

42 Charles St East and 39 Hayden Street Zoning By-law Amendment - Request for Direction Report

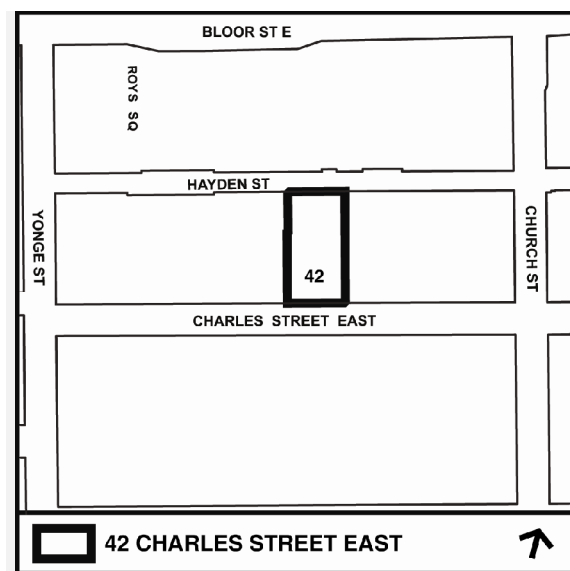
Date:	May 24, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	11 194814 STE 27 OZ

SUMMARY

The applicant has appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*. A pre-hearing has been tentatively scheduled for July 26, 2012. The purpose of this report is to seek City Council's direction with respect to the position of the City at the Municipal Board hearing.

This application proposes to redevelop the site with one 56-storey tower (174 metres excluding mechanical penthouse) containing 447 residential condominium units. Pedestrian access is to be provided from both Hayden Street and Charles Street East. There would be six levels of below grade parking with access from a two way lane from Charles Street East on the west side of the site.

The proposal represents over-development of the site. The proposed building creates issues regarding lack of indoor and outdoor amenity space, lack of visitor parking and overlook and privacy concerns for the existing development to the west and any future development to the east. The approval of the project as proposed would negatively impact the planned context of



the area thereby impacting future development in a manner that is inconsistent with the policies of the Official Plan and does not implement Council approved guidelines such as the Design Criteria for the Review of Tall Building Proposals.

This report reviews and recommends refusal of the project unless it is revised and is subject to conditions detailed in the recommendations and staff report, in the event that a settlement may be reached with the applicant. If no settlement is possible, this report also seeks City Council's direction with respect to the appeal before the Ontario Municipal Board.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council does not support proposed zoning application (42 Charles Street East and 39 Hayden Street – File # 11 194814 STE 27 OZ) as submitted.
2. City Council support the application subject to the following revisions to the plans as submitted by the applicant dated December 20, 2011 and subject to the conditions outlined in these recommendations:
 - i. The proposal shall have a maximum height of 174 metres (excluding rooftop mechanical);
 - ii. That the tower be moved 1.5 metres further south to provide:
 - a. a minimum 1.5 metre setback to the balcony face from the north-east "notched" property line; and
 - b. a reduced stepback from the south podium face to the tower face;
 - iii. Provide a minimum 10 metres side yard setback from the east and west property lines to the balcony face or tower face, whichever encroaches further into the side yard;
 - iv. Provide a minimum 894 sq.m. indoor and 894 sq.m. outdoor amenity area to comply with the existing zoning standards; and
 - v. Provide a minimum of 6 visitor parking spaces.
3. City Council require the applicant to provide the facilities, services and matters pursuant to Section 37 of the *Planning Act*, as described in Appendix 1 attached to this report (May 24, 2012) from the Director, Community Planning, Toronto and East York District.
4. City Council require the applicant to enter into a secured Agreement with the City to ensure the provision of all necessary improvements to the existing municipal infrastructure in connection with (a) the Functional Servicing Report, to the satisfaction of the Executive Director of Technical Services; and (b) the Transportation Study, to the satisfaction of the General Manager of Transportation Services, should it be determined that improvements to such infrastructure are required to support this development.

5. City Council authorize the City Solicitor to represent the recommendations outlined in this report at the Ontario Municipal Board at the hearing to be scheduled relating to the appeal of this development proposal.
6. City Council authorize the City Solicitor and necessary City staff to take such steps as may be necessary to implement the foregoing.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Pre-Application Consultation

A pre-application meeting was held on February 8, 2011. The proposal discussed was for a 60 storey building that was 190 metres in height including the mechanical penthouse. The proposed podium was 15 metre high and contained above grade parking. The proposed lobby was on Charles Street East. Vehicular access and loading to the site was proposed to be inbound from Hayden Street and outbound to Charles Street East. During this meeting staff expressed concerns over parking, access, setbacks, built form and massing, height, and relationship of the proposed building to buildings on the remainder of the block and particularly the heritage sites.

ISSUE BACKGROUND

Proposal

Original Proposal

The application was submitted May 13, 2012. The original proposal incorporated certain lands owned by Canada Post on the north east corner adjacent to the property. The applicant was requested to obtain consent from Canada Post or to revise the application before the application could proceed. The application has been revised to exclude that portion of the site.

The original application proposed to redevelop the existing YMCA administrative building and parking lot, and construct a 57-storey (187 metres including mechanical penthouse, 177 excluding mechanical penthouse) residential condominium building with a 4-storey podium (15.65 metres). Residential pedestrian access was proposed from two lobbies, a main lobby facing south onto Charles Street East and a smaller secondary north lobby facing Hayden Street. The development contained a total of 570 residential units including 410 one-bedroom units (72%), 106 two-bedroom units (19%) and 54 three-bedroom units (9%). The proposal included five levels of underground parking with a north/south service lane proposed between Charles Street East and Hayden Street along the west side of the site for access to the parking garage. The area owned by Canada Post was proposed as an enclosed parking garage for Canada Post Office vehicles but, should Canada Post relocate in the future the space would be redesigned for another purpose associated with the condominium.

The indoor amenity space was proposed to be contained within the podium with the outdoor amenity space proposed to be on the roof of the podium including a pool on the west side of the roof. The design of the proposed development was rectangular in shape with a point tower off-set slightly to the east on top of the podium. The main lobby on Charles Street East was proposed to be 4 storeys in height. The original proposed setbacks are outlined in Table 1 below (all numbers are minimums and from the property line).

Table 1 - Original Proposal Setbacks:

	Podium (Ground Floor to 4th Floor)	Tower (5th Floor and above)
North Setback (Hayden Street)	Approximately 3.11 metres from the property line	The tower is setback approximately 7.68 metres from the podium edge to the balcony for a total of 10.79 metres setback from the property line
South Setback (Charles Street East)	Approximately 5.0 metres from the property line	The tower is setback approximately 7.68 metres from the podium edge to the balcony for a total of 12.75 metres setback from the property line
East Setback	Zero	Approximately 3.96 metres at the north end of the site and 4.08 metres at the south end of the site from the property line to the balcony
West Setback	Approximately 6.0 metres.	Approximately 12.37 metres at the south end of the site and 11.89 metres at the north end of the site from the property line to the balcony.

Immediately to the west of the subject site is the existing Bloor Street Neighbourhood Condominium (38-40 Charles Street East and 35 Hayden Street). Along the easterly lot line of the Bloor Street Neighbourhood Condominium there are residential units that face directly east into the subject site and that are built almost to the lot line. The setback between the subject site and the east side of the balconies for the Bloor Street Neighbourhood Condominium would be approximately 6 metres to the podium and 12 metres to the proposed tower (at the balcony face).

The preliminary report dated August 15, 2011 directed that the facing situation between the Bloor Street Neighbourhood Condominium and the subject site be carefully reviewed. To the east of the subject site is an existing two-storey Canada Post office. The preliminary report also directed that the Canada Post site be reviewed in relation to the subject application.

The remainder of the block to the east of the subject site and bounded by Charles Street East, Hayden Street and Church Street was discussed in the preliminary report noting that it should be reviewed by staff to take into account the constraints and opportunities for future development and relationships to the existing and proposed development in this area. The subject site was also included in the North Downtown Yonge Street Planning Framework that is discussed in the Preliminary Report dated May 30, 2011 for file 11

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187996 STE 27 OZ, 501 to 521 Yonge Street, 6 to 8 Alexander Street and 23 Maitland Street.

Revised Proposal

The applicant submitted a revised proposal December 21, 2011 which was circulated to departments and agencies for comment. The revised proposal includes a number of changes but the overall design concept and layout is generally the same as in the original proposal. The revisions are based on the exclusion of the Canada Post property. Table 1 is a summary of the revisions.

Table 2 – Summary of Revisions to the Application:

Revisions to the Application	Original Submission	Revised Submission
Site Area	2,509 sq.m.	2,142 sq.m.
Tower floorplate (average)	702 sq.m.	541 sq.m.
Length of the tower (not including balconies) *Note the width of the tower remains the same at 16.23 metres	43.25 metres	33.34 metres
Gross Floor Area (above grade)	36,486 sq.m.	29,461 sq.m.
Floor Space Index	14.54 x lot area	13.75 x lot area
East side setback – tower to the property line: To the tower face To the balcony face	5.63 metres 4.13 metres	9.88 metres 8.38 metres
West side setback – tower to the property line: To the tower face To the balcony face	13.56 metres 12.06 metres	9.9 metres 8.4 metres
Number of Units	570	447
Proposed Vehicular Parking Resident Visitor Auto Share	214 0 5	172 0 5
Proposed Bicycle Parking Resident Visitor	160 43	359 90
Interior Residential Amenity Space	1,920 sq.m. (3.36 sq.m. per unit)	540 sq.m. (1.2 sq.m. per unit)
Exterior Residential Amenity Space	818 sq.m. (1.43 sq.m. per unit)	490 sq.m. (1.09 sq.m. per unit)
Building Height Main Roof Including Mechanical Penthouse	176.5 metres 186.5 metres	174 metres 184 metres

On the south side of the site the existing 6 metre public realm area of Charles Street East includes a 1.4 metre sidewalk which would be widened to 2.4 metres under this proposal.

On the north side of the site on Hayden Street the 2 metre public realm area includes an existing concrete sidewalk. There is a required road widening of 1.5 metres along the south side of Hayden Street which would widen the sidewalk to approximately 3.5 metres. The Vibrant Street Design and Policy Guideline requires a 6-7 metre wide minimum public realm space including a 2.1 metre pedestrian clearway along streets such as Charles Street and Hayden Street with the additional space required for furniture, planting and an appropriate edge condition. The minimum pedestrian clearway and edge condition would be possible along Hayden Street with additional setback of the podium on private property for vegetation. The full sidewalk requirement would be achievable in the public right-of-way along the Charles Street East frontage.

The revisions to the rezoning application for the subject site shift the tower further to the west to equalize the setbacks. The revised application continues to propose five levels of below grade parking with access from a north/south service lane proposed between Charles Street East and Hayden Street along the west side of the site. One Type G loading space is proposed within the north end of the lane to accommodate the garbage/recycling, loading and moving requirements for the site.

North Downtown Yonge Street Planning Framework Study

At the June 2011 Toronto and East York Community Council meeting, Planning staff were directed to undertake an Urban Design Review formally called the North Downtown Yonge Street Planning Framework Study with boundaries from College Street/Carlton Street to Bloor Street and from Bay Street to Church Street. The Planning Framework was started in July 2011 after this rezoning application was formally submitted. This application was placed on hold pending the outcome of the study process.

Site and Surrounding Area

The site is located on the north side of Charles Street East approximately in the middle of the block between Yonge Street and Church Street. The subject site is 0.25 ha in size with frontage of 36.02 metres along Charles Street East and depth of 61.95 metres.

The site currently contains an eight-storey office building in the southerly portion of the site. The office building is currently vacant and previously housed the administrative offices of the YMCA. The remainder of the northerly end of the site is currently used for parking.

The surrounding uses are as follows:

South: recent developments/approvals include the Casa residential condominium with a height of 46 storeys (138 metres) at 33 Charles Street East and the CHAZ Condominium at 45 Charles Street East with a proposed height of 47 storeys (151.1 metres) (file numbers A0944/05TEY and 11-239516 STE 27 OZ respectively). To the west of the Casa Condominium on the south side of Charles Street East is the 10-storey Comfort Hotel. There is also a mix of low and mid-rise institutional and residential buildings. George Hislop Park is to the southwest of the site on Isabella Street.

East: immediately to the east is the two-storey Canada Post building; further east are two to three-storey residential buildings and a three-storey residential building fronting onto Church Street.

North: the north side of the site is bounded by Hayden Street and beyond which are mix of low, medium and mid-rise buildings with a mix of retail, office and residential uses.

West: immediately to the west is the Bloor Street Neighbourhood condominium with a height of 32 storeys (116 metres). Further west is the Toronto Parking Authority six-storey parking garage, surface parking and two to three-storey commercial retail buildings facing onto Yonge Street.

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 have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

This application has been reviewed against the policies in the Official Plan. The Official Plan places the site within the Downtown and Central Waterfront urban structure area. The site is designated "Mixed Use Areas" on Map 18 – Land Use Plan in the 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. The criteria state that new buildings provide a transition between areas of different intensity and scale, including a stepping down of heights towards lower scale neighbourhoods; minimize shadow impacts and provision of an attractive, safe and comfortable pedestrian environment.

The Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to particular areas of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings.

Chapter Three – Building a Successful City identifies that most of the City’s future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Section 3.1.2 Built Form provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.4 seek to ensure that development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties. Meeting these objectives requires creating consistent setbacks from the street, massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and /or planned street proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and limiting shadow and wind impacts on streets, open spaces and parks.

Section 3.1.3 contains specific policies on tall buildings and built form principles to be applied to the location and design of tall buildings. The background text in Section 3.1.3, which provides context for the policies, is clear in stating that tall buildings do not belong everywhere. Tall buildings are generally limited to areas in which they are permitted by a Secondary Plan, an area specific policy, a comprehensive zoning by-law, or site specific zoning. Tall buildings will only be permitted in other areas on the basis of appropriate planning justification consistent with the policies of the Official Plan.

Policy 3.1.3.1 indicates that where a tall building is appropriate, it should have a base at an appropriate scale for the street and that integrates with adjacent buildings, a middle with a floor plate size and shape with appropriate dimensions for the site, and a top that contributes to the skyline character. Policy 3.1.3.2 requires new tall development to address key urban design considerations, including:

- meeting the built form principles of the Official Plan;
- demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- demonstrating how the proposed building and site design relate to the existing and/or planned context;
- taking into account the relationship of the site to topography and other tall buildings;
- providing high quality, comfortable and usable publicly accessible open space areas; and
- meeting other objectives of the Official Plan.

The subject site is also within Area Specific Policy 211 of the Official Plan. This policy applies to the Bloor-Yorkville/North Midtown Area that is composed of a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The policy provides guidance in relation to the transition of density and scale outward from the intersection of Yonge Street and Bloor Street. Transition areas will be developed at a lesser height and physical scale in a form compatible with adjacent areas. Policies are

also included that require high quality public realm and that new development be reviewed in relation to the Bloor-Yorkville/North Midtown Urban Design Guidelines.

The proposal has been reviewed against Official Plan Site and Area Specific Policy number 211 and the Bloor-Yorkville/North Midtown Urban Design Guidelines.

Compliance with other relevant policies of the Official Plan including the environment and transportation has also been addressed.

Zoning

The site is zoned CR T4.0 C1.0 R4.0 under Zoning By-law 438-86. This zoning designation permits a variety of mixed uses including residential. The maximum permitted density is 4 times the lot area, with 1 times the lot area for commercial uses and 4 times the lot area for residential uses. The maximum height permitted is 30 metres in the centre of the site with 12 metres within the first 12.2 metres from Charles Street East and 6.1 metres from Hayden Street.

Tall Building Guidelines

The City's 'Design Criteria for the Review of Tall Building Proposals' provide guidelines for the design and evaluation of tall buildings in the City. The guidelines were developed to implement the Built Form policies as found in Section 3 of the Official Plan through measurable criteria and qualitative indicators to assist in the review of tall building proposals. Criteria and indicators are related to four main areas; site context, site organization, building massing and the pedestrian realm.

In considering site context, a tall building proposal must address concerns related to transitions between taller buildings and lower scale features nearby. Measures such as setbacks, stepbacks and angular planes are used to achieve appropriate transitions in scale and the protection of sunlight and sky views.

Criteria related to site organization address issues of building placement and orientation, location of building entrances, servicing and parking requirements, enhancement of adjacent streets and open spaces, and respect for heritage buildings.

Building massing is an important consideration in assessing tall buildings. The scale of the base component of a tall building should have good street proportion to maintain access to sunlight and sky views along the street, should integrate with adjacent buildings and minimize the impacts of parking and servicing uses. To break down the mass of the building smaller floor plates and building articulation are recommended. Adequate space between tall building elements allows for appropriate light and privacy for existing and new buildings, as well as allowing appropriate sunlight wind and sky view to adjacent streets, parks, open spaces and properties. Conditions beyond the required by-law minimums are often required to achieve light, view and privacy. The criteria include a minimum spacing of 25 metres between the shafts of tall building elements. On compact sites where a tall building is proposed the shaft of the tall building must be located a minimum of 12.5 metres away from the property line.

New tall buildings are expected to enhance the public realm by providing active frontages, high quality streetscape and landscape design elements. Other considerations include weather protection, limiting shadowing impacts and uncomfortable wind condition on nearby streets, properties and open spaces, as well as minimizing additional shadowing on neighbouring parks to preserve their utility.

The Design Criteria for the Review of Tall Building Proposals is available on the City's website at:

www.toronto.ca/planning/urbdesign/pdf/tallbuildings_udg_aug17_final.pdf

Site Plan Control

The proposed development is subject to site plan control. An application for Site Plan Approval has not been submitted but will be required.

Tree Preservation

There is one tree on this site subject to the City's Private Tree By-law or Public Street Tree By-law. The tree must be removed in order to accommodate the proposed development. The applicant has submitted a signed Tree Declaration and a Landscape Concept Plan which will be reviewed by Urban Forestry staff.

Reasons for the Application

The proposed height and density do not comply with Zoning By-law 438-86. Variances to the Zoning By-law include but are not limited to the following:

- the total permitted density of 4.0 times the area of the lot is exceeded as the applicant is proposing a density of 13.75 times the area of the lot;
- the proposed building height of 174 metres (not including mechanical penthouse) exceeds the permitted height of 30 metres;
- the permitted building height within the first 12.2 metres from Charles Street east is 12 metres whereas the applicant is proposing to locate the tower portion of the building within 7.3 metres (including balconies) of the property line to a height of 174 metres;
- a total parking of 172 spaces is being provided while the by-law requires 266 spaces;
- a total visitor parking of 34 spaces are required whereas no visitor parking will be provided;
- a proposed outdoor amenity space of 490 square metres is provided while the by-law requires 894 square metres; and
- a proposed indoor amenity space of 540 square metres is provided while the by-law required 894 square metres.

Community Consultation

A community consultation meeting was held February 2, 2012 at the Metro Central YMCA to allow the public to review the applicant's revised submission and ask questions of City staff and the applicant. The meeting was attended by approximately 25 people. Issues raised included the following:

- impact on light, view and privacy due to limited setback from the Bloor Street Neighbourhood residential condominium located directly west of the site,
- additional traffic on Charles Street East and on Hayden Street, and
- increased on-street parking demand on Charles Street East and Hayden Street, and
- height.

In addition, many property owners from the Bloor Street Neighbourhood residential condominium contacted Community Planning staff noting their concern regarding the close proximity that the proposed development would have to their property. Additional comments were received from residents in the area regarding the concerns expressed above as well as lack of landscaping around the building.

Comments were also received from the Bloor East Neighbourhood Association (BENA) expressing concerns regarding the scale of the project and the impact on the residents given the number of recently completed large point towers on both Hayden Street and Charles Street East in particular:

- insufficient sidewalk width; and
- inadequate green space in the community.

Agency Circulation

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

COMMENTS

Planning Act, Provincial Policy Statement and Provincial Plans

Planning Act

The proposed development has adequate regard to matters of Provincial interest as required by Section 2 of the *Planning Act*.

In particular, 2(h) refers to the orderly development of safe and healthy communities; 2(l) refers to the protection of the financial and economic well-being of the Province and its municipalities; and Section 2(p) refers to the appropriate location of growth and development. Policies pertaining to these items of Provincial interest are contained within the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

Provincial Policy Statement

The proposal is consistent with the PPS, as it represents intensification on an under-used lot in an area with existing servicing.

The application proposes intensification within a built-up urban area near higher-order transportation. Policy 4.5 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS. Comprehensive, integrated and long-term planning is

best achieved through municipal official plans, which shall identify provincial interests and set out appropriate land use designations and policies.

Section 1.1 of the PPS contains policies related to managing and directing development. Policy 1.1.2 requires that sufficient land be made available for intensification and redevelopment. This has been done through the Official Plan and the Zoning By-law, which identify areas where growth and intensification are appropriate and outline the appropriate levels for intensification.

Policy 1.1.3.2 b) of the PPS requires that land use patterns accommodate a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in PPS Policy 1.1.3.3. Policy 1.1.3.3 states that planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Policy 1.1.3.4 refers to appropriate development standards to facilitate intensification redevelopment, and compact form; and Policy 1.1.3.5 requires that planning authorities establish and implement minimum targets for intensification and redevelopment within built-up areas. These requirements are met through the built form and land use policies of the Official Plan and the Zoning By-law.

Section 1.7 of the PPS contains policies related to long term economic prosperity. Policy 1.7.1 b) states that long term economic prosperity should be supported by, among other things, maintaining, and where possible, enhancing the vitality and viability of downtowns and mainstreets.

Growth Plan for the Greater Golden Horseshoe

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe, as the site is within an identified Urban Growth Centre, an area intended to accommodate future intensification that is transit and pedestrian-friendly.

The Growth Plan for the Greater Golden Horseshoe identifies the *Downtown* as an Urban Growth Area, to which intensification should be directed. Policy 2.2.3.6 requires Official Plans to provide a strategy and policies to achieve intensification targets identified in the Growth Plan. Policy 2.2.3.6 g) requires the Official Plan to identify the appropriate type and scale of development in intensification areas. Policy 2.2.3.7 f) requires intensification areas to be planned to achieve an appropriate transition of built form to adjacent areas.

The Growth Plan specifies a minimum gross density target of 400 residents and jobs combined per hectare for Downtown Toronto by 2031. The June 2011 "Profile Toronto" document released by City of Toronto Planning Policy provides an overview of growth experienced by the City since the Official Plan came into force in June 2006 and indicates how the City will continue to develop over time. The City's population has been growing at an average of 27,500 people per year between 2006 and 2010. The

Growth Plan population target averages about 17,000 people per year to reach 3.08 million by 2031. The population growth experienced by the City exceeds the Growth Plan population target by 10,500 people per year. (See June 2011 'Profile Toronto' report at: http://www.toronto.ca/planning/pdf/grow_jun2011.pdf). Based on these historical patterns the City is well on its way to exceeding its population targets under current growth patterns.

Land Use

The proposed residential condominium use is consistent with the land use provisions of the Official Plan and Zoning By-law.

The subject site is designated *Mixed Use Areas* on Map 18- Land Use Plan (December 2010) of the Toronto Official Plan. It is anticipated that *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing.

Some form of intensification in residential use is appropriate for this site particularly given its proximity to transit.

Density, Height, Massing

Density

The density permitted for the subject site through the existing zoning provisions is 4 times the area of the lot whereas the applicant is requesting a density of 13.75 times the area of the lot.

The current direction of the Official Plan and provincial planning documents identify the *Mixed Use Areas* as locations for residential intensification. The Official Plan states that a full range of housing opportunities will be encouraged through residential intensification in the *Mixed Use Areas* of *Downtown* (2.2.1 Policy 4). Growth will be directed to the *Downtown* in order to concentrate jobs and people in areas well served by surface transit and rapid transit stations (2.2 Policy 2).

The density proposed for this site is comparable to approved and existing sites along Charles Street East. The recently approved residential building at 45 Charles Street East (Chaz) has a density of 16.4 times the lot area. The Casa (33 Charles Street East) has a density of 17 times the area of the lot. The development immediately to the west of the subject site (Bloor Street Neighbourhood) has a density of 11 times the area of the lot.

The subject site is suitable for intensification given the location of the property in the downtown area and its proximity to the Yonge and Bloor intersection, and consequently two major transit lines. It is the opinion of staff that the density of the development is in keeping with the density of other sites within the area and is an appropriate density for the site.

Height

The proposed height of 174 metres (204 metres including mechanical penthouse) exceeds the current permission of the Zoning By-law of 30 metres. The subject site is located within the height ridge in Site Specific Policy #211 for the Bloor Yorkville/North

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Midtown Area. This policy addresses the differing intensities, scales and heights in the diversity of built forms that are found in the area. The policies provide for a transition in density and scale from the more intensive use and development forms within the Height Peak found around the intersection of Yonge Street and Bloor Street towards the boundaries of the Height Ridge area. The policies addressing the height ridge state that building heights will step down in descending ridges along Yonge Street, Bloor Street, Bay Street, Church Street and portions of Avenue Road. The height ridges are to be developed at a lesser height and physical scale than the height peak and in a form compatible with adjacent areas. The Urban Design policies state that new buildings will achieve a harmonious relationship to their built form context in several ways including building height and massing. The policies direct that the Bloor-Yorkville /North Midtown Urban Design Guidelines are to provide direction for development.

The subject property is located within the height ridge and the Hayden-Church Precinct of the Bloor-Yorkville North Midtown Urban Design Guidelines. The south limit of the height ridge extends approximately mid-block along the south side of Charles Street East to east of Church Street where it swings north along the extension of Hayden Street. The heights along Charles Street East in the vicinity of the subject site range from 70 storeys (approved) at 1 Bloor Street East to 46 and 47 storeys to the south of the subject site at 33 and 45 Charles Street East respectively. The height of 38 Charles Street East (Bloor Street Neighbourhood) is 32 storeys.

Although the current proposed height fits within this height ridge, additional requests for increases in height through future Committee of Adjustment applications or rezonings would not be supported. The intent of the transition area is to provide a stepping down of height from the peak. Additional height would go further to matching the height peak and not fit within the intent of the transition policies and guidelines to provide the stepping down as required. The existing developments further to the east and south include several sites that are listed or designated heritage properties as well as stable mixed use and apartment neighbourhood areas that have limited intensification potential. Further to the south east is the Church Street Village which is also a stable area with site specific policies that apply to the area and limited intensification potential.

Massing

The subject site was reviewed in accordance with the direction provided from Site Specific Policy #211 and the Bloor Yorkville/North Midtown Urban Design Guidelines as well as Section 3 of the Official Plan and the Design Criteria for the Review of Tall Building Proposals.

The tall building policies of the Official Plan and the Urban Design Guidelines for Bloor Yorkville/North Midtown Urban Design Guidelines and the Design Criteria for the Review of Tall Building Proposals identify three parts of a tower: the base, the middle and the top. The base building should provide definition and support at an appropriate scale for adjacent streets, parks and open spaces, integrate with adjacent buildings and minimize the impact of parking and servicing uses. The tower of the building should have a floor plate size and shape that provide appropriate dimensions for the site, be located and oriented on the site and in relation to the base of the building and adjacent

buildings in a manner that satisfies the provisions of Section 3 of the Official Plan. The top of the tower should contribute to the skyline character with integrated roof top.

Podium:

The scale of the podium generally responds to the existing buildings adjacent to the site. The 3-storey (9.5 metres high) podium on the subject site is generally aligned with the Bloor Street Neighbourhood site to the west in both height and setback. The podium is setback 5 metres from south property line and 4.5 metres from the north property line. Future developments to the east would be expected to continue this alignment to provide adequate setback from the street. The podium is also set back 6.78 metres to the west property line to provide for a two-way vehicular access to the site from Charles Street East. This is appropriate for the 3-storey podium particularly given the proximity of the Bloor Street Neighbourhood building immediately to the west.

The maximum height permitted in Zoning By-law 438-86 within the first 12.2 metres from Charles Street East and 6.1 metres from Hayden Street is 12 metres. The height proposed for the podium is 9.5 metres. The tower is currently proposed to have a reduced set back of 7.3 metres (to balcony face) from the south property line but has a zero setback to the north “notched” property line. The tower should be moved a minimum of 1.5 metres further south to provide a minimal setback of the balcony face from the notched property line. This would provide a reduced setback of the tower to the podium of 3 metres (1.5 metres to the balcony face) and bring the tower closer to aligning with the existing front face of the Bloor Street Neighbourhood building. Zoning By-law 438-86 requires a setback of 5.5 metres from a property line to windows of a dwelling unit. With the movement of the tower further south the setback would be approximately 3 metres from the north east property line to the window face. The existing YMCA building site is currently sited slightly in front of the Bloor Street Neighbourhood building. The movement of the tower further south would be similar to the existing condition for those neighbouring units to the west of the subject site. The setback from the south property line would be reduced to approximately 7.35 metres to the tower face and 5.82 metres to the balcony face.

Tower:

In accordance with the direction provided in the Official Plan and the Urban Design Guidelines the middle of the tower should be designed with a floor plate size and shape that provide appropriate dimensions for the site, be located and oriented on the site and in relation to the base of the building and adjacent buildings. The Official Plan also emphasizes the manner in which the building and site fit within the context of the neighbourhood and City to limit the impact on neighbouring streets, parks, open spaces and properties (Section 3.1.2 of the Official Plan). This is to be achieved in a number of ways including the following policies:

- massing new buildings to frame adjacent streets and open spaces to respect the existing and/or planned street proportion;
- incorporating exterior design elements, their form, scale, proportion, pattern and materials and their sustainable design to influence the character, scale and appearance of the development;

- creating appropriate transitions in scale to neighbouring existing and/or planned buildings;
- providing adequate setbacks between buildings to provide adequate light and privacy; and
- limiting shadow and uncomfortable wind conditions on neighbouring streets and properties and open spaces and having regard for the varied nature of such areas.

The revised development proposal provides small tower floor plate that rises consistently from the podium to the mechanical penthouse. The proposed tower floor plate size is 541 square metres which is less than the original proposed tower floor plate of 702 square metres and also less than the maximum recommended size of 743 square metres – as per the Design Criteria for the Review of Tall Building Proposals. The tower floor plate meets the definition of point tower.

The tower is rectangular in shape with a north/ south length of 33.34 metres and an east/west width of 16.23 metres. The shape of the tower responds to the rectangular configuration of the site. The tower is proposed to be clad in glass with continuous balconies around the perimeter of the tower. The development name for the subject site is Casa II. The applicant has informed staff that this development was designed to replicate the existing shape, design and materials of the Casa building at 33 Charles Street East on the south side of the street which was also built by Cresford.

The application as proposed provides the following side yard setbacks from the property line:

- to the tower face of 9.9 metres on the west side and 9.8 metres on the east side of the site;
- to the balcony face of 8.4 metres on the west side and 8.3 metres on the east side (at a balcony width of 1.5 metres).

The Official Plan policies as noted above direct that new development respect and be massed to fit within the existing planned context, provide appropriate setbacks, create appropriate transitions to neighbouring development and provide for adequate light and privacy. The Development Criteria for Tall Buildings Proposals (Tall Buildings Guidelines) were developed to implement the Built Form policies as found in Section 3 of the Official Plan. Section 3 of the Tall Buildings Guidelines direct that a setback of 12.5 metres from the side lot line to the tower face be provided to adequately address the policy requirements. The application for the subject site was submitted during the time that the consultant's study to address tall buildings downtown entitled "Tall Buildings, Inviting Change in Downtown Toronto" had been released but prior to direction of staff being provided to Council. This study concluded that a side yard setback of 10 metres from the property line to the face of glass (i.e., main wall or balcony face) be appropriate for the tower developments within the downtown area of the city. Staff continued to employ the in force 12.5 metre standard but where this could not reasonably be achieved used the emerging 10 metre setback to exterior edge (main wall or balcony) as an acceptable minimum. There was a staff report before Toronto and East York Community Council (TEYCC) at their meeting of February 14, 2012 reporting on the consultant's study. The staff report recommended that the setback requirement remain consistent with the City wide standard of 12.5 metres from the property line to the tower face. At the

February 14, 2012 TEYCC meeting, the staff report was referred back to staff regarding Section 37 and other matters not relating to tower setbacks from property lines.

With the proposed side yard setbacks of 8.4 metres on the west side and 8.3 metres on the east side the subject application does not meet the intent of the Official Plan policies as elaborated in the Tall Buildings Guidelines or the Tall Buildings Downtown staff report in terms of providing appropriate setbacks between existing development and new development. Although the applicant wishes to replicate his previous development design from across the street to the south, continuous balconies are not appropriate in this location given the encroachment into the side yard setbacks that would provide less than 10 metres clear from the property line to the face of glass. Staff are recommending that a minimum of 10 metres be required from the property line to building face or balcony railing/barrier, whichever is the most protruding.

The setback proposed on the east side of the site would also create an inappropriate condition that would put the onus on the adjacent land owner to address through any future development that may occur on that property. Canada Post listed the property for redevelopment proposals. In order to provide an adequate separation distance the setback of the tower to the easterly property line adjacent to the Canada Post site is required to be a minimum of 10 metres to the face of glass or balcony face, whichever encroaches further into the side yard. This is in keeping with the direction of the Design Criteria for the Review of Tall Building Proposals.

As noted previously, immediately to the west of the subject site is located the existing residential condominium development of Bloor Street Neighbourhood at 38 Charles Street East. Permission for a 26-storey (87.2 metre) building was given through specific Zoning By-law No. 319-92 as approved through the Ontario Municipal Board (OMB). The developer (Cresford) was refused a minor variance February 12, 2007 to increase the height and massing of the project to permit a 32-storey (105 metre) development. The developer submitted a rezoning application January 30, 2008 seeking the additional height and massing that was refused by the Committee of Adjustment. The developer then closed the file for the rezoning application and appealed the February 2007 Committee of Adjustment decision to the OMB and subsequently gained permission for the height and density increase in the OMB decision dated June 26, 2008. The original by-law for the site that put in place the setbacks was adopted in 1992 before City Council adopted the study titled "Design Criteria for the Review of Tall Building Proposals" at its meeting of July 25-27, 2006.

The majority of the east side of the building has units facing directly east with setbacks from the east property line to the balcony face of approximately 1.2 metres to 4.7 metres. The setback between the towers would be approximately as follows:

- Setback of 11.1 metres in the lower part of the building below 7 stories;
- Setback of 12.8 metres in the middle part of the building between floors 8 to 16;
and
- Setback of 14.6 metres for the upper portion of the building from floor 17 to 34.

With respect to spatial separation between towers, The Design Criteria for the Review of Tall Building Proposals suggest that conditions beyond the requirements of the Zoning By-law are often necessary to achieve light, view and privacy. The Design Criteria for the Review of Tall Building Proposals recommend a minimum 12.5 metres from the tower face to the property line. The Tall Buildings Downtown consultants report directed that 10 metres be provided between the external wall or exterior face of balconies. Both documents note that the taller the building the more separation distance there should be to achieve the desired adequate conditions. Given that the Bloor Street Neighbourhood development is an existing situation and the lot width of the subject site would preclude development if a 12.5 metre setback was sought, a minimum of 10 metres setback from the property line to the exterior balcony face is being required for the subject site.

Top:

The top of tall buildings shall contribute to the skyline character and integrate roof top mechanical systems into the design. This proposal masks the mechanical systems by integrating the architectural element at the top of the tower with the overall design of the building.

The Bloor Yorkville/North Midtown Urban Design Guidelines

The proposal was reviewed for conformity with the Bloor Yorkville/North Midtown Urban Design Guidelines particularly with respect to the massing, height, and public realm.

The site is located within the Hayden-Church Precinct as shown on Figure 5, which provides direction on the built form and streetscape envisioned for the area. New development is directed to provide for streetscape improvements and a frontage onto Hayden Street. Massing should respond to narrow street proportions with building setbacks above the podium. Hayden Street is characterized as a Primary Pedestrian Street. Charles Street is also characterized as a Primary Pedestrian Street east from Yonge Street to approximately 38 Charles Street East (Bloor Street Neighbourhood) changing as it proceeds further east to a Neighbourhood Street. Primary Pedestrian Streets are, as they are named, to be pedestrian oriented to the human scale with a vibrant street life. Residential development is encouraged to have individual street access housing such as townhouses along the frontage instead of one common entrance shared by multiple units. Neighbourhood Streets support stable residential neighbourhoods and should reinforce the residential scale of the street to the extent that traffic calming measures are encouraged. Neighbourhood Streets are also encouraged to have individual street access housing. Driveways are to be minimized and properly landscaped.

Hayden Street and Charles Street East are both identified as having animated street frontage on Figure 14: Built Form Framework with low rise at the street edge. The built form of new development is directed to respond to pedestrian traffic in how it interfaces with the sidewalk, provision of weather protection and visual interest. Retail/commercial uses are encouraged to be the primary use at street level to promote animation. Where higher storeys are provided they should be set back a minimum of 3 metres from the podium edge.

This area is height sensitive to protect the lower rise areas to the south and east. The proposed development respectfully responds to the guidelines as the proposed height of 56 storeys transitions down from the approved 70 storey development at 1 Bloor Street East to the 45 and 47 storey developments on the south side of Charles at 33 and 45 Charles Street East respectively.

North Downtown Yonge Street Planning Framework

The study process for the North Downtown Yonge Street Planning Framework has been underway since July 2011 with applications within the study area placed on hold pending the outcome of the study. There was some consideration that the Bloor Yorkville North Midtown Urban Design Guidelines may be revised in some fashion to address those sites located within the North Downtown Yonge Street Planning Framework. Through the study process, it was determined that Bloor Yorkville North Midtown Urban Design Guidelines are functioning in the manner intended and that those sites to which these guidelines apply should be reviewed by the existing guidelines.

Sun, Shadow, Wind

Section 3.1.3 (Built Form) of the Official Plan includes a policy that tall buildings must minimize the negative impact of shadows on adjacent public spaces including streets, parks and open spaces. The Bloor Yorkville/North Midtown Urban Design Guidelines also identify this area as being within a shadow sensitive area to protect residential areas and public realm from undue overshadowing by proposed buildings. The applicant has submitted a Shadow Analysis to illustrate the shadows created by the proposed 56 storeys during March 21st, June 21st and September 21st between the hours of 9:18 a.m. and 6:18 p.m. The proposed development casts an increased shadow to the north, including shadows cast on existing development on the north side of Hayden Street extending to additional shadow on Bloor Street East through mid-day. The additional shadows will not impact any parks in the area and the new shadows will fall within the existing mixed use area. The balconies as proposed on the east and west side of the building increase the shadow to a greater extent than would otherwise be apparent without balconies. If the balconies were removed the shadow conditions would be marginally improved. The shadow impacts of the development are acceptable.

Wind

The Official Plan policies require new development to be massed to fit harmoniously into its existing and/or planned context. This includes minimizing adverse effects of winds on neighbouring streets, properties and all exterior pedestrian areas. The applicant has submitted a Pedestrian Comfort Wind Assessment. Their analysis concludes that the pedestrian level wind conditions on Charles Street East and Hayden Street will be suitable for the areas intended purpose, which is standing or walking. The outdoor amenity area on the podium roof will require a 1.5 metre vertical barrier around the perimeter of the area as well as canopies or other design elements to protect against wind downwash along the tower face. These can be addressed through the site plan application review process. Staff are satisfied with these conclusions and find the resultant wind conditions satisfactory.

Transportation

Parking and Access

The applicant is proposing a total of 172 parking spaces in 5 levels of underground garage with no visitor parking spaces whereas 266 resident spaces and 27 visitor spaces are required. The applicant submitted a Traffic Impact Study completed by BA Group, which indicated that the parking provided was adequate. City Staff have reviewed the study and, although the information provided is adequate for the rezoning application additional information regarding the orientation and layout of all parking spaces including ingress/egress will be required through the site plan process. A minimum of 6 visitor parking spaces shall also be required for the subject site. If, through the OMB process, there are any additional units proposed for this site, the same parking ratio shall be applied as used to calculate the proposed 172 parking spaces subject to review by Transportation Services staff.

A road widening is required along the north side of the subject site. A conveyance is required through this application of a 1.5 metre wide strip of land to the full extent of the site abutting the south side of Hayden Street to a minimum depth of 1.2 metres from the finished grade below, at and above grade will be required to be conveyed to the City for a nominal cost for road widening purposes.

The Official Plan policies have been addressed through the provision of parking and revision to the plan to ensure that loading is provided wholly on-site.

Loading/Access

The applicant is proposing one type "G" loading space. The space is proposed to be located off the proposed north/south laneway. Technical Services staff are satisfied with the location and size of the loading space.

Servicing

Technical Services have requested that the applicant pay for and construct any improvements to the municipal infrastructure as recommended in the Functional Servicing Report, accepted by the Executive Director of Technical Services should it be determined that improvements to such infrastructure is required to support this development. Additional requirements will be secured in the Site Plan Agreement, including a site servicing plan, grading plan, and stormwater management report for review and acceptance by the Executive Director of Technical Services.

Technical Services staff have reviewed the most recent version of the Functional Servicing Report (FSR) submitted in support of the application for 42 Charles Street East and 39 Hayden Street. Additional information may be required and in order to ensure that all site servicing issues resulting from the rezoning application for the subject site are identified and resolved. The Ontario Municipal Board will be requested not to issue its order until all such issues are resolved and the owner has entered into a secured Agreement with the City to ensure the provision of all identified improvements to the infrastructure, all to the satisfaction of the Executive Director of Technical Services.

Pedestrian Infrastructure

The building is setback 5 metres from the south property line on Charles Street East and 4.5 metres from Hayden Street. It is suggested, given the size of the building and the pedestrian volumes anticipated that a canopy be provided along both the Charles Street East and Hayden Street frontage to provide protection for residents and visitors and to assist in wind mitigation. This shall be addressed through the site plan review process.

This area has a high concentration of pedestrians. The proposed pedestrian infrastructure including design, width and location of sidewalks, design and location of hard and soft landscaped treatments and the design and location of the canopies will be reviewed in detail at the Site Plan approval stage. A minimum sidewalk width of 4.8 metres is required on Charles Street East and Hayden Street.

Cycling Infrastructure

The applicant proposes to provide a minimum of 359 bicycle parking spaces for residents and 90 spaces for visitors which is in excess of the minimum requirements. All bicycle parking would be located on the P1 parking level. Planning staff recommend that, through the site plan application review, the applicant be required to redesign the interior of the north end of the podium at grade to provide a double sided bicycle ramp along with a stairwell for residents and visitors to walk their bicycles to/from the bicycle parking area. Access should be provided on the west side of the podium to provide dual purpose of the curb cut for the loading space.

Transit Infrastructure

The site is well served by public transit. The site is within a five minute walk of the Yonge/Bloor Subway Station and approximately 10 minute walk to the Wellesley Subway Station to the south. A new north entrance for the Wellesley Subway Station is scheduled to be constructed in 2012 and an elevator is scheduled to be constructed in 2017. Access to the Bloor/Yonge Station will be improved with the new access and signage proposed for the 1 Bloor Street East building which is under construction.

Unit Mix

The proposed development contains a majority (53%) of units that are one-bedroom or less, with 40% being two-bedroom units and 7% being three-bedroom units. City Council, Planning staff and local residents have been encouraging developers to provide more large sized units in an effort to attract families and less transient residents in residential condominium buildings throughout the City, and particularly in the Downtown area. The emerging practice is for buildings to contain a minimum of 25% two-bedroom units and 10% three-bedroom units. Although this application is achieving the proportion for two-bedroom units the applicant is encouraged to increase the number of three-bedroom units to achieve the desired 10% proportion of total units to align with the goal of creating units for families.

Residential Amenity Space

The Official Plan Section 3.1.2(6) requires every significant multi-unit residential development to provide indoor and outdoor amenity space. The policies direct that each

resident will have access to outdoor amenity space such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Zoning By-law No. 438-86 requires two square metres of common outdoor and indoor residential amenity space per unit which results in a requirement of a minimum of 894 square metres each of indoor and outdoor amenity space be provided given the number of units proposed.

This development proposes 490 square metres of outdoor amenity space to be located on the north part of the rooftop of the podium. This is approximately 1.09 square metres per unit whereas the provisions of the zoning by-law require 2 square metres per unit be provided. The applicant is also proposing to provide 540 square metres of indoor amenity area which is approximately 1.2 square metres per unit whereas 2 square metres is required. The applicant has opportunity to provide additional indoor and outdoor amenity area for the development. The east part of the podium currently contains an open court with an inaccessible water feature on the ground level. The area could be redesigned, enclosed for year round indoor accessible space and the roof could be made available for additional outdoor amenity area. The additional space that could be added to both indoor and outdoor amenity area would be 541 square metres each. The additional space would provide a total of 1,081 square metres (2.4 square metres per unit) of indoor space and 1,031 square metres (2.3 square metres per unit) of outdoor space. If redesigned the applicant would be able to provide the required 2 square metres of amenity space per unit for both indoor and outdoor amenity area.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.00 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per City Wide Parkland Dedication By-law 1020-2010.

The application proposes 447 residential units on a site with a net area of 2,142 m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.596 hectare or 278.2% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use. In total, the parkland dedication requirement is 214.2 m².

The applicant proposes to satisfy this parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for an on-site parkland dedication and the site would be encumbered with below grade parking.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is

Staff report for action – Final Report – 42 Charles Street East and 39 Hayden Street

required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for Tier 1 development features.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits can include (among other capital facilities): parkland, non-profit arts and cultural, community or child care facilities, streetscape improvements on the public boulevard not abutting the site; and other works detailed in policy 5.1.1.6 of the Official Plan. The community benefits must bear a reasonable relationship to the proposed development, including at a minimum, an appropriate geographic relationship and the addressing of the planning issues associated with the development. (e.g., local shortage of parkland, streetscape improvements for the street where the site is located).

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments with a gross floor area of more than 10,000 square metres and when the zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres and/or increases the height significantly or where the applicant agrees to provide such benefits.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

Prior to the issuance of above grade permits provide a cash contribution of \$2,450,000 which is to be used for the following:

- a. \$200,000 to be directed to local park improvements;
- b. \$2,250,000 for streetscape improvements Charles Street East and Hayden Street on from Yonge Street to Jarvis Street not abutting the site;
- c. require that the cash amounts identified in "b" and "c" above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment;

Development Charges

It is estimated that the development charges for this project will be \$3,981,832.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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E-mail: shensto@toronto.ca

SIGNATURE

Raymond David, Director
Community Planning, Toronto and East York District

(p:\2011\Cluster B\pln\teycc10570844013) - vc

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: South and East Elevations

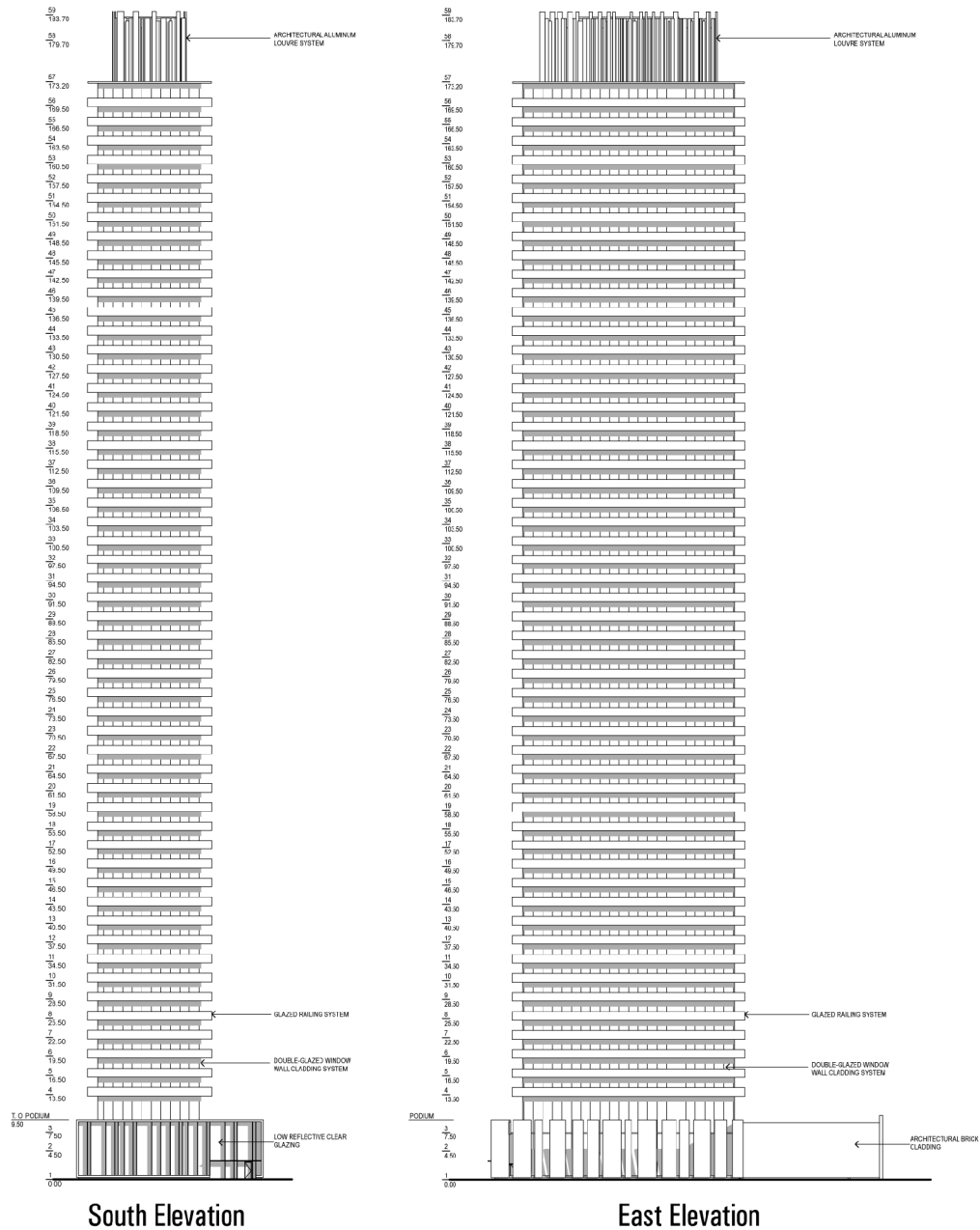
Attachment 3: North and West Elevations

Attachment 4: Zoning

Attachment 5: Application Data Sheet

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Attachment 2: South and East Elevations



Elevations

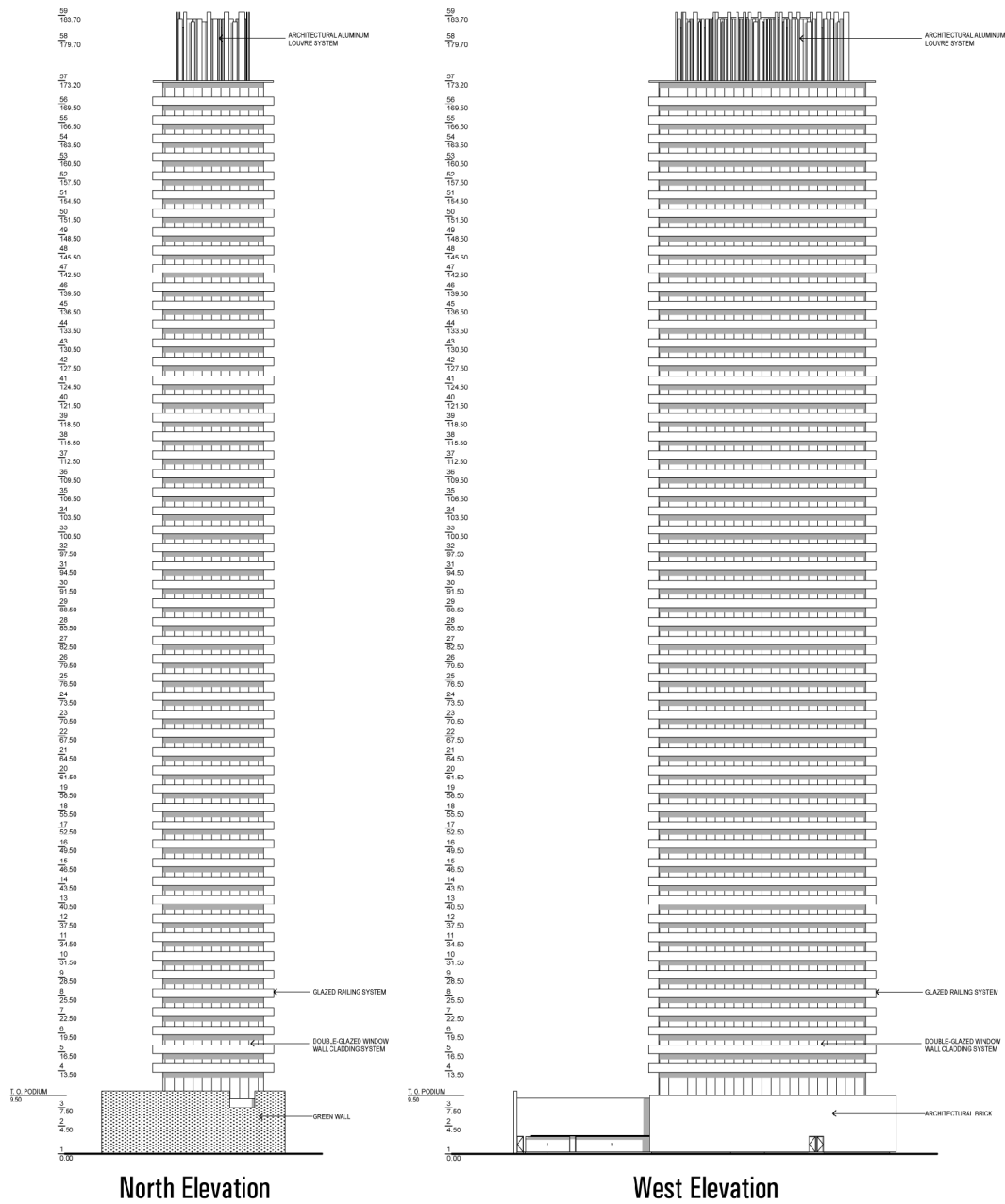
42 Charles Street East

Applicant's Submitted Drawing

Not to Scale
05/11/2012

File # 11 194814 0Z

Attachment 3: North and West Elevations



Elevations

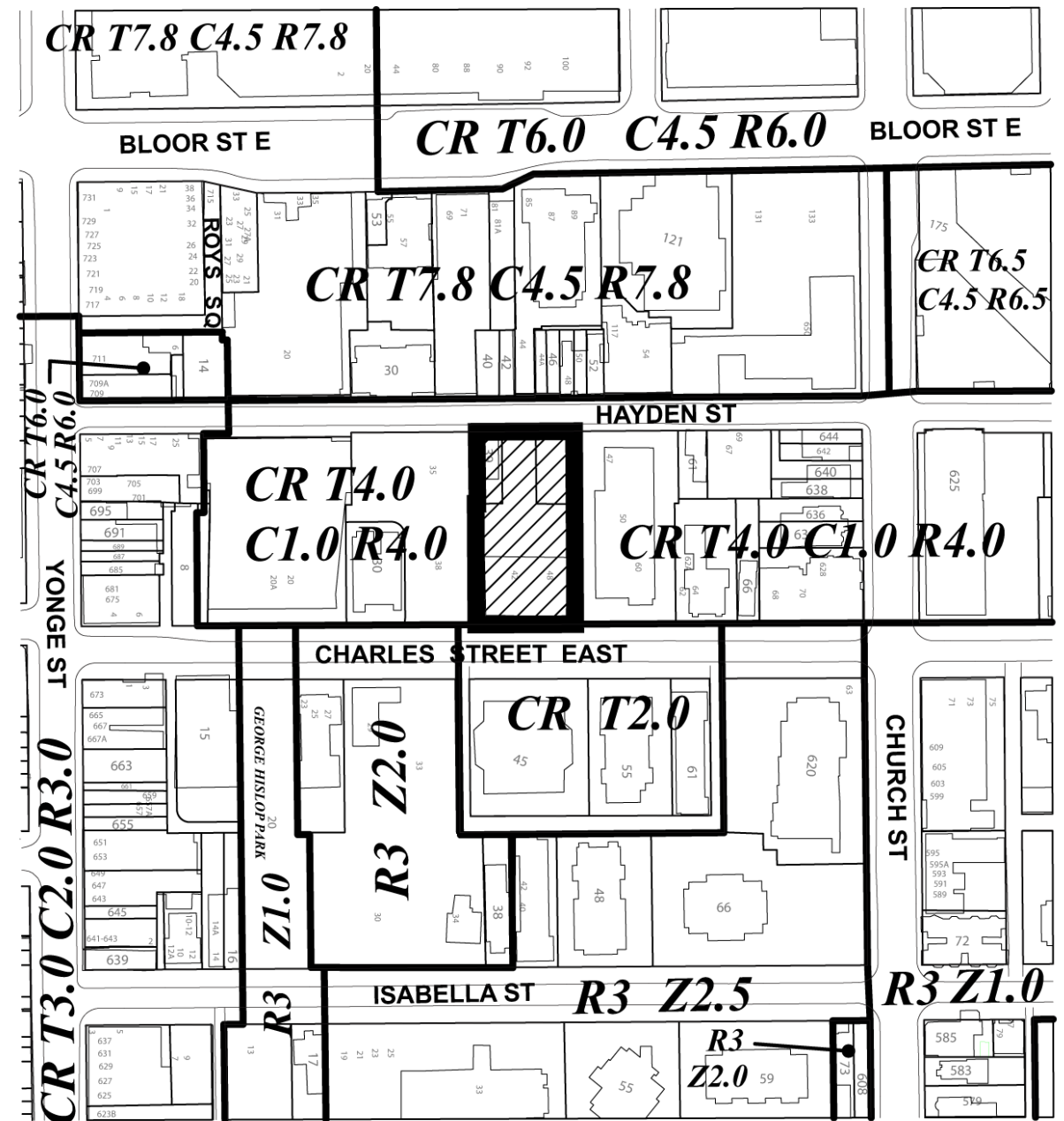
Applicant's Submitted Drawing

Not to Scale
05/11/2012

42 Charles Street East

File # 11 194814 0Z

Attachment 4: Zoning



Zoning City of Toronto By-law 438-86

R3 Residential District

CR Mixed Use District

42 Charles Street East

File # 11_194814_OZ



Not to Scale
Zoning By-law 438-86 as amended
Extracted 05/24/2011

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	11 194814 STE 27 OZ
Details	Rezoning, Standard	Application Date:	May 13, 2011
Municipal Address:	42 CHARLES STREET EAST AND 39 HAYDEN STREET		
Location Description:	RP 66R13377 PARTS 1 & 2 EXEMPT PER THE TORONTO YMCA ACT (1923) **GRID S2708		
Project Description:	Revised Rezoning application submitted December 21, 2011 for new residential condo building to permit a mixed use development with one 56-storey tower (was 186.7 metres revised to 184 metres including mechanical) containing originally 570 now 447 residential condominium units on a 4-storey podium now 3-storey. Two lobbies are proposed for access from Charles Street East and Hayden Street. There are five levels of below grade parking with originally 215 now 220 (including 5 car share) vehicular parking spaces. Access is from a two way lane on the west side of the site running between Charles Street East and Hayden Street. There are 449 bicycle parking spaces proposed. Amenity space is to be provided within the podium. Other revisions include reduction in site area from 2,509 to 2,142 sq.m.; reduction in gross floor area from 36,500 to 29,500 sq.m.; reduction in tower floor plate from 700 to 540 sq.m.; green wall along Hayden Street.		

Applicant:	Agent:	Architect:	Owner:
CRESFORD DEVELOPMENT INC. 170 Merton Street, Toronto, ON, M4S 1A1		ARCHITECTS ALLIANCE 205-317 Adelaide Street W. Toronto, ON, M5V 1P9	42 CHARLES STREET LIMITED 170 Merton Street, Toronto, ON, M4S 1A1

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Yes
Zoning:	CR T4.0 C1.0 R4.0	Historical Status:	No
Height Limit (m):	30	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	2,142	Height:	Storeys:	56
Frontage (m):	36.02		Metres:	184
Depth (m):	70.15			
Total Ground Floor Area (sq. m):	918			Total
Total Residential GFA (sq. m):	29,461		Parking Spaces:	177
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	29,461			
Lot Coverage Ratio (%):	43			
Floor Space Index:	13.8			

DWELLING UNITS

Tenure Type:	Condo	FLOOR AREA BREAKDOWN (upon project completion)		
Rooms:	0	Residential GFA (sq. m):	Above Grade	Below Grade
Bachelor:	86 (19%)	Retail GFA (sq. m):	29,461	0
1 Bedroom:	149 (33%)	Office GFA (sq. m):	0	0
2 Bedroom:	182 (41%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	30 (7%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	447			

CONTACT:	PLANNER NAME:	Sarah Henstock, Senior Planner	E-MAIL: shensto@toronto.ca
	TELEPHONE:	416-392-7196	