

**45 Charles Street East  
Zoning Amendment Application  
Preliminary Report**

<b>Date:</b>	October 5, 2011
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	11 239516 STE 27 OZ

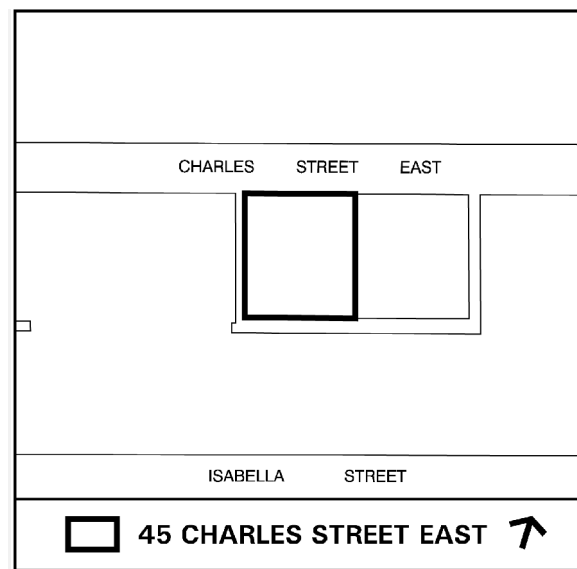
**SUMMARY**

The applicant proposes to add eight storeys and 94 residential units to an approved 39-storey residential building containing 417 residential units and approximately 28,422 square metres of residential gross floor area on a 0.209 hectare (0.518 acre) site located on the south side of Charles Street East between Church Street and Yonge Street. The site is municipally known as 45 Charles Street East.

This report provides preliminary information on the application and seeks Community Council's direction on further processing of the application and on the community consultation process.

The next step is to undertake a community consultation meeting to enable the public to review the applicant's submission, and ask questions of City staff and the applicant.

A Final Report for this application is targeted for the second quarter of 2012.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting for the lands at 45 Charles Street East together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its meeting of October 29, 2008, Toronto City Council approved a rezoning application (06 198326 STE 27 OZ) to permit a 33-storey residential tower with a height of 107 square metres, 24,122 square metres of residential gross floor area and 325 units (Site Specific By-law 1308-2008).

At its meeting of July 28, 2010, the Committee of Adjustment amended Site Specific By-law 1308-2208 to add an additional 6 storeys to the approved 39-storeys, permitting 28,422 square metres of residential gross floor area and 372 units (Variance A0516/10TEY). On March 9, 2011 the Committee of Adjustment approved 417 residential units within the same building envelope (A0987/11TEY).

### **Pre-Application Consultation**

A pre-application consultation meeting was held with the applicant on June 30, 2011 and the local Councilor on July 11, 2011 to discuss complete application submission requirements and the proposed additional height and density. Concerns were raised with respect to the additional density being proposed on Charles Street East and capacity for the roads to handle additional traffic.

## ISSUE BACKGROUND

### Proposal History

Decision history of 45 Charles Street East:

	Total Gross Floor Area	On-site Parking	Number of residential units	Indoor Amenity Space (Square Metres)	Outdoor Amenity Space (Square Metres)	Building Height
Original Application September 16, 2008 Site Specific By-law 1308-2008	24, 122 square metres	213	325	650	656	33 storeys – 107 square metres to top of mechanical
Minor Variance, July 28, 2010 – A0516/10TEY	28,422 square metres	214	372	744	625	39 storeys – 126.5 square metres to top of mechanical
Minor Variance, March 9, 2011 – A0987/11TEY	28,422 square metres	214	417	834	656	39 storeys – 126.5 square metres to top of mechanical
Current Proposal	34,406 square metres	229	511	987	656	47-storeys - 151.4 square metres to top of mechanical

The owner, 45 Charles Ltd, is proposing to demolish the existing eight-storey office building and construct a 47-storey, 151.4-metre high residential condominium building (including mechanical) containing 511 units, 34,406 square metres of total gross floor area and 16.4 times the area of the lot. The proposal is the same floorplate and massing approved through minor variances (A0516/10TEY, A0987/11TEY) and zoning amendment (06 198326 STE 27 OZ) modified by adding eight storeys in the middle of the tower for a total height of 47 storeys.

For the additional 94 residential units the applicant proposes:

1. No additional loading spaces;
2. 15 additional parking spaces;
3. 153 square metres of additional indoor amenity space;

4. No additional outdoor amenity space; and
5. No additional bicycle parking spaces.

The proposed tower separation between the subject tower and 33 Charles Street East (existing 46-storey residential tower) is 20.6 metres, 11.5 metres from 55 Charles Street East (existing 9 storey apartment building), 11.6 metres to the south at 42 Isabella Street (existing four storey apartment building) and 35 metres to a proposed 58-storey residential tower at 42 Charles Street East.

For further statistical information refer to the Application Data Sheet found as Attachment 4 of this report.

### **Site and Surrounding Area**

The site is located on the south side of Charles Street East between Yonge Street and Church Street. An eight-storey, 27-metre high office building currently occupies the site. A public lane runs along the site's west and south boundaries. The existing and planned context within the area encompasses low scale, mid-rise and high-rise built form.

Within the immediate context, the following uses surround the site:

North: across Charles Street East, is a mix of uses including a 26-storey residential condominium development, a nine-storey building owned by the YMCA subject to a rezoning application for a 58-storey residential condominium (file number 11 194814 STE 27 OZ), a post office building and low-rise apartment buildings towards Church Street.

South: across the public lane, are low-rise apartment buildings and a 25-storey apartment building towards Church Street, all fronting Isabella Street.

East: abutting the site, is a nine-storey apartment building and further east, a three-storey apartment building and a 25-storey apartment building at Church Street.

West: across the public lane, is a recently constructed mixed commercial-residential project by The Children's Aid Society of Toronto (CAST) and Cresford Development Inc. on a through-block site. The project includes a seven-storey office building for CAST fronting Isabella Street and a 46-storey (147.5 metres to the top of the mechanical) residential condominium building fronting Charles Street East.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

This application will be reviewed against the policies of the Plan. The site is designated "Mixed Use Areas" on Map 18 - Land Use Plan in the Toronto Official Plan. This designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that direct the form and quality of development in this land use designation.

Other important policies include those in the "Downtown", "Public Realm", and "Built Form" sections of the Plan. This includes the built form policies for tall buildings. To assist with the implementation of these policies, the City has prepared guidelines, Design Criteria for Review of Tall Building Proposals. The guidelines provide key urban design site specific criteria that should be considered in the evaluation of tall building applications. The City will review the proposed development for compliance with the guidelines. It is also expected that the applicant's team will demonstrate how the proposal addresses the guidelines' criteria.

The Toronto Official Plan is available on the City's website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

The City's Design Criteria for Review of Tall Building Proposals is also available on the City's website at: [www.toronto.ca/planning/urbdesign/index.htm](http://www.toronto.ca/planning/urbdesign/index.htm)

### **North Downtown Yonge Street Planning Framework**

The subject property is located within North Downtown Yonge Street Planning Framework Study currently being undertaken by the City Planning Division. The study is generally bounded by Bloor Street, Bay Street, Church Street and College/Carlton Streets. The study is to determine a better understanding of the evolving neighbourhood and planned context of this area and is required prior to making any decisions on this and other recently submitted applications within this area. The study will review area built form, transitional building heights, special places and streets, pedestrian improvements, open space and protection of heritage among other considerations. The study process will result in the preparation of urban design guidelines for the North Downtown Yonge Street neighbourhood. Planning staff are anticipating reporting back to Community Council in early 2012.

This application will be reviewed with the implementing documents from the North Downtown Yonge Street Planning Framework Study.

## **Bloor-Yorkville Urban Design Guidelines**

The subject property is located within the height ridge of the Bloor-Yorkville/North Midtown Toronto Urban Design Guidelines. This application will be reviewed against these guidelines.

## **Zoning**

The site is subject to site specific Zoning By-law 1308-2008 which permits a 33-storey residential condominium at 107 square metres to top of mechanical, 325 residential units, 24,122 square metres of gross floor area having a density of 12.1 times the lot area. Minor variance A0516/10TEY amended the site specific by-law in 2010 to permit 39 storeys at 126.5 square metres, 372 units, 28,422 square metres of gross floor area having a density of 13.5 times the lot area. A minor variance A0987/11TEY further amended the site specific by-law to permit 417 units with the same zoning standards as A0516/10TEY.

Attachment 3 provides an excerpt of the zoning map (By-law 438-86) for the site and immediate area.

## **Site Plan**

Notice of Approval Conditions for Site Plan Approval were issued on May 16, 2011 for a 39-storey residential condominium (File # 06 198325 STE 27 SA). A site plan amendment application will be required. This application has not yet been submitted.

## **Reasons for the Application**

The proposal's 151.4 metre height (plus mechanical) and 16.4 times density exceeds the height and density permissions set out in the Site Specific 1308-2008 as varied in 2010 by minor variance A0516/10TEY and varied in March, 2011 by minor variance A0987/11TEY. Additional areas of non-compliance with the Zoning By-law will be assessed as the review of the application advances.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Planning Rationale Report, Bousfields, July 2011
- Wind Analysis, Gradient Microclimate Engineering Inc., October 22, 2010
- Functional Servicing and Stormwater Management Report, Burnside, June 2011
- Traffic Impact Study, Lea Consulting Ltd., May 2011
- Sun Shadow Study, Page and Steele, December 2009
- Toronto Green Development Standard Checklist, July 2011

A notice of complete application was issued on August 8, 2011.

## Issues to be Resolved

Prior to presenting a Final Report to Community Council, the following issues must be addressed. These issues were discussed during pre-application meetings with the applicant's architects.

- ability to meet the intent and spirit of the Official Plan, Council policies and other applicable planning policies including the Provincial Policy Statement;
- proposed additional height contextually in the Bloor Yorkville/ North Downtown Yonge Street Planning Framework area;
- impacts on adjacent properties, including shadow, overlook and privacy;
- conformity with Design Criteria for Review of Tall Buildings;
- number of on-site parking spaces;
- amount and suitability of the proposed amenity space;
- contribution to (or detraction from) the local urban environment including the public realm; and
- community benefits under Section 37 of the *Planning Act* should this application, or some variation thereof, proceed.

The application has been circulated to City Divisions for review. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

## **CONTACT**

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## **SIGNATURE**

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Gregg Lintern, Director, MCIP, RPP  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan

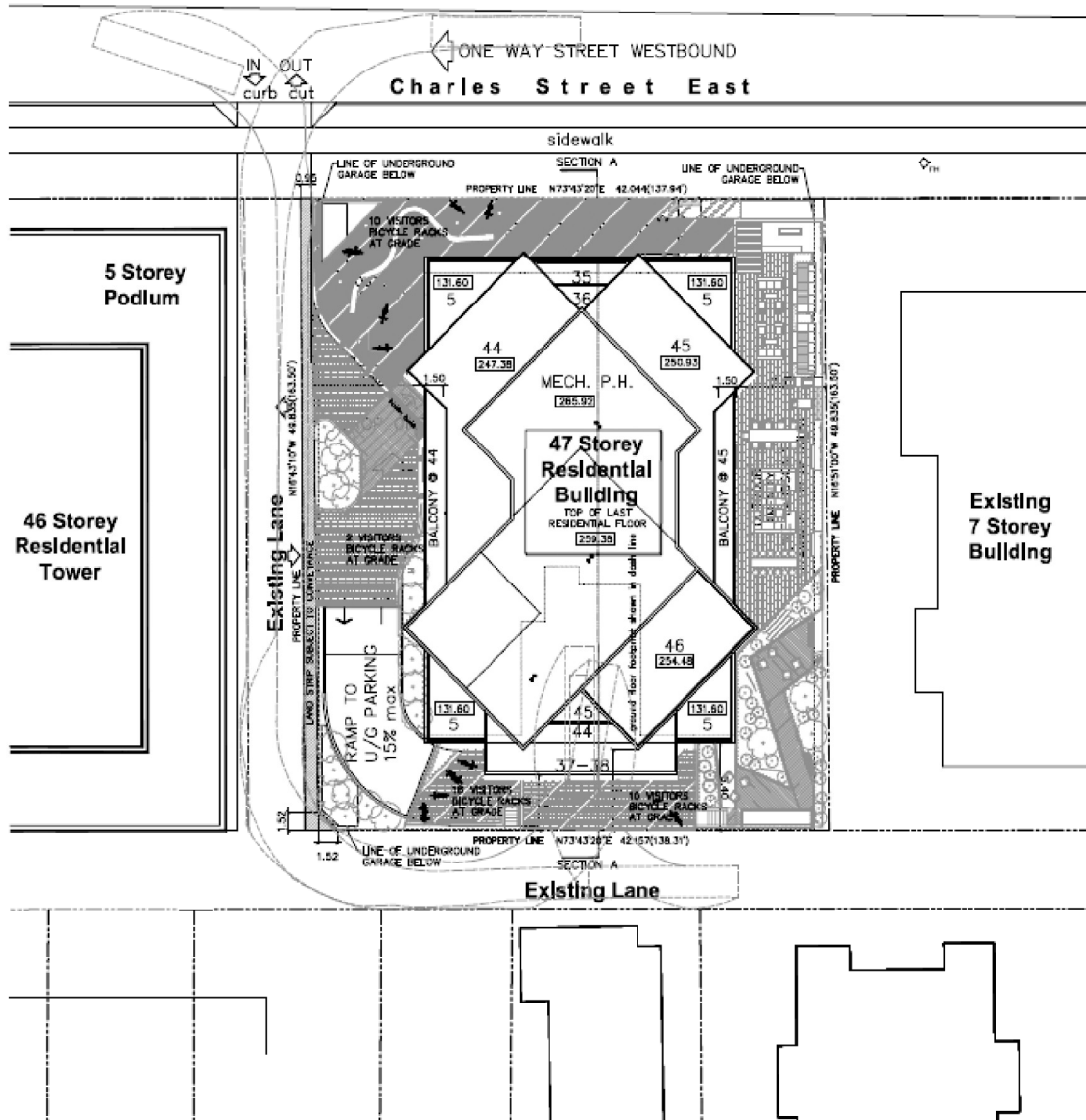
Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet



# Attachment 1: Site Plan



## Site Plan

45 Charles Street East

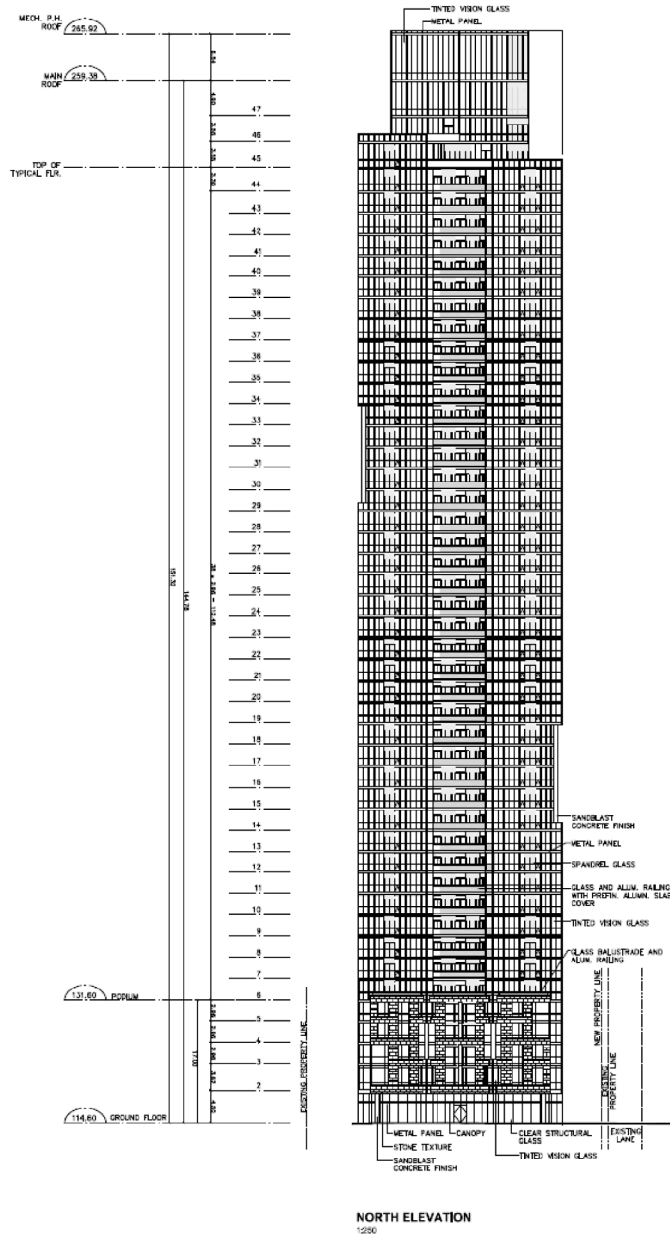
Applicant's Submitted Drawing

Not to Scale  
09/22/11



File # 11\_239516\_OZ

## Attachment 2: North Elevation



### North Elevation

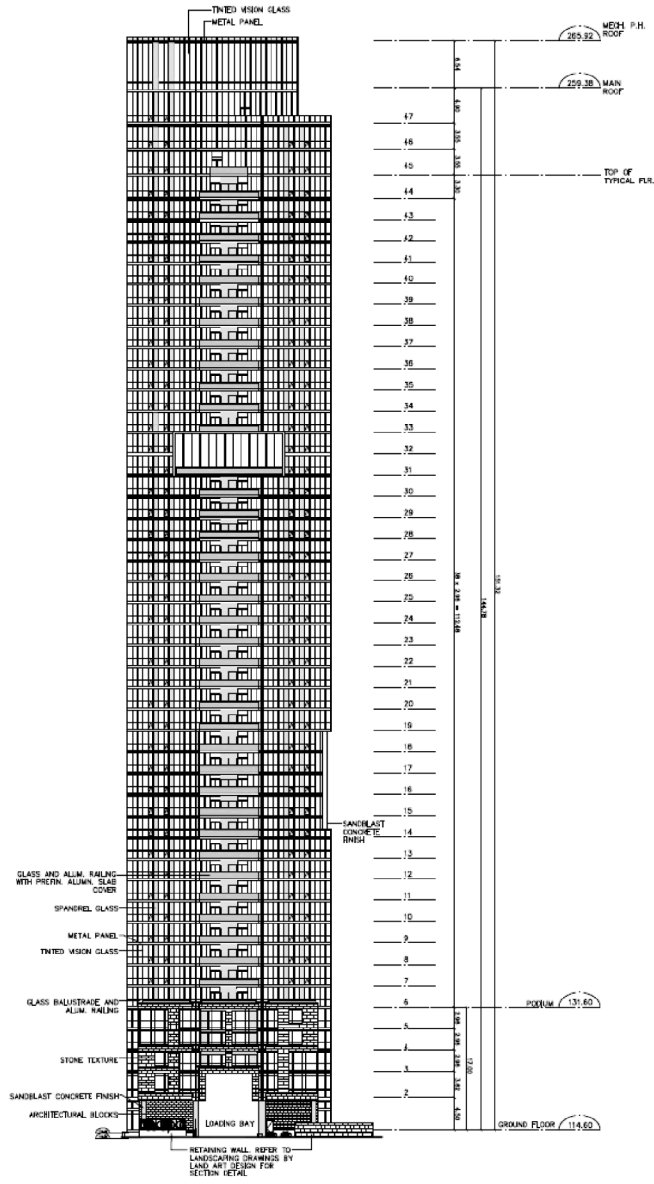
Applicant's Submitted Drawing

Not to Scale  
09/22/11

### 45 Charles Street East

File # 11\_239516\_02

# South Elevation



**SOUTH ELEVATION**  
1/250

## South Elevation

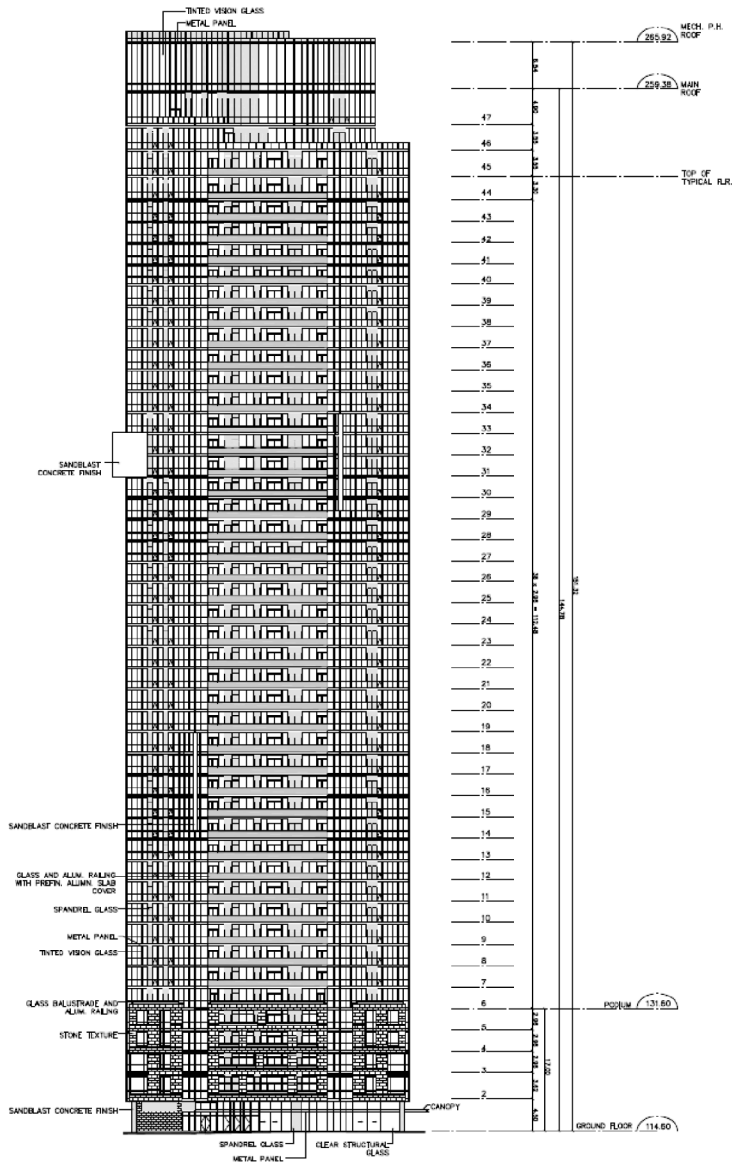
Applicant's Submitted Drawing

Not to Scale  
09/22/11

## 45 Charles Street East

File # 11\_239516\_02

# East Elevation



EAST ELEVATION  
1/250

## East Elevation

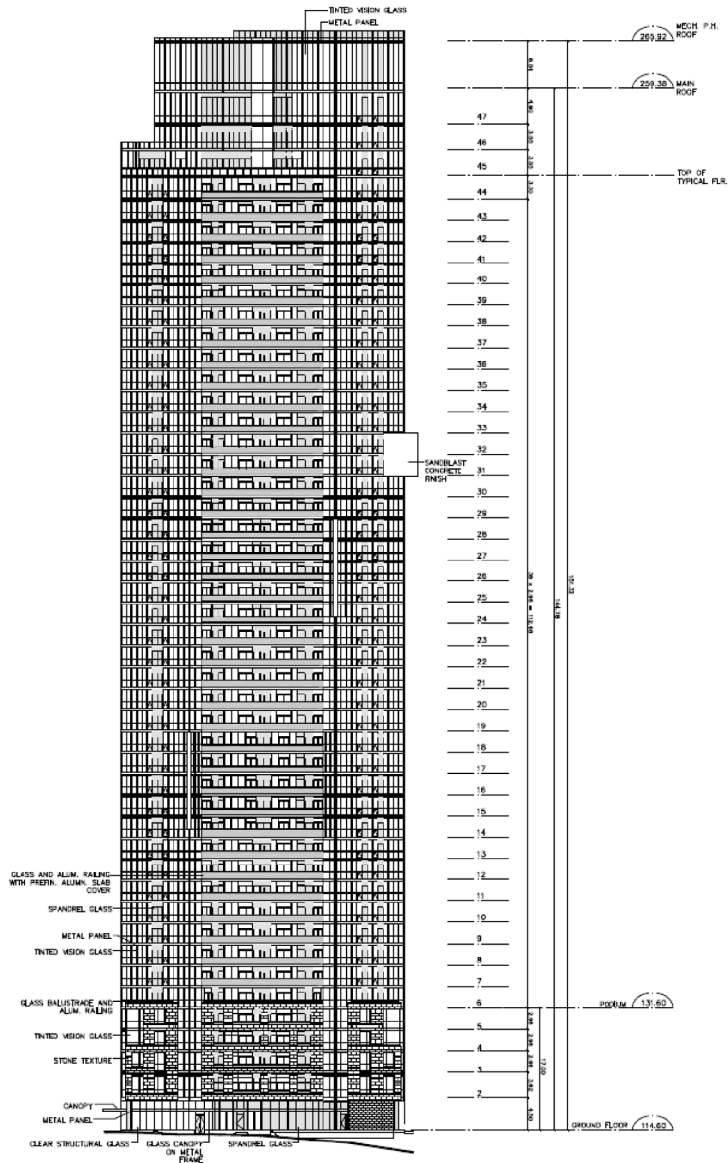
Applicant's Submitted Drawing

Not to Scale  
09/22/11

## 45 Charles Street East

File # 11\_239516\_02

# West Elevation



WEST ELEVATION  
1250

## West Elevation

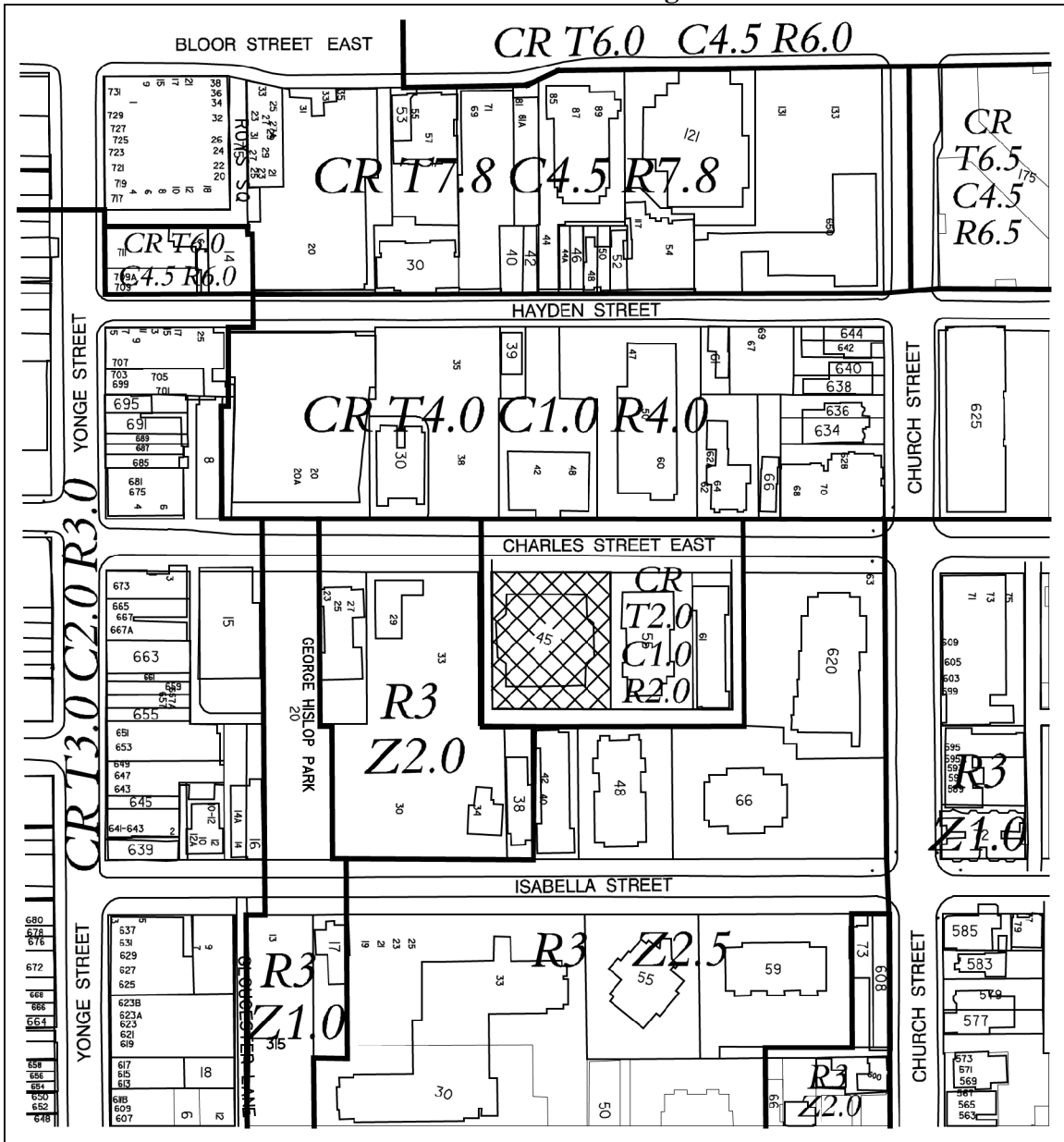
Applicant's Submitted Drawing

Not to Scale  
09/22/11

## 45 Charles Street East

File # 11\_239516\_02

### Attachment 3: Zoning



**45 Charles Street East**  
File # 11\_239516\_02

- R3 Residential District
- CR Mixed-Use District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 09/21/11

### Attachment 4: Application Data Sheet

Application Type: Rezoning Application Number: 11 239516 STE 27 OZ  
 Details: Rezoning, Standard Application Date: July 15, 2011  
 Municipal Address: 45 Charles Street East  
 Location Description: PLAN D1 LOTS 9 TO 11 RP-63R2539 PARTS 1 TO 4 \*\*GRID S2708  
 Project Description: The application proposes to add 8 stories to existing approved 39 storey residential condominium development. The application also is requesting to alter the existing redevelopment plan approved under Site Specific By-law 1308-2008 and variance approvals by increasing the number of dwelling units to 511 units and proposing 229 parking spaces. Previous applications for this property include 06 198326 STE 27 OZ, 06 198325 STE 27 SA, A0516/10TEY and A0987/11TEY.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Fraser, Milner, Casgrain 77 King Street West, Unit 400 Toronto, ON M5K 0A1	Fraser, Milner, Casgrain 77 King Street West, Unit 400 Toronto, ON M5K 0A1	Page and Steele 95 St. Clair Avenue West Toronto, ON M4V 1N6	45 Charles Limited C/O Edenshaw Homes Limited 260 Brunel Road Mississauga, ON L4Z 1T5

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	1308-2008
Zoning:	CR T2.0 C1.0 R2.0 (varied)	Historical Status:	N
Height Limit (m):	Site Specific – 126.5 metres	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	2097.9	Height:	Storeys:	47
Frontage (m):	42.04		Metres:	151.4 top of mechanical
Depth (m):	49.83			
Total Ground Floor Area (sq. m):	784			<b>Total</b>
Total Residential GFA (sq. m):	34406		Parking Spaces:	229
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	34406			
Lot Coverage Ratio (%):	37.4			
Floor Space Index:	16.4			

#### DWELLING UNITS

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

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	34406	0
Bachelor:	46 (9%)	Retail GFA (sq. m):	0	0
1 Bedroom:	362 (71%)	Office GFA (sq. m):	0	0
2 Bedroom:	83 (16%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	20 (4%)	Institutional/Other GFA (sq. m):	0	0

Total Units:

Contact: Planner Name: Michael Hynes, 416-397-1761 or mhynes@toronto.ca