

**45 Charles Street East - Zoning Amendment  
Request for Direction Report**

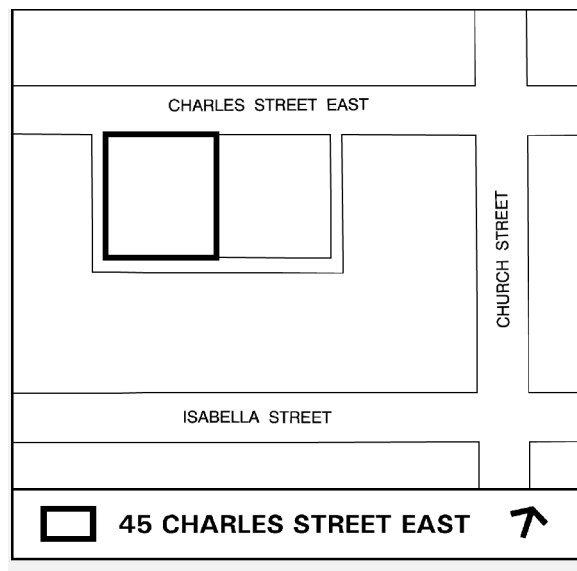
<b>Date:</b>	February 26, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	11 239516 STE 27 OZ

**SUMMARY**

The applicant 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 or hearing date has not been scheduled.

This application proposes to add eight storeys (5,984 square metres) and 94 residential units to an approved 39-storey residential building. The new development would consist of a total of 511 residential units and approximately 34,406 square metres of residential gross floor area on a 0.209 hectare site located on the south side of Charles Street East between Church Street and Yonge Street. The site is municipally known as 45 Charles Street East.

Planning staff recommends approval to amend the Zoning By-law to permit the additional eight storeys over and above the approved 39-storey residential building. The purpose of this report is to seek City Council's direction for the City Solicitor, together with Planning and appropriate City staff, to propose a settlement at the OMB.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council approve the proposed zoning application (45 Charles Street East – File # 11 239516 STE 27 OZ), provided that the applicant agrees to provide the facilities, services and matters pursuant to Section 37 of the *Planning Act*, as described in Appendix 1 attached to the report (February 26, 2012) from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to advise the OMB of the above Council position.
3. City Council authorize the City Solicitor and necessary City staff to take such necessary steps to implement the foregoing.

### Financial Impact

The recommendations in this report have no financial impact.

### DECISION HISTORY

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

At its meeting of July 28, 2010, the Committee of Adjustment amended Site Specific Zoning By-law 1308-2008 to add an additional 6 storeys to the approved 39-storeys, permitting 28,422 square metres of residential gross floor area and 372 units (variance A0516/10TEY). On March 31, 2011 the Committee of Adjustment approved 417 residential units within the same building envelope (A0987/11TEY).

### ISSUE BACKGROUND

#### Proposal

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

For the additional 94 residential units the applicant proposes:

1. No additional loading spaces;
2. 15 additional parking spaces;

3. 153 square metres of additional indoor amenity space;
4. No additional outdoor amenity space; and
5. No additional bicycle parking spaces.

The proposed building is comprised of:

- a) base: a five-storey podium, to a height of approximately 17 metres;
- b) middle: Floors 7-44 with a floorplate of approximately 760 square metres with corners oriented on a 45 degree angle to the main walls and rising to a height of approximately 144 metres; and
- c) top: Floors 45-47 with each floor set back at a different corner and a mechanical penthouse integrated into the overall design concept, to a height of 151.4 metres (including the mechanical penthouse).

The proposed tower separation between the subject tower and 33 Charles Street East (existing 46-storey residential tower) is 24 metres, 11.5 metres from 55 Charles Street East (existing 9 storey apartment building), 11.6 metres to the south at 42 Isabella Street (existing four storey apartment building) and 35 metres to a proposed 58-storey residential tower at 42 Charles Street East.

The pedestrian entrance to the building is proposed to be located at the northwest corner of the site. A sidewalk with a minimum width of 6 metres is proposed along Charles Street East. The majority of the building and indoor and outdoor amenity spaces are provided on the first and second floors. The proposal includes 229 parking spaces on five underground levels. The on-site pick-up/drop-off activity is accessed from the public lane abutting the west property line. This laneway is also used to access the loading area and parking garage located at the south side of the site. A lane widening of 0.95 metres is proposed. Attachments 1 and 2 show the proposed site plan and building elevations.

Overall, the proposal has a residential gross floor area of 34,406 square metres resulting in a density of 16.4 times the lot area. For further statistical information refer to Attachment 4 - Application Data Sheet of this report.

## **Site and Surrounding Area**

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

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

North: across Charles Street East, is a mix of uses including a 26-storey residential condominium development, a nine-storey building owned by the YMCA subject

to a rezoning application for a 58-storey residential condominium (file number 11 194814 STE 27 OZ), a post office building and low-rise apartment buildings towards Church Street.

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

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

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

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

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is located within the "Downtown and Central Waterfront" area identified on the Urban Structure map of the Toronto Official Plan.

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

Other important policies relevant to this application include those in the "Downtown", "Public Realm", "Built Form" and "Built Form – Tall Buildings" sections of the Plan. To assist with the implementation of these policies, the City has prepared guidelines, Design Criteria for Review of Tall Building Proposals. The guidelines provide key urban

design criteria that should be considered in the evaluation of tall building applications. The City will review the proposed development for compliance with the guidelines.

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

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

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

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

### **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. This Planning Framework was started in July 2011 and the original submission of this rezoning application was formally submitted in 2008 and amended by the Committee of Adjustment in July 2010 and March 2011. Due to the extensive community consultation on this application, and the previous approvals for a tall building, Planning Staff did not place this application on hold pending the review.

### **Zoning**

The site is subject to Site Specific Zoning By-law 1308-2008 which permits a 33-storey residential condominium at a height of 107 metres to top of mechanical, 325 residential units, 24,122 square metres of gross floor area having a density of 12.1 times the lot area. Minor variance application A0516/10TEY amended the site specific by-law on July 28, 2010 to permit 39 storeys at 126.5 metres, 372 units, 28,422 square metres of gross floor area having a density of 13.5 times the lot area. A minor variance application approved on March 30, 2011 (A0987/11TEY) further amended the site specific by-law to permit 417 units with the same zoning standards as A0516/10TEY.

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

Attachment 5 is a draft Site Specific Zoning By-law and draft Section 37 requirements for information purposes for a proposed settlement of the appeal at the Ontario Municipal Board.

### **Site Plan Control**

Notice of Approval Conditions for Site Plan Approval were issued on May 16, 2011 for a 39-storey residential condominium (File # 06 198325 STE 27 SA). A site plan

amendment application has been submitted (File #11 316317 STE 27 SA) and is currently in circulation. This application has not been appealed to the Ontario Municipal Board.

### **Reasons for Application**

The proposal's 151.4 metre height (including mechanical) and 16.4 times density exceeds the height and density permissions set out in the Site Specific 1308-2008 as varied on July 28, 2010 by minor variance application A0516/10TEY and varied on March 30, 2011 by minor variance application A0987/11TEY.

### **Community Consultation**

A community consultation meeting was held on November 8, 2011 at the Metro Central YMCA. Approximately 43 people were in attendance. The major concerns raised at the meeting included additional traffic on Charles Street East, height, blockage of view and setbacks from adjacent buildings. In addition, the property owners to the west contacted Community Planning staff to discuss the impact that the proposed development would have on the Casa (33 Charles Street East).

### **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**

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

The proposal is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe.

### **Land Use**

The proposed use of this site as a residential building is a permitted use in the Zoning By-law.

### **Density, Height, Massing**

The density of the proposed development is 16.4 times the area of the lot. This is higher than the 12.1 times coverage currently permitted on the site. The subject site is suitable for intensification, due to its location in the downtown area and its proximity to the Yonge and Bloor intersection, and consequently two major transit lines. Other sites in the immediate vicinity have also recently undergone redevelopment and intensification, including the Casa (33 Charles Street East) which is a 46-storey residential tower on the adjacent property to the west.

The subject property is also located within the height ridge of the Bloor-Yorkville Urban Design Guidelines. The current height ridge goes along the south side of the subject property as the proposed heights along Charles Street transition down from the peak

height of Yonge Street and Bloor Street. The heights in the immediate area range from 42 to 46 storeys. The proposed height fits within this height ridge.

This proposal consists of a building with a five-storey podium and a total of 47 storeys in tower form. While the proposed height is higher than that which is currently permitted under Site Specific Zoning By-law 1308-2008, it is in keeping with the recent development approvals that have been granted in the surrounding area. The proposed building is slightly higher than its neighbour to the west, which is 46 storeys. The five-storey podium also aligns with the adjacent buildings. Across Charles Street East to the north, there is an approved 32-storey residential building.

The proposal is in keeping with criteria outlined in the Design Criteria for the Review of Tall Building Proposals. The proposed development has an approximate floorplate of 760 square metres, which is slightly higher than the Tall Buildings Guidelines of keeping residential floorplates to less than 743 square metres. The proposed building is highly articulated which is encouraged by Tall Building Guidelines for floor plates above 743 square metres.

In the previous zoning application, City staff worked with the applicant to ensure adequate separation distance between the proposed development and its neighbouring developments. In particular the 46-storey tower to the west which is located approximately 24 metres from the proposed development is generally in keeping with the recommended 25 metre separation distance in the guidelines. The proposed tower separation between the subject tower and 55 Charles Street East (existing 9 storey apartment building) and 42 Isabella Street (existing four storey apartment building) is 11.5 metres. This condition exists with the current development approval for 39 storeys. The general design of the tower, including the five-storey podium, is also in keeping with the guidelines.

### **Sun, Shadow, Wind**

The applicant has submitted shadow studies to illustrate the shadows created by the additional 8-storeys (47 storeys in total) during March 21<sup>st</sup>, June 21<sup>st</sup> and September 21<sup>st</sup> between the hours of 9:18 a.m. and 6:18 p.m. The proposed development casts an increased shadow as compared to the Site Specific By-law permissions, including shadows cast on existing residential development on the north side of Charles Street East. The additional shadows will not impact any parks in the area and the new shadows will fall within the existing mixed use area. The shadow impacts of the development are acceptable.

The applicant commissioned a study of the wind conditions created by this proposal in which the consultant advised that further mitigation of wind impacts could be achieved by implementing certain design features such as a canopy along the Charles Street East frontage of the podium. City staff will include this feature as part of the design component of the Site Plan Approval process to further mitigate wind impacts.

## **View – Overlook/Privacy**

The residents at 33 Charles Street East (the property just west of the subject property) had concerns that their view would be blocked with the additional 8 storeys being proposed. Under the *Planning Act*, views are not regulated and the City does not have a policy which protects a landowner's view. Building spacing is important in preserving light, view and privacy and the proposed spacing is adequate taking into account existing conditions.

## **Traffic Impact, Access, Parking**

### Traffic Impact Study

A Traffic Impact Study prepared by LEA Consulting Group dated November 2011 has been submitted and reviewed by Technical Services Division staff. Staff are satisfied with the results of the Study. Any additional trip generation can be accommodated by the area road network.

The North Downtown Yonge Street Planning Framework involves the review of traffic and streetscape challenges on Charles Street in light of the many tall building proposals utilizing Charles Street for access.

### Parking

The applicant is proposing a total of 229 parking spaces in 5 levels of underground garage with no visitor parking spaces. The applicant submitted a Traffic Impact Study completed by LEA Engineering Ltd, which indicated that the parking provided was adequate, and City Staff have reviewed and accepted this Study. Technical Services were further satisfied with zero visitor parking spaces as the subject property is located adjacent to a municipal parking garage (20 Charles Street East) and close to the Yonge Subway.

### Loading/Access

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

The pick-up/drop-off activity is located on the western edge of the site using the existing north/south lane from Charles Street East. City staff identified that this lane was a substandard public lane having a width of 5.10 metres. In accordance with the City standard for commercial/residential lanes, the lane should be widened to 6.0 metres. In order to provide for the widening along the lane, City staff requested that a 0.95 metre strip of land abutting the east limit of the public lane should be conveyed to the City. Furthermore a triangular corner splay at the northeast corner of the intersection of the east-west and north-south public lanes must also be conveyed to the City. This conveyance will be required during the condominium stage. The building and parking



garage access for 33 Charles Street East (Casa condominium) will be improved when the lane is widened.

## **Residential Amenity Space**

The general Zoning By-law requires two square metres of common outdoor and indoor residential amenity space per unit which results in a requirement for 1022 square metres of indoor and 1022 square metres of outdoor amenity space based on 511 units. The applicant has proposed 987 square metres (1.9 square metres) of indoor residential amenity space and 656 square metres (1.3 square metres) of outdoor amenity space. The outdoor and indoor amenity space is to be located on the first, second, thirty-first and thirty-second floors.

The applicant's request for reduced outdoor and indoor amenity space is acceptable. Planning staff try to maximize the outdoor and indoor amenity space for a residential tower application. Given the original 39-storey building design constraints, it was not feasible to obtain additional space.

## **Pedestrian Infrastructure – Weather Protection**

The applicant proposes a 5.2 metre long by 3 metre deep glass canopy over the front entrance into the residential condominium off Charles Street East. The building is setback 6.1 metres from Charles Street East and the landscaped setback and canopy align with the adjacent buildings. The size and type of canopy is appropriate with the prevailing building context in the area.

This area has a high concentration of pedestrians. The applicant has provided a 2 metre sidewalk width in front of the property along Charles Street East in keeping with the existing sidewalk width on the south side of Charles Street East. The area between the sidewalk and the residential condominium is proposed to be landscaped with trees and a wider sidewalk which can provide additional space for pedestrians.

The proposed pedestrian infrastructure including design, width and location of sidewalks, and the design location of the canopies will be reviewed in detail at the Site Plan approval stage. A minimum sidewalk width of 4.8 metres is recommended on Charles Street East.

## **Cycling Infrastructure**

The applicant proposes to provide a minimum of 200 bicycle parking spaces for residents of the condominium to be located at grade and on the second floor (Mezzanine). The applicant proposes 40 visitor bicycle parking spaces located throughout the ground level of the building and 160 resident bicycle spaces on the second floor. Planning staff recommend that applicant provide an additional 139 bicycle parking spaces which is one space per new residential unit above the 2008 zoning permission. This bicycle parking can be accommodated very easily on the site to reflect the proposed additional residential units.

## **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 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.

## **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.

## **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 511 residential units on a site with a net area of 2,097.9 m<sup>2</sup>. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.689 hectare or 324% 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 210 m<sup>2</sup>.

The applicant proposes to satisfy this parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 210 m<sup>2</sup> would not be of a useable size and the entire site is to be encumbered by an underground garage.

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 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 the following Tier 1 development features: automobile Infrastructure, cycling infrastructure, storage and collection of recycling and organic waste.

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

### **Section 37**

As part of the settlement offer, the City has negotiated with the applicant the following facilities, services and matters required to be provided by the *owner* of the *lot* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

During the original zoning application (06 198326 STE 27 OZ) the City negotiated with the applicant a Section 37 fund of \$1.5 million towards to the Wellesley Street Community Centre pool and \$500,000 Section 45 contributions to the Wellesley Community Centre pool during the Committee of Adjustment Application (A0516/10).

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

- a) A payment of \$1.6 million will be payable prior to the issuance of the first above-grade building permit. Such payment will be deposited to the Planning Act Reserve Fund and would be used for local streetscape and park improvements. Ten percent will be allotted for capital improvements to TCHC buildings in Ward 27 in consultation with the local councillor; and
- b) Require that the cash amounts identified in a) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

- c) Offer a one-year membership to a *car-share* program, operating in conjunction with the *car-share* parking spaces provided for this site, at no

cost, to all first-time purchasers and/or occupants of residential units in the subject development, subject to the first time purchasers and/or occupants of residential units applying and being approved for membership by the car-share organization;

- d) The implementation of any wind mitigation measures required by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning Division, to be submitted as part of a revised application for Site Plan Approval;
- e) Prior to final site plan approval the owner shall:
  - 1. Convey a 1.52 metre by 1.52 metre triangular corner splay at the northeast corner of the intersection of the east-west and north-south public lanes. Such lands to be free and clear of all encumbrances, save and except for utility poles and the concrete wall that is to be demolished or any temporary hoarding related to the demolition, and subject to a right-of-way for access purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public highway purposes;
  - 2. Pave the lane widening lands in accordance with the requirements of the Executive Director of Technical Services at no cost to the City, including any costs related to the relocation of any utility poles which are to be at no cost to the City or Toronto Hydro;
  - 3. Include a clause in the declaration of condominium and in all offers of purchase and sale stating that the public lane abutting this site will be given low priority for winter maintenance by the City, in accordance with City Council policy, and that public lanes are salted only, not ploughed; and
  - 4. Submit to the General Manager of Transportation Services, for review and approval prior to deposit in the Land registry Office, a draft Reference Plan of Survey in metric units and integrated into the Ontario Coordinate System with the coordinate values shown on the face of the plan, and delineating thereon by separate PART the lands to be conveyed to the City, the remainder of the site, and any appurtenant easements.
- f) Prior to final registration of the condominium the owner shall:
  - 1. Convey a 0.95 metre wide strip of land abutting the east limit of the substandard public lane abutting the site on the west.

## **Development Charges**

It is estimated that the development charges for the additional 8-storeys will be \$610,480. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONCLUSION**

City Planning staff are supportive of the proposed Zoning By-law amendment to further intensify this site as proposed given the site's location in the Downtown, an area well serviced by municipal infrastructure including public transit, and the consistency with approvals in place.

City Planning request that City Council approve the proposed zoning application, provided that the applicant agrees to provide the facilities, services and matters pursuant to Section 37 of the *Planning Act*, as described in Appendix 1.

City Council instruct the City Solicitor, together with City Planning staff and any other appropriate staff, to advise the OMB of Council's position.

## **CONTACT**

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Tel. No. 416-397-1761  
Fax No. 416-392-1330  
E-mail: mhynes@toronto.ca

## **SIGNATURE**

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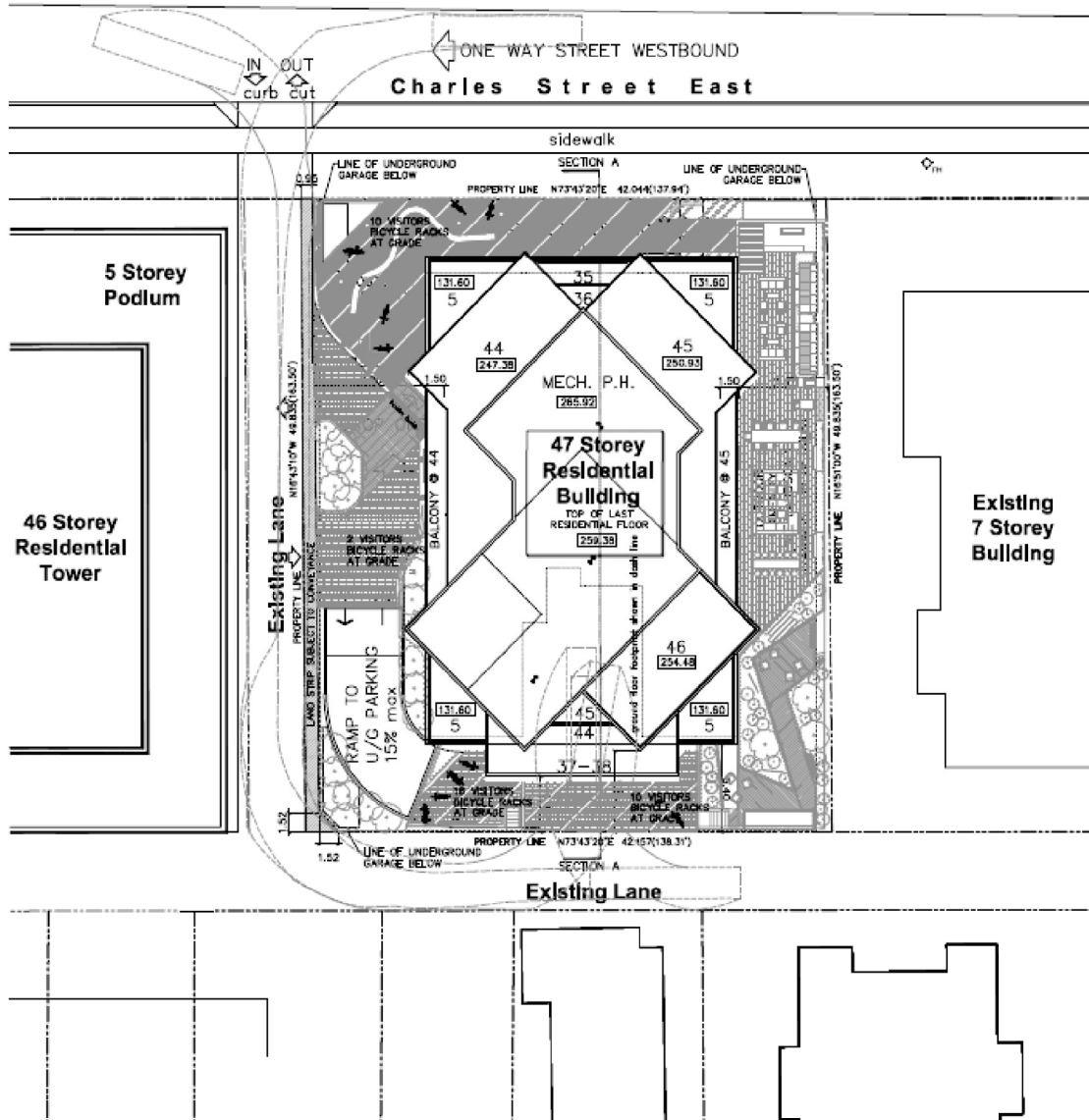
Gregg Lintern, Director, MCIP, RPP  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a: North Elevation  
Attachment 2b: South Elevation  
Attachment 2c: East Elevation  
Attachment 2d: West Elevation  
Attachment 3: Zoning  
Attachment 4: Application Data Sheet  
Attachment 5: Draft Zoning By-law

# Attachment 1: Site Plan



## Site Plan

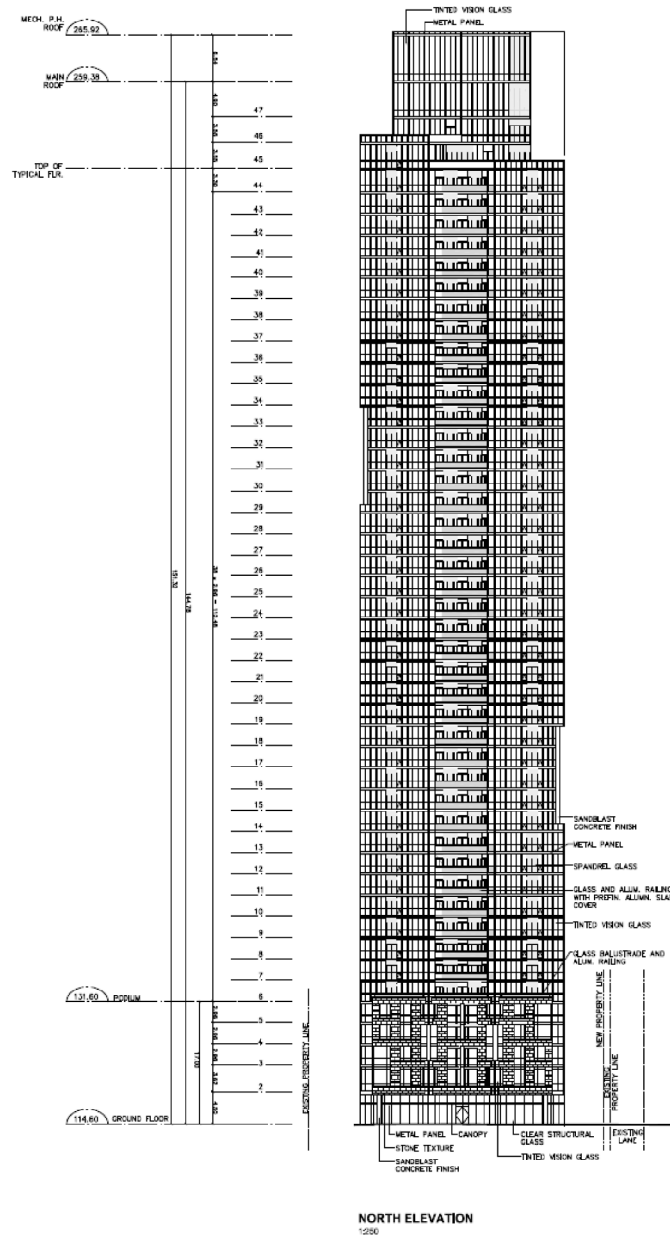
45 Charles Street East

Applicant's Submitted Drawing

Not to Scale 

File # 11\_239516\_02

# Attachment 2a: North Elevation



## North Elevation

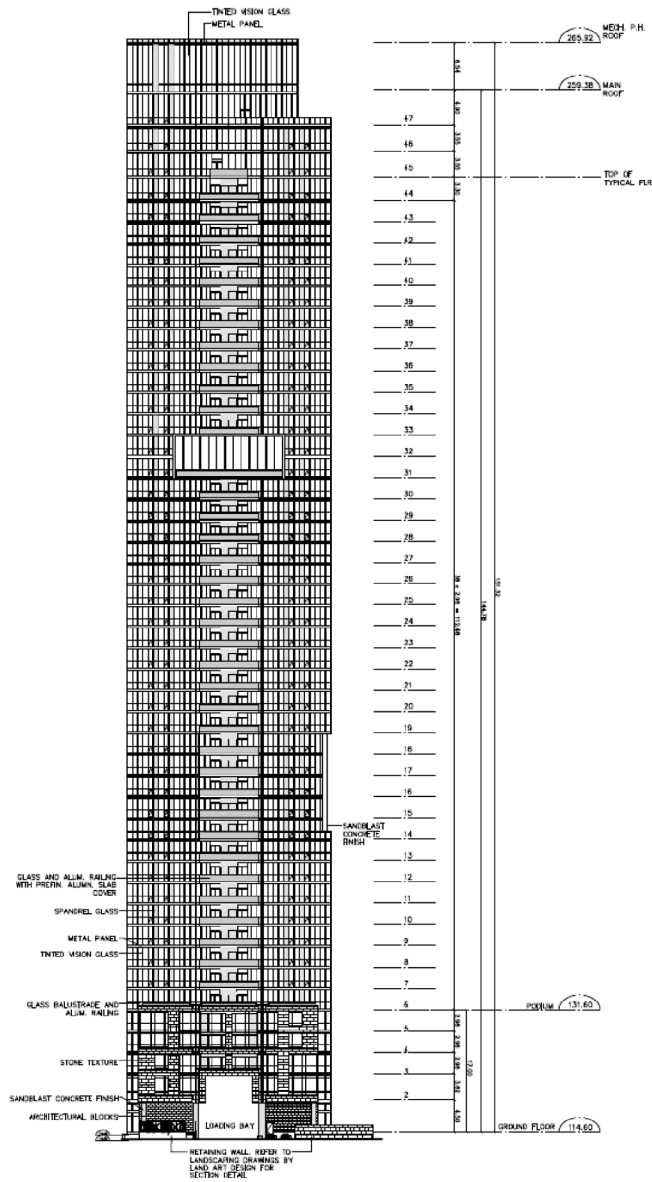
Applicant's Submitted Drawing

Not to Scale  
09/22/11

## 45 Charles Street East

File # 11\_239516\_02

## Attachment 2b: South Elevation



### South Elevation

Applicant's Submitted Drawing

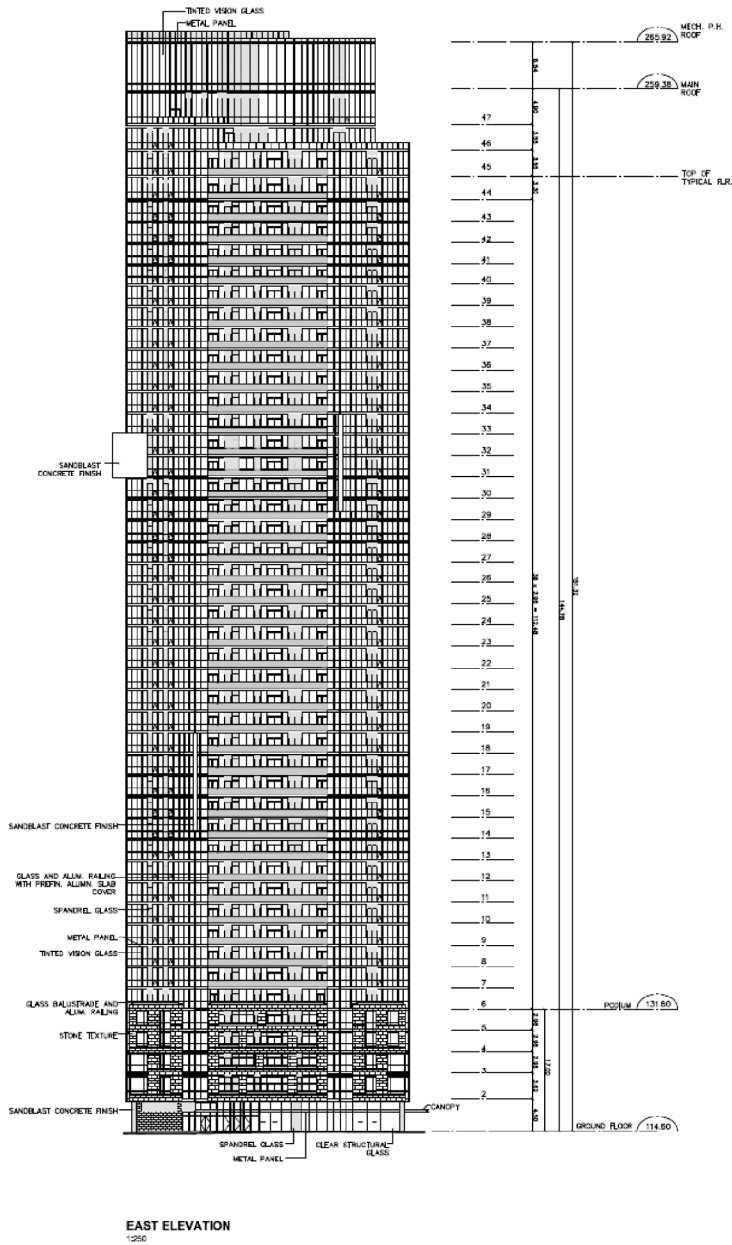
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### 45 Charles Street East

File # 11\_239516\_02



## Attachment 2c: East Elevation



### East Elevation

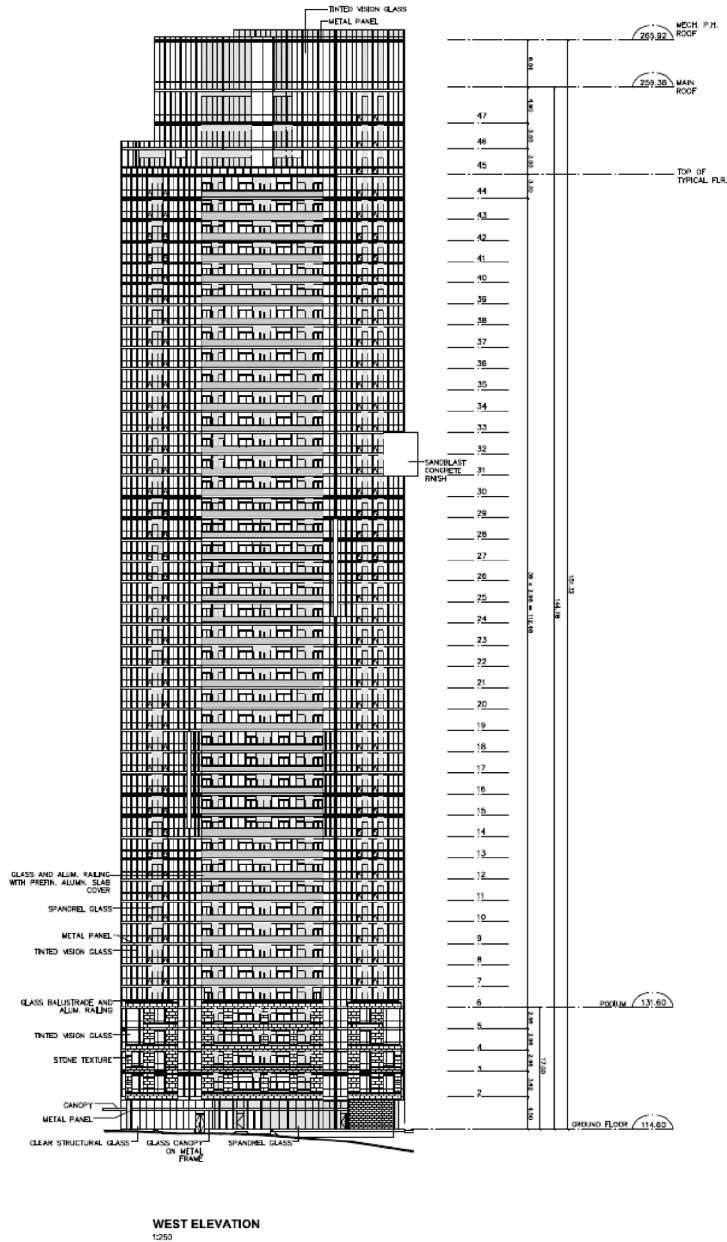
Applicant's Submitted Drawing

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09/22/11

### 45 Charles Street East

File # 11\_239516\_02

# Attachment 2d: West Elevation



## West Elevation

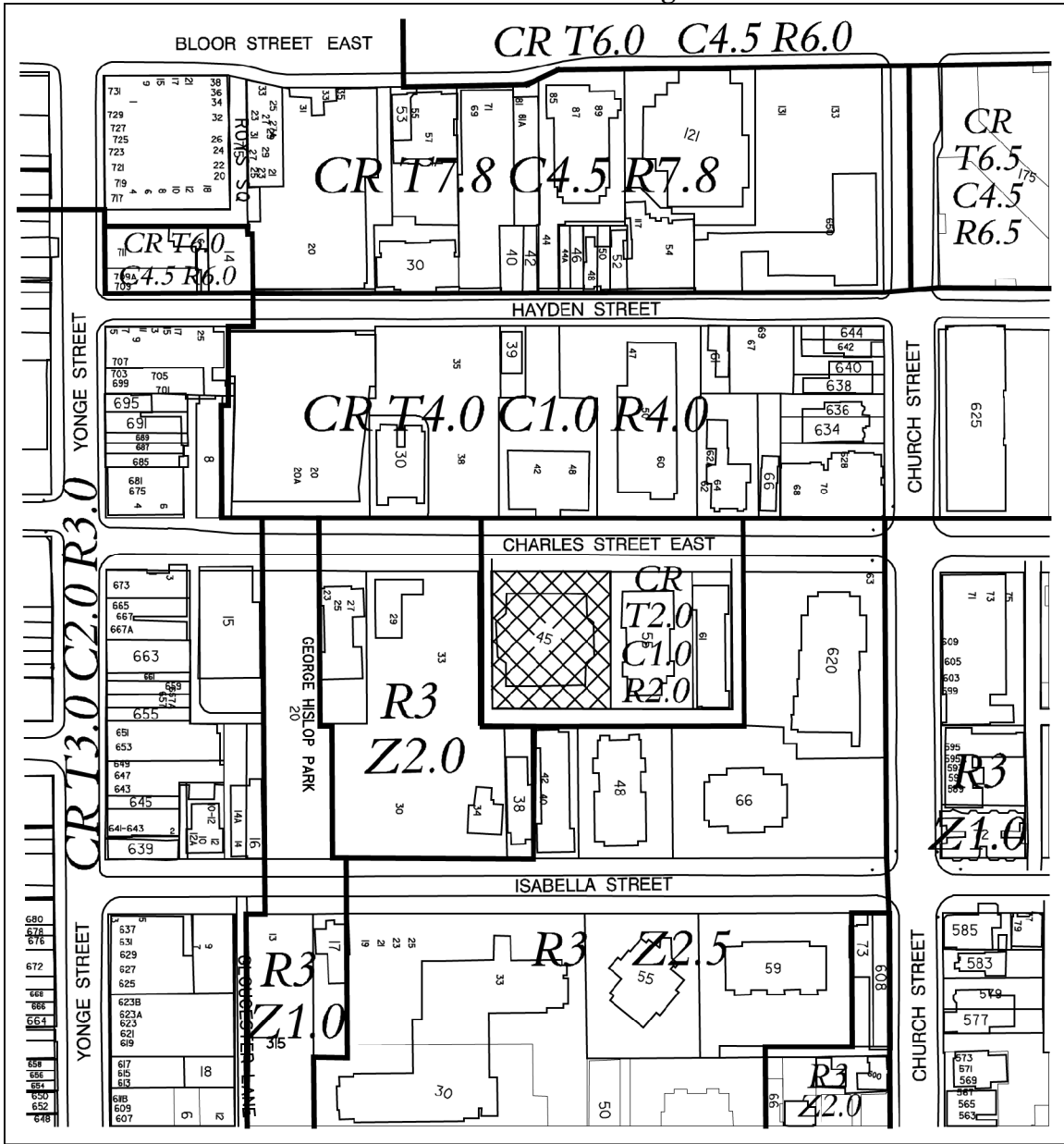
Applicant's Submitted Drawing

Not to Scale  
09/22/11

## 45 Charles Street East

File # 11\_239516\_02

Attachment 3: Zoning



45 Charles Street East  
File # 11\_239516\_0Z

- R3 Residential District
- CR Mixed-Use District



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

## Attachment 4: Application Data Sheet

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

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

### PLANNING CONTROLS

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

### PROJECT INFORMATION

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

### DWELLING UNITS (total including existing approved and proposed)

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	34,406	0
Bachelor:	46 (9%)	Retail GFA (sq. m):	0	0
1 Bedroom:	362 (71%)	Office GFA (sq. m):	0	0
2 Bedroom:	83 (16%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	20 (4%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	511			

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

**Attachment 5: Draft Zoning By-law Amendment  
CITY OF TORONTO  
BY-LAW No. \_\_\_\_ - 2012**

**To amend Zoning By-law 438-86 by amending By-law 1308-2008 of the City of Toronto with respect to lands municipally known as 45 Charles Street East.**

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

WHEREAS Council of the City of Toronto on December 3, 2008 adopted By-law No. 1308-2008 being a By-law “to amend the General Zoning By-law No. 438-86 with respect to lands known as 45 Charles Street East”; and

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

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS the *owner* of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law 1308-08 and By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the *owner* of such lands and the City of Toronto; and

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 3(m) of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the

facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.

3. None of the provisions of Sections 3(b), 3(c), 3(d), 3(e), 3(e)(i), 3f(ii) and 3(g)(ii) of Zoning By-law No. 1308-2008, as amended, shall apply to prevent the erection or use of a *residential building* on the lands municipally known as 45 Charles Street East (hereinafter referred to as the *lot*), provided that:
  - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the heavy lines on Map 2 attached hereto except a canopy provided for the purposes of wind protection;
  - (c) the *height* of any building or structure or portion thereof, including those elements referred to in Section 4(2)(a)(i) and (ii) of Zoning By-law No 438-86, as amended, does not exceed the *heights* in metres shown on Map 2 attached to and forming part of this by-law;
  - (d) the *residential gross floor area* erected or used shall not exceed 34,406 square metres;
  - (e) a maximum of 511 *dwelling units* are permitted on the *lot*;
  - (f) a maximum *height* of 152 metres (including mechanical) will be permitted on the *lot*;
  - (g) no portion of the building or structure erected on the *lot* or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 subject to the following:
    - (i) canopies, eaves, awnings and building cornices are permitted outside the heavy line shown on Map 2; and
    - (ii) balconies, lighting fixtures, ornamental or architectural elements, parapets, landings and associated railings, planters, trellises, window sills, bay windows, guardrails, balustrades, mullions, railings, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;

- (h) the heights of any building or structure erected on the *lot* shall not exceed the heights in metres shown on the attached Map 2, including mechanical and roof top elements such as decorative elements, except for:
    - (i) window washing equipment and aircraft warning lights, railings, parapets walls, stair towers, partitions dividing outdoor recreation areas and trellises, elements of a green roof, lightning rods and exhaust flues located above the *height* of each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 2.0 metres;
    - (i) a minimum of 1.89 square metres per unit of indoor residential *amenity space* shall be provided in a multi-purpose room or rooms in the building, at least one of which is located at *grade* level;
    - (j) a minimum of 1.28 square metres per unit of outdoor *amenity space* shall be provided outdoors on the *lot*;
    - (k) a minimum of 339 *bicycle parking spaces* shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
      - (i) for residents, a minimum of 299 *bicycle parking spaces – occupant*, not to common element and not be combined with storage lockers;
      - (ii) for *visitor*, not less than 40 *bicycle parking spaces – visitor*, not to be combined with storage lockers to be provided at *grade*;
    - (l) provide and maintain *parking spaces* on the *lot* in accordance with the greater of the following criteria:
      - i) a minimum of 229 *parking spaces* inclusive of four *car-share parking spaces*; or
      - ii) provide and maintain a minimum ratio of 0.44 *parking spaces* per unit plus four *car-share spaces*.
    - (m) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Section 1 of this By-law and that such an agreement be registered on title to the *lot*.
3. None of the provisions of By-law No. 438-86 shall apply to prevent a *temporary sales office* on the *lot*.

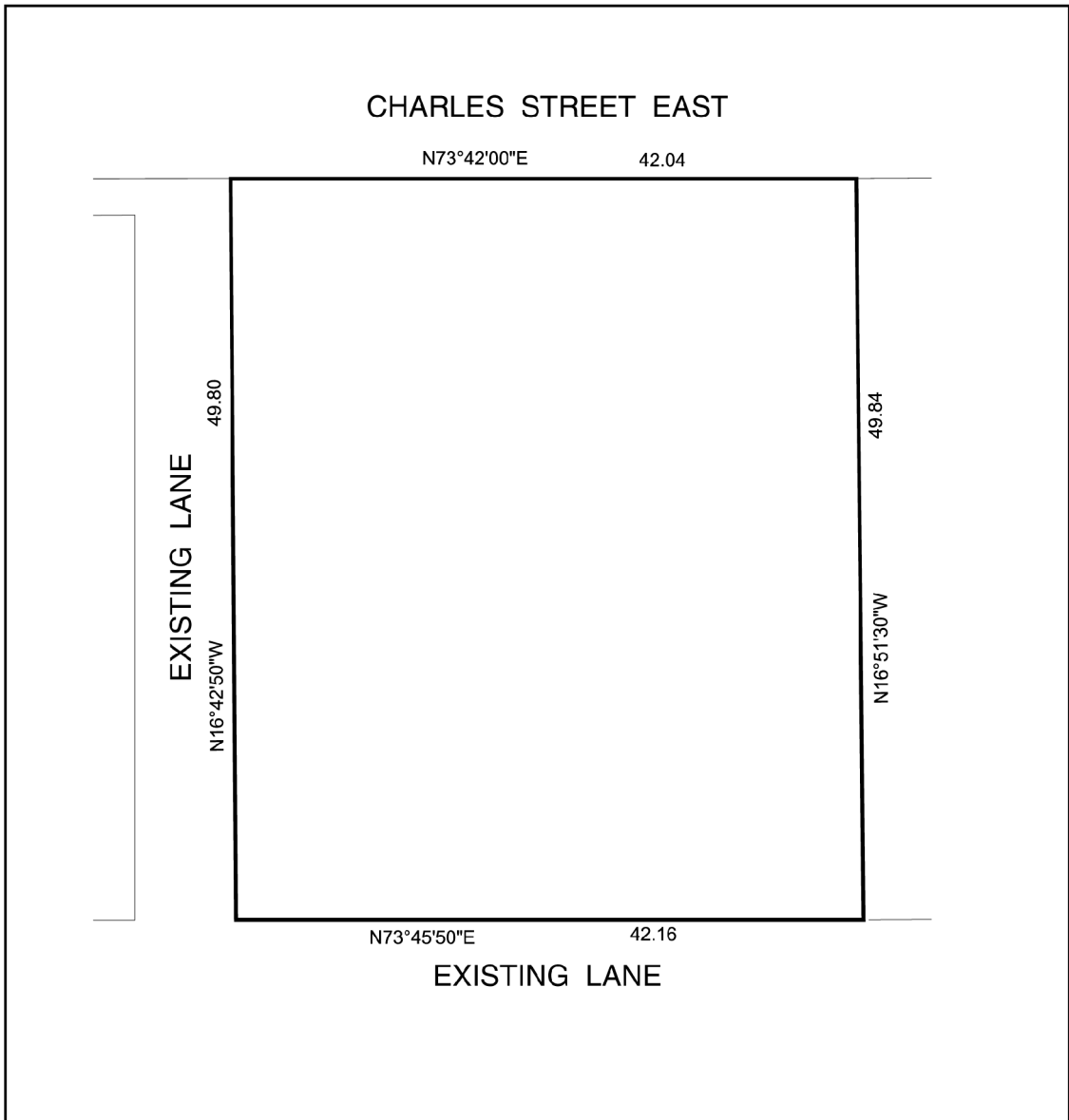
4. For the purposes of this By-law,
- (a) *temporary sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of the first *dwelling units* to be erected on the *lot*;
  - (b) *grade* means 114.6 metres Canadian Geodetic Datum;
  - (c) *height* means the height above *grade* as shown on Map 2; and
  - (d) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended unless the contrary is expressed in this By-law.
5. Issuance of a building permit for the proposed development shall be dependant upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ROB FORD,  
Mayor

ULLI S. WATKISS  
City Clerk







## **APPENDIX 1**

### **Section 37 Provisions**

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *lot* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

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

- a) A payment of \$1.6 million will be payable prior to the issuance of the first above-grade building permit. Such payment will be deposited to the Planning Act Reserve Fund and would be used for local streetscape and park improvements. Ten percent will be allotted for capital improvements to TCHC buildings in Ward 27 in consultation with the local councillor; and
- b) Require that the cash amounts identified in a) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

- c) Offer a one-year membership to a *car-share* program, operating in conjunction with the *car-share* parking spaces provided for this site, at no cost, to all first-time purchasers and/or occupants of residential units in the subject development, subject to the first time purchasers and/or occupants of residential units applying and being approved for membership by the car-share organization;
- d) The implementation of any wind mitigation measures required by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning Division, to be submitted as part of a revised application for Site Plan Approval;
- e) Prior to final site plan approval the owner shall:
  - 1. Convey a 1.52 metre by 1.52 metre triangular corner splay at the northeast corner of the intersection of the east-west and north-south public lanes. Such lands to be free and clear of all encumbrances, save

and except for utility poles and the concrete wall that is to be demolished or any temporary hoarding related to the demolition, and subject to a right-of-way for access purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public highway purposes;

2. Pave the lane widening lands in accordance with the requirements of the Executive Director of Technical Services at no cost to the City, including any costs related to the relocation of any utility poles which are to be at no cost to the City or Toronto Hydro;
  3. Include a clause in the declaration of condominium and in all offers of purchase and sale stating that the public lane abutting this site will be given low priority for winter maintenance by the City, in accordance with City Council policy, and that public lanes are salted only, not ploughed; and
  4. Submit to the General Manager of Transportation Services, for review and approval prior to deposit in the Land registry Office, a draft Reference Plan of Survey in metric units and integrated into the Ontario Coordinate System with the coordinate values shown on the face of the plan, and delineating thereon by separate PART the lands to be conveyed to the City, the remainder of the site, and any appurtenant easements.
- f) Prior to final registration of the condominium the owner shall:
1. Convey a 0.95 metre wide strip of land abutting the east limit of the substandard public lane abutting the site on the west.