

# TORONTO STAFF REPORT

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October 23, 2002

To: Toronto East York Community Council

From: Director, Community Planning, South District

Subject: Final Report  
Application to amend the Official Plan and Zoning By-law 438-86  
76-98 Charles Street West, 11 St. Thomas Street, 1-3 Sultan Street  
St. Thomas Developments Incorporated  
202005, TE CMB 2002 0003  
Toronto-Rosedale, Ward 27

Purpose:

This report recommends approval of an application to amend the Official Plan and Zoning By-law for a 28-storey residential condominium building, four townhouses, two semi-detached units and the retention of three listed heritage buildings at 76-98 Charles Street West, 11 St. Thomas Street and 1-3 Sultan Street.

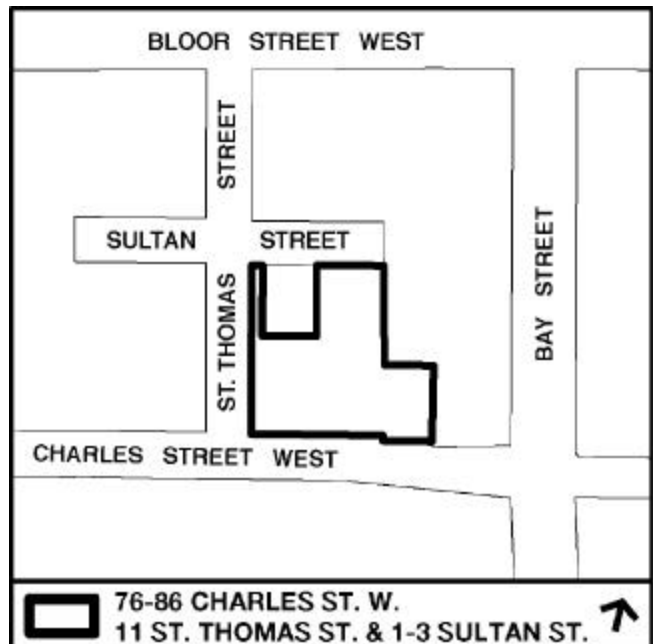
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 5;
- (2) amend the Zoning By-law 438-86, as amended for the (former) City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6;
- (3) authorize the City Solicitor to make such



stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required;

- (4) prior to the introduction of the necessary Bills to City Council for enactment authorize the appropriate City officials and require the owner to enter into agreements pursuant to Section 37 of the Planning Act, to implement the matters referred to in the draft Zoning By-law amendment in Attachment 6 and satisfactory to the City Solicitor, and to register these agreements on title, including the following:
  - (i) the provision and maintenance of a publicly accessible walkway from Charles Street to Sultan Street satisfactory to the Commissioner of Urban Development Services;
  - (ii) the provision and maintenance of building materials and design of the buildings to be erected to the satisfaction of the Commissioner of Urban Development Services;
  - (iii) a contribution of \$500,000 to the Bloor Street Revitalization Fund;
  - (iv) a contribution of \$300,000 to the Toronto Heritage Grant Program or its equivalent as determined by the Manager of Heritage Preservation Services of which \$50,000 is to be used for the explicit purpose of assisting in the restoration of the Firehall No. 3 clock tower located at 484 Yonge Street;
  - (v) a contribution of 1 per cent of the gross construction cost of the project for the provision of public art;
- (5) prior to the introduction of Bills in Council, receive Letters of Credit securing the contributions to the Bloor Street Revitalization Fund and the Toronto Heritage Grant Program;
- (6) before introducing the necessary Bills to City Council for enactment, require the owner to enter into Heritage Easement Agreements for 1 and 3 Sultan, and 11 St. Thomas to the satisfaction of the City Solicitor and the Commissioner of Economic Development, Culture and Tourism and to register these agreements on title, such agreements to also secure the following:
  - (i) a contribution of \$300,000 to the Toronto Heritage Grant Program or its equivalent as determined by the Manager of Heritage Preservation Services of which \$50,000 is to be used for the explicit purpose of assisting in the restoration of the Firehall No. 3 clock tower located at 484 Yonge Street;
  - (ii) a Restoration Plan detailing the restoration work to be undertaken by the owner for the heritage properties located at 1 and 3 Sultan Street and at 11 St. Thomas Street, to the satisfaction of the Manager, Heritage Preservation Services;

- (iii) a Letter of Credit of a type and in a form and amount satisfactory to the Commissioner of Economic Development, Culture and Tourism, in consultation with the City Solicitor, to secure the repair and restoration of the heritage properties at 1 and 3 Sultan Street and 11 St. Thomas Street in accordance with the Restoration Plan referred to in (ii) above; and
  - (iv) documentation and recording of the as-found condition of the houses to be demolished to the satisfaction of the Manager, Heritage Preservation Services;
- (7) require the owner to provide the Commissioner of Economic Development, Culture and Tourism with two (2) copies of the required replacement photographs of 1 and 3 Sultan Street and 11 St. Thomas Street for inclusion in the Heritage Easement Agreements;
- (8) prior to the issuance of a building permit, require the owner to post a Letter of Credit of a type and in a form and amount satisfactory to the Commissioner of Economic Development, Culture and Tourism, in consultation with the City Solicitor to secure the restoration and repair of the heritage properties on Sultan Street in accordance with the Restoration Plan;
- (9) prior to the issuance of a building permit, require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act;
- (10) require the owner to submit to the Commissioner of Works and Emergency Services, for review and approval, a Noise Impact Statement, prior to the introduction of Bills in Council;
- (11) require the owner to submit to the Commissioner of Works and Emergency Services at least 3 weeks prior to the introduction of Bills in Council, approved plans of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed buildings for the purposes of preparing building envelope plans for site specific exemption by-laws;
- (12) advise the owner:
  - (a) of the requirements of the Commissioner of Works and Emergency Services with respect to:
    - (i) the need to contact staff of the Infrastructure Asset Management and Programming Division of Transportation Services after approval is granted for this project, with respect to the timing of the widening of St. Thomas Street and Charles Street West;
    - (ii) the need to submit an application to the Commissioner of Works and Emergency Services for approval of the double door encroachment within the Charles Street West right-of-way and enter into an Encroachment Agreement with respect to the approved encroachment;

- (iii) the need to make a separate application to the Commissioner of Works and Emergency Services for permits to carry out any works involving construction in, or occupancy of, the abutting public right-of-way;
  - (b) that the proposal requires conveyance of land for parks purposes, or payment in lieu thereof, pursuant to Section 42 of the Planning Act;
  - (c) that the issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code;
  - (d) that the proposal is subject to Development Charges pursuant to By-law 476-1999 as amended;
  - (e) that the proposal is subject to Education Development Charges, pursuant to the Toronto Catholic District School Board By-law 2001 No. 148;
  - (f) of the concerns of the Toronto District School Board with respect to local school capacities and the need for the owner to erect and maintain signage on the site and to provide in agreements of purchase of residential units warning clauses advising of the School Board's concerns, to the satisfaction of the Toronto District School Board; and
  - (g) of the comments of Urban Forestry with respect to the removal of City-owned trees and the requirement for the applicant to provide all funds related to the existing tree values, removal costs, and replacement costs in addition to gaining the approval of both Community and City Council; and the additional requirement for financial security deposits required as Tree Planing Security for proposed tree planting in the new streetscape;
- (13) that the owner be requested to redesign the access from St. Thomas Street in order to provide shared vehicular access to the properties fronting Sultan Street, and grant the appropriate rights-of-way for vehicular access purposes accordingly.

Background:

In 1990, this site was the subject of an application for Official Plan and Zoning By-law amendments to permit the development of an 11-storey hotel containing office and retail uses and a museum. The former City of Toronto Council refused the application due to concerns related to urban design. The owner appealed the refusal to the Ontario Municipal Board where the project was approved on condition that the applicant provide a 3500 square metre museum in the Charles Street heritage buildings. The implementing By-laws 542-93 and 543-93 for this proposal are in force, however, the project was never built. Subsequently, the site was sold in 2001.

The new owner has submitted this proposal as an application to amend the former City of Toronto Official Plan and Zoning By-law 438-86. In the event that Council approves this project, I am recommending that the existing Site-Specific By-laws be repealed.

## Proposal

This application requests permission for a project that includes both a point tower and low rise residential buildings. The 28-storey 'point tower' (106.2m in height) provides 93 residential condominium units at the southwest corner of the site. A total of six grade-related units, including four townhouses fronting on Charles Street and two semi-detached units facing on Sultan Street, are also proposed. The applicant proposes to maintain two listed heritage buildings located on Sultan Street and one fronting on St. Thomas Street. Three designated heritage buildings will be demolished to accommodate the four townhouse units facing onto Charles Street West. The proposed density is 6.4 times the area of the lot.

A circular driveway connecting Charles Street West and St. Thomas Street provides access to the site and to the below grade parking garage. A proposed landscaped open area in the northeast corner of the site will adjoin the colonnade located at the rear of the adjacent apartment building at 1166 Bay Street. This connection will allow public access through the site from Sultan Street to Charles Street West.

## Site and Surrounding Area

The site is U-shaped with frontage on Charles, St. Thomas and Sultan Streets. Two houses in the centre of the Sultan Street block flanked by this site are in separate, unrelated ownership. An east-west right-of-way from St. Thomas Street provides access to the rear of the houses fronting on Sultan Street and separates these properties from the remainder of the site.

The site currently contains a parking lot fronting on both Charles and St. Thomas Streets. Three designated heritage houses are located east of the parking lot on Charles Street. A listed heritage houseform building used as a bookstore fronts on St. Thomas Street at the corner of Sultan Street. Two additional listed buildings are located at the east end of the site fronting on Sultan Street.

The following uses surround the site:

North: 18-storey Windsor Arms Hotel/Condominium, 9-storey and 6-storey apartment buildings ;

South: 30-storey Bay Street apartment building, 4-storey apartment building and 8-storey building owned by Victoria University fronting on Charles Street;

East: 2 Bay street apartment buildings of 18 and 22 storeys; and

West: two, 4-storey apartment buildings and a vacant site approved for a 12-storey hotel.

#### Official Plan:

The former City of Toronto Official Plan designates this site as a “Low Density Mixed Commercial Residential Area”, which permits a mix of commercial and residential uses to a maximum density of 3.0 times the area of the lot.

Section 19 of the Official Plan also designates the area defined by the south side of Sultan Street to the north side of Charles Street on both sides of St. Thomas Street as ‘The Sultan-St. Thomas Area of Special Identity’. At the time this designation was applied the area was characterised by low-rise residential buildings on tree-lined streets. Since then, the majority of the sites within this designation have been granted approval for buildings in excess of 10 storeys. The majority of these approvals were secured through appeals to the Ontario Municipal Board.

#### Proposed New Official Plan for the City of Toronto:

The draft new Official Plan sets out new policy directions for the whole city. It designates this site as ‘Mixed Use’ within the Downtown. Policies for this area include the encouragement of a full range of housing opportunities through residential intensification.

The Plan also includes site-specific policies to guide growth and change in specific areas of the city. Site-Specific Policy 152 that is proposed to replace the Sultan-St. Thomas Area of Special Identity contains a policy for this site which encourages the retention of heritage buildings. It states that:

“The retention of historical buildings designated pursuant to the Ontario Heritage Act as having architectural or historic merit will be encouraged and new development will respect the scale.”

#### Zoning By-law 438-86, as amended:

The site is zoned CR T3.0 C2.0 R3.0 which permits a mix of residential and commercial uses to a maximum density of three times the lot area. The height limit on the Charles Street properties is 14m. The remainder of the site has a height limit of 18m.

Site-Specific By-laws 542-93 and 543-93 permit an 11-storey hotel and museum on this site with a maximum height of 36.3m. These by-laws will be repealed should this application be approved.

#### Site Plan Control

A concurrent application for Site Plan Approval has been filed and will be completed pending Council approval of the project.

## Reasons for Application

The proposed density of 6.4 times the area of the lot exceeds that permitted in both the former City of Toronto Official Plan and Zoning By-law 438-86, as amended, by 3.4 times the area of the lot.

The proposed 106.2m height of the point tower exceeds that permitted in the Zoning By-law by a maximum of 92.2m and a maximum of 69.9m above the height limit approved in Site Specific By-law 543-93. It should be noted that higher than average floor-to-ceiling heights have resulted in this building being higher than most 28 storey buildings.

The townhouses are within the existing height limit of 14m and 18m.

Additional variances relate to the lack of a common basement and the fact that the proposed outdoor residential amenity space is not adjacent to the indoor residential amenity space.

## Community Consultation

A Community Consultation meeting was held on May 16, 2002. Approximately 55 members of the public attended the meeting. Since that meeting more than a dozen letters and numerous phone calls have been received from individuals and representatives of the Greater Yorkville Residents Association and the Bloor Yorkville BIA.

Concerns expressed by the public generally relate to the proposed demolition of the three historic buildings on Charles Street; the height, scale and massing of the proposed building; the lack of compliance with the policies of the "Sultan-St. Thomas Area of Special Identity"; the potential impacts of the new building on the streetscape; a lack of consistency with the character of the area; shadow impacts; privacy and overlook issues; and concerns that the development will establish an undesirable precedent for future development. These comments are addressed in this report.

When asked, almost 70 per cent of those attending the Community Consultation meeting indicated that their chief concern was related to height. Most individuals agreed that the architecture of the building was very attractive, but that the building was too tall for the area.

## Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

Comments:

Urban Design Considerations

The Sultan-St. Thomas precinct is an 'Area of Special Identity' located directly southwest of the intersection of Bay and Bloor Streets. This location is a short walk from Toronto's major subway hub at Yonge and Bloor and adjacent to the Bay Street Station on the Bloor line. A large number of tall buildings were constructed in the surrounding area in the 1960's and 70's to take advantage of the unsurpassed transit accessibility. Given the excellent transit service, the Downtown address and the larger context of tall buildings, this site is an obvious location for intensification. However, as with all areas of proposed intensification, the local context and neighbourhood character must also be considered carefully.

One of the most frequently expressed concerns at the Community Consultation public meeting was the lack of conformity of this proposal with the prevailing provisions of the former City of Toronto Official Plan. The principal objective of the Sultan-St. Thomas Area of Special Identity was to maintain the area described as:

“an enclave of domestic scale, brick structures, and possesses a quiet ambience in contrast to the intense commercial activity of nearby Bay and Bloor Streets. The area is characterized by tree lined streets and detached and semi-detached and walk-up apartment structures generally set back consistently from the street line.”

With the exception of two, 3 and 4 storey walk-up apartments owned by Victoria University on the west side of St. Thomas Street, the Ontario Municipal Board has approved projects of a higher height and density than was envisioned in the Sultan-St. Thomas Area of Special Identity at the time of its approval by the former City of Toronto Council in 1993. The following projects have been approved by the Ontario Municipal Board for this area:

- 5, 7, 9, Sultan Street for a 10-storey residential building;
- 100-108 Charles Street West for a 12-storey hotel; and
- this site was approved for an 11-storey hotel.

In addition, the Windsor Arms Hotel, located diagonally to this site at the northwest corner of Sultan and St. Thomas Streets is an 18-storey hotel/condominium. On the northeast side of Sultan and St. Thomas Streets are 6- and 10- storey residential buildings.

Consequently, the Sultan-St. Thomas precinct has had a difficult time balancing the desire to retain the former residential scale and character of the neighbourhood, while evolving in a changing environment.

This site plays a key role in the evolution of the Sultan-St. Thomas precinct. While the previous development approvals had already altered the "Special Identity" of the area significantly, there is no doubt that this proposal, if approved, will redefine its character permanently. After careful



review staff have concluded that this proposal strikes an acceptable balance between intensification and respect for the local context.

During the Community Consultation process both the height of the building and the effect of the building on the neighbourhood character were identified as areas of concern. The proposed building is tall, but its effect on the neighbourhood is reduced by its massing in the form of a slender, tapering point-tower. In Toronto, the point tower is an emerging built form that generally has a square floor plate of not more than 800 sq.m. and is stepped back, in this case to a floor plate of just over 300 sq.m., to create a tall, slim profile. The point tower has been carefully located at the southwest corner of the site to minimize its impact as a tall element, away from Bay Street. It is designed to maximize the open space, open up the site and reduce the effect that a slab building would have on the adjacent properties, particularly those on Bay Street. The tall, slender form of the building assists in reducing the potential shadows on the adjoining properties.

Although much of the low-rise fabric of the Sultan-St. Thomas precinct has been demolished, the narrow tree lined streets, the remaining low rise buildings and the rebuilt Windsor Arms Hotel combine to retain a sense of the historic character at the pedestrian level. The detailed design of this new proposal including architectural style, building materials, fenestration and cornice lines has been carefully considered to create a rich pedestrian experience appropriate for its location. The proposed townhouses along Charles Street and the base of the point tower on Charles and St. Thomas Streets have been articulated and detailed in the tradition of a fine grain urban residential neighbourhood. This experience is further enhanced by the garden, which is visible through the proposed porticos from Charles and St. Thomas Streets. The retention and restoration of the historic houses located at 1 and 3 Sultan Street, and 11 St. Thomas Street and the construction of two new houses on Sultan Street strongly contribute to the creation of a new unique precinct.

It is important to note that this project succeeds because the site is large enough to accommodate the proposed point tower, provide new low-rise buildings along the street edge, retain and enhance existing heritage buildings, and provide acceptable site access and amenity at grade. Other projects seeking exceptional height permissions would have to meet similar criteria. In addition, the location of other potential development sites may impose specific constraints on their development.

#### Shadow Impacts

Concern was raised at the Community Consultation meeting that the point tower would produce excessive shadows on the adjacent area. Review of the shadow drawings indicate that, in general, the shadows overlap the shadows of existing buildings with the possible exception of additional shadows on the Victoria University playing field in the early morning of the summer months.

#### Wind Study

A wind study was conducted by the applicant and reviewed by City staff. It was determined that no adverse conditions will result from this proposal.

## Views/Privacy

This building is acknowledged as being substantially taller than the previous OMB approved development. It will be visible to a greater extent from adjacent units on Bay Street at higher levels. However, the tower has been moved as far away from the Bay street buildings as possible to maximize views and privacy. In addition, the tower has been terraced on all four sides and narrows to a floorplate of just over 300sq. m. at the upper floors allowing for light and view penetration through the site to occupants of neighbouring buildings.

## Heritage

The Toronto Preservation Board considered this application at a special meeting of October 24, 2002. At that meeting, the Board endorsed the staff recommendation that demolition of the 3 designated buildings at 76, 78 and 80 Charles Street should only be permitted if the following conditions are met:

- (a) the owner has obtained a building permit to erect a new building on the site of the buildings sought to be demolished; and
- (b) the design of the new building is substantially in accordance with the plans prepared by Robert Stern Architects in collaboration with Young and Wright Architects and submitted with Official Plan and Zoning By-law Amendment Application No. 202005 on file with the Commissioner of Urban Development Services.

This conclusion was reached on the basis of a careful consideration of the condition of the buildings, the need to achieve satisfactory urban design conditions, and the provision of underground parking.

At the same meeting, the Toronto Preservation Board endorsed the designation of the listed buildings at 1 and 3 Sultan Street, and 11 St. Thomas Street. These properties were included on the City of Toronto's Inventory of Heritage Properties in 1973. As part of the proposed development, the applicant has agreed to enter into Heritage Easement Agreements for each of these properties.

In the staff report to the Toronto Preservation Board, staff requested that the following conditions be included in the recommendations of this report:

- (i) a contribution of \$300,000 to the Toronto Heritage Grant Program or its equivalent as determined by the Manager of Heritage Preservation Services of which \$50,000 is to be used for the explicit purpose of assisting in the restoration of the Firehall No. 3 clock tower located at 484 Yonge Street;
- (ii) a Restoration Plan detailing the restoration work to be undertaken by the owner for the heritage properties located at 1 and 3 Sultan Street, and at 11 St. Thomas Street, to the satisfaction of the Manager, Heritage Preservation Services;

- (iii) a Letter of Credit of a type and in a form and amount satisfactory to the Commissioner, Economic Development, Culture and Tourism, in consultation with the City Solicitor, to secure the repair and restoration of the heritage properties at 1 and 3 Sultan Street and at 11 St. Thomas Street in accordance with the Restoration Plan referred to in (ii) above; and
- (iv) documentation and recording of the as-found condition of the houses to be demolished to the satisfaction of the Manager, Heritage Preservation Services.

The Toronto Preservation Board report dated (October 24, 2002) is before this meeting.

### Section 37

The Official Plan contains provisions pertaining to the exchange of public benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. The proposal exceeds 20,000 m<sup>2</sup>, and is therefore subject to a public art contribution. Discussions with the applicant and the Ward Councillor have led to a commitment to enter into both a Section 37 agreement and a Heritage Easement Agreement to provide the following public benefits:

- (i) the provision and maintenance of a publicly accessible walkway from Charles Street to Sultan Street satisfactory to the Commissioner of Urban Development Services;
- (ii) the provision and maintenance of building materials and design of the buildings to be erected to the satisfaction of the Commissioner of Urban Development Services;
- (iii) a contribution of \$500,000 to the Bloor Street Revitalization Fund;
- (iv) a contribution of \$300,000 to the Toronto Heritage Grant Program or its equivalent as determined by the Manager of Heritage Preservation Services of which \$50,000 is to be used for the explicit purpose of assisting in the restoration of the Firehall No. 3 clock tower located at 484 Yonge Street;
- (v) a contribution of 1 per cent of the gross construction cost of the project for the provision of public art.

The Section 37 Agreement will be signed and registered on title prior to the introduction of Bills in Council.

### Traffic Impact, Access, Parking/Loading

In 1988, the former City of Toronto endorsed the widening of St. Thomas Street from its current pavement width of 6.4 m to 8.5 m. In addition, Council also approved the widening of Charles Street West from its current pavement width of 6.0m to 8.5 m to accommodate the conversion of Charles Street West to two-way traffic operation. The applicant will be required to submit

revised drawings that reflect the proposed road widenings prior to the completion of the Site Plan Approval.

The proposed access arrangement and the provision of 221 parking spaces in a 4 level below-grade parking garage are generally acceptable to the Commissioner of Works and Emergency Services. However, the owner is required to install clearly visible signs and pavement markings to identify and designate the one-way operation of the surface driveway. The Commissioner of Works and Emergency Services has identified additional signs to assist site circulation that will be required prior to Site Plan Approval. The applicant will be also be required to reconfigure the Type 'G' loading space to permit access by City refuse collection trucks prior to granting Site Plan Approval.

#### Tree Protection

The Commissioner of Economic Development, Culture and Tourism has indicated that there are a number of existing healthy City-owned trees on the road allowance which may be removed as part of this application. Approval for their removal is conditional on the applicant providing all funds related to the existing tree values, removal costs and replacement costs. The application will have to be approved at both Community and City Council. A security deposit will also be required as Tree Planting Security for trees proposed to be planted in the new streetscape. These matters will be dealt with as part of the Site Plan Approval.

#### Conclusions:

Planning staff recommend approval of the proposed Official Plan and Zoning By-law Amendments to permit a residential development. The proposed project is consistent with the intent of the proposed draft new Official Plan with respect to residential intensification and represents an appropriate development of this site.

#### Contact:

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Beate Bowron

Director, Community Planning, South District

List of Attachments:

- Application Data Sheet
- Attachment 1: Site Plan
- Attachment 2: Elevations
- Attachment 3: Zoning
- Attachment 4: Agency Comments
- Attachment 5: Draft Official Plan Amendment
- Attachment 6: Draft Zoning By-law Amendment

### Application Data Sheet

#### Combination

Site Plan Approval:	Yes	File Number:	<b>202005</b>
Rezoning:	Yes	Application Number:	<b>TE CMB 2002 0003</b>
O.P.A.:	Yes	Application Date:	03/08/2002

Municipal Address: 1, 3 Sultan Street  
76 Charles Street West  
98 Charles Street West  
11 St. Thomas Street

Nearest Intersection: Bay Street and Charles Street

Project Description: Residential Condominium. Includes Heritage component.

<b>Applicant/Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
IBI Group	Robert A. M. Stern	St. Thomas Developments
230 Richmond Street West	c/o Young & Wright	Incorporated
Toronto, Ontario	12 St. George Street	7 Lee Centre Drive
M5E 3V5	Toronto, Ontario	Scarborough, Ontario
(416) 596-1930	M5R 2M7	M1H 3J8

#### PLANNING CONTROLS (For verification refer to Chief Building Official)

Official Plan Designation:	Low Density Mixed Commercial/Residential	Site Specific Provision:	542/543-93
Zoning District:	CRT 3C2.0 R3.0	Historical Status:	listed/designated
Height Limit (m):	14/18 m	Site Plan Control Area:	Yes

#### PROJECT INFORMATION

Site Area:	3590.6	<b>Height:</b>	Storeys:	28
Frontage:	0		Metres:	106.2
Depth:	0			
Ground Floor GFA:	643.2	Parking Spaces:	221	0
Residential GFA:	22,850.5	Loading Docks:	1	0
Non-Residential GFA:	820.2			
Total GFA:	23,670.7			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN

		<b>Above Grade</b>	
Rooms:	0	Residential GFA:	23670.7
Bachelor:	0	Retail GFA:	0
1 Bedroom:	0	Office GFA:	0
2 Bedroom:	46	Industrial GFA:	0
3+ Bedroom:	56	Industrial/Other GFA:	0
Total Units:	102		
Total Proposed Density:	6.4		

**COMMENTS** Includes heritage component. Site plan review plans will be submitted at later date.

Current Status:	Open	<u>Latest Event</u> Received	<u>Actual Date</u> 03/08/2002
Data Valid:	October 23, 2002	Planner: Coombs, Helen	Phone: (416) 392-7613
Area:	District - C	Planning Office: Toronto - South (TE)	

**Attachment 4**  
**Agency Comments**

**1. Urban Development Services, Building (June 25, 2002)**

Our comments concerning this proposal are as follows:

Description:

Zoning Designation: CR T3.0 C2.0 R3.0 Map: 50H-323

Applicable By-law(s): , as amended

Plans prepared by: Young and Wright Architects Plans dated: April 30, 2002

Gross Floor Area (GFA): 23473 m<sup>2</sup>

Residential GFA: 23473 m<sup>2</sup>

Zoning Review

The list below indicates where the proposal does not comply with the City's Zoning By-law 438-86, as amended, unless otherwise referenced.

1. The buildings will not have a common basement so as to be deemed as one building. Section 2 "lot".
2. The building will have a height of 106.35 metres in lieu of the maximum permitted 14.0 metres and 18.0 metres. Section 4 (2) a.
3. The by-law requires at least 40 square metres of outdoor residential amenity space to be adjacent to or directly accessible from the indoor residential amenity space. The proposed outdoor residential amenity space is not adjacent to the indoor residential amenity space. (Section 4(12))
4. The by-law requires that the residential gross floor area be not more than 3.0 times the area of the lot: 10770 square metres. The proposed residential gross floor area of the building is 23473 square metres. (Section 8(3) PART I 3(a))

Other Applicable Legislation and Required Approvals

1. The proposal requires Site Plan approval under Section 41 of the Planning Act.
2. The proposal requires conveyance of land for parks purposes, or payment in lieu thereof pursuant to Section 42 of the Planning Act.



3. The property is designated historical, and the proposal requires the approval of Heritage Preservation Services under the Ontario Heritage Act.
4. The issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code.
5. The proposal is subject to Development Charges pursuant to By-law 476-1999 as amended. For additional information please refer to the said by-law.
6. The proposal is subject to Education Development Charges, pursuant to the Toronto Catholic District School Board By-law 2001 No. 148. For additional information please refer to the said by-law.

## **2. Works and Emergency Services, Technical Services (October 21, 2002)**

This is in reference to the application by IBI Group, on behalf of St. Thomas Developments Incorporated, for the project on the above-noted site located on the east side of Thomas Street, between Charles Street West and Sultan Street. The proposal is to amend the zoning by-law and approve a site plan to permit the construction of a residential development comprising 93 apartment units and 9 townhouse units, including 3 existing townhouses. The following recommendations and comments are based on plans and drawings date stamped by Urban Development Services on April 30, 2002.

Please advise me if any changes or modifications are required to the conditions identified in this memorandum.

### Conditions

1. The owner be required to:
  - (a) Provide and maintain a minimum of 116 parking spaces on the site to serve the project, including a minimum of 110 parking spaces for the exclusive use of the residents of the project and at least 6 parking spaces for the residential visitors;
  - (b) Provide and maintain a physical separation between the residents' parking and the residential visitor parking in the underground garage to secure the availability of the residents' parking;
  - (c) Clearly designate the one-way operations of the surface driveway, by means of clearly visible signs and pavement markings;
  - (d) Provide and maintain the appropriate "Do Not Enter" signs on either side of the outbound only Charles Street West driveway;

- (e) Provide and maintain the appropriate “No Left Turn” signs at the top of the access ramp;
- (f) Provide and maintain “No Parking” signs adjacent to the Type G loading space;
- (g) Recess the single doors on St. Thomas Street, so that they do not encroach onto the St. Thomas Street road allowance, when open;
- (h) Restore all existing curb cuts that are no longer required, to City standards, at no cost to the City;
- (i) Relocate/eliminate the trees and lamp poles within the portion of the St. Thomas Street right-of-way to be used for road widening purposes;
- (j) Provide and maintain 1 modified Type G loading space on site, having a generally level surface (+2%) with minimum dimensions of 13 m long by 6 m wide and a vertical clearance of at least 7.4 m;
- (k) Construct all driveways and passageways providing access to and egress from the modified Type G loading space with a minimum width of 6 m at the entrance to the site, a minimum width of 4.5 m throughout the remainder of the site, a minimum vertical clearance of 4.4 m and minimum inside and outside turning radii of 10 m and 12.5 m, respectively, designed so that trucks can enter and exit the site in a forward motion;
- (l) Construct the modified Type G loading space and all driveways and passageways providing access thereto to the requirements of the Ontario Building Code, including allowance for City of Toronto bulk lift and rear bin vehicle loading with impact factors where they are to be built as supported structures;
- (m) Provide and maintain a concrete base pad adjacent to the front of the modified Type G loading space, with a slope not exceeding 2%, and of sufficient size to store a minimum of 2 compactor containers on collection day;
- (n) Provide and maintain a garbage room, equipped with a stationary compactor, and a recycling room, having minimum sizes of 25 square metres and 10 square metres, respectively, or alternatively, a combined garbage/recycling room with a minimum size of 35 square metres, equipped with a material sorter or stationary compactor. If the project is not equipped with a material sorter, convenient storage space for recycling material must be provided on each floor of the project for collection by building maintenance staff;
- (o) Provide and maintain access to the garbage and recycling room(s) with double or overhead doors having a minimum width of 2.2 m to accommodate the transport of container bins;

- (p) Provide a trained employee to manoeuvre container bins to and from the front of the garbage truck for loading and to assist the driver with any back-up manoeuver at all times during City collection periods;
- (q) Provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;
- (r) Submit to, and have approved by, the Commissioner of Works and Emergency Services, prior to the introduction of a bill in Council, a noise impact statement in accordance with City Council's requirements;
- (s) Have a qualified architect/acoustical consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the noise impact statement approved by the Commissioner of Works and Emergency Services;
- (t) Provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan approved by the Commissioner of Works and Emergency Services;
- (u) Submit to the Commissioner of Works and Emergency Services approved plans of the development, with sufficient horizontal and vertical dimensions of the exterior walls of the proposed buildings, for the purpose of preparing building envelope plans for site specific exemption by-laws. Such plans should be submitted at least 3 weeks prior to the introduction of a bill in Council;
- (v) Apply for revised municipal numbering prior to filing an application for a building permit;
- (w) Submit, prior to the issuance of a building permit, for review and approval by the Commissioner of Works and Emergency Services, a storm water management report, a grading and drainage plan, and a site servicing plan, including fire access routes, fire department siamese connection and existing/proposed hydrants;
- (x) Submit revised drawings with respect to the Recommendation Nos. 1(c), 1(d), 1(e), 1(f), 1(g), 1(i), 1(j), 1(k) and 1(m) above, for the review and approval of the Commissioner of Works and Emergency Services;

2. The owner be advised:

- (a) Of the need to contact staff of the Infrastructure Asset Management and Programming Division of Transportation Services after approval is granted for this project, with respect to the timing of the widening of St. Thomas Street and Charles Street West;

- (b) Of the need to submit an application to the Commissioner of Works and Emergency Service for approval of the double door encroachment within the Charles Street West right-of-way and enter into an Encroachment Agreement with respect to the approved encroachment;
  - (c) Of the need to make a separate application to the Commissioner of Works and Emergency Services for permits to carry out any works involving construction in, or occupancy of, the abutting public right-of-way; and
3. That the owner be requested to redesign the access from St. Thomas Street in order to provide shared vehicular access to the properties fronting Sultan Street, and grant the appropriate rights-of-way for vehicular access purposes accordingly.

### Roadways

The widening of St. Thomas Street from the current pavement width of 6.4 metres to 8.5 metres was approved. In addition, the widening of Charles Street West from the current pavement width of 6.0 metres to 8.5 metres to accommodate the conversion of Charles Street West to two-way traffic operation was also adopted by Council. Sketches SK-1305 and SK-1402 attached illustrate the widening on St. Thomas Street and Charles Street West respectively. The road widening is still subject to detailed design.

These proposed road widening plans have to be reflected in the revised drawings. It is the City's intention to undertake the widening of St. Thomas Street and Charles Street West to coincide with this development. Accordingly, the applicant should be advised to contact staff of the Infrastructure Asset Management and Programming Section of Transportation Services at 392-7766, in this regard.

### Encroachments

The plans indicate that several single doors, when open, will encroach within the St. Thomas Street right-of-way. These encroachments are not acceptable and, as a result, the doors must be recessed to eliminate the encroachments. Also, a set of double doors, when open, will encroach within the Charles Street West right-of-way. However, given that these doors serve the hydro vault, which will only be used infrequently, this proposed encroachment is acceptable. As a result, it will be necessary for the owner to submit a separate application to this Department for approval of the double door encroachment on Charles Street West.

### Driveway Access and Site Circulation

Vehicular access to the site is proposed via one inbound only driveway, measuring 4.4 metres in width, extending easterly from St. Thomas Street. Vehicular egress from the site is proposed via one outbound only driveway, measuring 5.2 metres in width extending southerly from the pick-up/drop-off area to Charles Street West. The proposed access arrangement is generally acceptable, however, the owner is required to install clearly visible signs (strategically located) and pavement markings to identify and designate the one-way operation of the surface driveway.

Furthermore, “Do Not Enter” signs must be installed at the Charles Street West exit in order to prevent motorists from attempting to access the site from this driveway. “No Left Turn” signs must also be installed at the exit from the underground garage to prevent motorists from accessing the pick-up/drop-of area, which is not large enough for automobiles to turnaround and exit back to Charles Street West.

Access to and egress from the underground parking garage is proposed from the north-south portion of the one-way surface driveway and is acceptable. The slope of the access ramp is proposed to be 7.5% for 3 metres at the top and bottom of the ramp and 15% in between, which is also acceptable.

The above noted one-way driveway extending easterly from St. Thomas Street is located immediately to the south of an existing 3-metre wide easement/driveway that serves the properties fronting Sultan Street. This easement appears to be situated on lands owned by the applicant. The easement is intended to provide, among other things, vehicular access to a proposed mixed use development at Premises Nos. 5 - 7 Sultan Street (25 units plus retail and 27 parking spaces), which was approved by the OMB. However, because of the narrow width of this driveway, a traffic control system has been proposed to facilitate alternating one-way traffic operations. In order to improve operations on St. Thomas Street and within both driveways, it is recommended that the owner of this subject site redesign the driveway to also provide vehicular access to the properties fronting Sultan Street.

#### Parking

The proposed provision of 221 parking spaces in a 4-level underground parking garage satisfies the estimated total parking demand generated by this project for 116 spaces. The estimated demand is based in part on the surveyed demand of condominium dwelling units, including 110 spaces for the exclusive use of the residents and 6 spaces for the residential visitors. As far as can be ascertained, the Zoning By-law requirement is for 99 spaces to serve the residents and 6 spaces for residential visitors. The proposed parking supply is acceptable.

The dimensions and general layout of the parking spaces and the driveway aisles of the parking garage are generally satisfactory. A physical separation within the underground parking garage between the residents’ and visitors’ parking spaces has been provided and is acceptable.

#### Loading

The proposed provision of 1 Type G loading space to serve the project satisfies the estimated loading demand generated by this project and, as far as can be ascertained, the Zoning By-law requirement for a like amount. However, the loading space should be modified as per Recommendation No. 1(j) above to accommodate City refuse collection vehicles. The plans indicate that the proposed Type G loading space is to be provided off of the internal driveway. Bulk-lift vehicles will be able to access the loading space in a forward motion from St. Thomas Street and exit onto Charles Street West in a forward motion, which is acceptable. The proposed loading space, which is adjacent to the outbound driveway, should be signed to prohibit parking.

## Traffic Assessment

A Transportation Review has been submitted in support of this application, prepared by BA Consulting Group Ltd., dated April 2002. The site is currently occupied by an existing commercial parking lot. The consultant has estimated that the proposed development would generate two-way vehicular trips of 20 vph (5 inbound and 15 outbound) during the AM peak hour and 25 vph (15 inbound and 10 outbound) in the PM peak hour. The existing commercial parking lot, which will be displaced as part of this development, generates comparable or slightly higher peak traffic volumes. Of note is the fact that the previously approved hotel/museum generated two-way vehicular trips of 85 vph (55 inbound and 30 outbound) during the AM peak hour and 95 vph (35 inbound and 60 outbound) in the PM peak hour. The currently proposed development will generate substantially less traffic than the previously approved hotel/museum.

Based on an assessment of the existing on-site commercial parking activity and a comparison with the previously approved commercial hotel/museum uses, the consultant concludes that the traffic generated by the proposed development can be accommodated adequately on the area road network during peak operating conditions. This Department concurs with the conclusions of this assessment.

## Solid Waste and Recycling

The City will provide the apartment and the townhouse units with the bulk lift method of refuse and recyclable materials collection in accordance with the Municipal Code, Chapter 309 (Solid Waste). This will require the provision of the storage and handling facilities and matters identified in Recommendation Nos. 1(j) to 1(p), above. The truck turning radii, the horizontal and the vertical clearances (minimum clearances of 4.5 metres and 4.4 metres respectively are required) should be shown on the plans for the entire route to be taken by bulk lift vehicles.

It is the policy of City Council to levy a service charge on all new developments, payment of which, is a condition for receiving City containerized garbage and recycling collection. The levy is currently \$34.50 per month, including taxes, multiplied by the number of garbage containers on site. The levy includes the provision and maintenance of City garbage and recycling containers. Should the owner choose to provide private garbage containers, the levy will still be charged and the containers must meet City specifications and be maintained privately at the expense of the building owner. Further information regarding the above can be obtained by contacting the Solid Waste Management Services Division at 338-0957.

## Storm Drainage

It is the policy of City Council to require the infiltration of storm water run-off into the ground for all new buildings, whenever possible. Therefore, storm connections to the City sewer system will only be permitted if it can be demonstrated that infiltrating storm water into the ground is not feasible. A storm water management report is required to address both the quantity and quality of storm water. Further information regarding storm drainage can be obtained by contacting Brian Lee at 416-397-0253.

### Sanitary Drainage

Sanitary sewers are available on the abutting streets.

### Water Supply

Water supply is available on St. Thomas Street.

### Fire Services

The site plan should be revised to address the following with respect to Fire Access Route requirements of the Ontario Building Code:

- Fire access routes to be located within 3 to 15 metres of the “principal entrance”;
- Fire access routes to be located within 3 to 15 metres of every building face having access openings (unsprinklered buildings);
- Fire access route to be at least 6 metres wide throughout;
- Fire access route shall have an overhead clearance of at least 5 metres;
- Fire access load support shall be sufficient to support expected loads imposed by fire fighting equipment and shall be surfaced in order to be accessible under all climatic conditions; and
- Fire hydrant to be located no more than 45 metres from a Fire Department siamese connection.

### Construction Permits

Approval for any work to be carried out within the street allowance must be received from this Department. Although the proposed access is acceptable in principle, further changes may be required as a result of the detailed review of the application for work within the public right-of-way. For further information, the applicant should contact the Right-of-Way Management Division, District 1, Construction Activities at 392-7877.

### **3. Economic Development, Culture & Tourism, Policy & Development (October 29, 2002)**

This is to confirm Urban Forestry's earlier communication that with respect to tree issues related to the above major project proposal, we have two basic comments:

1. There are a number of existing, healthy City-owned trees on the road allowance which appear to be indicated as being removed.

Approval for their removal is conditional on the applicant providing all funds related to the existing tree values, removal costs, and replacement costs; in addition to gaining the approval of both Community Council and City Council.

2. The above funds would be in addition to any financial security deposits required as Tree Planting Security for proposed tree planting in the new streetscape.

The applicant must confirm their awareness of these issues to Urban Forestry, through UDS-Planning.

Should you require any further clarification, please contact Mark Ventresca, or myself.

**(June 24, 2002)**

The EDCT Department has reviewed the plans received May 2, 2002 for the above noted property. This is to advise that the recommended conditions of approval stated in this Department's comments of April 8, 2002 still apply.

**(April 8, 2002)**

An application has been made to permit the construction of a 28 storey, 100 unit residential condominium tower. The 3,590m<sup>2</sup> site fronts on Charles Street West, St. Thomas Street and Sultan Street.

The area falls within the lowest local parkland assessment cell having between 0 to 0.42 hectares of local parkland per 1000 population. The area also falls within a Priority Area characterized as High Growth in the Parkland Acquisition: Strategic Directions Report, which was submitted for Council consideration on November 6,7 & 8, 2001. St. Mary's St. Parkette which is 0.11ha is the closest local park to the site being approximately 250 metres away. While there is no opportunity to secure a parkland dedication on-site, the addition of 100 units to the area will place an increased demand on this existing park.

The owner of the property will enter into a Section 37 Agreement with the City as a result of this application. It is requested that this Department be involved in those negotiations.

The amalgamation of the new City of Toronto will bring a new parkland dedication by-law. Although these comments are premised on former City of Toronto by-laws and Official Plan policies, if the application is approved subsequent to adoption of a new parkland dedication by-law for the new City of Toronto, the latter shall prevail.

If this development is approved, it will be subject to a 5% cash-in-lieu of parkland dedication payment under Chapter 165 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the Planning Act RSO 1990, c.P.13. The cash-in-lieu payment will be payable prior to building permit issuance.



The applicant is proposing street trees within the public boulevard. The applicant should contact Mr. Mark Procnier, Supervisor of Urban Forestry Planning and Protection at 416-392-7390 regarding the specifications for the new street tree planting.

### **Heritage Preservation Services (October 24, 2002)**

Please find the attached copy of a report considered by the Toronto Preservation Board at a special meeting on October 24, 2002. The Toronto Preservation Board endorsed the staff recommendations. This report will be forwarded to the November 12, 2002 meeting of the Toronto East York Community Council.

In accordance with this report, I am requesting that the following be included in the recommendations of the Final Planning Report for Development Application No. 202005 to be considered by Toronto East York Community Council at its meeting on November 12, 2002, as conditions of site plan approval:

- (i) the provision of a \$300,000 donation to the Toronto Heritage Grant Program, or equivalent, as outlined in the Section 37 agreement;
- (ii) a Restoration Plan detailing the restoration work to be undertaken by the owner for the heritage properties located at 1 and 3 Sultan Street and at 11 St. Thomas Street, to the satisfaction of the Manager, Heritage Preservation Services;
- (iii) a Letter of Credit of a type and in a form and amount satisfactory to the Commissioner, Economic Development, Culture and Tourism, in consultation with the City Solicitor, to secure the repair and restoration of the heritage properties at 1 and 3 Sultan Street and at 11 St. Thomas Street in accordance with the Restoration Plan referred to in (ii) above; and
- (iv) documentation and recording of the as-found condition of the houses to be demolished to the satisfaction of the Manager, Heritage Preservation Services.

In considering the attached staff report, the Toronto Preservation Board also moved the following recommendation:

“that \$50,000 of the \$300,000 contribution to the Toronto Heritage Grant Program be used for the explicit purpose of assisting in the restoration of the Firehall No. 3 clock tower located at 484 Yonge Street.”

Accordingly, I am requesting that this recommendation also be included in the Final Planning Report.

If you have any questions or concerns with regard to the above please do not hesitate to contact me.

**Attachment 5  
Draft Official Plan Amendment**

**To adopt an amendment to the Official Plan for the former City of Toronto  
respecting lands known as Nos. 76 to 98 Charles Street West,  
No. 11 St. Thomas Street and Nos. 1 and 3 Sultan Street.**

The Council of the City of Toronto **HEREBY ENACTS** as follows:

1. The text and map annexed hereto as Schedule “A” are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. .
3. Official Plan Amendment No. 558, as enacted by By-law No. 542-93 being, “A By-law To adopt an amendment to Part II of the Official Plan respecting the Sultan - St. Thomas Area of Special Identity”, is hereby repealed.

## SCHEDULE "A"

1. Section 18 of the Official Plan, for the former City of Toronto is hereby amended by adding the following Section 18. and the attached Map 18. .

"18. Lands municipally known in the year 2002 as Nos. 76 to 98 Charles Street West, No. 11 St. Thomas Street and Nos. 1 and 3 Sultan Street.

Notwithstanding any of the provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18. , to permit increases in the density and height of development otherwise permitted, to permit the use of existing buildings known in the year 2002 as Nos. 11 St. Thomas Street, 1 Sultan Street and 3 Sultan Street and to permit the erection and use on the lands shown delineated by heavy lines on Map 18. of an apartment building, four row houses and a semi-detached house consisting of a pair of attached buildings provided:

- (1) the residential gross floor area of the apartment building does not exceed 19,997.2 square metres and contains not more than 93 dwelling units;
- (2) the residential gross floor area of each of the four row houses does not exceed 353 square metres and each row house contains not more than one dwelling unit;
- (3) the residential gross floor area of each of the two attached buildings of the semi-detached house does not exceed 278.7 square metres and each attached building contains not more than one dwelling unit;
- (4) pursuant to Section 37 of the *Planning Act*, such by-law requires the owner of the lands to provide the City of Toronto, in return for the residential density and height permission thereby granted, the following facilities, services and matters:
  - A. enter into a heritage easement agreement drawn pursuant to Section 37 of the *Ontario Heritage Act* for each of the existing buildings on lands known as Nos. 11 St. Thomas Street, 1 Sultan Street and 3 Sultan Street;
  - B. provide and maintain one or more works of art pursuant to a public art program in publicly accessible portions of the lands of a value not less than one per cent of the cost of construction of all new buildings, structures and additions erected thereon on or after the date of passing of this By-law, provided that the costs related to obligations under the agreements drawn pursuant to Section 37 of the *Ontario Heritage Act* and costs related to public art shall not be included in such valuation;

- C. provides, in addition to the requirements of paragraphs A and B and upon the coming into effect of the by-law, payments of
    - (i) \$500,000.00 for the Bloor Street revitalization;
    - (ii) \$300,000.00 for the Toronto Heritage Grant Program or its equivalent as determined by the Manager of Heritage Preservation Services of which \$50,000.00 is to be used for the explicit purpose of assisting in the restoration of the Firehall No. 3 clock tower located at 484 Yonge Street;
  - D. agrees to provide and maintain building materials and design of the buildings to be erected satisfactory to the Commissioner of Urban Development Services;
  - E. shall provide and maintain a publicly accessible walkway from Charles Street to Sultan Street satisfactory to the Commissioner of Urban Development Services;
  - F. shall provide letters of credit, prior to the enactment of the by-law, to secure those matters set out in paragraph C;
  - G. shall provide and maintain those services, facilities and matters collateral to those secured by site plan approval pursuant to Section 41 of the *Planning Act*.
- (5) the owner of the lands is required to enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters required to be provided by subsection (4) and with conditions providing for: indexed escalation of financial contribution, no credit for development charges, indemnity, termination and unwinding, and registration and priority of agreement.

**Attachment 6  
Draft Zoning By-law**

**To amend By-law No. 438-86 of the former City of Toronto, as amended,  
respecting lands known as Nos. 76 to 98 Charles Street West,  
No. 11 St. Thomas Street and Nos. 1 and 3 Sultan Street.**

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law;

AND WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters;

AND WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth;

AND WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto;

AND WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 4(2)(a), 4(12) and 8(3) PART I 3(a) of Zoning By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to the use of existing buildings known in the year 2002 as Nos. 11 St. Thomas Street, 1 Sultan Street and 3 Sultan Street and to prevent the erection and use on the lands shown delineated by heavy lines on Plan 1 attached hereto of an apartment building, four row houses and a semi-detached house, provided:

- (1) the lot comprises the lands delineated by heavy lines on Plan 1 attached hereto;

Notwithstanding the definition of “lot” contained in Section 2 of By-law No. 438-86, as amended, the lands delineated by heavy lines on Plan 1 attached hereto, shall be deemed to be one lot, regardless of whether two or more buildings which are not connected below grade are erected thereon, and regardless of any conveyances made or easements granted after the date of enactment of the By-law;

- (2) no portion of any building or structure erected and used above grade is located otherwise than wholly within the heavy lines on Plan 2 attached hereto except cornices, canopies, ornamental elements, balconies, fences, retaining walls, ramps to underground garages, stairways and railings;
- (3) the height of any building to be erected shall not exceed those heights, in metres, following the symbol “H”, shown on Plan 2 exclusive of rooftop facilities, elements and structures otherwise permitted in Section 4(2)(a)(i) of By-law No. 438-86, as amended;
- (4) the residential gross floor area of the apartment building does not exceed 19,997.2 square metres and contains not more than 93 dwelling units;
- (5) the residential gross floor area of each of the four row houses does not exceed 353 square metres and each row house contains not more than one dwelling unit;
- (6) the residential gross floor area of each of the two attached buildings of the semi-detached house does not exceed 287.7 square metres and each attached building contains not more than one dwelling unit;
- (7) the owner or occupant of the buildings to be erected provides and maintains at least 116 and not more than 221 parking spaces on the lot in an underground parking facility for the exclusive use of the residents and of which at least 6 parking spaces are for residential visitors;
- (8) notwithstanding the size provisions of the definition of loading space – Type G of By-law No. 438-86, as amended, the owner or occupant provides and maintains at least one loading space – Type G which shall have a length of at least 13 metres, a width of at least 6.0 metres and a vertical clearance of at least 7.4 metres;
- (9) the height and density of development hereinbefore set out is permitted subject to compliance with the conditions of this By-law and the provision by the owner of the lot of the following facilities, services and matters to the City of Toronto:

- A. enter into a heritage easement agreement drawn pursuant to Section 37 of the *Ontario Heritage Act* for each of the existing buildings on the lands

and known as Nos. 11 St. Thomas Street, 1 Sultan Street and 3 Sultan Street;

- B. provide and maintain one or more works of art pursuant to a public art program in publicly accessible portions of the lands of a value not less than one per cent of the cost of construction of all new buildings, structures and additions erected thereon on or after the date of passing of this By-law, provided that the costs related to obligations under the agreements drawn pursuant to Section 37 of the *Ontario Heritage Act* and costs related to public art shall not be included in such valuation;
  - C. provides, in addition to the requirements of paragraphs A and B and upon the coming into effect of the by-law, payments of
    - (i) \$500,000.00 for the Bloor Street revitalization;
    - (ii) \$300,000.00 for the Toronto Heritage Grant Program or its equivalent as determined by the Manager of Heritage Preservation Services of which \$50,000.00 is to be used for the explicit purpose of assisting in the restoration of the Firehall No. 3 clock tower located at 484 Yonge Street;
  - D. agrees to provide and maintain building materials and design of the buildings to be erected satisfactory to the Commissioner of Urban Development Services;
  - E. shall provide and maintain a publicly accessible walkway from Charles Street to Sultan Street satisfactory to the Commissioner of Urban Development Services;
  - F. shall provide letters of credit, prior to the enactment of the by-law, to secure those matters set out in paragraph C;
  - G. shall provide and maintain those services, facilities and matters collateral to those secured by site plan approval pursuant to Section 41 of the *Planning Act*.
- (10) the owner of the lands is required to enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters required to be provided by subsection (9) and with conditions providing for: indexed escalation of financial contribution, no credit for development charges, indemnity, termination and unwinding, and registration and priority of agreement.

2. Except as otherwise provided, for the purpose of this By-law, each word or expression which is italicized herein shall have the same meaning as each word and expression as defined in the aforesaid By-law No. 438-86, as amended.
3. By-law No. 543-93 being “A By-law To amend By-law No. 438-86 respecting lands known as Nos. 76, 78, 80, 86, 92 to 98 inclusive Charles Street West, 11 St. Thomas Street, and 1 and 3 Sultan Street together with a private lane located east of St. Thomas Street between Sultan Street and Charles Street West, is hereby repealed.