

# **TORONTO** STAFF REPORT

June 16, 2005

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Final Report  
Application No.: 04 164940 STE 27 OZ  
Applications to amend the former City of Toronto Official Plan and Zoning By-law 438-86, as amended  
Applicant: Wellesley Residences Corp. (Plazacorp Investments Limited)  
Architect: Quadrangle Architects Limited  
46 Wellesley Street East  
Ward 27 - Toronto Centre-Rosedale

## Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to permit the construction of a mixed use development consisting of a 28-storey residential building and commercial uses at grade at 46 Wellesley Street East.

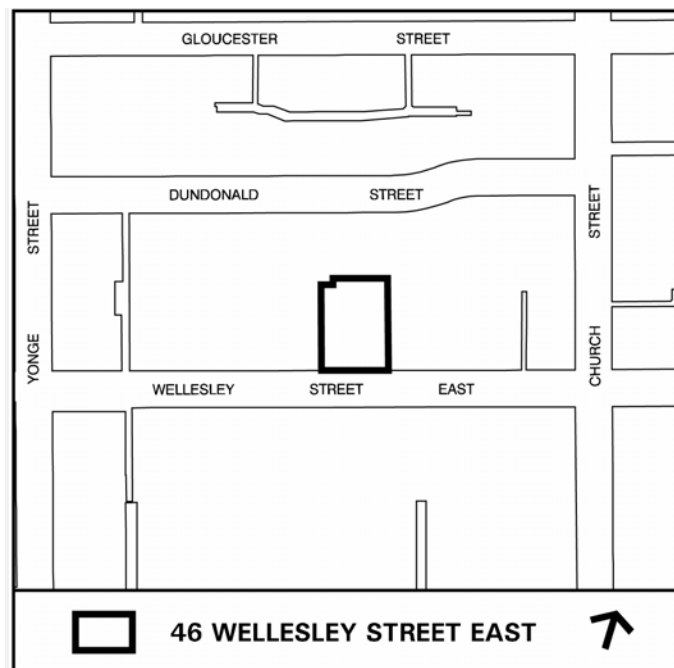
## Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

## Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7;
- (2) amend the Zoning By-law 436-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law



Amendment attached as Attachment No. 8;

- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and the draft Zoning By-law Amendment as may be required;
- (4) before introducing the necessary Bills to City Council for enactment, require the owner to execute one or more agreements under Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreements to be registered against the title of the lands for the development to secure the following facilities, services, and matters:
  - (a) contributions in the amount of \$500,000 as directed by the Chief Planner and Executive Director, City Planning Division, for the following local community improvement initiatives:
    - (i) \$310,000 toward the future acquisition or development of parkland in the area;
    - (ii) \$20,000 for capital improvements for the construction of a barrier-free access ramp by Loft Community Services at McEwan House, located at 20-22 Dundonald Street;
    - (iii) \$20,000 for capital improvements for repairs to the historical façade by Church-Isabella Residents Co-operative Inc. at Paul Kane House, located at 56 Wellesley Street East; and
    - (iv) \$150,000, which represents the value of a lease with “AIDS2006”, for capital improvements and use of a portion of the building on the lot, including certain occupancy costs, for the purpose of managing and hosting the XVI International AIDS Conference in Toronto;
  - (b) a public art landscape feature to highlight a connection to Paul Kane Park, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - (c) the improvement of the street right-of-way abutting the site, including streetscaping and tree installation, as directed by the Chief Planner and Executive Director, City Planning Division, the Executive Director, Technical Services and the General Manager, Parks, Forestry & Recreation; and
  - (d) the provision of an irrigation system at the owner’s expense for all street trees in the public right-of-way with automatic timer at the owner’s expense and that the irrigation system be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a backflow preventer, to the satisfaction of the Executive Director, Technical Services, including requirements to maintain the entire system in continuing good order and operation.

### Background:

Wellesley Residences Corp. owns the property at 46 Wellesley Street East. The property is a 1,840 square metre parcel located on the north side of Wellesley Street East, between Yonge Street and Church Street, immediately west of Paul Kane Park

### Proposal

The proposed development consists of a 28-storey mixed use (residential and commercial) building containing a total of 227 one and two-bedroom units. The proposal has a four-storey brick podium, above which rises a sculpted tower. The residential gross floor area totals 18,440 square metres, resulting in a density of 10.1 times the lot area. The proposal includes a total of 454 square metres of indoor residential amenity space and 454 square metres of outdoor residential amenity space and 160 square metres of at-grade retail space. The height to the main roof is 82.5 metres plus 4.9 metres for the mechanical penthouse for a total height of 87.4 metres.

A total of 155 underground parking spaces are proposed; 141 of these are for residential use and 14 are visitor spaces.

### Site Description

A vacant four-storey office building and an attached two-storey house-form building at the rear, recently used by St. John Ambulance, currently occupy the site. The following uses surround the site:

North: abutting the site are four 2.5-storey houses. There is also a pocket of two to 2.5 storey houses between Dundonald and Gloucester Streets. To the northwest is an eight-storey residential building, stepped back on the east side, adjacent to the houses.

South: on the south side of Wellesley Street East is the eight-storey Orthopaedic and Arthritic Institute, which is affiliated with Sunnybrook and Women's College Health Sciences Centre.

East: abutting the site is Paul Kane Park; there is a three-storey residential building at the north end of this site (Paul Kane House).

West: abutting the site is a five-storey office building with retail uses at grade.

Generally, the Yonge-Wellesley area consists of a mix of land uses and building forms. The residential buildings surrounding 46 Wellesley Street East include single-detached dwellings and apartment buildings. The residential dwellings vary in terms of age, design, height and density. The site is also within close proximity to retail services, commercial, office and institutional uses.

## Consistency with Provincial Policy Statement

Issued under the authority of Section 3 of the Planning Act, the Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. On March 1, 2005, a new PPS came into effect that replaces the policies that had been issued on May 22, 1996 and amended in 1997. PPS housing policies include the provision of an appropriate range of housing types and densities to meet the requirements of current and future residents, and the provision of housing in locations with appropriate levels of infrastructure and services. Council is required to make decisions on planning matters that are consistent with PPS policies.

## Former City of Toronto Official Plan

The site is designated as “High Density Residence Area” in the former City of Toronto Official Plan. This designation permits residential buildings with retail uses at grade, and allows for consideration of development up to three times the area of the lot.

## New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board.

Once the Plan comes into full force and effect, it will designate the property as “Mixed Use Area,” within the Downtown and Central Waterfront urban structure area. The lands to the west and south of the site will be designated as Mixed Use Area, the abutting lands to the north will be designated as Apartment Neighbourhood, and the lands on the north side of Dundonald Street will be designated as Neighbourhood. Paul Kane Park which abuts the east side of the site will be designated as a Park. Mixed Use Areas permit a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The new Plan requires that development advances the principles and criteria in Section 4.5.2, which sets out Development Criteria in a Mixed Use Area. Specifically, these criteria seek to ensure that the built form and massing of a new development provide a transition to lower scale areas and minimize potential shadow impacts on adjacent neighbourhoods. The proposal has been reviewed for its consistency with the principles and criteria of the Mixed Use Area designation.

The Downtown and Central Waterfront area policies, described in Section 2.2.1, promote residential intensification in a Mixed Use Area of the Downtown. This proposal has also been reviewed for its advancement of the principles and criteria of the Tall Buildings policies (Section 3.1.3).

A modification of the new Official Plan will not be required because the proposal meets the intent of the Mixed Use Area policies in the new Official Plan.

## Zoning

The site is zoned R3, Residential, with a density permission of 2.5 times the area of the lot, and a height limit of 30 metres.

## Site Plan Control

The applicant has filed a Site Plan Approval application (No. 04 164947 STE 27 SA), which is being considered concurrently with the Official Plan and Zoning By-law Amendment applications. The site plan approval process will be finalized subsequent to City Council's consideration of this report.

## Reasons for the Application

The proposed density of 10.1 times the area of the lot and total height of 87.4 metres exceed the underlying as-of-right permissions of 2.5 times and 30 metres, respectively, and therefore, amendments are required to the former City of Toronto Official Plan and Zoning By-law 438-86, as amended.

## Community Consultation

A significant community consultation process was undertaken. The initial community consultation meeting was held on December 8, 2004, which was attended by approximately 50 people. Issues raised at the meeting and in writing to staff following the meeting included physical impacts such as the massing, shadow, traffic impacts on Wellesley Street East and the general appropriateness of a tall building on this site.

Councillor Kyle Rae subsequently established a working group consisting of City Planning staff, the developer's team and several local residents. This group met on five occasions in an effort to improve the design and mitigate negative impacts on the neighbourhood. The fourth meeting, on March 31, 2005, was held concurrently with a 'peer review' of the proposed design. The reviewers, Jim Hancock, an architect and principal of the firm Hancock Bruckner Eng & Wright, based in Vancouver, and John Wright, a landscape architect and principal of the firm Corush Sunderland Wright, based in Ottawa, provided a critique of the proposal.

Several significant revisions to the design were made based on both the outcome of the working group meetings and on the peer review. Revisions based on comments of the working group included:

- (a) reducing the floor plate size of the building and increasing the height to reduce massing impacts;
- (b) including at-grade retail space to animate the streetscape;
- (c) shifting the building to the north to allow for a six-metre setback along Wellesley Street East to be consistent with building setbacks in the immediate vicinity;

- (d) eliminating the vehicular lay-by at the front of the building to allow for more pedestrian-friendly design features; and
- (e) consolidating two driveways into one internalized access point and loading area on the west side of the building to allow for a more pleasant pedestrian environment on the east side adjacent to Paul Kane Park.

Revisions based on comments provided at the peer review session included:

- (a) shifting the building one metre to the west to eliminate the setback, which was considered to be “orphaned space”;
- (b) windows and balconies were added to animate the western façade;
- (c) the balconies were redesigned to highlight the facets or planes of the building;
- (d) the live-work unit on the ground floor was eliminated to allow for more landscaped space at the front of the building;
- (e) lowering the ramp to the underground portion of the building, which will allow for the rear yard area to be graded to the level of the adjacent properties and landscaped, providing for a better view from these properties; and
- (f) eliminating the stepped podium on the east side of the building in favour of a four-storey podium on the west, south and east sides.

The majority of the members of the working group indicated support for the revised proposal. A second community open house was held on May 9, 2005, attended by approximately 20 people, at which the plans revised based on the working group and peer review process were presented. Several residents continued to express concerns about the impact of the massing and traffic generated.

#### Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate site-specific Zoning By-law standards.

#### Comments:

The proposal was reviewed in terms of policy, impact and fit within the surrounding context. Comments are provided below:

#### Land Use

Official Plan policies encourage new housing, residential intensification and infill development. The applicant proposes to redevelop the site with a 227-unit residential building. The location is well served by public transit, retail and services. The proposal provides a balanced approach to the site’s redevelopment and is consistent with the overall policy objectives of the Official Plan.

## Height, Massing, Light, View and Privacy

The proposed building height of 82.5 metres (excluding mechanical penthouse), or 28 stories, is higher than the zoned height limit of 30 metres (excluding mechanical penthouses) for this site. Extensive consultation between the applicant, Planning staff and neighbourhood residents was undertaken, which resulted in several revisions to the plans, including a building height with a massing that can be supported for this site in the context of the area. The revisions that were undertaken included the consolidation of the external parking access and loading functions into one internalized access, a shifting of the building to the west to allow for increased light penetration to the north, a terracing of the upper stories on the north face of the building and a reduction in the floor-plate size. This resulted in the building envelope being entirely within a 45-degree angular plane measured from the base of the front walls of the residences on the north side of Dundonald Street.

Several sites in the area have been approved and built with heights in the range of 60-80 metres. The tallest buildings in the immediate vicinity are the residential building, currently under construction, at 22 Wellesley Street East and the existing building at 15 Dundonald Street. Both are approximately 66 metres in height, excluding mechanical penthouses. While the tower proposed for the subject site is taller than these buildings, there are other buildings in the vicinity that have similar heights. The building at 100 Wellesley Street East (at the intersection of Wellesley and Jarvis Streets) is 80 metres in height, and the building at 33 Isabella Street (mid-way between Yonge and Church Streets) is 74 metres in height.

The building proposed for the site is a 'point tower'. Point towers are built with small floor-plates (generally less than 750 square metres) that result in thin buildings which tend to reduce impact on light and views. In this case, the proposed floor plates are 721 square metres from the 5<sup>th</sup> to the 24<sup>th</sup> floors, tapering significantly from 658 square metres on the 25<sup>th</sup> floor to 259 square metres on the 28<sup>th</sup> floor. The described floor plate sizes are secured through schedules defining the building envelopes attached to the draft Zoning By-law amendment.

Planning staff are satisfied that the proposed built form is appropriate for this site in this area, and that the site is able to physically accommodate the proposal. Generally, the small floor plate of the proposed building will reduce shadow impacts and reduce the sense of building mass. Shadow and wind impacts are addressed more specifically below.

### Shadow

The applicant has submitted shadow studies of the proposed building to illustrate the shadows that would be created at different times of the year and different times of the day. When reviewing these studies, staff took into account the specific impacts on the low-rise residential community to the north. The shadow impacts revealed by the studies were instrumental in staffs' efforts to pursue revisions to the design to terrace the upper floors on the north face of the building. This resulted in the achievement of a 45-degree angular plane measured to the base of the front walls of the residences on the north side of Dundonald Street. While in some comparable scenarios, the angular plane has been measured up from

the property lines of potentially impacted properties, staff have reviewed the angular plane applied to the proposal, which was measured from the base of the buildings on the north side of Dundonald Street, and believe it is acceptable. The shadow studies indicate that, given the slender shape of the building and the applied angular plane, the shadow impacts will be minimized during the times studied.

#### Wind

Generally, the massing of the proposed building with podium level setbacks and articulated tower massing is such that wind impacts will be mitigated. To ensure this is the case, the applicant will undertake a pedestrian level wind study prior to Site Plan Approval, which will assess the impact on the comfort level of pedestrians and, if necessary, recommend mitigation measures. These measures will be secured through the Site Plan Approval process.

#### Density

The density proposed for the site is 10.1 times the area of the lot, which represents an increase from 3.0 times the area of the lot permitted under the Zoning By-law. The proposed density is above what is typical in the immediate area, although it is less than what has been recently approved for the development at 22 Wellesley Street East (11.1 times the area of the lot).

As discussed above, the proposed height and massing of the development are acceptable in terms of light, view and privacy impacts. Shadowing, one measurable impact of the proposed height and density, has been found to be reasonable.

#### Impact on Future Development

The proposal was reviewed in the context of its impact on the development potential of the adjacent property to the west (40 Wellesley Street East). Staff believe that the as-of-right permission for a building of a height of 30 metres on the adjacent site is not compromised. However, should an application be made for a building with a height in excess of 30 metres, a careful review will need to be undertaken. Concerns would include the creation of a 'wall effect' along the north side of this portion of Wellesley Street East, which may result in significant shadow impacts and reduction in sky view for residents to the north. Such an application would also need to be reviewed in the context of urban design principles for the desirable spacing of tall buildings.

#### Vehicular Access, Traffic Impacts and Parking

Access to the underground garage and to the loading space will be provided by an internal ramp from Wellesley Street East on the west side of the building. The provision of one street access significantly reduces impacts to pedestrian and traffic movements.



Technical Services staff have reviewed the Traffic Impact Study (TIS) prepared by BA Group and subsequent addenda to the study and have advised that the site-generated traffic can be reasonably accommodated by the area road system and that the proposed site access driveway will operate acceptably. However, the owner is required to pay for the relocation of a pedestrian crossover on Wellesley Street East adjacent to the site.

The applicant has proposed a total of 155 parking spaces on four underground parking levels, of these, 14 spaces will be designated for visitor use and 141 spaces will be designated for resident use. This satisfies the minimum Zoning By-law requirements in terms of overall supply. Technical Services staff support the proposed parking supply.

The number of bicycle parking spaces proposed is 190, which exceeds the requirements of the Zoning By-law by 20 spaces.

The site is well served by transit as it is approximately 100 metres from the Wellesley station on the Yonge Street subway line, and Wellesley Street East is a bus route. It is also within walking and cycling distance of the downtown core.

#### Amenity Space

The proposal includes 454 square metres of indoor amenity space and 454 square metres of outdoor amenity space. These amounts meet the requirements of the Zoning By-law.

#### Tree Preservation

Urban Forestry staff have reviewed the application and associated Arborist Reports. There are six private trees located on the site and nine on adjacent property; the removal of seven of these trees (all six trees on the site and one on an adjacent site) is proposed. A separate approval process will be required for the trees identified for removal. A total of 20 new private trees, consisting of Marshall's Seedless Ash and Magyar Maidenhair trees with minimum trunk diameters of 60 mm, as well as assorted shrubs and ground cover are proposed to be planted on the site. The proposal contributes to the tree canopy.

Three street trees (red maples) are proposed to be temporarily removed during the construction period and will then be replaced to City standards. A separate approval process will be required. The street trees will be provided with an irrigation system.

#### Site Servicing

The applicant has provided to Technical Services staff a stormwater management and site servicing report that determine the sanitary flow, water supply and storm drainage demand. These have been reviewed and found to be acceptable.

## Community Benefits

A package of community benefits contributes to the planning merits of the proposal and implements Official Plan objectives related to well-managed and balanced growth. To adequately support intensification, the downtown requires renewal of community services and reinvestment in the public realm in order to address the quality of life objectives of the new Official Plan. As such, the applicant has agreed to provide the following benefits under Section 37 of the Planning Act:

- (a) \$310,000 toward the future acquisition or development of parkland in the area;
- (b) \$20,000 for capital improvements for the construction of a barrier-free access ramp by Loft Community Services at McEwan House, located at 20-22 Dundonald Street;
- (c) \$20,000 for capital improvements for façade repairs by Church-Isabella Residents Co-operative Inc. at Paul Kane House, located at 56 Wellesley Street East; and
- (d) \$150,000, which represents the value of a lease with “AIDS2006”, for capital improvements and use of a portion of the existing building on the lot, including certain occupancy costs, from June 2005 to September 2006, for the purpose of managing and hosting the XVI International AIDS Conference in Toronto.

The contribution to the International AIDS Conference comprises, in part, capital improvements and staff believe that this is an appropriate community benefit. The conference is an international initiative with City-wide implications, and it is estimated that it will generate close to \$40 million in direct expenditure in the City. The City is also providing an interest-free loan to “AIDS2006” for the hosting of the conference. The lease of this space through this contribution avoids the need to lease other space and reduces the need for additional funding.

In addition, matters relating to streetscape improvements on Wellesley Street East, including a landscape feature which highlights a connection to Paul Kane Park as well as street trees and irrigation and the timing of financial contributions will be secured in a Section 37 Agreement.

## Development Charges

It is estimated that the Development Charges for this project will be \$995,757. This is an estimate and the actual charge is assessed and collected upon issuance of the Building Permit.

Conclusions:

Staff recommend approval of Official Plan and Zoning By-law amendments to permit the development of a mixed-use building of 28 storeys in height. It responds to planning concerns raised during the process and will not have undue impacts on adjacent properties and public spaces.

Contact:

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Fax: (416) 392-1330  
Email: mcole2@toronto.ca

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Gary Wright  
Director, Community Planning, South District

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List of Attachments:

- Attachment 1: Application Data Sheet
- Attachment 2: Site Plan
- Attachment 3: West and South Elevations
- Attachment 4: East and North Elevations
- Attachment 5: Zoning (Map)
- Attachment 6: Official Plan (Map)
- Attachment 7: Draft Official Plan Amendment
- Attachment 8: Draft Zoning By-law Amendment

**Attachment 1: Application Data Sheet**

Application Type                      Official Plan Amendment &                      Application Number:    04 164940 STE 27 OZ  
 Details                                      Rezoning                                      OPA & Rezoning, Standard                      Application Date:                      August 10, 2004

Municipal Address:                      46 WELLESLEY ST E, Toronto ON  
 Location Description:                      CON 1 FB PT PARK LT8 \*\*GRID S2708  
 Project Description:                      Proposed 28 storey, 227 residential unit condominium.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
McCarthy Tetrault, Cynthia MacDougall	McCarthy Tetrault, Cynthia MacDougall	Quadrangle Architects Inc.	Wellesley Residences Corp., Leslie Yager

**PLANNING CONTROLS**

Official Plan Designation:	High Density Residence Area	Site Specific Provision:	N
Zoning:	R3 Z2.5	Historical Status:	N
Height Limit (m):	30	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	1840	Height:	Storeys:	28 + M.P.
Frontage (m):	37.27		Metres:	82.5 + M.P.
Depth (m):	50.24			
Total Ground Floor Area (sq. m):	605			Total
Total Residential GFA (sq. m):	18440.1		Parking Spaces:	155
Total Non-Residential GFA (sq. m):	160		Loading Docks	1
Total GFA (sq. m):	18600			
Lot Coverage Ratio (%):	33			
Floor Space Index:	10.1			

**DWELLING UNITS**

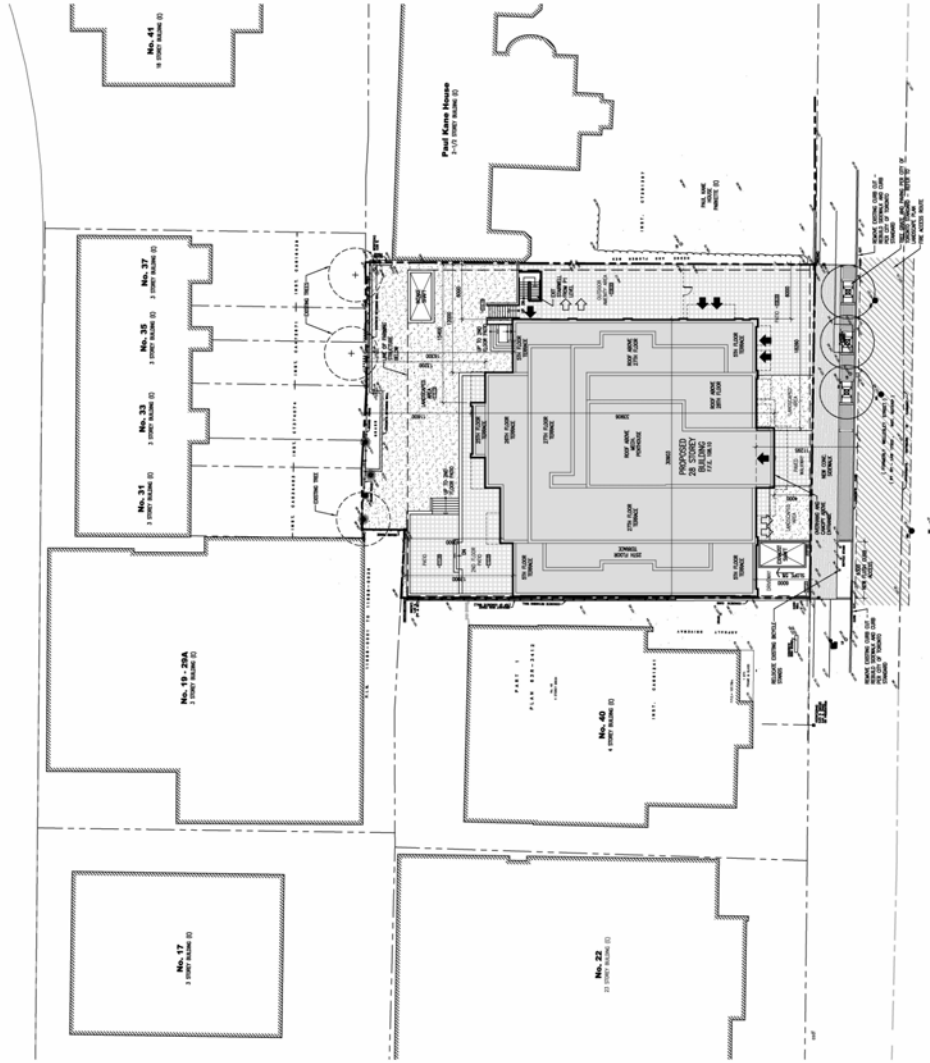
Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	158
2 Bedroom:	69
3 + Bedroom:	0
Total Units:	227

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

	<b>Above Grade</b>	<b>Below Grade</b>
Residential GFA (sq. m):	18440.1	0
Retail GFA (sq. m):	160	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

**CONTACT:                      PLANNER NAME:                      Michael Cole, Planner**  
**TELEPHONE:                      (416) 392-0420**

### Attachment 2: Site Plan



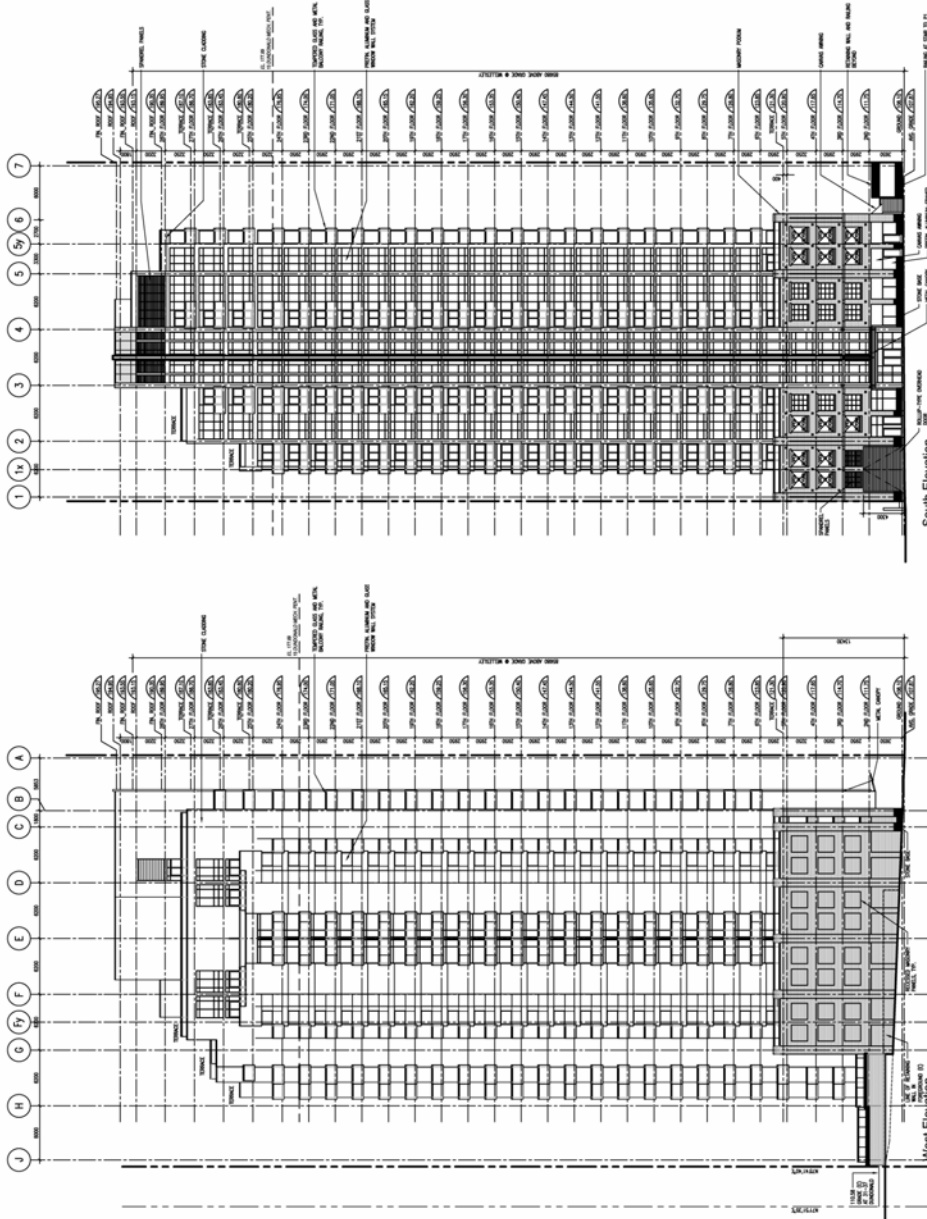
46 Wellesley Street East

Site Plan  
Applicant's Submitted Drawing  
Not to Scale  
05/20/05



File # 04\_164940

### Attachment 3: West and South Elevations



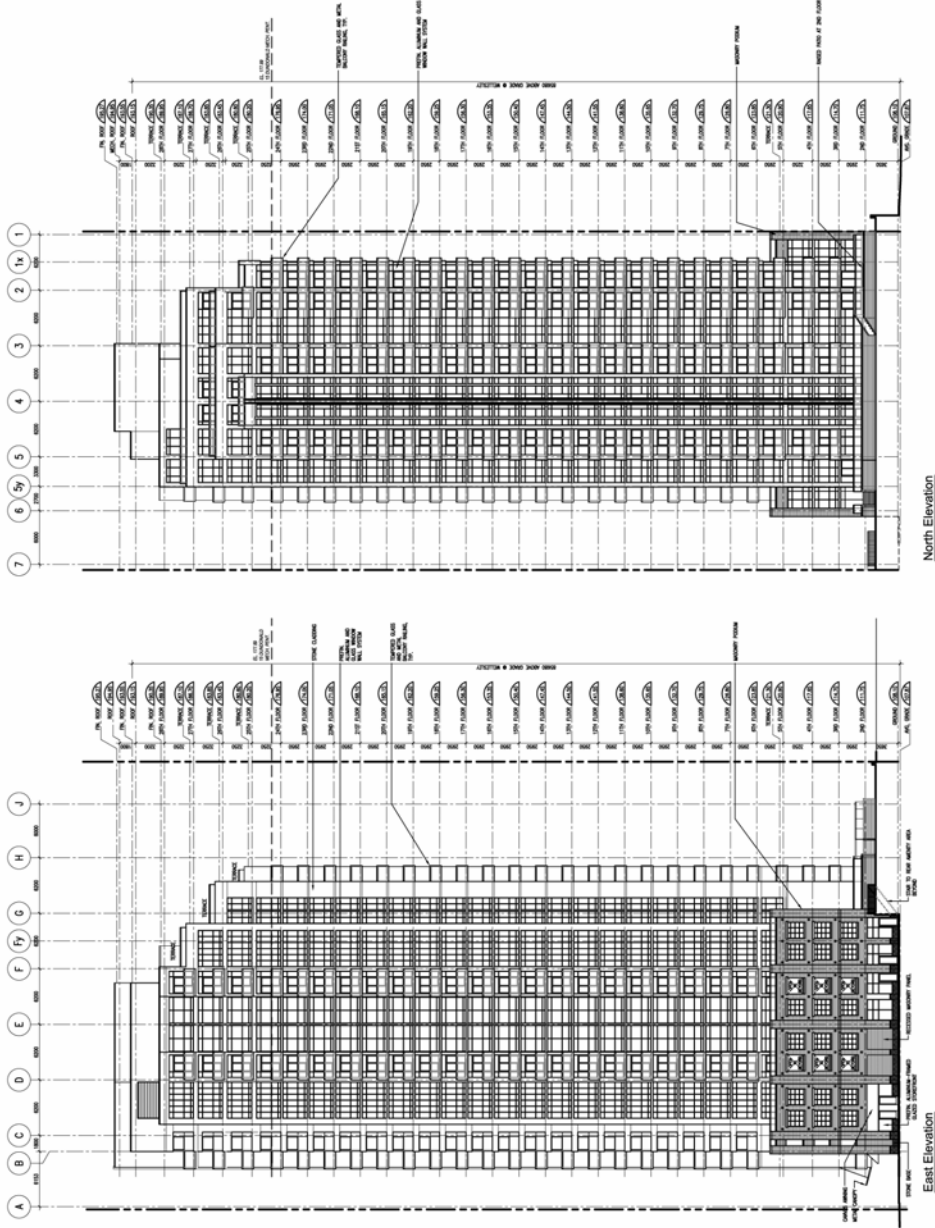
## 46 Wellesley Street East

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
05/20/05

File # 04\_164940

### Attachment 4: East and North Elevations



## 46 Wellesley Street East

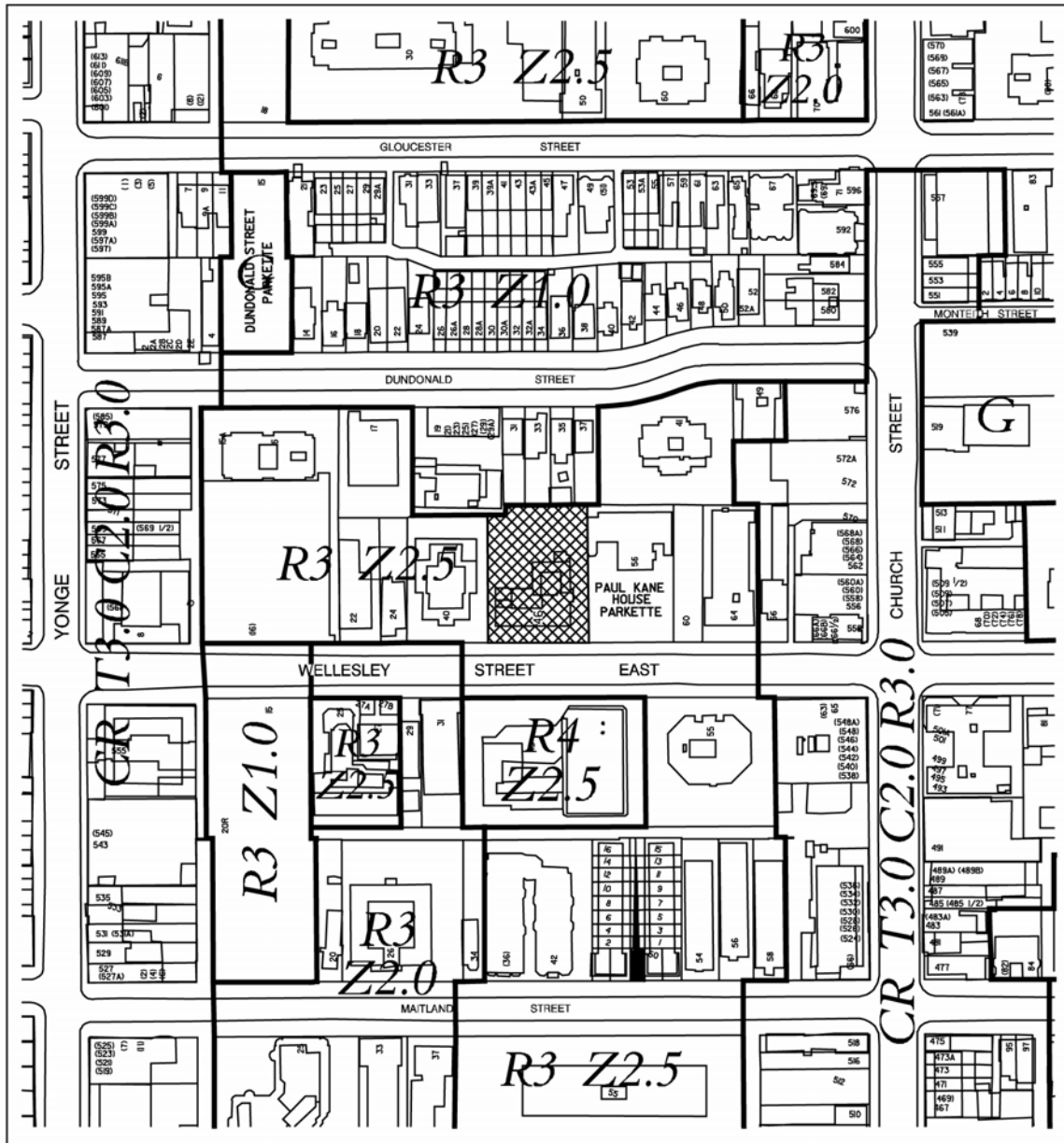
## Elevations

Applicant's Submitted Drawing

Not to Scale  
05/20/05

File # 04\_164940

### Attachment 5: Zoning (Map)



46 Wellesley Street East

File # 04\_164940

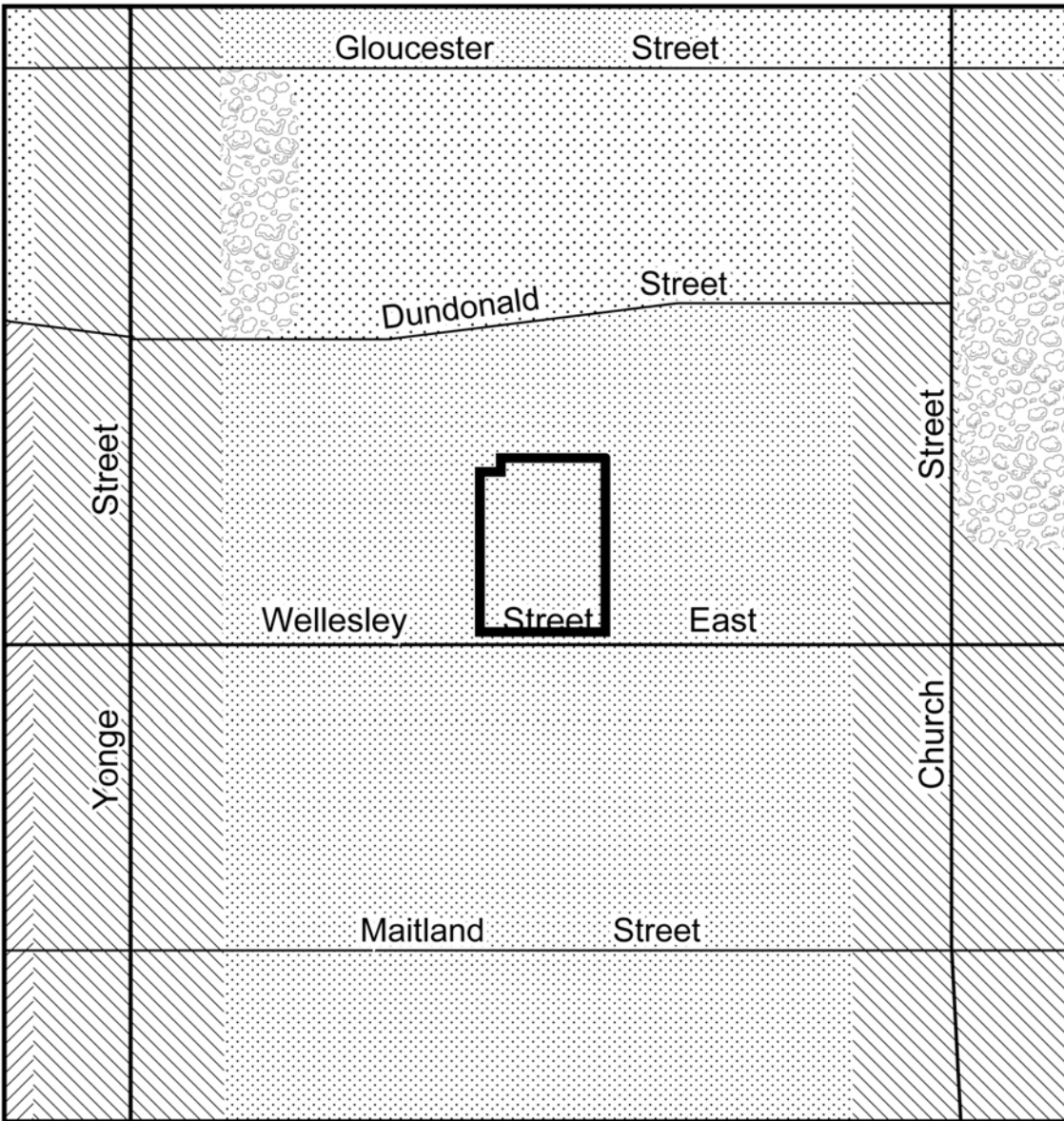
- G Parks District
- R3 Residential District
- R4 Residential District
- CR Mixed-Use District



Not to Scale  
 Zoning By-law 438-86 as amended  
 Extracted 04/22/05 - TA



### Attachment 6: Official Plan (Map)



 **TORONTO** City Planning  
Official Plan

**46 Wellesley Street East**  
File # 04\_164940

- |  |   |
|--|---|
|  Site   |  Medium Density Mixed Commercial - Residential Areas |
|  Medium Density Residence Areas                   |  Open Space  |
|  High Density Residence Areas                     |   |
|  Low Density Mixed Commercial - Residential Areas |   |

  
Not to Scale  
04/22/05

**Attachment 7: Draft Official Plan Amendment**

Authority: Toronto and East York Community Council Report No. xx, Clause No.  
xx, as adopted by City of Toronto Council on xx xx, 2005  
Enacted by Council: xx xx, 2005

**CITY OF TORONTO**

**BY-LAW No. xxx - 2005**

**To amend the Official Plan of the former City of Toronto with respect to lands  
known as 46 Wellesley Street East**

The Council of the City of Toronto HEREBY ENACTS as follows:

The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.

This is Official Plan Amendment No. 346.

ENACTED AND PASSED this xx day of xx , 2005.

DAVID R. MILLER  
Mayor

ULLI S. WATKISS  
City

Clerk

(Corporate Seal)

## SCHEDULE "A"

Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.669 and the attached Map 18.669:

"18.669        Lands municipally known in the year 2005 as 46 Wellesley Street East

See Map 18.669 at the end of this Section.

- (1)        Notwithstanding any other provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.xxx to permit the erection and use of a building containing *residential* uses and *commercial* uses having a maximum gross floor area of 18,605 square metres, provided that:
  - (a)        the *residential gross floor area* does not exceed 18,445 square metres; and
  - (b)        the *non-residential gross floor area* does not exceed 160 square metres;
- (2)        Council may not pass any by-law designating the lands for uses described in Section 1 hereof, unless in return for the residential densities and height permissions thereby granted, the owner of the lands is required by such by-law to have first entered into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters set out in Section 3 hereof, and to ensure that such agreement is in a form satisfactory to the City and is appropriately registered on title to the lands;
- (3)        In return for the residential densities and height permissions granted by a by-law designating the lands for residential and other uses, including any by-law described in Section 1 hereof, the owner shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the following facilities, services and matters to be provided at the owner's expense:
  - (a)        the owner agrees to contributions in the amount of \$500,000.00 for the following local community improvement initiatives:
    - (i)        the future acquisition or development of new parkland in the area;

- (ii) capital improvements by Loft Community Services at McEwan House, located at 20-22 Dundonald Street;
  - (iii) capital improvements by Church-Isabella Residents Co-operative Inc. at Paul Kane House, located at 56 Wellesley Street East; and
  - (iv) capital improvements and use of a portion of the building at 46 Wellesley Street East, equivalent to \$150,000, for AIDS2006, for the purpose of managing and hosting the XVI International AIDS Conference;
- (b) the owner agrees to provide a public art landscape feature to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - (c) the owner agrees to undertake improvement of the street rights-of-way abutting the site, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry & Recreation and the Executive Director, Technical Services;
  - (d) the owner agrees to provide an irrigation system for all street trees in the public right-of-way which irrigation system has an automatic timer, is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a backflow preventer, all to the satisfaction of the Executive Director, Technical Services, including requirements to maintain the entire system in continuing good order and operation; and
  - (e) the owner enters into an agreement with the City, satisfactory to the City Solicitor, pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters referred to in this By-law, as well as those matters deemed appropriate for the orderly development of the lands, and such agreement shall be registered against title to the *lot*.”

**Attachment 8: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Report No. xx, Clause No. xx, as adopted by City of Toronto Council on xx xx, 2005  
Enacted by Council: xx xx, 2005

**CITY OF TORONTO**

**BY-LAW NO. xxx - 2005**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto respecting lands known municipally in the year 2005 as 46 Wellesley Street East.**

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2005 as 46 Wellesley Street East; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed zoning by-law amendment; and

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

WHEREAS the owner of the land that is the subject of this by-law has elected to provide the facilities, services and matters as hereinafter set out; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted by 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 land and the City of Toronto; and

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; 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 land as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of section 2 with respect to *grade* and section 4(2)(a)(i) and (ii), 4(5)(b) as it relates to non-residential gross floor area only, 4(5)(i), 4(12), 4(13), 4(16), 6(1), 6(3) Part I, 6(3) Part II, 6(3) Part III of By-law No. 438-86, 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 mixed-use building and accessory uses, including a parking garage, on the lands municipally known in the year 2005 as 46 Wellesley Street East (hereinafter referred to as the *lot*) provided:
  - (a) the *lot* consists of the lands delineated by heavy lines on the attached Map 1;
  - (b) the combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 18,605 square metres, of which not more than 18,445 square metres shall be *residential gross floor area* and not more than 160 square metres shall be *non-residential gross floor area*;
  - (c) the *non-residential gross floor area* shall be limited to one or more uses permitted under section 8(1)(f)(b)(iv) of By-law no. 438-86;
  - (d) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 with the exception of the following:
    - (i) cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, bay windows, wheel chair ramps, underground garage ramps and their associated structures and landscape features, all of which may extend beyond the heavy lines on the attached Map 2;
    - (ii) balconies may extend up to 1.0 metres beyond the heavy lines on the attached Map 2;
  - (e) the *height* of any building or structure, or portion thereof, does not exceed those *heights* as indicated by the numbers following the symbol H on the attached Map 2, except for the following:
    - (i) a structure on the roof of the building used for outside or open air recreation, safety or wind protection purposes, chimney stack or other heating, cooling or ventilating equipment, window washing equipment on the roof of the building, ornamental elements, parapets, stairs, stair enclosures and safety railings may exceed the height limit on the attached Map 2 by no more than 3.0 metres;

- (f) a minimum of 454 square metres of indoor *residential amenity space* shall be provided on the *lot* in a multi-purpose room or a number of rooms that have a kitchen and a washroom adjoining or directly accessible thereto;
  - (g) a minimum of 454 square metres of outdoor residential amenity space shall be provided on the *lot* of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor residential *amenity space*;
  - (h) a minimum of 635 square metres of *landscaped open space* shall be provided on the *lot*;
  - (i) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
    - (i) 0.5 *parking spaces* for each *one bedroom dwelling unit*;
    - (ii) 0.75 *parking spaces* for each *two bedroom dwelling unit*; and
    - (iii) 0.06 *parking spaces* for every *dwelling unit* for visitors use;
  - (j) a minimum of 190 *bicycle parking spaces* shall be provided and maintained on the *lot*, and of the total number of *bicycle parking spaces* provided, 80% shall be designated *bicycle parking space – occupant*, and 20% shall be designated *bicycle parking space – visitor*;
  - (k) at least one *loading space-type G* shall be provided and maintained on the *lot*; and
  - (l) the width of the driveway shall be a minimum of 5.5 metres, except at the point where it is perpendicular to the garage door, at which point the width may be 5.0 metres.
2. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development contemplated by 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 to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in section 2(e) hereof:
- (a) the owner agrees to contributions in the amount of \$500,000.00 towards the following community improvement initiatives:

- (i) a contribution in the amount of \$310,000.00 to the City for the future acquisition and development of new municipal parkland in the area;
- (ii) a contribution in the amount of \$20,000.00 to the City for the purpose of capital improvements by Loft Community Services at McEwan House, located at 20-22 Dundonald Street;
- (iii) a contribution in the amount of \$20,000.00 to the City for the purpose of capital improvements by Church-Isabella Residents Co-operative Inc. at Paul Kane House, located at 56 Wellesley Street East; and
- (iv) capital improvements and use of a portion of the building at 46 Wellesley Street East, equivalent to \$150,000.00, for AIDS2006, for the purpose of managing and hosting the XVI International AIDS Conference;

which contributions for the items specified in sections 2(a)(i), 2(a)(ii) and 2(a)(iii), are payable prior to issuance of the first above-grade building permit;

- (b) the owner agrees to provide a public art landscape feature, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (c) the owner agrees to undertake improvement of the street right-of-way abutting the lot, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry & Recreation, and the Executive Director, Technical Services;
- (d) the owner agrees to provide an irrigation system for all street trees in the public right-of-way which irrigation system has an automatic timer, is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a backflow preventer, all to the satisfaction of the Executive Director, Technical Services, including requirements to maintain the entire system in continuing good order and operation; and
- (e) the owner enters into an agreement with the City, satisfactory to the City Solicitor, pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters required by section 2 of this By-law, as well as those matters deemed appropriate for the orderly development of the lands, and such agreement shall be registered against title to the *lot*.



3. None of the provisions of By-law No. 438-86 shall apply to prevent a sales office or interim office use for the purpose of managing and hosting the XVI International AIDS Conference in a building on the lot as of the date of the passing of this By-law or for a sales office in a sales trailer on the lot.
4. For the purposes of this By-law:
  - (a) “*grade*” shall mean 107.87 metres Canadian Geodetic Datum;
  - (b) “*existing building*” shall mean the building located on the lot as of the date of the passing of this by-law;
  - (c) “*landscaped open space*” shall mean open, unobstructed space on the *lot* that is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping, including outdoor areas within 2.5 metres of *grade* which are designated as *residential amenity space* pursuant to the requirements of this by-law, and not withstanding the foregoing includes any:
    - (i) surfaced walk, outdoor *bicycle parking space – visitor*, communal patio or similar area, including the patio associated with the uses permitted under section 1(c) of this by-law; and
    - (ii) outdoor tennis or badminton court or similar sports or recreational area; outdoor unenclosed swimming pool or decorative pool, but does not include a driveway or ramp, whether surfaced or not, a curb, retaining wall, motor vehicle parking area or an open space beneath or within a building or structure; 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.

ENACTED AND PASSED this xx day of xx, A.D., 2005.

DAVID R. MILLER

Mayor

Clerk

(Corporate Seal)

ULLI S. WATKISS

City