

## 24 Mercer Street – Zoning Amendment Application – Supplementary Report

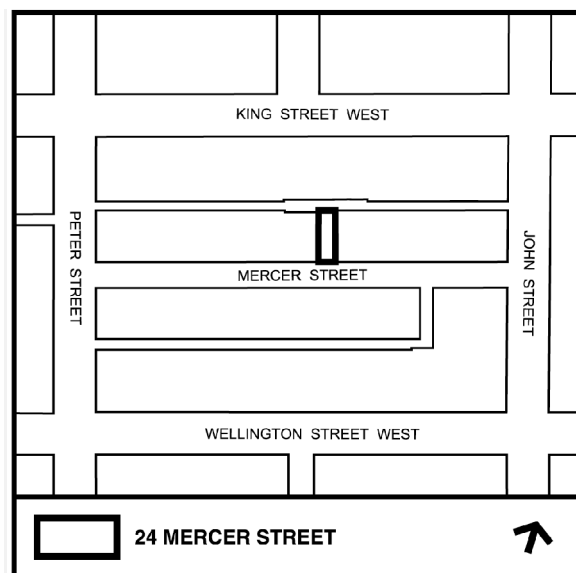
<b>Date:</b>	November 26, 2012
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward No. 20 – Trinity-Spadina
<b>Reference Number:</b>	P:\2012\Cluster B\PLN\CC12089 (11 261965 STE 20 OZ)

### SUMMARY

This application has been appealed by the Applicant to the Ontario Municipal Board. It proposes to amend the former City of Toronto Zoning By-law 438-86 to permit the construction of a new 21-storey residential building. The façade of the listed heritage building on the site (the building is now subject to an Intention to Designate under the *Ontario Heritage Act*) is proposed to be retained. The building would include 27 units and 4 levels of below-grade accessory use. No vehicular parking is proposed. Twenty-seven bicycle parking spaces are proposed on the ground floor.

At the November 6, 2012 Toronto and East York Community Council meeting a motion was approved directing staff to continue to work with the applicant to address tower separation and heritage issues as outlined in the staff report dated August 8, 2012 as well as outstanding Technical Service matters. Staff were directed to report to the November 27, 2012 meeting of Council on any potential settlement.

Staff met with the applicant and have not been able to resolve the outstanding issues. The applicant has indicated a willingness to continue a dialogue with staff but have



stated that they will seek to schedule a hearing at the OMB subsequent to the February 20, 2013 meeting of Council.

## **RECOMMENDATIONS**

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

1. City Council direct that report TE20.18 be referred back to the January 22, 2012 meeting of Toronto and East York Community Council for further discussion.
2. City Council direct that the Chief Planner and Executive Director, City Planning, report to the January 22, 2012 meeting of the Toronto and East York Community Council on further discussions with the applicant and on any potential settlement.

### **Financial Impact**

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

## **DECISION HISTORY**

A pre-application meeting was held with the applicant on June 8, 2011. City Planning staff outlined concerns regarding the appropriateness of a proposal as described for a tall building on a small site, the absence of any meaningful setback from the proposed tower to the adjacent properties to the east and west and the impacts on the listed heritage building which currently occupies the site, which building is now subject to an Intention to Designate. The application was submitted on August 26, 2011. On December 2, 2011, staff met again with the applicant and reiterated the concerns regarding the proposal for a tall building on a small site and the proposed treatment of the heritage building.

A Preliminary Report on the proposal was presented at the January 12, 2012 TEYCC meeting. The Preliminary Report stated that the project could not be supported in its current form. On June 15, 2012 the City Clerk's office received notification the applicant had filed an appeal of the Zoning By-law Amendment application to the Ontario Municipal Board, citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*.

A Request for Directions report was presented at the September 11, 2012 meeting of Toronto and East York Community Council. The report was deferred to the November 6, 2012 meeting of Community Council to give the applicant an opportunity to negotiate a limiting distance agreement with the owner of the adjacent property to the west (Le Germain Hotel). Prior to the November 6<sup>th</sup> meeting of Community Council, the applicant informed staff that she had not been able to secure such an agreement and had no reasonable expectation that further efforts would be successful. At its November 6<sup>th</sup> meeting, Toronto and East York Community Council directed that staff continue to work with the applicant to address the outstanding issues as outlined in the report and that staff report to the November 27, 2012 meeting of City Council on any potential settlement.

On November 12, 2012 City Planning staff met with the applicant to discuss any possible settlement. Further discussion and details would be needed to provide advice to Council regarding any possible settlement. The applicant has stated that they will seek a hearing date at the Ontario Municipal Board to be scheduled subsequent to the February 20, 2013 meeting of Council.

The applicant has also submitted a revised functional servicing report to address comments received from Technical Services staff.

The property was listed on the City of Toronto's Inventory of Heritage Properties in 1983, and on November 29, 2011 City Council stated its Intention to Designate this property under Part IV of the *Ontario Heritage Act*. The owner of 24 Mercer Street has appealed the Intention to Designate to the Conservation Review Board (the CRB). A pre-hearing conference before the CRB is scheduled for December 4, 2012.

Staff continue to have concerns regarding the proposed development as set out in the Request for Directions Report, including the absence of setbacks of the proposed tower from its lot lines, the lack of parking and the lack of appropriate conservation of the listed (and now subject to an intention to designate), heritage building on the site. Outstanding Technical Services matters include the proposal to provide no parking on the site and deficiencies in the submitted stormwater and sanitary and storm sewer reports.

A referral back to Toronto and East York Community Council to allow further staff consultation with the owner on the proposed revisions would facilitate a narrowing of issues for any potential settlement or hearing. The owner has advised that they are willing to continue discussions.

## **CONTACT**

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## **SIGNATURE**

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City Planning