

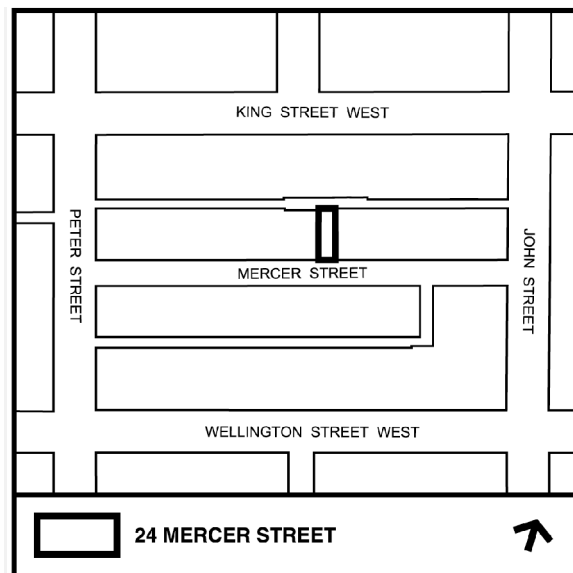
**24 Mercer Street – Zoning Amendment Application –
Supplementary Report**

Date:	January 17, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward No. 20 – Trinity-Spadina
Reference Number:	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. A portion 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 22 units and 4 levels of below-grade accessory use. No vehicular parking is proposed. Twenty-three bicycle parking spaces are proposed.

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 (TE20.18) as well as outstanding Technical Service matters. Staff met with the applicant and provided a Supplementary Report to the November 27, 2012 meeting of Council stating that Planning staff continue to have concerns regarding the proposal. Council adopted the report recommendation that staff report to the January 22, 2013 meeting of Toronto and East York



Community Council on further discussions with the applicant and any potential settlement.

Staff met with the applicant who has not been able to resolve the outstanding issues to the satisfaction of Planning staff. Planning staff have clearly stated for the applicant that the heritage issues and designation of the building (currently the subject of a Conservation Review Board Hearing), will need to be resolved and additional information and revised reports are to be provided before staff can advise Council as to what an appropriate form of re-development would be for the property. If the heritage issues are resolved, the applicant would still need to address tower separation, height and parking issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Community Council request the Director of Community Planning, Toronto and East York District to report to the February 26, 2013 meeting on the results of the Conservation Review Board hearing scheduled for February 4 and 5, 2013 and any further direction required when the results of the Conservation Review Board hearing are available.

Financial Impact

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

BACKGROUND

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 by Council. 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 (OMB), 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 recommending that staff oppose the application at the OMB. At the request of Community Council, the report was deferred

to the November 6, 2012 meeting of Community Council to give the applicant an opportunity to address tower separation distances from the adjacent property to the west (Le Germain Hotel). Prior to the November 6th meeting of Community Council, the applicant informed staff that she had not been able to address this issue. At its November 6th 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. A November 26, 2012 report to Council referred the report back to Toronto and East York Community Council.

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 hearing before the CRB is scheduled for February 4th and 5th, 2013.

On November 12, 2012 City Planning staff met with the applicant on a confidential and without prejudice basis to discuss any possible settlement. Further discussion and details were needed in order to provide advice to Council regarding any possible settlement.

On December 13, 2012 City Planning staff met again with the applicant on a confidential and without prejudice basis to discuss the proposal, specifically the heritage issues associated with the applicants proposed treatment of the façade of the heritage building. City Planning staff have advised the applicant that before further recommendations are made regarding an appropriate form of development on the site, the CRB appeal needs to be heard and reported to City Council for decisions respecting the heritage designation and the important heritage elements of the building.

The current Heritage Impact Assessment (HIA) has been prepared by the owner/applicant/architect Deborah Scott. Staff have requested that the applicant provide a revised HIA, prepared by an independent heritage consultant who can evaluate the proposed treatment of the heritage building. Heritage Preservation staff have also requested that the applicant provide a façade retention strategy prepared by a qualified structural engineer explaining how the façade of the heritage building (which is set back 2.5 metres from the front property line) would be retained in place during construction, as has been proposed. The request for retention details and statements about the feasibility of the proposed work is consistent with the current practice of City Planning.

On January 9, 2013 the applicant provided revised architectural plans for the proposal which have been circulated for comment. The plans continue to show a 21-storey building, although there has been a reduction in the number of units, and treatment of the heritage façade still includes the removal of the third floor.

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

Once the CRB has provided its recommendation with respect to the City's Intention to Designate and a revised Heritage Impact Assessment has been provided from a qualified and independent heritage consultant with input from a structural engineer, staff will be in a position to provide advice to City Council as to what form of redevelopment may be supportable.

A referral back to Toronto and East York Community Council is necessary to allow direction to be provided to staff in advance of an Ontario Municipal Board hearing being scheduled and to allow the applicant time to provide outstanding information.

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SIGNATURE

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