

50-64 Merton Street – Official Plan and Zoning By-law Amendment Applications – Decision Report – Approval

Date: February 14, 2024

To: Toronto and East York Community Council

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

Ward: 12 - Toronto-St. Paul's

Planning Application Numbers: 21 233897 STE 12 OZ; 22 198241 STE 12 OZ

SUMMARY

This report reviews and recommends approval of the application to amend the Official Plan to permit a reduction in the required amount of office replacement in the new building, and a change to the required unit mix.

This report also reviews and recommends approval of the application to amend the Zoning By-law to permit a 157 metre (45-storeys including mechanical penthouse) mixed use building with 581 dwelling units and 1,700 square metres of office gross floor area. The application also proposes to partially retain the façade of the two-storey designated heritage building at 50 Merton Street.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District, recommends that:

1. City Council amend the Official Plan for the lands at 50-64 Merton Street, substantially in accordance with the draft Official Plan Amendment included as Attachment 6 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 50-64 Merton Street, substantially in accordance with the draft Zoning By-law Amendment included as Attachment 7 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to:

- a. submit a revised Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
- b. enter into a Municipal Infrastructure Agreement to financially secure the construction of any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required.

FINANCIAL IMPACT

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

THE SITE

Description: The site is located on the north side of Merton Street, east of Yonge Street. The site has an area of approximately 2,689 square metres with a frontage on Merton Street of approximately 45 metres and a depth of approximately 60 metres.

Existing Uses: The site includes a three-storey building at 50 Merton Street that is designated under Part IV of the Ontario Heritage Act and contains approximately 1,313 square metres of office space, and a two-storey commercial building at 64 Merton Street with 924 square metres of office space.

THE APPLICATION

Description: A 157 metre (45-storey including mechanical penthouse) mixed-use building with 581 dwelling units.

Heritage: The existing building on the site was completed in 1962 and is designated under Part IV of the Ontario Heritage Act. The building was constructed as the first permanent purpose-built national headquarters for the Girl Guides of Canada. It was built to the design of Carmen Corneil, project architect for William J. McBain & Associates, and extended in 1970-72 by the partnership of Elin and Carmen Corneil. The two-storey heritage façade will be partially retained.

Density: Approximately 35,990 square metres is proposed, resulting in a floor space index of 13.41 times the area of the lot.

Non-residential Uses: 1,700 square metres of office space is proposed in the first two floors of the building.

Dwelling Units: 581 dwelling units, comprised of 49 (8.4%) studio units, 399 (68.7%) one-bedroom units, 88 (15.1%) two-bedroom units, and 45 (7.7%) three-bedroom units. A portion of the one-bedroom units would be located and designed so that they can be converted to provide additional two and three-bedroom units.

Amenity Space: 1,074 square metres of amenity space (2.54 square metres per unit) is proposed, consisting of 845 square metres of indoor amenity space (1.45 square metres per unit) and 629 square metres of outdoor amenity space (1.08 square metres per unit).

Access, Parking and Loading: The primary pedestrian entrance for the new building and vehicular access to the site is proposed from Merton Street. Loading will continue to be undertaken from the east edge of the site and accessed via the driveway entrance off Merton Street. One Type G and one Type C loading spaces are proposed. A total of 98 vehicle parking spaces are proposed within a 2-level underground garage. Also proposed are 653 bicycle parking spaces (527 long-term spaces and 124 short-term spaces) located on the ground floor.

The existing pedestrian signalized crossing on Merton Street is proposed to be relocated from the east side of the site, resulting in a new curb cut further west along Merton Street in front of the site.

Additional Information: See Attachments 1, 2, and 8 to 12 of this report for the Application Data Sheet, project in context, a site plan and elevations of the proposal, respectively. Detailed project information, including all plans and reports submitted as part of the application, can be found on the City's Application Information Centre.

Reasons for Application

The Official Plan Amendment is required to amend the Yonge and Eglinton Secondary Plan to permit a reduction in the required amount of office replacement from 100% to 75% and to reduce the required amount of three-bedroom units from 10% to 7%.

While the proposed land uses are permitted under existing zoning provisions for the site, an amendment to Zoning By-law 569-2013 is required to vary performance standards including gross floor area, building height, setbacks and amenity space, to establish appropriate standards to regulate the built form on the site.

Site Plan Control: A Site Plan Control application was submitted on April 22, 2022.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning

matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, including the Growth Plan (2020) for the Greater Golden Horseshoe, the Greenbelt Plan, and others.

Official Plan

The land use designation for the site is Mixed Use Areas. See Attachment 3 of this report for the Land Use Map.

Yonge and Eglinton Secondary Plan

The Secondary Plan designates the site as Mixed Use Areas 'B' and is located within the Merton Street Special Places Character Area, the Merton Street Public Realm Move, and the Secondary Zone of the Transit Node associated with the Davisville Subway Station. See Attachment 4 of this report for the Secondary Plan Character Areas map.

Zoning

The subject site is zoned CR 2.0 (c2.0; r2.0) SS2 under City of Toronto Zoning By-law 569-2013. This zoning category permits a wide array of uses commercial, residential, and institutional uses. See Attachment 5 of this report for the existing Zoning By-law Map.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Midtown Public Realm Implementation Strategy;
- Toronto Accessibility Design Guidelines; and
- Pet Friendly Design Guidelines.

Toronto Green Standard

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.

COMMUNITY CONSULTATION

Community Consultation Meeting

Two virtual community consultation meetings were held in support of the applications. The first meeting was hosted by City staff on May 12, 2022 and the second on June 22, 2022. The meetings were attended by approximately 77 members of the local

community, as well as the Ward Councillor and the applicant. At the meeting, City staff and the applicant's team gave presentations and answered questions from participants. The following comments were provided by participants at the meeting, and via email and phone calls:

- Support for the proposed conservation of the heritage property;
- Concerns related to the overall scale and massing of the proposal;
- Concerns related to area noise and congestion;
- Questions related to snow removal and maintenance for the new building as well as during construction;
- Request that the driveway access be designed as a modest loading zone for food delivery drivers, taxis and ride-shares;
- Advocacy for the provision of affordable housing instead of office replacement;
- Request for additional resident parking spaces; and
- Comments stressing the importance of a liveable, safe, healthy, and family-oriented community.

The issues raised through community consultation have been considered through the review of the application.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have an opportunity to consider submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application. The Community Council meeting is broadcasted live over the internet and recorded for review.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

Heritage Impact & Conservation Strategy

Staff support the conservation strategy for the designated heritage property at 50 Merton Street known as the Girl Guides of Canada Headquarters. The initial submission in November 2021, proposed to demolish the heritage building in its entirety. The proposal now includes partial retention of the building, along with reinstatement of its raised terrace and interior heritage attributes.

The application proposes to remove the existing rear three-storey administrative wing and partial east elevation and retain a substantial portion of the two-storey front wing.

The portion to be retained would be temporarily relocated on-site during construction, returned to its original location, and integrated into the proposed base building as lobby and amenity space. The new construction has been designed to conserve the character and cultural heritage value of the existing building and to be compatible with its Post-War Modern architecture.

The proposal has been designed to conserve the cultural heritage values, attributes, and character of the heritage property. As such, Staff are satisfied the conservation strategy outlined for the proposal meets the intent of the Official Plan in conjunction with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Land Use

The Yonge and Eglinton Secondary Plan allows for a mix of uses within Mixed Use Areas “B”. The Secondary Plan also provides that tall buildings and large redevelopment sites capable of accommodating multiple buildings will provide 100% replacement of any existing office gross floor area located on the site.

The application includes 1,700 square metres of office space on the first and second floor, representing a 75% replacement of the existing 2,237 square metres of office gross floor area that currently exist on the site. Through the review process, City staff explored opportunities to provide the 100% office replacement required in the Secondary Plan but acknowledge that conservation and retention measures for the existing heritage building limit what could be achieved on the site.

The proposed Official Plan Amendment to permit a reduction in the amount of required office space replacement is acceptable, when considered comprehensively in the context of the issues that are unique to this site and proposal. The proposed office replacement rate of 75% provides an acceptable balance of office and residential uses for the site, supporting the needs of the existing and future residents in the area, and would achieve the intent of the Official Plan by providing a mix of residential and non-residential uses in a manner and at a location that reduces automobile dependency and meets the needs of the local community.

The amendment to the Official Plan and site-specific zoning by-law will secure a minimum required office space gross floor area. The proposal also achieves other key city-building objectives such as the preservation of a significant heritage resource.

Built Form

City Planning staff find that the proposal conforms with the Official Plan, generally meets the intent of the Yonge and Eglinton Secondary Plan and meets the intent of the Tall Building Design Guidelines with respect to built form and massing.

Massing - Base Building

As noted, the proposal would retain the majority of the façade of the heritage building located at 50 Merton Street while adding new built form that is well-designed and compatible with the heritage resource. There would be very minimal impact to any

heritage attributes and the proposed conservation and rehabilitation measures would ensure the long-term integrity of the building.

As a result of the heritage retention on the site, the proposal incorporates a base building that varies in height. The majority of the base building is 22.11 metres (4-storeys) in height and extends across the of the south frontage of the building, with the exception of the 9.86 metre (2-storey) retained heritage component at the western portion of the frontage. The base building steps back before rising to 25.86 - 32.46 metres (5 to 7-storeys).

The proposed base building will help to fill an existing gap in the streetscape and contribute to a consistent streetwall datum between the existing 13-storey development at 68 Merton Street and the approved building at 30 Merton Street.

Massing - Tower component

The proposed overall building height of 157 metres (45-storeys) is acceptable. While the proposed overall building height of 45 storeys exceeds the planned height range of 14-40 storeys in the Secondary Plan, it achieves the stated intent that heights in this area should generally decrease from north to south and from west to east with increased distance from Davisville Subway Station. Given the evolving height context in proximity to Davisville Subway Station and recent approval for a 40-storey building to the east of the site at 214-224 Merton Street, a 45-storey building at this site provides the noted height transition from the Davisville Station Core.

The application proposes a maximum tower floor plate of approximately 793 square metres with a narrower north-south profile. The tower component also provides 12.5 metre tower setbacks from the east, north and west property lines which provide appropriate separation to the adjacent properties.

Public Realm

City staff are satisfied that the proposal conforms with the applicable public realm policies of the Official Plan and meets the intent of the Midtown Public Realm Implementation Strategy.

The conservation of the existing building limits the ability to provide additional setbacks at ground level, from the east and west property lines. Along Merton Street, a minimal setback from the property line is proposed at the west side to allow for the heritage conservation of the existing pavilion, south terrace and exterior staircase at 50 Merton Street. At the east side of the site along Merton Street, the ground floor of the proposed building will be set back a minimum of 6.0 metres from the property line to provide space for pedestrian circulation to the proposed office and residential lobbies.

The proposal had initially contemplated a midblock connection along the eastern edge of the site to provide connectivity between Merton Street and Balliol Street. However, the intended terminus of this connection, through a recently approved development at 45 Balliol Street, will no longer align with the previously anticipated connection point for this site. Consequently, the proposed formalized midblock connection has been removed in favour of additional soft landscaping the northeast corner of the site, as well

as a dog run along the eastern property line, which will be secured through Site Plan Approval.

Shadow Impact

The shadow impact of the proposal on shadow sensitive areas is acceptable. The proposal would limit shadow impacts on the public realm, particularly during the spring and fall equinoxes.

The shadow study demonstrates that there are minimal shadow impacts on the new parkland to be conveyed as part of the 45 Balliol Street and 95-155 Balliol Street developments and there is no new shadow impact on June Rowlands Park. The proposal's shadow falls within shadows cast by existing and approved buildings.

Pedestrian Level Wind

The Pedestrian Level Wind Study concludes that most grade-level areas within and surrounding the development site, including sidewalks, walkways and main entrances, as well as the outdoor amenity areas, would experience wind conditions acceptable for the intended uses on a seasonal basis.

Staff do have some outstanding concerns regarding the potentially uncomfortable wind conditions during winter months and will request mitigation measures be evaluated and secured through the Site Plan Approval process.

Unit Mix

The Yonge and Eglinton Secondary Plan, requires the provision of 10% of all units as three-bedroom units, 15% as two-bedroom units and an additional 15% of units as a combination of two- and three-bedroom units or units that can be converted to larger units. While the proposal does not fully comply with the applicable policies of the Secondary Plan, it proposed a minor variation which would reduce the proportion of 3-bedroom units from 10% to 7% with a portion of the one-bedroom units being located and designed so they can be converted to provide additional two- and three-bedroom units if needed.

Amenity Space

Amenity space for building residents is proposed on the ground floor, mezzanine, third and fifth floors of the proposed development. The proposed provision of 2.54 square metres of amenity space per unit is acceptable given the characteristics and constraints of this site.

As previously noted, additional soft landscaping at the northeast corner of the site is proposed, as well as a dog run along the eastern property line, which will provide additional amenity and benefit future building residents.

Traffic Impact, Access, Parking

A Transportation Impact Study was submitted to assess the traffic impact, access, parking and loading arrangements for this development. Transportation Services staff has reviewed the study and accepted its conclusions, subject to the proposed parking rates that have been included in the draft Zoning By-law Amendment, and the implementation of Transportation Demand Management measures as part of the Site Plan Approval process.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items for resolution prior to enabling zoning. These matters will be addressed prior to submitting bills to City Council for approval.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment would be required prior to the issuance of the first above grade building permit.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The application proposes to remove 3 trees in fair condition and one tree in poor condition, all of which are protected under the provisions of the Private Tree By-law and would require 10 replacement trees to be planted. The proposal indicates that two large growing shade trees will be planted on the site in an appropriate growing environment. As such, the applicant is required to provide a cash in lieu payment for the additional eight trees.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods and include matters such as recreation, libraries, childcare, local schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS. The site-specific Zoning By-law, and future site plan agreement, will secure performance measures for various development features. The applicant is encouraged to achieve Tier 2 or higher to

advance the objectives of the City for resilience and to achieve net-zero emissions by 2040 or sooner.

CONTACT

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SIGNATURE

Oren Tamir
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Yonge Eglinton Secondary Plan - Character Areas Map
Attachment 5: Existing Zoning By-law Map
Attachment 6: Draft Official Plan Amendment
Attachment 7: Draft Zoning By-law Amendment
Attachment 8: Site Plan
Attachments 9-12: Elevations

Attachment 1: Application Data Sheet

Municipal Address: 50-64 Merton Street Date Received: November 3, 2021

Application Numbers: 21 233897 STE 12 OZ; 22 198241 STE 12 OZ

Application Type: Official Plan Amendment and Rezoning

Project Description: A 45-storey mixed use building with 585 residential units. Official Plan Amendment required for site-specific relief from office replacement requirements of Yonge-Eglinton Secondary Plan. Heritage retention component associated with existing Girls' Guide Building.

| | | | |
|---|------------------|-----------------------------|----------------------|
| Applicant | Agent | Architect | Owner |
| Diamond Corp and Alterra Group Developments | Urban Strategies | Hariri Pontarini Architects | 50-64 Merton Limited |

EXISTING PLANNING CONTROLS

| | | | |
|----------------------------|--------------------------------|--------------------------|-------------------------------|
| Official Plan Designation: | Mixed Use Areas | Site Specific Provision: | Yonge-Eglinton Secondary Plan |
| Zoning: | CR2.0 (c2.0; r2.0) SS2 (x2495) | Heritage Designation: | Y |
| Height Limit (m): | 21 | Site Plan Control Area: | Y |

PROJECT INFORMATION

Site Area (sq m): 2,689 Frontage (m): 45 Depth (m): 60

| Building Data | Existing | Proposed | Total |
|-----------------------------|----------|----------|--------|
| Ground Floor Area (sq m): | 1,068 | 1,205 | 1,205 |
| Residential GFA (sq m): | | 34,232 | 34,232 |
| Non-Residential GFA (sq m): | 3,115 | 1,700 | 1,700 |
| Total GFA (sq m): | 3,115 | 35,990 | 35,990 |
| Height - Storeys: | 3 | 45 | 45 |
| Height - Metres: | | 157 | 157 |

Lot Coverage Ratio (%): 44.81 Floor Space Index: 13.41

Above Grade (sq m)
Floor Area Breakdown

| | |
|------------------|--------|
| Residential GFA: | 34,232 |
| Office GFA: | 1,700 |

| Residential Units by Tenure | Existing | Proposed | Total |
|--------------------------------|----------|----------|-------|
| Rental: | 0 | 0 | 0 |
| Condominium: | 0 | 581 | 581 |
| Total Units: | 0 | 581 | 581 |

| | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|--------------|----------|-----------|-----------|------------|
| Proposed: | 49 | 399 | 88 | 45 |
| Total Units: | 49 | 399 | 88 | 45 |

Parking and Loading

| | | | | | |
|--------------------|----|-------------------------|-----|----------------|---|
| Parking Spaces: | 98 | Bicycle Parking Spaces: | 653 | Loading Docks: | 3 |
|--------------------|----|-------------------------|-----|----------------|---|

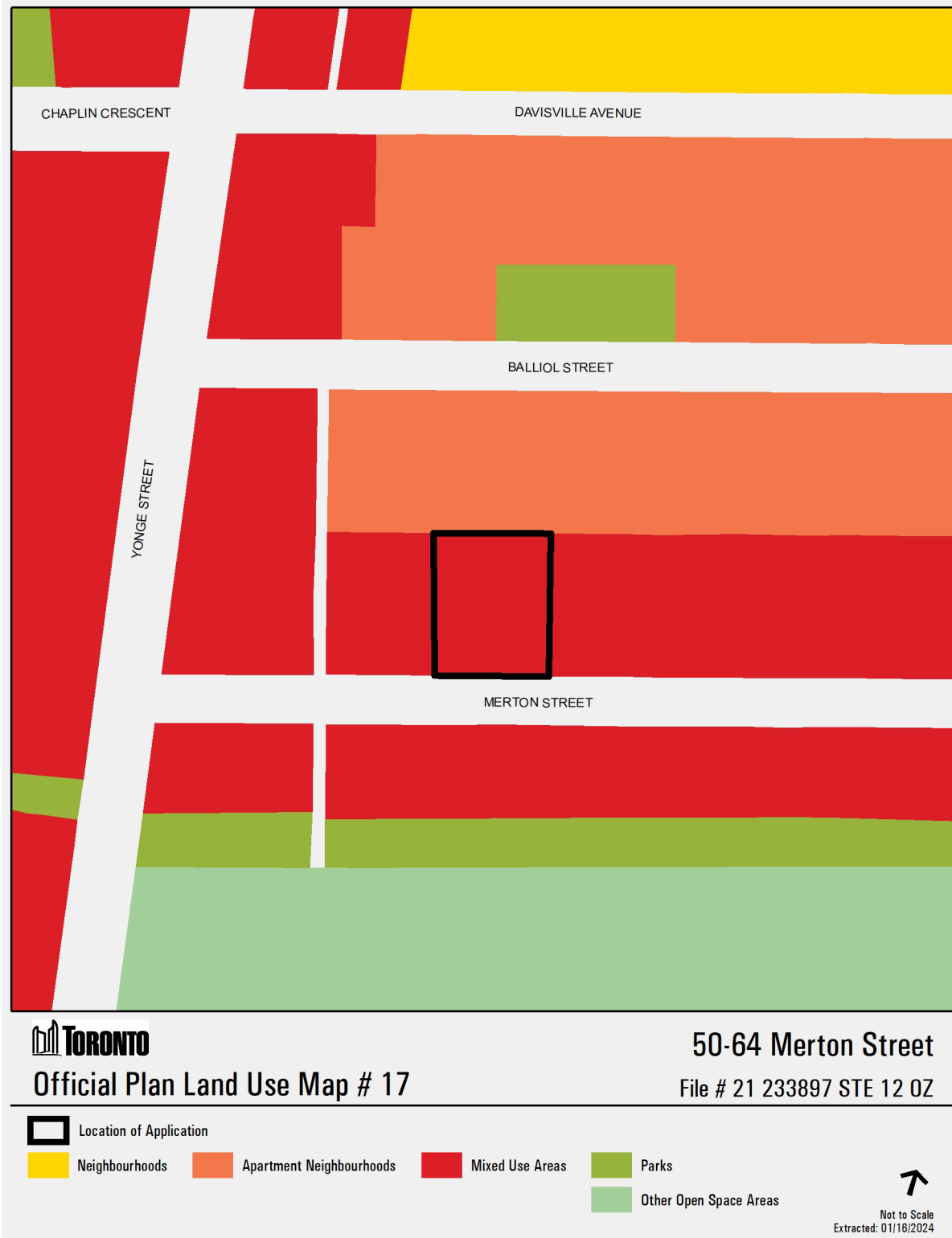
CONTACT:

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Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map







Yonge-Eglinton Secondary Plan

MAP 21-2 Midtown Character Areas

50-64 Merton Street

File # 21 233897 STE 12 02

Secondary Plan Boundary

Apartment High Streets

- A1 Eglinton Park
- A2 Mount Pleasant Gateway
- A3 Eglinton East
- A4 Mount Pleasant North

Apartment Neighbourhoods

- B1 Erskine and Keewatin
- B2 Redpath Park Street Loop
- B3 Soudan
- B4 Davisville

Villages

- C1 Eglinton Way
- C2 Yonge Street North
- C3 Yonge Street South
- C4 Mount Pleasant South
- C5 Bayview-Lesslie

Cores

- D1 Yonge-Eglinton Crossroads
- D2 Davisville Station
- D3 Mount Pleasant Station
- D4 Bayview Focus Area

Special Places

- E1 Eglinton Green Line
- E2 Montgomery Square
- E3 Henning
- E4 Davisville Community Street
- E5 Merton Street

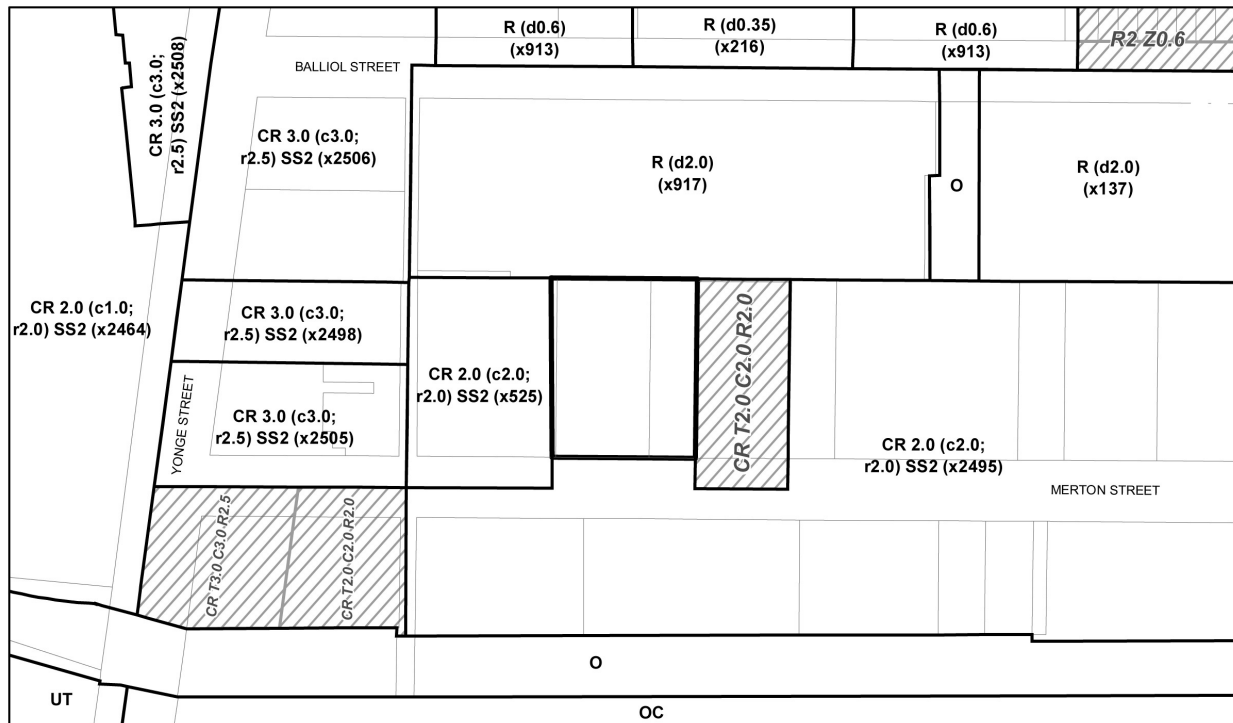
Subject Site -

★ 50-64 Merton Street

Not to Scale

01/14/2022

Attachment 5: Existing Zoning By-law Map



Zoning By-law 569-2013

50-64 Merton Street

File # 21 233897 STE 12 OZ



Location of Application

R
CR

Residential
Commercial Residential

O
OC
UT

Open Space
Open Space Cemetery
Utility and Transportation



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

R2 Residential District
CR Mixed-Use District



Not to Scale
Extracted: 01/16/2024

Attachment 6: Draft Official Plan Amendment

CITY OF TORONTO BY-LAW 711-2024

To adopt Amendment 711 to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2023, as 50 and 64 Merton Street.

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The attached Amendment 711 to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Enacted and passed on XXX XX, 2024.

Frances Nunziata, John D. Elvidge,
Speaker City Clerk

(Seal of the City)

AMENDMENT XXX TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2023 AS 50 AND 64 MERTON STREET

Chapter 6, Map 21, Yonge and Eglinton Secondary Plan, is amended by adding a Section 10, Site and Area Specific Policies, and adding Site and Area Specific Policy 1 for the lands known municipally in 2023 as 50 and 64 Merton Street as follows:

1. 50 and 64 Merton Street

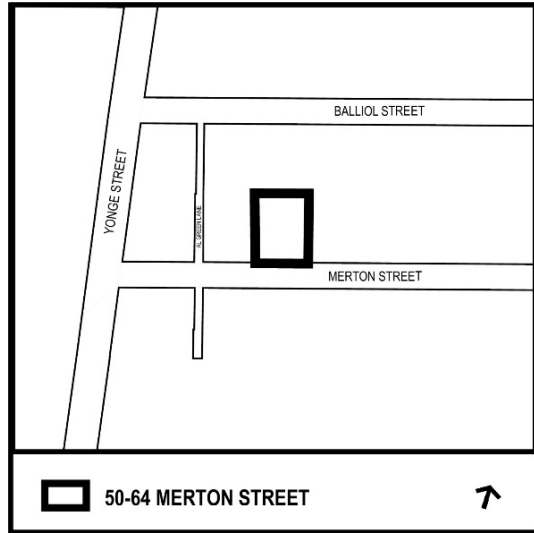
a. Notwithstanding Policy 2.5.6 of this Secondary Plan, any tall building development on the site will include a minimum of 1,700 square metres of office gross floor area.

b. Notwithstanding Policy 7.1 of this Secondary Plan, any development containing more than 80 new residential units will include:

i. a minimum of 15 per cent of the total number of units as 2- bedroom units;

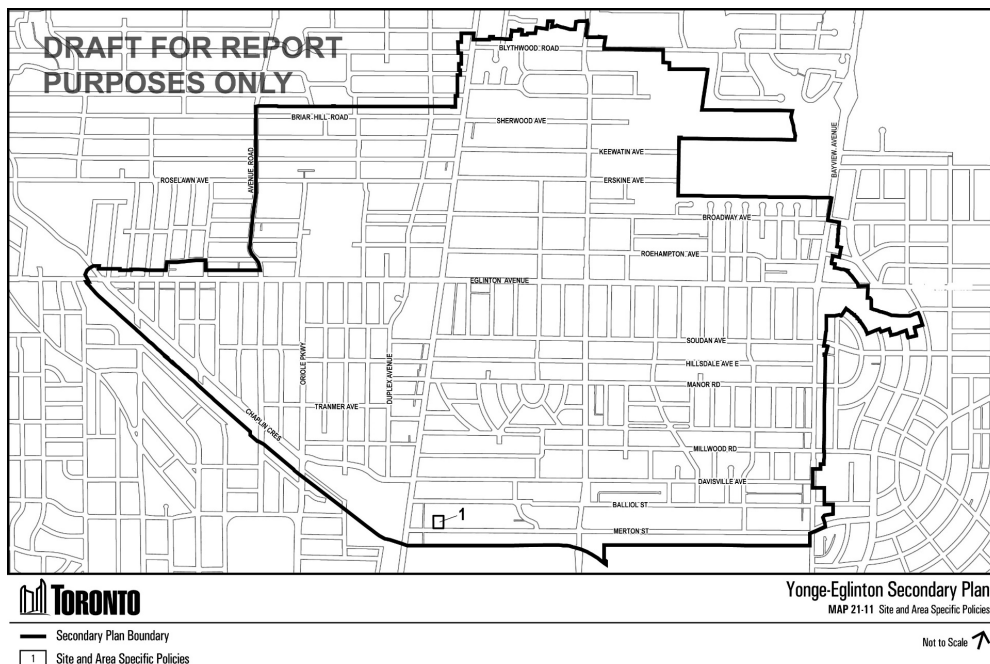
ii. a minimum of 7 per cent of the total number of units as 3-bedroom units; and

iii. an additional 18 per cent of the total number of units will be a combination of 2-bedroom and/or 3-bedroom units, and/or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.



Chapter 6, Map 21, Yonge and Eglinton Secondary Plan, is amended by adding Map 21-11: Site and Area Specific Policies, and showing the lands known municipally in 2023 as 50 and 64 Merton Street as Site and Area Specific Policy 1, as shown on Schedule 1.

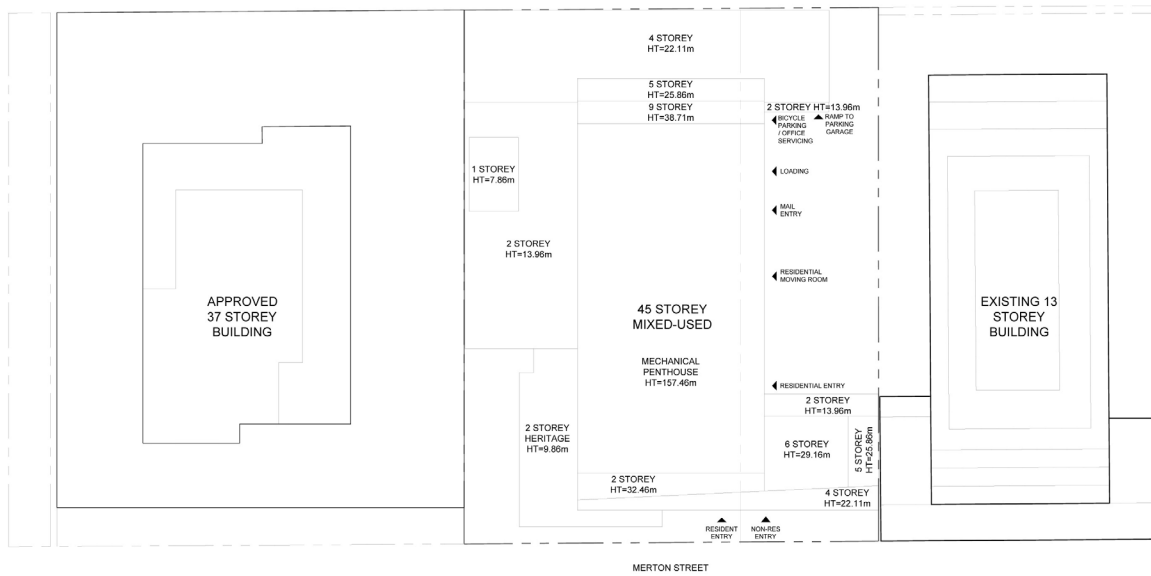
Schedule 1



Attachment 7: Draft Zoning By-law Amendment

Draft Zoning By-law Amendment will be available on or before February 20, 2024.

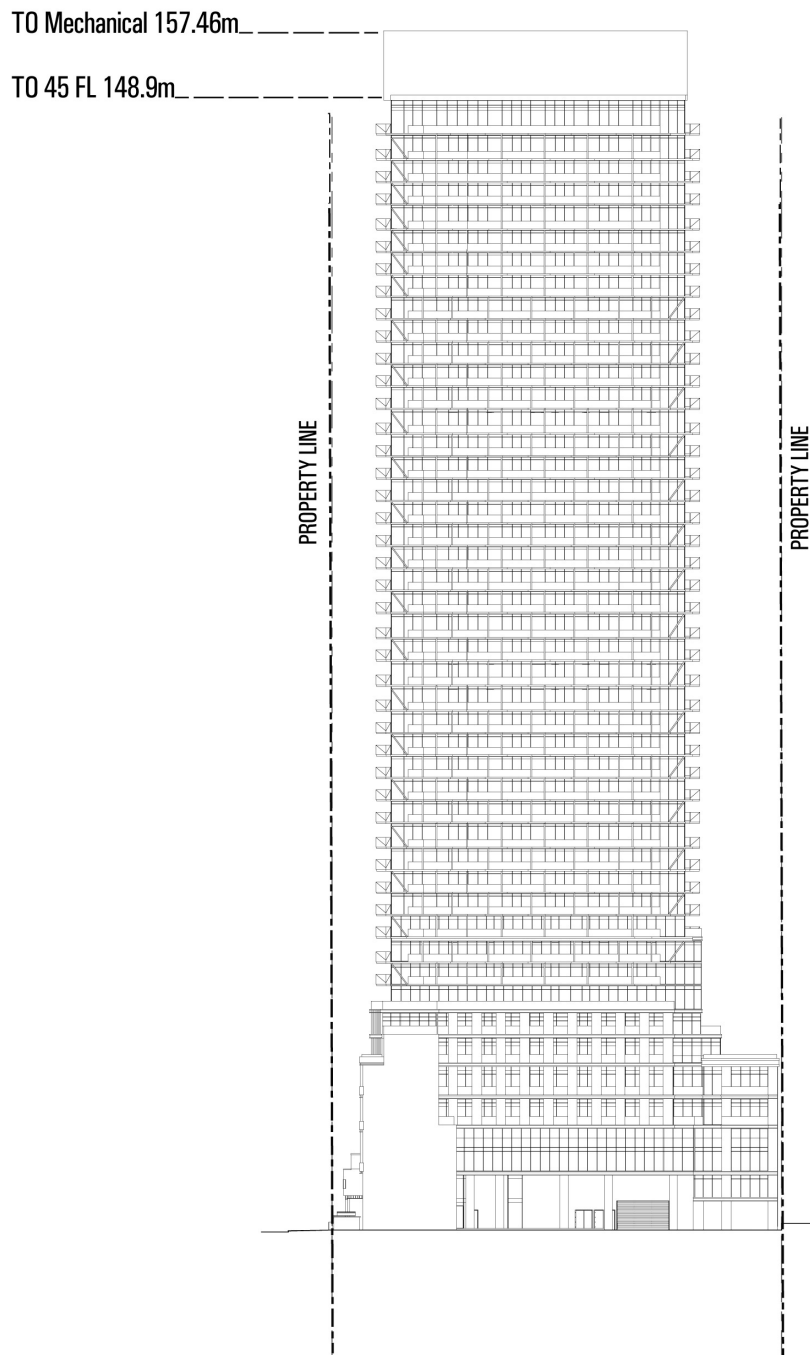
Attachment 8: Site Plan



Site Plan

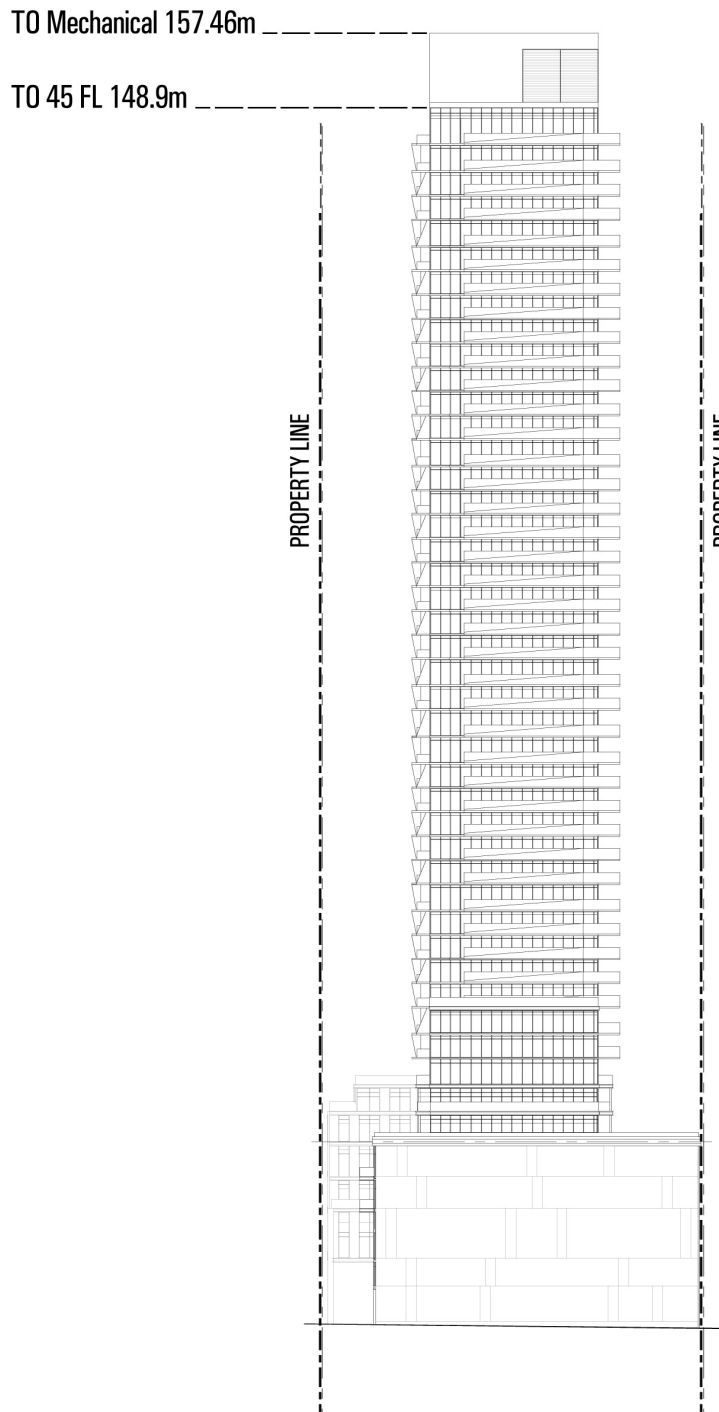


Attachment 9: Elevations



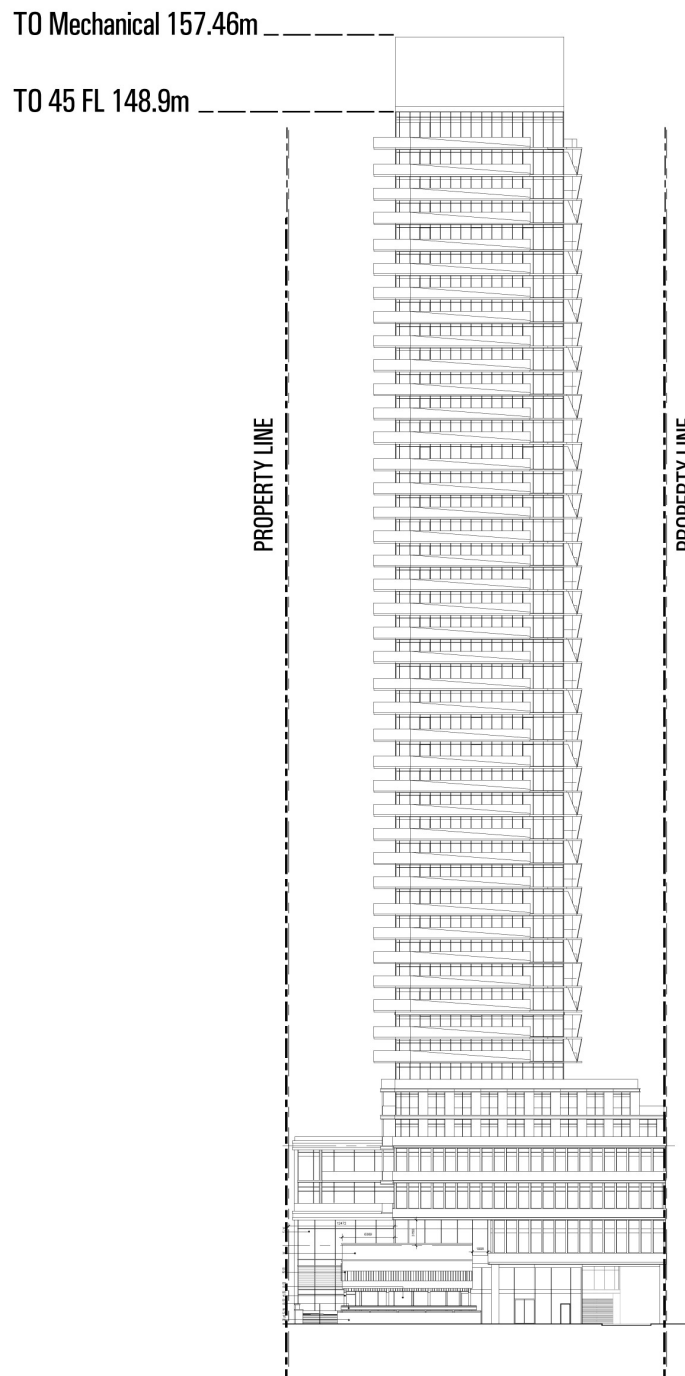
East Elevation

Attachment 10: Elevations



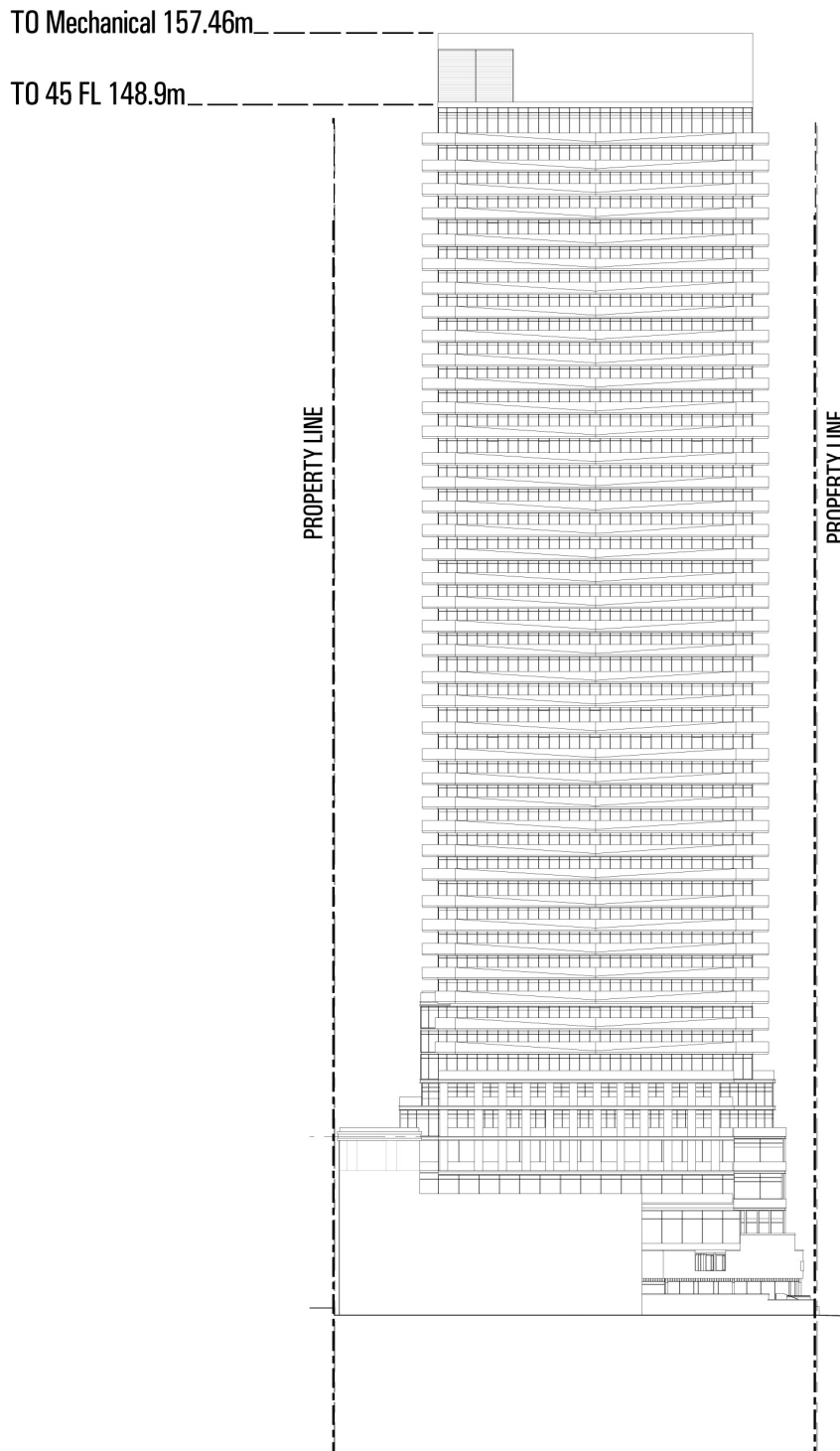
North Elevation

Attachment 11: Elevations



South Elevation

Attachment 12: Elevations



West Elevation