

## **59-71 Mutual Street - Zoning Amendment Application and Rental Housing Demolition Application - Request For Directions Report and Final Report**

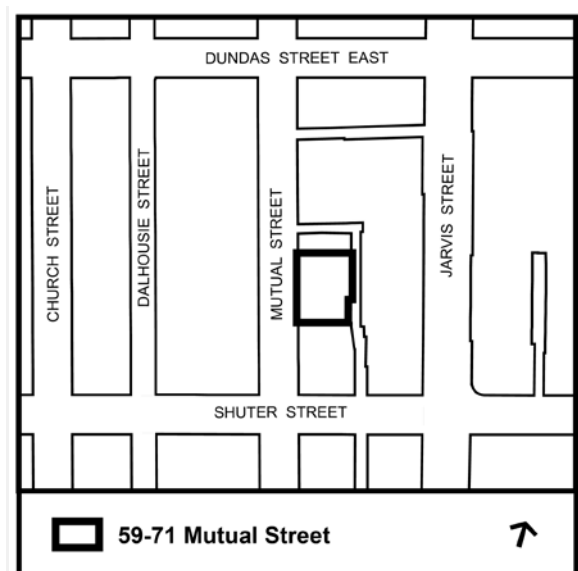
<b>Date:</b>	May 20, 2017
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	15 264025 STE 27 OZ and 16 101809 STE 27 RH

### **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 265 dwelling units (inclusive of 12 replacement rental dwelling units) and a total gross floor area of 17,894 m<sup>2</sup>. The proposed building would have a height of 102.45 metres including the mechanical penthouse and top of parapet. The proposal also includes 3 levels of underground parking containing 56 parking spaces.

An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has been filed (file no. 16 101809 STE 27 RH) to permit the demolition of the 12 existing rental dwelling units located on the site.

The owner of the site at 59-71 Mutual Street has appealed its Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision within the time required by the *Planning Act*. A full hearing has been scheduled starting October 2, 2017.



The purpose of this report is to seek City Council's direction for the City Solicitor and appropriate City Staff to attend the Ontario Municipal Board hearing in support of the application to amend the Zoning By-law and that the Rental Housing Demolition application under Municipal Code Chapter 667 and residential demolition permit under Chapter 363 of the Toronto Municipal Code be approved, subject to the conditions outlined in this report.

## RECOMMENDATIONS

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

1. City Council instruct the City Solicitor to settle the appeals of the Zoning Bylaw Amendment application for 59-71 Mutual Street in accordance with the Plans and Drawings dated February 14, 2017 on file with the City Planning Division, subject to the resolution of issues outlined in the Request for Directions and Final Report dated May 20, 2017.
2. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s), to:
  - a. Secure the following community benefits with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor's office and enter into and register an Agreement to secure those benefits, pursuant to Section 37 of the *Planning Act*:

A payment to the City in the amount up to \$1.2 million based on applications height and density (indexed to reflect increases in the Construction Price Statistics between the date of the OMB Order and the delivery of such payment), for capital improvements in the vicinity of the site for one or more of the following:

- Streetscape Improvements in the area;
- Parkland Improvements in the area; and
- Affordable housing.

provided that in the event the cash contribution referred to in this section has not been used for the intended purposes within three years of the By-law coming into full force and effect, the cash contribution may be redirected for other purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the site.

- b. As a legal convenience, secure the following in the Section 37 Agreement to support the development:
  - i. The Owner be required to pay for and construct any improvements to the municipal infrastructure in connection with a Functional Servicing Report as accepted by the City's Executive Director of Engineering and Construction Services should such Director determine that improvements to such infrastructure are required to support the development all to the satisfaction of the Executive Director of Engineering and Construction Services;
  - ii. To provide either 12 replacement trees as part of the development or a cash-in-lieu payment in the amount of \$6,996.
- c) Withhold its Order allowing the appeal in whole or in part allowing the Zoning By-law Amendment until:
  - i. The Owner has entered into an Agreement under Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning to secure appropriate public benefits and the Section 37 Agreement has been registered on title to the site to the satisfaction of the City Solicitor; and
  - ii. The OMB has been advised by the City Solicitor that the Functional Servicing Report has been completed to the satisfaction of Executive Director of Engineering and Construction Services.
- 3. City Council approve the application for a Rental Housing Demolition permit in accordance with Municipal Code Chapter 667 to allow the demolition of 12 existing rental dwelling units located at 59, 63, 65, 67, 69 and 71 Mutual Street subject to the following conditions:
  - a. The owner shall provide and maintain 12 replacement rental dwelling units, comprised of 3 one-bedroom units and 9 two-bedroom units, on the subject site for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director City Planning. The replacement rental dwelling units shall be ready and available for occupancy no later than the date that 70% of the new dwelling units erected on the site, exclusive of the replacement rental dwelling units, are available and ready for occupancy;
  - b. The owner shall provide at least 2 one-bedroom and 5 two-bedroom replacement rental dwelling units at affordable rents and 1 one-bedroom and 3 two-bedroom replacement rental dwelling unit at mid-range rent for a period of at least 10 years. The owner shall provide at least 1 two-bedroom replacement rental dwelling unit at unrestricted rent;

- c. The owner shall provide ensuite laundry in all replacement rental dwelling units;
  - d. The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities on the same terms and conditions as condominium residents. Access and use of these amenities shall be on the same terms and conditions as the condominium residents or any other residents without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;
  - e. The owner shall provide tenant relocation and assistance to all eligible tenants, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - f. The owner shall enter into and register on title one or more Agreement(s) to secure the conditions outlined in a, b, c, d and e above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and
  - g. The owner shall enter into and register on title to the site, a Section 118 Restriction under the *Land Titles Act*, to the satisfaction of the City Solicitor agreeing not to transfer or charge those parts of the lands without the written consent of the Chief Planner and Executive Director, City Planning Division or her designate, to assist with the securing of the Section 111 Agreement against future owners and encumbrances of the lands and providing following any condominium registration of the non-rental replacement portion of the site for the partial release of the Section 118 Restriction such that it would continue to apply to the rental replacement portions of the site until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 agreement, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division.
4. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue the Preliminary Approval for the application under Municipal Code Chapter 667 for the demolition of the 12 existing rental dwelling units at 59, 63, 65, 67, 69 and 71 Mutual Street after all of the following have occurred:
- a. Satisfaction or securing of the conditions in Recommendation 3 above;
  - b. The Zoning By-law amendments which were subject of a settlement at the Ontario Municipal Board have come into full force and effect;
  - c. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner or her designate, pursuant to Section 114 of the *City of Toronto Act, 2006*;

- d. The issuance of excavation and shoring permits for the approved structure on the site; and
  - e. The execution and registration of a Section 37 Agreement pursuant to the *Planning Act* securing Recommendation 3 a, b, c, d and e, and any other requirements of the Zoning-Bylaw Amendment;
5. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given preliminary approval referred to in Recommendation 4.
6. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* for the demolition of the existing residential structures at 59, 63, 65, 67, 69 and 71 Mutual Street no earlier than the issuance of the first building permit for excavation and shoring of the development, and after the Chief Planner and Executive Director, City Planning Division has given preliminary approval referred to in Recommendation 4, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:
- a. The owner erect a residential building on site no later than three (3) years from the day that the demolition of the buildings is commenced; and
  - b. Should the owner fail to complete the new building within the time specified in condition a above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
7. Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement.

### **Financial Impact**

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

### **DECISION HISTORY**

A pre-application meeting was held in September 2015 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.

The Zoning By-law Amendment application was submitted on December 14, 2015. A Notification of Complete Application was issued. The Rental Demolition and Conversion Application was submitted on January 7, 2016.

A Preliminary Report on the application was considered by the Toronto East York Community Council on February 23, 2016. Key issues identified in the Preliminary Report included: appropriate built form; shadowing on *Parks or Other Open Space Areas*; protection of existing rental housing units; tower setbacks and stepbacks; tower heights in relation to helicopter flight path; heritage attributes of the existing and adjacent buildings; podium compatibility with adjacent low-rise buildings; treatment of the ground floor and its relationship to the public realm; reduced parking provision; and any widening requirements for the rear laneway to ensure its functionality. Community Council directed City Planning staff to schedule a community consultation meeting with an expanded notice area and that notice for the public meeting be given according to the regulations of the *Planning Act*. The Preliminary Report is available at: <http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-90013.pdf>

The applicant appealed the application to the Ontario Municipal Board on June 20, 2016, Case Number PL160615.

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. Staff reported back that these properties do not merit inclusion on the City of Toronto Heritage Register because they do not meet Ontario Regulation 9/06, the criteria prescribed by the Province of Ontario for municipal designation. City Council subsequently adopted the Heritage Evaluation on April 26, 2017. The report is available at: <http://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-102193.pdf>

## **ISSUE BACKGROUND**

### **Proposal**

The original proposal outlined in the Preliminary Report has been modified through sculpting of the proposed tower and increased stepbacks and setbacks to both the tower and podium. The applicant is now proposing a 32-storey (97.75 metres excluding mechanical penthouse or 102.45 metres including mechanical penthouse and top of parapet) residential apartment building with 265 dwelling units (inclusive of the 12 replacement rental dwelling units). The development would be a tower-base form which would include a 4-storey podium with a 28-storey tower above. The proposed gross floor area would be 17,894 m<sup>2</sup> of residential space which equates to a Floor Space Index of 16.2 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 (excluding floor

5). Amenity space would be located on floors 1, 2 and 5. Vehicular parking and loading would be accessed from the rear lane with parking below grade.

The Rental Demolition and Conversion Application proposes to demolish 3 townhouses at 63, 65 and 67 Mutual Street and 3 semi-detached houses at 59, 69 and 71 Mutual Street containing a total of 12 existing rental dwelling units and provide and maintain 12 replacement rental dwelling units on the third and fourth floors of the proposed building.

Other details of the proposal are shown in Table 1 below and in Attachment 4

**Table 1 – Summary of Application**

Category	Proposed
Tower setbacks	
- West property line (Mutual Street)	3.0 m
- East property line (laneway)	4.8 m (20 m to adjacent existing tower)
- North property line	1.2 m (average 27 m to adjacent proposed tower)
- South property line	6.3 m
Base (podium) setback at grade	
- West property line (Mutual Street)	3.4 m
- East property line (laneway)	0.2 m
- North property line	0.2 m
- South property line	0.1 m
Sidewalk/pedestrian realm width	6.0 m to 6.2 m
Tower floorplate (GFA)	567 m <sup>2</sup>
Ground floor height (approximate)	4.2 m
Vehicular parking	
- Resident	38
- Visitor	16
- Auto-share	2
Bicycle parking	
- Long term	239
- Short term	32
Loading spaces	
- Type G	1
Amenity space	
- Indoor	714 m <sup>2</sup>
- Outdoor	359 m <sup>2</sup>

## 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 m<sup>2</sup>; however, the lot is subject to a lane widening which would reduce the lot to 1073.9 m<sup>2</sup>. There are six 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).

In total, there are 12 rental dwelling units. At the time of application, the existing rental dwelling units have the following unit mix and rent classification:

- 1 bachelor rental dwelling unit with affordable rent;
- 4 one-bedroom rental dwelling units – 1 with affordable rent and 3 with mid-range rents; and
- 7 two-bedroom rental dwelling units – 5 with affordable rents, 1 with mid-range rent and 1 with high-end rent.

At the time of application, eight of the 12 rental dwelling units were occupied by tenants.

The surrounding uses are as follows:

North: 2-storey commercial buildings one of which appears to be a former residential structure. A 38-storey apartment building was recently approved for 75-87 Mutual Street by the Ontario Municipal Board.

South: Adjacent is a 3-storey apartment building. Further south are three townhouses, which received approval for the development of a 9-storey apartment building, and at the corner of Shuter Street a 4-storey rental apartment building.

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; 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. 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; providing housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. The Growth Plan requires that a significant portion of new population and employment growth be directed to built-up areas of the community



through intensification and focusing intensification to identified intensification areas. The *Downtown* is one such intensification area. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The Official Plan locates the site within the *Downtown and Central Waterfront*, as shown on Map 2, the Urban Structure map of the Official Plan. Chapter 2 of the Official Plan sets out the Urban Structure of the City, develops the strategy for directing growth within this structure and establishes policies for the management of change, through the integration of land use and transportation planning. Although growth is expected to occur in the Downtown, not all of Downtown is considered a growth area.

The property is designated *Mixed Use Areas* on Map 18, Land Use Plan of the Official Plan. *Mixed Use Areas* provide for a broad range of commercial, residential and institutional uses in single or mixed use buildings, as well as parks and open spaces and utility uses. Not all *Mixed Use Areas* are expected to experience the same scale or intensity of development. Surrounding context, built form considerations and the capacity of municipal infrastructure will inform the extent of development. This designation contains policies and development criteria which are used to guide development and ensure an appropriate transition between areas of different intensity and scale.

Chapter 3 of the Official Plan establishes the policy direction for guiding growth by integrating social, economic and environmental perspectives on the built, human and natural environment. The Built Form policies identify the importance of urban design as a fundamental element of City building. These policies are intended to minimize the impacts of new development and guide the form of new buildings to fit within their context. The applicant is proposing to construct a Tall Building. Policy 3.1.3 addresses Tall Building proposals and how they should respond to key urban design considerations.

Section 3.2.1 of the Official Plan 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 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following are secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- 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

- An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, and other assistance to lessen the hardship of relocation.

Policy 4.8.4 also states that new buildings in the vicinity of hospital heliports will be sited and massed to protect the continued use of flight paths to hospital heliports. Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehension and integrative intent as a policy framework.

## **Ministers Zoning Order**

On May 3, 2016, the Minister of Municipal Affairs and Housing issued a Zoning Order – Protection of Public Health and Safety – Toronto Hospital Heliports. The purpose of this Order is to protect health and safety by ensuring the safe operation of air ambulance services provided in relation to St. Michael's Hospital and The Hospital for Sick Children. The Zoning Order reflects the helicopter flight paths and identifies an obstacle limitation surface which structures or naturally growing objects shall not penetrate. As previously cited, the Official Plan requires that all new buildings be sited and massed to protect helicopter flight paths. 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 or outside the protected flight path.

## **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.

## **Chapter 667 - Rental Demolition and Conversion By-Law**

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing dwelling units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner.

Pursuant to Chapter 667, Council may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official plan policies protecting rental and affordable housing.

Pursuant to the City's demolition control by-law Chapter 363 of the Municipal Code, Council approval of the demolition of residential dwelling units under Section 33 of the *Planning Act* is also required where six 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*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion and an application under Chapter 363 for residential demolition control, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the OMB.

On January 7, 2016, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code. A Housing Issues Report has been submitted with the required application and is currently under review for consistency with the Official Plan. As per Chapter 667-14, a tenant consultation meeting is required to be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

### **Site Plan Control**

The proposed development is subject to Site Plan Control. An application has been submitted and is under review.

### **City-Wide Tall Building Design Guidelines**

Policy 5.3.2 of the Official Plan states that guidelines will be adopted to advance the vision, objectives, and policies of the Plan. City Council adopted the Tall Building Design Guidelines on May 7, 2013, for use in evaluating tall building proposals. 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 subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the Tall Building Design Guidelines May 2013). This document can be viewed at: <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>. This guideline identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Tall Building Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate tall building proposals. Within the guidelines, Map 2 Downtown Vision Height Map envisions maximum heights for this site in the 10-17 storey (31 to 51 m) range, provided performance standards are met.

## **TOcore: Planning Downtown**

TOcore: Planning Downtown is a three-year, inter-divisional study, led by City Planning. Building on Downtown's existing planning framework, TOcore's purpose is to ensure that growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

The new Secondary Plan will update the Downtown planning framework to shape future growth and link growth to the provision of needed infrastructure investments to achieve the city-building vision and policies of Toronto's Official Plan. A series of infrastructure strategies for office, transportation, parks and public realm, community services and facilities, and energy are in development as part of this review, along with a water infrastructure assessment.

City Council adopted the TOcore Proposals Report on December 15, 2016. The Proposals Report provides a vision for Downtown to 2041, five guiding principles and 128 policy directions that will inform the development of the Downtown Secondary Plan. The accompanying staff report also provided updates on the Phase 2 public consultations, population growth projections for Downtown and the status of infrastructure strategies underway that will support the implementation of the new Downtown Secondary Plan. A draft Secondary Plan will be presented to City Council in Q3 2017.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 metres in height.

The TOcore website is [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

## **Reasons for Application**

An application to amend the Zoning By-laws is required to permit the proposed height and density as well as to amend other applicable provisions.

The applicant has also submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units as the subject lands contain six or more residential dwelling units, of which at least one is rental.

## **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
- Geohydrology Assessment
- Heritage Impact Assessment
- Housing Issues Report
- Hospital Heliport Routes analysis
- 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 given. The complete application date was December 15, 2015.

### **Community Consultation**

A community consultation meeting was held April 14, 2016 and was attended by approximately 35 residents. Specific comments related to the zoning amendment component of the project were:

- Inadequate tower separation distance (overlook, wind, shadow impacts)
- Concern about a wall of condos along Mutual and the cumulative impact on views
- Provision for a green roof
- Number of parking spaces proposed
- Garbage collection and its functionality given the lane width, turning radius, and issues of garbage trucks backing up into the lane
- Option to centrally locate tower on podium to limit wind downdrafts
- Mutual Street functions as local street and should not be for Tall Buildings
- Shadowing of the park
- Impacts on adjacent rooftop outdoor amenity areas (shadows, views)
- Provision for dogs
- Confirmation lane sufficient width for proposed use
- Concern with the existing intersection of lane and Shuter
- Façade treatment on the lane – issues with safety, exterior lighting, porosity
- Tower is another glass and steel – alternative exteriors more fitting into context

### **Tenant Consultation**

On March 7, 2017, City Planning hosted a Tenant Consultation Meeting to review the City's housing policies and outline the various components of a typical Tenant Relocation and Assistance Plan. This meeting was attended by 10 tenants, City Planning staff and the

applicant. During this meeting, tenants asked questions about the proposed development, the process for finding alternative accommodations, how much notice they would be provided, the process for selecting a replacement rental dwelling unit and rents for the replacement rental dwelling units.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses have been used to assist in evaluating this application and been incorporated into this report.

### **COMMENTS**

Staff have reviewed the proposed development and are of the opinion the proposal fits within the existing and planned context. The proposed development does comply with the Official Plan and implementing guidelines for the reasons outlined below.

### **Provincial Policy Statement and Provincial Plans**

#### **Provincial Policy Statement (PPS)**

Policy 1.1.3.3 of the PPS refers to appropriate locations for intensification and redevelopment while 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 4.7 identifies the Official Plan as the most important vehicle for implementing the PPS. In the Official Plan the site is designated *Mixed Use Areas* which is an appropriate location for intensification, subject to appropriate development standards. The revised proposal generally adheres to the relevant Official Plan development criteria and is therefore consistent with the PPS.

There are additional policies in the PPS which refer directly or indirectly to health and hospitals. More specifically, a Public Service Facility is a defined term which includes the provision of services for health programs. 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 which is also reflected in Policy 1.7.1 b) which refers to optimizing the long-term availability and use of Public Service Facilities. The proposal does not intrude into the helicopter flight path and is therefore consistent with those policies in the PPS referring to health and hospitals

#### **Growth Plan**

The Growth Plan requires that a significant portion of new population and employment growth be directed to built-up areas of the community through intensification and focusing intensification to identified intensification areas. The *Downtown* is one such intensification area. Policy 2.2.3.7 c) of the Growth Plan requires intensification areas to be planned and designed to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places. The revised proposal has

been designed and planned generally in accordance with the Official Plan development criteria and therefore conforms with the Growth Plan.

There are policies in the Growth Plan that relate to Community Infrastructure which is defined to include public services for health. Policy 3.2.6.1 and 3.2.6.2 refer to the co-ordination of Community Infrastructure and land use planning and for the planning of growth to take into account existing Community Infrastructure so that it can be provided efficiently and effectively. As further described below, the proposed tower component of the development would not intrude into the St. Michaels' Hospital helicopter flight path and therefore the proposal conforms with those policies related to the hospitals.

## **Official Plan**

The proposed development is located in the *Mixed Use Areas* designation of the Official Plan. The uses proposed for the project are residential which as a land use would be permitted in the *Mixed Use Areas*. While intensification is provided for in *Mixed Use Areas*, it must be achieved through a built form that provides appropriate fit, transition and the protection of designated *Neighbourhoods*, heritage buildings and parks/open space areas. As described below, the application conforms with the policies of the Official Plan.

## **Built Form**

### **Tower Height and Context/Shadowing**

Tower height is generally assessed in terms of context, shadowing, transition and the St. Michaels helicopter flight paths. Official Plan Built form Policy 3.1.2.1 refers to development fitting within its context and in 3.1.2.3 new development to fit harmoniously into its existing and/or planned context. Among other key impacts of tower height is the resulting shadows. There are a number of Official Plan policies which specifically address shadowing. Built Form Policies 3.1.2.3 d), e) and f) refer to providing for adequate light and limiting shadows on streets, properties and open spaces and minimizing additional shadowing on neighbouring parks and open spaces to preserve their utility. For the *Mixed Uses Areas* designation, Policy 4.5.2 e) refers to maintaining sunlight on parks and open spaces. The Healthy Neighbourhoods Policy 2.3.1.2 c) refers to developments that are close to *Neighbourhoods* will maintain adequate light for residents in those *Neighbourhoods*.

The Tall Building Design Guidelines provide further guidance. Guideline 1.3 a) refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties. Guideline 1.4 seeks to protect access to sunlight and sky views and references parks and other shadow sensitive areas as needing protection.

The Downtown Tall Buildings Guidelines further states in Guideline 1.3 that sunlight on parks and open spaces is one of the mitigating factors that takes precedence over assigned heights. This is expanded on by Guideline 3.2 which, among other matters, states tall buildings not cast new shadows on non Signature Parks between 12 noon and 2:00 pm on

September 21st. The same guideline clarifies that this should not be interpreted as taking away the City's ability to protect beyond the minimum hours.

The context features a mix of built forms and a range of tower heights. In the wider geographic area there are a number of towers with maximum planned or built heights up to the 50-story range. In the immediate vicinity, there are a number of lower scale towers, generally in the 10-30-storey range (an adjacent tower to the north is planned at 38-stories). The proposed 32-storey tower fits within the existing and planned context of the other towers in the area.

The submitted shadow studies show, to some extent, shadows generated by the proposed tower falling within shadows generated by other developments. The proposed tower would also newly shadow: Arena Gardens park (designated *Other Open Space Areas*) from 9:18 am-11:18 (March/June/September 21) and some of the George Street homes (designated *Neighbourhoods*) at 5:18 pm (June 21). In order to minimize shadow impacts, The Tall Building Guidelines refer to tower floor plates no greater than 750 m<sup>2</sup> and no shadowing of Non Signature parks between 12:00 and 2:00 pm on September 21. The application proposes a small tower floor plate of 567 m<sup>2</sup> and shadows on the park limited to the morning hours. These shadows would be relatively small and fast moving.

The proposed tower height fits within its context, limits shadows on the neighbouring park, and as further noted below, conforms with those policies referring to Helicopter flight paths.

### **Massing and Tower Separation Distances**

Development in the Downtown and in *Mixed Use Areas* is not intended to be spread uniformly and instead is to fit within its context with appropriate transition in scale. Official Plan Built Form Policy 3.1.2.3 d) and 3.1.2.4 state that new development will limit its impact by providing for adequate light and privacy and ensuring adequate access to sky view. For the *Mixed Use* areas designation, Policy 4.5.2 c) states that the location and massing of new developments provide a transition between areas of different development intensity and scale through such means as appropriate setbacks.

The planned and built form context is further informed by Tall Building Design Guidelines 1.3 which addresses Fit and Transition in scale and Guideline 3.2.3 which refers to tower separation distances of 12.5 metres or greater from the side and rear property lines in order to limit negative impact on sky view, privacy and daylighting. Sub-guideline e) further references coordinating setbacks and separation distances with other towers on the same block. Guideline 3.2.2 a) also refers to coordinating tower placement with other towers on the same block to maximize access to sunlight and sky views for surrounding streets, parks and properties.

The policies and implementing guidelines seek to ensure adequate light and skyviews to residents and in that respect, the City recommends a tower separation distance of 25 m between towers which would typically be achieved through a 12.5 m tower setback to the lot line or to the mid-point of any adjacent lane or right-of-way. Failure to achieve these



standards results in negative impacts on the quality of life to both residents and the public as outlined in the guidelines. The recently approved Official Plan Amendment 352 and its implementing By-laws 1106-2016 and 1107-2016 provide a further policy basis for evaluation of proposed tower separation distances.

The proposed development is massed in a podium tower form consisting of a 32-storey tower with 4-storey podium. The tower component of the development has a gross floor area of 567 m<sup>2</sup> with projecting balconies on each façade (but significantly not on floors 4-10 on the west and east facades).

	Setback to property line	Setbacks to adjacent towers
North	1.2 m	27 m average setback to approved 36-st tower (2016)
South	6.3 m	20.8 m setback to approved 9-st tower (1993) secured with Limiting Distance Agreement
East	4.8 m	20.0 m setback to existing 11-st tower with no projecting balconies
West	3.0 m	13.0 m setback to mid-point of Mutual Street right-of-way

Although the proposed tower setbacks do not achieve the recommended 25 m guideline and Zoning standard in the By-law, the setbacks are of a similar scale and form as with other developments within the area. To the north the setback to a proposed tower actually ranges from 21.9 m at the closest point to approximately 32 m at the furthest point. To the east, where there would be two facing tower walls, there are no projecting balconies on the proposed development and no balconies on the adjacent development. Also, the proposed building is in a tower form with a narrow tower façade compared to the adjacent building which is in a slab form with a wide tower façade which helps to mitigate the impacts. To the south, the setback would be secured through a Limiting Distance Agreement, which the applicant has entered into with the adjacent property owner, to ensure that a 12.5 m setback to the adjoining lot is achieved. The proposed massing conforms to the Official Plan policies and meets the intent of Official Plan Amendment 352 with respect to tower separation distances.

### **Podium Height and Transition**

There are a number of Official Plan policies that reference the need to protect adjacent developments by providing an appropriate transition through setbacks and stepbacks. Built form Policy 3.1.2.3 c) refers to appropriate transitions in scale to neighbouring existing and/or planned buildings. For the *Mixed Use Areas* designation, Policy 4.5.2 c) refers to locating and massing new buildings to provide a transition between areas of different development intensity and scale through setbacks and/or stepping down of heights.

The Tall Building Design Guideline 1.3 expands on this by referring to an appropriate transition in scale down to lower-scale buildings, parks and open space. Guideline 3.1.1 provides greater clarity by referring to the base building (podium) height being consistent

with the existing street wall context and refers to podium (base) building heights being a maximum of 80% of the width of the adjacent right-of-way.

The proposed podium height is 4-stories (15.1 m) with a stepback and setback at the south-west corner. The width of the Mutual Street right-of-way is 20 m which suggests a maximum podium height of 16 m based on the 80% of right-of-way provision. An appropriate podium height is also informed by the height of adjacent developments. Adjacent buildings to the south are 3-stories in height (approximate 10-12 m) and to the north are 2 and 3-stories (approximately 10 m). Further north, 77-83 Mutual has received OMB approval for a 4-storey podium with tower.

The Official Plan policies and relevant guidelines specifically reference appropriate transition. In this case, the proposed 4-storey podium with setbacks and stepbacks is appropriate in the built and planned form context and complies with City guidelines.

### **Helicopter Flight Path**

On May 3, 2016, the Minister of Municipal Affairs and Housing issued a Zoning Order – Protection of Public Health and Safety – Toronto Hospital Heliports which identifies an obstacle limitation surface which structures or naturally growing objects shall not penetrate. As mentioned previously, there are policies in the PPS and Growth Plan which refer directly or indirectly to health and hospitals. Official Plan Policy 4.8.4 also states that new buildings will be sited and massed to protect the continued use of flight paths to hospital heliports.

The site is located within the St Mikes' helicopter flight path as shown by the Ministers Zoning Order. At the request of St. Michael's Hospital, the consulting firm WSP confirmed that the proposed tower would not intrude into the helicopter flight path. Toronto Building staff have also confirmed that the proposed tower would not intrude into the flight path.

### **Heritage**

Official Plan Policy 3.1.5.2 states that properties of potential cultural heritage value or interest will be identified and evaluated while Policy 3.1.5.26 states that construction on or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of the property. Although there are no existing heritage buildings on site or adjacent heritage buildings, the applicant did submit a Heritage Value Assessment. This assessment asserts that none of the existing buildings merit a listing or designation under the Ontario Heritage Act.

Heritage staff reviewed this report and subsequently reported back to Community Council on June 14, 2016, that the buildings at 51A, 53, 53A, 63, 65 and 67 Mutual Street do not merit inclusion on the City of Toronto Heritage Register because they do not meet Ontario Regulation 9/06, the criteria prescribed by the Province of Ontario for municipal designation. City Council subsequently adopted the Heritage Evaluation on April 26, 2017 <http://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-102193.pdf>

## **Public Realm, Sidewalk Zone and Wind Impacts**

For development in the *Downtown*, Official Plan Policy 2.2.1.11 refers to street improvements to enhance the pedestrian environment. This is expanded on by Public Realm Policy 3.1.1.5 and 3.1.1.6 which refer, among other things, to safe and efficient movement of pedestrians, provision of space for trees and landscaping and sidewalks being designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. Official Plan Policy 4.5.2 e) refers to massing new buildings to maintain comfortable wind conditions for pedestrians on adjacent streets. In this regard, the Tall Building Design Guideline 4.2 recommends a minimum 6 metres wide sidewalk zone in order to implement these policies. The development application proposes approximately a 6.0 to 6.2m sidewalk zone along Mutual Street which is in conformity with the policies and guidelines.

The applicant submitted a Pedestrian Wind Assessment for the proposed development. The study concludes that wind conditions are appropriate, remain suitable for the intended usage or are similar to existing conditions and that no additional wind control measures are required for the site.

## **Amenity Space**

Official Plan Built Form Policy 3.1.2.6 states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Official Plan Policy 4.5.2 k) states that in *Mixed-Use Areas* development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. Tall Buildings Design Guideline 2.5 also refers to the provision of outdoor amenity space and provides guidance on the siting of that space. These requirements are implemented through Zoning By-law 438-86 and Zoning By-law 569-2013 which respectively require a minimum of 2.0 m<sup>2</sup> of indoor and 2.0 m<sup>2</sup> of outdoor amenity space for each unit; and a minimum of 4.0 m<sup>2</sup> of amenity space for each unit (of which at least 2m<sup>2</sup> shall be indoor). Typically the City requires 2.0 m<sup>2</sup> of indoor and 2.0 m<sup>2</sup> of outdoor amenity space per unit.

The development proposal includes both indoor and outdoor amenity space. A total of 714 m<sup>2</sup> (2.7 m<sup>2</sup> per dwelling unit) of indoor and 359 m<sup>2</sup> (1.4 m<sup>2</sup> per dwelling unit) of outdoor space is proposed for a total of 1073 m<sup>2</sup> (4.0 m<sup>2</sup> per dwelling unit). The amenity space proposed is acceptable.

## **Pet Servicing Area**

In response to a growing concern over providing for dogs, a dog servicing area has been proposed on the ground floor with direct access to the outdoors.

## **Provision of Family Sized Units and Affordable Housing**

In the *Downtown* section of the Official Plan, Policy 2.2.1.1 c) refers to the provision of a full range of housing opportunities. In implementing this policy, staff seek to secure 10% of all units as three bedroom or greater to broaden the range of housing provided *Downtown*. The applicant is proposing 27 three-bedroom units (10.2% of the total units) which is appropriate.

The City also encourages the provision of affordable housing. Official Plan Policy 5.1.1.6 provides for the provision of affordable housing as a potential Section 37 benefit. The applicant has not indicated if any of the proposed units would be affordable or not. In the absence of any certainty about proposed unit prices, staff recommend that should the application be appealed to the Ontario Municipal Board and approved by the Ontario Municipal Board, then a portion of any Section 37 benefits be allocated towards purpose built rental units (affordable and/or mid-range) to support the objective of providing a full range of housing and affordability.

### **Traffic, Parking and Loading**

Official Plan policy 4.5.2 i) refers to developments in *Mixed Use* areas will provide an adequate supply of parking for residents and visitors. A Transportation Impact Study and Parking Review was submitted with the application and has been reviewed by staff. Vehicular parking and loading would be accessed from the rear lane with parking below grade. The proposal includes 54 parking spaces and 2 car share spaces for a total of 56 parking spaces. A total of 271 bicycle parking spaces and 1 type G loading space are also proposed as well as a bicycle repair station.

Transportation Services commented that they need to further review turning movement diagrams and Solid Waste Management Services commented that floor plans need revisions to ensure collection vehicles can enter and exit the site in a forward motion. A detailed review of site operations including turning movement diagrams is being undertaken as part of the Site Plan application review process. These reviews could result in revisions to floor plans and loading space operations.

Transportation Services have reviewed the anticipated traffic impacts and concluded that the proposed development will have minimal traffic impacts at the intersections within the study area. They also advise that the proposed parking supply is acceptable and that any implementing By-law require a minimum 0.17 residential parking spaces and 0.06 visitor parking spaces per dwelling unit, subject to provisions for car-share spaces, and a minimum of one Type G loading space.

### **Site Servicing and Solid Waste**

The applicant submitted a Functional Servicing Report and a Stormwater Management Report. The development site would be serviced from existing sewer and watermain along Mutual Street. Engineering and Construction Services reviewed the report and advise that the Functional Servicing Report needs revisions to address issues related to ground water discharge.

Engineering and Construction Services also commented that the applicant be required to pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development.

It is therefore recommended that, if the OMB were to approve this or a modified form of this project, that City staff be authorized to request the OMB to withhold its Order pending the submission of an acceptable Functional Servicing Report to the satisfaction of Executive Director of Engineering and Construction Services and that the owner be required to pay for and construct any improvements to the municipal infrastructure if it should be determined that the improvements to such infrastructure is required to support the development. This condition could be incorporated into a Section 37 Agreement.

### **Open Space/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 111 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 3,666 m<sup>2</sup> or 344% of the site area. However, for sites 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 106.5 m<sup>2</sup>.

Should the Ontario Municipal Board approve this or any variation of this application, the applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu payment. This would be appropriate as the parkland dedication associated with the development would be too small to create a serviceable park. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit by the Facilities and Real Estate Division. Parks, Forestry and Recreation staff are satisfied with the proposal for a cash-in-lieu payment.

### **Urban Forestry**

An Arborist Report was submitted by the applicant. The report indicates there are 4 trees that meet the criteria for protection under the City's Private Tree By-law. Urban Forestry reviewed the proposed landscape plan and arborist report and confirmed that all 4 trees would need to be removed and that 12 replacement trees would be required. Although the applicant is proposing 5 street trees, those street trees are not in the appropriate growing environment and as such Urban Forestry has determined the applicant would be required to provide a cash-in-lieu payment for 12 trees for a total of \$6,996. As part of the site plan application process it may be possible to ensure the proposed street trees do conform to City requirements. Urban Forestry also indicated they require the submission of a detailed landscape plan, landscape detail plan, composite utility plan and a cross section landscape elevation; these could be provided as part of a subsequent Site Plan application.

## **Rental Housing**

### **Replacement Rental Dwelling Units**

The applicant has proposed to provide and maintain 12 replacement rental dwelling units on the second and third floors of the proposed condominium building. The unit mix for the proposed replacement rental dwelling units will be slightly different than the existing unit mix as 1 bachelor unit and 1 one-bedroom unit will be replaced with 2 two-bedroom units.

These 12 replacement rental dwelling units will have the following unit mix and rent classification:

- 3 one-bedroom rental dwelling units – 2 with affordable rents and 1 with mid-range rent; and
- 9 two-bedroom rental dwelling units – 5 with affordable rents, 3 with mid-range rents and 1 with high-end rent.

The provision of 2 additional two-bedroom units instead of 1 bachelor and 1 one-bedroom units will increase the number of mid-range two-bedroom rental units within the proposed building to accommodate an increased number of larger households. The replacement of a bachelor dwelling unit and a one-bedroom dwelling units with 2 two-bedroom dwelling units conforms with Official Plan Policy 3.2.1.6 b (i) as the replacement rental dwelling units are larger, by unit type, than the existing rental dwelling units.

The average unit size and total gross floor area of the proposed replacement rental dwelling units will be slightly larger than the existing rental dwelling units.

All replacement rental dwelling units will be provided with ensuite laundry facilities and open concept layouts. Out of the twelve replacement rental dwelling units, nine will be provided with a terrace or balcony. Tenants of the replacement rental units will have access to bicycle parking and all indoor and outdoor amenities on the same terms and conditions as condominium residents.

One or more Agreements pursuant to the *Planning Act* will secure all details regarding the replacement rental housing, including the number of replacement units, minimum unit sizes, maximum rents and future tenants' access to all facilities and amenities.

### **Tenure and Rents for the Replacement Rental Dwelling Units**

The applicant has agreed to provide and maintain the 12 replacement rental dwelling units within the proposed building for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units.

The applicant has also agreed to secure the rents for the replacement rental dwelling units for at least 10 years. The replacement rental dwelling units will include 7 affordable units (2 one-bedroom and 5 two-bedroom units), 4 mid-range units (1 one-bedroom and 3 two-bedroom) and 1 high-end two-bedroom replacement rental dwelling units.

### **Tenant Relocation and Assistance Plan**

The owner has agreed to provide tenant relocation and assistance which will be to the satisfaction of the Chief Planner and secured through the Section 37 and Section 111 Agreement with the City. The Tenant Relocation and Assistance Plan will assist tenants in finding and securing alternative accommodations while the replacement rental dwelling units are being constructed. As part of this plan, tenants will receive:

- At least 6 months' notice of the date that they must vacate their rental unit;
- The right to return to one of the replacement rental units in the new building;
- Compensation equal to 3 month's rent or an acceptable alternative rental dwelling units, pursuant to the Residential Tenancies Act;
- A move-out moving allowance and a move-back moving allowance if they exercise their right to return to a replacement rental dwelling unit;
- Additional compensation based on length of tenure; and
- Any special needs compensation as determined by the Chief Planner.

### **Section 37**

Given the increase in height and density represented by the current proposal, the Official Plan provides for the provision of Section 37 contributions. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include a range of benefits as identified by Official Plan Policy 5.1.1.6. The community benefits must bear a reasonable planning relationship to the proposed development.

Discussions with the applicant concerning Section 37 benefits did not occur as there was no agreement on appropriate development for the site. However, the applicant has submitted a Settlement Offer of \$1.1 million for affordable housing and streetscape and parkland improvements as a Section 37 benefit if the application were to be approved by City Council prior to the OMB Hearing scheduled for October. This Settlement Offer is slightly lower than what would typically be anticipated; this report therefore recommends that a \$1.2 million contribution be appropriate.

This report therefore recommends that if the application is approved by the Ontario Municipal Board, in this or a modified form, that in accordance with Policy 2.3.1.6 and 5.1.1 of the Official Plan up to \$1.2 million should be required to be provided by the Owner under Section 37 of the *Planning Act* for the following community benefits within

the vicinity of the site with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor's office:

- streetscape improvements in the area;
- parkland improvements within the area; and
- affordable housing.

The \$1.2 million should be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of such funds by the Owner to the City.

The following matters are also recommended to be secured as a legal convenience in the Section 37 Agreement to support development if it were to be approved:

1. Owner be required to pay for and construct any improvements to the municipal infrastructure in connection with an accepted Functional Servicing Report should it be determined that the improvements to such infrastructure is required to support the development to the satisfaction of the Executive Director of Engineering and Construction Services.

## **Conclusion**

The proposal as revised is appropriate as the proposed development conforms with relevant Official Plan policies and implementing guidelines. More specifically: the proposed use is a permitted use in the *Mixed Use Areas* land use designation, the built form and massing are appropriate in the existing built and planned context and the proposed tower does not intrude into the St. Michael's helicopter flight path. In addition, the application proposes sufficient amenity space, pedestrian realm, rental housing replacement units, three bedroom units, parking spaces as well as specialised pet facilities. A satisfactory Functional Servicing Report remains as an issue that can be addressed through a request for the OMB to withhold its Order pending the finalisation of the report to the satisfaction of Engineering and Construction Services. Therefore, for the reasons outlined in this report, it is recommended that the application be approved.

Staff is recommending that Council also approve the demolition of the 6 residential buildings at 59, 63, 65, 67, 69 and 71 Mutual Street containing 12 existing rental dwelling units subject to the recommendations set out in the recommendations in this report.



## **CONTACT**

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## **SIGNATURE**

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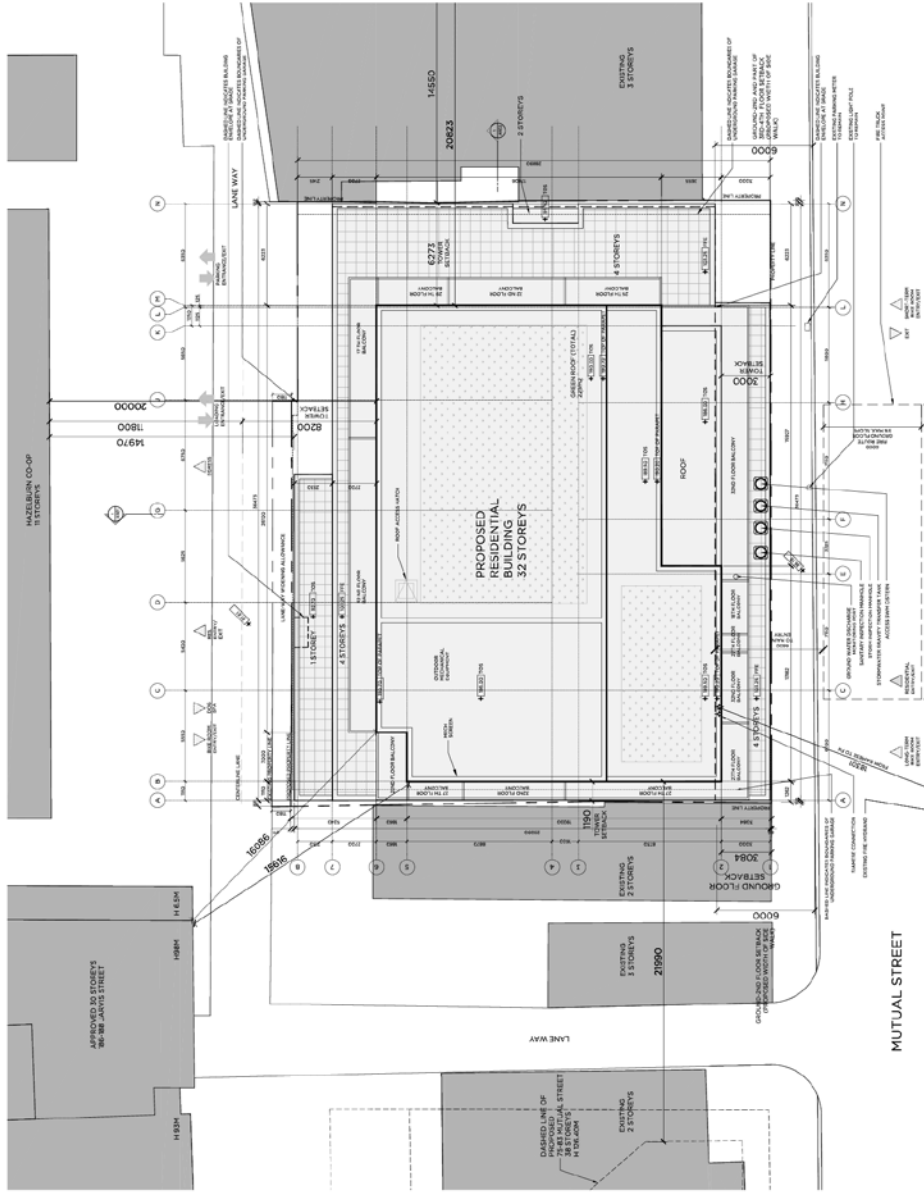
Gregg Lintern MCIP RPP  
Director, Community Planning  
Toronto and East York District

(P:\2017\Cluster B\pln\TEYCC\14298159066.doc) - vc

## **ATTACHMENTS**

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

# Attachment 1: Site Plan



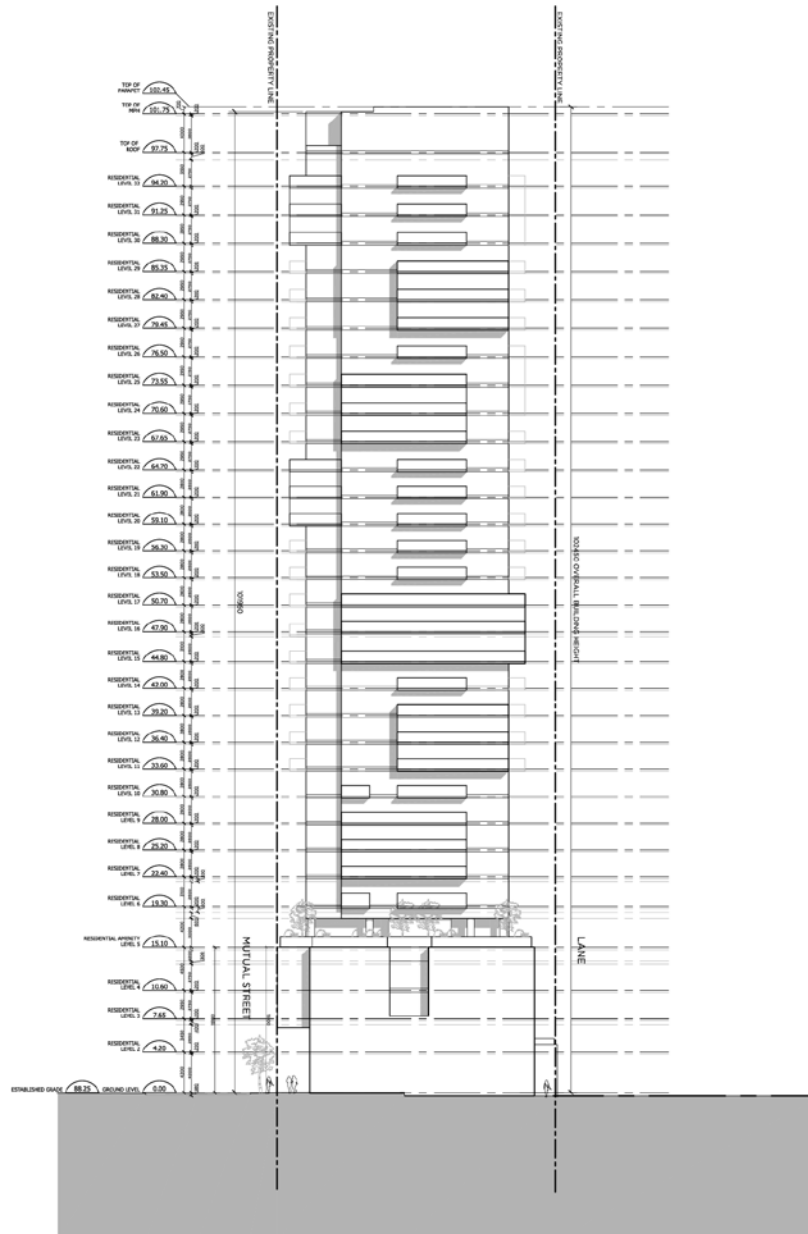
59 - 71 Mutual Street

Site Plan  
Applicant's Submitted Drawing

File # 15\_264025 STE 27.0Z

Not to Scale  
11/2/2016

## Attachment 2A: South Elevation



### South Elevation

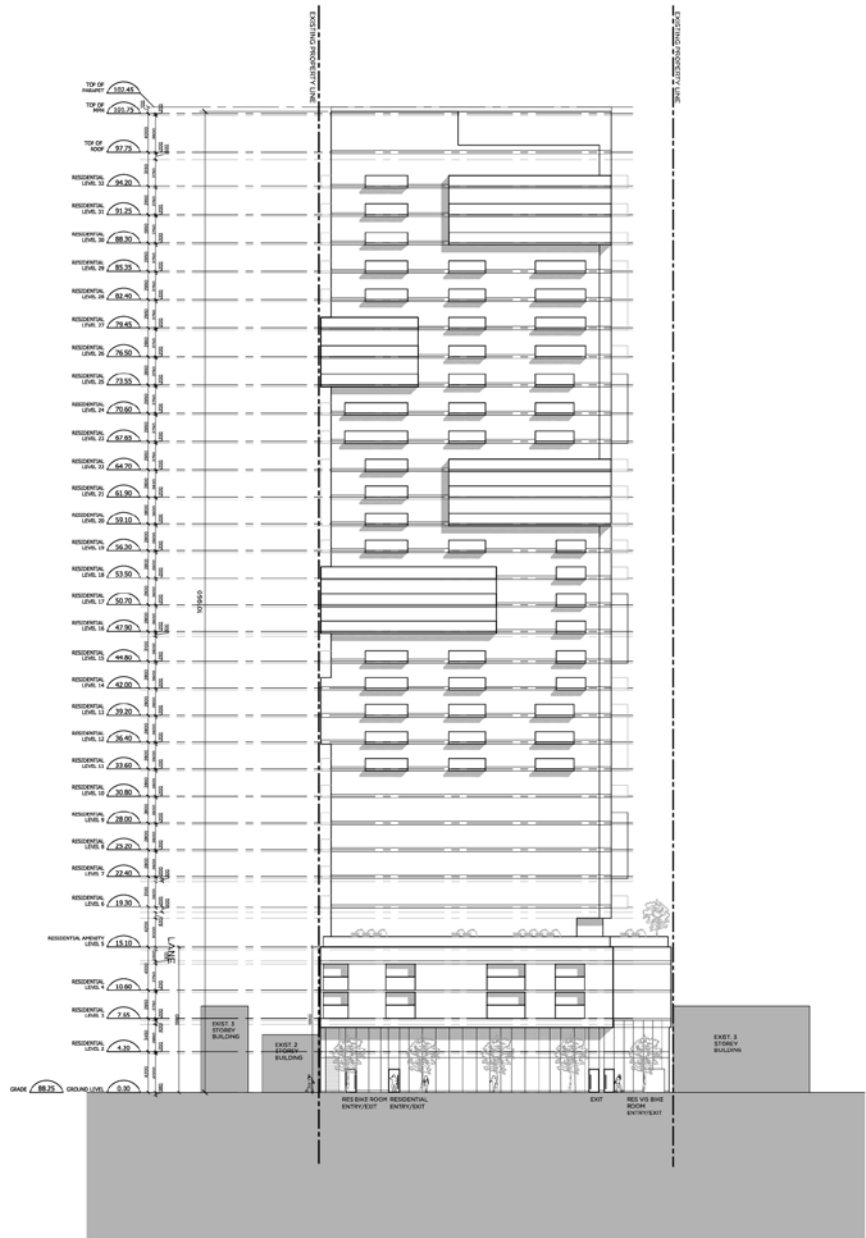
Applicant's Submitted Drawing

Not to Scale  
11/21/2016

59 - 71 Mutual Street

File # 15 264025 STE 27 0Z

# Attachment 2B: West Elevation



## West Elevation

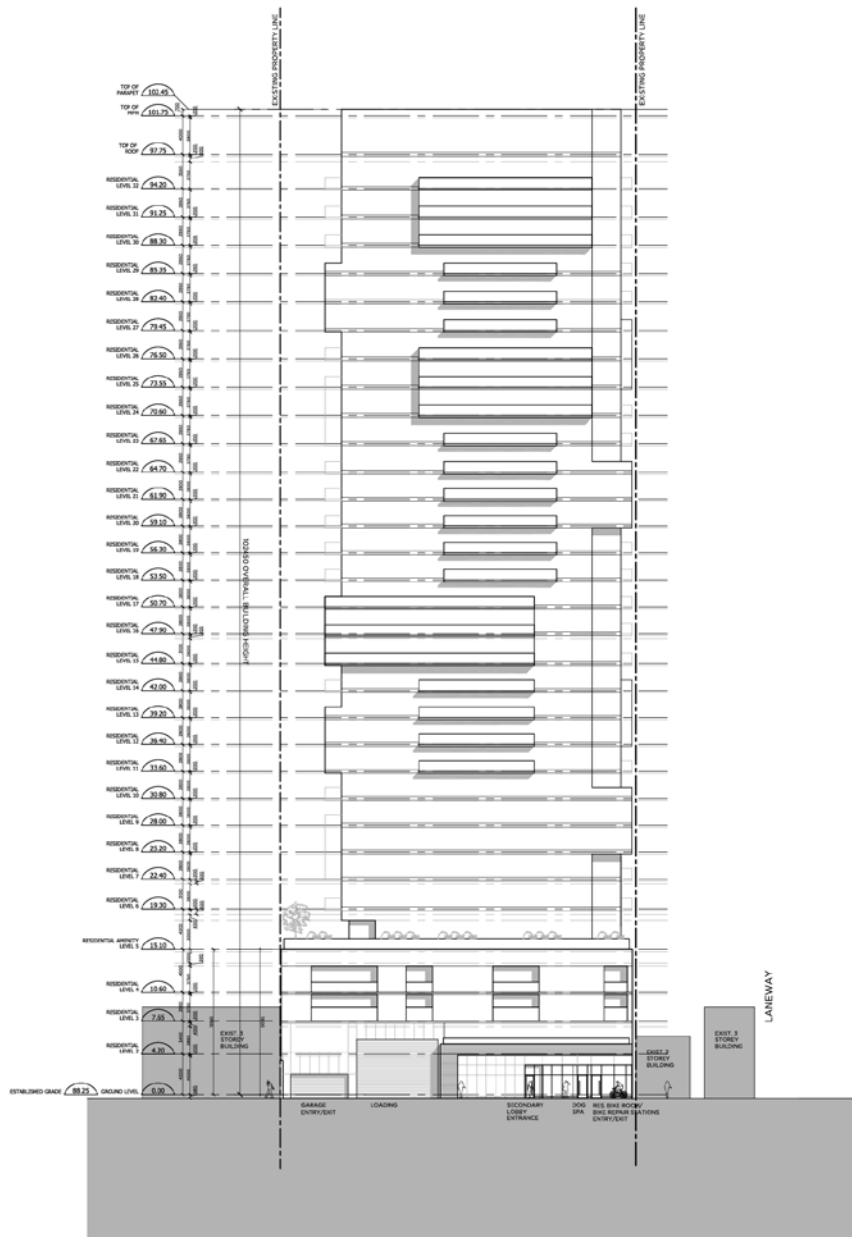
Applicant's Submitted Drawing

Not to Scale  
11/21/2016

59 - 71 Mutual Street

File # 15 264025 STE 27 OZ

## Attachment 2C: East Elevation



**East Elevation**

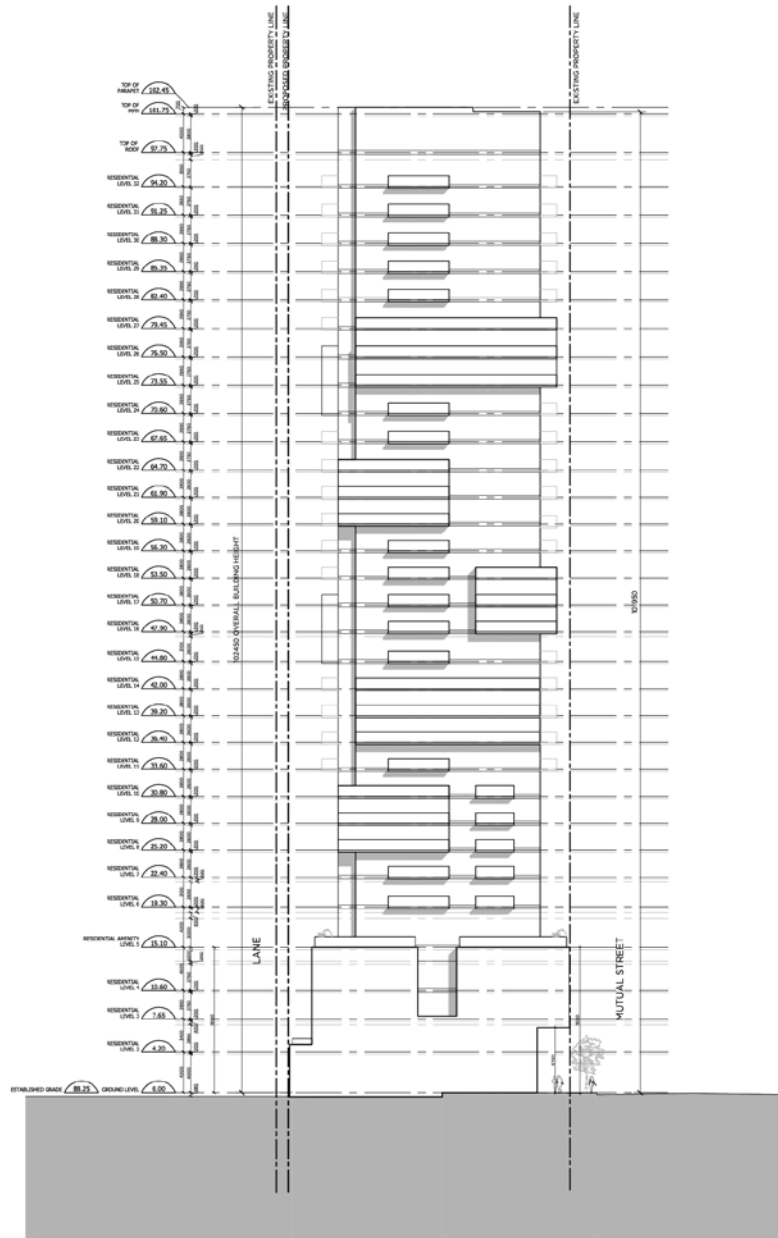
Applicant's Submitted Drawing

Not to Scale  
11/21/2016

**59 - 71 Mutual Street**

File # 15 264025 STE 27 OZ

## Attachment 2D: North Elevation



**North Elevation**

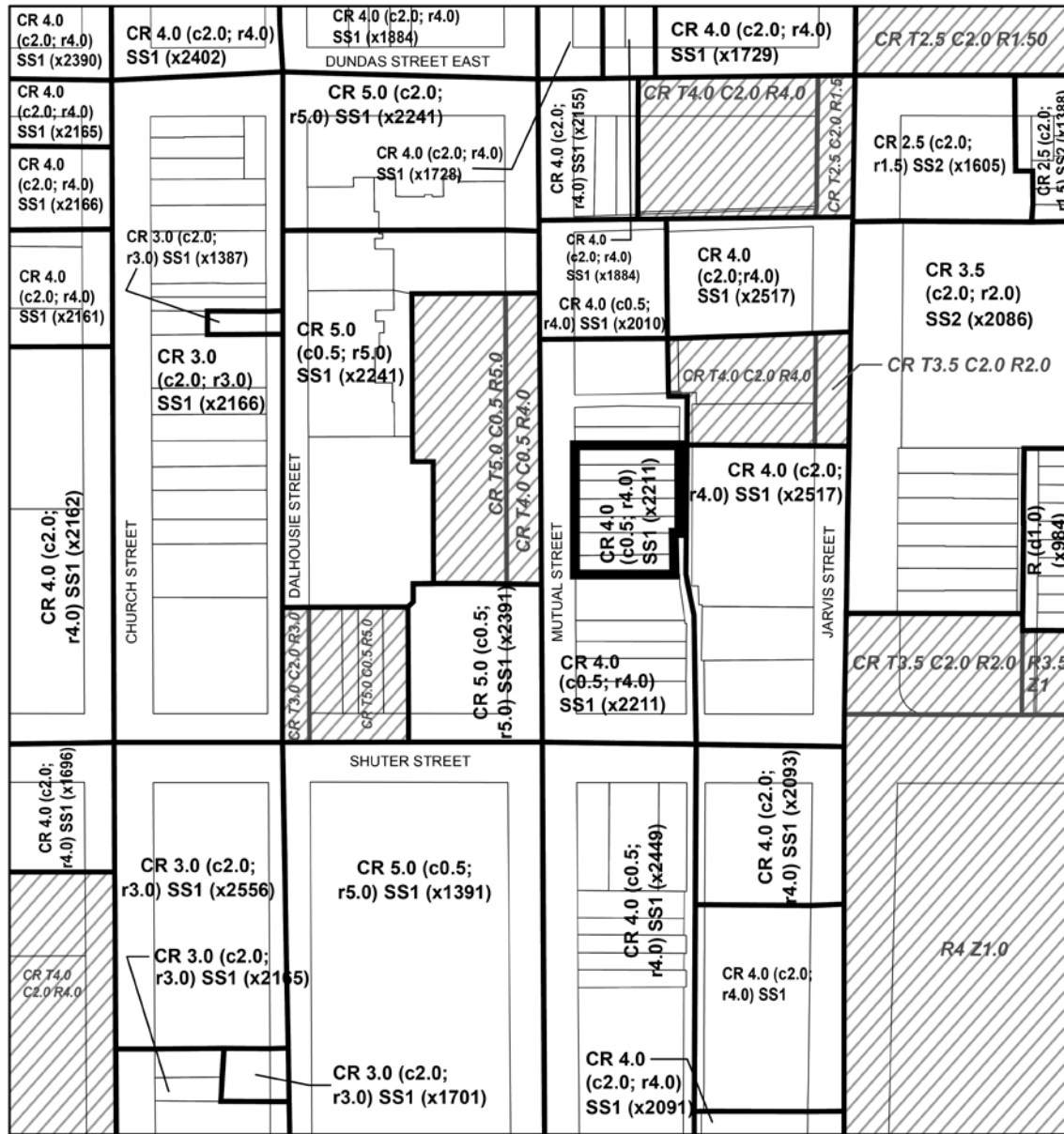
**59 - 71 Mutual Street**

Applicant's Submitted Drawing

Not to Scale  
11/21/2016

File # 15 264025 STE 27 OZ

## Attachment 3: Zoning



# Zoning By-Law No. 569-2013


**59-71 Mutual Street**

File # 15 264025 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



Not to Scale  
Extracted: 12/22/2015

#### Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	15 264025 STE 27 OZ
Details	Rezoning, Standard	Application Date:	December 11, 2015
Municipal Address:	59 MUTUAL ST		
Location Description:	PLAN 10A LOT 22 TO 24 **GRID S2714		
Project Description:	Proposed 32-storey apartment building with a 4-storey podium. Building height to the top of the mechanical penthouse would be 101.75 metres.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
THE SHER CORPORATION		RAW	SIGG INC

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR 4.0 (c0.5; r4.0) SS1 (x2211)	Historical Status:
Height Limit (m):	30	Site Plan Control Area:

#### PROJECT INFORMATION

Site Area (sq. m):	1103.7	Height:	Storeys:	32
Frontage (m):	36.5		Metres:	97.75
Depth (m):	28.89			
Total Ground Floor Area (sq. m):				<b>Total</b>
Total Residential GFA (sq. m):	17894		Parking Spaces:	56
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	17894			
Lot Coverage Ratio (%):				
Floor Space Index:	16.2			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	17894	0
Bachelor:	1	Retail GFA (sq. m):	0	0
1 Bedroom:	168	Office GFA (sq. m):	0	0
2 Bedroom:	69	Industrial GFA (sq. m):	0	0
3 + Bedroom:	27	Institutional/Other GFA (sq. m):	0	0
Total Units:	265			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Derek Waltho, Planner</b>
	<b>TELEPHONE:</b>	<b>416-392-0412</b>