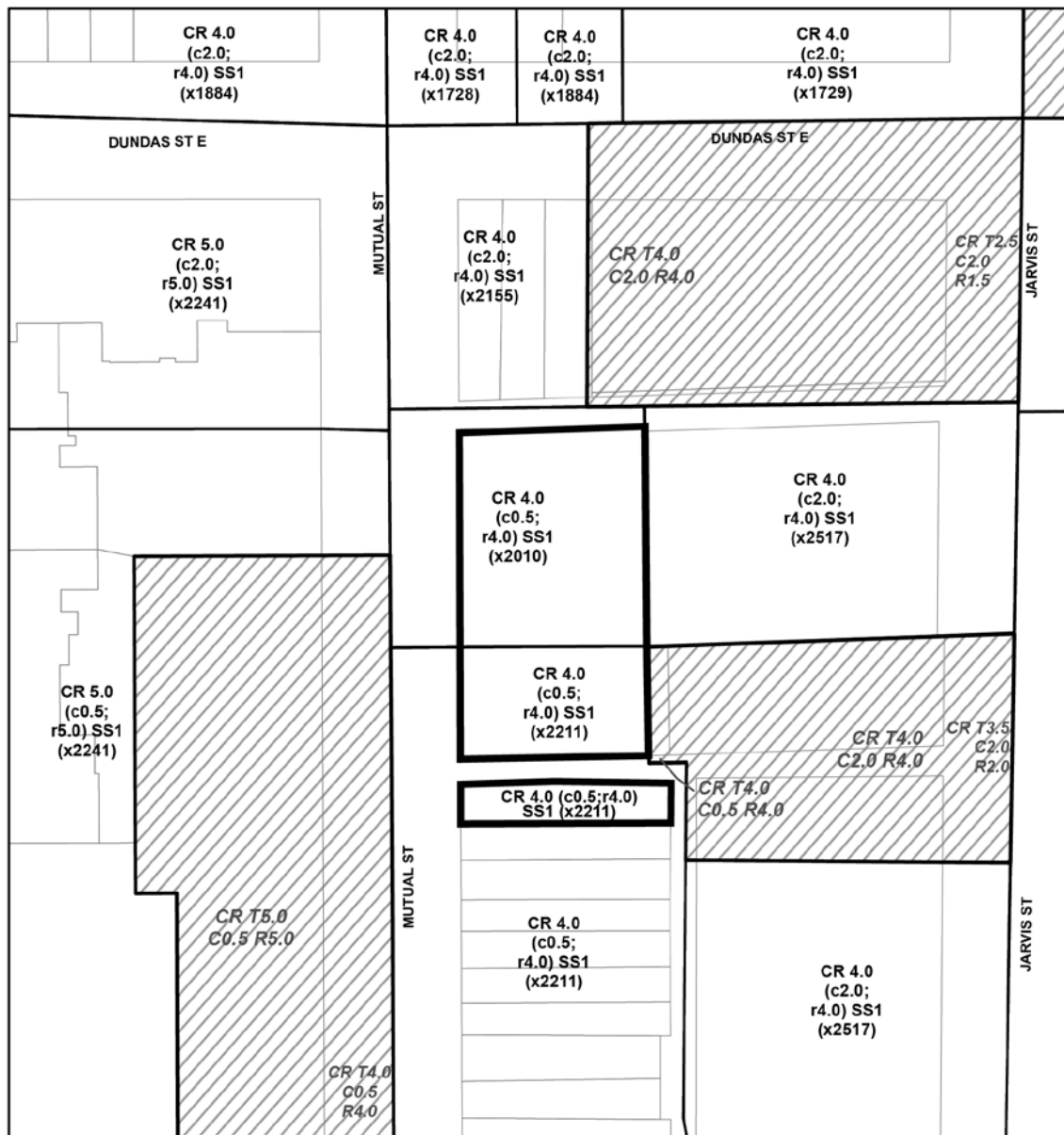
Applicant's Submitted Drawing

Not to Scale
10/01/2015

75, 77 and 83 Mutual Street

File # 14_183553 STE 27 OZ

Attachment 3: Zoning



Zoning By-law 569-2013

75-83 Mutual Street

File # 14 183553 STE 27 OZ



Location of Application

CR Commercial Residential



See Former City of Toronto Bylaw No. 438-86

CR Mixed-Use District



Not to Scale
Extracted: 12/08/2014

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	14 183553 STE 27 OZ
Details	Rezoning, Standard	Application Date:	July 2, 2014
Municipal Address:	75, 77 and 83 Mutual Street		
Location Description:	PLAN 10A PT LOT 22 **GRID S2714		
Project Description:	Revised rezoning application submitted on June 2, 2015 to permit a 38-storey condo building containing 344 dwelling units and 128 parking spaces below grade. This application is associated with 14 183555 STE 27 RH - an application to replace 22 rental units from the building at 77 Mutual Street, and 14 183547 STE 27 SA - the site plan approval application for the 38-storey building.		

Applicant:	Agent:	Architect:	Owner:
Signe Leisk, Cassels Brock and Blackwell LLP		Graziani + Corazza Architects	77 Mutual St. Investments and 2207494 Ontario Inc.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N/A
Zoning:	CR T4.0 (c0.5; r4.0) SS1 (x2010 & x2211)	Historical Status:	N/A
Height Limit (m):	27, 30	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	1,499	Height:	Storeys:	38
Frontage (m):	57.5		Metres:	126.4 (inc. mech penthouse)
Depth (m):	27			
Total Ground Floor Area (sq. m):	875			Total
Total Residential GFA (sq. m):	26,478		Vehicular Spaces:	128
Total Non-Residential GFA (sq. m):	631		Loading Docks:	1
Total GFA (sq. m):	27,109		Bicycle Spaces:	345
Lot Coverage Ratio (%):	58.4			
Floor Space Index:	18.1			

DWELLING UNITS

Tenure Type:	Rental, Condo
Rooms:	0
Bachelor:	22 (6%)
1 Bedroom:	152 (44%)
2 Bedroom:	137 (40%)
3 + Bedroom:	33 (10%)
Total Units:	344 (100%)

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	26,478	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	631	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Henry Tang, Planner
TELEPHONE: (416) 392-7572
E-MAIL: htang2@toronto.ca