

267-275 Merton Street - Zoning By-law Amendment Application – Decision Report – Approval

Date: January 10, 2025

To: Planning and Housing Committee

From: Executive Director, Development Review

Ward: 12 - Toronto-St. Paul's

Planning Application Number: 24 231134 STE 12 OZ

SUMMARY

This report reviews and recommends approval of an application to amend the Zoning By-law to permit a 128-metre (40 storeys), excluding the mechanical penthouse, mixed-use, purpose-built rental building, containing 494 dwelling units, of which 148 (30 percent) will be affordable rental units. A total gross floor area of 32,000 square metres is proposed, including a minimum of 100 square metres and a maximum of 300 square metres of grade-related non-residential gross floor area. A new on-site encumbered park will also be featured within this development proposal.

This project is the result of a development partnership between the City and the applicant to provide new affordable rental units in support of the City's HousingTO 2020-2030 Action Plan ("HousingTO Plan") to approve 65,000 rent-controlled homes within complete communities. The development partnership is the result of negotiations led by CreateTO in consultation with Corporate Real Estate Management and the Housing Secretariat.

RECOMMENDATIONS

The Executive Director, Development Review recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands municipally known as 267-275 Merton Street substantially in accordance with the draft Zoning By-law Amendment included as Attachment 5 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council approve that the Applicant shall design, construct, and deliver as part of the development, parkland in base and above-base condition, lands located along the west side of the site and to serve as a connection between Merton Street and the Key Gardner Beltline Trail, to the satisfaction of the General Manager, Parks and Recreation and the City Solicitor.

4. City Council approve the acceptance of the lands for public park purposes subject to the lands being free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition, save and except for the underground garage; the owner may propose the exception of encumbrances of tiebacks, where such an encumbrance is deemed acceptable, all to the satisfaction of the General Manager, Parks and Recreation, in consultation with the City Solicitor.

5. City Council request the General Manager, Parks and Recreation to enter into a Maintenance Agreement with the Applicant (or their heirs or assigns) for the duration of the lease for the ongoing maintenance and upkeep of the parkland and the maintenance obligations shall be finalized via separate agreement to the satisfaction of the General Manager, Parks and Recreation.

FINANCIAL IMPACT

There are no financial implications arising from the recommendations in this zoning amendment report.

A summary of financial incentives for this approved development project has been previously provided and approved by City Council through 2024.PH13.6.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

On June 26, 2024, City Council authorized the Executive Director, Corporate Real Estate Management, in consultation with the Executive Director, Housing Secretariat, to negotiate and execute on behalf of the City the agreement of purchase and sale with the applicant in respect of 267-275 Merton Street to create new purpose-built rental homes, including a minimum target of 30% affordable rental homes. City Council authorized the waiver of certain fees, charges and taxes related to the affordable rental homes. <https://secure.toronto.ca/council/agenda-item.do?item=2024.PH13.6>

On November 13, 2024, City Council amended the previous decision to correct an error in the key terms of the Contribution Agreement included in Confidential Attachment 2 to the 2024.PH13.6 report. <https://secure.toronto.ca/council/agenda-item.do?item=2024.MM23.19>

EQUITY IMPACT STATEMENT

The City of Toronto recognizes that housing is essential to the inherent dignity and well-being of a person and to building healthy, equitable, sustainable, and livable communities. Residents' quality of life, the city's economic competitiveness and its social cohesion, all depend on current and future residents being able to access and maintain adequate, safe, and affordable homes.

The City of Toronto's existing housing policies and action plans seek to improve housing outcomes for a range of residents and to support equity and climate resilience. Specifically:

- The HousingTO Plan is centred on a human rights-based approach to housing and envisions a city in which all residents have equal opportunity to develop to their full potential. It is focused on increasing the supply of new affordable homes that is part of a complete community with equitable access to a range of opportunities for residents to live, work, learn, and play; and
- The City's Official Plan contains policies relating to the provision of diverse range of housing supply and choice that provides a full range of housing form, tenure, and affordability.

Council's approval of the recommendations in this report will support delivery of the City's HousingTO Plan and Official Plan objectives, and help to create more inclusive, equitable, sustainable and complete communities. It will also help increase affordable housing options for vulnerable and marginalized individuals, including Indigenous Peoples, racialized people, seniors, women, people with disabilities, and 2SLGBTQIA+ persons.

THE SITE

Description

The site is located on the south side of Merton Street in the Davisville neighbourhood just west of Mount Pleasant Road. The site is an assembly of 267 Merton Street and 275 Merton Street, a City-owned property. An existing two-way driveway leading to a single level of underground parking below the City-owned building is located on the eastern side of the site.

The 2,741.9 square metre parcel is generally rectangular in shape and has a Merton Street frontage of 76.1 metres. The site sits at a low point in terms of elevation, whereby the grades on Merton Street rise from east and west. The difference in elevation along the Merton Street frontage is approximately 3.6 metres.

The south side of the parcel abuts an existing swale and rises to the Kay Gardner Beltline Trail and to the Mount Pleasant Cemetery beyond the trail. West of the site at 253 Merton Street is a privately owned, publicly accessible mid-block pedestrian walkway connection from Merton Street to the Beltline Trail. See Attachment 2 for the Location Map.

Existing Use

The site is currently comprised of a 2.5-storey residential building with a single-storey commercial building at the rear of the property at 267 Merton Street. The 275 Merton Street parcel includes a two-storey office building owned by the City of Toronto and occupied by Toronto Water.

THE APPLICATION

Description

This application proposes a 128-metre (40 storeys), excluding the mechanical penthouse, mixed-use, purpose-built rental building, containing 494 dwelling units, of which 148 (30%) will be affordable rental units. The tower portion sits above a single-storey base building that includes 132 square metres of non-residential space. A proposed park is located along the western portion of the site which is intended to provide a mid-block connection from Merton Street to the Kay Gardner Beltline Trail located south of the site. The change in elevation across the site results in the building below grade on the west side of the site, whereas the east side remains above grade.

Density

The proposed building has a density of 11.4 times the area of the lot.

Dwelling Units

The proposal includes a total of 494 purpose built rental dwelling units (148 affordable rental units), including 38 studio (8%), 278 one-bedroom (56%), 128 two-bedroom (26%), and 50 three-bedroom (10%) units.

Non-Residential Component

The proposal includes 132 square metres of grade-related retail.

Amenity Space

The proposal includes a minimum of 4 square metres per unit of combined indoor and outdoor amenity space, including 998.1 square metres of indoor amenity space and 1,004.4 square metres of outdoor amenity space.

Access, Parking and Loading

The primary pedestrian access is proposed from the Merton Street frontage, as well as vehicular ingress and egress. A secondary pedestrian access is located on the west side of the building adjacent to the retail space.

The proposal includes a total of 22 vehicular parking spaces, including 6 accessible spaces, 14 visitor spaces and 2 car share spaces in a single level of underground parking. Additional short term parking is provided with 5 pick-up and drop off spaces for short term parking. There is a Type 'G' and a Type 'C' loading space located along the eastern portion of the building.

A total of 496 bicycle parking spaces are provided with 446 long-term bicycle parking spaces within the building and 50 short-term bicycle spaces provided on site.

Park

A park is proposed along the west side of the site and serves as a connection between Merton Street and the Beltline Trail, with the final configuration and design to be determined through the Site Plan Control approval process. The park sits above a portion of the proposed underground parking structure. The park shall be free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition, save and except the underground parking encumbrance located below the proposed surface grade of the park.

Additional Information

See attachments 1, 2, 6, 7 and 8 of this Report for the Application Data Sheet, Location Map, Site Plan, Elevations, and 3D massing views of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: www.toronto.ca/275MertonSt

Reasons for Application

An amendment to the Zoning By-law 569-2013 is required to vary performance standards including density, height, gross floor area, setbacks, and other performance standards to accommodate this development proposal.

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 Planning Statement (2024), and shall conform to provincial plans, including the Greenbelt Plan (2017), and others.

Official Plan

The Official Plan designates the site as Mixed Use Areas. The Beltline Trail adjacent to the site is designated as Parks. See Attachment 3 of this Report for the Land Use Map. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

Secondary Plan

The Yonge-Eglinton Secondary Plan identifies the site as Mixed Use Areas 'C', which include commercial main streets characterized by continuous at-grade narrow-frontage retail, service and institutional uses with office, other commercial and residential uses above. As a Secondary Retail Street, development on Merton Street is encouraged to include retail and service uses, with minimum 4.5-metre floor-to-ceiling heights, access from sidewalks with transparent facades, suitable unit layouts and depths to support emerging retail uses.

The site is also situated within the Merton Street Character Area boundary, an area comprised of early point tower buildings, offices, community agencies spaces with anticipated building height ranges of 14 to 40 storeys.

Zoning

The site is zoned Commercial Residential (CR 2.0(c2.0; r2.0) SS2(x2495)) and CR 2.0(c2.0; r2.0) SS2(x2063) on the 267 Merton Street property and Commercial Residential (CR 2.0(c2.0; r2.0) SS2(x2063)) on the 275 Merton parcel under Zoning By-law 569-2013.

The Commercial Residential zone category permits a variety of both residential and non-residential uses, including dwelling units within a range of housing types and service, office, institutional and retail uses. The maximum height permitted within the zoning category is 21 metres with a maximum density of 2.0 times the site area. See Attachment 4 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 for Children in Vertical Communities;
- Pet Friendly Design Guidelines for High Density Communities; and
- Midtown Public Realm Implementation Strategy.

Toronto Green Standard

The TGS is a set of performance measures for green development. Council has directed that any affordable housing built on City land is subject to the TGS Version 4 for City Agencies, Corporation & Division-Owned Facilities, which meets and exceeds Tier 2 for Mid-to-High-Rise Residential targets. This includes the requirement that the building have net zero operational carbon and low embodied carbon. It must also be prepared for the future installation of solar panels.

PUBLIC ENGAGEMENT

Community Consultation

Staff engaged with the neighbourhood through the local residents association, the Councillor's newsletter, the public notice sign and members of the abutting condominium corporations prior to the Community Consultation Meeting.

On December 2, 2024, a virtual Community Consultation Meeting was hosted by City Staff and was attended by approximately 123 people. The comments received by the community included the following:

- Concerns about the building height, massing and scale relative to the existing local context;

- Unnecessary bulk of the Level 2 façade above the single-storey base building;
- Shadow impacts on the neighbouring buildings;
- Concerns about the floorplate size;
- Questions and concerns about potential impacts to the Beltline Trail;
- Potential for vehicular and pedestrian conflict at pick-up and drop-off events near the driveway at 319 Merton Street;
- Traffic impacts on the adjacent building at 319 Merton Street;
- Questions about the ownership arrangement with the City and the applicant;
- Noting the proportionate number of studio and 1-bedroom suites versus 2 and 3-bedroom units;
- Positive sentiment noting the absence of residential displacement upon the site;
- Insufficient discussion on the alternatives to building less housing on this parcel;
- Concerns about the recent renovations and financial investments to the existing Toronto Water building;
- Comments about the potential of greater traffic in the neighbourhood after this is constructed; and,
- The request for window coverings to maintain privacy for the future building occupants and the neighbouring buildings.

Comments acknowledged the need for both housing and affordable housing, while citing the height and scale of the proposal relative to the existing neighbourhood. Correspondence was also received raising concerns about safety of the driveway as proposed, in close proximity to the existing driveway at 319 Merton Street.

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

Statutory Public Meeting Comments

In making their decision with regard to this application, Committee members have an opportunity to hear the oral submissions made at the statutory public meeting held by the Planning and Housing Committee for this application, as these submissions are broadcast live over the internet and recorded for review.

COMMENTS

The proposed 40-storey mixed-use purpose-built rental building will provide 494 dwelling units, including 30 percent affordable rental units and an on-site park with a mid-block connection into the Beltline Trail. City staff are supportive of the increased density and the provision of affordable housing units included within this proposal. The improvements to the public realm and the new park will allow for greater permeability and access to the Beltline Trail.

Provincial Planning 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 PPS (2024). Staff find the proposal consistent with the PPS (2024).

Official Plan Policies and Design Guidelines

This application has been reviewed against the Official Plan policies, Yonge-Eglinton Secondary Plan policies, planning studies, and the design guidelines described in the Policy and Regulation Considerations Section of this Report.

Land Use

The mixed use development proposal supports Merton Street as a secondary retail area in accordance with the Yonge-Eglinton Secondary Plan policies. The proposal includes opportunity for an at-grade non-residential unit with 132 square metres of gross floor area. The non-residential space is proposed adjacent to the new park.

Housing

The Official Plan directs that a full range of housing in terms of form, tenure and affordability be provided to meet the current and future needs of residents. This proposal would result in a mixed-use purpose built rental building that includes affordable units, with a total unit mix that meets the Growing Up Guidelines requirements for 2 and 3 bedroom units.

Built Form

Staff are satisfied with the built form and massing of the proposal, which meets the intent of the Tall Building Guidelines while achieving the policy goals identified within the Yonge-Eglinton Secondary Plan. The 128-metre (40 storeys) excluding the mechanical penthouse, building is consistent with the Merton Street Character Area by framing and supporting the Beltline Trail, and includes retail to animate the street with pedestrian activity. The proposed height is within the 14-40-storey range permitted along the Merton Street Character Area.

Massing - Base Building

The base building is setback 3.0 metres from the front and rear property lines and features a single storey base building with a 1-storey screening wall above, creating the perception of a 2-storey form. The 2-storey street wall frames the Merton Street frontage and is consistent in street wall height with the adjacent property to the east. The retail space on the first floor mezzanine provides access to the proposed park and views into the space. The lower height of the base building reduces the massing of the building to a more pedestrian scale.

Massing - Tower

The tower portion of the building achieves appropriate setbacks and tower separation distances from the neighbouring residential buildings to the east and west at 24.2 metres and 40.3 metres, respectively.

The tower is positioned 7.1 metres from the north property line and 10.1 metres from the edge of the Beltline Trail to the south. Tower setbacks are achieved above the base building with a minimum 3.7-metre separation between the tower component and the base building. Juliette balconies are proposed on 3 sides of the tower with projecting balconies featured only on the south elevation. The tower setbacks provide sufficient separation distance to allow for sunlight and privacy.

Within the existing and planned context, the proposal is similar to a number of recently approved Midtown tall buildings in the Davisville area and contributes to the variety of built forms along the Merton Street Character Area.

Unit Mix

City staff are satisfied with the proposed unit mix. The development consists of 128 two bedroom units (25.9%) and 50 three bedroom (10.1%) rental units, exceeding the minimum of 25% of large bedroom units. The unit mix for the affordable rental units will be secured through the agreement between the applicant and the City.

Amenity Space

Indoor amenity space is proposed on the first floor, the mezzanine and the second floor of the building for a combined area of 998.1 square metres. A portion of the outdoor amenity space is proposed on the first floor on the south side of the building with the balance of the outdoor amenity space on the second floor surrounding the tower portion of the building. The second storey outdoor amenity space features a screening wall to allow for limited privacy and views into the Beltline Trail and the park below. The total of 2,002.5 square metres of amenity space or 4.0 square metres per unit has been provided and is acceptable to Staff.

Public Realm

City staff are satisfied that the proposal conforms with the applicable public realm policies of the Official Plan. Through the implementation of this proposal, the public realm fronting the site will be upgraded to coincide with the policies of the Merton Street Promenade, as directed by the approved Midtown Public Realm Implementation Strategy (2022). The Merton Street Promenade will seek to support pedestrian activity by providing wide sidewalks and landscaped boulevards with improved connections to the Kay Gardner Beltline Trail.

The proposed building has been set back approximately 7.5 metres from the curb along the Merton Street frontage, providing an expanded public realm to accommodate street trees, planters and a 2.9-metre wide sidewalk.

A total of 4 new street trees are proposed within 4 planters on Merton Street, in addition to 7 trees within the encumbered park area on the west side of the site.

Parkland

In accordance with the Toronto Municipal Code Chapter 415-30. A.(14), affordable rental housing units secured under a Municipal Housing Project Facility Agreement are exempt from parkland dedication. The Agreement must be executed before the exemption can apply.

In accordance with Section 42 of the Planning Act, the unencumbered parkland dedication required is 191 square metres. Given the nature of this city building initiative, the city will facilitate the delivery of a new on-site encumbered park in excess of 191 square metres that will be situated above a portion of the proposed underground parking structure. Staff will aim to achieve a park approximately 315 square metres in size, working with the applicant to accommodate site and design constraints and overall objectives for the development. The final size, configuration and design of the encumbered park will be determined through Site Plan Control and to the satisfaction of the General Manager, Parks and Recreation. The applicant will design, construct, and maintain the park at the applicant's expense for the duration of the 99-year lease period.

A feature of the new park will be a new public mid-block connection from Merton Street to the Beltline Trail including the provision of wayfinding signage. Staff are not yet satisfied with the connection, however the proponent has committed to undertaking additional due diligence to provide several AODA compliant design options to facilitate the connection. While challenges exist in the form of grading and 3 endangered trees, City Staff and the applicant are jointly working towards a solution to achieve best efforts on a mutually viable design that will enable a mid-block connection.

Staff consider the proposed park to be a positive element of the proposal. It will contribute to the public realm that includes an existing pedestrian connection on the adjacent parcel, resulting in a larger public realm.

Shadow Impact

The shadow impacts resulting from the proposed development are acceptable. The shadow study illustrates the shadows cast from the proposed building during March 21, June 21, September 21 and December 21, wherein the shadows have been adequately limited to preserve the utility of the surrounding parks and open spaces. The single storey base building has been scaled to limit shadow impacts and to maximize access to sunlight on the public realm.

Shadows are cast upon the new park by the tower portion of the building during the morning of the spring and fall equinoxes, however the moving shadow will not impact the utility of the park or the mid-block connection.

Wind Impact

The Pedestrian Level Wind Study concluded that most at-grade areas surrounding the development remain similar for the most part, with localized areas along the north façade and the corners of the north façade occasionally windy, but appropriate throughout the year for the intended uses.

To support the retail and new park, additional mitigation measures in the form of porous fencing, raised planter beds and vegetation are recommended to provide more comfort to those spaces during the summer and shoulder seasons. Staff will request mitigation measures be evaluated and secured through the Site Plan Approval process to facilitate a comfortable sitting environment.

Access, Vehicular and Bicycle Parking and Loading

A Transportation Impact Study was submitted to assess the traffic impact, access, parking and loading arrangements for the proposal. Transportation Review staff have reviewed the study and accepted its conclusions, subject to the proposed parking rates that have been included in the draft Zoning By-law Amendment.

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 arborist report identified 8 trees on the site that will require removal due to the footprint of the proposed building. The undersized trees are exempt from the Private Tree By-Law and do not require a permit for injury/removal. One by-law-regulated privately-owned tree at the southeast corner of the property is proposed for removal to accommodate the development.

Based upon the compensation for the single tree removal, 3 new large growing shade trees are required to be planted. The landscape plan illustrates a total of 19 new deciduous trees are planned for the site, including 7 trees within the park area.

Toronto Green Standard

The TGS is a set of performance measures to guide new green development. The applicant has designed the proposed development to achieve Tier 2 Version 4 of the TGS, subject to implementation through a future Site Plan Control application.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, livable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods, foundational to creating complete communities and include matters such as recreation, libraries, childcare, 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.

CONTACT

Carl Geiger, Senior Planner, Community Planning, Tel. No. 416-392-7544, E-mail: carl.geiger@toronto.ca

SIGNATURE

Valesa Faria
Executive Director
Development Review Division

ATTACHMENTS

City of Toronto Information/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

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: Elevations
- Attachment 8: 3D Massing Model

Attachment 1: Application Data Sheet

Municipal Address: 267-275 Merton Street
Received Date: November 4, 2024
Application Number: 24 231134 STE 12 OZ
Application Type: Zoning By-law Amendment
Project Description: 40-storey mixed-use purpose built rental building

Applicant	Architect	Owner
Collecdev-Markee	gh3	City of Toronto & Markee Missing
Middle (Merton) Limited Partnership & Markee Missing	Middle (Merton)	

EXISTING PLANNING CONTROLS

Official Plan	Mixed Use Areas	Site Specific
Designation:		Provision: N/A
Zoning: (CR 2.0(c2.0; r2.0) SS2(x2495))		
and 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): 2,741.9	Frontage (m): 76.1	Depth (m): 36.4
Building Data	Existing	Retained
Ground Floor Area (sq m): N/A	0	31,231
Residential GFA (sq m): 0	0	31,099
Non-Residential GFA (sq m): N/A	2,600	132
Total GFA (sq m): 1,873	0	132
Height - Storeys: 2	0	11
Height - Metres: 8.7	0	128

Lot Coverage Ratio (%): 44.7 **Floor Space Index:** 11.4

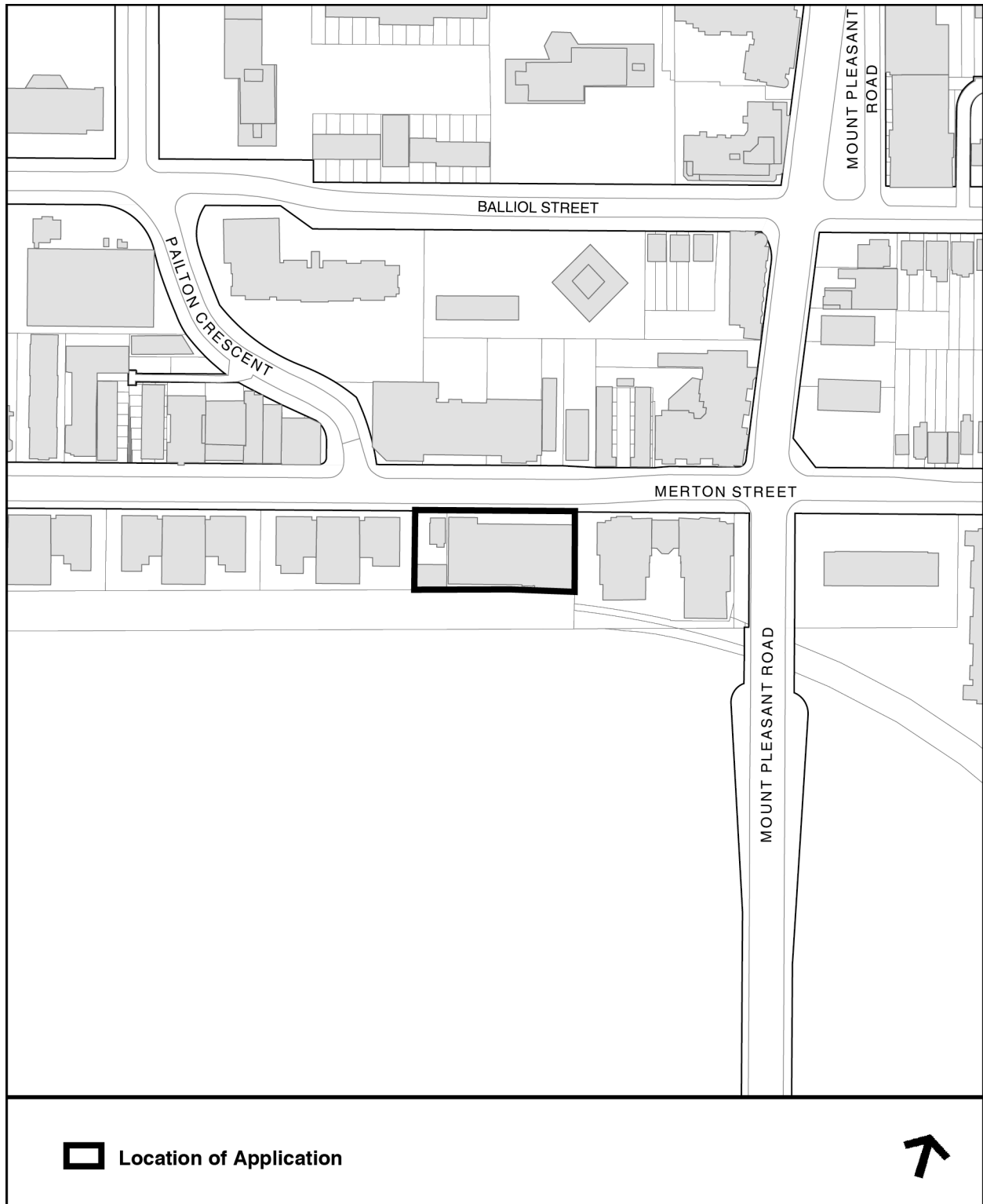
Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	31,231	89

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0	0	494	494
Total Units:	0	0	494	494

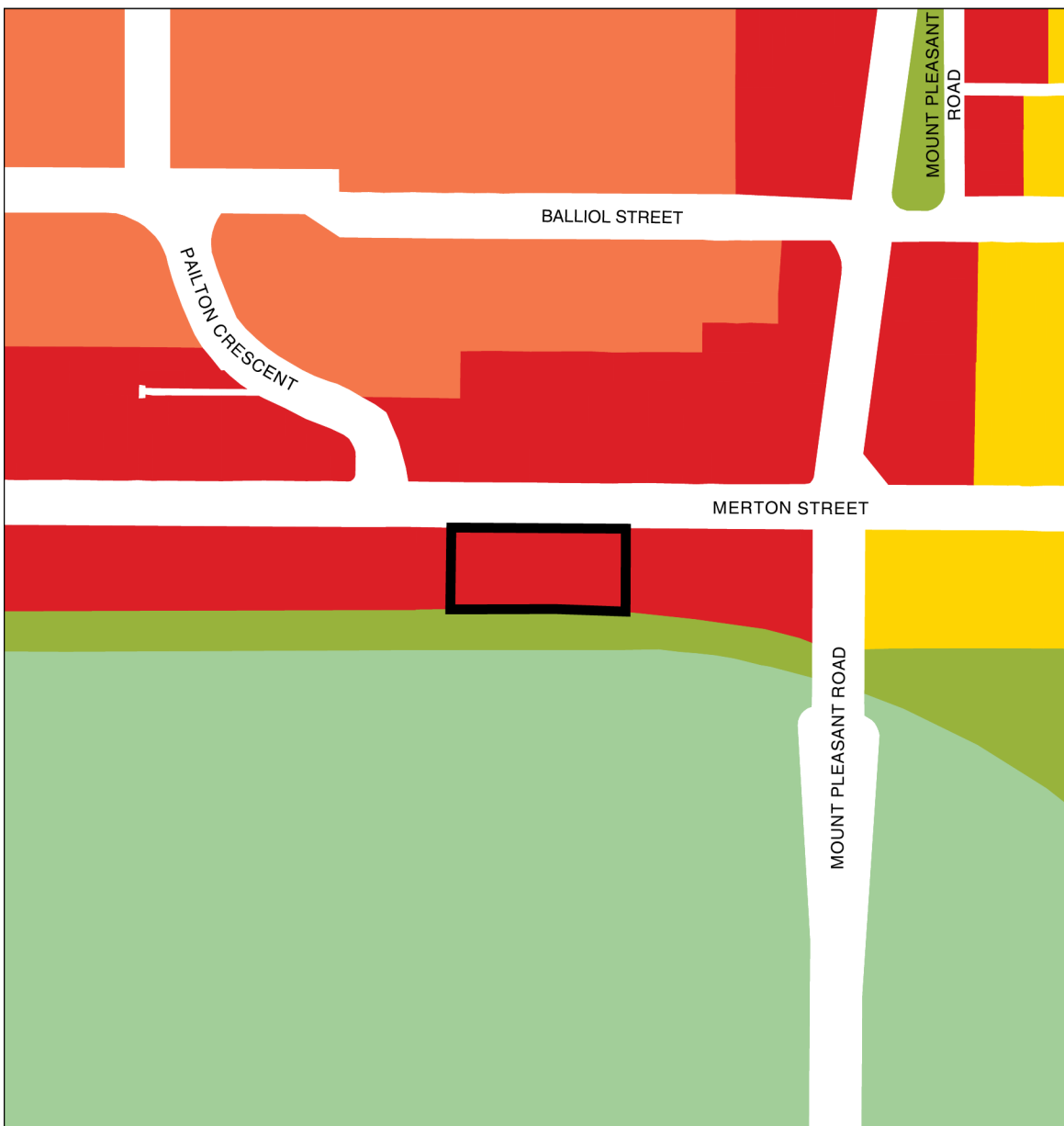
Total Residential Units by Size

Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	0	0	0	0
Proposed:	38	278	128	50
Total Units:	38	278	128	50

Attachment 2: Location Map



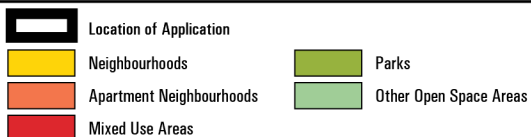
Attachment 3: Official Plan Land Use Map



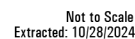
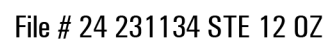
Official Plan Land Use Map #17

267 - 275 Merton Street

File # 24 231134 STE 12 0Z



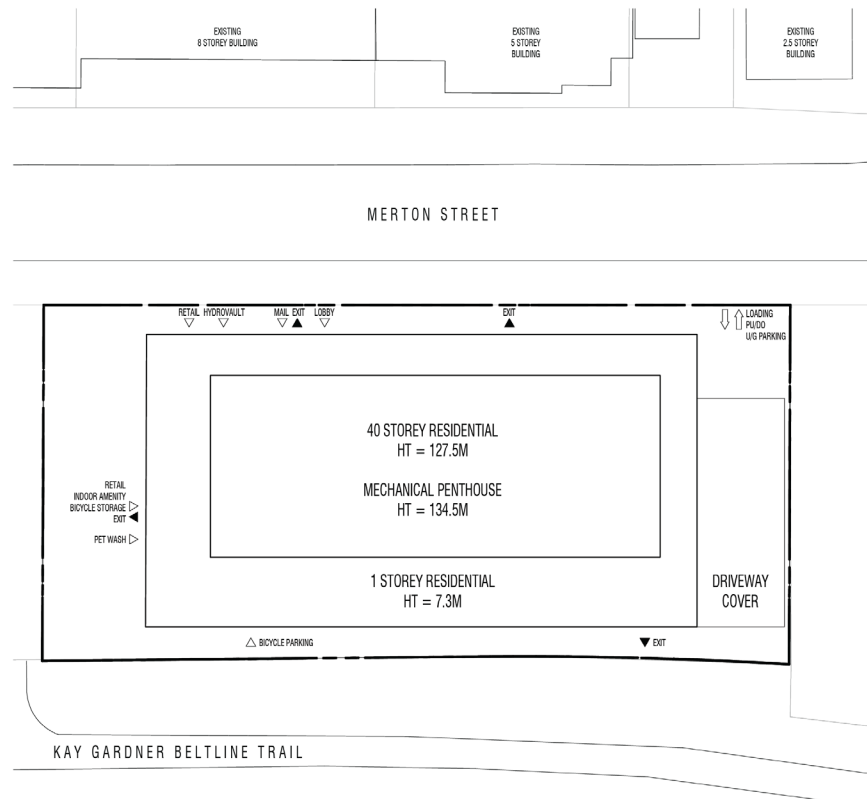
↑
Not to Scale
Extracted: 10/28/2024

[illegible]

Attachment 5: Draft Zoning By-law Amendment

The Draft By-law Amendment will be made available on or before the January 23, 2025, Planning and Housing Committee meeting.

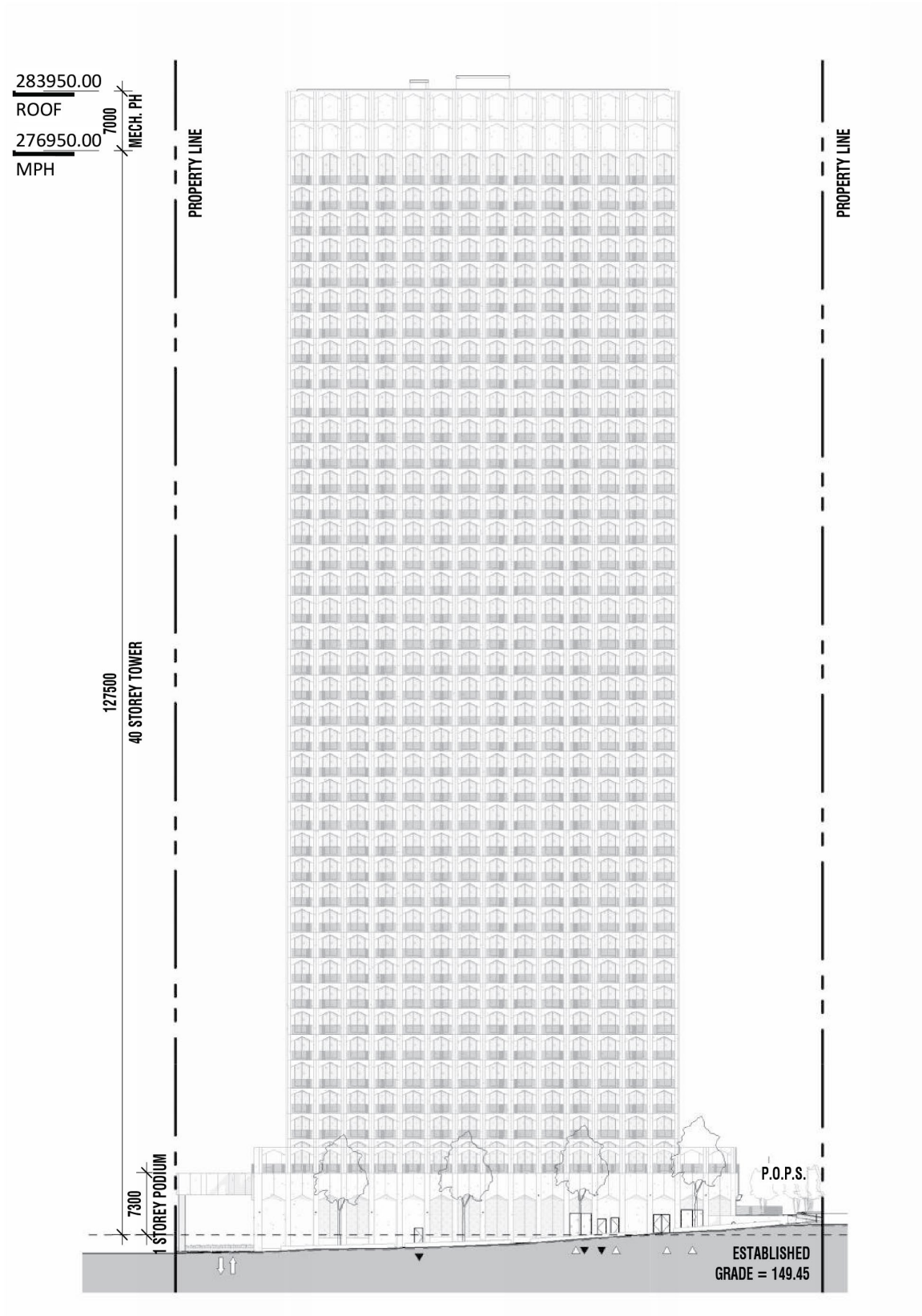
Attachment 6: Site Plan



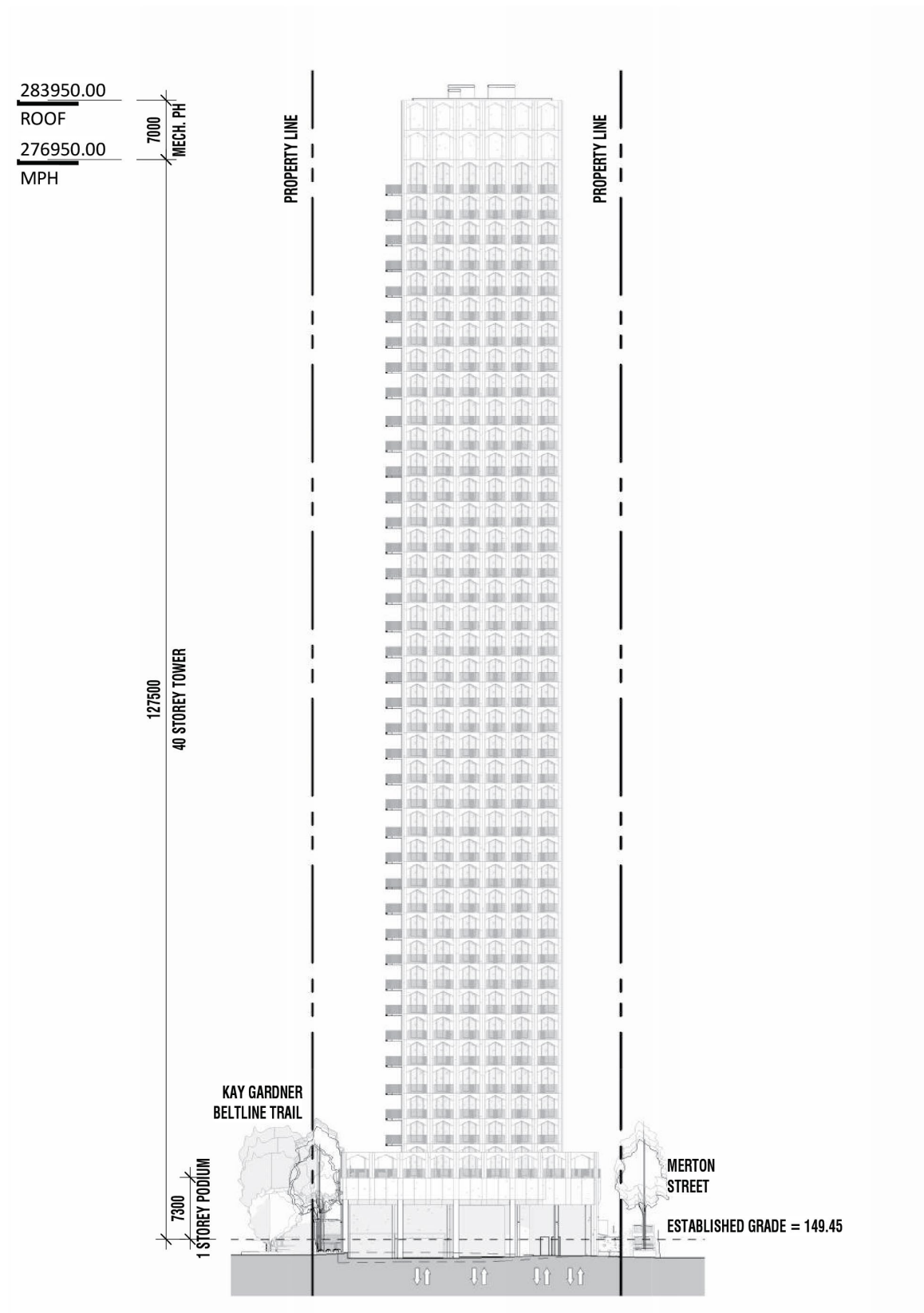
Site Plan



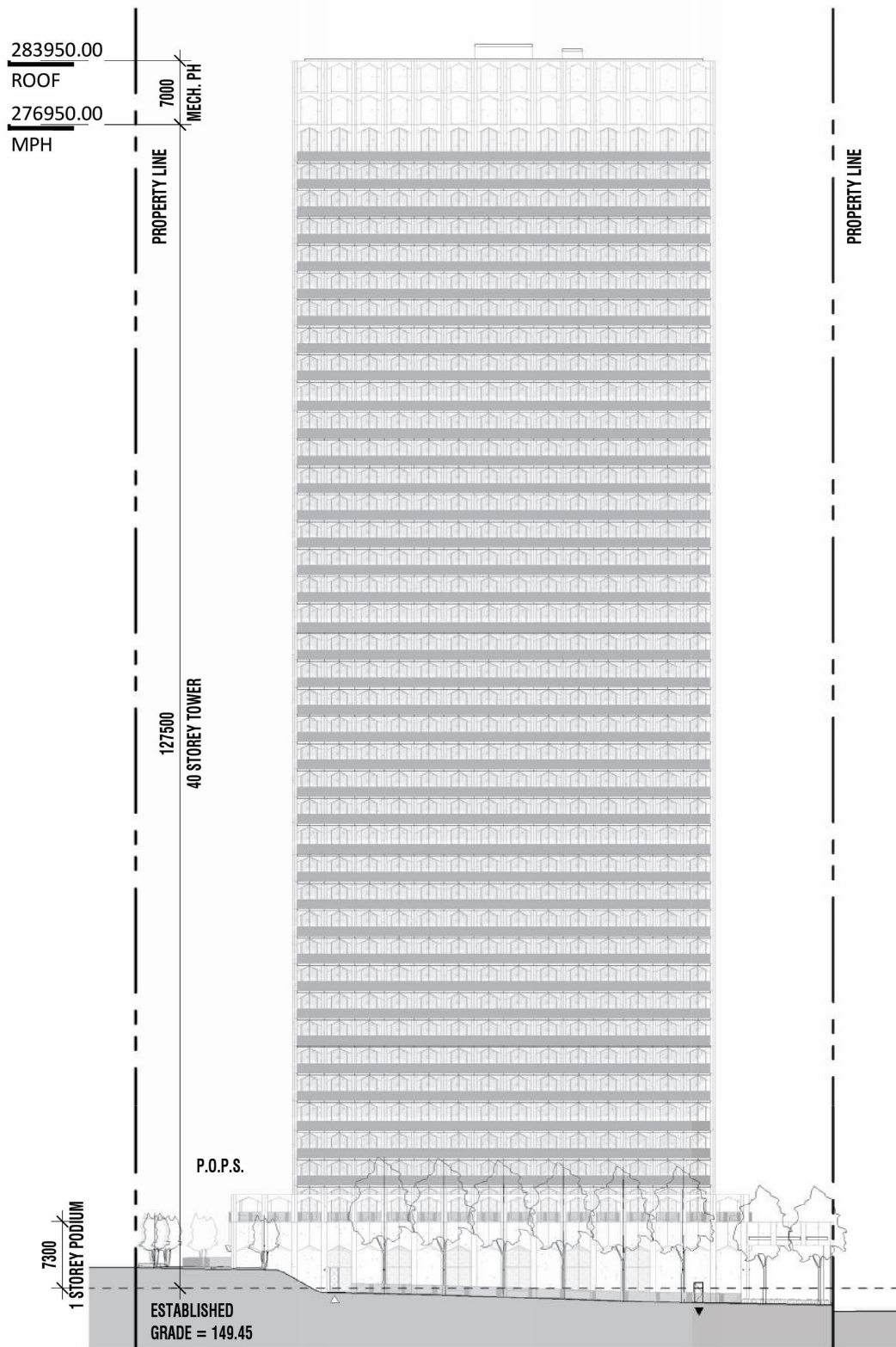
Attachment 7: Elevations



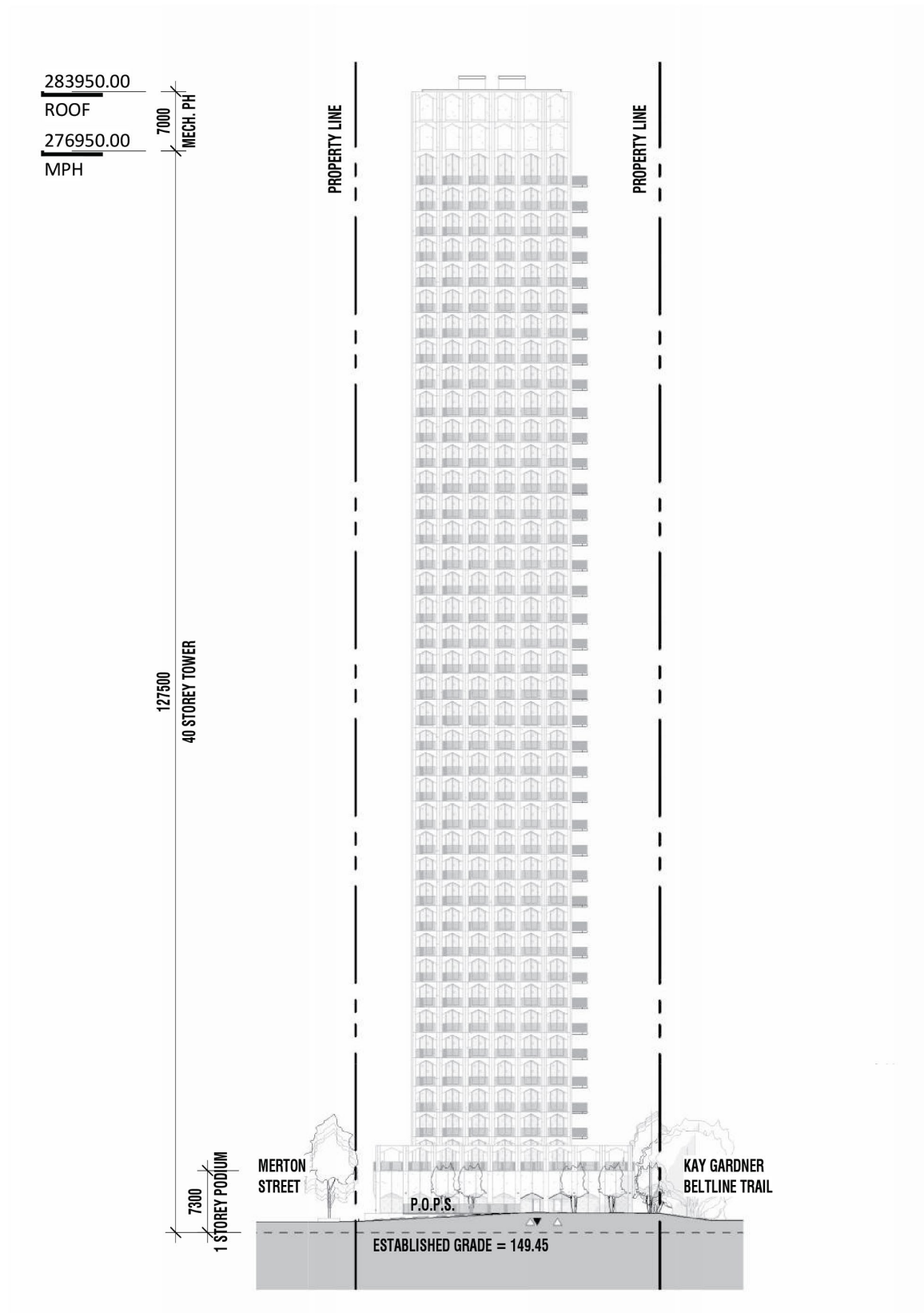
North Elevation



East Elevation



South Elevation



Attachment 8: 3D Massing Model

