

276 and 290 Merton Street – Zoning Amendment Application – Final Report

Date: October 19, 2020

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

SUMMARY

This report reviews and recommends approval of the application to amend the Zoning By-law to permit a 13-storey (47.5 metre, plus an additional 3.0-metre mechanical penthouse) residential building containing 71 dwelling units, with 93 parking spaces in a 3-level underground parking garage at 276 and 290 Merton Street.

The proposal is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and conforms with the Official Plan and the Yonge-Eglinton Secondary Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 276 and 290 Merton Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 276 and 290 Merton Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. City Council request the City Planning Division to explore the possibility of creating a north-south mid-block connection from the subject site at 276 and 290 Merton Street to 265 Balliol Street, the design of which would be secured through the Site Plan Control

application process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year, or in future years.

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on March 19, 2019. The Preliminary Report from the Director, Community Planning, Toronto and East York District dated February 28, 2019 can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE4.44>

SITE AND SURROUNDING AREA

The subject site is located on the north side of Merton Street, west of Mount Pleasant Road. The rectangular shaped site is approximately 1,500 square metres in area and has a frontage of 25.9 metres on Merton Street. Currently, there is a 2.5-storey commercial building at 276 Merton Street and a 3-storey commercial building at 290 Merton Street.

Land uses surrounding the site include:

East: of the site is a 4-storey townhouse complex at 292 to 314 Merton Street. Immediately east of 304 to 314 Merton Street is an 8-storey apartment building at 384 Merton Street.

South: of the site is a 2-storey Toronto Water facility at 275 Merton Street. Immediately east of the Toronto Water facility is a 2-tower 15-storey residential building with a 2-storey base building at 319 Merton Street. West of the Toronto Water facility is a 12-storey residential building with a 5-storey base building at 253 Merton Street. South of the buildings fronting onto Merton Street is the Mount Pleasant Cemetery and the Beltline Trail.

West: of the site is a 5-storey residential building at 268 Merton Street. Immediately west of 268 Merton Street is an 8-storey residential building at 250 Merton Street.

North: of the site is a 26-storey apartment building at 265 Balliol Street. Immediately west of 265 Balliol Street is a two-storey row-house complex at 239 to 251 Balliol Street. A new 27-storey mixed-use building (91.43 metres to the top of the mechanical penthouse) replacing the townhouses at 239-251 Balliol Street was approved by the Local Planning Appeal Tribunal (File Nos. 17 223999 STE 22 OZ and 17 224019 STE 22 RH). Immediately east of 265 Balliol Street are two pairs of two-storey semi-

detached dwellings, and one duplex in a two-storey detached dwelling at 297 to 299 Balliol Street.

See Attachment No. 2: Location Map.

APPLICATION BACKGROUND

Proposal

The application proposes a 13-storey (47.5 metre, plus an additional 3.0 -metre mechanical penthouse) residential building. The total proposed residential gross floor area is 7,850 square metres, which represents a density of 5.2 times the area of the site.

The proposed building consists of 71 residential dwelling units, of which 23 are one-bedroom (32%), 36 are two-bedroom (51%) and 12 are three-bedroom (17%) units.

A total of 93 vehicular parking spaces, of which 87 are residential, and 7 are visitor spaces are proposed in a three-level underground parking garage. A total of 96 bicycle parking spaces for residents and 14 bicycle parking spaces for visitors are proposed on the P1 and ground levels respectively. One type-G loading space is proposed within the building envelope. Vehicular access to the site is proposed from Merton Street through a driveway on the west side of the building.

Indoor amenity space is provided on the 2nd and 13th floors and outdoor amenity space is provided at the rear of the building off the ground floor, as well as on the 2nd and 13th floors. The applicant is proposing a total of 142 square metres of indoor amenity space (2.0 square metres per unit) and 243.6 square metres of outdoor amenity space (3.43 square metres per unit).

The current proposal incorporates numerous revisions from the original application as summarized below:

- reduced building height from 16 to 13 storeys (55.3 to 47.5 metres);
- reduced density from 7.11 to 5.2 times the lot area;
- reduced number of underground parking levels from 4 to 3;
- reduced number of vehicular parking spaces from 108 to 93; and
- reduced the number of dwelling units from 100 to 71;

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-informationcentre/>

[See Attachment No. 1 for Application Data Sheet, Attachment Nos. 12 and 13 for a three dimensional representation of the current proposal in context, Attachment No. 7 for the site plan, and Attachments 8 to 11 for the elevations.](#)

Reasons for Application

An amendment to the Zoning By-law is required because the proposal exceeds the maximum permitted building height and the density and a number of other performance measures.

A combined Official Plan and Zoning By-law Amendment application was originally submitted for this development proposal. It has been determined, and acknowledged by the applicant, that the Official Plan Amendment is not required.

Application Submission Requirements

The following reports/studies were submitted in support of the application and circulated to all appropriate agencies and City divisions:

- Survey Plan;
- Architectural Plans;
- Elevations and Sections;
- Landscape Plans;
- Tree Preservation Plan;
- Civil Plans;
- Planning Rationale;
- Community Services and Facilities Study;
- Pedestrian Level Wind Study;
- Sun/Shadow Study;
- Arborist Report;
- Functional Servicing and Stormwater Management Report;
- Hydrogeological Review;
- Hydrological Study;
- Geotechnical Study;
- Transportation Impact Study;
- Public Consultation Plan;
- Draft Zoning By-law Amendments;
- Draft Official Plan Amendment;
- Toronto Green Development Standards Checklist; and
- Digital copy of the Building Massing Model.

All application submission materials can be found at the following link:

<https://aic.to/276Merton>

Agency Circulation

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 and to formulate appropriate Zoning By-law standards.

Statutory Public Meeting Comments

In making their decision with regard to the Zoning By-law Amendment application, City Council members have an opportunity to consider the submissions received prior to and at the statutory public meeting held by the Toronto and East York Community Council for the application. Oral submissions made at the meeting will be broadcast live and recorded for review.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the supply, efficient use and conservation of energy and water; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; the appropriate location of growth and development; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

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

Provincial Policy Statements and geographically specific Provincial Plans, together 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 Plan Agreements.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS (2020)") provides province-wide policy direction 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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 (2020) supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS (2020) 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS (2020).

The PPS (2020) recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS (2020). Policy 4.6 of the PPS (2020) 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."

Provincial Plans

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 (2020) 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 (2020) and conform with provincial plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. The new plan replaces the previous version, Growth Plan for the Greater Golden Horseshoe (2019). The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe ("GGH") region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm.
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process.

- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work.
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site.
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure.
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS (2020) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS (2020) 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

The Growth Plan (2020) as amended 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 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) 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 are planned for the prescribed densities.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as follows: The City's Official Plan designates the subject site as Mixed Use Areas as shown on Map 17- Land Use Plan.

Section 3.1.2 Built Form

Section 3.1.2 of the Official Plan states that development will be located, organized and massed to fit harmoniously with the existing and/or planned context. Development will limit its impacts on neighbouring properties and the public realm by respecting street proportions, creating appropriate transitions in scale, providing for adequate light and privacy, limiting impacts of servicing and vehicular access on the property and neighbouring properties; and limiting shadow and wind impacts.

Policy 3.1.2.1 provides further details, outlining how development is expected to frame and support adjacent streets, parks and open spaces. New development is expected to achieve the following:

- Generally locate buildings parallel to the street or along the edge of a park or open space using a consistent front yard setback;
- Locate main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- Provide ground floor uses that have views into, and where possible, access to, adjacent streets, parks and open spaces; and
- Preserve existing maturing trees wherever possible and incorporate them into landscaping designs.

Policy 3.1.2.2 states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- Using shared service areas including driveways;
- Consolidating and minimizing the width of driveways and curb cuts across the public sidewalk; and
- Providing underground parking where appropriate.

Policy 3.1.2.3 states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will 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;
- Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- Minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Section 4.5 Mixed Use Areas

The subject site is designated Mixed Use Areas on Map 17 of the Official Plan. The Mixed Use Areas designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single or mixed-use buildings, as well as parks and open spaces and utilities.

Policy 4.5.2 states development in Mixed Use Areas will: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale Neighbourhoods; locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; 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 in every significant multi-unit residential development.

Map 17, Land Use Plan of the Toronto Official Plan can be found here:

https://www.toronto.ca/wp-content/uploads/2017/11/978e-cp-official-plan-Map-17_LandUse_AODA.pdf.

(Former) Yonge-Eglinton Secondary Plan

The site is located within the Yonge-Eglinton Secondary Plan area. On July 23, 2018, City Council adopted OPA 405 to replace, in its entirety, the former Yonge-Eglinton Secondary Plan. The Minister of Municipal Affairs and Housing modified and approved OPA 405 on June 5, 2019.

This application was received prior to the Ministry decision and as such, OPA 405 is relevant but not determinative. The former Yonge-Eglinton Secondary Plan continues to apply for this Zoning By-law Amendment application.

A primary objective of the Secondary Plan is to maintain and reinforce the stability of Neighbourhoods and to minimize conflicts among uses in Mixed Use Areas, Neighbourhoods, Apartment Neighbourhoods and Parks and Open Space Areas in terms of land use, scale and vehicular movement. The development of mixed use buildings in Mixed Use Areas will be encouraged to increase active pedestrian circulation at street level, and to increase housing opportunities for families and other households.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Yonge-Eglinton Official Plan Amendment (OPA 405)

The site is located within the Merton Street Character Area in OPA 405. The Merton Street Character Area is home to an eclectic mix of early point tower buildings distinct to this area, offices, community agency spaces, retail stores and restaurants. New midrise and tall buildings will be compatible with the scale and character of existing buildings and the post-war institutional and office buildings located on the north side of the street.

The subject site is designated Mixed Use Areas 'C' in OPA 405. Mixed Use Areas 'C' include commercial main streets characterized by continuous at-grade narrow-frontage

retail, service and institutional uses with office, and other commercial and residential uses above. A mix of residential, retail and service, office, institutional, entertainment and cultural uses will be permitted. Parks and open spaces are also permitted. New stand-alone retail stores and vehicle-related uses are not permitted.

OPA 405 also identifies Merton Street as a Secondary Retail Street. Development on Secondary Retail Streets will be encouraged to include retail and service uses and community service facilities at grade and include ground floors designed to protect for future retail and service uses.

The site is located with the public realm improvement area identified as the Merton Street Promenade. The Merton Street Promenade will consist of wide sidewalks and landscaped boulevards to support pedestrian activity, the eclectic mix of uses along the street and the local commercial hub to the west at Pailton Crescent. Development will provide a reasonable setback at grade and above grade on both sides of the street.

Tall buildings on Merton Street are permitted to have a maximum base building height of five storeys. Tall buildings on Merton Street will have an anticipated height range of 14 to 40 storeys, with heights generally decreasing from north to south and from west to east with increase distance from the Davisville subway station.

OPA 405 can be found here: https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf

Zoning

The subject site is located in a commercial residential zone (CR T3.0 C3.0 R1.5) under former City of Toronto Zoning By-law 438-86, and a commercial residential zone CR 3.0 (c3.0; r1.5) SS2 (x2214) under City-wide Zoning By-law 569-2013. Both zoning by-laws limit the maximum permitted building height to 21.0 metres, a maximum commercial gross floor area of 3.0 times the area of the lot, and a maximum residential gross floor area of 1.5 times the area of the lot.

Under zoning by-law 569-2013, where the main wall of a building has windows or openings, the main wall must be set back at least 5.5 metres from a side lot line that is not adjacent to a street or lane, otherwise no building setback is required. Where the main wall of a building does not have windows or openings, the main wall must be set back at least 3.0 metres from a side lot line that abuts a lot in the Residential Zone category or Residential Apartment Zone category, otherwise no building setback is required.

See Attachment No. 4: Existing Zoning By-law Map.

The City of Toronto Zoning By-law 569-2013 interactive map can be found here: https://map.toronto.ca/maps/map.jsp?app=ZBL_CONSULT

Midrise Guidelines

In 2010, Council adopted the Avenues and Mid-Rise Buildings Study. The study includes guidelines which are intended to encourage the construction of better designed mid-rise buildings on the City's Avenues where growth is expected and desirable.

These Guidelines apply to mid-rise developments which are proposed to be constructed on the Avenues. This site is not located on an Avenue on Map 2 of the Official Plan but it is located within the Yonge-Eglinton Secondary Plan area.

The Mid-Rise Study noted that although the Guidelines were to provide performance standards and recommendations for mid-rise buildings on the Avenues, they may also be appropriate and useful to guide the review of proposals for mid-rise buildings in Mixed-Use Areas not on Avenues.

The Mid-Rise Guidelines include various building performance standards and have been used to inform the review of this application.

Growing Up: Planning for Children in New Vertical Communities

On July 28, 2020, City Council adopted the Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the guidelines in the evaluation of new multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children living in vertical communities, at the neighbourhood, building and unit scale. The guidelines indicate that a building should provide a minimum of 25% large units of which 10% should be 3-bedroom units, and 15% should be 2-bedroom units. The guidelines are available at:

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

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. The Guidelines are available at:

<https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-Friendly-Guidelines.pdf>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application was submitted on September 16, 2020 and is under review by City Planning staff and other appropriate agencies and City divisions.

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 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.

Following the submission of a revised 13-storey proposal, a second community meeting was held on February 26, 2020 which was attended by approximately 21 members of the public. Comments raised at the meeting included:

- potential issues with groundwater displacement and construction vibration damaging the foundations of adjacent and nearby buildings;
- increased wind impacts;
- loss of privacy for surrounding residents;
- the need for a mid-block connection to Balliol Street through the adjacent site to the north at 265 Balliol Street;
- increased traffic; and
- noise and crane swing concerns related to construction.

As a result of the concerns expressed related to potential damage to the foundations from groundwater and vibration as well as concerns related to privacy, the local Councillors office, City Planning and the applicant held a number of additional meetings with nearby residents including the following:

- February 12, 2020 - with local residents to discuss general concerns including groundwater issues, wind impacts, vibration impacts and privacy and overlook.
- February 15, 2020 - with the townhouse residents to discuss snow load, ground water and other concerns;
- July 9, 2020 - with area residents to discuss groundwater and engineering issues;
- July 28, 2020 - with townhouse residents to discuss groundwater, engineering, privacy issues; and
- August 19, 2020 and September 10, 2020 - with townhouse residents to discuss overlook and privacy issues.

As part of these meetings, City staff from Engineering and Construction Services and Toronto Building attended to discuss the building permit process and the measures that would be taken to ensure safety of the adjacent buildings from vibration impacts and the shoring and excavation of the site.

The applicant also provided a computer generated 3D model of the proposal to analyze views from the proposal to the townhouses to the east with affected residents. The applicant agreed to provide additional screening and planting on the proposed balconies to reduce overlook from the development to the adjacent townhouse buildings.

COMMENTS

City Planning staff are recommending approval of an amendment to the Zoning By-law for the site to permit the proposed development which represents good planning.

Planning Act

It is staff's opinion that the proposed development has regard for the relevant matters of provincial interest, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing; the appropriate location of growth and development; the adequate provision and efficient use of transportation, sewage and water services and waste management systems; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These provincial interests are further articulated through the PPS (2020) and the Growth Plan (2020).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020) as follows. Provincial Policy Statement (2020) The PPS (2020) came into effect on May 1, 2020 and provides policy direction on matters of provincial interest related to land use planning and development. City Council's planning decisions are required to be consistent with the PPS (2020).

The PPS (2020) is to be read in its entirety. The PPS (2020) contains minimum standards and municipalities can go beyond these standards unless doing so would conflict with other policies of the PPS (2020).

Key policies applicable to this application include:

Policy 1.1.1 states that healthy, livable and safe communities are sustained by: promoting efficient development and land use patterns; and accommodating an appropriate range and mix of residential uses, including second units, affordable housing and housing for older persons.

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available; support active transportation; and are transit-supportive.

Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment.

Policy 1.1.3.4 states that development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.4.3 directs planning authorities to provide a range of housing types and densities to meet projected requirements of current and future residents. This policy directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents, and all forms of residential intensification and redevelopment where existing or planned infrastructure can accommodate projected needs. This policy further directs planning authorities to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed. Planning authorities are also directed to establish development standards for residential intensification which minimize the cost of housing and facilitate compact form.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.

Policy 4.6 states that the official plan is the most important vehicle for implementation of the PPS (2020) and that official plans shall identify provincial interests, as identified in Section 2 of the Planning Act, which includes the promotion of a well-designed built form.

The proposed development is consistent with the above noted intensification, land use and built form policies as it provides intensification and redevelopment in an appropriate location in close proximity to a subway line and in a well-designed built form that has respect for its local context.

Based on the analysis of the policies, it is City Planning staff's opinion that the amending Zoning By-laws are consistent with the PPS (2020).

The Growth Plan (2020)

The Growth Plan (2020) provides a framework for managing growth in the Greater Golden Horseshoe. City Council's planning decisions are required to conform with the Growth Plan.

The key Growth Plan policies applicable to this application are:

Policy 2.2.1.3 c) directs municipalities to undertake integrated planning to manage forecasted growth which will provide for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form.

Policy 2.2.1.4 c), d) and e) state that applying the policies of the Growth Plan (2020) will support the achievement of complete communities that: provide a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; expand convenient access to transportation options and open space; and provide for a more compact built form and a vibrant public realm.

Policy 2.2.2.3 c) states that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will encourage intensification generally throughout the delineated built-up area.

Policy 2.2.6.3 states that to support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

Policy 4.2.7.1 of the Growth Plan states that Cultural Heritage Resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

The proposed development conforms with the above noted policies by: promoting sensitive intensification within a built-up area; contributing to a range of housing options; providing a compact built form in close proximity to public transit and a variety of public parks; providing public realm improvements; and contributing to the overall achievement of a complete community.

It is City Planning staff's opinion that the application and amending Zoning By-laws conform to the Growth Plan (2020).

Land Use

City Planning staff are of the opinion that the proposed residential use is appropriate for the site. The use is permitted within the Mixed Use Areas of the Official Plan, and in the commercial residential (CR) zone of both Zoning By-laws.

Merton Street is a Secondary Retail Street in OPA 405. The proposal does not contain retail or service uses but includes a 5.8 metre ground floor height. Ground floor retail and service uses will also be permitted in the zoning by-law to protect for future retail and service uses.

Height and Massing

City Planning staff are of the opinion that the proposed residential building height and massing is appropriate for the site given the existing and planned context of the area. At 13-storeys and 47.5 metres in height, the proposal is consistent with other buildings in the area including a 2-tower 15-storey residential development at 319 Merton Street, a 12-storey residential building at 253 Merton Street and a recently approved and constructed building to the west at 68 Merton Street.

City Planning staff are of the opinion that the proposed residential building massing is appropriate for the site. The proposal has been massed to frame the street with good proportion. A midrise built form is appropriately suited to the subject site given the site size, development potential of the adjacent properties, the existing and planned context and the policy direction on height for this area in OPA 405.

The building steps back above the 4th floor to reinforce the existing street wall character of this portion of Merton Street and steps back at each successive floor above to limit the visual impact of the massing on the pedestrian realm and is within a 45 degree angular plane taken from the south side of Merton Street, with the exception of a portion of the elevator overrun, to reduce shadow impacts on the public realm. Balconies facing Merton Street would have opaque balcony screening and planters to reduce privacy and overlook impacts on the adjacent rooftop terraces of the townhouses to the east.

The building extends to the side lot lines, up to the 7th floor, for the portion of the site adjacent to the townhouses to the east and the Ewart Angus House to the west. The 7-storey portion of the building will not include windows or balconies facing east or west in order to limit overlook concerns and allow for potential redevelopment of the adjacent sites. Above the 7th floor the building will be set back 5.5 metres from the east and west lot lines for the front half of the site. Balconies facing east and west above the 7th floor would have opaque balcony screening and planters where necessary to increase privacy and reduce overlook impacts on adjacent properties.

At the rear portion of the site, the 1st and 2nd storeys would be at the east and west side lot lines. The proposed building would then step back approximately 3 metres before rising to the 8th storey. The units on this portion of the building would have opaque windows which would allow light in but would not create privacy or overlook impacts for the sites to the east and west. Inset balconies would have opaque balcony screening and planters where necessary to increase privacy and reduce overlook impacts on adjacent properties.

As part of the side yard setback assessment for the subject site, Planning staff reviewed the development potential of the adjacent properties at 292-314 Merton Street (the townhouse development to the east) & 268 Merton Street (the Ewart Angus SPRINT dementia care residence). The adjacent sites are not large enough to accommodate a tower.

In response to potential privacy concerns of residents of the townhouse complex to the east, a number of meetings were held with the Councillors office, Planning staff, the applicant and residents. The applicant agreed to provide additional screening and

plantings as described above to further reduce privacy and overlook concerns for the rooftop terraces of the adjacent townhouse buildings which will be secured through the Site Plan Agreement.

The upper levels of the proposal have been designed to ensure that facing distances between primary windows of the proposed development will adequately limit privacy concerns for existing and potential residents on the adjacent properties.

The proposal addresses the intent of key performance standards in the Midrise Guidelines as follows:

- Exceeding the 4.8 metre minimum sidewalk zone by providing a minimum of approximately 8 metres from curb to building face;
- Providing breaks at the upper storeys increasing sky views and sunlight access to the sidewalk;
- Privacy and overlook issues related to the adjacent rooftop terraces of the townhouses have been mitigated through the use of building stepbacks, opaque windows, balcony screening and landscaping;
- Allowing for a minimum of five hours of sunlight onto sidewalks from March 21st to September 21st. The proposal is located on the north side of street and does not significantly impact sunlight on Merton Street; and
- Exceeding the 4.5 metre minimum height specified in the guidelines to facilitate retail uses by providing a ground floor height of 5.8 metres.

Sun, Shadow and Sky View

The Official Plan requires development to limit shadowing on neighbouring streets, properties and open spaces, and to maintain sky view, sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. City Planning staff find the shadow impact of the proposed building on adjacent properties to be acceptable.

The proposed tower portion of the building is setback 4 metres from the Merton Street lot line and includes a number of building step backs above the 4th storey to remain within a 45 degree angular plane measured from the south side of Merton Street with the exception of a portion of the elevator overrun.

The Official Plan also requires development in Mixed Use Areas to locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes. The Built Form section of the Official Plan requires new development to adequately limit any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

The submitted Shadow Study shows the extent of the shadow created by the proposed building on March/September 21. The proposed development does not shadow any Neighbourhoods or Parks and Open Space areas. In March and September, the proposal begins to cast shadow on the rooftop amenity areas of the townhouses to the east before 2:18 pm and by 4:18 pm shadows the remainder of the rooftop amenity areas of the adjacent townhouses.

The site is located in a Mixed Use Areas designation which are identified in the Official Plan as an areas that will accommodate growth. Shadows cast on the roofs of adjacent buildings by new developments in Mixed Use Areas are common throughout the city and are consistent with the nature of this area. Planning staff find the shadow impacts of this proposal conforms to Official Plan policy.

Streetscape

The proposed building is setback 4.0 metres from the front lot line along Merton Street, together with the existing distance between the curb and the front lot line of the site the sidewalk zone is approximately 8 metres. The building setback is acceptable and will allow for the implementation of the Merton Street Promenade as identified in OPA 405. City Planning staff will review and secure landscaping details fronting the site through the Site Plan Control process.

Wind

City Planning staff are satisfied with the wind conditions resulting from the proposed development, subject to further assessment during the Site Plan Control process.

The Pedestrian Level Wind Study was submitted in support of the application. The report concluded that the wind conditions around the proposed development, including at entrances and on walkways, surrounding sidewalks, surrounding grade-related amenity spaces, the Kay Gardner Beltline Trail, at nearby transit stops on Mount Pleasant Road, on the proposed 13th floor terrace and on the adjacent roof-top terraces of 292-314 Merton Street, would be suitable for the intended usage year-round.

Outdoor/Indoor Amenity Space

City Planning staff are satisfied with the total amenity space in the proposed development. Zoning By-law 438-86 requires a minimum of 2.0 square metres per unit each of indoor and outdoor amenity space, and Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit.

The development provides a total proposed amenity space of 385.6 square metres (5.4 square metres per unit). A total of 142 square metres (2 square metres per unit) of indoor amenity space on the second and thirteenth floors, and a total of 243.6 square metres (3.4 square metres per unit) of outdoor amenity space on the ground, second and 13th floors is proposed.

Mid-Block Connection

OPA 405 identifies a potential mid-block connection through this site and the property at 265 Balliol Street to connect Merton Street with Balliol Street. Differences in grade between the two sites have created design challenges that need to be resolved by both property owners. Discussions regarding possible design solutions are underway. If an agreement on the design is reached, the mid-block connection will be secured on the subject site through the Site Plan Control process.

Unit Mix

The Growing Up Guidelines indicate that a building should provide a minimum of 25% large units of which 10% should be 3-bedroom units, and 15% should be 2-bedroom units. The proposed development exceeds these requirements with the provision of 71 residential dwelling units, of which 36 are two-bedroom units (51%) and 12 are three-bedroom units (17%). The applicant has indicated they may elect to provide a reduction in the overall unit count to accommodate larger units. The reduced unit count provided would include 51 units in total including 0 one-bedroom units, 47 two-bedroom units (92%) and 8 three-bedroom units (8%). Planning staff are satisfied the proposed unit mix meets the intent of the Growing Up Guidelines.

Road Widening

Land and Property Surveys staff have determined that no additional lands are required for right-of-way purposes to satisfy the Official Plan requirements for public rights-of-way abutting the site.

Traffic Impact

The Urban Transportation Considerations Report estimate that the proposed development, would generate approximately 15 two-way vehicular trips during morning and afternoon peak hours. The report concludes that anticipated project-related traffic volumes can be accommodated by the area public street network without undue impact. Transportation Services staff have reviewed the report and are satisfied that the traffic impacts of the proposed development is acceptable.

Access

City staff are satisfied with the access to the site. The Official Plan states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by: using shared service areas where possible within development blocks including public and private lanes, driveways and service courts and consolidating and minimizing the width of driveways and curb cuts across the public sidewalk.

Vehicular access to the site is proposed directly from Merton Street by way of a two-way north-south driveway, approximately 105 metres west of Mount Pleasant Road. To the east of the driveway is an internalized pick-up/drop-off area adjacent to the residential lobby. In the northeast corner of the proposed building is the ramp entrance to the underground parking garage.

Pedestrian access to the site is proposed directly from Merton Street to the residential lobby. An additional pedestrian walkway is provided directly east of the driveway and pick-up/drop-off which leads to the residential lobby.

Loading

One Type-G loading space, providing solid waste and loading facilities, is proposed to serve the residential building in compliance with the minimum requirement of Zoning By-law 569-2013. The Type-G loading space is proposed to be located internally, accessed by the same two-way driveway which leads to the underground parking garage, accessed directly from Merton Street. The proposed loading space and configuration are acceptable to Transportation Services.

Vehicular Parking

Transportation Services staff have reviewed the vehicular parking ratio justification included in the Urban Transportation Considerations Report submitted by the applicant.

A vehicular parking ratio of 0.4 residential and 0.1 visitor space per residential dwelling unit is proposed resulting in a required parking supply of 28 residential and 7 visitor spaces.

The architectural plans of the proposed development indicate a total 93 parking spaces as follows: 62 standard size parking spaces (57 residential and 5 visitor); 6 parking reduced size spaces (5 residential and 1 visitor); and 25 tandem residential spaces.

Transportation Services staff are satisfied with the proposed parking supply.

Solid Waste

Solid Waste staff are satisfied with the proposed development. Solid Waste Management will provide bulk lift compacted garbage, recycling and organic collection services to the proposed development. Collection of waste materials from the development will be in accordance with the "City of Toronto Requirements for Garbage, Recycling and Organics Collection Services for New Developments and Re-Developments" and Chapter 844, Solid Waste of the Municipal Code.

Servicing and Stormwater Management

Engineering and Construction Services staff reviewed the revised Functional Servicing & Stormwater Report dated May 7, 2018, and updated on November 4, 2019 and July 10, 2020, and find the proposed servicing plan for the site acceptable.

A comprehensive stormwater management report, and site servicing and grading plans will be required and secured through the Site Plan Control process.

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 subject lands are in an area with 0 to 0.42 hectares of local parkland per 1,000 people, which is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The proposed development is subject to a cap of 10% parkland dedication. The amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Tree Preservation

To facilitate the proposed development, 2 City-owned trees and 4 privately-owned trees require removal. The 2 City-owned trees are located in the Merton Street road allowance fronting the site. Two (of the privately-owned trees are also located fronting the site on private property. The 2 remaining privately owned trees are located in the rear of 290 Merton Street. One of the trees is suspected to be partially located on 265 Balliol Street. Both are surrounded by asphalt.

According to the Arborist Report submitted by the applicant, all of the trees proposed for removal are in good to fair condition. The removal of the identified trees 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 removal of the identified trees will be determined through the tree removal permit process.

The standard replacement ratio of 1:1 for the removal of a City-owned street tree, requires a total of 2 new trees to be planted within the City road allowance. The standard replacement ratio of 3:1 for the removal of a privately-owned tree, requires a total of 12 new trees to be planted on private property.

The Landscape Plan identifies the planting of two new trees within the road allowance fronting the site and seven new trees to be planted in the rear on private property. If Urban Forestry were to accept this replanting plan, cash-in-lieu would need to be paid for the remaining 5 trees required in compensation for the proposed removal of the 4 privately-owned trees.

A final Landscape Plan will be reviewed and secured during the Site Plan Control process.

School Capacity

The Toronto District School Board (TDSB) has indicated there are significant enrollment pressures on their schools in midtown. The TDSB has established a timeline for developing a long-term accommodation strategy to address growth in the Midtown area that is intended to achieve sufficient local elementary school accommodation by September 2024. This is a process that involves feasibility analyses of options, public consultation, and approval by the Board of Trustees. This timeline also incorporates TDSB's current system-wide Secondary School review and French programs review, which will potentially help relieve enrolment pressures in the Midtown area.

It is the TDSB's position that the timing of development should be aligned with the provision of pupil accommodation at local schools, with occupancy no earlier than September 2024, in line with the TDSB's Midtown area accommodation strategy.

The applicant has indicated that occupancy of the proposed development would likely not occur until mid-2024 which would provide the TDSB time to substantially complete its study.

Toronto Green Standard

City 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 demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. 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 Site Plan Control process. Staff will work with the applicant through the site plan approval process to encourage achieving Tier 2 or higher.

Conclusion

The application has been reviewed against the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan as a whole, and the Yonge-Eglinton Secondary Plan.

City Planning staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the proposal conforms with the Toronto Official Plan. City Planning staff recommend approval of the proposed draft Zoning By-law amendments.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCCLA
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: Existing Zoning By-law Map

Attachment 5: Draft Zoning By-law Amendment to By-law 438-86

Attachment 6: Draft Zoning By-law Amendment to By-law 569-2013

Applicant Submitted Drawings

Attachment 7: Site Plan

Attachment 8: North Elevation

Attachment 9: East Elevation

Attachment 10: South Elevation

Attachment 11: West Elevation

Attachment 12: 3D Model of Proposal in Context Looking Northeast

Attachment 13: 3D Model of Proposal in Context Looking Southwest

Attachment 1: Application Data Sheet

Municipal Address: 276-290 Merton St. Date Received: June 6, 2018

Application Number: 18 172768 STE 22 OZ

Application Type: Rezoning

Project Description: 13-storey building with 71 residential units and 93 parking spaces in a three level underground parking garage.

Applicant	Agent	Architect	Owner
Rockport Homes Ltd.	Bousfields Inc.	Wallman Architects	1477235 ONTARIO LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR 2.0 (c2.0; r2.0) SS2 (x2063)	Heritage Designation:	N
Height Limit (m):	21	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1,500	Frontage (m):	26	Depth (m):	58
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq. m):	439		713	713
Residential GFA (sq. m):			7,604	7,604
Non-Residential GFA (sq. m):	835			
Total GFA (sq. m):	835		7,604	7,604
Height - Storeys:	2		13	13
Height - Metres:	8		47	47

Lot Coverage Ratio (%):	47.49	Floor Space Index:	5.07
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Floor Area Breakdown	Above Grade (sq. m)	Below Grade (sq. m)
Residential GFA:	7,523	80
Retail GFA:		

Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			71	71
Other:				
Total Units:			71	71

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			23	36	12
Total Units:			23	36	12

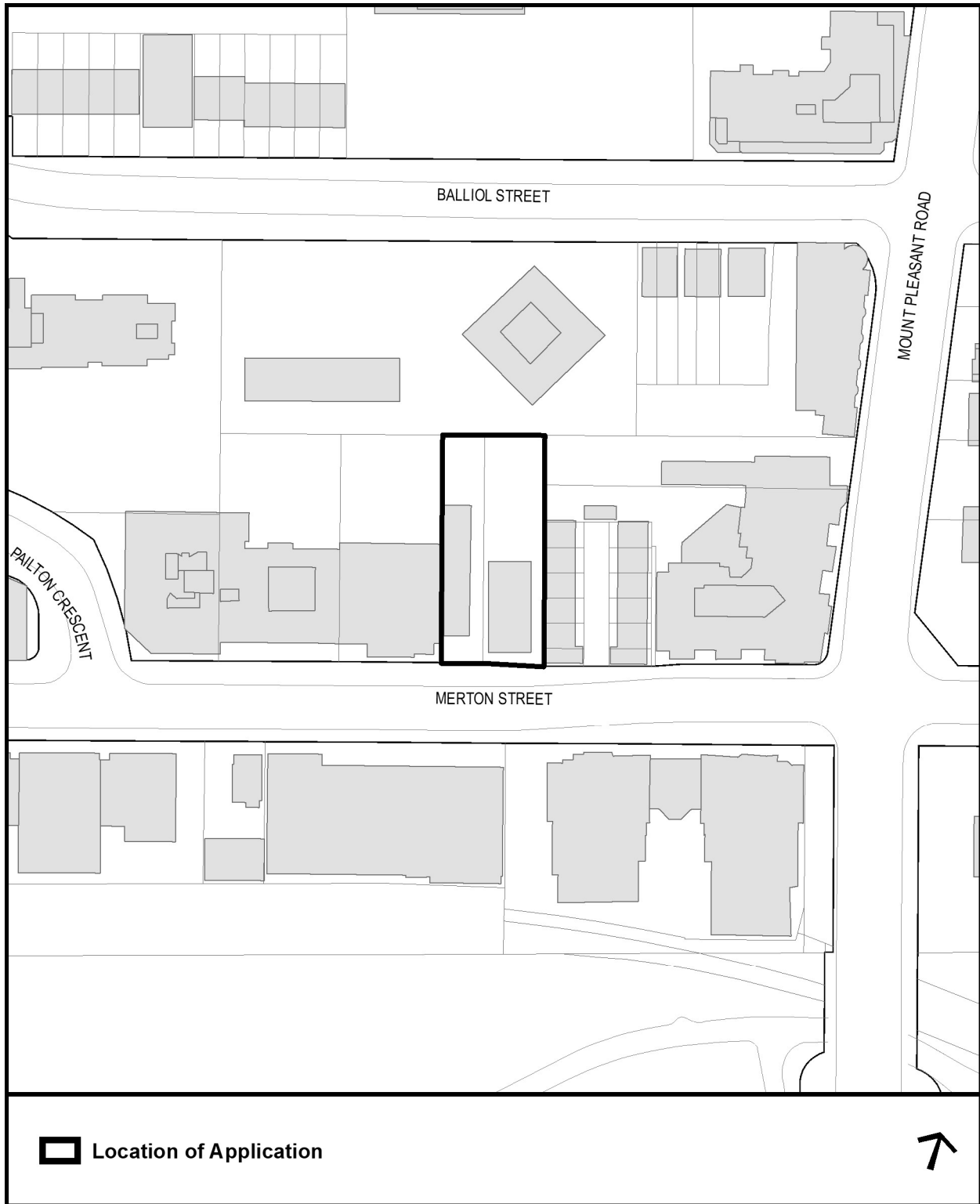
Parking and Loading

Parking Spaces:	93	Bicycle Parking Spaces:	110	Loading Docks:	1
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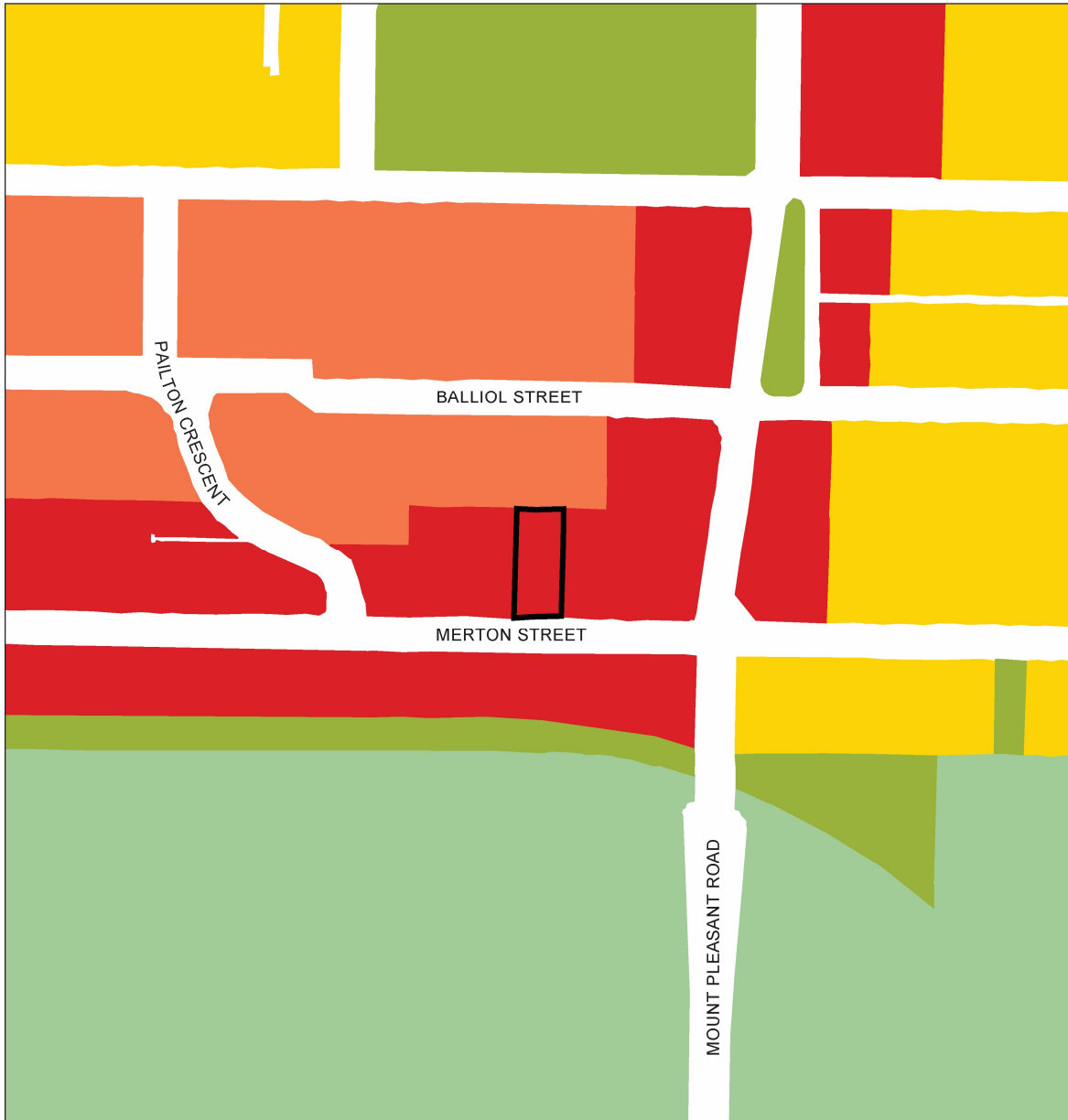
CONTACT:

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

Attachment 2: Location Map






Attachment 3: Official Plan Land Use Map



276 - 290 Merton Street

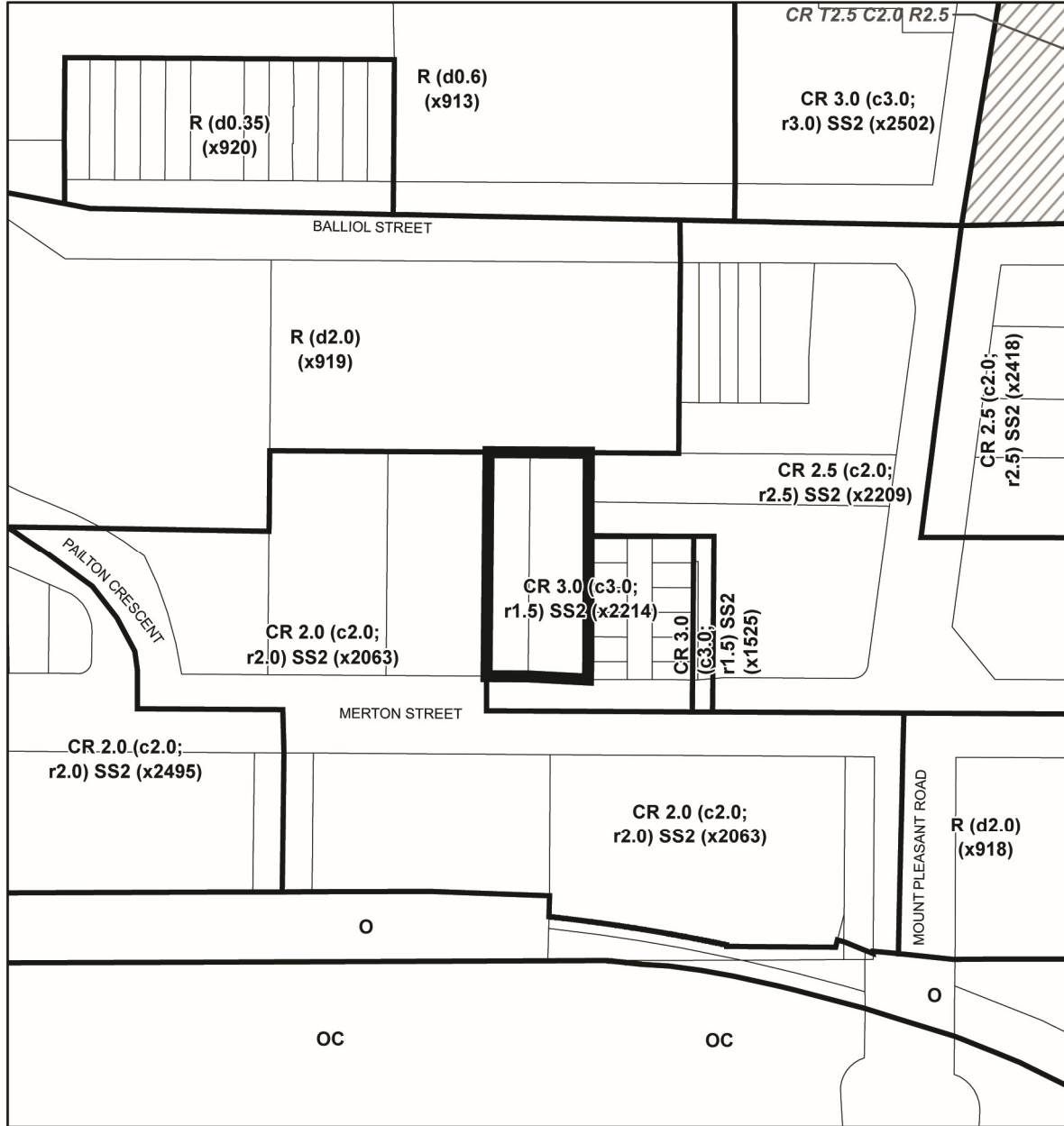
Official Plan Land Use Map #17

File # 18 172768 STE 22 0Z

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

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Not to Scale
10/16/2020

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

276-290 Merton Street

File # 18 172768 STE 22 0Z



Location of Application



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

CR Mixed-Use District

R Residential
 CR Commercial Residential
 O Open Space
 OC Open Space Cemetery



Not to Scale
 Extracted: 2018-11-26

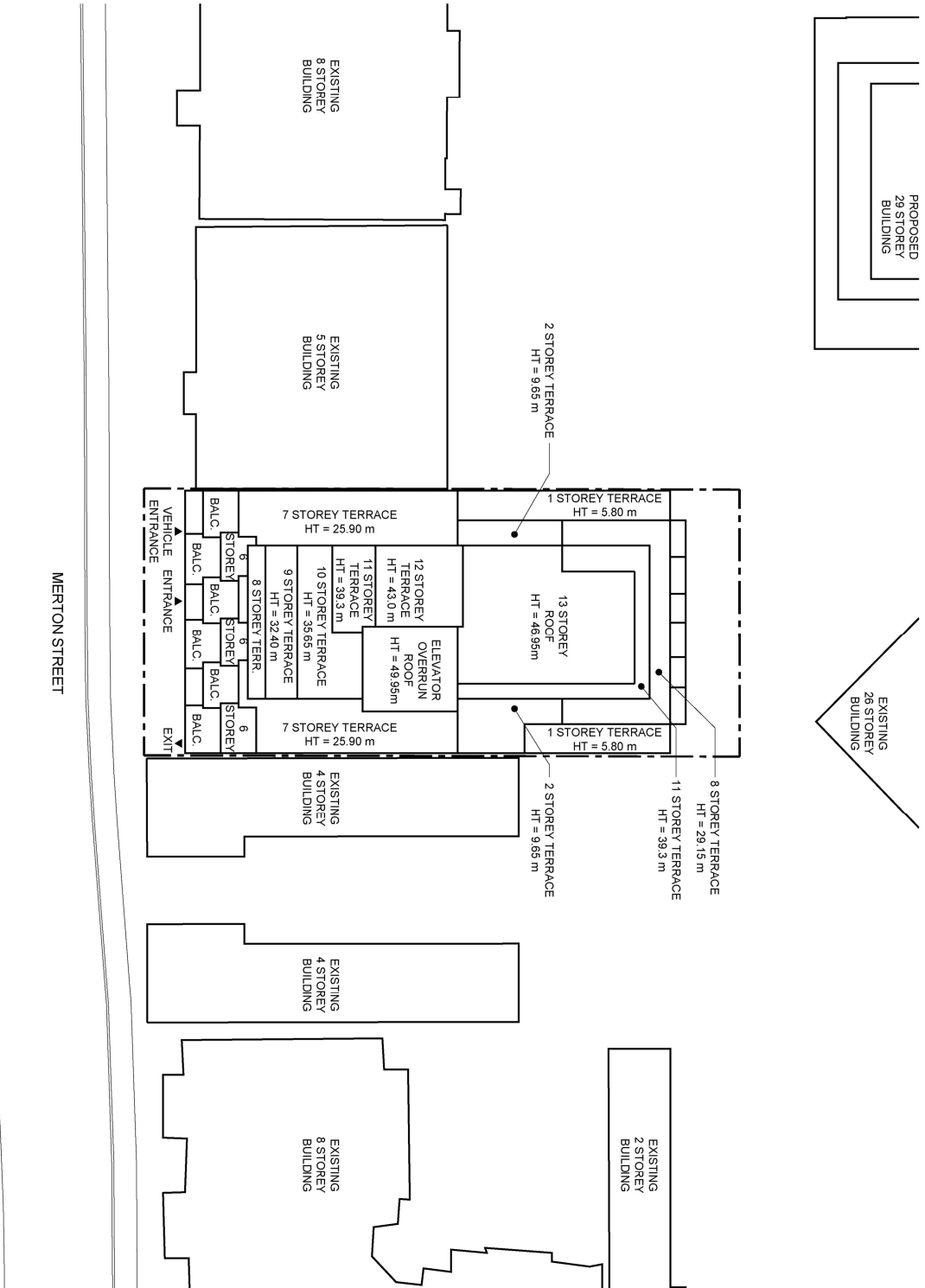
Attachment 5: Draft Zoning By-law Amendment to By-law 569-2013

To be available prior to the November 10, 2020 Toronto and East York Community Council Meeting

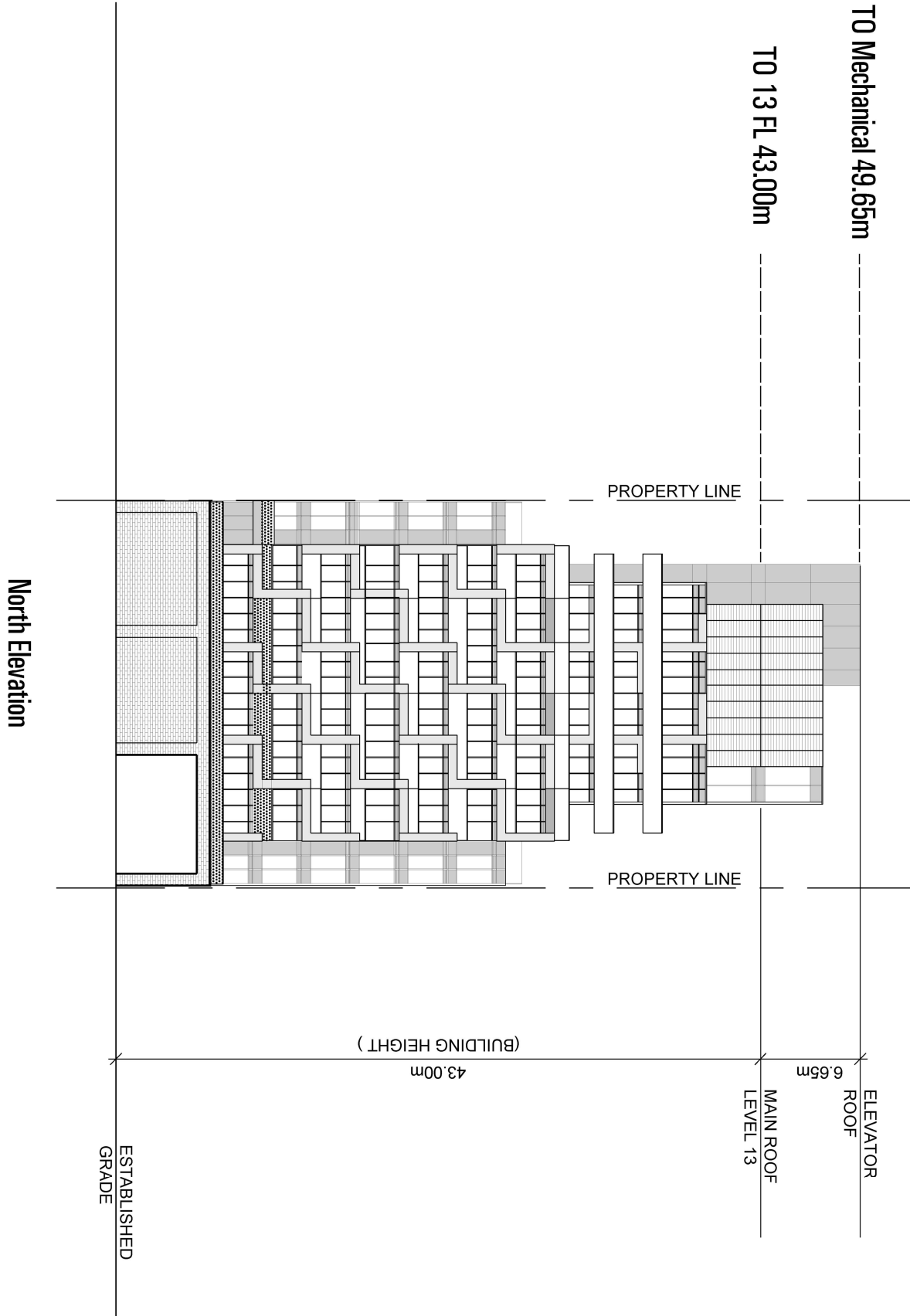
Attachment 6: Draft Zoning By-law Amendment to By-law 438-86

To be available prior to the November 10, 2020 Toronto and East York Community Council Meeting

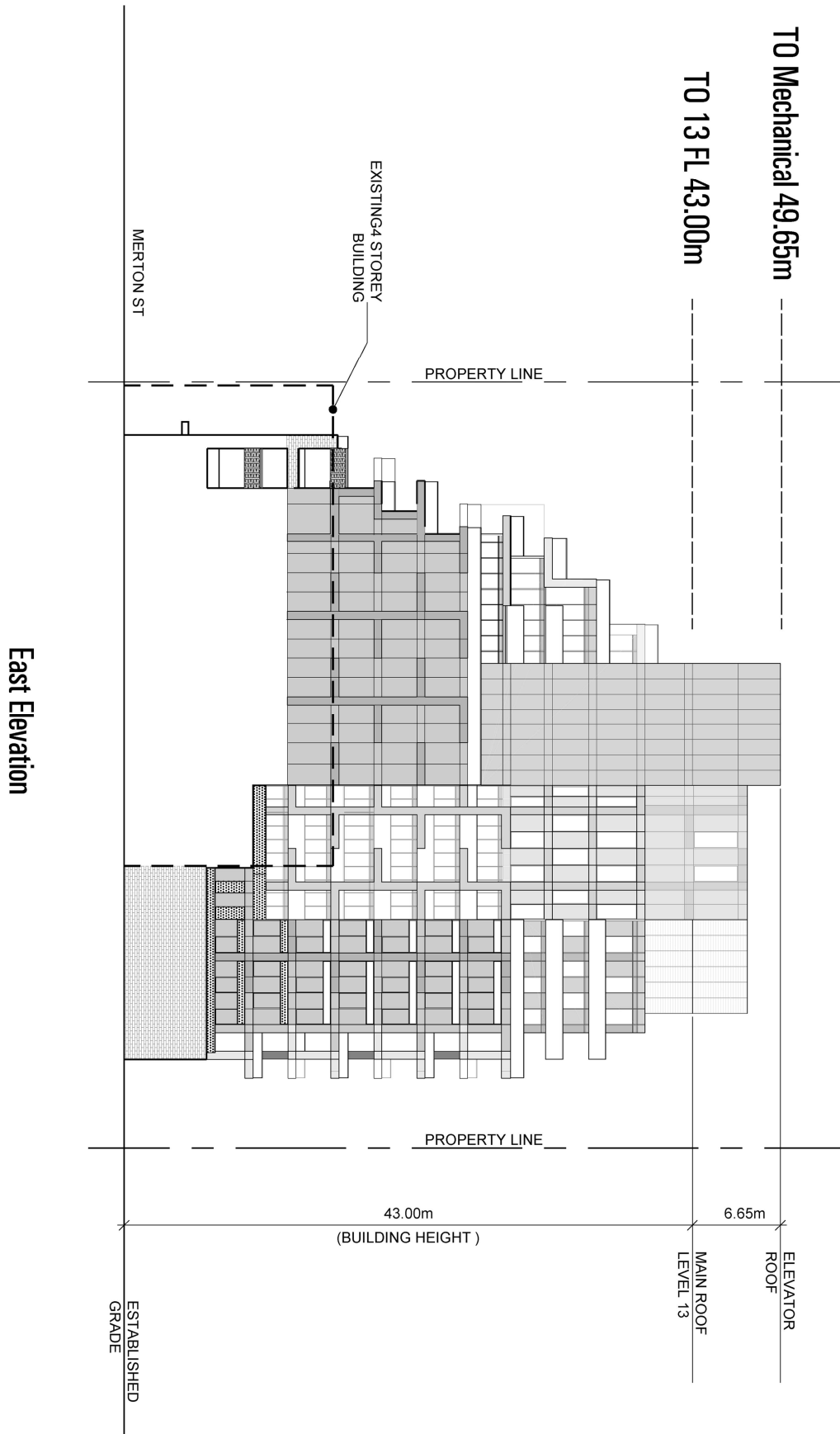
Site Plan



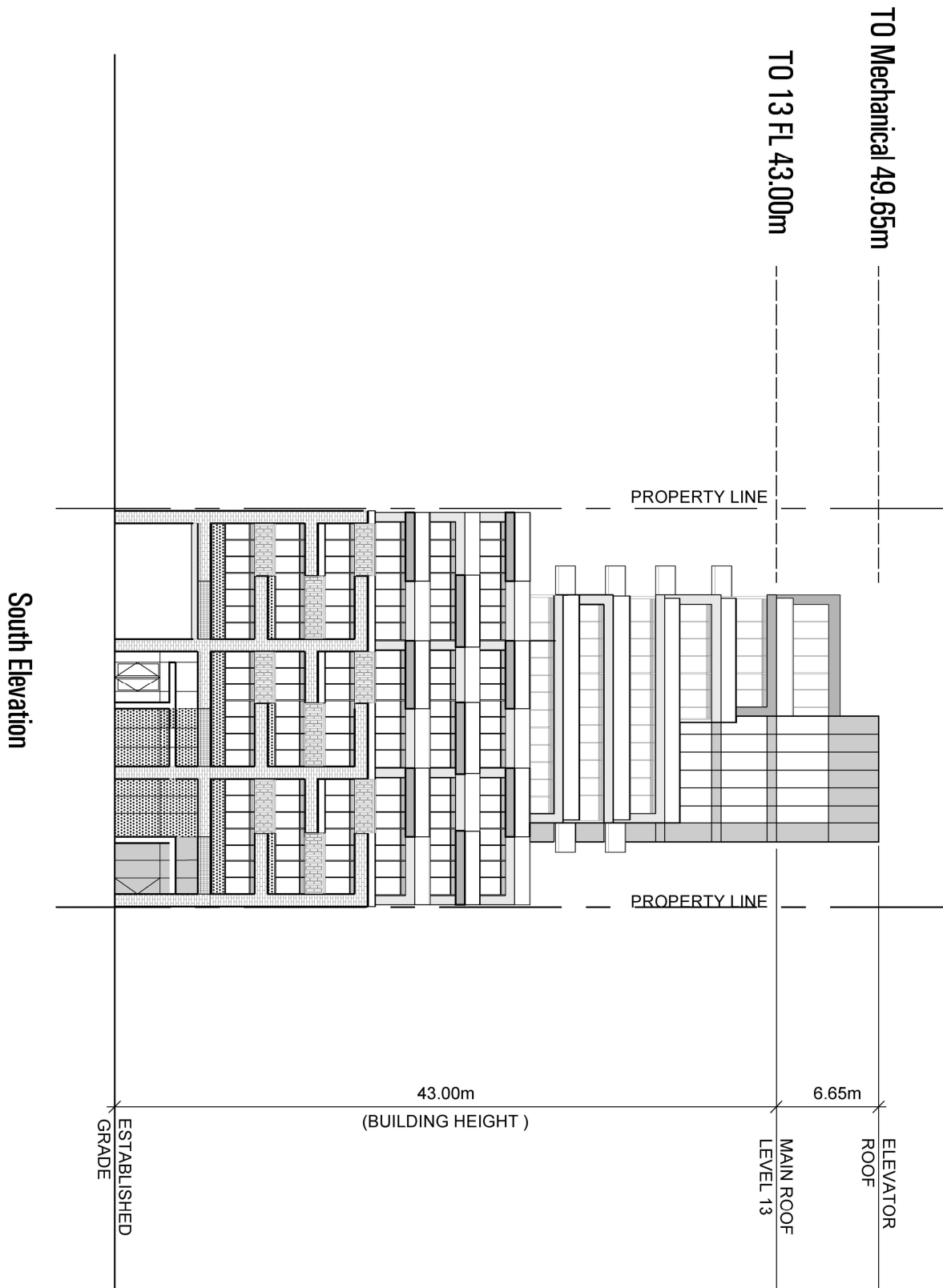
Attachment 8: North Elevation



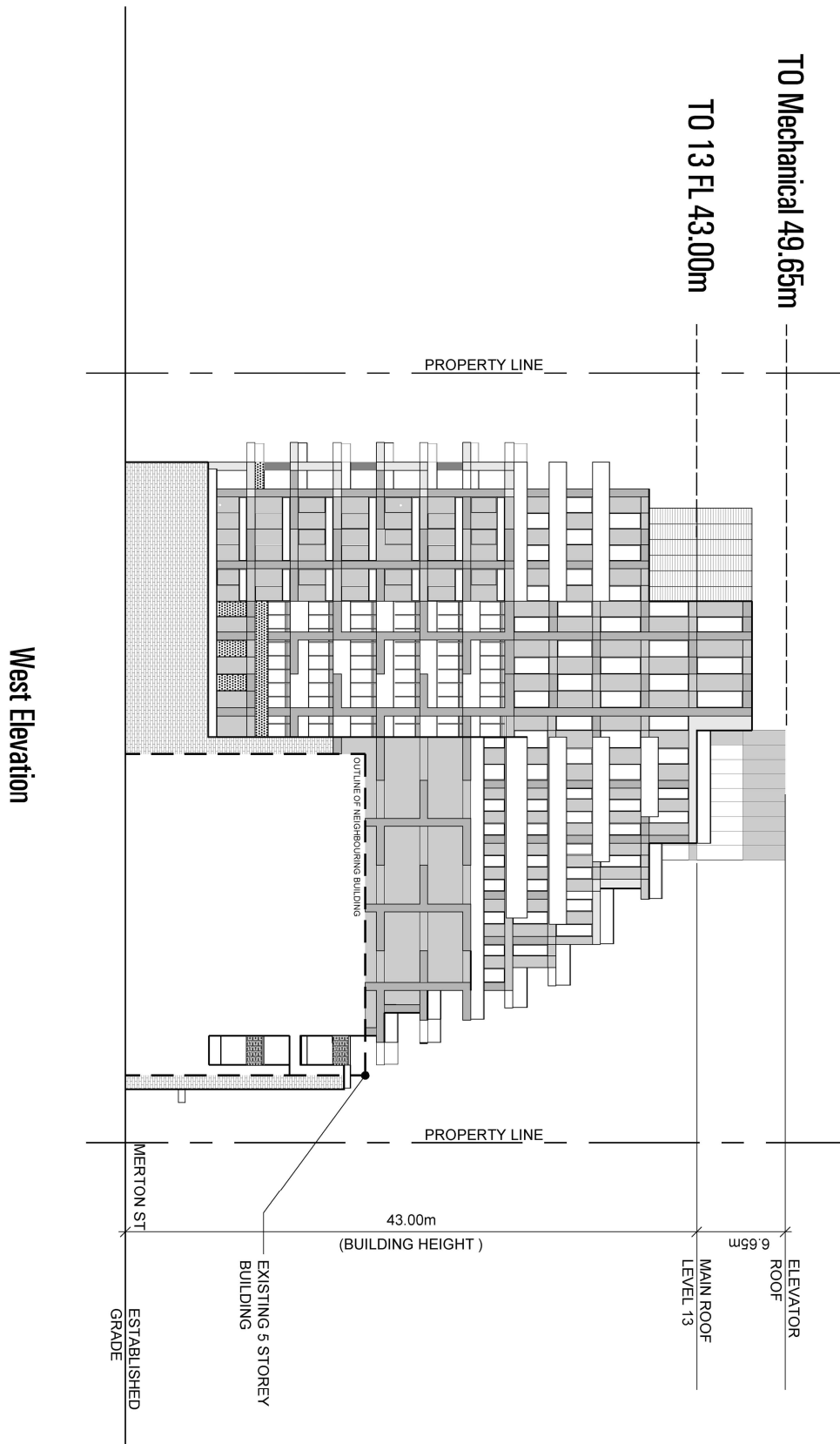
Attachment 9: East Elevation



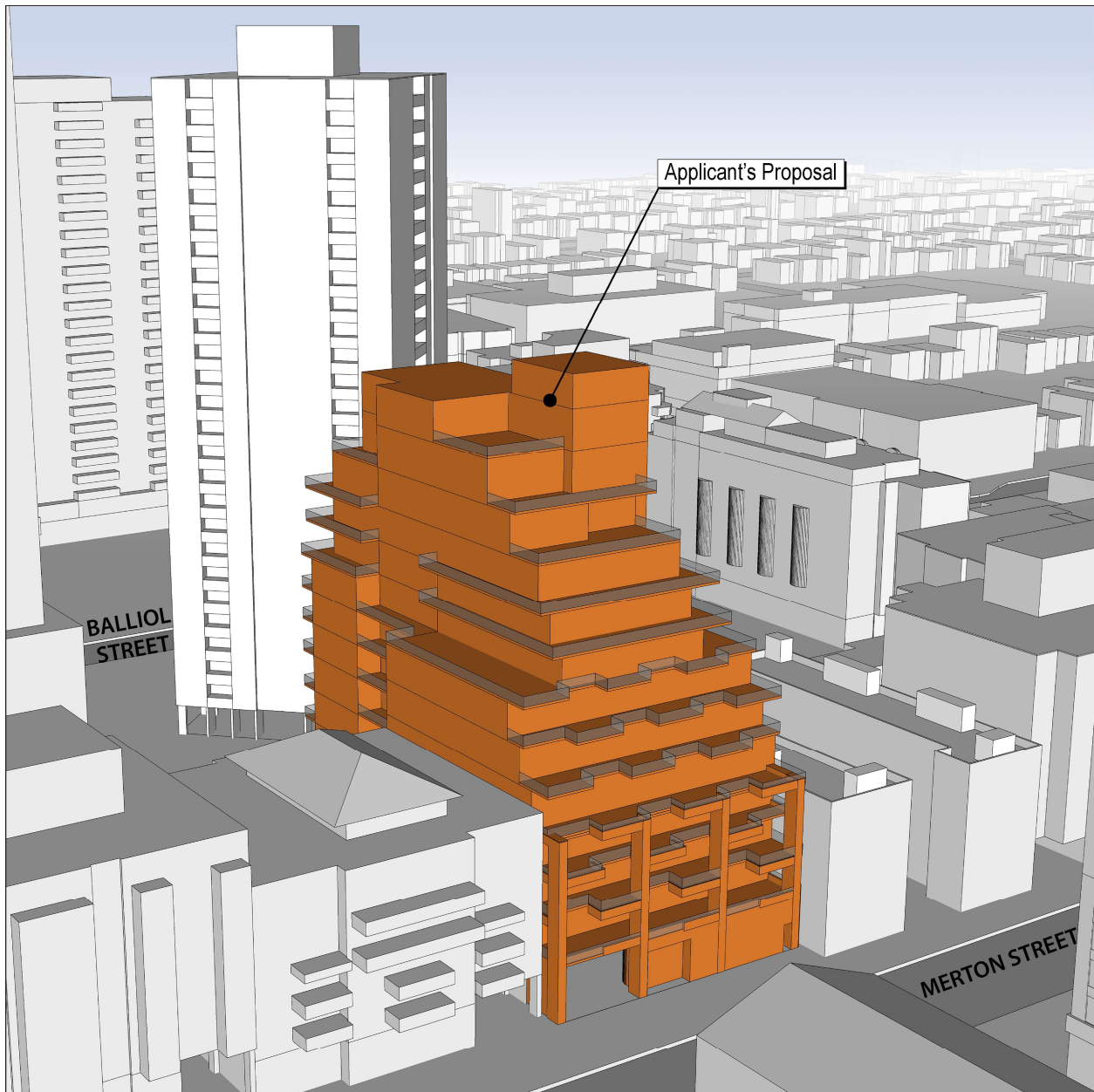
Attachment 10: South Elevation



Attachment 11: West Elevation



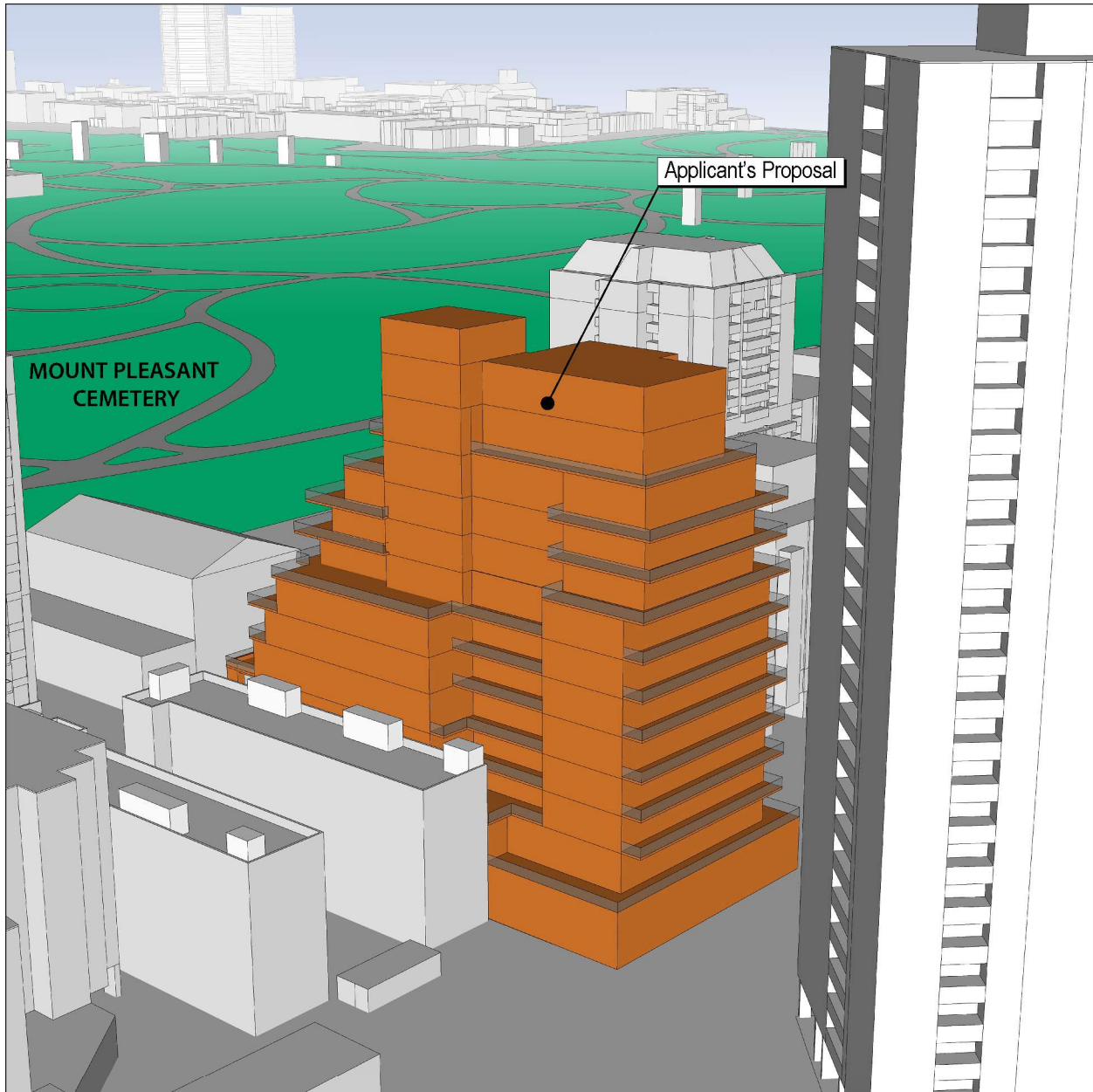
Attachment 12: 3d Model of Proposal in Context Looking Northeast



View of Applicant's Proposal Looking Northeast



Attachment 13: 3d Model of Proposal in Context Looking Southwest



View of Applicant's Proposal Looking Southwest

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10/16/2020