SUMMARY

This application proposes to redevelop the site at 59-71 Mutual Street with a 32-storey residential tower. The project is proposed to contain 275 dwelling units and a total gross floor area of 17,524 m². The proposed building would have a height of 100.5 metres including the mechanical penthouse. The proposal also includes 3 levels of underground parking containing 57 parking spaces.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process. It is anticipated that a Community Consultation meeting will be held in the second quarter of 2016. Staff anticipate submitting a final report on the application to Community Council in the fourth quarter of 2016. This target date assumes that the applicant will provide all required information in a timely manner.
RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 59-71 Mutual Street together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.

3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

DECISION HISTORY

Pre-Application Consultation

A pre-application meeting was held with the applicant during which the applicant introduced their proposal and staff itemized initial concerns and issues with the proposed development. Key issues identified at the meeting included: building height and potential impact on the St. Michael's Hospital helicopter flight path; shadow impacts particularly on adjacent parks and Neighbourhoods designated lands; appropriate tower setbacks; and whether the existing buildings on site had any heritage attributes. The applicant subsequently reduced the proposed tower height and submitted an application.

ISSUE BACKGROUND

Proposal

The applicant is proposing a 32-storey (94.8 metres excluding mechanical penthouse or 100.5 metres including mechanical penthouse) residential apartment building with 275 dwelling units. The development would be a tower-base form which would include a 5-storey podium with a 27-storey tower above. Projecting balconies are proposed along each face of the tower. The proposed gross floor area would be 17,524 m² of residential space which equates to a Floor Space Index of 16.3 under Zoning By-law 569-2013.

The primary entrance for the building would be from Mutual Street. The ground floor would include a residential lobby, indoor amenity space, bicycle parking and an area for loading and garbage. Residential units would be located on floors 2 to 32. Amenity space would be located on floors 1, 2 and 6. Vehicular parking and loading would be accessed from the rear lane with parking below grade.

There are 12 existing rental housing units on the proposed development site. The applicant is proposing to replace those 12 units within the proposed development. The exact nature and parameters of that replacement remain to be determined. An application under the City's Rental Housing Demolition & Conversion policy has been submitted.
Other details of the proposal are shown in Table 1 below and in Attachment 4

**Table 1 – Summary of Application**

<table>
<thead>
<tr>
<th>Category</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tower setbacks (Floor 8-32)</td>
<td></td>
</tr>
<tr>
<td>- West property line (Mutual Street)</td>
<td>3.0 m</td>
</tr>
<tr>
<td>- East property line (laneway)</td>
<td>4.8 m</td>
</tr>
<tr>
<td>- North property line</td>
<td>1.3 m</td>
</tr>
<tr>
<td>- South property line</td>
<td>7.3 m</td>
</tr>
<tr>
<td>Base (podium) setback at grade</td>
<td></td>
</tr>
<tr>
<td>- West property line (Mutual Street)</td>
<td>3.1 m</td>
</tr>
<tr>
<td>- East property line (laneway)</td>
<td>0.0 m</td>
</tr>
<tr>
<td>- North property line</td>
<td>0.0 m</td>
</tr>
<tr>
<td>- South property line</td>
<td>0.0 m</td>
</tr>
<tr>
<td>Sidewalk/pedestrian realm width</td>
<td>6.0 m to 6.3 m</td>
</tr>
<tr>
<td>Tower floorplate (approximate)</td>
<td></td>
</tr>
<tr>
<td>- Floors 8-32</td>
<td>571 m²</td>
</tr>
<tr>
<td>- Floors 6 &amp; 7</td>
<td>552 m² &amp; 592 m²</td>
</tr>
<tr>
<td>Ground floor height (approximate)</td>
<td>4.5 m</td>
</tr>
<tr>
<td>Vehicular parking</td>
<td></td>
</tr>
<tr>
<td>- Resident</td>
<td>24</td>
</tr>
<tr>
<td>- Visitor</td>
<td>23</td>
</tr>
<tr>
<td>- Auto-share</td>
<td>10</td>
</tr>
<tr>
<td>Bicycle parking</td>
<td></td>
</tr>
<tr>
<td>- Long term</td>
<td>297</td>
</tr>
<tr>
<td>- Short term</td>
<td>33</td>
</tr>
<tr>
<td>Loading spaces</td>
<td></td>
</tr>
<tr>
<td>- Type G</td>
<td>1</td>
</tr>
<tr>
<td>Amenity space</td>
<td></td>
</tr>
<tr>
<td>- Indoor</td>
<td>749 m²</td>
</tr>
<tr>
<td>- Outdoor</td>
<td>375 m²</td>
</tr>
</tbody>
</table>

**Site and Surrounding Area**

The site is a rectangular lot with 36.5 metres of frontage on Mutual Street to the west and a lot depth ranging from 28.9 metres to 30.5 metres. The lot area is 1103.7 m²; however, the lot is subject to a lane widening which would reduce the lot to 1073.9 m². There are three existing 2 or 3 storey semi-detached or townhouse structures on site, some of which have been converted into apartment or commercial units (of note 61 Mutual Street was recently demolished due to structural issues). There are approximately 12 existing rental housing units within these buildings.
The surrounding uses are as follows:

North: 2-storey commercial buildings one of which appears to be a former residential structure.

South: 3 and 4-storey apartment and townhouse buildings.

West: Arena Gardens (also known as Cathedral Square Park) fronting Mutual Street and further west, 12 to 17-storey apartment buildings surrounding the park.

East: Public laneway at the rear of the property and further east, an 11-storey apartment building fronting Jarvis Street.

**Provincial Policy Statement and Provincial Plans**

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; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. 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.

Provincial Policy Statement Policy 1.1.3.4 refers to appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Policy 1.1.1 c) refers to avoiding development which may cause public health and safety concerns. Policy 1.1.1 g) refers to ensuring that Public Service Facilities are or would be available to meet current and projected needs and Policy 1.1.3.6 refers to development that allows for the efficient use of Public Service Facilities to meet current and projected needs.

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

**Official Plan**

This application will be reviewed against the policies in the Official Plan. The Official Plan places the site within the Downtown and Central Waterfront urban structure area. The site is designated “Mixed Use Areas” on Map 18 – Land Use Plan in the Official Plan. This designation permits a range of residential, commercial and institutional uses.
The Plan includes criteria that direct the form and quality of development in this land use designation. The criteria state that new buildings: provide a transition between areas of different intensity and scale, including a stepping down of heights towards lower scale neighbourhoods; minimize shadow impacts; and provide an attractive, safe and comfortable pedestrian environment.

This application will be reviewed against the policies in the Official Plan including those in the “Downtown”, “Public Realm”, and “Built Form” sections of the Plan. Compliance with other relevant policies of the Official Plan including environment and transportation will also need to be addressed. Other key policies that are applicable to this development are: Policy 4.8.4 which states that new buildings will be sited and massed to protect hospital helicopter flight paths and Policy 3.2.1.6 which refers to the protection of rental housing units.

The development site includes three buildings that may be of historic or heritage value, none of which have been listed or designated. Policy 3.1.5.2 of the Official Plan (approved as part of Official Plan Amendment 199) states that properties of potential cultural heritage value or interest will be identified and evaluated to determine their potential cultural heritage value. Policy 3.1.5.3 further states that those properties will be protected by being designated. On January 19, 2016 Community Council adopted a recommendation for a Request for Heritage Evaluation of 51A, 53, 53A, 63, 65, 67 Mutual Street for a potential inclusion of those buildings on the City's Heritage Register.

The site is adjacent (separated by a rear laneway) to lands that are subject to Official Plan Amendment 82 – Downtown East Planning Study which was approved by City Council and subsequently appealed to the Ontario Municipal Board. The purpose of OPA 82 is to set the framework for new growth and development in the area while protecting those areas that should continue to remain stable. Policy 3.14 in OPA 82 requires a separation distance between towers of 25 metres or greater.

**Zoning**

The site is currently subject to City-wide Zoning By-laws 438-86 and 569-2013. The site is zoned CR T4.0 C0.5 R4.0 under By-law 438-86 and zoned CR 4.0 (c0.5; r4.0) SS1 (x2211) under by-law 569-2013. Both by-laws permit a variety of commercial and residential uses with a maximum density of 4.0 times the site area and a maximum building height of 30.0 metres. By-law 569-2013 also includes site specific exception 2211 which references a number of site specific provisions, prevailing By-laws and prevailing Sections. Key provisions include angular plane provisions and restrictions on parking facilities.

**Site Plan Control**

The subject site and proposed development are subject to Site Plan Control. An application has not yet been submitted.
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

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also 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 Height Map shows Mutual Street as a Secondary High Street with anticipated maximum heights one-third lower than the streets they run parallel to. This would equate to a maximum height for this site at 31m to 51m (10 to 17 stories). 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. The Downtown Tall Buildings Guidelines are available at http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines

TOcore

On May 13, 2014, the Toronto and East York Community Council (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. Both reports are available at: http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=222101f2e9745410VgnVCM10000071d60f89RCRD.

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 results of Phase One and the priorities for Phase Two, "Planning and Analysis" are the subject of an October 23, 2015 report adopted by City Council on December 9/10, 2015. The review of this application will be informed by the issues being considered under TOcore.
St. Michaels Hospital Flight Path
St. Michael's Hospital is a provincially designated regional trauma centre. The hospital receives some of its most critically ill patients by air ambulance. These patients are often suffering from multi-stem trauma, cardiac arrest, complex heart disease, neurological emergencies and/or require transplants.

St. Michael's Hospital has produced a flight path map (dated August 6, 2015) which indicates maximum building heights on the subject property would need to be in the range of approximately 99 - 103 metres in order to protect the flight path for the air ambulance service. This height range equates to an approximate tower height of 32 stories. In order to comply with the helicopter flight path and the related Official Plan policy, the proposed tower including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities would have to be below the protected flight path.

The Ministry of Municipal Affairs and Housing, Community Planning and Development has provided Planning staff with comments stating that the helipad is critical and an important piece of infrastructure which serves to protect the health and safety of the people of Ontario. It is worth noting that the Minister of Municipal Affairs and Housing filed a declaration of provincial interest with the Ontario Municipal Board regarding a nearby development proposal at 225 Jarvis Street that had been appealed to the OMB and whose tower height also impacted the St. Michael's Hospital's helicopter flight path.

As previously cited, the Official Plan requires that all new buildings be sited and massed to protect helicopter flight paths. The Provincial Policy Statement also has a number of policies to protect against development which may negatively impact public health and safety as well as the efficient use of public service facilities. The provincial interests relate to the health care system in Ontario and the role of hospitals and emergency air ambulance services, including the hospital flight path for St. Michael’s Hospital.

As noted previously in this report, The Provincial Policy Statement contains a number of policies with respect to maintaining public health and protecting public service facilities.

Staff will work with the applicant to ensure the proposal does not penetrate into the St. Michael's Hospital flight path.

Reasons for the Application
The proposal requires an amendment to the Zoning By-law for an increase in density and height. Additional areas of non-compliance may be identified through the circulation and review process.
COMMENTS

Application Submission
The following reports/studies were submitted with the application:

- Planning Justification Report
- Urban Design Brief
- Community Services and Facilities Study
- Functional Servicing Report
- Stormwater Management Report
- Transportation Impact Study and Parking Review
- Pedestrian Wind Assessment
- Shadow Studies
- Environmental Noise Assessment
- Preliminary Geo-Environmental Assessment
- Heritage Impact Assessment
- Housing Issues Report
- Air Emissions Evaluation
- Draft Zoning By-law Amendments (438-86 and 569-2013)
- Toronto Green Standard Checklist
- Arborist Report
- Massing Model

A Notification of Complete Application was issued January 5, 2016. This Notice indicates that the date of complete application was December 14, 2015.
Issues to be Resolved
The following issues will need further review and will need to be addressed by the applicant:

- Consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;

- Conformity with Official Plan policies particularly with respect to built form, setbacks and shadowing of Neighbourhoods designated lands;

- Confirmation that any shadowing on Parks or Other Open Space Areas designated lands has been minimized in conformity with Official Plan policies and design guidelines;

- Confirmation that the proposed provision for the existing rental housing units satisfies Official Plan policies;

- Conformity with the city-wide Tall Buildings Design Guidelines and the Downtown Tall Buildings: Vision and Supplementary Design Guidelines, including the sections on tower separation distances, step backs and shadowing impacts;

- Confirmation that the building height does not intrude into the St. Michael's Hospital helicopter flight path;

- Confirmation that the existing buildings should not be designated or listed as heritage buildings;

- Podium compatibility and relationship to adjacent low rise buildings;

- Treatment of the ground floor of the building and its relationship to the public realm and;

- Appropriateness of the proposed reduced on-site parking provision;

- Confirmation that the proposed widening of the rear laneway is sufficient to enable vehicles to safely access and egress the site;

- Appropriate servicing to accommodate the development;

- Adequacy of community services and parkland in the area; and
- Identification and securing of public benefits pursuant to Section 37 of the Planning Act should the proposal be recommended for approval.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

**CONTACT**
Derek Waltho, Planner
Tel. No.  416-392-0412
E-mail: dwaltho@toronto.ca

**SIGNATURE**

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

(P:\2016\Cluster B\pln\TEYCC\33738947037.doc)vc

**ATTACHMENTS**
Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 2A: South Elevation

South Elevation
Applicant's Submitted Drawing
Not to Scale
12/23/2015

59-71 Mutual Street

File # 15_264025 STE 27 OZ
Attachment 2B: West Elevation

West Elevation
Applicant's Submitted Drawing
Not to Scale
12/23/2015

59-71 Mutual Street

File # 15_284026 STE 27 OZ
Attachment 2C: East Elevation

East Elevation

Applicant’s Submitted Drawing

Not to Scale
12/23/2015

59-71 Mutual Street

File # 15_264025 STE 27 OZ
Attachment 2D: North Elevation

North Elevation
Applicant's Submitted Drawing

59-71 Mutual Street

File # 15_264025 STE 27 OZ

Staff report for action – Preliminary Report – 59-71 Mutual Street
Attachment 3: Zoning

Zoning By-Law No. 569-2013

59-71 Mutual Street

File # 15 294025 STE 27 0Z

Location of Application

R Residential
CR Commercial Residential

See Former City of Toronto By-Law No. 438-86
R3 Residential District
R4 Residential District
CR Mixed-Use District

T

Not to Scale
Extracted: 12/22/2015

Staff report for action – Preliminary Report – 59-71 Mutual Street 16
## Attachment 4: Application Data Sheet

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Rezoning</th>
<th>Application Number: 15 264025 STE 27 OZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Details</td>
<td>Rezoning, Standard</td>
<td>Application Date: December 11, 2015</td>
</tr>
<tr>
<td>Municipal Address</td>
<td>59 MUTUAL ST</td>
<td></td>
</tr>
<tr>
<td>Location Description</td>
<td>PLAN 10A LOT 22 TO 24 **GRID S2714</td>
<td></td>
</tr>
<tr>
<td>Project Description</td>
<td>Proposed 32-storey apartment building with a 5-storey podium. Building height to the top of the mechanical penthouse would be 100.5 metres. The project would have a Gross Floor Area of 17,524 square metres which equates to an FSI of 16.3. The development proposes 275 dwelling units and 57 vehicular parking spaces.</td>
<td></td>
</tr>
</tbody>
</table>

### Applicant:
- **THE SHER CORPORATION**
- **Agent:** RAW
- **Architect:** SIGG INC
- **Owner:**

### PLANNING CONTROLS
- **Official Plan Designation:** Mixed Use Areas
- **Zoning:** CR 4.0 (c0.5; r4.0) SS1 (x2211)
- **Height Limit (m):** 30

### PROJECT INFORMATION
- **Site Area (sq. m):** 1103.7
- **Frontage (m):** 36.5
- **Depth (m):** 28.89
- **Total Ground Floor Area (sq. m):** 674
- **Height:** Storeys: 32, Metres: 100.5
- **Total Residential GFA (sq. m):** 17524
- **Total Non-Residential GFA (sq. m):** 0
- **Total GFA (sq. m):** 17524
- **Lot Coverage Ratio (%):** 62.8
- **Floor Space Index:** 16.3

### DWELLING UNITS

<table>
<thead>
<tr>
<th>Tenure Type</th>
<th>Condo</th>
<th>Above Grade</th>
<th>Below Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rooms</td>
<td>0</td>
<td>Residential GFA (sq. m): 17524</td>
<td>0</td>
</tr>
<tr>
<td>Bachelor</td>
<td>3</td>
<td>Retail GFA (sq. m): 0</td>
<td>0</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>172</td>
<td>Office GFA (sq. m): 0</td>
<td>0</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>72</td>
<td>Industrial GFA (sq. m): 0</td>
<td>0</td>
</tr>
<tr>
<td>3+ Bedroom</td>
<td>28</td>
<td>Institutional/Other GFA (sq. m): 0</td>
<td>0</td>
</tr>
<tr>
<td>Total Units</td>
<td>275</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### FLOOR AREA BREAKDOWN (upon project completion)

<table>
<thead>
<tr>
<th>Tenure Type</th>
<th>Condo</th>
<th>Above Grade</th>
<th>Below Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential GFA (sq. m): 17524</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Retail GFA (sq. m): 0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Office GFA (sq. m): 0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Industrial GFA (sq. m): 0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Institutional/Other GFA (sq. m): 0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

### CONTACT:
- **PLANNER NAME:** Derek Waltho, Planner
- **TELEPHONE:** 416-392-0412