

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

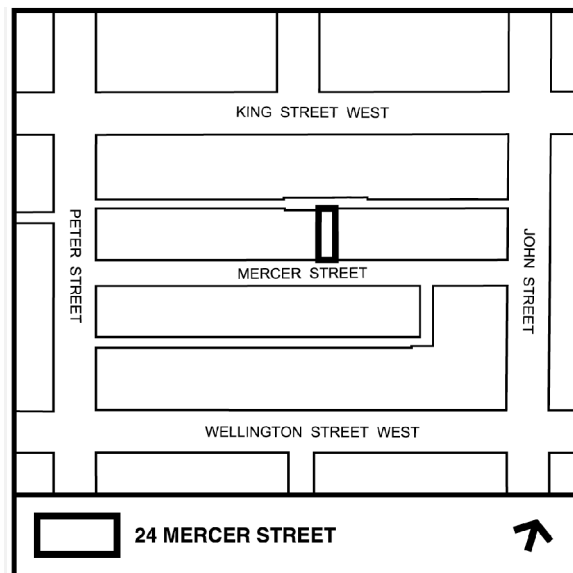
Date:	June 12, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward No. 20
Reference Number:	11-261965 STE 20 OZ

SUMMARY

This report provides further information on the application taking into account the recent report issued by the Conservation Review Board, advice from Heritage Preservation Services staff and revised plans submitted by the applicant on June 4, 2013. Staff continue to oppose the proposal.

The rezoning application for 24 Mercer Street was appealed by the applicant to the Ontario Municipal Board on June 15, 2012. 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 building would include 24 units and 2 levels of below-grade accessory use. No vehicular parking is proposed. Nineteen bicycle parking spaces are proposed.

A portion of the listed heritage building on the site is proposed to be retained. The building is subject to an Intention to Designate under the *Ontario Heritage Act* and the matter was the subject of a report from the Conservation Review Board which was issued on May 6, 2013. As the Conservation Review Board has provided their report, the applicant has requested that



a pre-hearing conference be scheduled by the OMB to allow for issues to be scoped and a hearing to be scheduled.

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 24 Mercer Street (File 11-261965 STE 20 OZ), and attend any Ontario Municipal Board hearings in opposition to such appeal, and retain such experts as the City Solicitor may determine are needed in support of the position recommended in the report from the Director of Community Planning dated August 8, 2012 and as further discussed in the report from the Director of Community Planning dated June 12, 2013.
2. City Council authorize the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to secure services, facilities or 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.
3. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.
4. Should the applicant be willing to consider a significant reduction in height along with acceptable treatment and conservation of the heritage facade, City Council direct staff to continue negotiations with the applicant, in consultation with the Ward Councillor, and report back to Council prior to an OMB hearing for further instructions.

Financial Impact

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

BACKGROUND

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.

Staff provided a third Supplementary Report to the January 22, 2012 meeting of Toronto and East York Community Council recommending that staff report back to Community Council on the outcome of the Conservation Review Board hearing which had been scheduled for February 4th and 5th, 2013. Council deferred the item to allow staff to report back to Community Council on the outcome of the CRB hearing and to allow the applicant to submit outstanding information.

Designation under Part IV of the Ontario Heritage Act

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 appealed the Intention to Designate to the Conservation Review Board (the CRB). A hearing before the CRB was held on February 4, 2013. The report from the CRB was issued on May 6, 2013. The results of the CRB hearing and the staff recommendation regarding the designation of the building are outlined in a report dated May 25, 2013 from the Acting Director of Heritage Preservation Services. Based upon the report from the CRB, Heritage Preservation Services staff recommend that the third storey of the building not be designated. This had been the contested issue at the CRB hearing as the owner had not consented to the designation of the south façade first two storeys of the building. The staff recommendation was endorsed by the Toronto Preservation Board at their meeting of May 29, 2013. The designation report will be forwarded to the June 18, 2013 meeting of Toronto and East York Community Council and the July 16th and 17th, 2013 meeting of City Council.

Revised Plans and Reports

On June 4, 2013 the applicant submitted revised plans and reports in support of the application. The revised plans (which have only just been received at the time of the writing of this report) continue to show a 21-storey building with minor changes that do not address the major issues raised in previous reports. The applicant has also submitted a Heritage Impact Assessment (HIA) prepared by an objective third party (the original HIA submitted with application was prepared by the owner/applicant/architect Deborah Scott). Preservation staff had 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 applicant has also submitted a Heritage Conservation Plan which will hopefully address these questions.

Staff will evaluate the revised reports and plans submitted by the applicant and provide a response to the applicant regarding outstanding issues and concerns.

Staff response to a more modest proposal

Staff do not support the application as revised. 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 matters identified by Engineering and Construction Services staff include the proposal to provide no parking on the site.

Staff are willing to have a further discussion with the applicant regarding a more modest proposal which could provide some height beyond the as-of-right permission under the current Zoning and which would provide an acceptable treatment for the elements of the heritage building which are proposed to be retained.

CONTACT

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SIGNATURE

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