

## **276-290 Merton Street – Official Plan and Zoning Amendment Applications – Preliminary Report**

Date: February 28, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 12 - Toronto-St.Paul's

**Planning Application Number:** 18 172768 STE 22 OZ

**Notice of Complete Application Issued:** June 25, 2018

**Current Use(s) on Site:** Two two-storey commercial buildings

### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application located at 276-290 Merton Street. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will continue to work with the applicant to address the issues described in this report.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct City Staff to continue to work with the applicant to resolve the issues detailed in this report and to bring forward a final report with by-laws that address these issues.

### **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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On July 23, 2018, City Council adopted Official Plan Amendment 405 (Midtown in Focus) which replaced in its entirety the Yonge-Eglinton Secondary Plan. Official Plan Amendment 405 (Midtown in Focus). Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG31.7>

## **ISSUE BACKGROUND**

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### **Application Description**

This application proposes to amend the Yonge-Eglinton Secondary Plan and Zoning By-laws 438-86 and 569-2013 for the property at 276-290 Merton Street to permit a 16-storey residential building with 51 dwelling units and 108 parking spaces located in a four-level below-ground parking garage.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report, for a three dimensional representation of the project in context.

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

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe (2017) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

### **Toronto Official Plan Policies and Planning Studies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The site is located on lands shown as *Mixed Use Areas* on Map 17 of the Official Plan (See Attachment 4).

The site is also located within the Yonge-Eglinton Secondary Plan.

### **Zoning By-laws**

Zoning By-law No. 438-86, as amended, zones the subject site CR T3.0 C3.0 R1.5, with a maximum height of 21.0 metres. Zoning By-law 569-2013 zones the site CR 3.0 (c3.0; r1.5) SS2 (x2214), with a height limit of 21.0 metres.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

### **Design Guidelines**

The following design guidelines have also informed the evaluation of this application:

- Tall Building Design Guidelines; and
- Growing Up: Planning for Children in New Vertical Communities

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

### **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

### **Community Consultation**

Staff held a community consultation meeting on January 29, 2019 which was attended by approximately 50 members of the public. Comments raised at the meeting included:

- the overall building height compared to the narrow site frontage;
- the associated impact the height and massing would have on adjacent and neighbouring properties;
- the amount of parking proposed compared to the proposed unit count; and
- the inadequacy of the proposed separation distances to adjacent existing buildings.

Concerns were also raised regarding the number of active development applications within the Davisville Village area and the cumulative impacts of development on local physical and social infrastructure. Neighbouring residents also raised concerns regarding potential risks of development above a buried watercourse previously known as Mud Creek/Davisville Reach. Comments voiced at the consultation are similar to written comments received in relation to the proposed development.

## **COMMENTS**

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### **Reasons for the Application**

The applicant has submitted an Official Plan Amendment to introduce a Site and Area Specific Policy to, in part, obtain relief from performance standards described in Midtown in Focus. Similarly, the applicant has submitted a Zoning By-law Amendment to obtain relief from the development criteria described in both Zoning By-laws 438-86 and 569-2013 including those related to height, density and setbacks.

### **Issues to be Resolved**

A meeting was held with the applicant on October 31, 2018 where City Planning and Urban Design staff provided comments regarding the proposal initially submitted on June 8, 2018 and subsequently revised and dated August 3, 2018. At that meeting, City Staff noted concerns with the proposal with regard to conformity with the Official Plan and the Council-approved Official Plan Amendment 405 (Midtown in Focus).

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

### **Provincial Policies and Plans Consistency/Conformity**

In its current form, the proposal is not consistent with the Provincial Policy Statement (2014) and does not conform with the Growth Plan.

The PPS states in Policy 1.5.1 that healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

Policy 1.7.1 states that long-term economic prosperity should be supported by maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets and encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing these, and other, policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans".

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

One of the Growth Plan's primary objectives is to achieve "complete communities", described in part by Policy 2.2.1.4 as places that:

- provide a diverse range and mix of housing options;
- ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards; and
- integrate green infrastructure and low impact development.

Section 2.2.2.4, speaking to managing growth within Delineated Built-up Areas such as Toronto, states that intensification will be managed in part by identifying the appropriate type and scale of development and transition of built form to adjacent areas through official plan policies and designations and other supporting documents such as design guidelines.

The lack of adequate separation distances to adjacent properties, the configuration of the building frontage at the ground level which is primarily devoted to vehicular infrastructure, the proposed massing, and the overall height of the building collectively result in a built form that fails to encourage a sense of place. The current tall building proposal is an overdevelopment of a relatively narrow site which fails to promote well-designed built form, fails to meet the needs of pedestrians by providing a suitable setback from the street, and does not appropriately transition to adjacent areas. As such, the proposal in its current form is not consistent with the PSS and does not conform with the Growth Plan.

### **Official Plan Conformity**

In its current form, the proposal does not conform with the Official Plan, the Yonge-Eglinton Secondary Plan, or Official Plan Amendment 405 (Midtown in Focus).

### **Built Form, Planned and Built Context**

Planning staff have reviewed the current application for conformity to the Official Plan policies speaking to built form and an application's planned and built context including

Sections 3.1.2 (Built Form), 3.1.3 (Built Form - Tall Buildings) 4.5 (Mixed Use Areas), and the Yonge-Eglinton Secondary Plan. Planning staff have also assessed the application in the context of OPA 405 (Midtown in Focus) which updates the Yonge-Eglinton Secondary Plan. Staff note the following concerns with the current proposal:

- The proposed height is 16 storeys (55.3 metres) whereas the permitted height as per OPA 405 is 14-15 storeys (43.5-46.5 metres);
- The proposed tall building separation distances of 7.5 metres to the west property line, approximately 3.4 metres to the east property line, and 21.8 metres to the existing building at 265 Balliol Street fail to meet the requirements of 27.5 metres to the north and 25 metres to the east and west, inclusive of the requisite 12.5 metre separation distances to be met within the subject site's boundary;
- The proposed height of the base building is six storeys or 18.8 metres whereas the permitted height of base buildings of tall buildings as per OPA 405 is five storeys or approximately 16.5 metres; and
- The east-facing façade of the proposed building lacks articulation and presents a blank façade for the entirety of its height which together would produce an unappealing viewing condition from the street.

The cumulative impact of these issues of concern would compromise the orderly development of the north side of Merton Street where tall buildings are permitted and would not result in maximizing sunlight and skyview of current and future residents. Staff also note that without further property acquisition, the required 12.5 metre tower setback from the east and west property lines would leave only approximately 1 metre of tower development potential on the subject site. As is, this site is not suitable as a tall building. Applying the 12.5 metre tower setback requirement on a lot with a 26 metre frontage eliminates the opportunity for the orderly development of a tower, especially considering the potential development of adjacent properties.

### **Public Realm and Streetscape**

Planning staff have reviewed the current application for conformity to the Official Plan policies speaking to the public realm and streetscape including Sections 3.1.1 (Public Realm), 4.5 (Mixed Use Areas), and the Yonge-Eglinton Secondary Plan. Planning staff have also assessed the application in the context of OPA 405 (Midtown in Focus) which updates the Yonge-Eglinton Secondary Plan. Staff note the following concerns with the current proposal:

- A four-metre setback at grade and above grade is required on the north side of Merton Street whereas the proposed setback is encumbered by balconies, support columns, and other features that compromise the integrity of the planned public realm improvements;
- The frontage of the proposed building at grade is largely devoted to uses that do not animate the pedestrian environment; and

- No retail at grade is proposed whereas such a use is encouraged by the policy framework to support the animation of the public realm and contribute to the economic diversity of the area.

The proposal fails to adequately animate, enhance, and improve the safety, amenity, and fit within the public realm planned for on the north side of Merton Street.

### **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

The applicant has submitted an Arborist Report and proposes to remove four privately-owned trees and two City-owned street trees. Three existing private trees are proposed to be retained and three new street trees are proposed to be planted.

Forestry staff have reviewed the Arborist Report and have requested additional detail including a composite utility plan to verify the proposed new trees can be accommodated as proposed. Further details will also be provided at the site plan control stage of the application.

### **Community Services and Facilities**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of CS&F is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in CS&F supports healthy, safe, liveable, and accessible communities. Providing for a full range of CS&F in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

City Council adopted OPA 405 and endorsed the Midtown Community Services and Facilities Strategy for the area. Among other matters, OPA 405 states that new and expanded community services and facilities will be provided in a timely manner to support and be concurrent with growth, development applications will address the requirements for community services and facilities by providing new, expanded or retrofitted space for a specific community facility on-site, new, expanded or retrofitted space off-site within an appropriate distance, and/or a contribution towards a specific community service facility that meets identified needs including space for community-based, non-profit agencies eligible for the City's "Community Space Tenancy" policy.

Implementation of these policies are supported by the key needs and priorities identified in the Midtown Community Services and Facilities Strategy.

A Community Services and Facilities Study (CS&FS) was submitted. The CS&FS was reviewed by Strategic Initiatives, Policy and Analysis staff. Based on the CS&F policies of OPA 405 (Midtown in Focus) and identified priorities of the Midtown CS&F Strategy (2018), the following CS&F contributions are recommended for consideration in review of this application:

- Secure between 930 square metres and 1,850 square metres (10,000 square feet to 15,000 square feet) of visible and accessible community agency space in the base of the proposed development under the City's Community Space Tenancy Policy; and/or
- Secure financial contributions towards the construction of the Davisville community recreation centre and pool otherwise known as the Davisville Aquatic Centre.

### **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

OPA 405 (Midtown in Focus) identifies in Policy 9.4.1 that the provision of specified facilities, services and matters in exchange for the increased heights and/or densities for residential development will be required for mid-rise building sites with a residential Floor Space Index (FSI) that exceed 4.0 times the area of the site. The proposed development has an FSI of 7.17.

Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the required Section 37 benefits should the proposal proceed to approval in some form.

### **Infrastructure/Servicing Capacity**

The applicant's submitted Functional Servicing & Stormwater Management Report and Urban Transportations Considerations report have been reviewed by Engineering and Construction Services (ECS) staff. Revisions and additional detail has been requested of the applicant to satisfy ECS staff. Further information is also required at the site plan control stage of the application.



## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant has submitted the required Toronto Green Standards Checklist for Mid to High Rise Residential and all New Non-Residential Development. The checklist is being reviewed for conformity with Tier 1 requirements.

## **Other Matters**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), the Toronto Official Plan, the Yonge-Eglinton Secondary Plan, and the Yonge Eglinton Secondary Plan Update (Midtown in Focus). Staff are of the opinion that the current proposal is not consistent with the PPS (2014) and does not conform with the Growth Plan (2017). Further, the proposal does not conform with the Toronto Official Plan, particularly as it relates to building height, massing, and relationship to adjacent buildings. It does not positively contribute to the surrounding existing or planned context. The development as proposed represents an overdevelopment of the site and therefore does not represent good planning. The applicant has expressed an interest in continuing to work with City Staff and discussions are ongoing. Staff will continue to work with the applicant towards an improved proposal that addresses Staff's outstanding concerns.

## **CONTACT**

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## **SIGNATURE**

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Lynda H. Macdonald, MCIP, RPP, OALA  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

### **City of Toronto Drawings**

Attachment 1: 3D Model of Proposal in Context

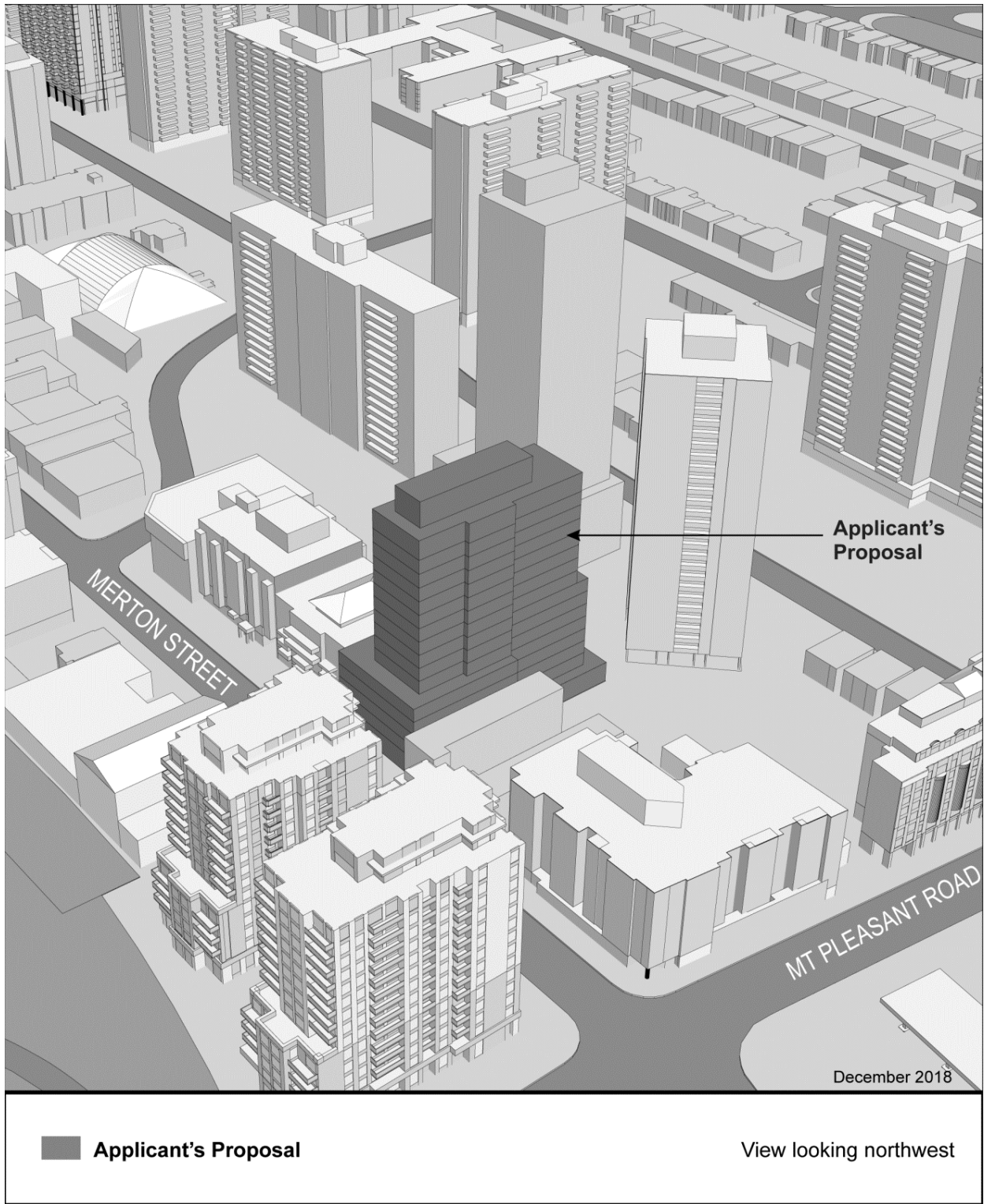
Attachment 2: Location Map

Attachment 3: Site Plan

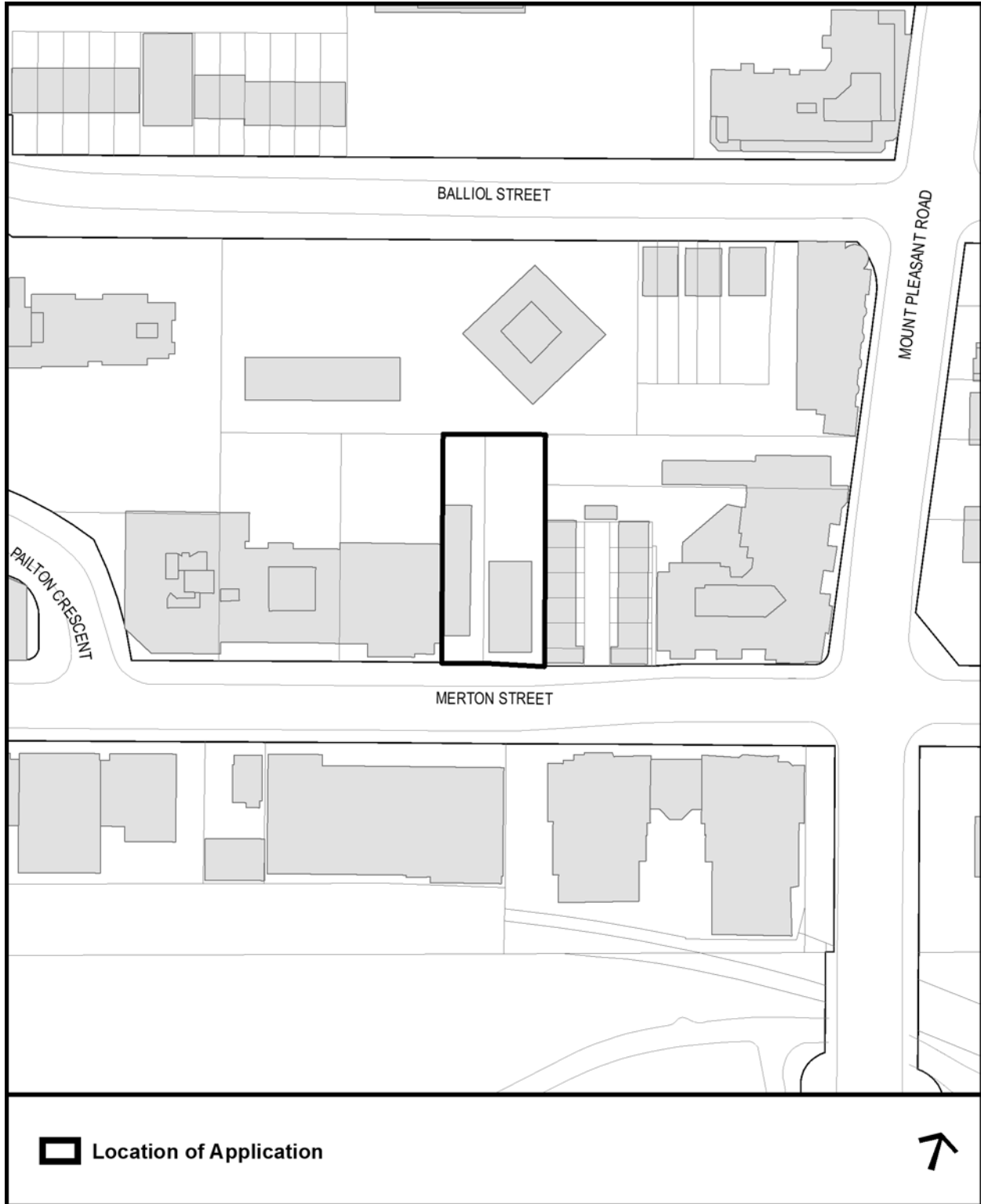
Attachment 4: Official Plan Map

Attachment 5: Application Data Sheet

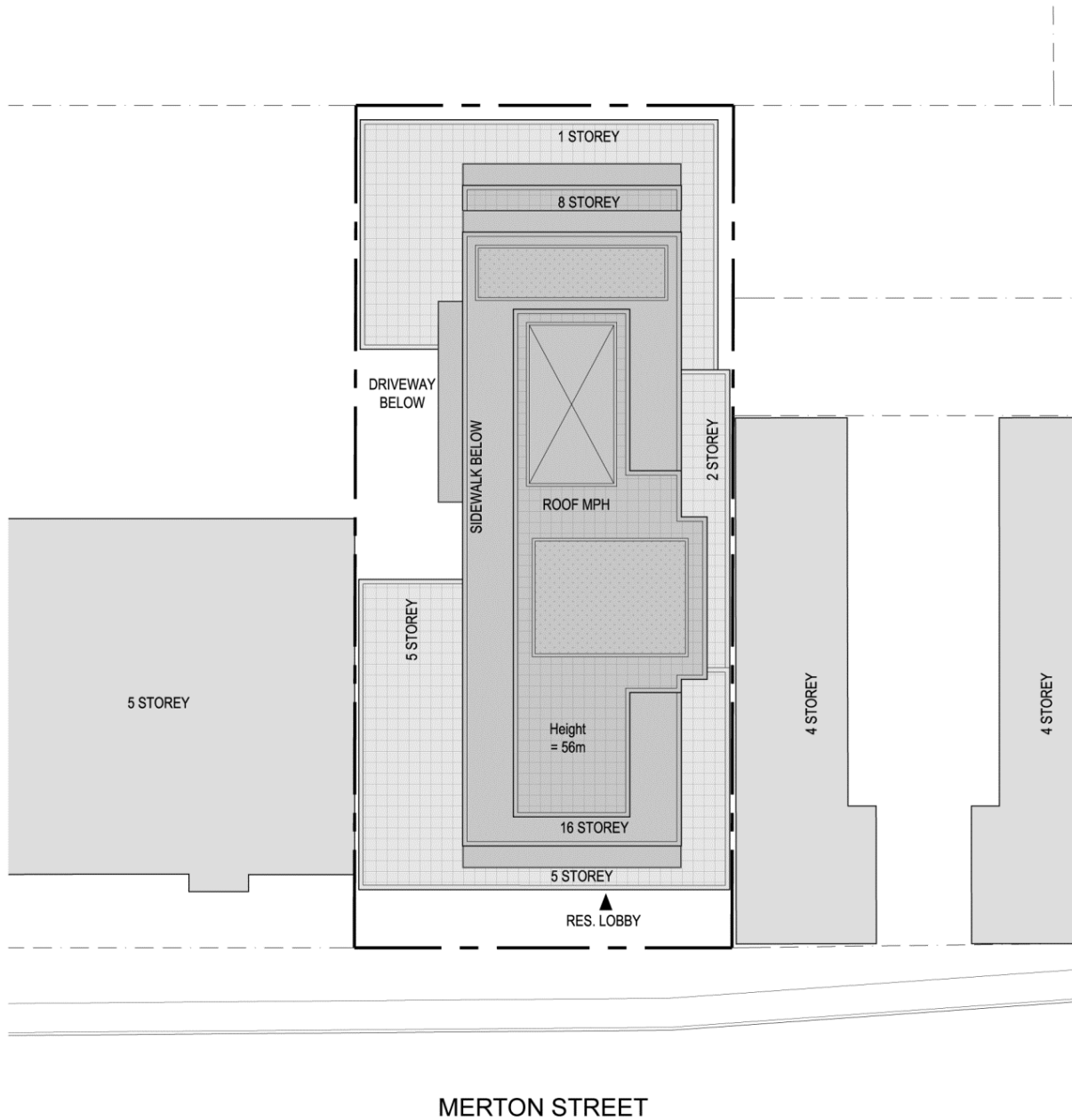
Attachment 1: 3D Model of Proposal in Context



Attachment 2: Location Map



Attachment 3: Site Plan



Context and Site Plan

276-290 Merton Street

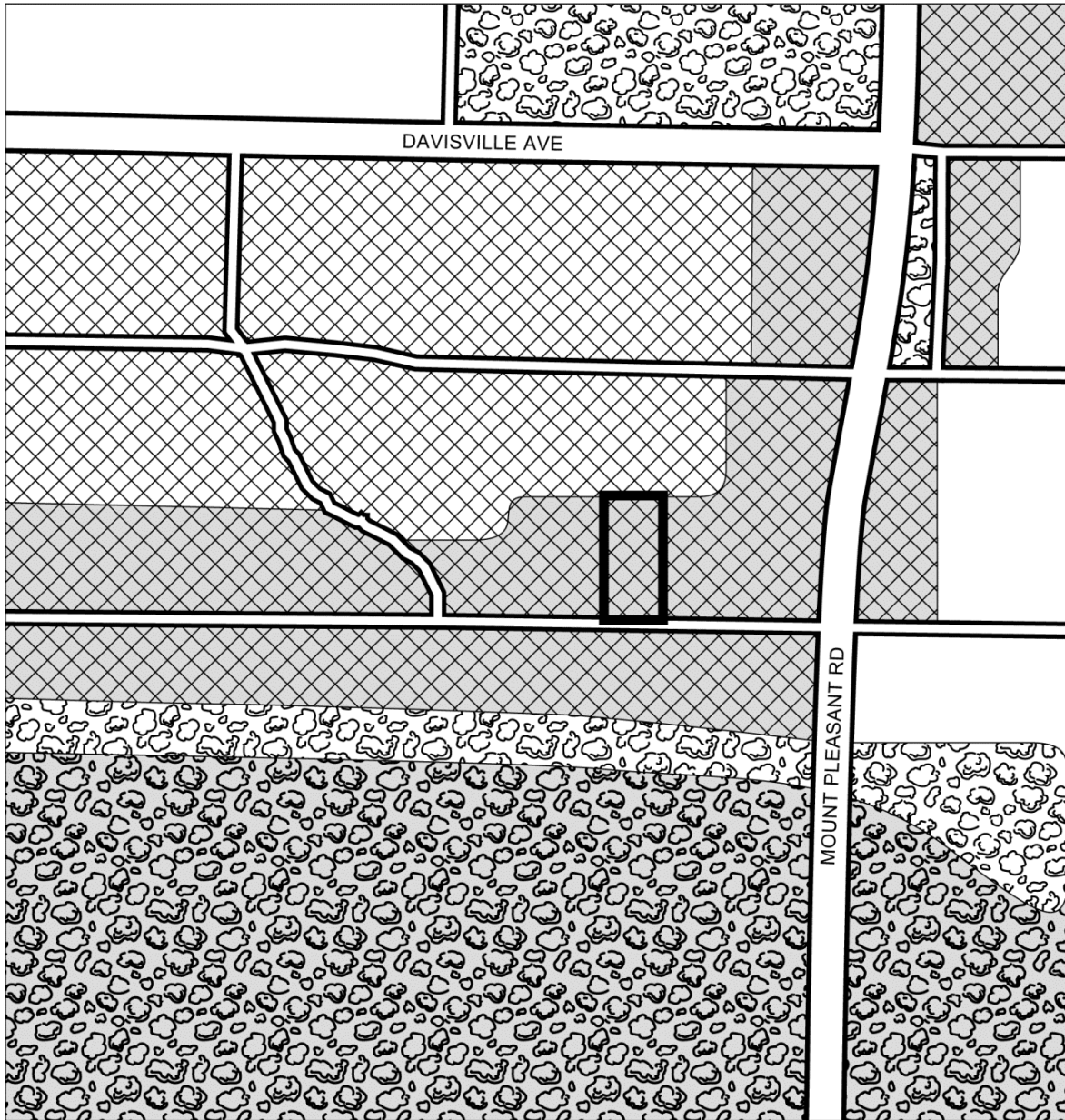
Applicant's Submitted Drawing

Not to Scale  
11/28/2018



File # 18 172768 STE 22 0Z








Attachment 4: Official Plan Map



**Official Plan Land Use Map #17**

276-290 Merton Street

File # 18 172768 STE 22 0Z

	Location of Application		Parks & Open Space Areas
	Neighbourhoods		Parks
	Apartment Neighbourhoods		Other Open Space Areas
	Mixed Use Areas		



Not to Scale  
11/26/2018

## Attachment 5: Application Data Sheet

**Municipal Address:** 276-290 Merton Street      **Date Received:** June 6, 2018

**Application Number:** 18 172768 STE 22 OZ

**Application Type:** OPA / Rezoning, Rezoning

**Project Description:** A 16-storey residential building (62 metres inclusive of the mechanical)

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
Rockport Homes Ltd.	Rockport Acquisitions Inc.	Wallman Architects	1477235 Ontario Limited

### EXISTING PLANNING CONTROLS

**Official Plan Designation:** Mixed Use Areas      **Site Specific Provision:** N/A

**Zoning:** CR 3.0 (c3.0; r1.5) SS2 (x2214)      **Heritage Designation:** N/A

**Height Limit (m):** 21.0 metres (Zoning)  
43.5-46.5 metres (OPA 405)      **Site Plan Control Area:** Yes

### PROJECT INFORMATION

**Site Area (sq m):** 1,500      **Frontage (m):** 26      **Depth (m):** 58

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
<b>Ground Floor Area (sq m):</b>	439		779	779
<b>Residential GFA (sq m):</b>			10,603	10,603
<b>Non-Residential GFA (sq m):</b>	834			
<b>Total GFA (sq m):</b>	834		10,603	10,603
<b>Height - Storeys:</b>	2		16	16
<b>Height - Metres:</b>	8		55	55

**Lot Coverage Ratio (%):** 51.93      **Floor Space Index:** 7.17

**Floor Area Breakdown**      **Above Grade (sq m)**      **Below Grade (sq m)**

**Residential GFA:** 10,756.2

**Retail GFA:**

**Office GFA:**

**Industrial GFA:**

**Institutional/Other GFA:**

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
<b>Rental:</b>				
<b>Freehold:</b>				
<b>Condominium:</b>			51	51
<b>Total Units:</b>			51	51

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
<b>Retained:</b>				37	14
<b>Proposed:</b>					
<b>Total Units:</b>				37	14

**Parking and Loading**

**Parking Spaces:** 108      **Bicycle Parking Spaces:** 111      **Loading Docks:** 1 Type G

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