

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

Date: March 18, 2025

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

On March 20 and 21, 2024, City Council adopted the recommendations in the report titled "50-64 Merton Street - Official Plan and Zoning By-law Amendment Applications - Decision Report - Approval". These recommendations included the approval in principal of the proposed Official Plan and Zoning By-law Amendment applications to permit a 45-storey mixed-use building with 603 residential units and the partial retention and adaptive re-use of portions of the heritage designated Girl Guides of Canada building. The draft Official Plan Amendment permitted a reduction in the required office gross floor area from 100 to 75%, and a reduction in the required amount of three-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..

The implementing bills to enact the Official Plan and Zoning By-law Amendments were withheld until the applicant had satisfied a number of outstanding requirements related to Functional Servicing and Stormwater Management and the heritage building.

On January 6, 2025, the applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal ('OLT') due to Council not making a decision within the time frame in the Planning Act.

On January 22, 2025, revised Official Plan and Zoning By-law Amendment applications were submitted, which proposed to modify the amount of required office replacement from 75 to 0%.

This report recommends that the City Solicitor and appropriate City staff attend the OLT hearing to oppose the January 22, 2025 revised applications in their current forms, and to continue discussions with the applicant to resolve outstanding issues.

RECOMMENDATIONS

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

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current applications regarding the Official Plan and Zoning By-law Amendment appeals for the lands at 50-64 Merton Street and to continue discussions with the applicant in an attempt to resolve outstanding issues.

2. In the event that the Ontario Land Tribunal allows the Official Plan and Zoning By-law Amendment appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Order(s) be withheld until such time as the City Solicitor advises that:

a. the final form and content of the draft Official Plan Amendment and the draft Zoning By-law Amendment are to the satisfaction of the City Solicitor and the Executive Director, Development Review; and,

b. the owner at their sole cost and expense has:

i. submitted a revised Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

ii. entered 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;

iii. entered into a Heritage Easement Agreement with the City for the property at 50 Merton Street substantially in accordance with the plans and drawings dated November 23, 2023 prepared by Hariri Pontarini, and on file with the Senior Manager, Heritage Planning; and the Heritage Impact Assessment, dated November 30, 2023, prepared by GBCA, all on file with the Senior Manager, Heritage Planning, subject to and in accordance with the Conservation Plan below, to the satisfaction of the Senior Manager, Heritage Planning, including execution of such agreement to the satisfaction of the City Solicitor; and

iv. provided a detailed Conservation Plan, prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for the property at 50 Merton Street, to the satisfaction of the Senior Manager, Heritage Planning.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The Development Review Division confirms that 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 storeys including mechanical penthouse) mixed-use building with 603 dwelling units.

Heritage: The heritage building on the site was built in 1962 and is designated under Part IV of the Ontario Heritage Act. The two-storey heritage façade will be partially retained.

Density: Approximately 36,057 square metres is proposed, resulting in a floor space index of 13.41 times the area of the lot.

Non-residential Uses: Zero (0) square metres of office space is proposed.

Dwelling Units: 603 dwelling units, comprised of 53 (8.8%) studio units, 410 (68%) one-bedroom units, 92 (15.2%) two-bedroom units, and 48 (8%) three-bedroom units.

Amenity Space: 1,475 square metres of amenity space (2.45 square metres per unit) is proposed, consisting of 875 square metres of indoor amenity space (1.45 square metres per unit) and 600 square metres of outdoor amenity space (1.00 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 6 to 10 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 and a reduction in the required amount of three-bedroom units.

The Zoning By-law Amendment is required to amend Zoning By-law 569-2013 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 CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects planning matters shall be consistent with the Provincial Planning Statement (2024) and shall conform to provincial plans.

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.

The Secondary Plan also provides that tall buildings and large redevelopment sites that are capable of accommodating multiple buildings located in Mixed Use Areas 'B', will provide 100 per cent replacement of any existing office gross floor area located on the site.

Office Space Needs Study

On July 11, 2024, the Planning and Housing Committee endorsed proposed policy directions in [PH14.9 - Official Plan Review - Office Replacement Policies - Proposal Report](#) resulting from the Office Space Needs Study. The proposed policy directions are as follows:

- Reduce office replacement from 100 to 25%; and
- Allow for the replaced 25% to be comprised of any non-residential use and/or affordable/supportive housing. However, a minimum amount of non-residential use is required.

On December 5, 2024, the Planning and Housing Committee requested additional analysis and directions for policy implementation in [PH17.13 -Official Plan Review Office Replacement Policies Status Report](#). Until new policies for office replacement are endorsed by City Council applications may consider the proposed policy direction in-place for existing office replacement policies in the following locations:

- Financial District, Health Sciences District, Bloor-Bay Office Corridor of the Downtown Plan; and
- Mixed Use Areas 'A' and 'B' of the Yonge-Eglinton Secondary Plan.

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 have reviewed the current proposal for consistency with the recent provincial policy direction and provincial plans.

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 revised application submitted January 22, 2025 includes zero (0) square metres of office space, representing no replacement of the existing 2,237 square metres of office gross floor area that currently exist on the site.

The proposed Official Plan Amendment to remove the requirement for office space replacement is not acceptable.

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 proposal includes partial retention of the building, along with reinstatement of its raised terrace and interior heritage attributes.

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.

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.

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.

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.

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 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

The proposed provision of 2.45 square metres of amenity space per unit is acceptable given the characteristics and constraints of this site.

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 being included in the site specific Zoning By-law Amendment, and the implementation of Transportation Demand Management measures as part of the Site Plan Approval process.

Parkland

In accordance with Section 42 of the Planning Act, Parks and Recreation staff have requested the applicant satisfy the parkland dedication requirement through cash-in-lieu.

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.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items related to Functional Servicing and Stormwater management.

In the event the Ontario Land Tribunal allows the Official Plan and Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld until the owner at their sole cost and expense has submitted a revised Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and entered 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.

CONTACT

Patrick Miller, Senior Planner, Community Planning
Tel. No.: 416-338-3002
E-mail: Patrick.Miller@toronto.ca

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: Site Plan
Attachments 7-10: 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 603 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):		36,057	36,057
Non-Residential GFA (sq m):	3,115	0	0
Total GFA (sq m):	3,115	36,057	36,057
Height - Storeys:	3	45	45
Height - Metres:		157	157

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

Floor Area Breakdown Above Grade (sq m)

Residential GFA:	36,057
Office GFA:	0

Residential Units by Tenure	Existing	Proposed	Total
Rental:	0	0	0
Condominium:	0	603	603
Total Units:	0	603	603

	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Proposed:	53	410	92	48
Total Units:	53	410	92	48

Parking and Loading

Parking Spaces:	101	Bicycle Parking Spaces:	664	Loading Docks:	3
--------------------	-----	-------------------------	-----	----------------	---

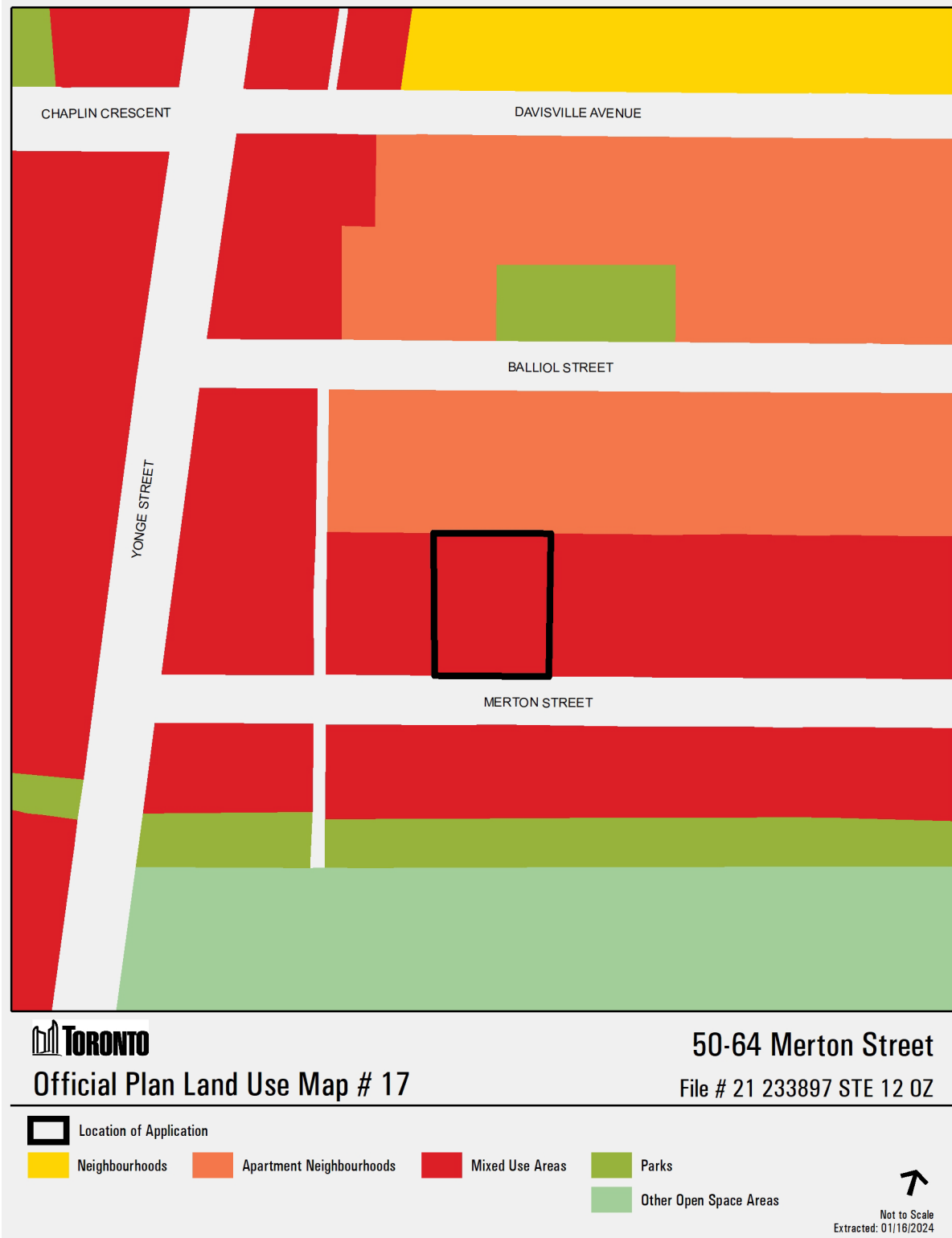
CONTACT:

Patrick Miller, Senior Planner, Community Planning
 416-338-3002
Patrick.Miller@toronto.ca

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 Keele

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-Leslie

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

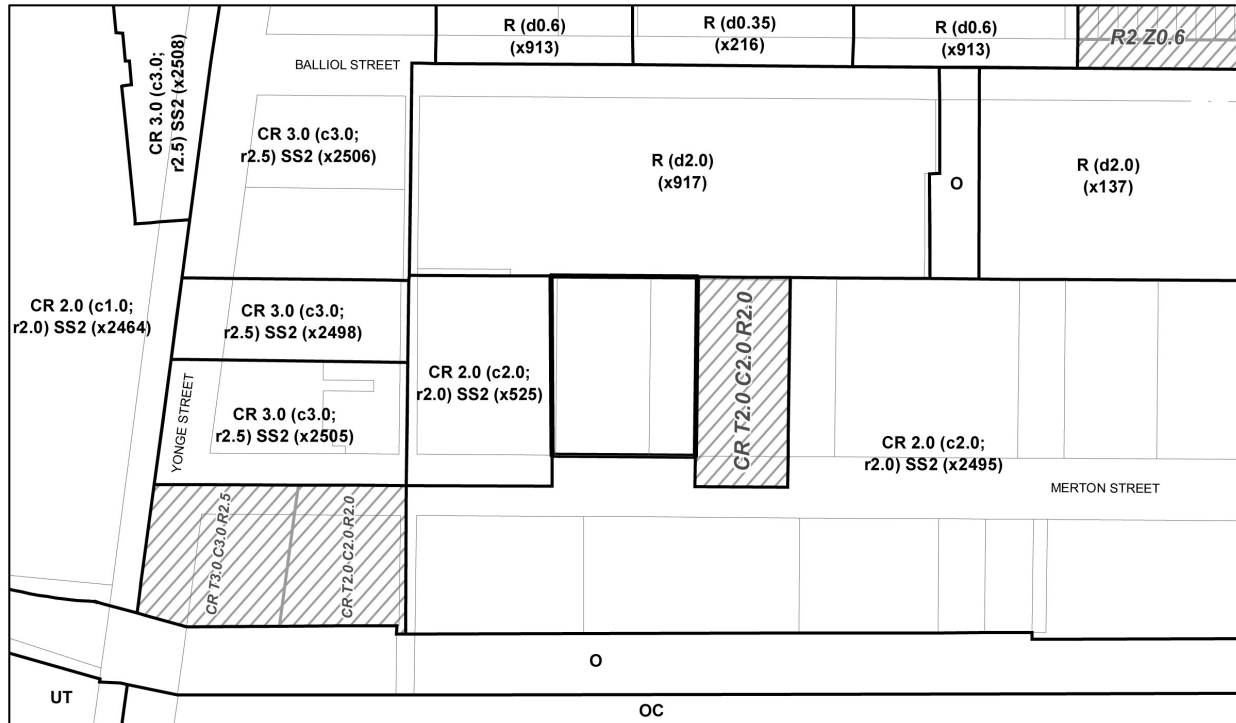
Subject Site -

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

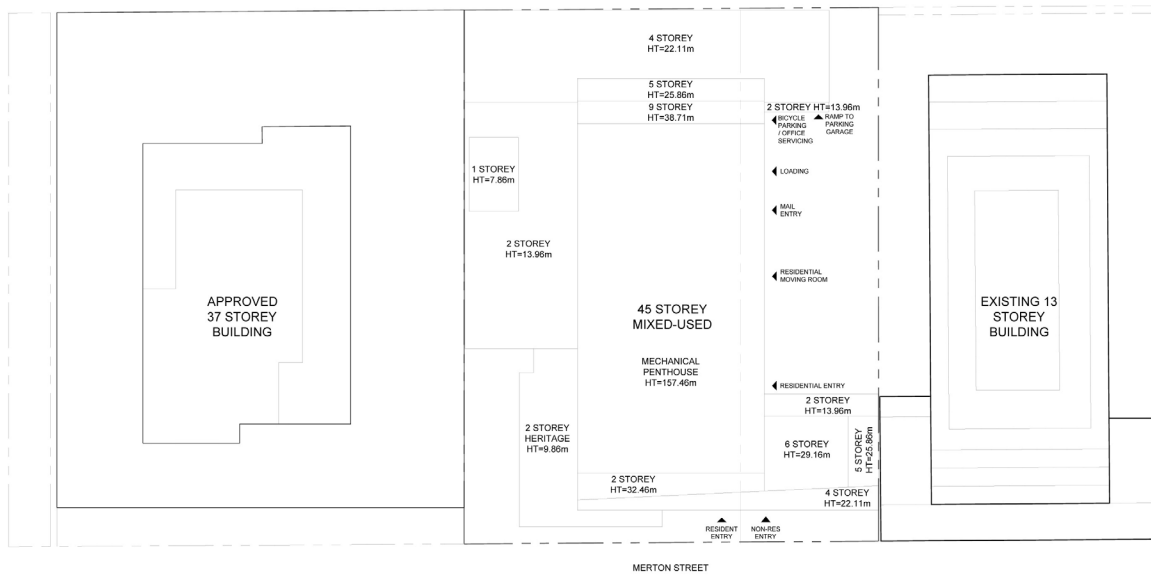
R Residential
CR Commercial Residential
O Open Space
OC Open Space Cemetery
UT Utility and Transportation

See Former City of Toronto By-law No. 438-86
R2 Residential District
CR Mixed-Use District



Not to Scale
Extracted: 01/16/2024

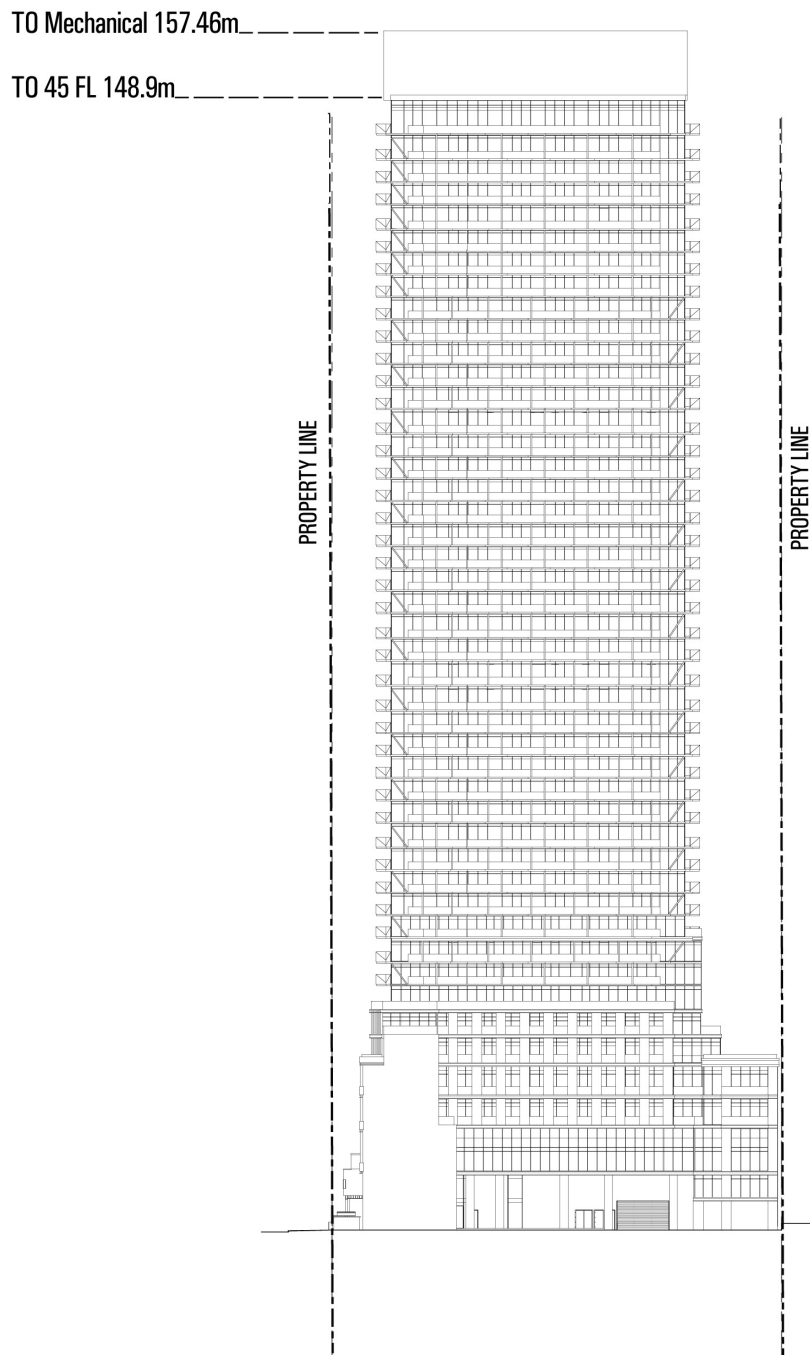
Attachment 6: Site Plan



Site Plan

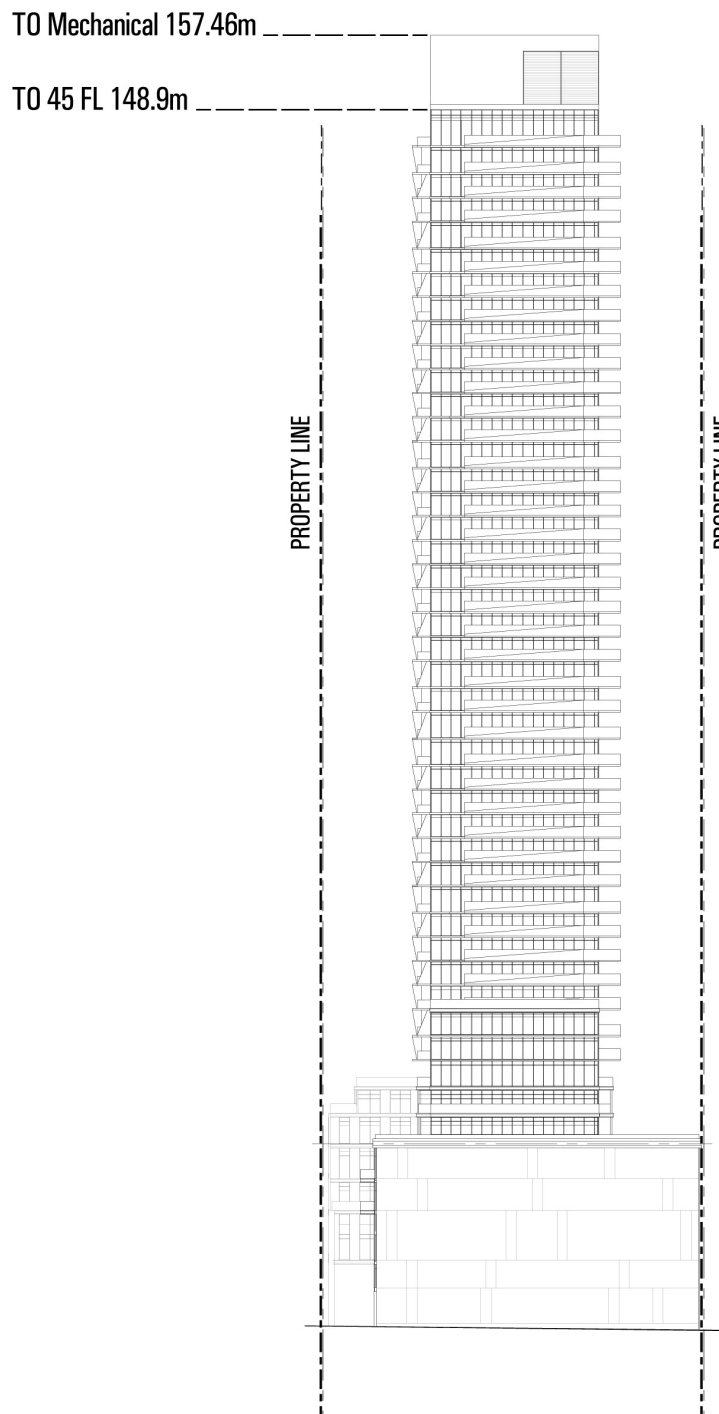


Attachment 7: Elevations



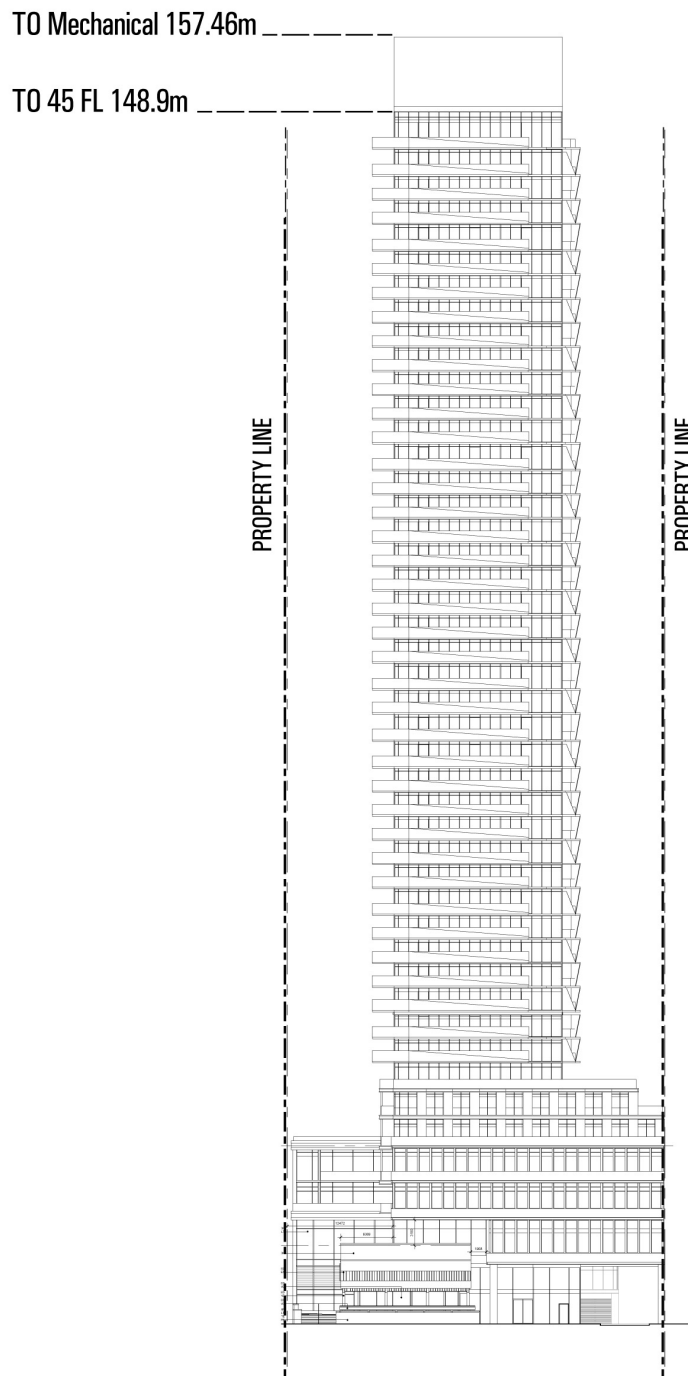
East Elevation

Attachment 8: Elevations



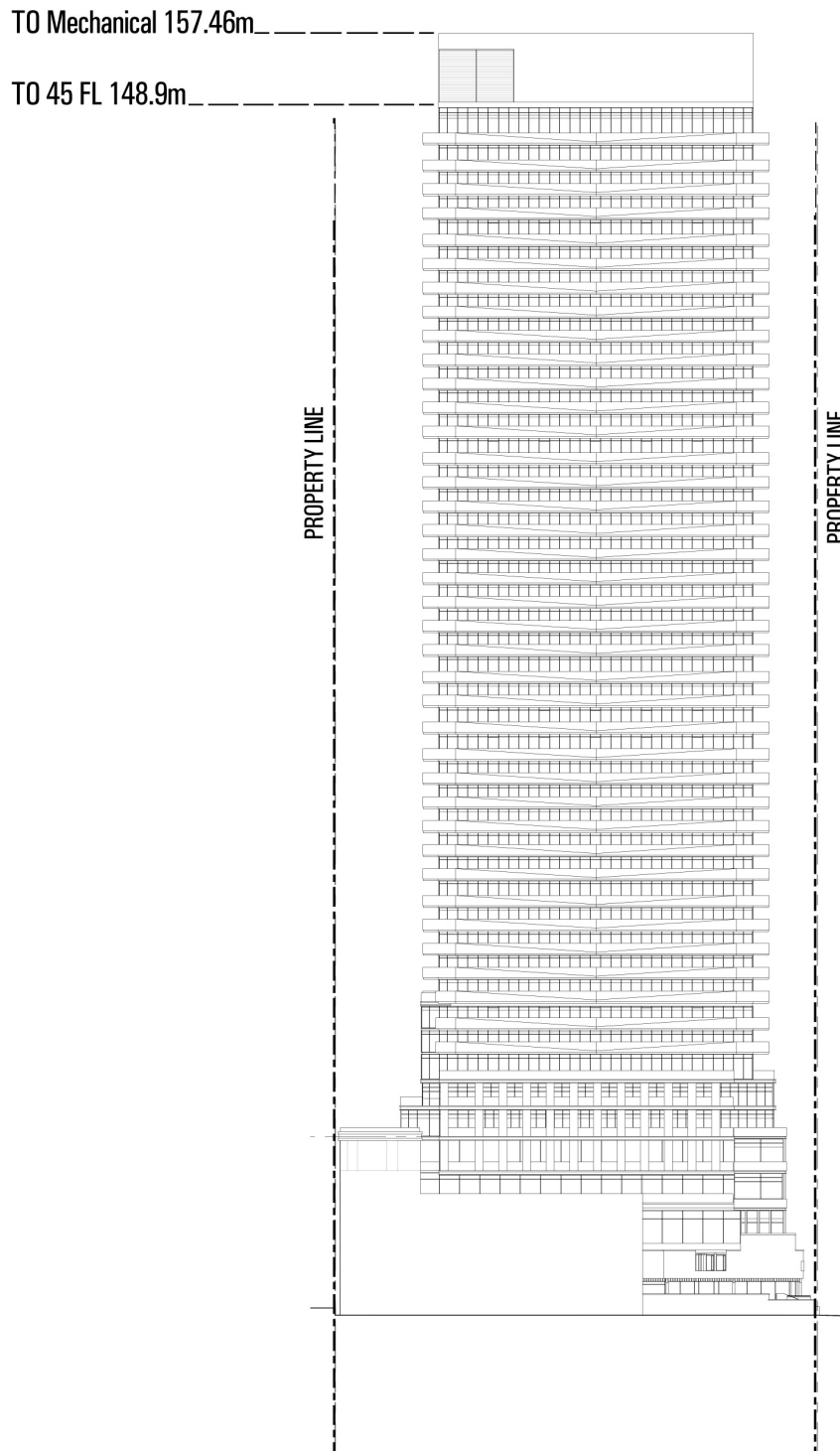
North Elevation

Attachment 9: Elevations



South Elevation

Attachment 10: Elevations



West Elevation