

# **TORONTO** STAFF REPORT

August 31, 2005

To: Toronto and East York Community Council

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

Subject: Final Report  
Official Plan Amendment & Rezoning Application 04 149437 STE 27 OZ  
Applicant: 77 Charles Street Limited  
Architect: HOK Architects  
77 Charles Street West  
Ward 27, Toronto Centre-Rosedale

## Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to permit a 16-storey building containing institutional and residential uses at 77 Charles Street West.

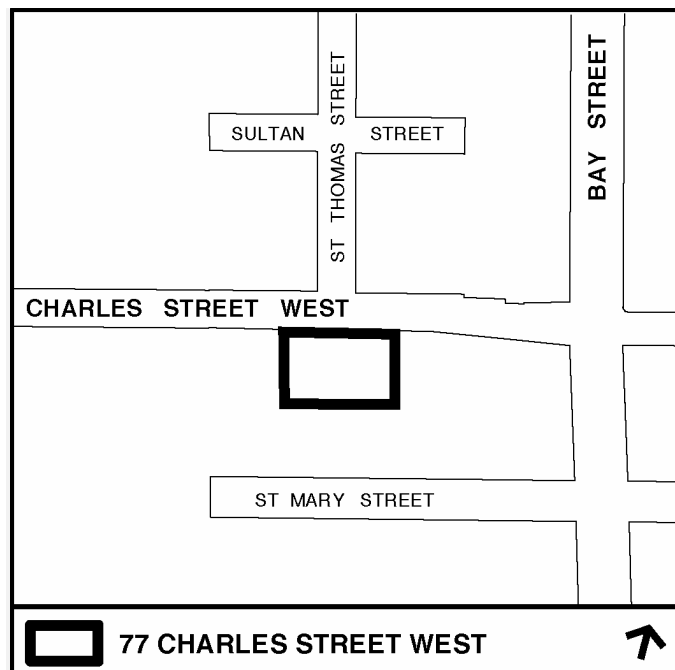
## Financial Implications and Impact Statement:

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. 8;
- (2) amend Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9;



- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and the draft Zoning By-law Amendment as may be required;
- (4) direct the City Solicitor to modify the new Official Plan that is to be presented to the Ontario Municipal Board for approval, to reflect the proposed Official Plan Amendment to the in-force Official Plan for the former City of Toronto substantially in accordance with Attachment No. 10;
- (5) before introducing the necessary Bills to City Council for enactment, authorize the appropriate City officials and require the owner to execute one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreements be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the following facilities, services and matters:
  - (a) a contribution of \$225,000 for on-site public art (indexed annually) implemented under the City's public art provisions and practises;
  - (b) provide a contribution of \$100,000 for area streetscape improvements (indexed annually), prior to the issuance of an above grade building permit for any development;
  - (c) exterior building materials on the north elevation of the development's podium and landscaping materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
  - (d) provisions requiring the owner:
    - (i) to pay for any improvements/upgrades to the municipal infrastructure should it be determined that improvements/upgrades are required to support the development, according to the submitted site servicing assessment as reviewed and accepted by the Executive Director, Technical Services Division;
    - (ii) to incorporate any measures into the building design should it be determined that measures are required to mitigate the impact of wind conditions, according to the pedestrian level windy study as reviewed and accepted by the Chief Planner and Executive Director, City Planning Division;
    - (iii) to pay for the cost of relocating the curb and all its associated work on Charles Street West along the frontage of the site, and restoration of the public boulevards to the satisfaction of the Executive Director, Technical Services Division;

- (iv) to submit, prior to site plan approval, to the Executive Director, Technical Services Division, a certified cheque in the amount of \$2,796.29, payable to the Treasurer, City of Toronto, for City staff to upgrade two of the existing luminaires from 70W MH Acorn to 150W MH Acorn and install a new 150W MH Acorn luminaire on an existing pole on the public right-of-way of Charles Street West;
  - (v) to comply with, and pay for, the City's standard environmental site assessment and peer review process administered by the Technical Services Division; and
  - (vi) to install, at their expense, an irrigation system with automatic timer for all new street trees in the Charles Street West right-of-way adjacent to the site, to the satisfaction of the Executive Director, Technical Services Division, and ensure that the irrigation system is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer including requirements to maintain in good order and operation; and
- (6) authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Background:

The Promotion of Education and Values ("PEV") Society owns 77 Charles Street West. This non-profit Ontario corporation promotes a variety of educational and community service activities for women. PEV has entered into an Agreement of Purchase and Sale to sell the site to 77 Charles Street Limited. Through the site's sale and proposed redevelopment by 77 Charles Street Limited, PEV will acquire space in the new building to establish an institutional facility to be called Kintore College.

The property is currently occupied by a four-storey building containing the offices of PEV as well as the Lycee Francais, a private school.

Pre-application Discussions

At the request of the applicant, City Planning staff met with the applicant's development team regarding preliminary development concepts for the site. An initial meeting occurred on June 12, 2003, with subsequent meetings on February 23 and May 17, 2004. At these meetings, City staff raised a number of concerns with the development concept for the site including building scale, massing and height.

Pre-application discussions resulted in improvements and refinements to the proposal's ground floor. The applicant also made changes to the proposal's height and massing.

#### Formal Submission (June 22, 2004)

On June 22, 2004, 77 Charles Street Limited submitted an application to demolish the existing four-storey building and construct a 25-storey building consisting of a three-storey podium with a 22-storey tower containing 150 units. The proposal included a 6.0 metre mechanical penthouse and 4.7 metre architectural lantern feature centered on the north-south axis of St. Thomas Street as part of its ‘view terminus’ treatment.

Concerns with the proposal were identified in the Preliminary Report by City staff and at the community consultation meeting on November 4, 2005, including the proposed density, building mass and height, which are discussed later in this report.

#### Revised Proposal (April 29, 2005)

On April 29, 2005, the applicant filed a revised application in response to issues and concerns raised. The revised proposal was an 18-storey building consisting of a three-storey podium with a 15-storey tower containing 92 units. On May 4, 2005, a community consultation meeting was held on the revised proposal. Subsequent to the meeting, City staff met with the applicant’s development team to provide feedback and future direction on changes to the proposal’s building form.

#### Revised Proposal (August 10, 2005)

On August 10, 2005, the applicant filed a further revised proposal for a 16-storey building consisting of a three-storey podium with a 13-storey tower containing 72 units. In addition to a reduction of two storeys, the revised proposal incorporated a number of built form revisions, including an increased building setback from Charles Street West, increased upper level setbacks and sculpting of the building mass. These built form revisions are discussed further later on in this report.

The following table highlights the main changes between the original application, dated June 22, 2004, and the revised proposals:

Application Date	June 22, 2004	April 29, 2005	August 10, 2005
Storeys	25	18	16
Podium (storeys)	3	3	3
Tower (storeys)	22	15	13
Roof Height (m)	81.4	62.7	56.9
Mech. Penthouse (m)	6.0	5.0	5.0
Lantern Feature (m)	4.7	4.0	4.0
Total Height	92.1	71.7	65.9
Gross Floor Area (m <sup>2</sup> )	22,035	15,415	13,200
GFA Breakdown (m <sup>2</sup> )	3,725 (institutional) 18,310 (residential)	3,270 (institutional) 12,145 (residential)	2,945 (institutional) 10,255 (residential)
Density	10.9	7.7	6.6
Institutional Dormers	24	24	24

Residential Units	150	92	72
Total Parking	157	184	148

The Application Data Sheet in Attachment 1 provides additional information on the August 10, 2005 revised proposal and Attachments 2 to 5 show the site plan, ground floor plan, elevations and cross-section.

#### Site Location and Surrounding Area

The site is located on the south side of Charles Street West at the southern terminus of St. Thomas Street, west of Bay Street. The following uses surround the site:

- North: at the northeast corner of Charles Street West and St. Thomas Street a 28-storey residential condominium and six townhouses is under construction. At the northwest corner of this intersection, Victoria University has submitted an Official Plan Amendment and rezoning application for a residential project;
- South: abutting the site is Loretto College, a six-storey building used as a student residence, that is owned and operated by the Institute of the Blessed Virgin Mary;
- East: abutting the site are two 2 ½ storey house form dwellings owned by Victoria University. Further east is an apartment complex of 21 and 32 storeys at the corner of Charles Street West and Bay Street; and
- West: abutting the site is Rowell Jackman Hall, an eight-storey apartment-style residence and further west are other university buildings forming part of Victoria University.

#### Provincial Policy Statement

Issued under the authority of Section 3 of the Planning Act, the Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development.

On March 1, 2005, a new PPS came into effect and replaces the policies that had been issued on May 22, 1996 and amended in 1997. The new PPS applies to all applications commenced on or after March 1, 2005. The application for 77 Charles Street West was received on June 22, 2004. The 1997 version of the PPS therefor technically applies. The 1997 PPS recognizes that its policies will be complemented by locally generated policies regarding matters of local interest.

The PPS provides a number of policies relevant to application including the provision of a full range of housing types and densities to meet the requirements of current and future residents, and encourages all forms of residential intensification in parts of built-up areas that have sufficient or planned infrastructure. Council shall have regard to PPS policies when making decisions on planning matters.

### Metropolitan Toronto Official Plan

Metroplan provides an integrated policy framework for land use planning and management of environmental, economic and social change in (former) Metropolitan Toronto. The site is located in the Central Area, the pre-eminent Centre designated in Metroplan.

Metroplan includes policies to increase the supply of housing within the Central Area in a manner consistent with the efficient utilization of land and the optimizing of infrastructure. Policies also encourage a mix of uses in a development where feasible and development that is compatible with the surrounding area.

### Former City of Toronto Official Plan

The site is designated as 'University Area' in the former City of Toronto Official Plan. A site-specific provision in Section 18 of the Official Plan (Section 18.359) permits residential uses such as an apartment building, row house and a detached house, provided a new building is erected within the prescribed building envelope for the site.

### University of Toronto Area Part II Plan

The University of Toronto Area Part II Plan identifies 28 development sites on Map G – Key Potential Sites. The 77 Charles Street West property is identified as Site 13. Each development site has site-specific development rights, which establish a prescribed building envelope and height restriction for new development.

The site is also identified as a potential view terminus on the Part II Plan's Map D - Primary Street Spaces, Vistas and 'Gateway', Structure Plan. Redevelopment of the site should take advantage of the site's location at the north-south axis of St. Thomas Street.

### New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board.

Once the Plan comes into full force and effect, it will designate the property as 'Institutional Area'. Policies recognize the important role of institutional uses as employers and service providers. Institutional residential facilities are permitted; however, a residential use independent of an institution is not.

The University of Toronto Part II Plan was brought forward as a Secondary Plan in the new Toronto Official Plan. Site and Area Specific Policy No. 4 contains the site-specific permission for residential uses on the site provided development complies with the building envelope.

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

The site is zoned 'Q' or 'Institutional'. This zoning district permits a range of uses, but does not permit certain residential uses including an apartment building. However, residential uses as set out in the 'CR' district are permitted on this site by a permissive exception in Section 12 (1) 407 of the Zoning By-law 438-86, as amended.

#### University of Toronto Area Zoning By-law 1997-0275

Section 12 (2) 310 of Zoning By-law 438-86, as amended, contains the University of Toronto Area Zoning By-law 1997-0275. This by-law was passed concurrently with the University of Toronto Area Part II Plan.

The site is zoned as a development site (No. 13) with specific requirements related to height and massing set out in a prescribed building envelope. The overall building height in the center of the site is limited to 26 metres. The envelope also provides an opportunity for an architectural element up to 30 metres centered on the axis of St. Thomas Street to respond to the site's potential as a view terminus south from Bloor Street West. Density is not applicable provided new development complies with the building envelope and the provisions of Section 12 (2) 310.

If a new development does not comply with the prescribed building envelope then the underlying as-of-right density permission is 2.0 times the area of the lot. The underlying height permission is 23 metres, with a height limit of 14 metres for a setback depth of 15.2 metres from Charles Street West.

#### Bloor-Yorkville / North Midtown Urban Design Guidelines

The Bloor-Yorkville/North Midtown Urban Design Guidelines build on approved Official Plan policies and applicable zoning by-laws, and provide built form guidance addressing matters of built form, massing and the relationship between buildings and the public realm.

The site is located within the Sultan – St. Thomas Precinct of the Guidelines, which identify the residential scale and character of the neighbourhood and the role of heritage in contributing to this precinct's distinct sense of place. New development that relates and enhances the existing character of this precinct is encouraged as opposed to development that could overwhelm its neighbours and the public realm.

To this end, the Guidelines recognize the importance of building height and built form in retaining the Sultan – St. Thomas precinct as a distinct sub-area within Bloor-Yorkville/ North Midtown. In addition, the Guidelines identify the transition role of this precinct with respect to height and massing between the scale of Bloor and Bay Streets and the prevailing low-rise character of the University of Toronto lands to the west and south.

Similar to the Part II Plan, the Guidelines recognize the site's potential as a view terminus south from Bloor Street West.

#### Site Plan Control

The applicant has filed a Site Plan Control application (No. 04-149456 STE 27 SA). The Site Plan Approval process will be finalized subsequent to City Council's consideration of this report, and the proposed amendments coming into force and effect.

#### Reasons for the Application

The former and new Official Plans only permit a residential use independent of an institutional uses on the site if it complies with the building envelope. The proposal exceeds the building envelope provisions of the Plans and Zoning By-law as well as the underlying as-of-right permissions of 2.0 times and 23 metres respectively.

The application requires amendments to the former City of Toronto Official Plan and Zoning By-law 438-86, as amended. Modification to the new Toronto Official Plan is also required.

#### Community Consultation

A community consultation meeting on the original 25-storey proposal was held on November 4, 2004. Approximately 50 members of the public attended the meeting. Concerns expressed at the meeting included the proposal's massing, scale, density and compatibility with the surrounding area. Residents also expressed concerns about the proposal's potential to overpower the Charles Street West and St. Thomas Street intersection. The nature of the proposed institutional and residential uses was raised within the context of parking and traffic concerns in the neighbourhood.

A second community meeting on the revised 18-storey proposal was held on May 4, 2005. Approximately 80 members of the public attended the meeting. The applicant presented the revised proposal in response to issues and concerns raised at the first meeting and in the City's Preliminary Report. In general, comments were similar to the feedback received at the November 4<sup>th</sup> meeting.

City Planning also received written comments from community stakeholders.

#### Comments:

##### Land Use

Official Plan policies encourage new housing, residential intensification, infill development and investment in new institutional space, amongst other matters. The University of Toronto planning framework permits an independent residential use on the 77 Charles Street West property subject to compliance with the prescribed building envelope. This site-specific



permission recognizes that many surrounding properties to the north and west are being used, or approved for, residential and other non-institutional uses.

The revised proposal provides both institutional and residential uses. The first three storeys, and a portion of the fourth storey and first level below grade are proposed for institutional use by PEV. The remainder of the building would be dedicated to the residential condominium. Each use would function independently of one another including separate pedestrian entrances fronting Charles Street West. The proposed mix of uses enables the site to relate to both the institutional setting of the University of Toronto and the predominantly residential character of the lands to the north and west.

As discussed in the following sections of this report, the proposal's additional height and density above the prescribed building envelope, and underlying permissions, are effectively organized with a massing which responds to the emerging built form context. The proposal provides a balanced approach to the site's redevelopment and is consistent with the overall policy objective of the Official Plan.

#### Context

The lower scale built form context to the west and south of the site has remained relatively stable since the approval of the University of Toronto Part II Plan in 1997. This is contrasted with the emerging built form context to the north of the site, most notably the 1 St. Thomas Street project at the northeast corner of Charles Street West and St. Thomas Street.

In the Final Report that recommended approval of the 1 St. Thomas Street project, City Planning staff advised that not every site could accommodate a similar scale of development. They also acknowledged that the 1 St. Thomas Street project would redefine the character of the area. Redevelopment of the 77 Charles Street West property has the challenge of relating to the emerging built form context to the north, which is changing in light of the 1 St. Thomas Street project, and the lower built form context of the university lands. The revised proposal appropriately relates to its surrounding context through a built form that addresses transition principles.

#### Transition

Official Plan policies direct that the massing of new buildings should provide transition between areas of different development intensity. This objective is brought forward in the Bloor-Yorkville/North Midtown Urban Design Guidelines which identify the transition role of this area by stating that "new development in the Sultan – St. Thomas Precinct should form part of a height and massing transition that steps down to the prevailing low-rise character of the University of Toronto campus to the west and to the south."

Two existing buildings provide direction for a height and massing transition: the Windsor Arms (58 metres) and the 55 Charles Street West apartment building (57 metres). The 16-storey (56.9 metres) proposal fits within an emerging transition pattern of heights anchored around the 1 St. Thomas Street project (106 metres). Furthermore, the built form changes

reflected in the August 10, 2005 submission provide a more acceptable massing transition than the previous proposals.

### Built Form

The site's prescribed building envelope permits a mid-rise building (26 metres or approximately nine storeys) set back from the property lines with an upper level setback. The proposal's 16-storey built form would introduce a building mass larger than envisioned by the prescribed building envelope. The appropriateness of this additional building mass is discussed below.

#### (i) Lower Portion

The location of the three-storey podium on the east and west property lines permits vehicular access to be internalized. This approach is common for downtown development and assists in mitigating potential site servicing impacts on adjacent properties. The building footprint is set back 5.5 metres along the south property line. A proposed garden wall along the south property line screens the site from the abutting property, Loretto College.

In response to concerns raised during the community consultation process and to City feedback, the applicant has revised the setback from the Charles Street West frontage. A 9.6 metre wide portion of the tower element, which was previously forward to the property line, has been pulled back 1.5 metres. As well, the proposal's main facade has been pulled back an additional 0.5 metres resulting in a setback of 4.7 metres from the Charles Street West frontage. These revisions help to align the main façade of the proposal with those of existing buildings on either side to achieve a consistent building edge along the south side of Charles Street West, west of Bay Street.

#### (ii) Upper Portion

Above the three-storey podium, the tower is organized as two distinct components on either side of the residential entrance centered on the north-south axis of St. Thomas Street. The east side of the tower is set back 5.5 metres from the east property line at the 4<sup>th</sup> floor and an additional 5.7 metres at the 9<sup>th</sup> floor. In addition, the east side of the tower is set back from the Charles Street frontage (up to 11.5 metres at its eastern edge). These upper level setbacks were incorporated to increase the distance of the tower from the south elevation of the 1 St. Thomas Street project.

The west side of the tower is aligned with the lower portion of the building fronting Charles Street West and is set back 5.5 metres from the west property line at the 4<sup>th</sup> floor. The revised proposal incorporates further revisions to the west side of the tower. Above the podium, a 5.7 metre wide by 6.0 metre deep area has been carved out of the northwest corner of the tower. As well, the southwest corner has been further sculpted, resulting in the tower being pulled back an additional two metres. These built form articulations have translated into a reduced floor plate in the tower component of the proposal.

Overall, these revisions have the cumulative benefits of increasing the sky view when viewed from St. Thomas Street, reducing the length of the tower mass and resultant shadowing of Charles Street West, and increasing the separation distance (which impacts light, view and privacy) between the site and proposed development on the Victoria University lands at the northwest corner of Charles Street West and St. Thomas Street.

### (iii) View Terminus

The site is identified as a potential view terminus on Map D in the University of Toronto Part II Plan. In response, the residential condominium entrance and tower are centered on the north-south axis of St. Thomas Street and a combination of building elements (including an architectural rooftop lantern feature) are used to demarcate the view terminus from Bloor Street West to the site. A public art installation at the residential condominium entrance is proposed to help achieve the view terminus objective.

### Shadow

The applicant has submitted a comparative study of shadows generated by the revised 16-storey proposal and those generated by a building within the prescribed building envelope. At measured dates and times, the proposal does not have any shadow impacts on the Victoria University playing field, which is designated as university open space. The submitted shadow drawings show that the shadows generated by the proposal move off the Victoria University lands west of St. Thomas Street by early afternoon. With respect to the 1 St. Thomas development to the east of St. Thomas Street, there are no significant shadows in the morning period and the proposal's shadows are generally clear of the 26-storey tower by mid-afternoon on March 21. Overall, the extent of the proposal's shadow has been reduced through building setbacks and sculpting. To secure this reduced impact, the Zoning By-law amendment schedules will define the building envelope for the proposal.

### Density

The density proposed for the site is 6.56 times the area of the lot consisting of 1.46 times for institutional use and 5.10 times for residential uses.

The site's underlying as-of-right density permission in the general Zoning By-law is a maximum 2.0 times the area of the lot. Notwithstanding, the University of Toronto Part II Plan adopted a building envelope approach for certain sites, including the 77 Charles Street West property. If new development complies with the site's prescribed building envelope then density above that permitted by the general Zoning By-law can be achieved. The applicant has provided an analysis based on typical development parameters and has outlined that a building of approximately 6.1 times the area of the lot is possible within the prescribed building envelope.

As discussed above, the proposal's additional density above the underlying zoning permission as well as the applicant's analysis of a possible building within the prescribed

envelope, is achieved via a proposed building scale (height and massing) that is acceptable. The proposed density is comparable to other developments in the area.

#### Wind

The applicant has submitted a preliminary assessment prepared by a qualified consultant. This assessment does not identify any significant wind impacts from the development on surrounding uses and the public realm. To ensure this is the case, a pedestrian level wind study has been commissioned and is expected to be submitted in October 2005. The development's Section 37 Agreement will secure an obligation by the owner to incorporate any measures into the building design to mitigate the impact of wind conditions, if required, to the satisfaction of the City.

#### Amenity

The proposal provides separate amenity space for the residential condominium and the institutional use. This includes 144 square metres of indoor amenity space and 144 square metres of outdoor amenity space for the residential condominium in keeping with the requirements of Zoning By-law 438-86, as amended. The fourth floor provides access to separate outdoor amenity areas for each use. The amount and location of amenity space are satisfactory.

#### Tree Removal, Planting and Irrigation

The applicant has provided an Arborist Report and a Tree Survey and Assessment Plan. Urban Forestry Services has advised that privately owned trees, inventoried as Tree Nos. 2, 4, 5, 6, 7 and 8, qualify for protection under the former City of Toronto Municipal Code. A separate approval process will be required for the trees identified for removal. This process should be done in conjunction with the on-going Site Plan Approval process.

As part of the site's redevelopment, the applicant is proposing a coordinated landscaping treatment in front of the building entrances (residential and institutional) including new tree plantings in the adjacent Charles Street West right-of-way. Installation of an irrigation system for new tree plantings in the Charles Street West right-of-way will be secured in a Section 37 Agreement. A tree planting security deposit for the new plantings in the right-of-way will be secured as part of the Site Plan Approval process. City staff will ensure the maximum number of full shade canopy trees will be provided at this location.

#### Vehicular Access

A one-way driveway system provides access to the site. Vehicles enter the site using a one-way southbound driveway at the west end of the site and exit the site via a one-way northbound driveway at the east end of the site. The proposal's underground parking garage, drop-off /pick-up area and servicing functions will occur on the southern portion of the site along the east-west portion of the one-way driveway and will be screened from adjacent uses

by a garden wall. Attachment 2 shows the site plan/ground floor layout. The Transportation Services Division is satisfied with the proposed access arrangement.

In 1988, the former City of Toronto approved the widening of Charles Street West from its current pavement width of 6.0 metres to 8.5 metres to accommodate the conversion of Charles Street West to two-way traffic operations. The applicant has submitted revised drawings that reflect the proposal road widening adjacent to the site.

### Parking Supply

The applicant has proposed a total of 148 parking spaces on four underground parking levels; of these, four will be designated for residential visitor use, 136 will be designated for resident use, and eight spaces will be designated for institutional use. Transportation Services staff advise that the proposed residential parking supply satisfies the estimated parking demand generated by the proposal's residential condominium component, based in part on the surveyed demand of such uses in the Central Area. The provision of eight spaces for the institutional use is also satisfactory. The draft Zoning By-law amendment in Attachment 8 provides the standard minimum parking ratios to provide flexibility with respect to the number and mix of residential units. Minimum parking ratios are also provided for the institutional use.

### Traffic Impact

Transportation Services Division and Transportation Planning in the City Planning Division have reviewed the submitted Transportation Impact Study and subsequent updated study based on the revised proposal, and are satisfied with the study's conclusion that the site-generated traffic can be accommodated by the area road network.

### Alternative Modes of Transportation

The Official Plan encourages development at locations well served by a full range of transportation options so as to reduce reliance on the private automobile. The site is in proximity to public transit operations (both surface routes and the subway system) and its location in the downtown provides convenient walking and cycling opportunities to a range of destinations.

As well, the proposed supply of resident, visitor and institutional bicycle parking spaces meets the requirements of Zoning By-law 438-86, as amended. Bicycle parking will be provided in convenient locations.

### Municipal Infrastructure

The applicant has submitted a municipal lighting assessment. Technical Services Division staff have reviewed the report and advised that two existing lights in the Charles Street West right-of-way need upgrading and a new street light is required to accommodate the proposed land use. The applicant will pay for the costs of the upgrades.

The applicant has provided a site servicing assessment to determine the stormwater runoff, sanitary flow and water supply demand resulting from the development. Technical Services staff are reviewing the assessment. The costs of any municipal services upgrades required to support the development will be borne by the applicant.

### Section 37

The Official Plan contains provisions pertaining to the provision of public benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Discussions with the applicant have led to a commitment, subject to Council's adoption of the amendments, to provide a public benefit in the form of a \$225,000 for an on-site public art installation and a contribution of \$100,000 for area streetscape improvements (indexed annually based on the construction price index and commencing with the by-laws coming into force). A Section 37 will be signed and registered on title to secure the public benefit.

The Section 37 Agreement will also secure the following obligations by the owner to the satisfaction of the City:

- (a) exterior building materials on the north elevation of the development's podium and landscaping materials;
- (b) the costs of improvements/upgrades to municipal infrastructure to support the development, if required;
- (c) a pedestrian level windy study, and incorporation of measures into the building design to mitigate the impact of wind conditions, if required;
- (d) cost of relocating the curb and all its associated work on Charles Street West along the frontage of the site, and restoration of the public boulevards;
- (e) a certified cheque in the amount of \$2,796.29 for City staff to upgrade two of the existing luminaires and install a new luminaire on an existing pole in the Charles Street West right-of-way;
- (f) compliance with the City's standard environmental site assessment and peer review process administered by the Technical Services Division; and
- (g) an irrigation system for the new tree plantings in the Charles Street West right-of-way.

### Development Charges

It is estimated that the Development Charges from this project will be \$392,600. This is an estimate and the actual charge is assessed and collected upon the issuance of the building permit.

Conclusions:

For the reasons stated above, staff recommend approval of Official Plan and Zoning By-law amendments to permit 16-storey building containing institutional and residential uses at 77 Charles Street West, and that a Section 37 Agreement as described in this report be executed prior to the introduction of the Bills to Council.

Contact:

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Gary Wright  
Director, Community Planning, Toronto and East York District

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List of Attachments:

- Attachment 1: Application Data Sheet
- Attachment 2: Proposal's Site Plan/Ground Floor
- Attachment 3: Proposal's North and West Elevations
- Attachment 4: Proposal's South and East Elevations
- Attachment 5: Proposal's Cross Section
- Attachment 6: Official Plan Map Extract
- Attachment 7: Zoning Map Extract
- Attachment 8: Draft Official Plan Amendment
- Attachment 9: Draft Zoning By-law Amendment
- Attachment 10: Proposed Modification 42 to the City of Toronto Official Plan

**Attachment 1: Application Data Sheet**

Application Type	Official Plan Amendment & Rezoning By-law Amendment	Application Number:	04 149437 STE 27 OZ
Details	OPA & Rezoning	Application Date:	June 22, 2004
		Revision Date:	April 29, 2005
		Revision Date:	August 10, 2005

Municipal Address: 77 CHARLES STREET WEST, Toronto ON  
 Location Description: South side of Charles Street West at St. Thomas Street  
 Project Description: Demolish the existing building and construct an 16-storey building consisting of a 3-storey podium with a 13-storey tower containing 72 units. Note concurrent Site Plan Control Application No. 04149456 SA.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
77 Charles Street Limited c/o Aird & Berlis LLP	Opus Management Inc.	HOK Architects	Prom-Edu-Val-Society

**PLANNING CONTROLS**

Official Plan Designation:	University Area	Site Specific Provision:	Section 12(2)310
Zoning:	Q T2.0	Historical Status:	
Height Limit (m):	14, 23	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	2012.3	Height:	Storeys:	16
Frontage (m):	54.8		Metres:	56.9 plus 5.0 metre mechanical penthouse and 4.0 metre roof top screen
Depth (m):	36.7			
Total Ground Floor Area (sq. m):	685			<b>Total</b>
Total Residential GFA (sq. m):	10,255		Parking Spaces:	148
Total Non-Residential GFA (sq. m):	2,945		Bicycle Spaces:	54
Total GFA (sq. m):	13,200		Loading Docks	2
Lot Coverage Ratio (%):	34			
Floor Space Index:	6.56			

**DWELLING UNITS**

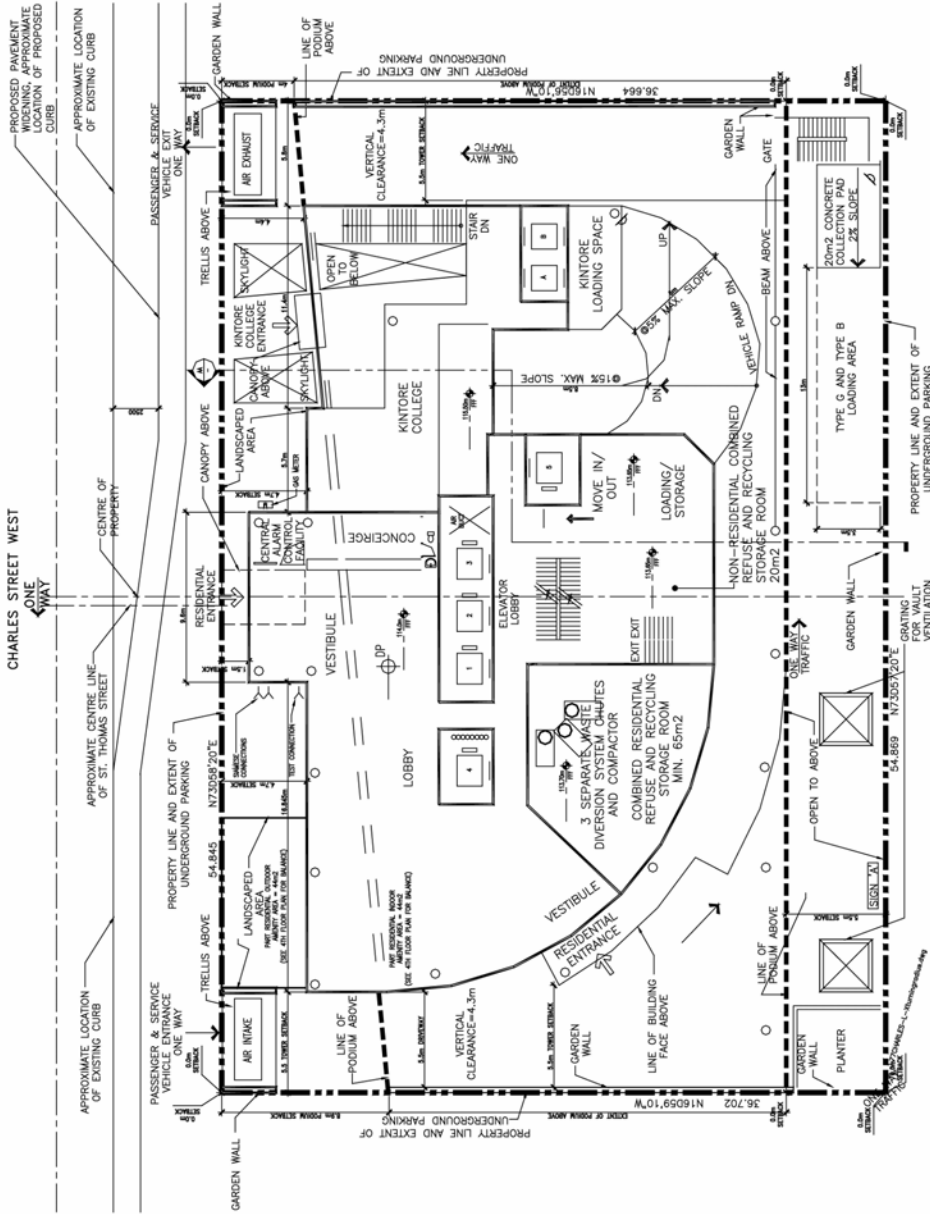
**FLOOR AREA BREAKDOWN (upon project completion)**

Tenure Type:	Condominium	<b>Above Grade</b>	<b>Below Grade</b>
Rooms (institutional dormers):	24	Residential GFA (sq. m):	10,255
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	14	Office GFA (sq. m):	0
2 Bedroom:	56	Industrial GFA (sq. m):	0
3 + Bedroom:	2	Institutional/Other GFA (sq. m):	2,945
Total Units (residential condo):	72		650 (PI Level)

**CONTACT: PLANNER NAME: Corwin Cambray, Planner**  
**TELEPHONE: (416) 392-0459**



### Attachment 2: Proposal's Site Plan / Ground Floor Plan



77 Charles Street West

Site & Ground Floor Plan

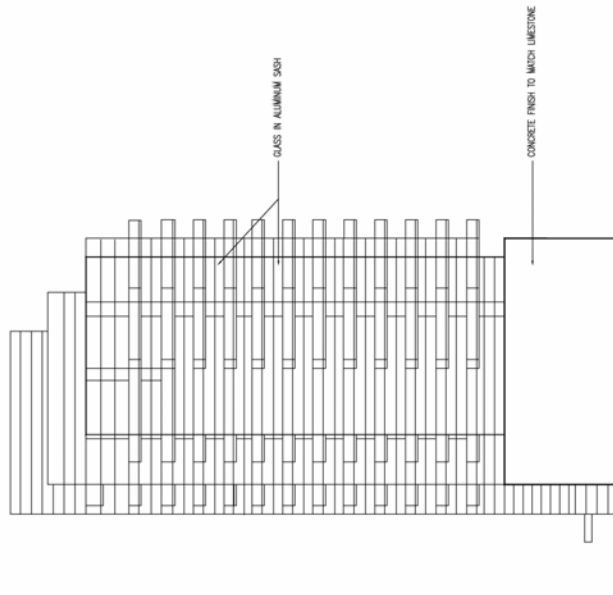
Applicant's Submitted Drawing



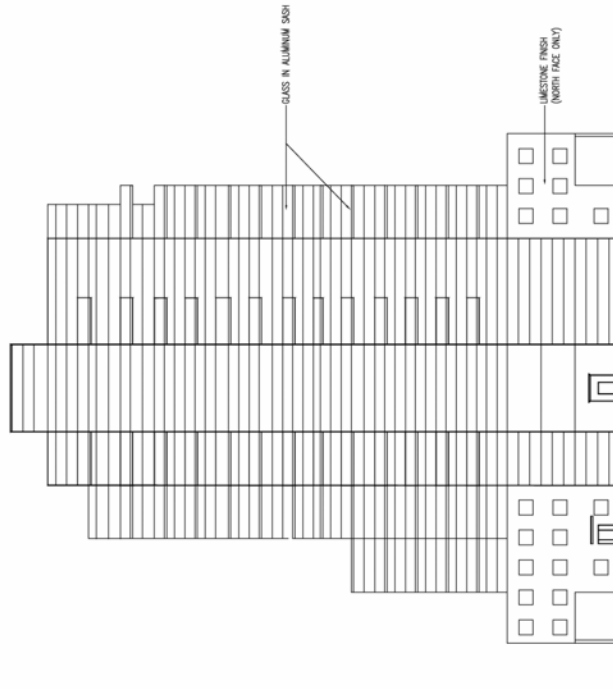
Not to Scale  
08/12/05

File # 04\_149437

**Attachment 3: Proposal's North and West Elevations**



West Elevation



North Elevation

**Elevations**

Applicant's Submitted Drawing

Not to Scale  
08/12/05

**77 Charles Street West**

File # 04\_149437

**Attachment 4: Proposal's South and East Elevations**



East Elevation

South Elevation

**77 Charles Street West**

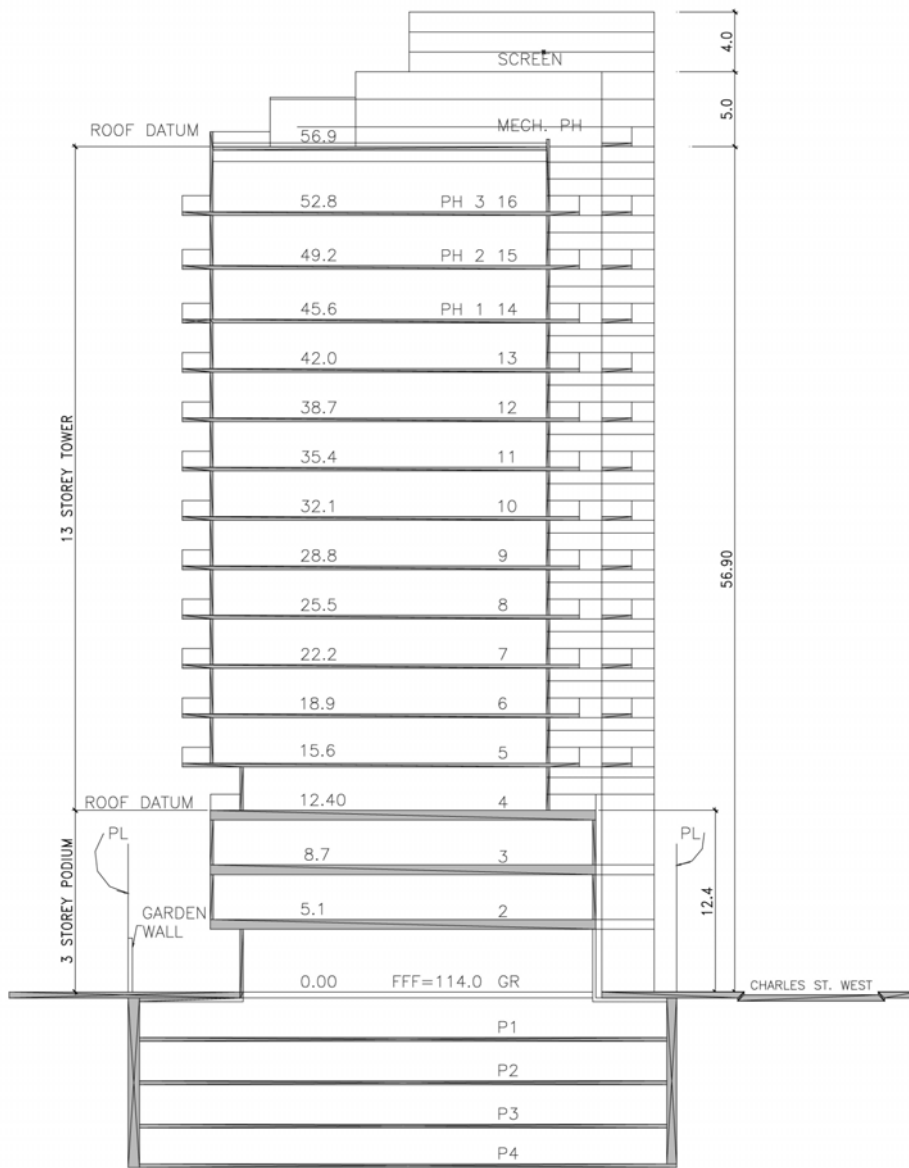
**Elevations**

Applicant's Submitted Drawing

Not to Scale  
08/12/05

File # 04\_149437

### Attachment 5: Proposal's Cross Section



CROSS SECTION AA

ALL HEIGHTS MEASURED TO TOP OF CONCRETE FLOOR AND ROOF SLABS.

## Cross Section

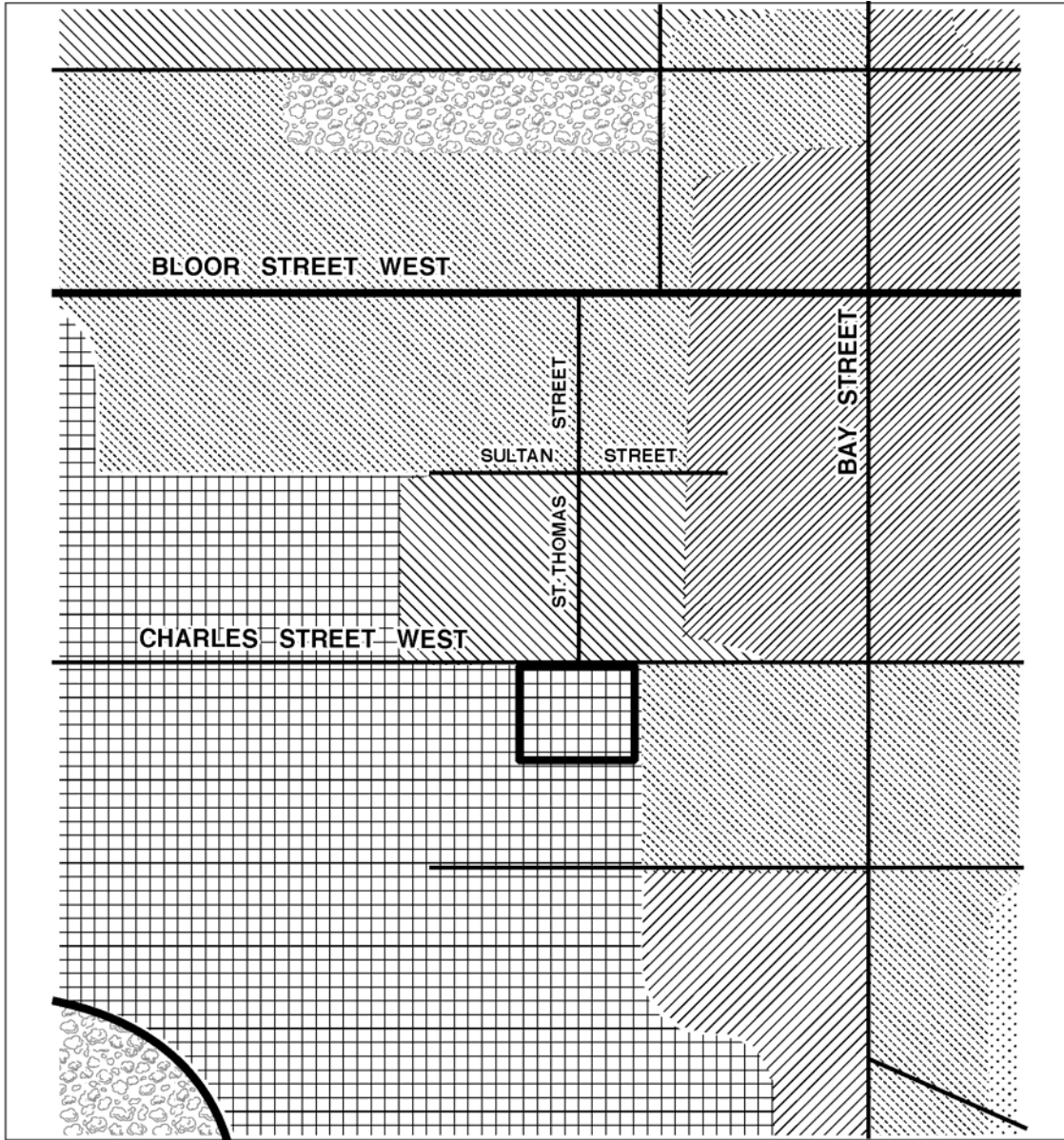
Applicant's Submitted Drawing

Not to Scale  
08/12/05

## 77 Charles Street West

File # 04\_149437

### Attachment 6: Official Plan Map Extract



 **TORONTO** Urban Development Services  
Official Plan

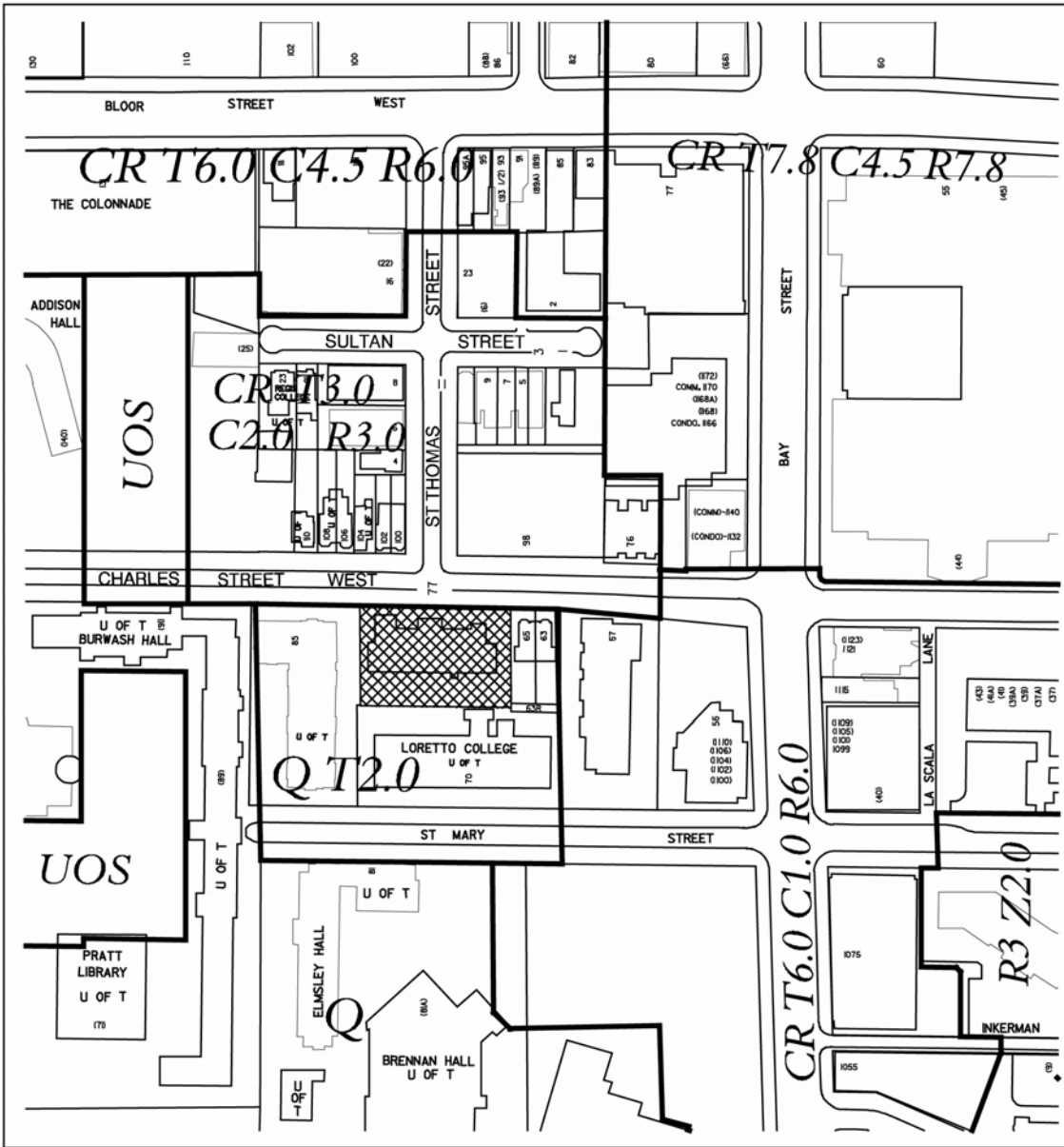
77 Charles Street West

File # 04\_149437

- |  |   |  |
|--|---|--|
|  Site   |  Medium Density Mixed Commercial-Residential Areas   |  University Areas |
|  Medium Density Residence Areas                 |  High Density Mixed Commercial-Residential Areas 'A' |  Open Space       |
|  Low Density Mixed Commercial-Residential Areas |  High Density Mixed Commercial-Residential Areas 'B' |  |

  
Not to Scale  
08/13/04

Attachment 7: Zoning Map Extract



77 Charles Street West

File # 04\_149437

- UOS Parks District
- R3 Residential District
- CR Mixed-Use District
- Q Mixed-Use District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 08/12/04 - RZ

**Attachment 8: Draft Official Plan Amendment**

**CITY OF TORONTO**

By-law No. -2005

To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as No. 77 Charles Street West

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. XXX.

ENACTED AND PASSED this        day of        , A.D. 2005.

DAVID R. MILLER  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

## SCHEDULE “A”

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

“18.XXX Lands known in the year 2005 as 77 Charles Street West

1. Notwithstanding any of the provisions of this Plan, Council may pass by-laws with respect to the lands delineated by heavy lines on Map 18.XXX attached hereto to permit the erection and use of a *mixed-use building* containing *residential* uses and, *institutional* uses and accessory uses thereto, provided that:
  - (a) the combined *residential gross floor area* and *non-residential gross floor area* does not exceed 13,200 square metres, of which the residential gross floor area, excluding dwelling rooms accessory to the institutional use, does not exceed 10,255 square metres; and
  - (b) 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:
    - (i) to provide and maintain a work of art pursuant to a public art program in a publicly visible portion of the building having a value, including implementation of the public art program, not less than \$225,000;
    - (ii) provide a contribution of \$100,000 for area streetscape improvements, prior to the issuance of an above *grade* building permit for any development;
    - (iii) to utilize granite paving in the landscape plan between the main front wall of the *building* and the *front lot line* and to utilize limestone on the front elevation of the three-storey podium of the *mixed-use building*;
    - (iv) to pay for any improvements / upgrades to the municipal infrastructure should it be determined that improvements / upgrades are required to support the development, according to the submitted site servicing assessment as reviewed and



accepted by the Executive Director, Technical Services;

- (v) to incorporate any measures into the building design should it be determined that measures are to required to mitigate the impact of wind conditions, according to the pedestrian level windy study as reviewed and accepted by the Chief Planner and Executive Director, City Planning;
- (vi) to pay for the cost of relocating the curb and all its associated work on Charles Street West along the frontage of the site, and restoration of the public boulevards to the satisfaction of the Executive Director, Technical Services;
- (vii) to submit, prior to site plan approval, to the Executive Director, Technical Services, a certified cheque in the amount of \$2,796.29, payable to the Treasurer, City of Toronto, for City staff to upgrade two of the existing luminaires and install a new luminaire on an existing pole on the public right-of-way of Charles Street West;
- (viii) to comply with, and pay for, the City's standard environmental site assessment and peer review process administered by the Technical Services Division; and
- (ix) to install, at their expense, an irrigation system with automatic timer for all new street trees in the Charles Street West right-of-way adjacent to the site, to the satisfaction of the Executive Director, Technical Services, and ensure that the irrigation system is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer including requirements to maintain in good order and operation.

2. The *owner* of the lands shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in Section 1(b) herein and agrees to the registration of such agreement against the lands, as a first charge.

3. For the purpose of this Amendment, all italicized words or expressions have the same meaning as the definitions contained in By-law No. 438-86, as amended, of the former City of Toronto.”

## Attachment 9: Draft Zoning By-law Amendment

### CITY OF TORONTO

To amend By-law No. 438-86 of the former City of Toronto,  
as amended, respecting lands known in the year 2005 as 77 Charles Street West

**WHEREAS** authority is given to Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this by-law; and

**WHEREAS** Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

**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 and 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 and 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;

**NOW THEREFORE**, the Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 2(1) *grade*, 4(2)(a)(i), 4(5)(b), 4(12), 8(1)(f)(a), 8(3) Part I 1, 8(3) Part III 1(a), 12(2) 310(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 prevent the erection and use on the lands shown delineated by heavy lines on Plan 1 attached hereto of a *mixed-use building* containing *dwelling units*, a *private academic, philanthropic or religious school, dwelling rooms* accessory to the *private academic, philanthropic or religious school* and the premises of a *charitable institution or non-profit institution* and *accessory* uses provided:

- (1) the *lot* comprises the lands delineated by heavy lines on Map 1 attached hereto;
- (2) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the heavy lines on Map 2 attached hereto except cornices, canopies, awnings, skylights, ornamental elements, trellises, lighting fixtures, balconies, fences, landscape planters and seating areas, retaining walls, ramps to an underground garage, stairways and railings;
- (3) no portion of the *building* on the *lot*, shall have a greater *height* in metres than the *height* limit specified by the numbers following the symbol “H”, shown on Map 2 , including any elements otherwise permitted in Section 4(2)(a)(i) of the aforesaid By-law No. 438-86, provided that this paragraph does not prevent the erection and use of:
  - (i) a railing or railings located at each of the roof levels of the building provided the maximum vertical dimension of any such railing does not exceed 1.1 metres; and
  - (ii) a parapet, including roof drainage, thermal insulation and roof ballast, at each of the roof levels of the building provided the maximum vertical dimension of any such parapet does not exceed 0.7 metres;

and having a maximum combined vertical dimension of 1.8 metres above the *height* of each of the roof levels of the building;

- (4) the *residential gross floor area* of the *mixed-use building* does not exceed 10,255 square metres, excluding *dwelling rooms* accessory to the *private academic philanthropic, or religious school*, and the building contains not more than 72 *dwelling units*;
- (5) the combined *non-residential gross floor area* of the *mixed use building* and *residential gross floor area* of the *dwelling rooms* accessory to the *private academic, philanthropic or religious school* does not exceed 2,945 square metres, and a maximum of 24 *dwelling rooms* accessory to the *private academic, philanthropic or religious school* are permitted;
- (6) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

- (i) 0.7 *parking space* for each 1 bedroom *dwelling unit*;
  - (ii) 1.0 *parking space* for each 2 bedroom *dwelling unit*;
  - (iii) 1.2 *parking spaces* for each 3 or more bedroom *dwelling unit*;
  - (iv) .06 *parking space* for every *dwelling unit* for visitors;
  - (v) 1.0 *parking space* for every 6 *dwelling rooms*; and
  - (vi) 1.0 *parking space* for every 850 m<sup>2</sup> of *total floor area* of a *private academic philanthropic* or *religious school*, excluding *dwelling rooms* accessory thereto;
- (7) a minimum of 2 square metres of *residential amenity space* for each *dwelling unit* shall be provided in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom, and a minimum of 2 square metres of *residential amenity space* for each *dwelling unit* shall be provided outdoors, of which at least 40 m<sup>2</sup> shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;
- (8) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Section 2 of this By-law and that such an agreement be registered on title to the *lot*.
2. Pursuant to Section 37 of the *Planning Act*, the increased *heights* and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the *owner* of the *lot*, at its sole expense and in accordance with the agreement referred to in subsection 1(8) of this By-law, agreeing to:
- (1) provide and maintain a work of art pursuant to a public art program in a publicly visible portion of the *mixed-use building* having a value, including implementation of the public art program, of not less than \$225,000;
  - (2) provide a contribution of \$100,000 for area streetscape improvements, prior to the issuance of an above *grade* building permit for any development;
  - (3) utilize granite paving in the landscape plan between the main front wall of the building and the *front lot line* and utilize limestone on the front exterior elevation of the three-storey podium of the *mixed-use building*;
  - (4) to pay for any improvements / upgrades to the municipal infrastructure should it be determined that improvements / upgrades are required to

support the development, according to the submitted site servicing assessment as reviewed and accepted by the Executive Director, Technical Services;

- (5) to incorporate any measures into the building design should it be determined that measures are to required to mitigate the impact of wind conditions, according to the pedestrian level windy study as reviewed and accepted by the Chief Planner and Executive Director, City Planning;
  - (6) to pay for the cost of relocating the curb and all its associated work on Charles Street West along the frontage of the site, and restoration of the public boulevards to the satisfaction of the Executive Director, Technical Services;
  - (7) to submit, prior to site plan approval, to the Executive Director, Technical Services, a certified cheque in the amount of \$2,796.29, payable to the Treasurer, City of Toronto, for City staff to upgrade two of the existing luminaires from 70W MH Acorn to 150W MH Acorn and install a new 150W MH Acorn luminaire on an existing pole on the public right-of-way of Charles Street West;
  - (8) to comply with, and pay for, the City's standard environmental site assessment and peer review process administered by the Technical Services Division; and
  - (9) to install, at their expense, an irrigation system with automatic timer for all new street trees in the Charles Street West right-of-way adjacent to the site, to the satisfaction of the Executive Director, Technical Services, and ensure that the irrigation system is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer including requirements to maintain in good order and operation; and
- 3 None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the *lot*.
4. For the purpose of this By-law:
- (1) *sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
  - (2) *grade* means 114.0 metres Canadian Geodetic Datum; and

- (3) each other word or expression that is italicized in this By-law shall have the same meaning as that word or expression as defined in the said By-law No. 438-86, as amended; and
5. Upon execution of an agreement by the *owner* of the *lot* and registration of such agreement against the *lot* pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, the *lot* is subject to the provisions of this By-law; and
6. Issuance of a building permit for the proposed development shall be dependant upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

ENACTED AND PASSED this        day of        , A.D. 2005.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**Attachment 10: Proposed Modification**

**PROPOSED MODIFICATION 42 TO  
THE CITY OF TORONTO OFFICIAL PLAN**

The Official Plan for the City of Toronto is modified as follows:

- A. Chapter 6, Section 20, University of Toronto Secondary Plan, of the Official Plan of the City of Toronto is modified as follows:
  - 1. The map within Section 7.4 (Site and Area Specific Policies, 77 Charles Street West) is replaced with the map as shown on Appendix 'X'
  - 2. Section 7.4 (Site and Area Specific Policies, 77 Charles Street West) is amended by deleting Subsection 4(b) and Subsection 4(c).