

**46 Charlotte Street - Zoning Amendment Application - Preliminary Report**

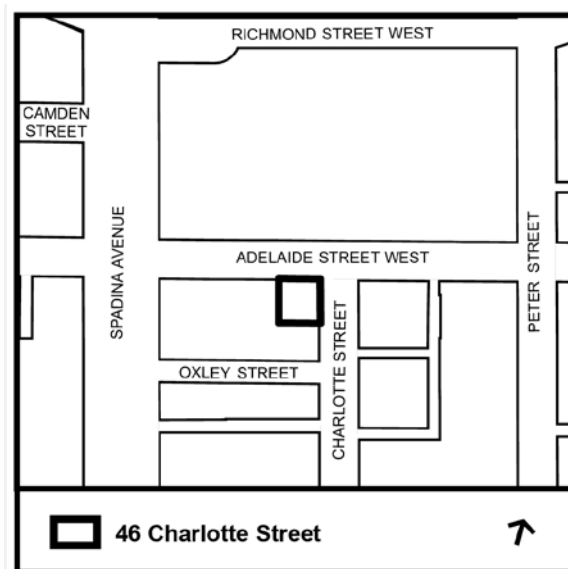
<b>Date:</b>	October 26, 2016
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	16-167239 STE 20 OZ

**SUMMARY**

This application proposes to amend the former City of Toronto Zoning By-law 438-86 and comprehensive Zoning By-law No. 569-2013 to permit the development of a 46-storey mixed-use building with a 5-storey podium including commercial and retail uses at-grade and 248 rental residential units in the remaining floors.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process.

Staff have raised concerns with the applicant about the appropriateness of the proposed height and massing of the building in the context of the East Precinct of King-Spadina. The further processing of the application and public consultation process are recommended in order to give the applicant the opportunity to work with City staff, the community and the Ward Councillor to address these issues and others that may arise through further review of the application. The final report will be targeted for the third quarter of 2017, subject to resolution of issues and any



required information being provided by the applicant in a timely manner.

## **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 46 Charlotte Street, 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**

### **Pre-Application Consultation**

Pre-application consultation meeting were held with the applicant on April 27, 2015. At that meeting, the applicant was advised that the proposal raised concerns relating to consistency with the Tall Building Guidelines, appropriate heritage conservation and compatibility with area context.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is for a 46-storey mixed-use building with a height of 157 metres (including the mechanical penthouse). The building will include a five-storey podium containing commercial and retail uses, and residential uses on the remaining floors. The building steps back two metres from the north and east property line on the 6<sup>th</sup> and 7<sup>th</sup> floors to provide outdoor amenity space. The building also steps back from the west side of the building at the 6<sup>th</sup> floor with a 5.5 metre stepback from the property line, with a 1.5 metre balcony encroachment. The building would not incorporate any stepbacks on the remaining sides.

The proposed gross floor area (GFA) of the building is 16,676.8 m<sup>2</sup>, with 15,127.1 m<sup>2</sup> dedicated to residential uses and 1,549.7 m<sup>2</sup> dedicated to commercial and retail uses on the ground floor. The proposed floor-space index is 29.8 times the area of the lot.

The proposal includes 248 rental residential units. The unit breakdown is: 39 bachelor units (15.7%), 145 one-bedroom units (58.5%); 39 two-bedroom units (15.7%); 25

three-bedroom units (10.1%). Amenity space consists of 613 m<sup>2</sup> of indoor amenity space and 154 m<sup>2</sup> of outdoor amenity space on the sixth and seventh floors of the building.

There are two proposed vehicular access points, off Adelaide Street West on the north end of the site, and Charlotte Street on the east end of the site. The driveway would be on private property and would provide access for service and passenger vehicles accessing the underground parking by way of an automated parking system lift. One shared Type G loading space is proposed, and a total of 69 residential parking spaces would be provided in three levels of below-grade garage.

### **Site and Surrounding Area**

The site is located at the south-west corner of Adelaide Street West and Charlotte Street. The site is rectangular in shape with a frontage of approximately 22.9 metres on Adelaide Street West and approximately 24.4 metres on Charlotte Street. The property has an area of approximately 559.3 square metres, and is currently occupied by a surface parking lot.

Land uses surrounding the site are as follows:

North: Adelaide Street West is located immediately north of the subject site. The street has a right-of-way of 20 metres. The development on the north side of Adelaide Street West is predominantly older industrial buildings two to eight storeys in height, which have been converted to office and residential uses with some commercial uses at grade. In addition, there is a surface parking lot located at 354 Adelaide Street West, and an eight-storey hotel located at 348 Adelaide Street West. The buildings at 384, 366, 360, 358, 342½, and 342 Adelaide Street West are listed under Part IV of the *Ontario Heritage Act*.

West: The lands to the west of the site are occupied by a seven-storey brick office building (355 Adelaide Street West) with windows facing its east property line. Further west towards Spadina Avenue, there is a Toronto Parking Authority surface parking lot.

South: To the south, at 36 Charlotte Street, is a residential building at thirteen-storeys. Further south at 25 Oxley Street is a recently constructed 16-storey residential building. At the north-west corner of Charlotte and King Street West, is a recently constructed 36-storey building with a 4-6 storey podium.

East: Charlotte Street is located immediately east of the subject site. The street has a right-of-way of 20 metres. The development on the east side of Charlotte Street is a 7-storey warehouse building known as the MacLean Building. The MacLean Building is listed on the City's Inventory of Heritage Properties. Further east is a surface parking lot, and a 17-storey commercial use building,

which is also listed on the City's Inventory of Heritage Properties. South of the MacLean Building is a four-storey retail and office use building. Further south, at 11 Charlotte Street, is 36-storey building with 232 residential units, and commercial and retail at-grade.

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

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, 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**

The site is designated *Regeneration Areas* in the City of Toronto Official Plan which permits the proposed residential and commercial uses. Chapter 6.16 of the new Official Plan contains the King-Spadina Secondary Plan. The King-Spadina Secondary Plan emphasizes the reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. In particular the policies of Section 3 – Built Form specify that new buildings will achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression. Buildings in the King-Spadina area shall also be sited and massed to provide adequate light, view and privacy for neighbouring properties. The King-Spadina Urban Design Guidelines (2006) will also be referenced in reviewing this application.

## **King-Spadina Secondary Plan**

The proposed development is subject to the King-Spadina Secondary Plan found in Chapter 6.16 of the Official Plan. Major objectives of the King-Spadina Secondary Plan are as follows:

- New investment is to be attracted to the King-Spadina Area;
- The King-Spadina Area will provide for a mixture of compatible land uses with the flexibility to evolve as the neighbourhood matures;
- The King-Spadina Area is an important employment area. Accordingly, the retention and promotion of commercial and light industrial uses including media, design and fashion businesses within the area is a priority;
- Commercial activity, including the retail service industry, which supports the changing demands of the King-Spadina Area will be provided for, to ensure the necessary services for the new residents and businesses of the area; and
- Heritage buildings and other important buildings within the King-Spadina Area, will be retained, restored, and re-used.

The King-Spadina Secondary Plan emphasizes reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. The policies of Section 3 Built Form and in particular the policies of Section 3.6 – General Built Form Principles, specify that:

- The lower levels of new buildings will be sited and organized to enhance the public nature of streets, open spaces, and pedestrian routes;
- Servicing and parking are encouraged to be accessed from lanes rather than streets;
- New development will be designed to minimize pedestrian/vehicular conflicts;
- New buildings will be sited for adequate light, view, privacy and compatibility with the built form context;
- New buildings will achieve a compatible relationship with their built form context through consideration of such matters as height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression;
- Appropriate proportional relationships to streets and open spaces will be achieved and wind and shadow impacts will be minimized on streets and open spaces; and
- Streetscape and open space improvements will be coordinated in new development.

## **King-Spadina Secondary Plan Review**

King Spadina is one of the highest growth areas in the downtown and it has a strongly influential heritage character. The in-force King-Spadina Secondary Plan emphasizes reinforcement of the area's existing characteristics and qualities through special attention to built form, heritage areas of identity, and the public realm. The Secondary Plan is currently under review and a final report on the whole Secondary Plan area is anticipated in early 2017. An estimated 50,000 people will live in King Spadina and the area will accommodate space for an estimated 50,000 jobs. The review recognizes that the Secondary Plan area has evolved from an area of employment (non-residential uses) into an area with a range of uses including residential. The updated Secondary Plan will recognize that while the area will continue to grow and change, it must do so in a way that positively contributes to liveability, is better supported by hard infrastructure and community infrastructure, and more carefully responds to the strong heritage and character of the area.

## **King-Spadina Heritage Conservation District Study**

The King-Spadina area is identified as a potential Heritage Conservation District (HCD) in Map 39 – Site and Area Specific Policy 305 in the Official Plan. The subject site is within the boundary of the study area. On August 16, 2012, City Council authorized the King-Spadina HCD Study, encompassing an area generally bounded by Queen Street West to the north, Bathurst Street to the west, Wellington Street and King Street West to the south, and University Avenue to the east. The initial findings of the study were presented and endorsed at the May 23, 2014 meeting of the Toronto Preservation Board. The study process will result in the preparation of an HCD plan(s) and an HCD by-law to protect the historical and cultural significance of the study area. Details on the King-Spadina HCD study are available here: [http://www.toronto.ca/heritage-preservation/heritage\\_districts.htm](http://www.toronto.ca/heritage-preservation/heritage_districts.htm). Heritage Preservation Services staff will present the final version of the Plans and a recommendation for designation under Part V of the *Ontario Heritage Act* in late 2016.

## **Zoning**

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended. The RA Zone permits a range of residential uses, as well as commercial, institutional and limited industrial uses. As part of the RA zoning controls, density standards were replaced with built form objectives expressed through height limits and setbacks. The Zoning By-law permits a maximum building height of 30 metres for this site if a 3 metre stepback at 20 metres is provided. An additional 5 metres is permitted for rooftop mechanical elements.

The site is also subject to the new City-wide comprehensive Zoning By-law 569-2013. The By-law was passed by City Council on May 5, 2013 and is subject to numerous appeals and is not yet in force. By-law 569-2013 zones the site as CRE (x74) with a maximum height of 30 metres (see Attachment 6). The purpose of the CRE (Commercial Residential Employment) Zone is to provide a range of retail, service commercial, office, residential and limited industrial uses in single use buildings and

mixed use buildings. Exception 74 (x74) indicates that certain site-specific zoning by-laws will prevail on individual sites within the exception area. The site is not subject to any prevailing site-specific zoning by-laws.

### **Site Plan Control**

This proposal is subject to Site Plan Control. An application was submitted in conjunction with the zoning amendment application.

### **TOcore**

On December 9, 2015, City Council adopted a staff report entitled 'TOcore: Planning Toronto's Downtown – Phase 1 – Summary Report and Phase 2 Directions'. The report outlined the deliverables of TOcore which will be a renewed planning framework through a Downtown Secondary Plan and a series of infrastructure strategies. The work for TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second phase, which involves drafting policies, plans and strategies. Reports to Toronto and East York Community Council are targeted by the end 2016 on the results of the second phase and the next steps of implementation.

### **Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown**

On October 6, 2016, City Council approved Official Plan Amendment 352 – Downtown Tall Building Setback Area. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of a tall building in the Downtown which would be implemented through an area specific Zoning By-law. The intent is that these policies would ensure that future growth positively contributes to the liveability, sustainability and health of Toronto's Downtown. More specifically, the policies establish the reasoning for tower setbacks, recognizing that not all sites can accommodate tall buildings and addresses base building heights.

### **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

## **Reasons for the Application**

The applicant has submitted a Zoning By-law Amendment application to permit a building that exceeds the permitted maximum building height of 30 metres by approximately 125 metres, resulting in a proposed building height of 157 metres, (inclusive of the mechanical penthouse). In addition, the proposed building does not comply with other restrictions that are in effect on the lands, including the minimum amenity space and loading space requirements.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Plan of Survey
- Site Plan and Statistics
- Architectural Plans, Elevations and Sections
- Grading and Servicing Plan
- 3-D Massing Model
- Arborist / Tree Preservation Report
- Stage 1 - Archaeological Assessment
- Heritage Impact Statement
- Concept Site and Landscape Plan
- Planning Rationale
- Geotechnical Study
- Geohydrology
- Sun/Shadow Study
- Noise Impact Study
- Pedestrian Level Wind Study
- Functional Servicing and Stormwater Management Report
- Transportation Impact Study (addressing traffic, parking and loading issues)
- Toronto Green Standards Checklist

A Notification of Complete Application was issued on August 12, 2016.

### **Issues to be Resolved**

This development application at the proposed height, density and overall massing is not supportable by Planning Staff. Planning Staff will work with the applicant to resolve the outstanding issues to reduce the scale of development and achieve an acceptable built form and density. Issues to be addressed include:

- Conformity with the existing Urban Structure and Built Form policies of the King-Spadina Secondary Plan, including the requirement that development result in a height, built form and massing which is complementary to the historic physical fabric of the area;



- Ability of the site to accommodate a tall building including appropriate stepping and tower separation from property lines.
- Determination of appropriate relationships to the heritage buildings to the north and east;
- Impacts on the pedestrian realm, (including appropriate streetscape treatments and sidewalk widths) that may result from the intensity and scale of the proposed development;
- Resulting shadow and wind impacts;
- Traffic, parking, site servicing and loading issues identified by Engineering and Construction Services and Transportation Services staff;
- The absence of adequate residential outdoor amenity space;
- Securing of appropriate Section 37 contributions should the project proceed to approval.

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.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

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## **SIGNATURE**

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

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## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: North Elevation of Five-Storey Podium

Attachment 3: East Elevation of Five-Storey Podium

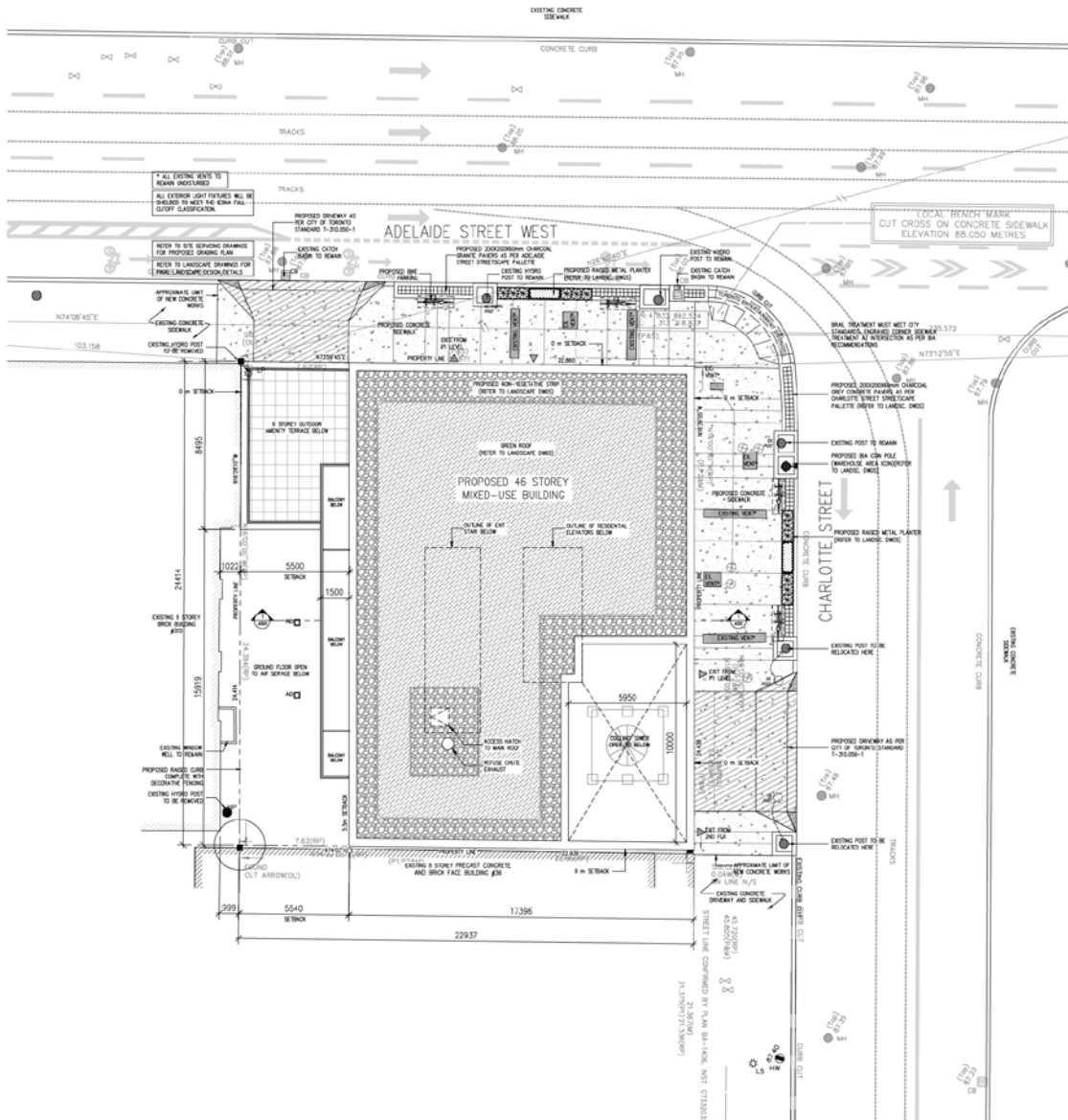
Attachment 4: East and North Elevations

Attachment 5: South and West Elevations

Attachment 6: Zoning

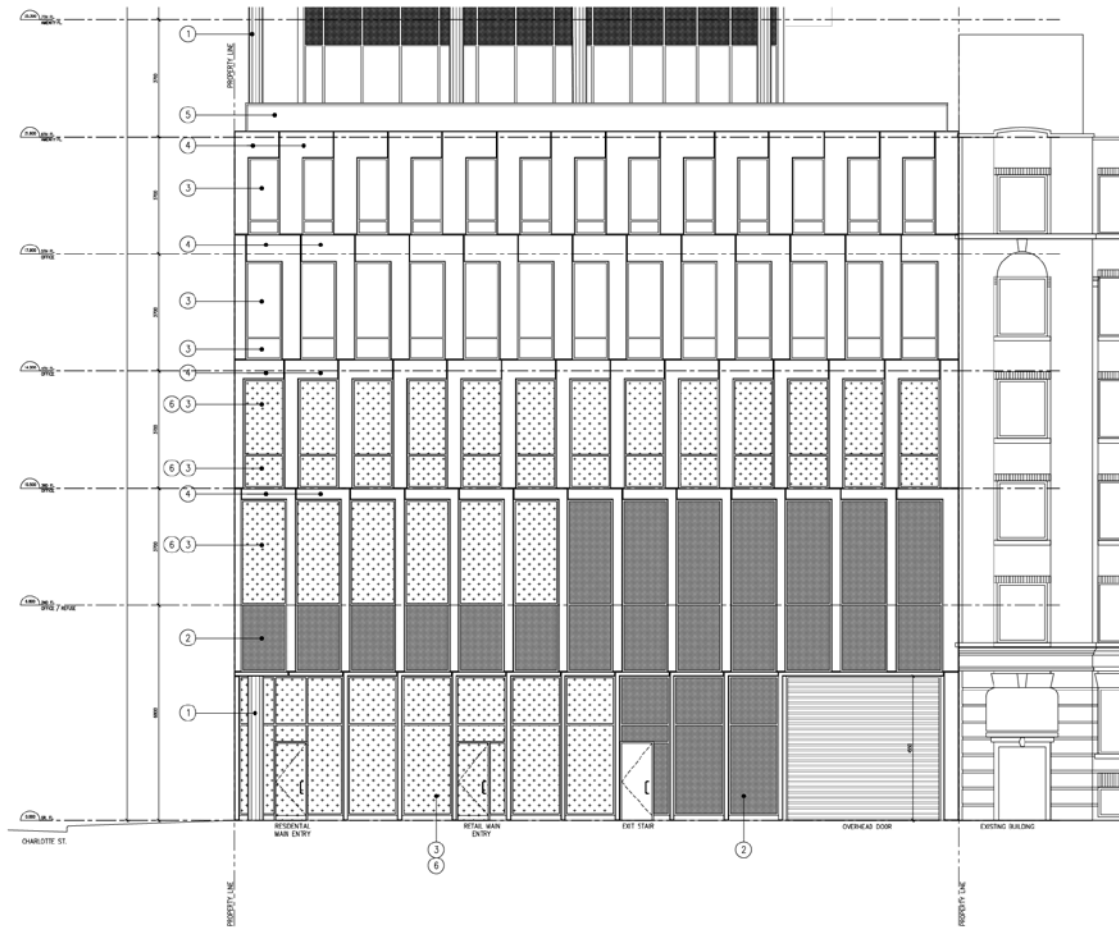
Attachment 7: Application Data Sheet

# Attachment 1: Site Plan



<p><b>Site Plan</b></p> <p>Applicant's Submitted Drawing</p> <p>Not to Scale </p> <p>10/03/2016</p>	<p><b>46 Charlotte Street</b></p> <p>File # 16 167239 STE 20 OZ</p>
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## Attachment 2: North Elevation of Five-Storey Podium



**North Elevation - Adelaide Street West**

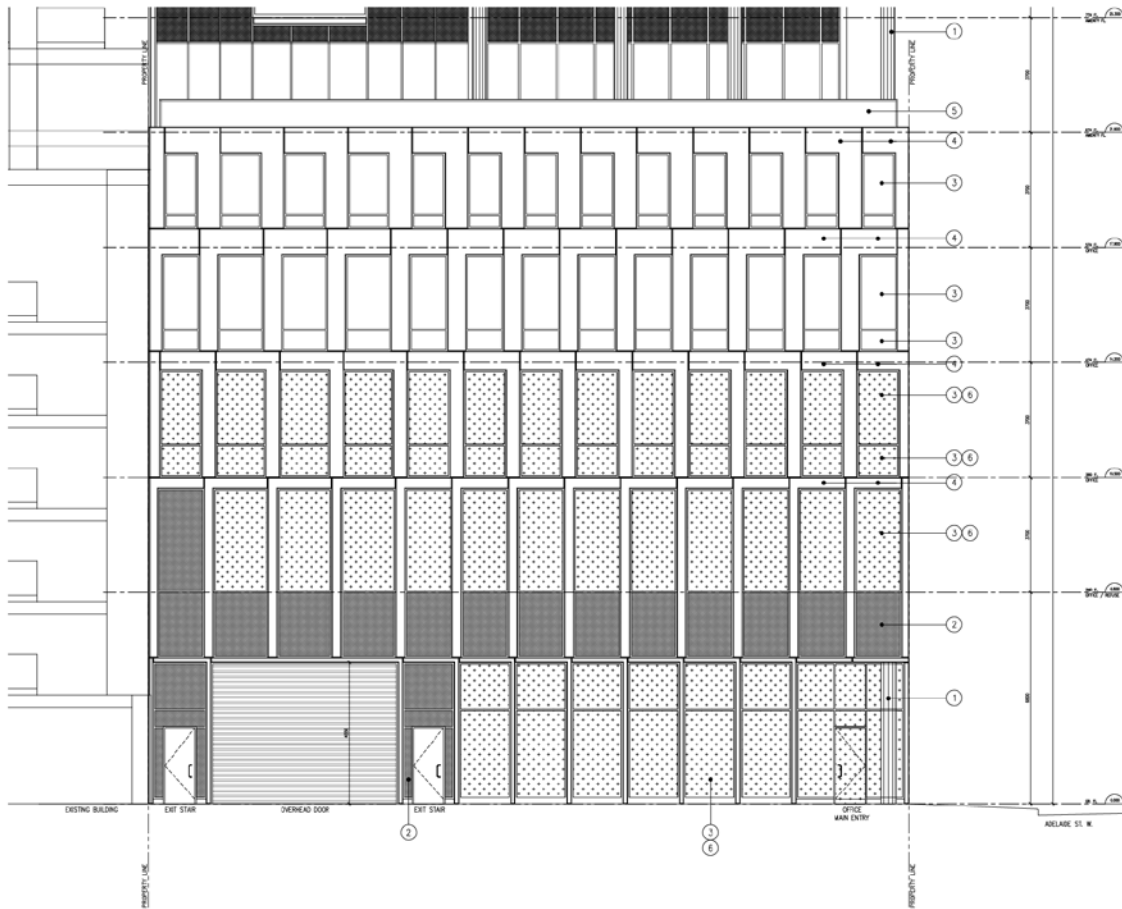
**46 Charlotte Street**

Applicant's Submitted Drawing

Not to Scale  
10/03/2016

File # 16 167239 STE 20 0Z

### Attachment 3: East Elevation of Five-Storey Podium



**East Elevation - Charlotte Street**

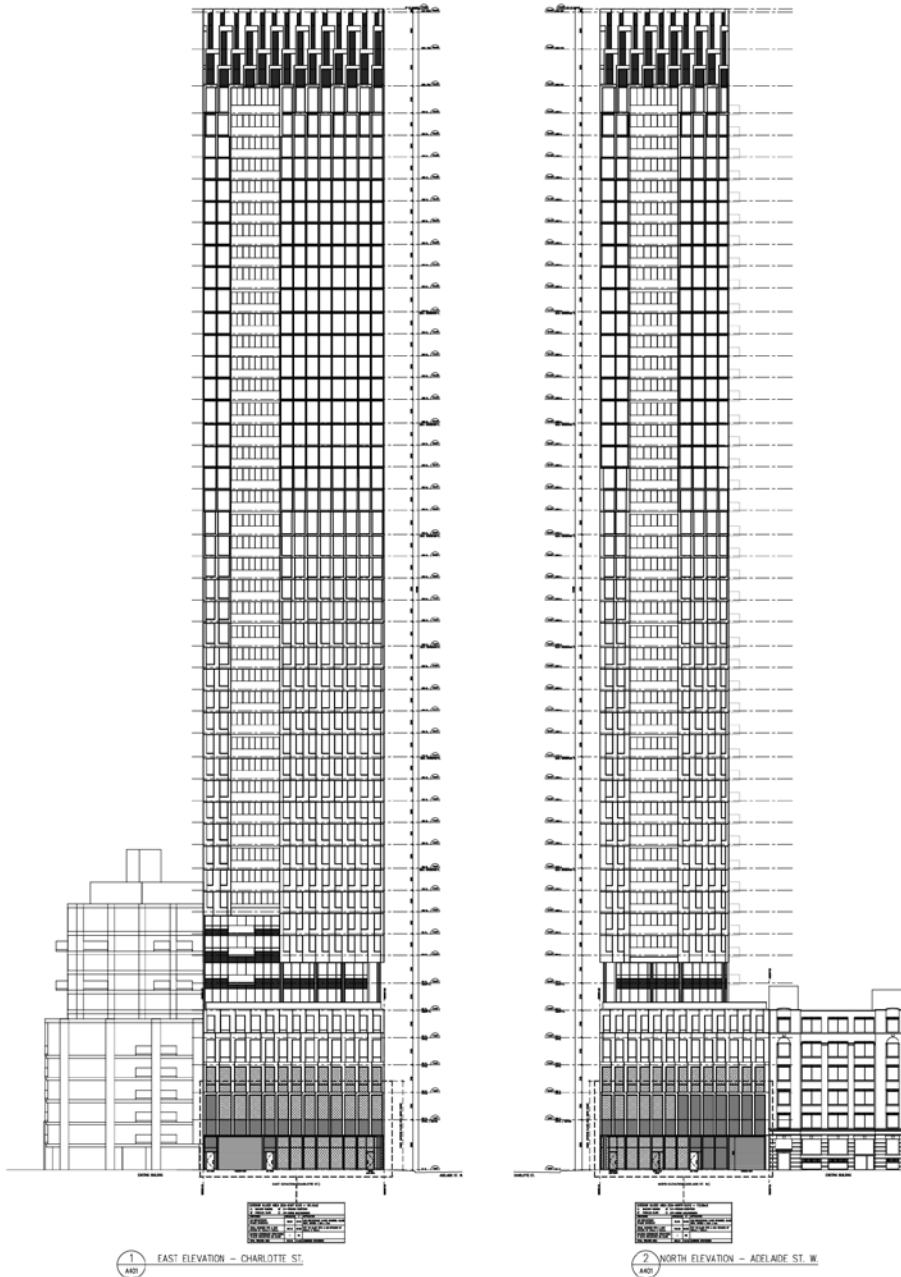
**46 Charlotte Street**

Applicant's Submitted Drawing

Not to Scale  
10/03/2016

File # 16 167239 STE 20 0Z

## Attachment 4: East and North Elevations



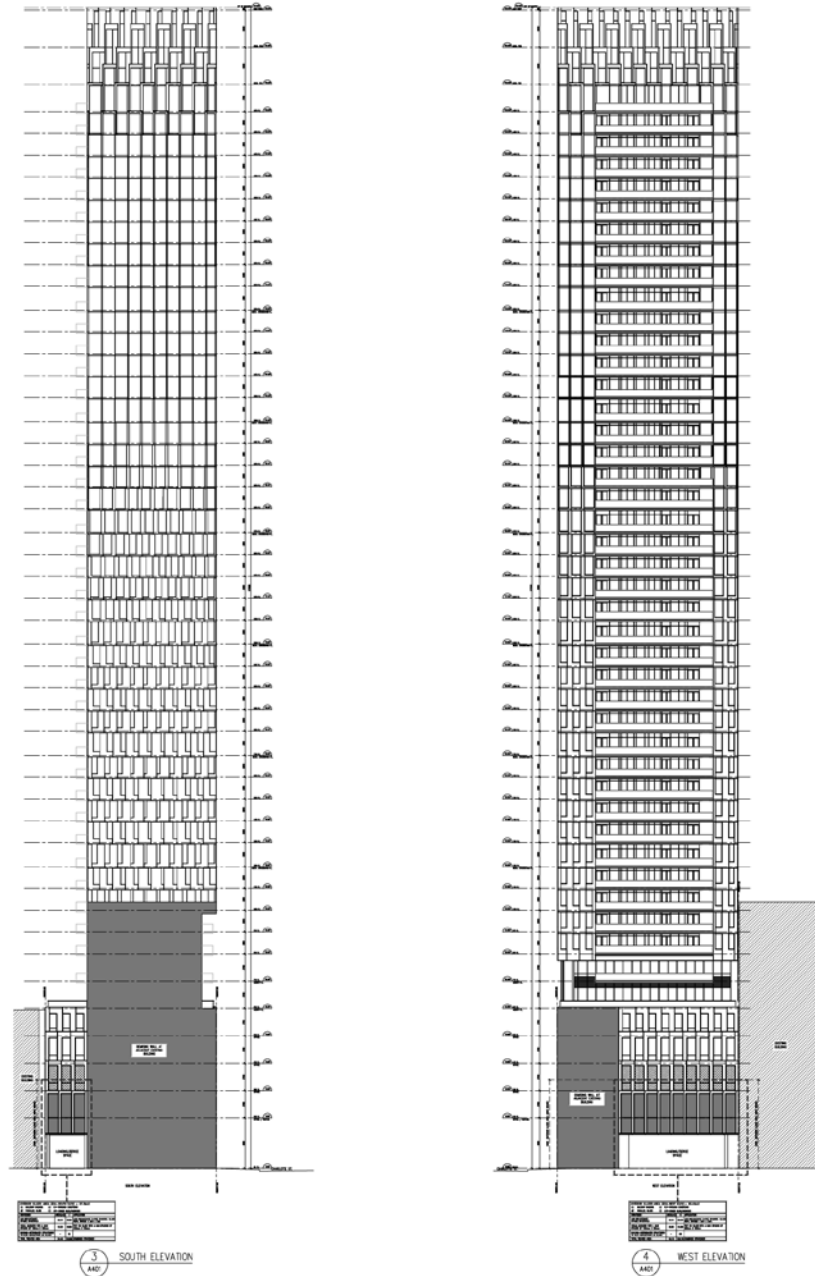
### East (Charlotte St.) and North (Adelaide St. W.) Elevations 46 Charlotte Street

Applicant's Submitted Drawing

Not to Scale  
10/03/2016

File # 16 167239 STE 20 OZ

## Attachment 5: South and West Elevations



### South and West Elevations

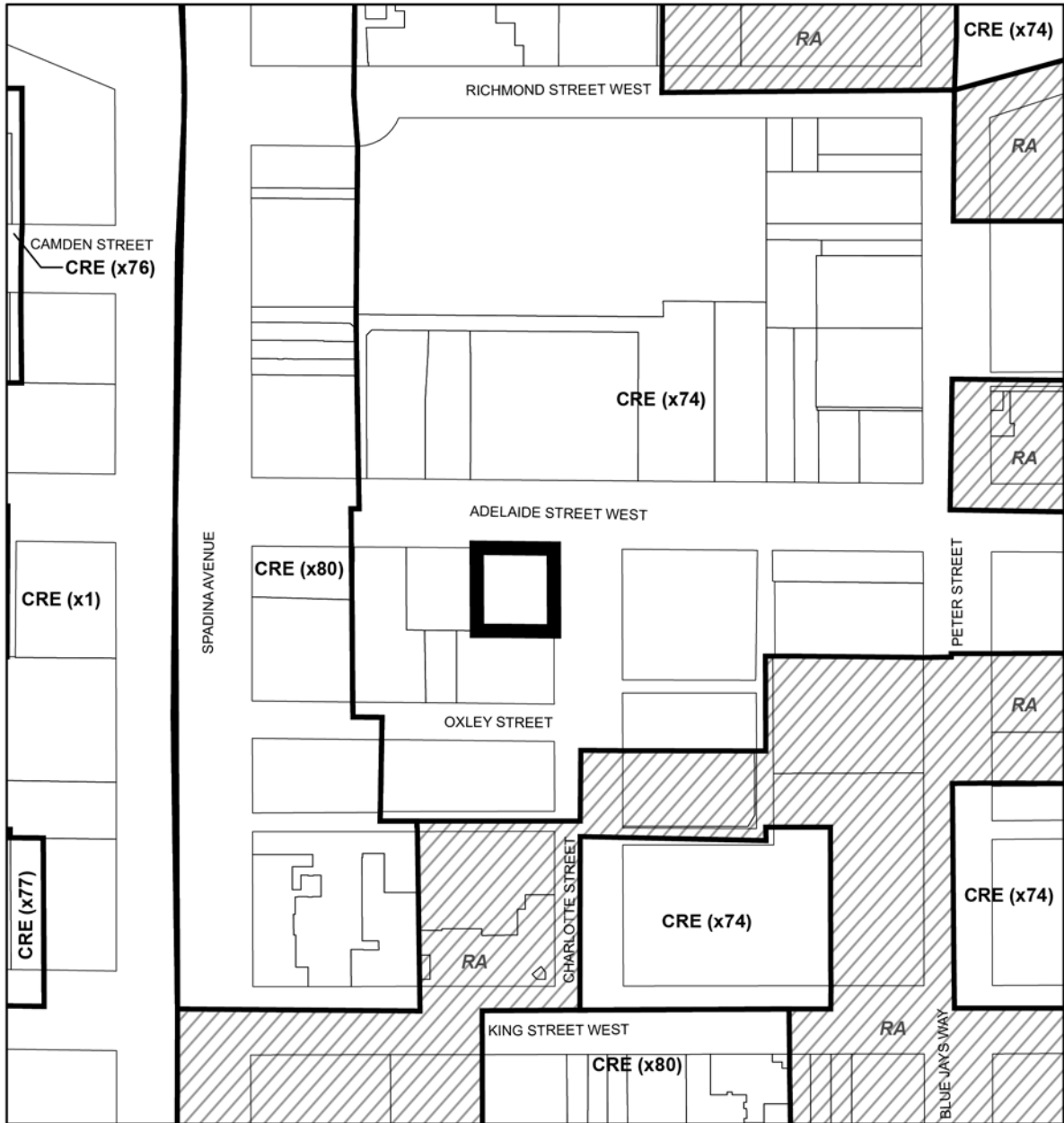
46 Charlotte Street

Applicant's Submitted Drawing

Not to Scale  
10/03/2016

File # 16 167239 STE 20 OZ

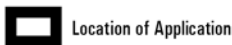
## Attachment 6: Zoning



**Zoning By-Law No. 569-2013**

**46 Charlotte Street**

**File # 16 167239 STE 20 0Z**



Location of Application



See Former City of Toronto By-Law No. 438-86  
RA Mixed-Use District

CRE Commercial Residential Employment



Not to Scale  
Extracted: 10/04/2016



## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	16 167239 STE 20 OZ
Details	Rezoning, Standard	Application Date:	June 3, 2016
Municipal Address:	46 CHARLOTTE ST		
Location Description:	PLAN D160 LOT 1 **GRID S2015		
Project Description:	Proposal for rezoning for a 46 storey mixed use building with 5 storey office podium with a retail/service unit on the ground floor and 248 rental residential units on the remaining 46 storeys		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Bousfields Inc		Architecture Unfolded	Fortress Charlotte 2014 Inc.

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	
Zoning:	CRE (x74)	Historical Status:	
Height Limit (m):	30	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	559.3	Height:	Storeys:	46
Frontage (m):	22.9		Metres:	157
Depth (m):	24.4			
Total Ground Floor Area (sq. m):	104.2			<b>Total</b>
Total Residential GFA (sq. m):	15127.1		Parking Spaces:	69
Total Non-Residential GFA (sq. m):	1549.7		Loading Docks	1
Total GFA (sq. m):	16676.8			
Lot Coverage Ratio (%):	19			
Floor Space Index:	29.8			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	15127	0
Bachelor:	39	Retail GFA (sq. m):	31.5	0
1 Bedroom:	145	Office GFA (sq. m):	1518.2	0
2 Bedroom:	39	Industrial GFA (sq. m):	0	0
3 + Bedroom:	25	Institutional/Other GFA (sq. m):	0	0
Total Units:	248			

**CONTACT: PLANNER NAME: Dan Nicholson, Senior Planner**  
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