

**10 and 14 Prince Arthur Avenue – Official Plan  
Amendment, Rezoning, Site Plan and Heritage Alteration  
and Demolition - OMB Hearing**

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| <b>Date:</b> | August 23, 2010 |
| <b>To:</b>   | City Council    |
| <b>From:</b> | City Solicitor  |

**CONFIDENTIAL RECOMMENDATIONS**

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1. That City Council instruct the City Solicitor, the Chief Planner and other appropriate staff to attend before the Ontario Municipal Board to support a settlement of the Official Plan Amendment, Zoning By-law Amendment and Site Plan appeals filed by the owner of 10 and 14 Prince Arthur Avenue on the basis of the following principles subject to the satisfaction of the Chief Planner and Executive Director City Planning (the "Chief Planner"), the Manager, Heritage Preservation Services (the "Manager ") and the City Solicitor, and subject to discussions with the Annex Residence Corporation representatives who are to be kept apprised:

- (1) That the exterior of the heritage building located at No. 10 Prince Arthur be retained, stabilized, protected and conserved in any redevelopment to the satisfaction of the Manager, Heritage Preservation Services, including the following, which are contemplated by the proposed development:
  - a. that the Owner enter into a heritage easement agreement satisfactory to the Manager in respect of the lands known as No. 10 Prince Arthur Avenue and register such agreement to the satisfaction of the City Solicitor, prior to any Board Order issuing and prior to the issuance of any permit, including a permit for the alteration, excavation and/or shoring of any portion of No. 10 Prince Arthur Avenue or a permit for the demolition, alteration, excavation and/or shoring of No. 14 Prince Arthur Avenue (together, the "Property") and allowing the building at No. 10 Prince Arthur Avenue to be moved south to a minimum setback of 7.0 m from the front property line and to be moved east a maximum of 2 metres from the east property line, including requiring,
    - i. a detailed Stabilization Plan, describing the immediate stabilization of the existing building at No. 10 Prince Arthur Avenue, taking into account any approved

Conservation Plan, such plan to be implemented within 1 year of the Board Order Issuing;

- ii. a detailed Heritage Impact Assessment, describing the conservation and mitigation strategies to be employed during the construction of the proposal;
  - iii. a detailed Conservation Plan that includes documentation through photographs of the as-found condition of the heritage structure, detailed descriptions/specifications for the proposed heritage work, a detailed landscape plan, an exterior lighting and signage plan and the measures to be taken to protect the heritage resource during construction;
  - iv. a detailed Heritage Relocation Plan, detailing the methodology and the measures to be taken to protect the heritage resource during any move;
  - v. each of i - iv to be prepared by a qualified heritage consultant and contain a detailed cost estimate and detailed descriptions, specifications for the work, and requiring an indexed letter of credit to secure such work, all satisfactory to the Manager; and
- b. the Owner shall provide written confirmation satisfactory to the City Solicitor that it shall not object to the designation of the building at No. 10 Prince Arthur Avenue under Part IV of the Ontario Heritage Act, prior to the issuance of any permit, including a permit for the demolition, alteration, excavation and/or shoring of any portion of the Property.
- (2) That the Owner enter into and register a Section 37 Agreement to the satisfaction of the City Solicitor, respecting the Property, prior to the Board Order issuing, securing the following matters which shall also be specified in the amending zoning by-law:
- a. the Owner shall provide 1:50 scale drawings detailing and labelling the exterior materials to be used in the construction of the building on the Property prior to Site Plan Approval issuing, and shall provide for detailed materials as part of the Conservation Plan, to the satisfaction of the Manager. The Owner shall provide and maintain exterior materials on the building, with no changes to be made unless the Manager agrees in writing to same. The exterior materials for No. 10 Prince Arthur Avenue, to be further detailed to the satisfaction of the Manager shall include a metal shingle roof and rough cast stucco for the walls. The exterior materials for the new portion of the proposed building, to be further detailed to the satisfaction of the Manager, shall include 2 different types of stone;

- b. the Owner shall enter into and register the Heritage Easement Agreement prior to the Board Order issuing and prior to the issuance of any permit, including a permit for the demolition, alteration, excavation and/or shoring of any portion of the Property and prior to any Site Plan approval pursuant to s. 114 of the *City of Toronto Act, 2006*, ("Site Plan approval") issuing;
  - c. the Owner shall provide a Letter of Credit in a form and amount satisfactory to the Manager to secure the matters in Rec. 1 (1) a) i - iv (for clarity it is not intended that the provision or maintenance of building materials will require a Letter of Credit) prior to the issuance of any permit, including a permit for the demolition, alteration, excavation and/or shoring of any portion of the Property;
  - d. Site Plan Approval shall occur concurrently with any approval of zoning by-law amendments or variances for additional height and/or density;
  - e. prior to the release of the Letter of Credit listed above, the Owner shall complete the associated heritage stabilization, conservation and restoration work and any move and provide certificates of completion prepared by a qualified heritage consultant, satisfactory to the Manager;
  - f. the Owner shall develop and implement, to the satisfaction of the Chief Planner, an appropriate Construction Mitigation Plan and Resident Communication Strategy prior to the issuance of any permit including a permit for the demolition, alteration, excavation and/or shoring of any portion of the Property; and
  - g. the Owner shall pay for any improvements/upgrades to the municipal infrastructure in connection with a Functional Servicing Report, as accepted by the Executive Director of Technical Services, should it be determined that improvements/upgrades to such infrastructure are required to support this development.
- (3) That the Official Plan for the City of Toronto be amended to permit the redevelopment of the Property,
- a. to a height not exceeding the lesser of 7 storeys and 24.97 metres to the top of slab plus allowance for gravel, slope for drainage, parapets, insulation, green roofing technologies, roofing materials, and elevator and/or stair overruns and comprised of a base building/podium not exceeding 2 storeys in height for the centre and easterly portions and 3 storeys in height for the westerly portion on the Prince Arthur Avenue frontage and stepped back upper floors;

- b. the maximum amount of residential gross floor area and non-residential gross floor area permitted on the Property shall not exceed 7,400 square metres, of which the non-residential gross floor area shall not exceed 500 square metres;
  - c. provided that the exterior of the heritage building at No. 10 Prince Arthur Avenue is retained to the satisfaction of the Manager and no additional height is added above such building other than is needed to repair/replace the roof. Further the siting of any new development and any proposed landscaping maintains the quality, character and three dimensional integrity of the heritage building at No. 10 Prince Arthur Avenue and reinforces the heritage character of the East Annex Heritage Conservation District.
- (4) That the Zoning By-law for the former City of Toronto, No. 438-86, as amended be further amended to permit the redevelopment of the Property, in accordance with following principals, with the details to be to the satisfaction of the Chief Planner, Manager and City Solicitor:

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| Building Height            | - maximum overall height of the 7 <sup>th</sup> floor top of slab will be no higher than 24.97 metres, excluding gravel, roofing materials, insulation, drainage and green roofing technologies   |
| Mechanical Penthouse       | - no mechanical penthouse will be permitted with the exception of two elevator overruns and the stair tower overrun which may be located above the 7 <sup>th</sup> floor top of slab to a maximum overall height of 27.3 m and shall be very limited in size, subject to exceptions acceptable to the Chief Planner and Manager   |
| Front Yard                 | - the minimum required setback for the proposed building is 7.0 Setback metres with the exceptions of the residential entrance area, which will be setback an additional 4.4 metres and the heritage house at 10 Prince Arthur Avenue which will be a minimum of 7.0 metres   |
| Front Elevation Step-backs | - the minimum required front facade step-backs are as follows:<br><br>for the western portion of the proposed building, exclusive of balconies or other projections satisfactory to the Chief Planner and Manager, as measured from the most southerly face of the floor below, will be generally in accordance with the following:<br><br>- above the top of the 2 <sup>nd</sup> fl. the step-back shall be 3.2 m (not applicable to the most westerly portion of the front façade)<br><br>- above the top of the 3 <sup>rd</sup> fl. the step-back shall be 3.2 m |

- above the top of the 4<sup>th</sup> fl. the step-back will be 1 m
- above the top of the 5<sup>th</sup> fl. the step-back will be 2.2 m
- above the top of the 6<sup>th</sup> fl. the step back will be 6.0 m

for the eastern portion of the proposed building, exclusive of balconies or other projections satisfactory to the Chief Planner and Manager, as measured from the most southerly face of the floor below, will be generally in accordance with the following minimums:

- above the top of the 2<sup>nd</sup> fl. the step-back shall be 5.8 m
- above the top of the 4<sup>th</sup> fl. the step-back will be 2.2 m
- above the top of the 6<sup>th</sup> fl. the step back will be 3.9 m

Rear Yard  
Setbacks

- the western half of the proposed building at the rear will be setback a minimum 8.5 metres and the balance of the eastern half of the building will be setback a minimum of 7.5 metres

Rear Elevation  
Step-backs

- the western half of the proposed building at the rear will step back a minimum as follows, exclusive of balconies or other projection satisfactory projections satisfactory to the Chief Planner and Manager:

- above the top of the 3<sup>rd</sup> floor the step-back will be 2.6 m
- above the top of the 4<sup>th</sup> floor the step-back will be 3.0 m
- above the top of the 5<sup>th</sup> floor the step-back will be 3.2 m
- above the top of the 6<sup>th</sup> floor the step-back will be 4.7 m

- the eastern half of the proposed building at the rear will step-back a minimum as follows, exclusive of balconies or other projections satisfactory to the Chief Planner and Manager:

- above the top of the 3<sup>rd</sup> floor the step-back will be 3.0 m
- above the top of the 4<sup>th</sup> floor the step-back will be 1.2 m
- above the top of the 5<sup>th</sup> floor the step-back will be 4.2 m
- above the top of the 6<sup>th</sup> floor the step-back will be 3.0 m

Easterly Side Yard  
Setback for No. 10  
Prince Arthur Ave

- will be a minimum of 1 m for a distance of approximately 27 m from the front of the building, with the balance being a minimum of 4.7 metres from the east property line

Garage Door  
Location

- the garage door entrance to the underground parking garage shall be located at the western end of the front facade

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| Garage Door                      | - the garage door material will be sectioned glass   |
| Dwelling units                   | - the maximum number of dwelling units to be allowed will be 29 dwelling units   |
| Residential Gross Floor Area     | -the maximum residential gross floor area will be 7,400 m <sup>2</sup>   |
| Non-Residential Gross Floor Area | - the maximum non-residential gross floor area will be 500 m <sup>2</sup>  |
| Parking Spaces                   | - the number of parking spaces to be provided for the residential component will be in accordance with the following minimum ratios:<br><br>For residents:<br>Bachelor units            0.3 parking spaces per unit<br>1-bedroom units        0.7 parking spaces per unit<br>2-bedroom units        1.0 parking spaces per unit<br>3+ bedroom units      1.2 parking spaces per unit<br>For residential visitors: 0.6 parking spaces per unit<br><br>For non-residential uses: to be provide in accordance with the minimum requirements of By-law No. 438-86, as amended, as of August 18, 2010 with the maximum to be to the satisfaction of the Chief Planner |
| Bicycle Spaces                   | - bicycle parking spaces to be provided in accordance with the requirements of By-law No. 438-86, as amended, as of August 18, 2010  |
| Amenity Space                    | - the indoor amenity space will be not less than 2 m <sup>2</sup> per dwelling unit and, subject to the satisfaction of the Chief Planner shall comply with By-law No. 438-86 as amended, as of August 18, 2010<br><br>-the outdoor amenity space will be not less than 2 m <sup>2</sup> per dwelling unit, and, subject to the satisfaction of the Chief Planner shall comply with By-law No. 438-86 as amended, as of August 18, 2010 and shall be designed and landscaped in a manner so as to minimize the impact on adjacent properties to the north and east   |
| Green Roof                       | - the roof of the elevator/stair overrun and much of the area around it will be provided with the green roof treatment to City standards   |

Underground Garage Air Intake -may be located at the rear of the property in the outdoor space of the rear Garden Units

Commercial Space - the frontage of the commercial units at grade will have a combined width equal to or greater than 55% of the frontage of the Property

Noise and Vibration Study with respect to the mechanical space located next to the neighbours basement to the north of the Property, to be provided by the Owner and prepared by the appropriate consultants at the Owner's expense to the satisfaction of the Chief Planner, with the neighbour to the north to be provided a copy of such study and an opportunity to comment on same to the Chief Planner, and, if required by the Chief Planner the Owner shall pay for a peer review, all prior to Site Plan approval/Board Order issuing.

Trees on the neighbouring properties to be addressed to the satisfaction of the General Manager Parks, Forestry and Recreation.

A sub-soil investigation, including drilling and preparation of a technical report must be undertaken to determine the possible existence of any underground watercourse that may impact on the development or neighbouring properties, to the satisfaction of the Director of Technical Services and the Chief Planner, and a peer review if required, all at the Owner's expense, prior to site plan approval/Board Order issuing.

- (5) That prior to the Board Order issuing the Owner enter into and register a Site Plan Agreement to the satisfaction of the Chief Planner and City Solicitor, together with the Owner providing such Letters of Credit for landscaping and otherwise as required in the ordinary course of site plan issuance were it to be issued by the Chief Planner;
- (6) That the injury or removal of any trees located on the Property necessary for the redevelopment as determined by the Chief Planner in consultation with the General Manager Parks, Forestry and Recreation and that are subject to Municipal Code Chapter 813 Article III, shall be permitted through the Site Plan approval process subject to the required applications being made, required notification being given and the provision of a landscape and tree replacement plan satisfactory to the Chief Planner, General Manager Parks, Forestry and Trees and the Manager.

2. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into of a heritage easement agreement for the property municipally known as No. 10 Prince Arthur Avenue.

3. City Council approve the alteration of the heritage building located at No. 10 Prince Arthur Avenue, to the satisfaction of the Manager, pursuant to Section 42 (1) of the *Ontario Heritage Act*, conditional upon the following:

- a. the satisfaction of the conditions in Recommendations 1(1), (2) and (5) herein;
- b. the Official Plan Amendment and Zoning By-law Amendment referred to in Recommendations 1(3) and (4) have come into full force and effect;
- c. Site Plan approval for the proposed redevelopment has issued;
- d. the Heritage Easement Agreement for No. 10 Prince Arthur Avenue has been satisfactorily registered and the Letter of Credit required in Recommendations 1(2)c. and (5) has been provided to the satisfaction of the Chief Planner;
- e. the foundation permit for the proposed redevelopment has issued; and
- f. the Manager has confirmed in writing her approval of the alterations, including that the exterior materials have been specified on the building permit plans to the satisfaction of the Manager.

4. City Council approve the demolition of the building located at No. 14 Prince Arthur pursuant to Section 42(1) of the *Ontario Heritage Act*, conditional on the following:

- a. the satisfaction of the conditions in Recommendations 1(1), (2) and (5) herein;
- b. the Official Plan Amendment and Zoning By-law Amendment referred to in Recommendations 3 and 4 have come into full force and effect;
- c. Site Plan approval for the proposed redevelopment has issued;
- d. the Heritage Easement Agreement for No. 10 Prince Arthur Avenue has been satisfactorily registered and the Letter of Credit required in Recommendations 1(2)c. and (5) has been provided to the satisfaction of the Chief Planner; and
- e. the foundation permit for the proposed redevelopment has issued;

5. That City Council authorize City Staff to issue any permits, licenses or other approvals that may be required to permit a temporary relocation of the heritage building at No. 10 Prince Arthur Avenue during the construction of the proposed development, in the event the Manager is satisfied that such is required, is in accordance with the



approved Heritage Relocation Plan and all of the conditions in Recommendation 3 above have been satisfied; and

6. That City Council authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations and settlement.

**Attachment**

Appendix 1 – Confidential Offer to Settle letter dated August 20, 2010 from McCarthy Tetrault