

30 Merton Street – Official Plan Amendment and Zoning By-law Amendment Applications – Request for Direction Report

Date: May 2, 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: 17 173706 STE 22 OZ

SUMMARY

On December 2, 2017, the applicant appealed to the Local Planning Appeal Tribunal (the "LPAT") citing Council's failure to make a decision on the Official Plan Amendment (OPA) and Zoning By-law Amendment applications within the timeframe prescribed by the *Planning Act*. The first prehearing conference was held on February 13, 2019. A second pre-hearing conference is scheduled for June 11, 2019.

This application proposes to demolish the existing 4-storey commercial parking garage and replace it with a 37-storey residential building (123.46 metres to the top of the mechanical penthouse). The proposed building would contain 304 rental apartment units, a 205 space commercial parking garage with 11 spaces on the ground floor and 3-levels below grade, and 134 parking spaces for residents located on floors 3 through 5.

This report recommends that the City Solicitor together with Planning Staff and other appropriate Staff be directed to oppose the appeal at the LPAT. The proposed building is too tall. It is inconsistent with the Provincial Policy Statement (2014), does not conform with the Growth Plan for the Greater Golden Horseshoe (2017) and does not conform with the Official Plan. The proposal does not conform to the in-force Yonge-Eglinton Secondary Plan and the updated Yonge-Eglinton Secondary Plan (OPA 405).

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with appropriate staff, to attend the Local Planning Appeal Tribunal (LPAT) hearing to oppose the appeal respecting the Official Plan Amendment and Zoning By-law Amendment application (File No. 17 173706 STE 22 OZ) as proposed at 30 Merton Street.
2. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant to address the issues outlined in this report and to report back to City Council any outcomes, if necessary.
3. In the event that the LPAT allows the appeal in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold the issuance of any Order(s) until such time as the LPAT has been advised by the City Solicitor that:
 - a) the final form of the Official Plan Amendment and Zoning By-law Amendments are to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b) all comments from Engineering and Construction Services contained in their December 19, 2018 memorandum are addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
 - c) community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On July 12, 2016 City Council adopted the recommendations in the report from the Chief Planner and Executive Director, City Planning, titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The recommendations direct staff to use the draft built form principles in the report in the review of development applications in the Yonge-Eglinton Secondary Plan Area. Planning staff were also directed to use the emerging community infrastructure priorities that have been identified, as part of the development application review process. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG13.1>

On December 5, 2017 City Council adopted the recommendations in the report from the Acting Chief Planner and Executive Director, City Planning titled: "Midtown in Focus: Proposals Report". Staff were directed to continue to consider and review applications submitted prior to November 15, 2017 in the context of the City Council directed Midtown in Focus: Growth, Built Form and Infrastructure Review. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG24.10>

On July 23, 2018, City Council adopted Official Plan Amendment 405 (Midtown in Focus) with modifications and authorized the Chief Planner and Executive Director, City Planning to seek the approval of the Minister of Municipal Affairs for OPA 405, pursuant to Section 26 of the *Planning Act*. The Province has yet to render a decision as of the drafting of this report. The final report and OPA 405 can be found at the following link:

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

A Preliminary Report on the application was adopted by Toronto East York Community Council on September 6, 2018 requesting staff to hold a community consultation meeting. The feedback from the community consultation meeting is summarized in the Comments section of this Report. The preliminary report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-106286.pdf>

PROPOSAL

Consultation with the Applicant

Pre-application consultation meetings were held with the applicant on February 17 and March 31, 2017 to discuss complete application submission requirements. City Planning expressed concerns related to the height of the building, the inclusion of above ground parking, the need for greater setbacks on Merton Street and the need for a laneway widening. Planning staff also informed the applicant of the on-going Midtown in Focus Study.

Submission and Date Deemed Complete

The current application was submitted on June 5, 2017. A Notification of Incomplete Application was issued on July 5, 2017 and identified that the submission of a Pedestrian-Level Wind Study was required for a complete application. The applicant submitted a Pedestrian-Level Wind Study on August 15, 2017. A Notification of Complete Application was issued on August 17, 2017.

LPAT Appeal

On December 2, 2017, the applicant appealed to the LPAT citing Council's failure to make a decision on the Official Plan Amendment and Zoning By-law Amendment applications within the timeframe prescribed by the Planning Act. The first prehearing conference was held on February 13, 2019. A second pre-hearing conference is scheduled for June 11, 2019.

Application Details

Following the appeal to the LPAT, the applicant revised their submission on October 29, 2018. The current application proposes a new 37-storey residential building (123.46 metres to the top of the mechanical penthouse). The proposed building contains 304 apartment units, a 3-level underground parking garage and a 3-level above-ground parking garage.

A 5-storey (18.06 metres) base building is proposed along Merton Street. The base building includes the residential lobby entrance on the ground floor along Merton Street as well as 4 grade-related 2-storey townhouse units, 2 on each side of the lobby. The proposed building would contain 304 rental apartment units, a 205 space commercial parking garage with 11 spaces on the ground floor and 3 additional levels of parking below grade, and 134 parking spaces for residents located on floors 3 through 5.

Pedestrian access to the commercial parking garage is proposed to be provided through 2 separate entrances located at the southwest corner of the building fronting onto Merton Street and the northwest corner of the building fronting onto Al Green Lane, a 5.29 metre wide laneway abutting the west side of the property. The applicant is proposing that the commercial parking garage would also function as the visitor parking for the residential units.

Vehicular access to the above-ground parking garage, the below-ground parking garage and the loading area is proposed to be provided from 2 different access points along the laneway.

The development requires the demolition of the 4-storey commercial parking garage currently on the site.

Further information about this development proposal can be found in the chart below and in Attachments 1 and 7-14.

Summary of Revisions to Proposal

The current proposal incorporates numerous revisions from the original (June 5, 2017) application as summarized below:

- base building height reduced from 7 to 5 storeys;

- front yard setback increased from approximately 1 metre to 4 metres;
- increased sizes of 2 and 3 bedroom units;
- residential units added on floors 4 and 5 to reduce the visual impact of the parking garage;
- reduced vehicular access points from Al Green Lane from 3 to 2;
- added bike repair and pet and stroller washing rooms on the ground floor along Al Green Lane;
- residential parking reduced from 142 to 134 spaces;
- commercial parking spaces reduced by 1 space; and
- parking spaces on the ground floor increased from 5 to 11 spaces.

Table 1 - Summary of Revisions

	December 21, 2016 Submission	October 29, 2018 Submission
Site Area (square metres)	2,690	2,690
Base Building Height	5-7 storeys (21.95 m)	5 storeys (18.06 m)
Total Building Height	37 storeys -117.41 m (122.41 m to top of mechanical penthouse)	37-storeys - 117.66 (123.46 m to top of mechanical penthouse)
Proposed Base Building Setbacks (metres)		
North Lot Line	0.0	0.0
South Lot Line (Merton Street)	0.96	4.0
East Lot Line	0.0	0.0
West Lot Line	0.0	0.0
Proposed Tower Setbacks (metres)		
North Lot Line	14.9 – 16.93	12.50
South Lot Line	6.95 – 8.95	8.75
East Lot Line	12.73	12.34 - 12.8
West Lot Line	10.5 (12.51 to centre of laneway)	9.85 (12.55 to centre of laneway)
Tower Floor Plate (square metres)	788.4	787.1
Gross Floor Area (square metres)		
Residential	28,173	25,498
Non-Residential (Above Ground Parking)	7,236	8,260
Floor Space Index	13.16	12.55

	December 21, 2016 Submission	October 29, 2018 Submission
Number of Units		
1 Bedroom	142 (45%)	53 (43.1%)
2 Bedroom	137 (44%)	135 (44.4%)
3 Bedroom	36 (11%)	28 (12.5%)
Total	315	304
Ground Floor Height (metres)	3.3	3.6
Lane Widening Width	0.71 metres	0.71 metres
Area	43 square metres	43 square metres
Residential Car Parking Spaces (Above Ground) (residential:visitor:car-share)	142 (142:0:0)	134 (134:0:0)
Commercial Parking Garage (Underground)	204	205
Bicycle Parking Spaces (long-term:short-term)	358 (not specified)	314 (not specified)
Loading Space	1 Type G	1 Type G
Amenity Space (square metres)		
Interior Residential	685	611
Exterior Residential	644	621
Square Metres/Unit	4.22	4.05

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Planning and Urban Design Rationale Report;
- Community Services and Facilities Report;
- Computer Generated Building Mass Model;
- Public Consultation Strategy;
- Pedestrian-Level Wind Assessment;
- Shadow Study;
- Arborist Report;
- Traffic Impact, Parking and Loading Study;
- Geotechnical Investigation and Engineering Design Report;
- Hydrogeological Investigation Report;
- Stormwater Management Report;
- Functional Servicing Report;
- Green Development Standards Checklist and Statistics; and
- Energy Strategy Report.

The application material referenced above can be accessed from the City's Application Information Centre using the following link:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4177740&isCofASearch=false&isTlabSearch=false>

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

Reasons for Application

The applicant has applied to amend the Official Plan in order to create a site and area specific policy. The Planning Rationale submitted with the application states that the "site and area specific policy is proposed to recognize the special locational and use characteristics of the site, in particular, its long standing relationship to the adjacent lands in *Mixed Use Area 'D'*, both in terms of the commercial parking component serving the 1849 Yonge Street office building and its proximity to the Davisville subway station".

The draft Official Plan Amendment submitted with the application would permit a tall building and a commercial parking garage provided that the height of the tall building does not exceed 37 storeys. It also states that street-related retail and service uses are not required.

The Zoning By-law Amendment application is required to increase the maximum permitted building height from 38 metres to 123.46 metres, to increase the maximum permitted density from 2 times the area of the site to 12.55 times the area of the site, and to establish the appropriate development standards.

SITE AND SURROUNDING AREA

The subject site is located just east of Yonge Street at the northeast corner of Merton Street and Al Green Lane. It is currently occupied by a privately-owned four-storey commercial parking garage.

The site is generally rectangular in shape and has a total area of approximately 2,690 square metres. The frontage along the north side of Merton Street is 45.62 metres and the frontage along the east side of Al Green Lane is 58.82 metres. The site slopes down approximately 0.8 metres from east to west along the Merton Street frontage and approximately 1.2 metres from north to south.

The surrounding development and land uses are as follows:

North: of the property is an 18-storey rental apartment building (45 Balliol Street). The building is located parallel to the Balliol Street frontage, with a large landscaped front yard and drop-off driveway and a rear yard landscaped area located immediately north of the subject site. Further east on the south side of Balliol Street is a 2.5-storey rental townhouse complex (57-93 Balliol Street).

South: of Merton Street is a 15-storey residential building (35 Merton Street). MYC Condos, a 28-storey residential tower including a 5-storey base building, is located at the southeast corner of Yonge Street and Merton Street (1815 Yonge Street). Further east, along the south side of Merton Street, is Janet Magee Manor, a 10-storey Toronto Community Housing seniors' apartment building. The remainder of the Merton Street frontage, extending east to Mount Pleasant Road, consists predominantly of a number of buildings ranging from 12 to 15 storeys in height, interspersed with lower-rise townhouse, apartment and commercial buildings. To the rear of the buildings along the south side of Merton Street is the Kay Gardner Beltline Park, which features a multi-purpose trail that runs from the Mount Pleasant Cemetery to Allen Road.

East: is a 3-storey office building occupied by the Girl Guides of Canada offices (50 Merton Street). Directly east of 50 Merton Street is a 2-storey commercial building at 64 Merton Street which includes offices and a sculpture gallery (The Al Green Gallery). Further east is a recently completed 13-storey condominium apartment building, known as Life Condos (68 Merton Street).

West: is a 12-storey residential building know as Radius at the northeast corner of Merton Street and Yonge Street, which includes a two-storey retail store located along Yonge Street (1819 Yonge Street). Immediately north along the east side of Yonge Street, is an 8-storey office building (1835 Yonge Street). To the immediate northeast of the subject site is a 9-storey office building (1849 Yonge Street), built in approximately 1964 in conjunction with the parking garage on the subject site. The building has no parking on-site. The office building is predominantly occupied by medical and dental offices.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the 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 for the Greater Golden Horseshoe (2017)

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;

- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

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.

In accordance with Section 3 of the *Planning Act*, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

The Growth Plan (2017) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. At the time of the MCR,

municipalities can make a request to the Province for alternative targets to those set out in the Growth Plan.

Staff have reviewed the proposed development for consistency with the PPS (2014), for conformity to the Growth Plan (2017) and conformity with the City's Official Plan. The outcome of staff analysis and review are summarized in the Comments section of this Report.

Toronto Official Plan

The City of Toronto Official Plan contains a number of policies that apply to the proposed development. The Official Plan is intended to be read and interpreted as a comprehensive whole. The City of Toronto Official Plan can be found here:

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

Chapter 3 – Building a Successful City

Chapter 3 of the Official Plan contains policies that guide growth by integrating social, economic and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human environment, the natural environment, economic health and new neighbourhoods. All applications for development are to be evaluated against the policies and criteria in the Chapter to ensure the best possible development choices are made.

Section 3.1.1 - The Public Realm

The Public Realm policies in the Official Plan (3.1.1) speak to the design and function of Toronto's streets, parks, sidewalks, and other open spaces that residents and visitors use to get around the city and connect with each other. Streets, sidewalks, and other open spaces should be designed to be safe, accessible, enjoyable, connected, and related appropriately to adjacent and nearby buildings.

Section 3.1.2 Built Form

The built form policies in the Official Plan require new development to be located and organized to fit harmoniously into its existing and/or planned context, and limit its impact on neighbouring streets, parks, open spaces and properties by:

- massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;

- creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- providing for adequate light and privacy; and
- adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces

New development will be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for the proposed and future uses. New development will also provide public amenity, enhance the public realm through streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space for residents of the new development.

Section 3.1.3 Built Form – Tall Buildings

To ensure that tall buildings fit within their existing and/or planned context and limit local impacts, additional built form principles will be applied to the location and design of tall buildings, including:

- demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- demonstrating how the proposed building and site design relate to the existing and/or planned context;
- taking into account the relationship of the site to topography and other tall buildings; and
- providing high quality, comfortable and usable publicly accessible open space areas.

Chapter 4 – Land Use Designations

Section 4.5 Mixed Use Areas

The site is designated *Mixed Use Areas* on Map 17 - Land Use Plan of the City's Official Plan (see Attachment 3). The *Mixed Use Areas* designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces. *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in the coming decades and provide much of the new housing.

Development proposals in *Mixed Use Areas* are evaluated to ensure they:

- provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or stepping down of height, particularly toward lower scale *Neighbourhoods*;
- locate and mass buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;

- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive and safe pedestrian environment;
- have access to schools, parks, community centres, libraries and childcare;
- take advantage of nearby transit services;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents.

Chapter 5 – Implementation: Making Things Happen

Section 5.1.1 - Height and/or Density Incentives

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the *Planning Act*. The proposed density meets the Official Plan's threshold for Section 37 considerations.

5.2.1 - Secondary Plans

The site is within the Yonge-Eglinton Secondary Plan area. Policy 5.2.1.2 identifies that Secondary Plans may be prepared for a number of reasons. Of particular note for the Yonge-Eglinton area, the Official Plan directs that Secondary Plans will be prepared for areas where development is occurring, or proposed, at a scale, intensity or character which necessitates reconsideration or reconfiguration of local streets, block plans, public works, open space or other public services or facilities.

In June 2016, City Council directed staff to consider and review Official Plan amendment and rezoning applications in the Yonge-Eglinton Secondary Plan area in the context of the City Council directed Midtown in Focus: Growth, Built Form and Infrastructure Review.

At its December 5, 2017 meeting, Council reaffirmed this direction for applications submitted prior to November 15, 2017, and also directed staff to assess the cumulative impact of development in the area on the availability of the necessary infrastructure to support continued development, and land use planning mechanisms, including holding provisions, as necessary to ensure that growth and infrastructure needs are aligned.

City Council adopted the update to the Yonge-Eglinton Secondary Plan (OPA 405 / Midtown in Focus) with amendments on July 23, 2018. OPA 405 has been submitted to the Ministry of Municipal Affairs and Housing (MMAH) for review and approval pursuant to Section 26 of the *Planning Act*.

Yonge-Eglinton Secondary Plan

The subject site is located in the Yonge-Eglinton Secondary Plan area (see Attachment 4). A primary objective of the Yonge-Eglinton Secondary Plan is to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. The Secondary Plan also requires a full range of housing options (form, tenure) in the Yonge-Eglinton Area suitable for family and other households that is: "contextually appropriate and compatible with existing residential uses and residential built form."

The Yonge-Eglinton Secondary Plan states that the highest densities will be located in *Mixed Use Area 'A'*, with developments of a lesser scale located in *Mixed Use Area 'B'*, *'C'* and *'D'*. Higher density development is permitted in *Apartment Neighbourhoods* with nearby subway station access. Reduced parking requirements are permitted in the Yonge-Eglinton Secondary Plan area where it can be demonstrated that projected travel can be accommodated by means other than the automobile. Bicycle linkages, facilities and new pedestrian connections will also be encouraged.

New development will promote architectural excellence while also providing for improvements in the public realm. New, flexible, community services facilities and social infrastructure will be provided in a timely manner in the Yonge-Eglinton Secondary Plan area. New parks and open spaces will be secured in the Yonge-Eglinton Secondary Plan area along with improvements to the existing parks and open spaces as well as the public realm.

The Secondary Plan defers to the underlying Official Plan Land Use Designation of *Mixed Use Areas* for the subject site. The subject site is located outside and immediately east of *Mixed Use Area 'D'* in the Yonge-Eglinton Secondary Plan. *Mixed Use Area 'D'* "will be regarded as a commercial focal point for the southern portion of the Yonge-Eglinton Secondary Plan area centered on the Yonge-Davisville subway station. It is intended to develop as a primarily commercial area, within which residential and institutional uses will be permitted".

The Yonge-Eglinton Secondary Plan can be found here: <https://www.toronto.ca/wp-content/uploads/2017/11/97ea-cp-official-plan-SP-21-YongeEglinton.pdf>

Official Plan Amendment 405 (Midtown in Focus)

Midtown in Focus is an inter-divisional response to the rapid intensification and change underway in parts of the Yonge-Eglinton area. The cumulative impact of the development under construction and proposed in the area risks adversely affecting quality of life and sense of place in Midtown. Building on the 2014 Midtown in Focus: Parks, Open Space and Streetscape Plan, City Council adopted a series of amendments and strategies in July 2018 to address key contributors to a liveable community. The result is a new plan for Midtown with an up-to-date planning framework

and prioritized improvements related to local transportation, parks, municipal servicing and community infrastructure.

Adopted in July 2018, OPA 405 establishes a comprehensively updated Yonge-Eglinton Secondary Plan as well as amendments to relevant policies and maps in the Official Plan. The Plan sets out a 25-year vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected and prosperous place. The Plan also provides detailed direction on the appropriate scale and location of future growth and links growth with the provision of infrastructure.

OPA 405 has been forwarded to the Ministry of Municipal Affairs and Housing by the City of Toronto for a decision. The Ministry is presently reviewing the OPA.

As the Council-adopted framework for the area, OPA 405 is used to inform development review in the area. The policy directions in the updated Yonge-Eglinton Secondary Plan that are specifically applicable to the review of this application include:

- the maximum height of a tall building on the site is 14-15 storeys (43.5-46.5 metres);
- the maximum height of a base building is five storeys (approximately 16.5 metres);
- 15% of the total gross floor area of tall buildings will be for office, institutional and/or cultural uses of which all or a portion of may be transferred to a receiving site within *Mixed Use Areas "A" or "B"* subject to additional criteria
- Development will be set back a minimum of 4 metres at and above grade on the north side of Merton Street;
- Al Green Laneway is identified as a Laneway Requiring Improvement;
- the minimum setback of a tower from the face of the base building along Merton Street is 3 metres inclusive of balconies;
- the maximum floor plate for residential tall buildings is 750 square metres measured from the exterior of the main walls (Gross Construction Area);
- the tower should generally be oriented in a north-south direction to minimize shadow impacts on the public realm;
- the minimum tower separation distance between residential tall buildings is 25 metres in *Mixed Use Areas*;
- development containing more than 80 residential units will include a minimum of 15% 2-bedroom units at 87 square metres gross floor area or more, 10% 3-bedroom units at 100 square metres gross floor area or more, and an additional 15% combination of two or three-bedroom units.

Map 21-2 identifies the subject site as falling within the Merton Street Character Area. The Merton Street Character Area is home to an eclectic mix of early point tower buildings distinct to this area, offices, community agency spaces, stores and restaurants. New mid-rise and tall buildings will reflect the scale and character of existing buildings, while conserving significant post-war institutional and office buildings located on the north side of the street. New buildings on the south side of the street will

be sited and designed to frame and support the Beltline Trail, while preserving views to the Mount Pleasant Cemetery. Merton Street will have a wide, tree-lined pedestrian promenade that will be achieved over time to support pedestrian activity and reinforce the commercial cluster at Pailton Crescent as a lively, local destination.

Map 21-6 identifies the subject site as fronting onto the Merton Street Promenade public realm move. Policy 3.2.10 speaks to the Merton Street Promenade and describes the vision for the Merton Street Promenade including wide sidewalks and landscaped boulevards to support pedestrian activity, the eclectic mix of uses along the street and the local commercial hub at Pailton Crescent. A four-metre building setback on the north side of the street at- and above-grade is required to support this vision.

Map 21-14 identifies the subject site as a "Midtown Tall Buildings" site with a maximum building height of 15 storeys or 46.5 metres.

Staff note that up to the date of appeal, December 2, 2017, OPA 405 (Midtown in Focus) had not been adopted by City Council. However, Council had provided direction to staff as early as August, 2014, as Midtown in Focus evolved and developed, to consider applications in the context of the emerging policy direction. As such, for the purposes of this application, the direction provided in OPA 405 and described above is "relevant but not determinative" to the review of the application.

Zoning

The subject site is zoned CR T2.0 C2.0 R 2.0 in Zoning By-law 438-86, as amended, and CR 2.0 (c2.0; r2.0) SS2 (x2495) in Zoning By-law 569-2013, as amended (see Attachment 5). Both Zoning By-laws permit residential and commercial uses in buildings with a maximum density of 2.0 times the area of the lot and a maximum height of 21.0 metres. The Zoning By-laws also requires a minimum rear yard setback of 3 metres. Under the Zoning By-law, the subject site is required to provide off-site parking for the office building at 1849 Yonge Street.

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

The Tall Building Design Guidelines can be found at the following link:
<https://www.toronto.ca/legdocs/mmis/2013/pg/bqrd/backgroundfile-57177.pdf>

Draft Growing Up Guidelines: Planning for Children in New Vertical Communities

On July 4, 2017 City Council directed City Planning staff to use these draft Guidelines in the evaluation of new and under review multi-unit residential development proposals. The Guidelines direct how new development can better function for larger households at three scales: the unit, the building and the neighbourhood.

The Growing Up Guidelines can be found at the following link:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Site Plan Control

The proposed development is subject to Site Plan Control. A Site Plan Application was submitted on October 29, 2018 and is under review.

COMMUNITY CONSULTATION

A community consultation meeting was held on November 30, 2017 and was attended by approximately 50 members of the community. Specific comments related to the proposed development included:

- concerns related to vehicle and pedestrian safety on both Merton Street and Al Green lane associated with the proposed development;
- the location of vehicular ramps and the number of access points to the development would create further conflict between cars and pedestrians in Al Green Lane;
- suggestions to relocate proposed vehicular access points to the eastern portion of the site;
- a sidewalk and drop off area should be added to Al Green Lane to prevent vehicle congestion and improve pedestrian safety;
- the proposed reduction in commercial parking spaces on the site from 330 to 204 may not be enough to accommodate demand;
- need for the temporary replacement of the parking spaces located at 30 Merton Street required for the office building at 1849 Yonge Street during construction if the proposal is approved;
- need for more office and commercial uses in the area;
- increase in traffic from the development will create long queuing lines in the left turn lane at the Yonge Street and Merton Street intersection;
- 37 storeys is too tall and doesn't fit within the context of Merton Street; and
- the proposal will negatively impact skyview and access to sunlight;

COMMENTS

City Planning have continued to work with the applicant to resolve outstanding issues as demonstrated by revisions made to the proposal and outlined in this report. However, the revisions to the application did not address concerns related to the overall height of the proposal. It is the opinion of Planning staff that the proposed development is too tall given the area context and policy framework.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). Staff have determined that the proposal is not consistent with the PPS and does not conform to the Growth Plan.

Section 4.7 of the PPS states that: "the official plan is the most important vehicle for implementation" and that "comprehensive, integrated and long-term planning is best achieved through official plans". Furthermore, it directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The analysis of the proposed built form in the context of the aforementioned Official Plan policies, as assessed later in this report, indicates that the proposed tower height is excessive given the context. As such, in the opinion of City Planning, the proposed Official Plan Amendment and Zoning By-law Amendments, in their current form, are not supportable.

Policy 1.2.2 of the Growth Plan states that all decisions made on or after July 1, 2017 in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise.

Policy 2.1.2.4 states that applying the policies of this Plan will support the achievement of complete communities that 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.

The Growth Plan describes complete communities as places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

Policy 2.2.2.4 requires all municipalities to develop a strategy to achieve minimum intensification targets and intensification throughout delineated built up areas which will:

encourage intensification generally to achieve the desired urban structure; identify the appropriate type and scale of development and transition of built form to adjacent areas; ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; be implemented through official plan policies and designations, updated zoning and other supporting documents.

Policy 5.2.5.5 requires that for each applicable delineated area, the minimum density targets in this Plan are to be implemented through official plan policies that identify the minimum density targets and, through secondary planning or other initiatives, establish permitted uses within the delineated area and identify densities, heights, and other elements of site design.

Policy 5.2.6 states that in planning to achieve the minimum intensification and density targets in this Plan, municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form.

In July 2018, City Council provided further direction and clarity on the intended character of the subject area and site by identifying, through secondary planning, the permitted uses and identified heights and other elements of site design through the update to the Yonge-Eglinton Secondary Plan (OPA 405) appropriate to the context of the Yonge-Davisville area.

The implementation of OPA 405 will result in densities that exceed Growth Plan intensification and density targets in the Yonge-Davisville area while ensuring a high quality compact built form and an attractive and vibrant public realm. The height and density contemplated by the application is not required to meet density targets.

Land Use

This application has been reviewed against the Official Plan policies, Secondary Plan policies, and planning studies described in the Policy Considerations of the Report as well as the policies of the Toronto Official Plan as a whole.

The subject site is in an area designated as a *Mixed Use Areas* on Map 17 of the Official Plan and located just outside *Mixed Use Area 'D'* on Map 21-1 in the in-force Yonge-Eglinton Secondary Plan. OPA 405 designates this site as site as part of *Mixed Use Areas 'B'* on Map 21-4.

The proposed development includes both residential and non-residential uses. The commercial parking component of the proposal is required to provide off-site parking to serve the office building at 1849 Yonge Street. At the community consultation meeting and through written submissions, City Planning staff heard that the existing commercial parking was important to members of the community with mobility issues who use the medical offices at 1849 Yonge Street in addition to those visiting the offices from areas beyond a comfortable walking distance. The proposed residential and commercial land

use is appropriate for this site and conforms to the Official Plan and meets the intent of OPA 405.

Height

This application has been reviewed against the Official Plan policies, Secondary Plan policies, OPA 405 and planning studies described in the Policy Considerations section of this Report.

The proposed development is too tall given the local existing and planned built form context. The Built Form policies in the Official Plan require that new development will be designed to fit harmoniously into its existing and/or planned context, and will limit impacts on neighbouring streets, parks, open spaces and properties. Taller buildings should be located to ensure adequate access to sky view for the proposed future use of streets, parks, and open spaces.

West of the subject site is the area designated *Mixed Use Area 'D'* in the Yonge-Eglinton Secondary Plan. Section 2.7(d) states that an objective of the Secondary Plan is to ensure that development of the greatest height, density and scale are situated within *Mixed Use Area 'A'* and that developments of a lesser scale that are contextually appropriate and compatible with adjacent areas will occur in *Mixed Use Areas " 'B', 'C' and 'D'.*

West of the subject site, on the southeast corner of Merton and Yonge Streets at 1815 Yonge Street, is a 28-storey (86.12 metres) residential tower including a 5-storey base building. On the northwest corner of the intersection at 1819 Yonge Street, is a 12-storey building that includes a two-storey retail store and residential uses above. Both Yonge Street sites are within *Mixed Use Area 'D'*.

East of Al Green Lane and outside of *Mixed Use Area 'D'*, Merton Street is characterized by a mix of low-rise, mid-rise and tall buildings up to a height of 15 storeys containing residential uses, offices, community agency spaces, stores and restaurants. OPA 405 identifies this area east of *Mixed Use Area 'D'* as a "Midtown Special Place" with its own character area (Merton Street Character Area) primarily due to the unique character of its buildings and uses.

North of the site is an area designated *Apartment Neighbourhoods* in the Yonge-Eglinton Secondary Plan and Official Plan. The area is identified as the Davisville Character Area in OPA 405 and described as consisting of a diversity of tower-in-the-park buildings, mid-rise buildings and townhouses set within abundant landscaped open spaces. Immediately north of the subject site within the *Apartment Neighbourhoods* designation and the Davisville Character Area is an 18-storey building (53 metres) at 45 Balliol Street.

The Official Plan requires development to fit harmoniously with the existing and/or planned context. At 37 storeys (123.46 metres), the proposed tower would be

significantly taller than the next tallest building on Merton Street at 15 storeys and taller than any buildings in *Mixed Use Area 'D'* including the 28-storey residential building at 1815 Yonge Street. The proposed building would also be significantly taller than the 18-storey building (53 metres) at 45 Balliol Street located in the *Apartment Neighbourhoods* designated area immediately north of the subject site.

As part of the Midtown in Focus Study (OPA 405), Merton Street was studied in relation to its surrounding context as well as the street itself. The study resulted in the identification of the Merton Street Character Area described as an eclectic mix of early point tower buildings distinct to this area, offices, community agency spaces, stores and restaurants. It also directed that new mid-rise and tall buildings will reflect the scale and character of existing buildings and includes building height limits of up to 15 storeys (45.5 metres) on the north side of the street and up to 12 storeys (38.5 metres) on the south side of the street. City Council endorsed this planned vision for Merton Street with their approval of OPA 405 in July, 2018. OPA 405 does not expand *Mixed Use Area 'D'* eastward to the subject site but instead, the policies of OPA 405 reinforce the existing character of Merton Street.

The proposed development is too tall given the local existing and planned built form context. It does not fit harmoniously within the existing and/or planned context for the area. Further, it does not meet conform to the built form policies in the Official Plan and the intent of the planned vision for the area resulting from the Midtown in Focus Study (OPA 405).

Tower Setbacks and Separation Distance

The Tall Building Design Guidelines require a minimum 25 metre separation distance between towers in order to minimize negative impacts on the public realm and neighbouring properties, such as adverse shadowing, pedestrian-level wind, blockage of sky views, and to maximize the environmental quality of building interiors, including daylighting, natural ventilation, and privacy for building occupants.

The Tall Building Design Guidelines identify a minimum 12.5 metre tower setback from the side and rear property lines in order to avoid a “first-to-the-post” development scenario, whereby the need to provide access to sunlight, sky view, privacy, and daylighting, may restrict adjacent sites from developing in a similar manner.

The site is located within a *Mixed Use Areas* designation in the Official Plan. OPA 405 requires a minimum 25 metre tower separation distance between towers within Mixed Use Areas requires each tall building proposal to provide half of the separation distance (12.5 metres) on their site. The proposed tower is set back 12.85 metres from the centre line of the laneway to the west, 12.34-12.8 metres from the east lot line and 12.5 metres from the north lot line. City Planning is satisfied the tower setbacks meets the intent of the Tall Building Design Guidelines, OPA 405 and allow for appropriate separation distances in the event adjacent sites are developed in the future.

Tower Floor Plate Size

The Tall Building Design Guidelines and OPA 405 identify a maximum floor plate size of 750 square metres of Gross Construction Area (GCA). Slender floor plates reduce the impacts towers pose on surrounding streets, parks, open spaces and properties. When adequately separated, slender floor plates may cast smaller shadows, improve access to skyview, permit better views between and through sites and contribute to a more attractive skyline.

The proposal has a floor plate size of 787.1 square metres of GCA which is greater than the 750 square metres recommended in the Tall Building Design Guidelines and required by OPA 405.

Sun, Shadow

The Official Plan requires development to limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility. It also requires new development to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The applicant submitted shadow studies which show the extent of the shadow from the proposed building on March 21, June 21 and September 21. The proposed development does not cast a shadow on the nearby Balliol Street Parkette. However, incremental shadows cast by the proposed development on streets and adjacent properties would be reduced with a lower height in line with OPA 405.

Wind

The pedestrian-level wind study submitted with the application concludes changes to the massing of the building including the increased building setback from Merton Street and the reduction of the base building height from seven to five storeys will improve wind conditions from the original proposal. The study found that wind conditions along the laneway and at surrounding areas would generally be comfortable for sitting during the summer and for sitting or standing throughout the rest of the year. It found wind conditions would be comfortable for standing at primary entrances and walking on sidewalks. For the private patios proposed for the ground-level units along Merton Street, conditions would be comfortable for sitting during the summer months without the need for mitigation.

All primary building access points would be comfortable for standing, or better, throughout the year. For the adjacent amenity area to the north, wind conditions under the tested configuration will be comfortable for standing, or better throughout the spring, summer, and autumn. The proposed wind impacts resulting from this development are acceptable.

Base Building

The height of the base building has been reduced from seven storeys (21.95 metres) to five storeys (18.06 metres). The revised height brings the proposal more in line with the policy direction of OPA 405 which allows for a five storeys base building (approximately 16.5 metres) and better responds to the built form context along Merton Street. The applicant has revised the plan to add residential units in the base building along Merton Street on floors four and five in order to limit the visual impact of the garage on the public realm.

Laneway Widening

The subject site abuts a City-owned laneway to the west (Al Green Lane) which has an approximate width of 5.29 metres. In order to satisfy the Official Plan requirement for a six metre wide lane, the owner will be required to convey a 0.71 metre strip of land to the City for lane widening purposes. This conveyance will be secured through the Site Plan Approval process.

Traffic Impact

The applicant submitted a Transportation Impact Study in support of the development dated May 31, 2017 and revised on October 23, 2018. The study estimates the proposed development will generate a net increase of approximately 55 two-way trips during the AM Peak Hour and 50 during the PM Peak Hour. Transportation Services staff have reviewed the study and find the traffic impacts acceptable.

Parking and Loading

Zoning By-law 569-2013 requires a total of 370 parking spaces, consisting of 307 spaces for residents and 63 spaces for visitors. The applicant is proposing to provide 134 resident parking spaces (0.44 spaces per unit) and 205 non-residential spaces in a commercial garage which will be available to the public including visitors to the proposed building. The proposed residential parking supply does not meet the Zoning By-law requirements.

The applicant submitted a parking study providing a rationale for the proposed reduction in parking rates including examples of approved residential parking reductions in the area. Transportation Services staff have reviewed the study and find the proposed parking rate reduction to 134 residential parking spaces and the inclusion of visitor parking in the commercial parking garage acceptable.

The proposed 205 non-residential parking spaces exceeds the Zoning By-law requirements and is acceptable to Transportation Services staff.

The proposal includes one Type G loading space which meets the minimum Zoning By-law requirement.

The subject site currently includes off-site parking for the office building at 1849 Yonge Street. Tenants and those who use the services provided in the office building have expressed concern over the temporary loss of the spaces during construction. The owner of the subject site has been working to secure temporary parking spaces in the area while the site is under construction but has not yet entered into a formal arrangement to provide the spaces.

Laneway Improvement and Site Access

The adjacent laneway currently accommodates a high volume of pedestrian and vehicular traffic which will increase as a result of the proposed development. The applicant is proposing two separate vehicle access and egress points to the laneway to accommodate residential parking, commercial parking and loading. The proposal includes a 3 metre ground-level setback from the widened laneway to accommodate pedestrians, the new access and egresses and loading and vehicular traffic on the lane. City staff, local residents and the Ward Councillor have expressed concerns regarding the safety and functionality of the laneway in its existing condition and as proposed. The applicant has been working with staff, the local community and the Ward Councillor on different design options to improve laneway safety and functionality. Though a design has not yet been finalized, the applicant has agreed to continue to work with staff and the community to resolve this issue.

Servicing

The applicant has provided a Functional Servicing Report and accompanying drawings. The Functional Servicing Report noted that the 150 mm watermain located on Merton Street cannot provide sufficient serviceability to the proposed development in terms of domestic and fire flow and will have to be upgraded to service the proposed development.

Should the LPAT approve this proposal in some form, City Planning are recommending the final order be withheld until the applicant has resolved all issues related to site servicing to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Streetscape and Public Realm

The revised submission includes a four metre building setback from Merton Street in accordance with OPA 405. Should the proposed development be approved in some form, City Planning staff will review and secure the landscaping details through the Site Plan Control process.

Amenity Area

The built form policies of the Official Plan require that every significant multi-unit residential development provide indoor and outdoor recreation space for building residents. City-wide Zoning By-law 569-2013 requires an overall minimum of 4 square metres of amenity space per residential unit. The application proposes 611 square metres of indoor amenity area and 621 square metres of outdoor amenity area for a total of 4.05 square metres of amenity space per unit. The proposal meets the amenity space requirements of Zoning By-law 569-2013.

Unit Mix

The Official Plan encourages the provision of a full range of housing in terms of form, tenure and affordability to meet current and future needs of residents. In addition to the unit type and size direction in the Growing Up Guidelines, OPA 405 contains policies that require a range of unit types in large developments. It requires that developments containing more than 80 residential units will include a minimum of 15% 2-bedroom units at 87 square metres gross floor area or more, 10% 3-bedroom units at 100 square metres gross floor area or more, and an additional 15% combination of two or three-bedroom units.

The proposed unit mix includes 44.4% two-bedroom units, of which 7.6% are a minimum 87 square metres in size and a total of 12.5% of the units contain 3 bedrooms, 10.5% of which are a minimum of 100 square metres. Large units located on the ground floor and the sixth floor where large terraces are available. Staff are satisfied this unit mix and size better align with the policies on OPA 405 and meets the intent of the Growing Up Guidelines.

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 III 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 4,053 square metres or 203% 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 while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 213 square metres.

The site is located in the Midtown in Focus Study area as well as an area where there is currently a low parkland provision. The applicant is required to satisfy the parkland dedication through acquiring off-site parkland that will contribute positively to existing

parks within 500 metres of the applicant's site. The size and location of the parkland would be subject to the approval of the General Manager, Parks, Forestry and Recreation and would be subject to conditions for conveyance of parkland prior to the issuance of the first above grade building permit.

Given the current rise in dog population in the area, especially within condominium towers, the applicant is expected to provide on-site dog off-leash amenities with proper disposal facilities for the building residents or dog relief stations within the building. This will help to alleviate some of the pressure on the existing neighbourhood parks.

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). There are no privately owned trees on the site that qualify for protection under the Private Tree By-law. The applicant proposes to remove one City-owned street tree protected under the provisions of the City's Street Tree By-law.

With regard to the City-owned street trees, where it is not possible to retain a tree on City road allowance that qualifies for protection under the City of Toronto's Street Tree By-law, it will be necessary for the applicant to submit an application requesting permission to remove the tree in question to Urban Forestry.

The applicant is required to replace the street tree. The applicant's submitted Landscape Plan proposes to plant four street trees along Merton Street.

Further information, including confirmation that the proposed replacement trees can be successfully planted without conflict with subsurface infrastructure will be required prior to approval of the Site Plan Application.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (the "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 is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the Zoning By-law process including those related to Automobile Infrastructure, Cycling Infrastructure, Storage and Collection of Recycling, and Organic Waste.

Other applicable TGS performance measures will be secured as part of the site plan application stage of the development review process.

Section 37

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for community benefits to be provided by the applicant.

Planning staff has not had any discussions with the applicant or Ward Councillor regarding a Section 37 contribution due to staff's concerns with the proposed development as addressed in this report. In the event the LPAT grants additional density and/or height beyond that which is permitted in Zoning By-law, the City will request that the LPAT withhold its final order until the City has an agreement with the applicant to secure the appropriate community benefits.

Staff recommend the following benefits be secured:

- public realm improvements in the Yonge-Eglinton Secondary Plan area; and/or
- community services and facilities in the Yonge-Eglinton Secondary Plan area in accordance with the priorities identified in the Council-adopted Yonge Eglinton Official Plan Amendment (OPA 405)'s Community Services and Facilities Strategy; and/or
- any other matters to be secured as a matter of convenience.

Conclusion

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, the Midtown in Focus study, the Tall Buildings Guidelines, and OPA 405. The revised proposal had addressed a number of concerns outlined in City Planning's Preliminary Report for this application including:

- a reduced base building height from seven to five storeys;
- an increased building setback on Merton Street from approximately one metre to four metres to allow for the implementation of the Midtown Promenade public realm vision outlined in OPA 405;
- the addition of residential units in the base building along Merton Street to reduce the visual impact of the above-ground parking garage on Merton Street;
- the reduction in vehicular access points from three to two on the laneway; and
- the applicants continued engagement with the City and community to improve the laneway design.

Despite the improvements made to the proposal, the applicant has not addressed concerns regarding the overall height of the proposal. It is inconsistent with the Provincial Policy Statement (2014), does not conform with the Growth Plan for the

Greater Golden Horseshoe (2017) and does not conform with the Official Plan. The proposal does not conform to the in-force Yonge-Eglinton Secondary Plan and the updated Yonge-Eglinton Secondary Plan (OPA 405).

Staff are recommending the appeal of the Official Plan Amendment and Zoning By-law Amendment application for 30 Merton Street be opposed at the LPAT and that staff continue discussions with the applicant to address the issues outlined in this report.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Secondary Plan Map
- Attachment 5: OPA 405 Character Map
- Attachment 6: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 7: Site Plan
- Attachment 8: 3D Massing Model - Looking Northeast
- Attachment 9: 3D Massing Model - Looking Southwest
- Attachment 11: North Elevation
- Attachment 12: South Elevation
- Attachment 13: East Elevation
- Attachment 14: West Elevation

Attachment 1: Application Data Sheet

Municipal Address: 30 Merton Street Date Received: October 29, 2018

Application Numbers: 17 173706 STE 22 OZ

Application Type: Official Plan Amendment, Zoning By-law Amendment

Project Description: Proposal for a 37-storey mixed use building with 304 apartment units, a 3-level underground parking garage with 205 commercial parking spaces and a 3-level above-ground residential parking garage on floors 3-10.

Applicant	Agent	Architect	Owner
Peter Smith, Bousfields Inc	Peter Smith, Bousfields Inc	Sweeny&Co Architects	BCIMC Holdco (2007) Inc

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	No
Zoning:	CR 2.0 (c2.0; r2.0) SS2 (x2495)	Heritage Designation:	No
Height Limit (m):	21	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m): 2,690 Frontage (m): 46 Depth (m): 59

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	2,448		2,263	2,263
Residential GFA (sq m):	0		25,498	25,498
Non-Residential GFA (sq m):	8,124		8,260	8,260
Total GFA (sq m):	8,124		33,759	33,759
Height - Storeys:	3		37	37
Height - Metres:			117	117

Lot Coverage Ratio 84.14 Floor Space Index: 12.55
 (%):

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	25,498	0
Retail GFA:	0	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	8,260	0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0	0	304	304
Freehold:	0	0	0	0
Condominium:	0	0	0	0
Other:	0	0	0	0
Total Units:	0	0	304	304

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	0	0	0	0	0
Proposed:	0	0	131	135	38
Total Units:	0	0	131	135	38

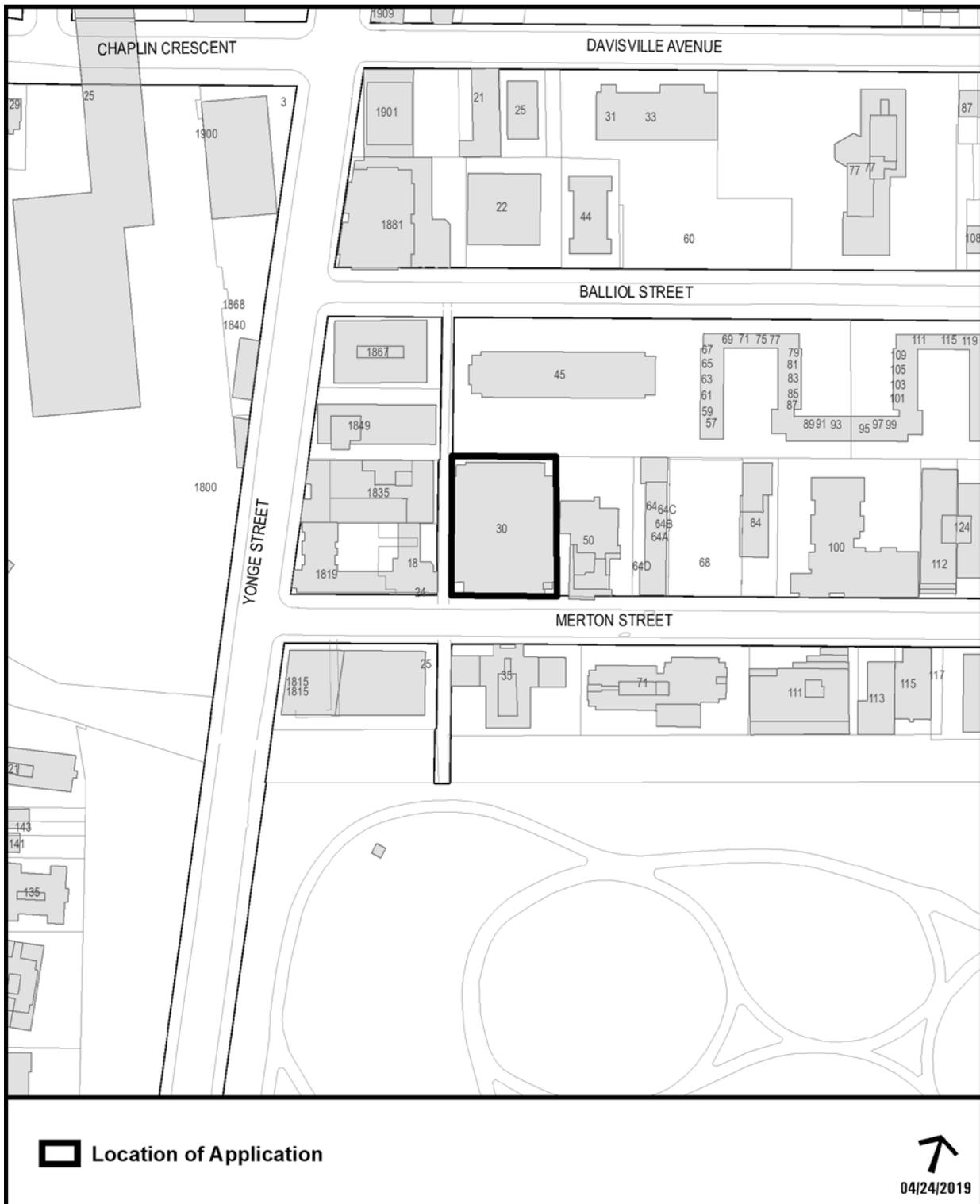
Parking and Loading

Parking Spaces: 339 Bicycle Parking Spaces: 314 Loading Docks: 1

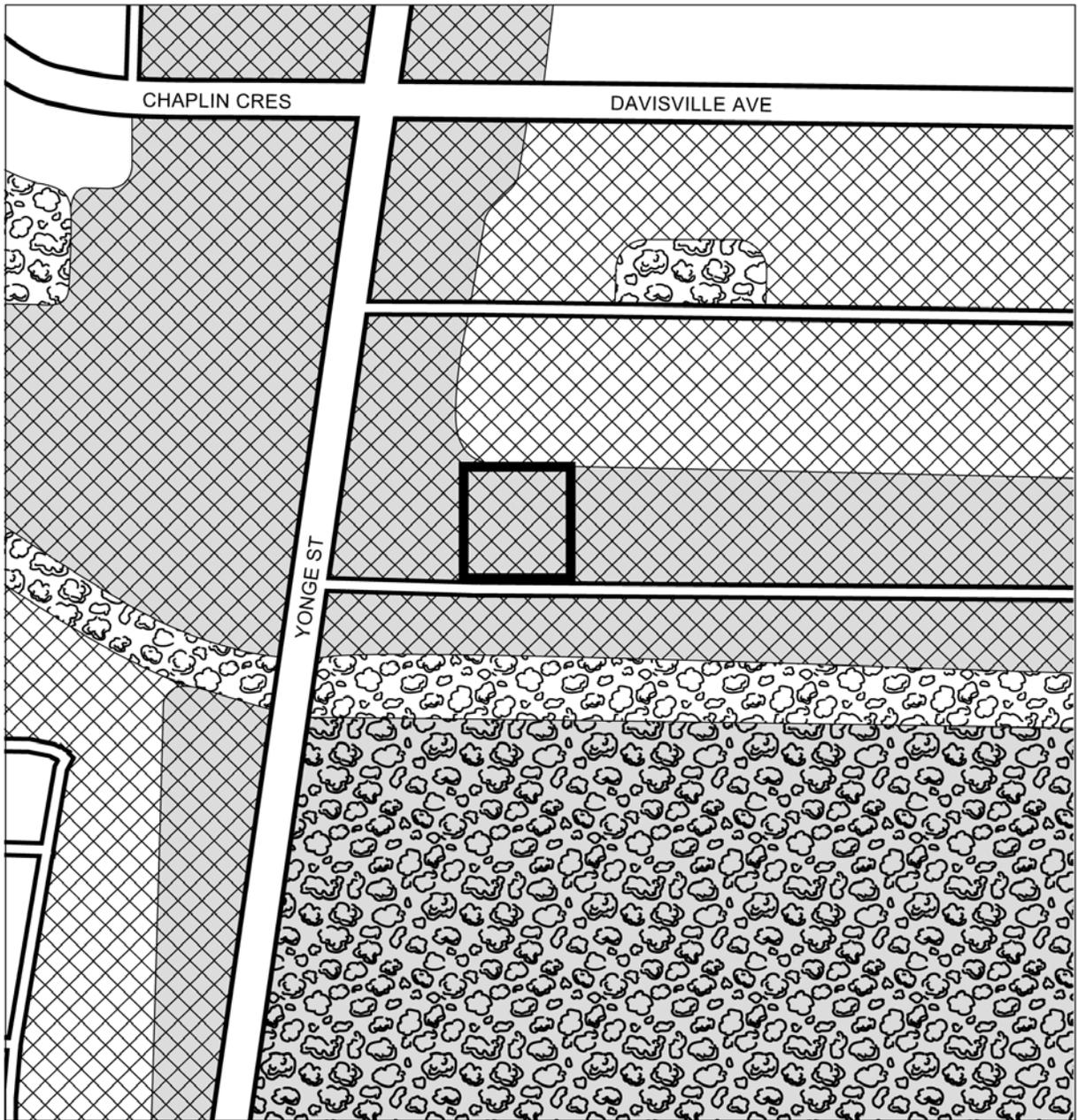
CONTACT:

Alex Teixeira, Senior Planner
 (416) 392-0459
 Alex.Teixeira@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Extract from Official Plan

30 Merton St

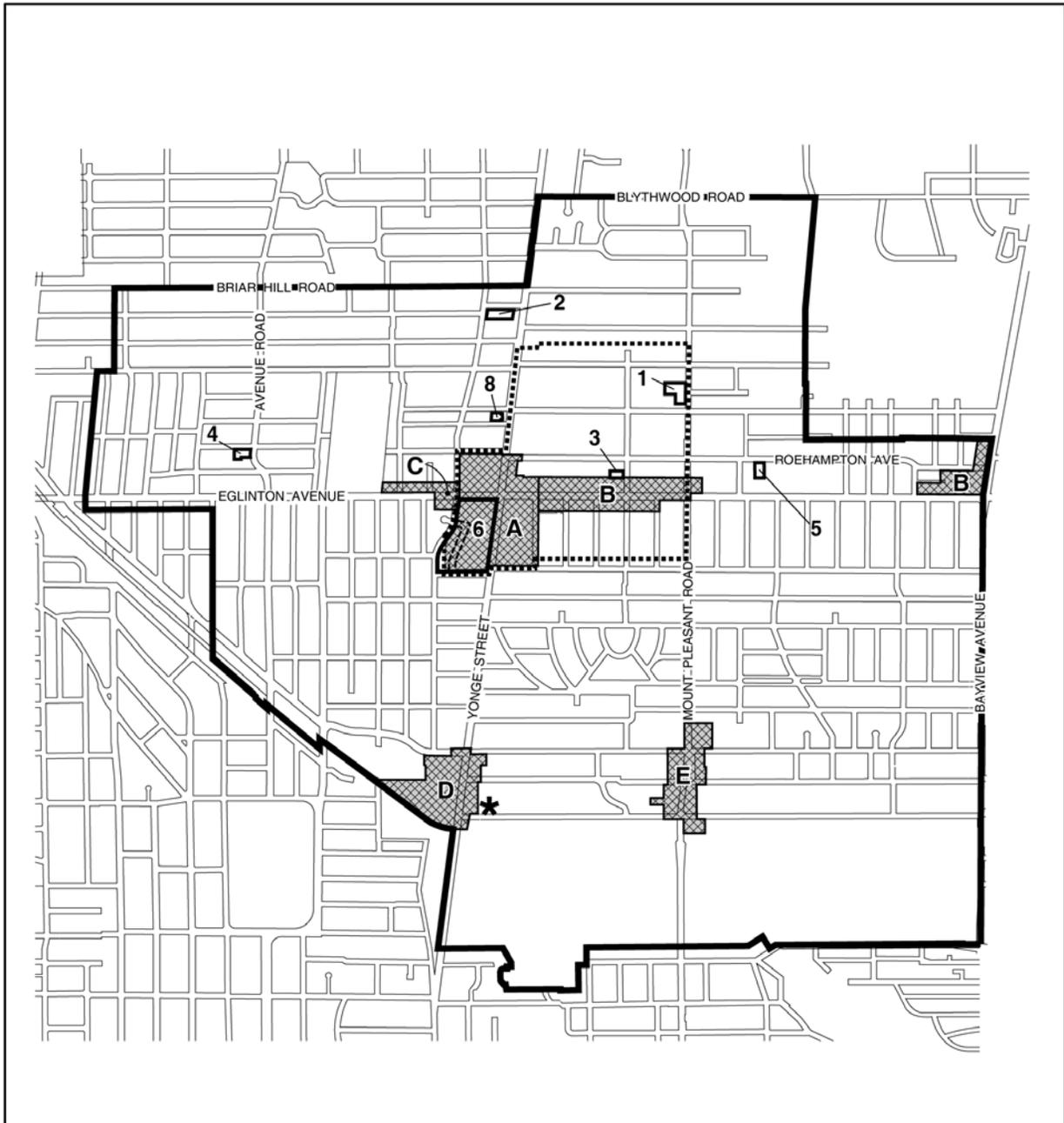
File # 17 173706 STE 22 02

 Site Location	Parks & Open Space Areas
 Neighbourhoods	 Parks
 Apartment Neighbourhoods	 Other Open Space Areas
 Mixed Use Areas	



Not to Scale
07/26/2017

Attachment 4: Yonge-Eglinton Secondary Plan Map



Yonge-Eglinton Secondary Plan

30 Merton Street

File # 17 173706 STE 22 0Z

- Secondary Plan Boundary
- Yonge-Eglinton Centre
- Mixed Use Areas
- Site
- Site and Area Specific Policies
- Proposed Road



Not to Scale
08/02/2017



Yonge-Eglinton Secondary Plan - MAP 21-4 Land Use Plan

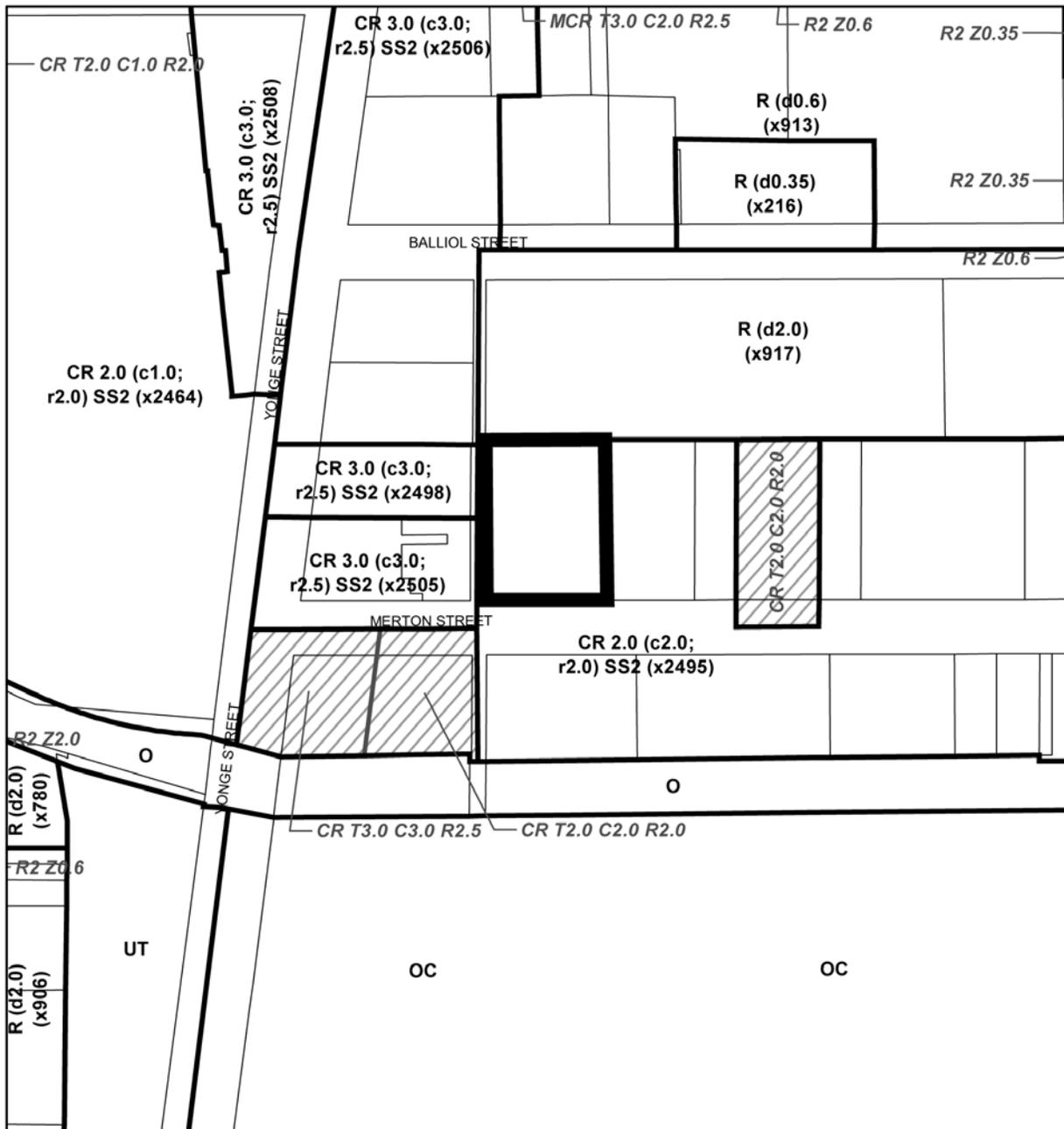
30 Merton Street

File # 17 173706 STE 22 0Z

★ Site Location

↑
Not to Scale
12/12/2018

Attachment 6: Existing Zoning By-law Map



Zoning By-Law No. 569-2013

30 Merton Street

File # 17 173706 STE 22 02

Location of Application

R Residential
CR Commercial Residential

O Open Space
OC Open Space Cemetery
UT Utility and Transportation

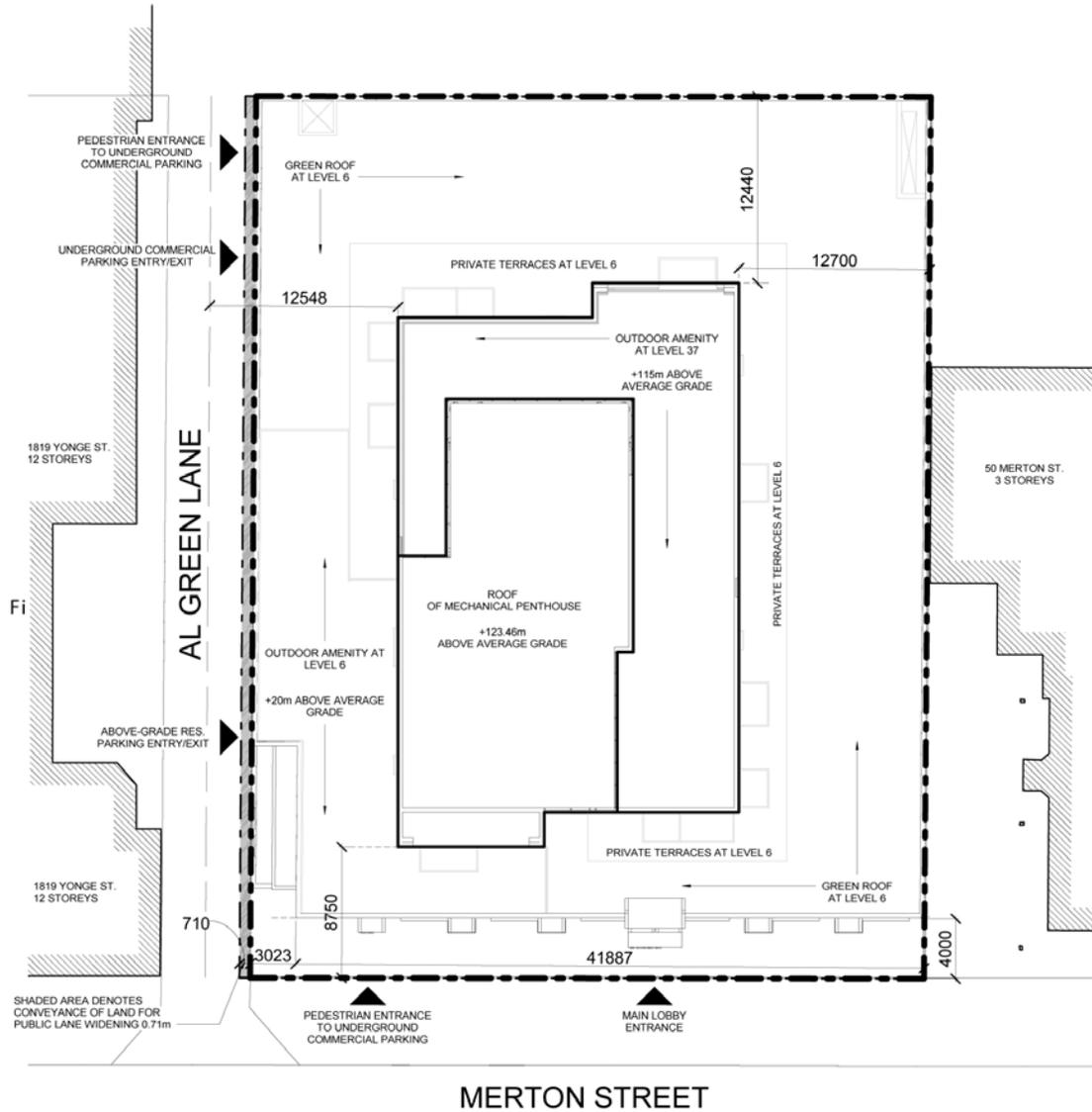
See Former City of Toronto By-Law No. 438-86

R2 Residential District
CR Mixed-Use District



Not to Scale
Extracted: 07/26/2017

Attachment 7: Site Plan



Site Plan

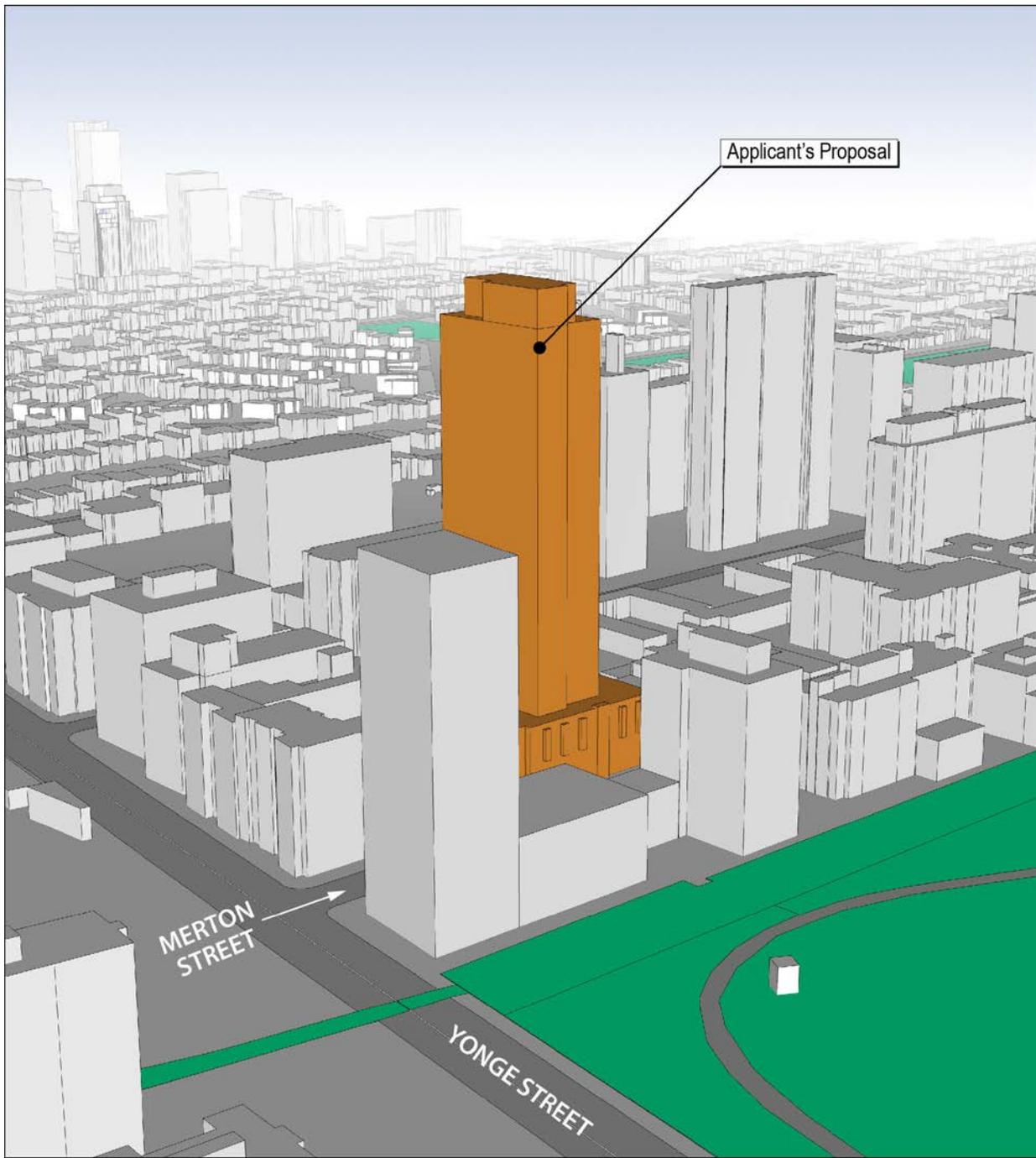
30 Merton Street

Applicant's Submitted Drawing

Not to Scale
12/05/2018

File # 17 173706 STE 02 0Z

Attachment 8: 3D Massing Model Looking Northeast

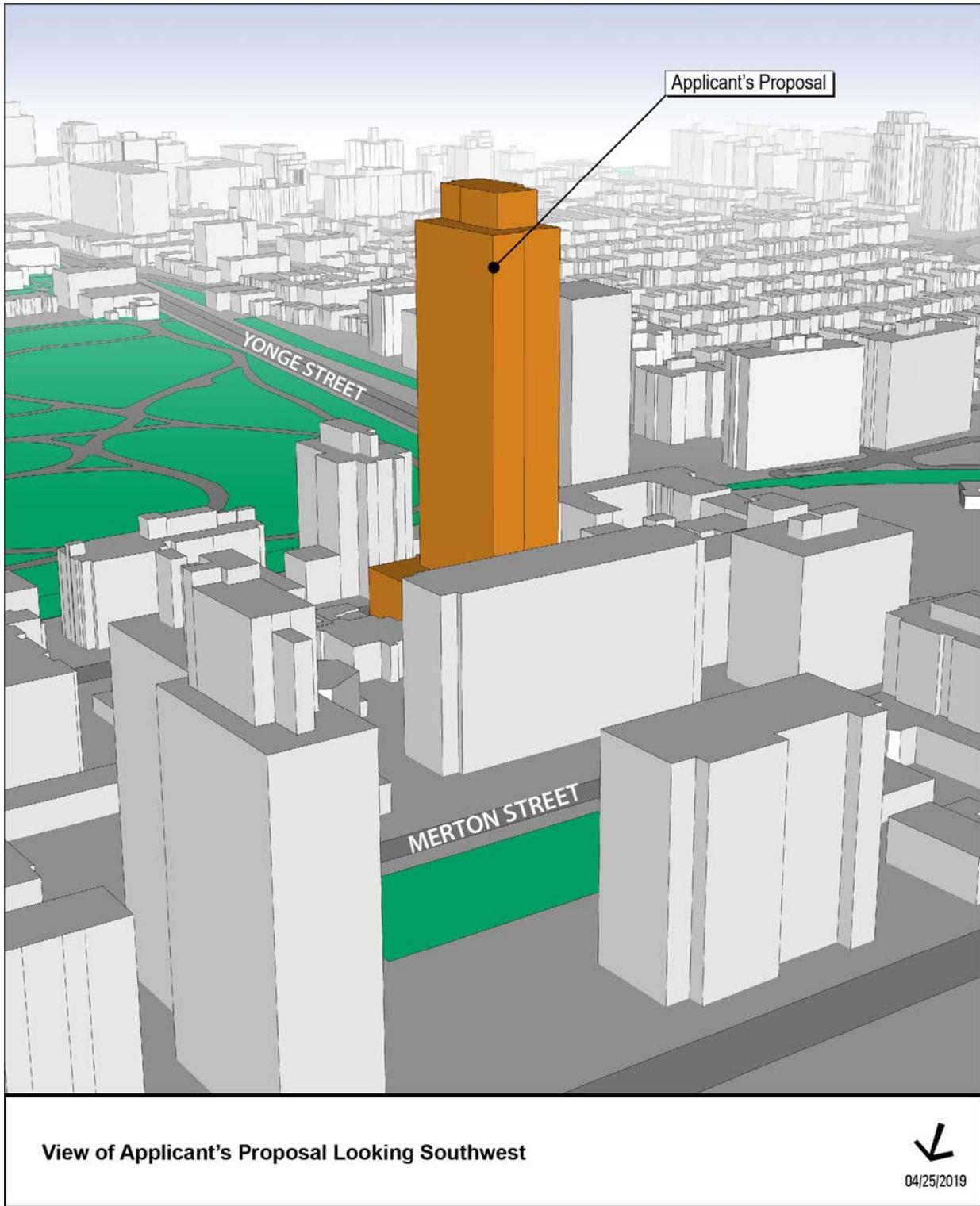


View of Applicant's Proposal Looking Northeast

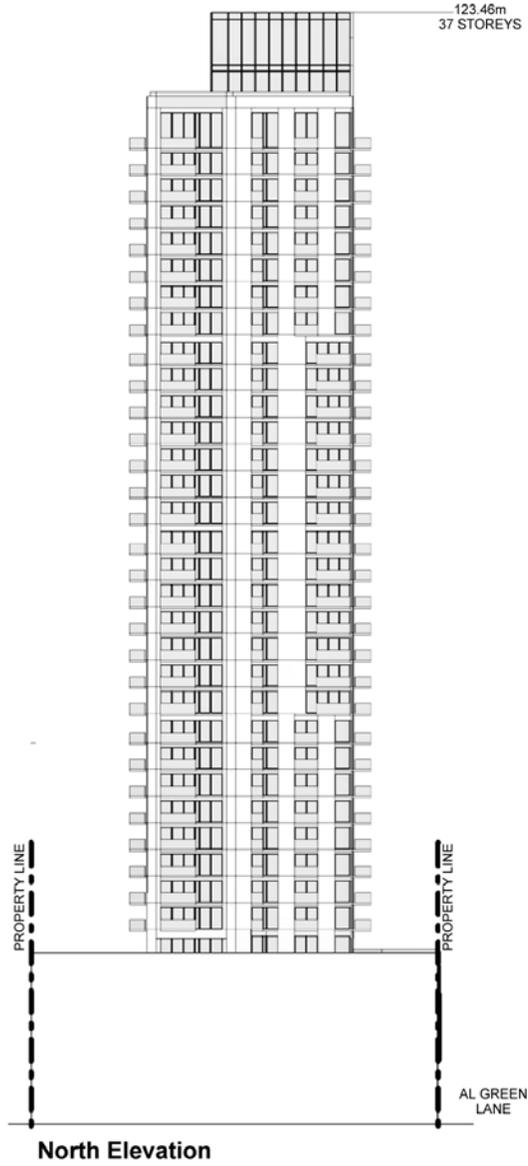


04/25/2019

Attachment 9: 3D Massing Model Looking Southwest



Attachment 11: North Elevation



North Elevation

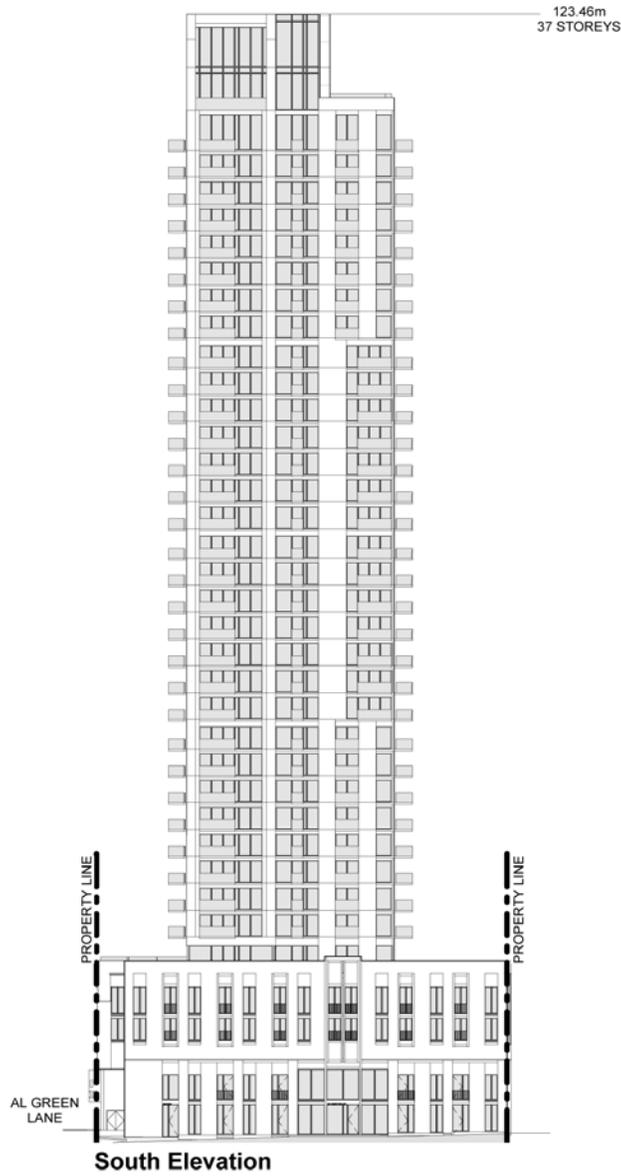
Applicant's Submitted Drawing

Not to Scale
12/05/2018

30 Merton Street

File # 17 173706 STE 02 0Z

Attachment 12: South Elevation



South Elevation

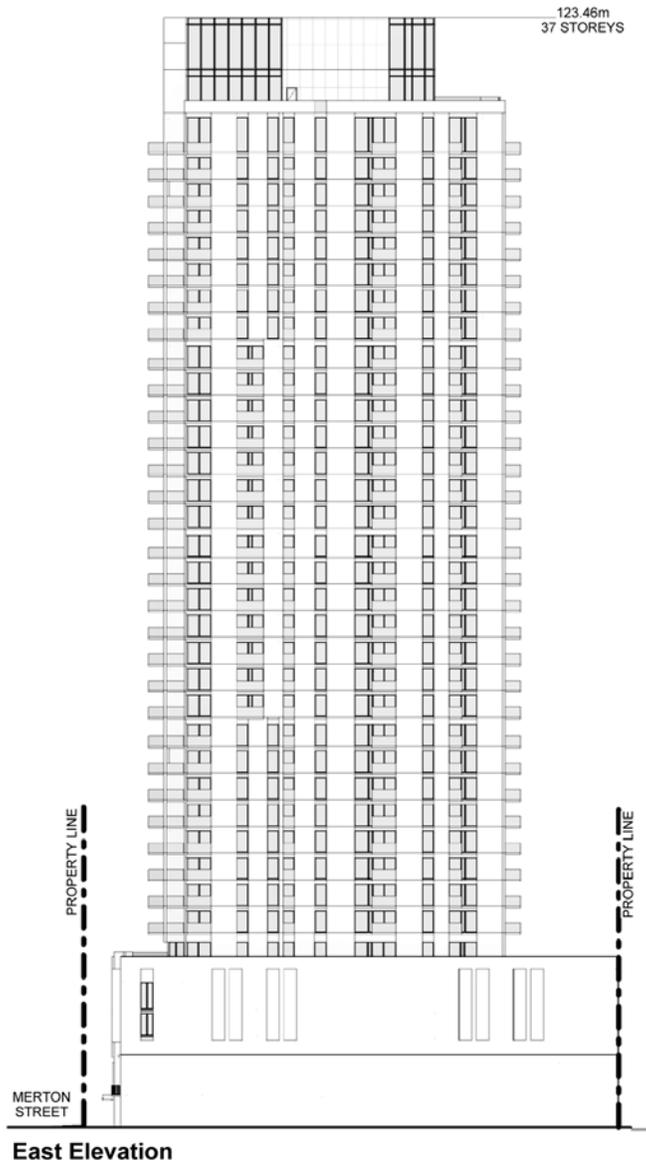
Applicant's Submitted Drawing

Not to Scale
12/05/2018

30 Merton Street

File # 17 173706 STE 02 0Z

Attachment 13: East Elevation



East Elevation

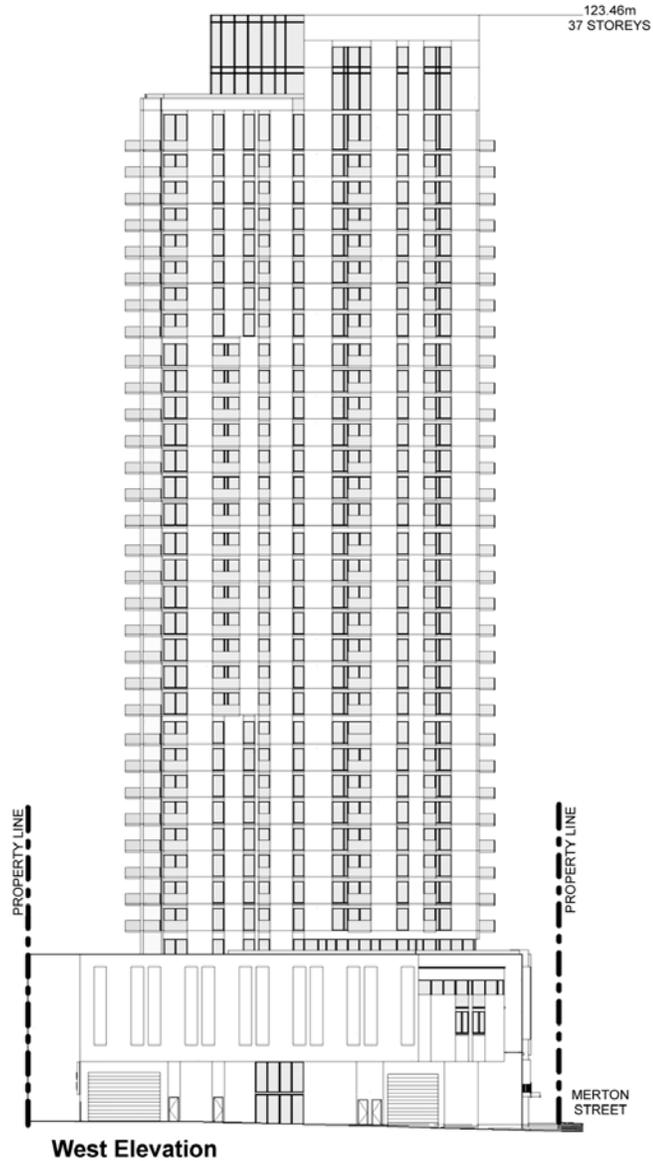
Applicant's Submitted Drawing

Not to Scale
12/05/2018

30 Merton Street

File # 17 173706 STE 02 0Z

Attachment 14: West Elevation



West Elevation

Applicant's Submitted Drawing

Not to Scale
12/05/2018

30 Merton Street

File # 17 173706 STE 02 0Z
