



REPORT FOR ACTION

55-61 Charles Street East – Zoning Amendment and Rental Housing Demolition Applications – Supplementary Report

Date: July 8, 2019

To: City Council

From: Chief Planner and Executive Director, City Planning

Ward 13 - Toronto Centre

SUMMARY

This Supplementary Report provides a revision to the recommendations in the Final Report from the Director of Community Planning dated June 13, 2019. Staff continue to recommend approval of the Zoning Amendment and the Rental Housing Demolition applications.

This report recommends revising recommendation 5(b) to correct an error with respect to the number of replacement rental dwelling units to be secured at affordable and mid-range rents.

The revision to the recommendations in the Final Report also requires a corresponding revision to the draft Zoning By-laws attached to the Final Report from the Director of Community Planning dated June 13, 2019. Staff recommend approval of the Zoning Amendment application and the corresponding Rental Housing Demolition application, as revised in the following recommendations listed below.

Community Council's decision and staff's Final Report may be found at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE7.15>

RECOMMENDATIONS

1. City Council delete recommendations 1 and 2 from Toronto and East York Community Council and replace with the following:

"1. City Council amend Zoning By-law 438-86, for the lands at 55-61 Charles Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the July 8, 2019 report from the Chief Planner and Executive Director, City Planning.

2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 55-61 Charles Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to the July 8, 2019 report from the Chief Planner and Executive Director, City Planning."

2. City Council delete recommendation 5(b) from Toronto and East York Community Council, and replace with the following:

"b. The owner shall, as part of the one-hundred (100) replacement rental dwelling units required above, provide at least three (3) one-bedroom replacement rental dwelling units at affordable rents, and twenty (20) bachelor units, seventy-two (72) one-bedroom units, and five (5) two-bedroom units replacement rental dwelling units at mid-range rents, as defined in the City's Official Plan, all for a period of at least ten (10) years, beginning from the date that each replacement dwelling unit is first occupied;"

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

COMMENTS

The Rental Housing Demolition application proposes to demolish two existing residential rental apartment buildings containing a total of 100 rental dwelling units and provide replacement of all 100 rental dwelling units within the proposed building. The composition of the replacement rental units, including unit size and rent classification, is based on the existing dwelling units on the property. The Final Report contained an incorrect description of the unit mix and rent classification for the existing rental units (page 14). The description should read:

- 21 bachelor units: all 21 units have mid-range rents
- 75 one-bedroom units: 3 units with affordable rents and 72 units with mid-range rents
- 4 two-bedroom: all 4 units have mid-range rents

The corrected figures are consistent with the information submitted with the applications, whereas the original figures contained an error.

As discussed in the Final Report, the proposed replacement rental units include 20 bachelor units, 75 one-bedroom units, and 5 two-bedroom units, which differs from the existing unit mix on site. City Planning staff are supportive of the modified unit mix as one of the bachelor units will be replaced with a larger unit type.

With respect to the proposed replacement rental units, the Final Report incorrectly referred to four units in the affordable rent category and 96 in the mid-range rent category (on pages 10 and 37). The Final Report should have referred to three units in the affordable rent category and 97 in the mid-range rent category.

This report recommends replacing recommendation 5(b) in the Final Report with a revised recommendation containing the corrected figures. The revision to the recommendations in the Final Report also requires a corresponding revision to the draft Zoning By-laws attached to the Final Report.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment (438-86)
Attachment 2: Draft Zoning By-law Amendment (569-3013)

Attachment 1: Draft Zoning By-law Amendment (438-86)

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2019

To amend Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2019 as 55-61 Charles Street East

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

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. This By-law applies to the lands delineated by heavy black lines and identified as 55 and 61 Charles Street East as shown on Map 1 attached to and forming part of this By-law;
2. None of the provisions of Section 2(1) with respect to the definition of “*grade*”, “*height*”, “*residential gross floor area*”, and “*lot*”, and Sections 4(2)(a), 4(5), 4(8), 4(12),

4(13)(a) and (c), 4(16), 8(3) Part I, 8(3) Part II, 8(3) Part III, 12(2)80, and 12(2)132 of By-law No. 438-86 of the former City of Toronto, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a *residential building* on 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) except as otherwise provided herein, the provisions of Zoning By-law 438-86, as amended, shall continue to apply to the *lot*;

(c) the total *residential gross floor area* erected and used on the *lot* shall not exceed 45,000 square metres;

(d) a *commercial parking garage* is a permitted use on the *lot*.

(e) for the purposes of subsection (c) above, any portion of the building below ground used for a *commercial parking garage* is excluded from the calculation of *residential gross floor area*;

(f) the permitted maximum number of *storeys* is 48;

(g) for the purposes of subsection (f) above and subsection (k) below, the following portions of a building are not a *storey*:

i. a partial mezzanine level located above the first floor and below the second floor of a building, limited in use to areas used for the functional operation of the building and access thereto, or the second level of *dwelling units* which contain two levels; and

ii. an upper and lower mechanical penthouse level located above the 48th *storey*, the lower level of which may include *residential amenity space*;

(h) no building or structure or portion thereof, inclusive of a mechanical penthouse containing equipment and structures used for the functional operation of the building, shall have a *height* in metres greater than the *height* in metres specified by the number following the letters “HT” on Map 2, attached to and forming part of this By-law;

(i) nothing in subsection (h) above shall apply to prevent the following elements from projecting above the *height* limits shown on Map 2:

i. equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts,

chimneys, and vents may project above the *height* limits to a maximum of 2.0 metres;

ii. architectural features, parapets, and elements and structures associated with a green roof may project above the *height* limits to a maximum of 1.0 metre;

iii. building maintenance units and window washing equipment may project above the *height* limits to a maximum of 6.5 metres;

iv. planters, landscape features, guard rails, and divider screens on a balcony and/or terrace may project above the *height* limits to a maximum of 2.5 metres; and

v. trellises, pergolas, and unenclosed structures providing safety or wind protection to rooftop *residential amenity space* may project above the *height* limits to a maximum of 3.0 metres;

(j) no portion of any building or structure above finished ground level is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, attached to and forming part of this By-law;

(k) nothing in subsection (j) above shall apply to present the following elements from projecting horizontally beyond the heavy lines shown on Map 2:

i. canopies and awnings may project up to a maximum of 3.0 metres;

ii. cornices, architectural elements, pilasters and eaves, window sills and light fixtures may project up to a maximum of 0.5 metres;

iii. stairs, stair enclosures, doors, wheelchair ramps, screens, site servicing features and underground garage ramps and associated structures; and

iv. balconies and terraces located at and above the 9th storey may project up to a maximum of 1.5 metres only within the balcony projection areas shown on Map 2;

(l) the provision of *dwelling units* is subject to the following:

i. a minimum of 25 percent of the total number of *dwelling units*, excluding any rental replacement *dwelling units*, must have two or more bedrooms;

ii. a minimum of 10 percent of the total number of *dwelling units*, excluding any rental replacement *dwelling units*, must have three or more bedrooms;

iii. any *dwelling units* with three or more bedrooms provided to satisfy ii. above are not included in the provision required by i. above; and

iv. for the purpose of this subsection (h), the phrase "rental replacement *dwelling unit*" means one of the 100 rental *dwelling units* erected on the lands, as referenced in Schedule A of this By-law and secured by an agreement pursuant to Section 37 of the *Planning Act*;

(m) *residential amenity space* shall be provided on the *lot* in accordance with the following:

i. a minimum of 2.14 square metres per *dwelling unit* of indoor *residential amenity space* shall be provided; and

ii. a minimum of 1.17 square metres per *dwelling unit* of outdoor *residential amenity space* shall be provided;

(n) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

i. a minimum of 0.2 *parking spaces* per *dwelling unit* shall be provided for the use of residents of the *residential building*;

ii. a minimum of 0.035 *parking spaces* per *dwelling unit* shall be provided for visitors and public use, of which a minimum of 7 *parking spaces* must be provided for the exclusive use of visitors of the *residential building* and the remainder may be used for the purpose of *commercial parking garage*; and

iii. a minimum of 2 *parking spaces* must be provided as *car share parking spaces*;

(o) when the calculation of the number of *parking spaces* required under subsection (n) above results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one parking space;

(p) a maximum of 30 *parking spaces* may be obstructed on one side in accordance with Section 4(17)(e) of By-law 438-86, as amended, without a requirement to increase the minimum width by 0.3 metres.

(q) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

i. a minimum of 0.9 *bicycle parking spaces residential - occupant* shall be provided per dwelling unit which may be provided in bicycle parking stackers;

ii. a minimum of 0.1 *bicycle parking spaces residential - visitor* shall be provided per dwelling unit which may be provided in bicycle parking stackers;

(r) when a *bicycle parking space* is provided in a bicycle parking stacker the minimum width for each *bicycle parking space* is 0.45 metres;

(s) a minimum of one *loading space – type G* and one *loading space – type C* shall be provided and maintained on the *lot*.

(t) none of the provisions of By-law No. 438-86, as amended, shall apply to prevent the erection or use of a *temporary sales office* on the *lot*.

3. Despite any existing or future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

4. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:

(a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and

(b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

5. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in *height* and/or density of development on the *lot* contemplated herein beyond the otherwise permitted in By-law 438-86, as amended, is permitted in return for the provision by the owner, at the owner's expense certain facilities, services and matters set out in Schedule A hereof subject to and in accordance with an agreement pursuant to Section 37(3) of the *Planning Act* that is in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor.

6. Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

7. For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, with the exception of the following:

(a) "*car share*" shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization and where the organization may require that use of carts to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car sharing organization, including the payment of a membership fee which may or may not be refundable;

(b) "*car share parking space*" means a *parking space* exclusively reserved and one used for *car share* purposes where the vehicle is accessible to at least the occupants of the building;

(c) “*grade*” shall mean an elevation of 114.7 metres Canadian Geodetic Datum;

(d) “*height*” shall mean the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;

(e) “*lot*” shall mean the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;

(f) “*residential gross floor area*” shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level. The gross floor area of the residential building is reduced by the area in the building used for:

- i. parking, loading and bicycle parking below-ground;
- ii. *loading spaces* at the ground level and *bicycle parking spaces* at or above-ground;
- iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- iv. shower and change facilities required by this By-law for required *bicycle parking spaces*;
- v. *residential amenity space* required by this By-law;
- vi. elevator shafts;
- vii. garbage shafts;
- viii. mechanical penthouse; and
- ix. exit stairwells in the building;

(g) “*temporary sales office*” means a building, structure, facility or trailer on the lot used exclusively for the initial sale and/or initial leasing of *dwelling units* permitted on the *lot*;

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Community Benefits

- (1) The owner of 218 Carlton Street, shall transfer to the City the property at 218 Carlton Street, renovated and furnished at no cost to the City, for use as affordable rental housing units prior to the earlier of December 31, 2021 or registration of a plan of condominium for 55-61 Charles Street East substantially on the terms and conditions outlined in Attachment 10 to the June 13, 2019 report from the Director, Community Planning, Toronto and East York District and to the satisfaction of the Executive Director, Housing Secretariat, the value for which shall be \$6,400,000.00;
- (2) Prior to February 12, 2020, the owner shall pay to the City the sum of \$200,000.00 to be allocated towards the Capital Revolving Reserve Fund for Affordable Housing (XR1058) for pre-development funding at 218 Carlton Street, to the satisfaction of the Executive Director, Housing Secretariat;
- (3) Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,470,000.00 to be allocated towards the Capital Revolving Reserve Fund for Affordable Housing (XR1058) for existing and/or new affordable housing that may be owned by Toronto Community Housing within Ward 13, to the satisfaction of the Executive Director, Housing Secretariat;
- (4) Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,660,000.00 to be allocated towards local area park or streetscape improvements located within Ward 13 and within the vicinity of the subject lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, the General Manager, PF&R and the General Manager, Transportation Services;
- (5) Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,670,000.00 to be allocated towards community, cultural, or recreational facilities capital improvements within Ward 13;
- (6) The cash contributions outlined in (2), (3), (4) and (5) above are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor, and calculated from the date that the Section 37 Agreement is registered on title;
- (7) In the event the above-noted cash contributions have not been fully used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the

discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject lands.

Rental Housing

(8) The owner shall provide and maintain one-hundred (100) replacement rental dwelling units, comprised of twenty (20) bachelor units, seventy-five (75) one-bedroom units, and five (5) two-bedroom units, on the subject site for a period of at least twenty (20) years, beginning from the date that each replacement rental dwelling unit is first occupied, and as shown on the architectural plans titled 55 Charles Street East, Rental Floor Plans, dated June 6, 2019. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;

(9) The owner shall, as part of the one-hundred (100) replacement rental dwelling units required above, provide at least three (3) one-bedroom replacement rental dwelling units at affordable rents, and twenty (20) bachelor units, seventy-two (72) one-bedroom units, and five (5) two-bedroom units replacement rental dwelling units at mid-range rents, as defined in the City's Official Plan, all for a period of at least ten (10) years, beginning from the date that each replacement dwelling unit is first occupied;

(10) The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed rental replacement building at no extra charge. Access and use of these amenities shall be on the same terms and conditions as any other building resident without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;

(11) The owner shall provide at least 35 replacement rental dwelling units with a balcony or terrace;

(12) The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle parking and visitor parking on the same terms and conditions as any other resident of the building;

(13) The owner shall make common storage areas available to tenants, with a combined area of no less than 51 metres, with the final number of lockers to be determined at Site Plan Approval;

(14) The owner shall make available a clothes laundry room to all tenants, containing at least nine (9) washing machines and seven (7) drying machines, to the satisfaction of the Chief Planner and Executive Director, City Planning;

(15) The owner shall provide tenant relocation and assistance to all eligible tenants occupying the existing rental dwelling units proposed to be demolished, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

(16) The owner shall enter into and register on title one or more agreement(s), pursuant to the City of Toronto Act, 2006, to secure the conditions outlined in (8) through (16)

above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

Limiting Distance Agreement

(17) Before introducing the necessary Bills to City Council for enactment, a restriction on the property at 620 Church Street will be secured through a Limiting Distance Agreement between the owner of 55-61 Charles Street East, the owner of 620 Church Street, and the City of Toronto, to the satisfaction of the City Solicitor, which will establish a Limiting Distance Area on the property at 620 Church Street where no new building or structure may be constructed within 25 metres of the building at 55-61 Charles Street East, above a height of 24.5 metres.

Municipal Infrastructure

(18) Before introducing the necessary Bills to City Council for enactment, the owner is required to submit a revised Functional Servicing Report satisfactory to the Chief Engineer & Executive Director, Engineering & Construction Services.

Knock-Out Panels

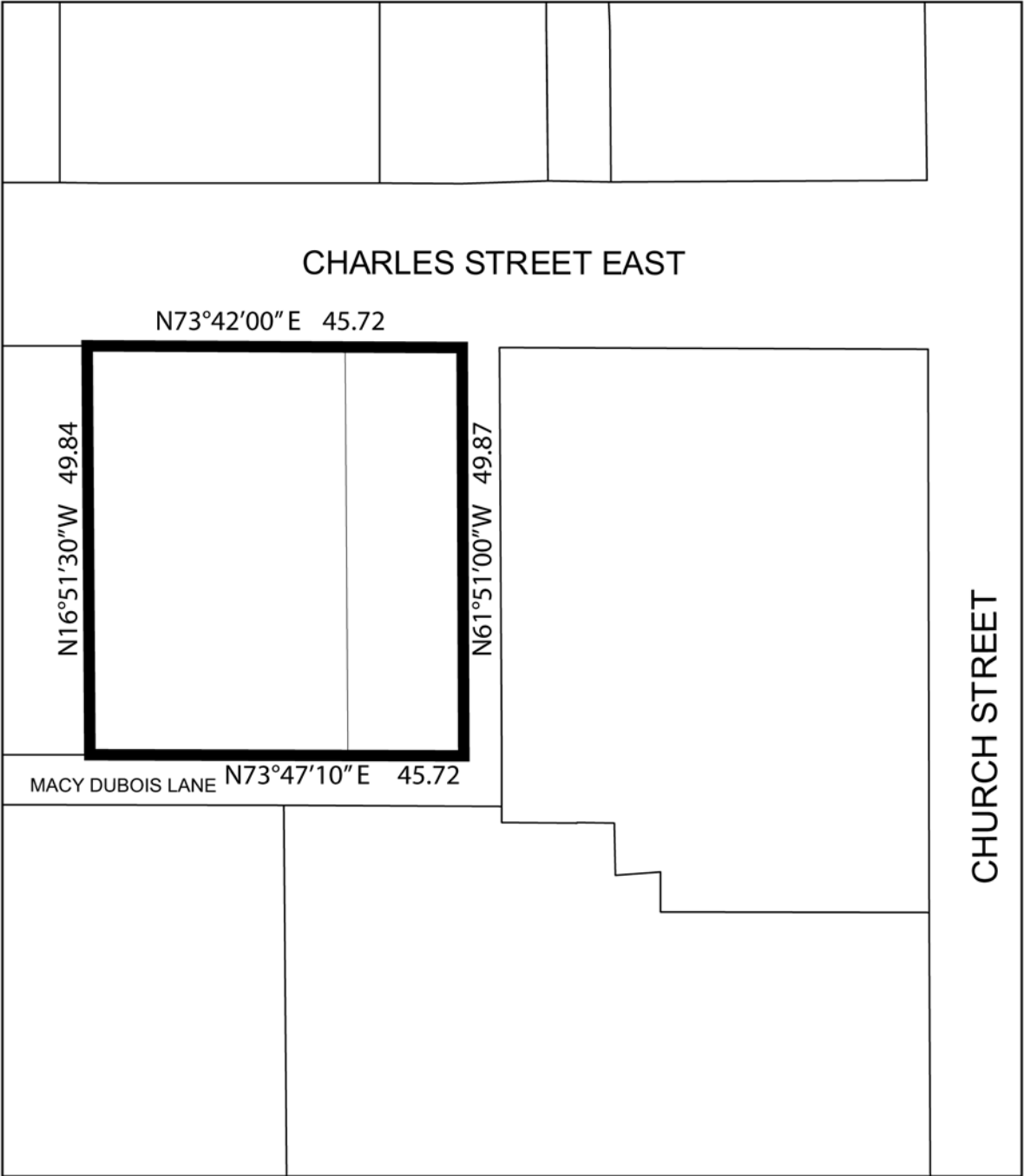
(19) The owner shall provide and maintain 140 knock-out panels between units on Levels 9-48 to enable the conversion or combination of two or more units into larger units, and include appropriate provision(s) in any condominium documents to enable any such conversions in the future.

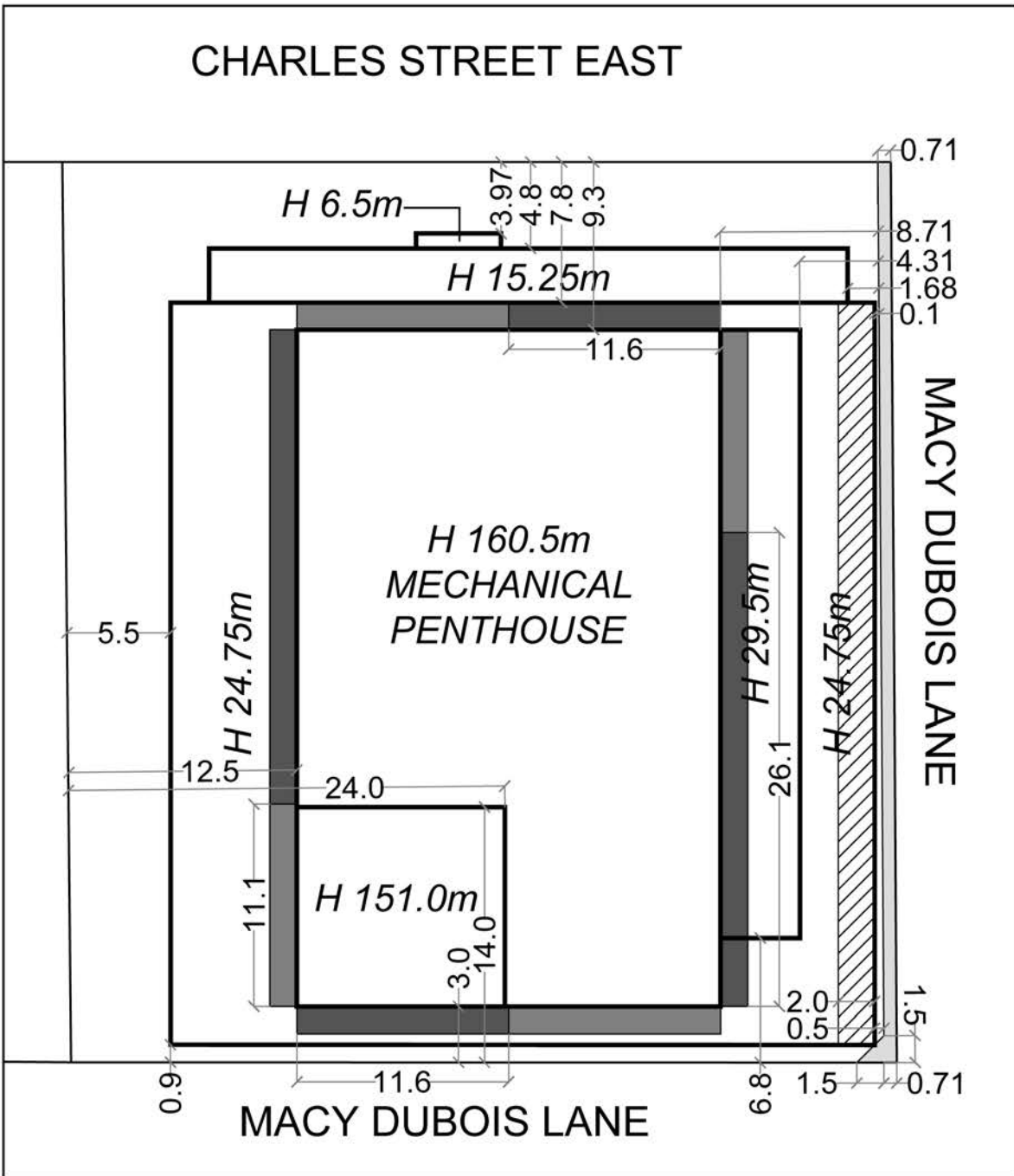
Toronto Green Standard

(20) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

Construction Management

(21) Prior to the issuance of a permit for excavation and shoring work, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter will implement the plan during the course of construction. The Construction Management Plan will include the size and location of construction staging areas, dates of significant concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager of Transportation Services, in consultation with the Ward Councillor.






Toronto
Map 2

55-61 Charles Street East

File # 18 144553 STE 27 OZ

- Stratified Conveyance 1.2m depth from finished grade
- ▨ No part of the building shall be located within the hatched area from finished ground level to a height of 5.5 metres above grade
- Balcony projections on storeys 13-20, 25-28, 37-40
- Balcony projections on storeys 9-12, 21-24, 29-36, 41-48


 City of Toronto By-law 438-86
 Not to Scale
 6/20/2019

Attachment 2: Draft Zoning By-law Amendment (569-3013)

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~
BY-LAW No. XXXX-2019

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 55-61 Charles Street East.

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

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 2.0 (c1.0; r2.0) SS1 (x196), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 196 so that it reads:

(196) Exception CR 196

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

(A) On 55-61 Charles Street East, if the requirements of Section 5 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, an **apartment building** may be constructed, used or enlarged in compliance with Sections (B) to (R) below;

(B) Despite regulations 40.5.1.10(3) and 40.10.40.40(1), the permitted maximum **gross floor area** of the **apartment building** is 45,000 square metres;

(C) For the purpose of this exception, an **apartment building** may include a **public parking** use and any portion of the **building** below ground used for such purpose is excluded from the calculation of **gross floor area**;

(D) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 114.7 metres and the highest point of the **building** or **structure**;

(E) Despite regulations 40.5.40.10(4) and (5), and 40.10.40.10(1), the permitted maximum height of any **building** or **structure**, including any mechanical penthouse containing equipment and **structures** used for the functional operation of the **building** described in 40.5.40.10(4), is the height in metres specified by the number following the HT symbol as shown on Diagram 3 of By-law [Clerks to supply by-law ##];

(F) Despite regulations 40.5.40.10(4) to (7) and (E) above, the following elements of a **building** may project above the permitted maximum height in Diagram 3 of By-law [Clerks to supply by-law ##]:

(i) equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts,

chimneys, and vents may project above the height limits to a maximum of 2.0 metres;

(ii) architectural features, parapets, and elements and structures associated with a **green roof** may project above the height limits to a maximum of 1.0 metre;

(iii) building maintenance units and window washing equipment may project above the height limits to a maximum of 6.5 metres;

(iv) planters, landscape features, guard rails, and divider screens on a balcony and/or terrace may project above the height limits to a maximum of 2.5 metres; and

(v) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space** may project above the height limits to a maximum of 3.0 metres;

(G) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is 48;

(H) For the purposes of regulation (G) above and regulation (K), the following portions of a **building** are not a **storey**:

(i) a partial mezzanine level located above the first floor and below the second floor of a **building**, limited in use to areas used for the functional operation of the **building** and access thereto, or the second level of **dwelling units** which contain two levels; and

(ii) an upper and lower mechanical penthouse level located above the 48th **storey**, the lower level of which may include **amenity space**;

(I) The provision of **dwelling units** is subject to the following:

(i) a minimum of 25 percent of the total number of **dwelling units**, excluding any rental replacement **dwelling units**, must have two or more bedrooms;

(ii) a minimum of 10 percent of the total number of **dwelling units**, excluding any rental replacement **dwelling units**, must have three or more bedrooms;

(iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and

(iv) for the purpose of this regulation (I), the phrase "rental replacement **dwelling unit**" means one of the 100 rental **dwelling units** erected on the lands, as referenced in Schedule A of By-law [Clerks to supply by-law ##] and secured by an agreement pursuant to Section 37 of the *Planning Act*;

(J) Despite regulations 40.5.40.70 and 40.10.40.70(1), the required minimum **building setbacks** for a **building** or **structure** are shown on Diagram 3 of By-law [Clerks to supply by-law ##];

(K) Despite regulation 40.10.40.60 and regulation (J) above, the following may encroach into the required minimum **building setbacks** on Diagram 3 of By-law [Clerks to supply by-law ##]:

- (i) canopies and awnings may encroach up to a maximum of 3.0 metres;
- (ii) cornices, architectural elements, pilasters and eaves, window sills and light fixtures may encroach up to a maximum of 0.5 metres;
- (iii) stairs, stair enclosures, doors, wheelchair ramps, screens, site servicing features and underground garage ramps and associated structures stairs may encroach any **building setback**; and
- (iv) balconies and terraces located at and above the 9th **storey** may encroach up to a maximum of 1.5 metres only within the balcony projection areas shown on Diagram 3 of By-law [Clerks to supply by-law ##];

(L) Despite regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of:

- (i) 2.14 square metres of indoor **amenity space** per **dwelling unit**; and
- (ii) 1.17 square metres of outdoor **amenity space** per **dwelling unit**;

(M) Despite regulation 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:

- (i) a minimum of 0.2 **parking spaces** per **dwelling unit** must be provided for the use of residents of the **apartment building**;
- (ii) a minimum of 0.035 **parking spaces** per **dwelling unit** must be provided for visitors and public use, of which a minimum of 7 **parking spaces** must be provided for the exclusive use of visitors of the **apartment building** and the remainder may be used for the purpose of **public parking**; and
- (iii) a minimum of 2 **parking spaces** must be provided for car share vehicles;

For the purposes of this exception, "car share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization and where the organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the

car sharing organization, including the payment of a membership fee which may or may not be refundable, and "car share **parking space**" means a **parking space** exclusively reserved and used for car share purposes where the **vehicle** is accessible to at least the occupants of the **building**.

(N) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 30 **parking spaces** may be obstructed on one side in accordance with 200.5.1.10(2)(D) without a requirement to increase the minimum width by 0.3 metres;

(O) Regulations 200.15.1.5(1) and 200.15.1(4) with respect to the location of accessible **parking spaces** do not apply.

(P) Despite regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided, the minimum width for each **bicycle parking space** is 0.45 metres;

(Q) Prevailing Sections 12(2) 80 and 12(2) 132 of former City of Toronto By-law 438-86 do not apply; and

(R) Article 600.10.10 Building Setback Overlay District "A", does not apply.

Prevailing By-laws and Prevailing Sections:

(A) Section 12(2) 80 of former City of Toronto By-law 438-86.

(B) Section 12(2) 132 of former City of Toronto By-law 438-86.

Section 37 Provisions

(A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

(B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

(C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 20##.

Name, Ulli S. Watkiss,
Speaker City Clerk
(Seal of the City)

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Community Benefits

- (1) The owner of 218 Carlton Street, shall transfer to the City the property at 218 Carlton Street, renovated and furnished at no cost to the City, for use as affordable rental housing units prior to the earlier of December 31, 2021 or registration of a plan of condominium for 55-61 Charles Street East substantially on the terms and conditions outlined in Attachment 10 to the June 13, 2019 report from the Director, Community Planning, Toronto and East York District and to the satisfaction of the Executive Director, Housing Secretariat, the value for which shall be \$6,400,000.00;
- (2) Prior to February 12, 2020, the owner shall pay to the City the sum of \$200,000.00 to be allocated towards the Capital Revolving Reserve Fund for Affordable Housing (XR1058) for pre-development funding at 218 Carlton Street, to the satisfaction of the Executive Director, Housing Secretariat;
- (3) Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,470,000.00 to be allocated towards the Capital Revolving Reserve Fund for Affordable Housing (XR1058) for existing and/or new affordable housing that may be owned by Toronto Community Housing within Ward 13, to the satisfaction of the Executive Director, Housing Secretariat;
- (4) Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,660,000.00 to be allocated towards local area park or streetscape improvements located within Ward 13 and within the vicinity of the subject lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, the General Manager, PF&R and the General Manager, Transportation Services;
- (5) Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,670,000.00 to be allocated towards community, cultural, or recreational facilities capital improvements within Ward 13;
- (6) The cash contributions outlined in (2), (3), (4) and (5) above are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor, and calculated from the date that the Section 37 Agreement is registered on title;
- (7) In the event the above-noted cash contributions have not been fully used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the

discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject lands.

Rental Housing

(8) The owner shall provide and maintain one-hundred (100) replacement rental dwelling units, comprised of twenty (20) bachelor units, seventy-five (75) one-bedroom units, and five (5) two-bedroom units, on the subject site for a period of at least twenty (20) years, beginning from the date that each replacement rental dwelling unit is first occupied, and as shown on the architectural plans titled 55 Charles Street East, Rental Floor Plans, dated June 6, 2019. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;

(9) The owner shall, as part of the one-hundred (100) replacement rental dwelling units required above, provide at least three (3) one-bedroom replacement rental dwelling units at affordable rents, and twenty (20) bachelor units, seventy-two (72) one-bedroom units, and five (5) two-bedroom units replacement rental dwelling units at mid-range rents, as defined in the City's Official Plan, all for a period of at least ten (10) years, beginning from the date that each replacement dwelling unit is first occupied;

(10) The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed rental replacement building at no extra charge. Access and use of these amenities shall be on the same terms and conditions as any other building resident without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;

(11) The owner shall provide at least 35 replacement rental dwelling units with a balcony or terrace;

(12) The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle parking and visitor parking on the same terms and conditions as any other resident of the building;

(13) The owner shall make common storage areas available to tenants, with a combined area of no less than 51 metres, with the final number of lockers to be determined at Site Plan Approval;

(14) The owner shall make available a clothes laundry room to all tenants, containing at least nine (9) washing machines and seven (7) drying machines, to the satisfaction of the Chief Planner and Executive Director, City Planning;

(15) The owner shall provide tenant relocation and assistance to all eligible tenants occupying the existing rental dwelling units proposed to be demolished, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

(16) The owner shall enter into and register on title one or more agreement(s), pursuant to the City of Toronto Act, 2006, to secure the conditions outlined in (8) through (16)

above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

Limiting Distance Agreement

(17) Before introducing the necessary Bills to City Council for enactment, a restriction on the property at 620 Church Street will be secured through a Limiting Distance Agreement between the owner of 55-61 Charles Street East, the owner of 620 Church Street, and the City of Toronto, to the satisfaction of the City Solicitor, which will establish a Limiting Distance Area on the property at 620 Church Street where no new building or structure may be constructed within 25 metres of the building at 55-61 Charles Street East, above a height of 24.5 metres.

Municipal Infrastructure

(18) Before introducing the necessary Bills to City Council for enactment, the owner is required to submit a revised Functional Servicing Report satisfactory to the Chief Engineer & Executive Director, Engineering & Construction Services.

Knock-Out Panels

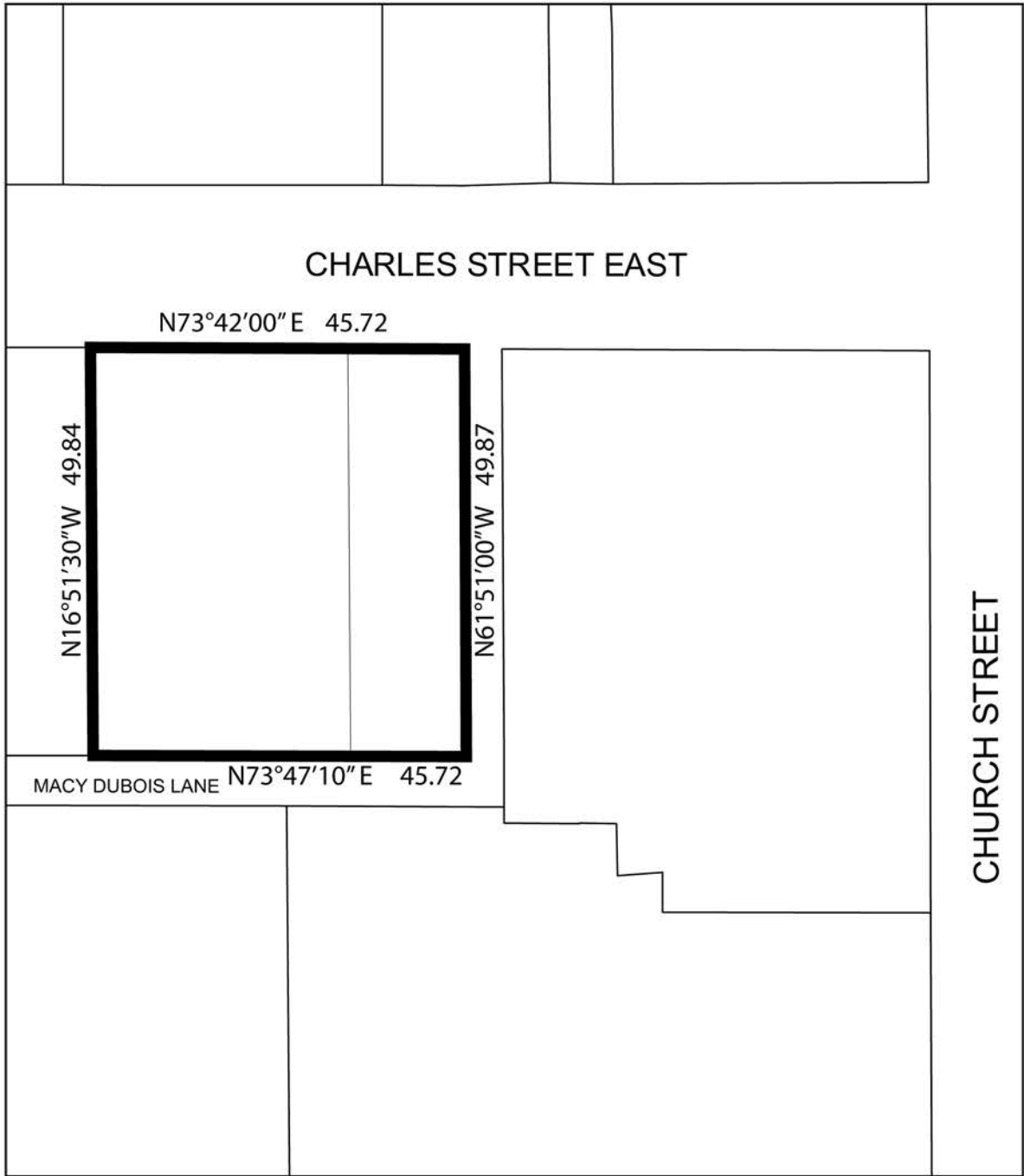
(19) The owner shall provide and maintain 140 knock-out panels between units on Levels 9-48 to enable the conversion or combination of two or more units into larger units, and include appropriate provision(s) in any condominium documents to enable any such conversions in the future.

Toronto Green Standard

(20) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

Construction Management


(21) Prior to the issuance of a permit for excavation and shoring work, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter will implement the plan during the course of construction. The Construction Management Plan will include the size and location of construction staging areas, dates of significant concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager of Transportation Services, in consultation with the Ward Councillor.

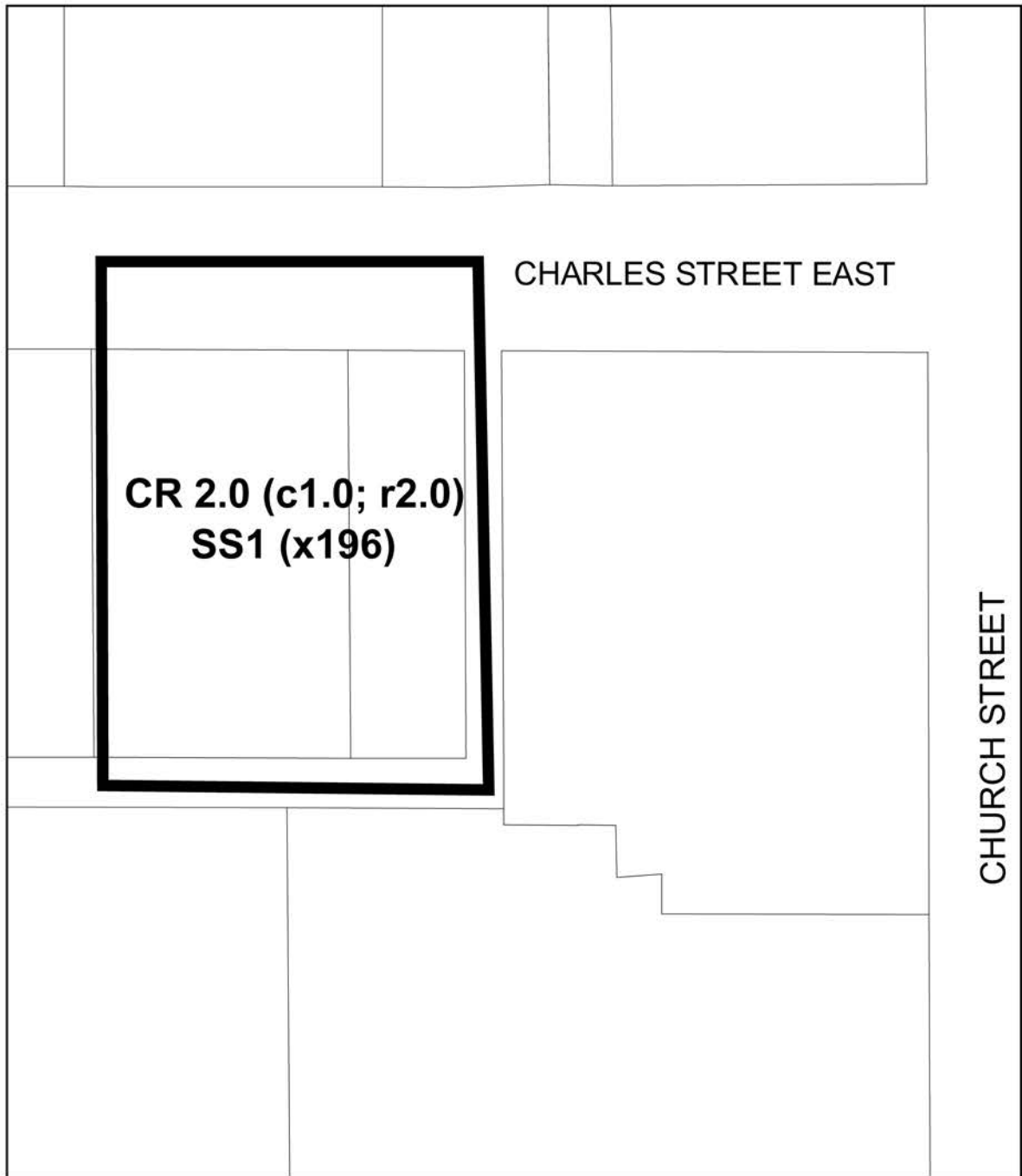


 **TORONTO**
Diagram 1

55-61 Charles Street East

File # 18 144553 STE 27 0Z


 City of Toronto By-law 569-2013
 Not to Scale
 6/5/2019

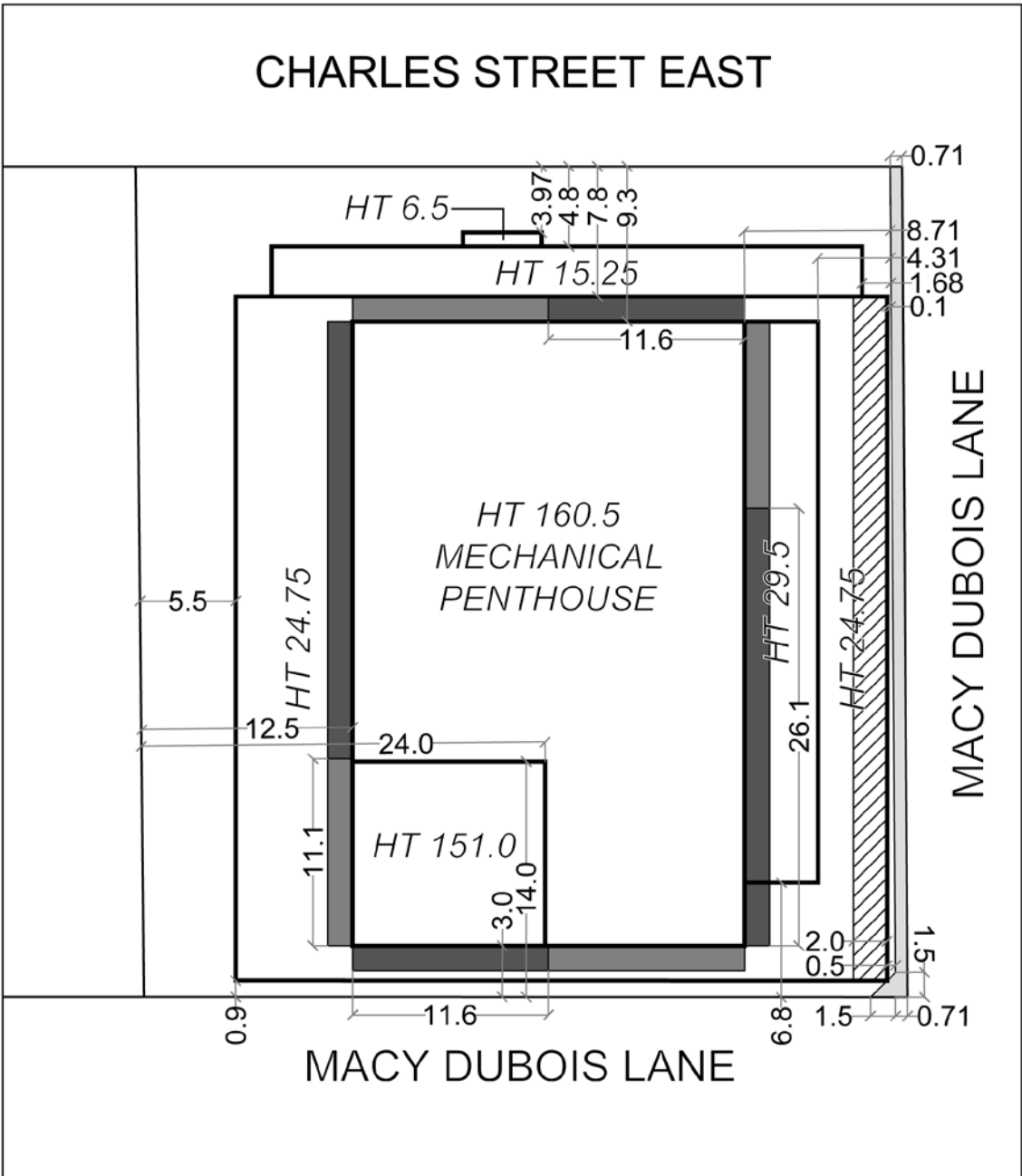


 **TORONTO**
Diagram 2

55-61 Charles Street East

File # 18 144553 STE 27 0Z


City of Toronto By-law 569-2013
Not to Scale
6/5/2019



TORONTO
Diagram 3

55-61 Charles Street East

File # 18 144553 STE 27 OZ

- ▒ Stratified Conveyance 1.2m depth from finished grade
- ▨ No part of the building shall be located within the hatched area from finished ground level to a height of 5.5 metres above grade
- Balcony projections on storeys 13-20, 25-28, 37-40
- Balcony projections on storeys 9-12, 21-24, 29-36, 41-48

City of Toronto By-law 569-2013
 Not to Scale
 6/20/2019