

# TORONTO STAFF REPORT

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March 16, 2006

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Subject: Preliminary Report  
Official Plan and Zoning By-law Amendments Application 05 212275 STE 27  
OZ  
Applicant: Ian Lord, Weir and Foulds LLP  
Architect: Hendrik Op't Root Architect Ltd.  
40 Wellesley Street East  
Ward 27, Toronto Centre-Rosedale

Purpose:

To provide preliminary information on the above-noted application and to seek Community Council's directions on further processing of the application and on the community consultation process.

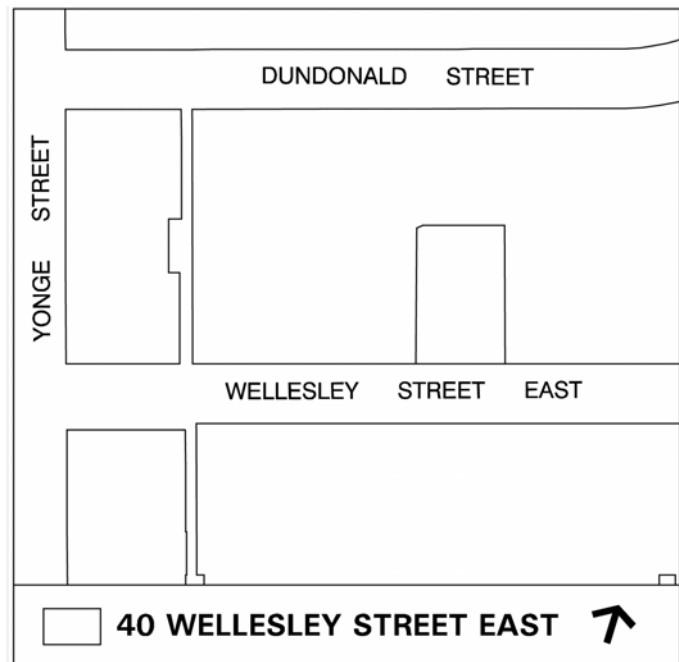
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor; and
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.



Background:

First Urban (2060580 Ontario Inc.) owns 40 Wellesley Street East. The property is a 1,313 square metre parcel located on the north side of Wellesley Street East, between Yonge Street and Church Street, two lots east of the Wellesley subway and bus station.

The owner of the site has appealed City Council's adoption of Official Plan and Zoning By-law amendments for the adjacent site to the east, at 46 Wellesley Street East, to the Ontario Municipal Board. These amendments would permit the development of a 28-storey mixed use building. The Hearing is scheduled to commence on May 23, 2006.

Comments:

Proposal

The proposed development consists of a 44-storey mixed use (residential and hotel) building containing a total of 214 condominium units and 126 boutique hotel rooms. The building is elevated so that there is an open three-storey atrium at grade, above which rises the building mass. The residential gross floor area totals 18,447 square metres, resulting in a density of 21.4 times the lot area. The proposal includes a total of 628 square metres of indoor residential amenity space and 318 square metres of outdoor residential amenity space. The height to the main roof is 148 metres plus 14.4 metres for the mechanical penthouse for a total height of 162.4 metres. A total of 116 underground parking spaces are proposed.

Site Description

A five-storey commercial (office) building with retail uses at grade currently occupies the site.

The following uses surround the site:

North: abutting the site is an eight-storey residential building, stepped back on the east side. To the northeast, adjacent to this building, are four 2.5-storey houses.

South: on the south side of Wellesley Street East is a two-storey commercial (office) building. To the east of this is the eight-storey Orthopaedic and Arthritic Institute.

East: abutting the site is a four-storey office building. To the east of this 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 22-storey residential building, currently under construction. To the west of this is the Wellesley TTC subway and bus station.

Generally, the Yonge-Wellesley area consists of a mix of land uses and building forms. The residential buildings surrounding 40 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 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 adjacent to the subject site are designated Mixed Use Areas, Apartment Neighbourhoods and Neighbourhoods. The Plan contains development criteria that direct the form and quality of development in this area. The proposal will be reviewed for compliance with these criteria and conformity with the intent of the new 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

To date, a Site Plan Control application has not been filed.

### Reasons for the Application

The proposed density of 21.4 times the area of the lot and total height of 148 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.

## Issues to be Resolved

This application is incomplete. Details are further discussed in the Requirement for Additional Information section. Prior to presenting a Final Report to Community Council, the following issues as well as any other issues that may be identified must be addressed:

- (a) the ability to meet the intent and spirit of the existing and new Official Plan, Council policies and other applicable planning policies including the Provincial Policy Statement, and to represent good planning and community building;
- (b) the appropriate height and massing of the building;
- (c) the spacing of towers in this area of the Downtown;
- (d) the mitigation of impact on the surrounding buildings, uses and spaces, such as Paul Kane Park, including but not limited to light, view, privacy, sunlight penetration, shadow and sky view;
- (e) the contribution to (or detraction from) the local urban environment and appropriate design and integration of the public and private realms;
- (f) the at-grade relationship of the building to the street;
- (g) the relationship to abutting buildings;
- (h) the building functionality and design, given the small, constraining nature of the site;
- (i) the ability to be adequately serviced by existing municipal infrastructure;
- (j) the transportation/access issues, especially given the proposed hotel/condominium use of the building; and
- (k) the identification and security of public benefits pursuant to Section 37 of the Planning Act including appropriate community services, facilities and amenities which address local priorities, including public art.

The application has been circulated to City Divisions for review. This circulation and community consultation may identify other issues that require resolution.

## Requirement for Additional Information

To assist staff with their review of the proposal, the following studies and reports are normally required by the City at this stage in the review process:

### Site Servicing Report

A Site Servicing Report by a qualified consultant is required to determine the sanitary flow and water supply demand resulting from the proposed development, how the site can be serviced and whether the existing municipal infrastructure is adequate or whether infrastructure upgrades and improvements are required.

### Pedestrian Level Wind Study

A Pedestrian Level Wind Study is required to assess the predicted effects of the building mass on wind velocities and currents that impact pedestrians.

### Transportation Impact Study

A Transportation Impact Study will be required by the Transportation Planning section of the City Planning Division and the Transportation Services Division.

### Section 37

The Official Plan contains provisions pertaining to the provision of public benefits for increased height and density pursuant to Section 37 of the Planning Act. City Planning staff, in consultation with the local Councillor, would discuss with the applicant how these policies will be addressed should this application, or some variation thereof, proceed.

### Public Art

The former City of Toronto Official Plan contains provisions regarding a public art contribution in all development proposals exceeding 20,000 square metres of gross floor area. In its current form, the developer would be required to make a public art contribution in keeping with Official Plan policy.

### Conclusions:

The proposal is significant in scale and greatly exceeds the limits of governing planning controls. The next steps in the review process are to hold a community consultation meeting in the local neighbourhood. Once the review is complete, a Final Report will be prepared for consideration by Community Council.

Contact:

Michael Cole, Planner  
Phone: (416) 392-0420  
Fax: (416) 392-1330  
Email: mcole2@toronto.ca

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Gary Wright  
Director, Community Planning, Toronto and East York District

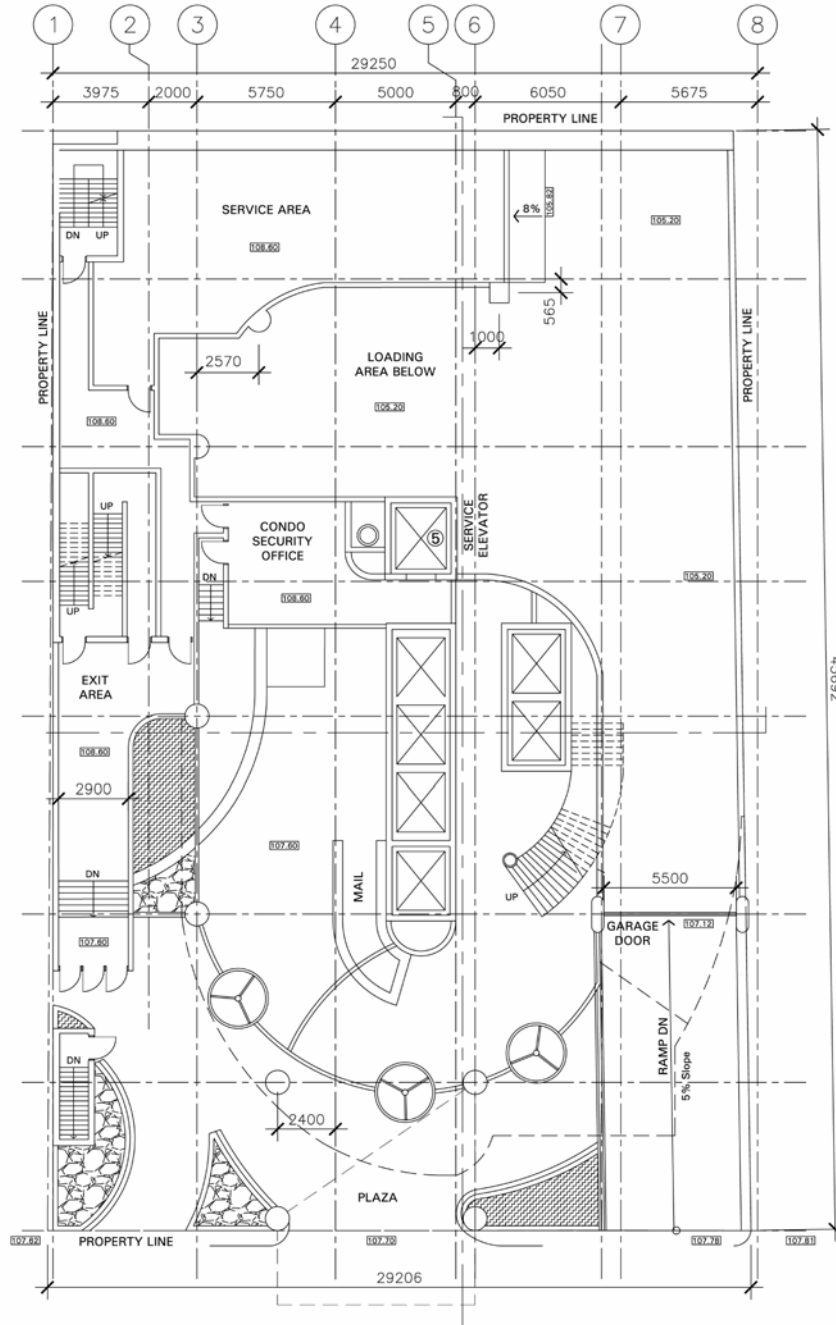
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List of Attachments:

Attachment 1: Application Data Sheet  
Attachment 2: Site Plan  
Attachment 3: West Elevation  
Attachment 4: East Elevation  
Attachment 5: South Elevation  
Attachment 6: North Elevation  
Attachment 7: Official Plan (Map)  
Attachment 8: Zoning (Map)



### Attachment 2: Site Plan



## Site Plan

Applicant's Submitted Drawing

Not to Scale  
02/28/06

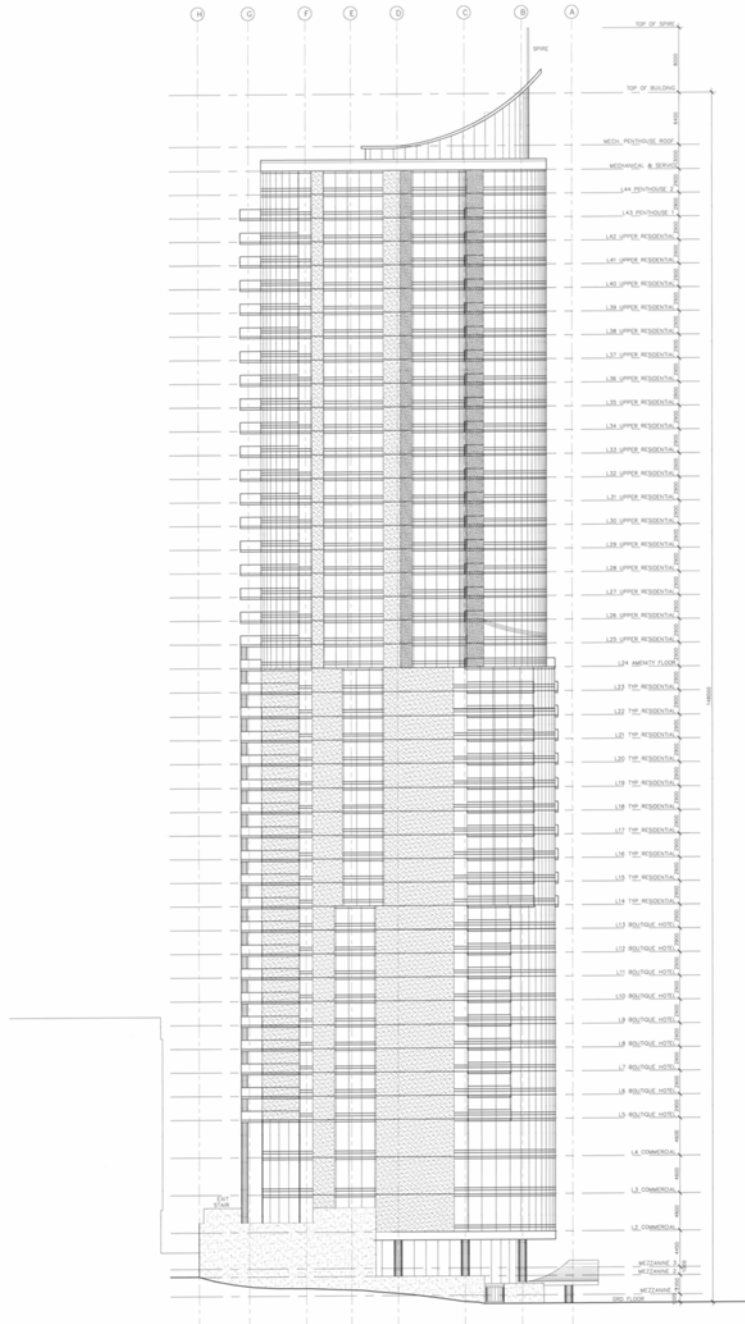


## 40 Wellesley Street East

File # 05\_212275



### Attachment 3: West Elevation



## West Elevation

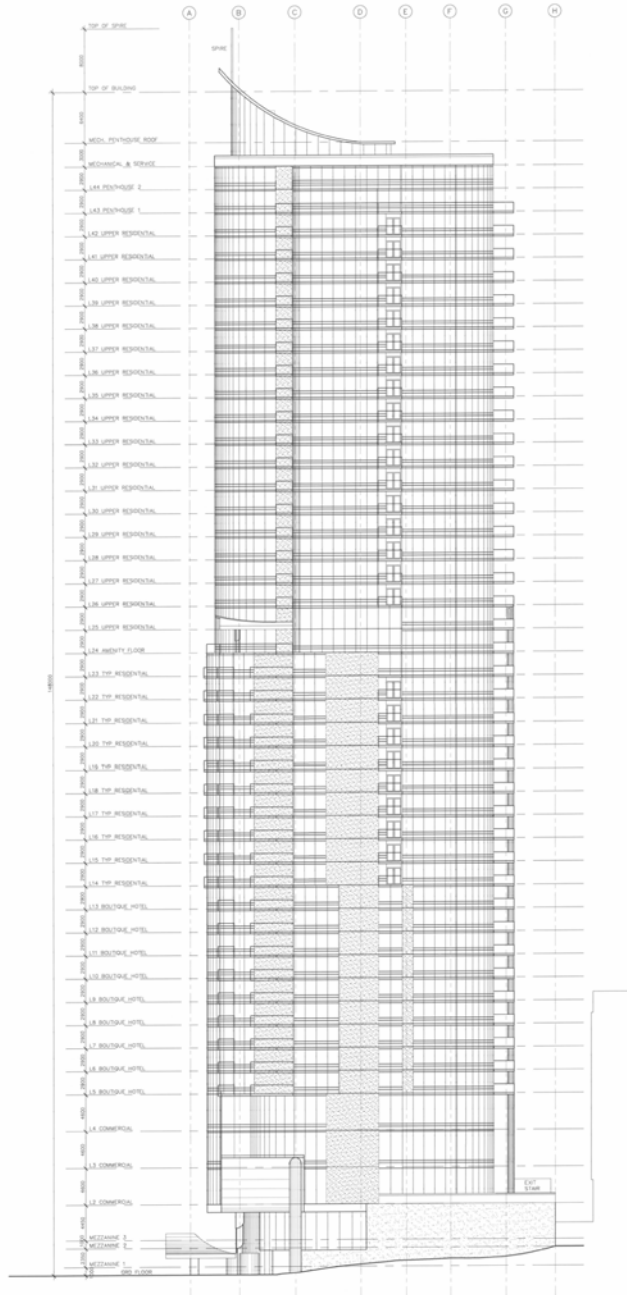
Applicant's Submitted Drawing

Not to Scale  
02/28/06

## 40 Wellesley Street East

File # 05\_212275

### Attachment 4: East Elevation



## East Elevation

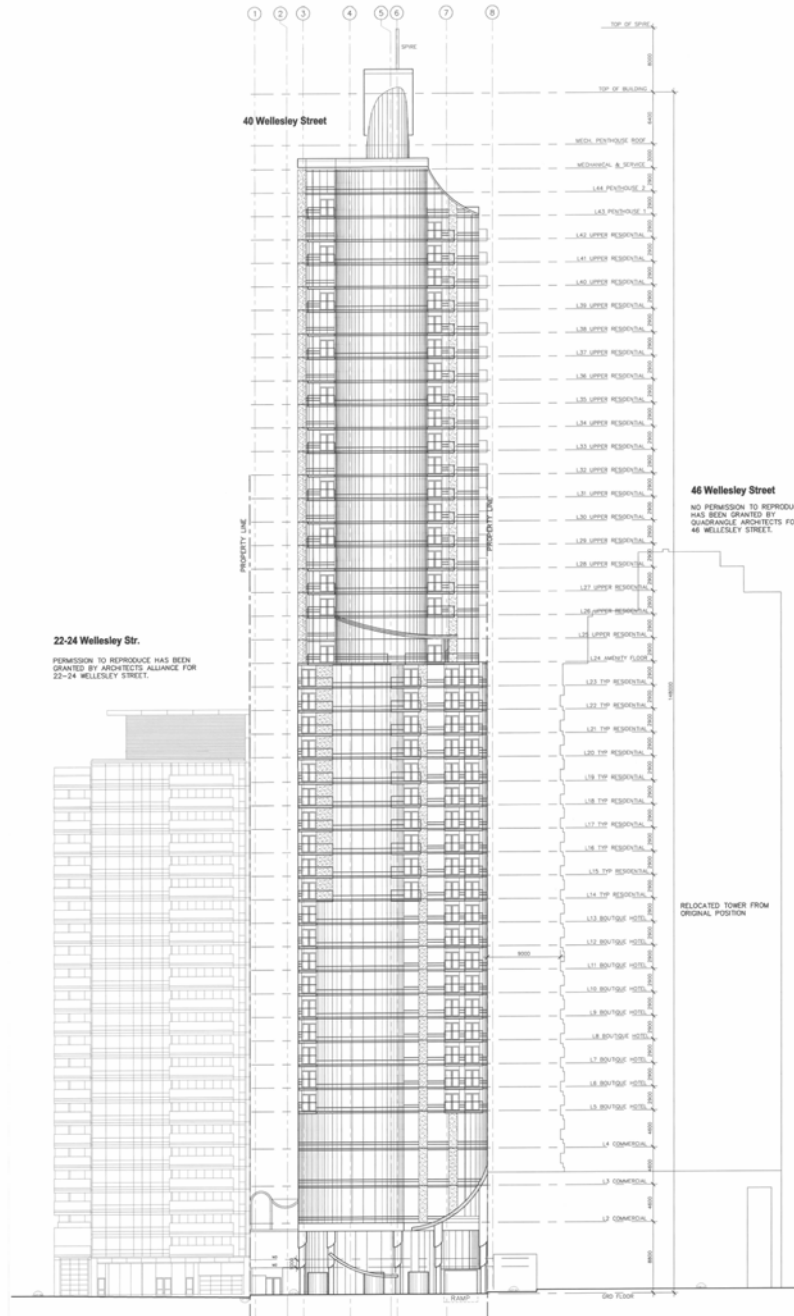
Applicant's Submitted Drawing

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40 Wellesley Street East

File # 05\_212275

### Attachment 5: South Elevation



## South Elevation

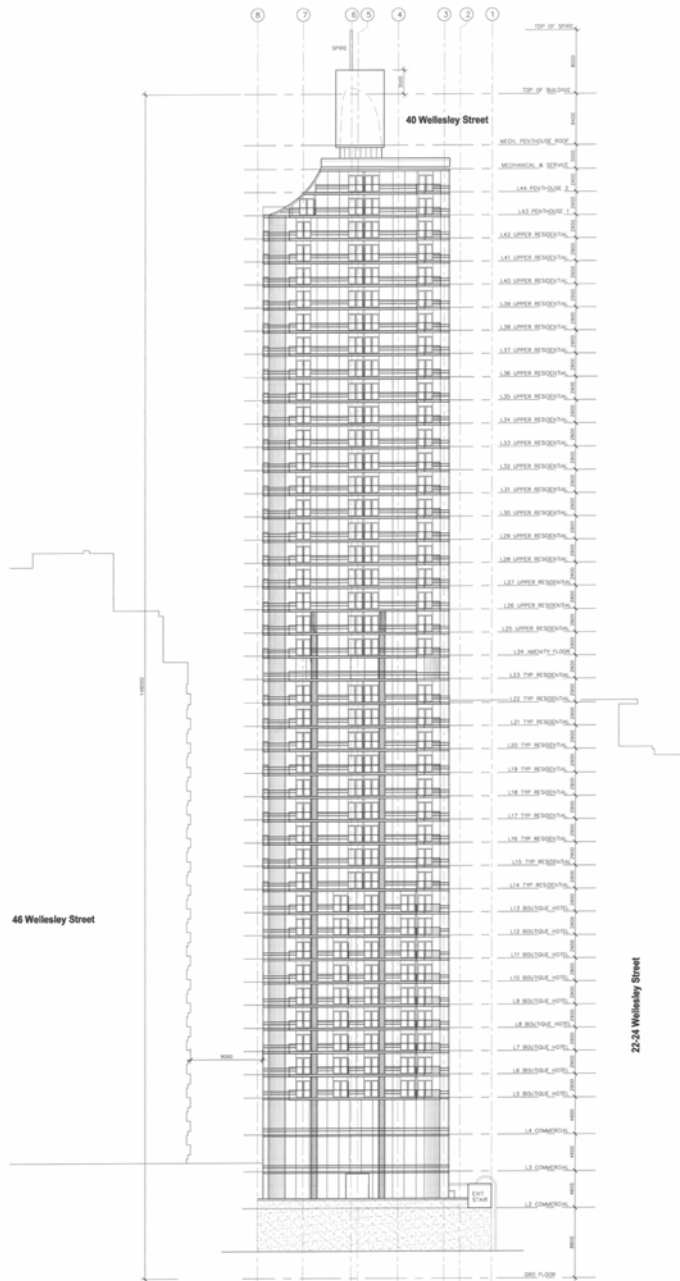
Applicant's Submitted Drawing

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## 40 Wellesley Street East

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### Attachment 6: North Elevation



## North Elevation

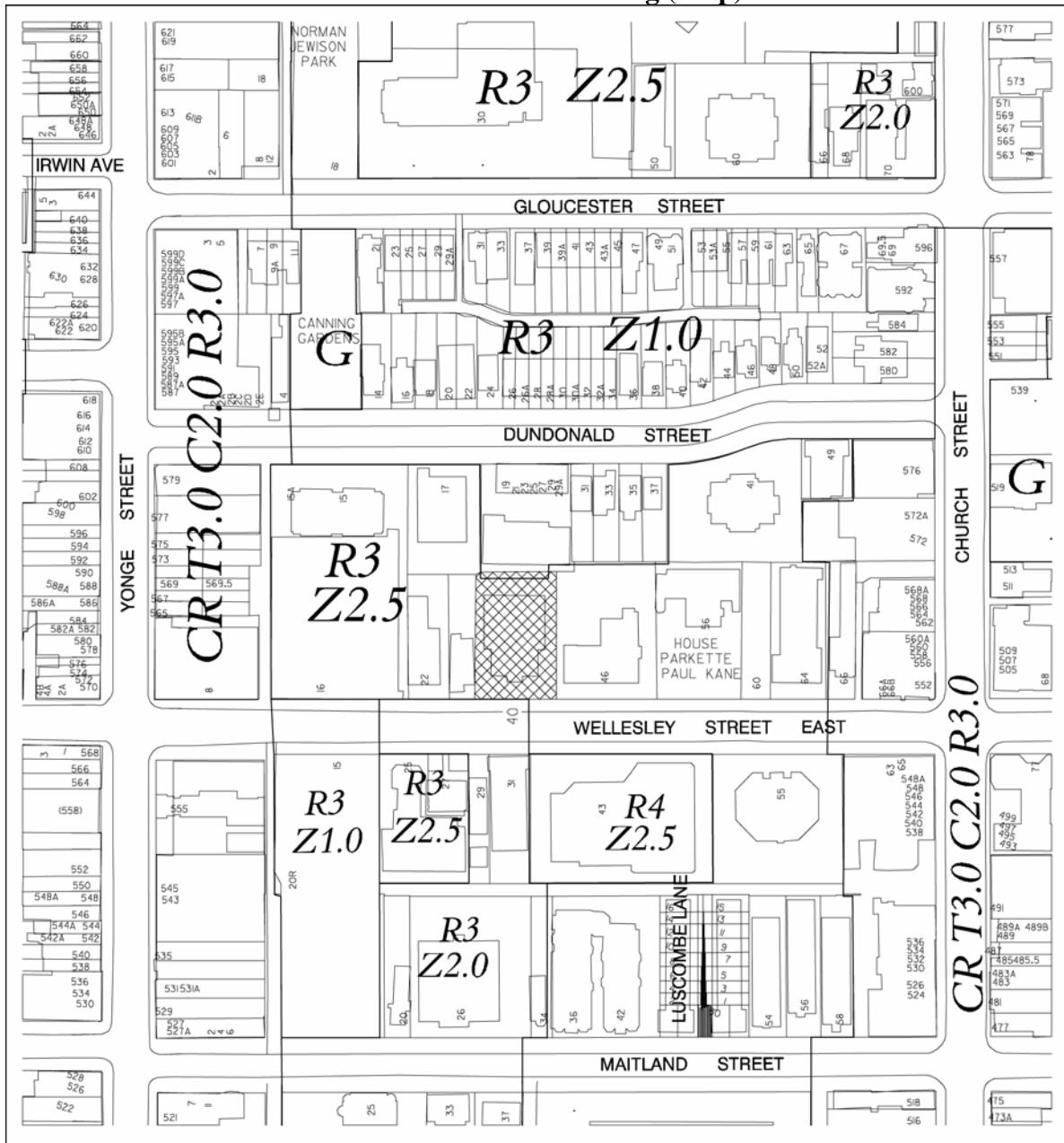
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## 40 Wellesley Street East

File # 05\_212275

### Attachment 7: Zoning (Map)



## 40 Wellesley Street East

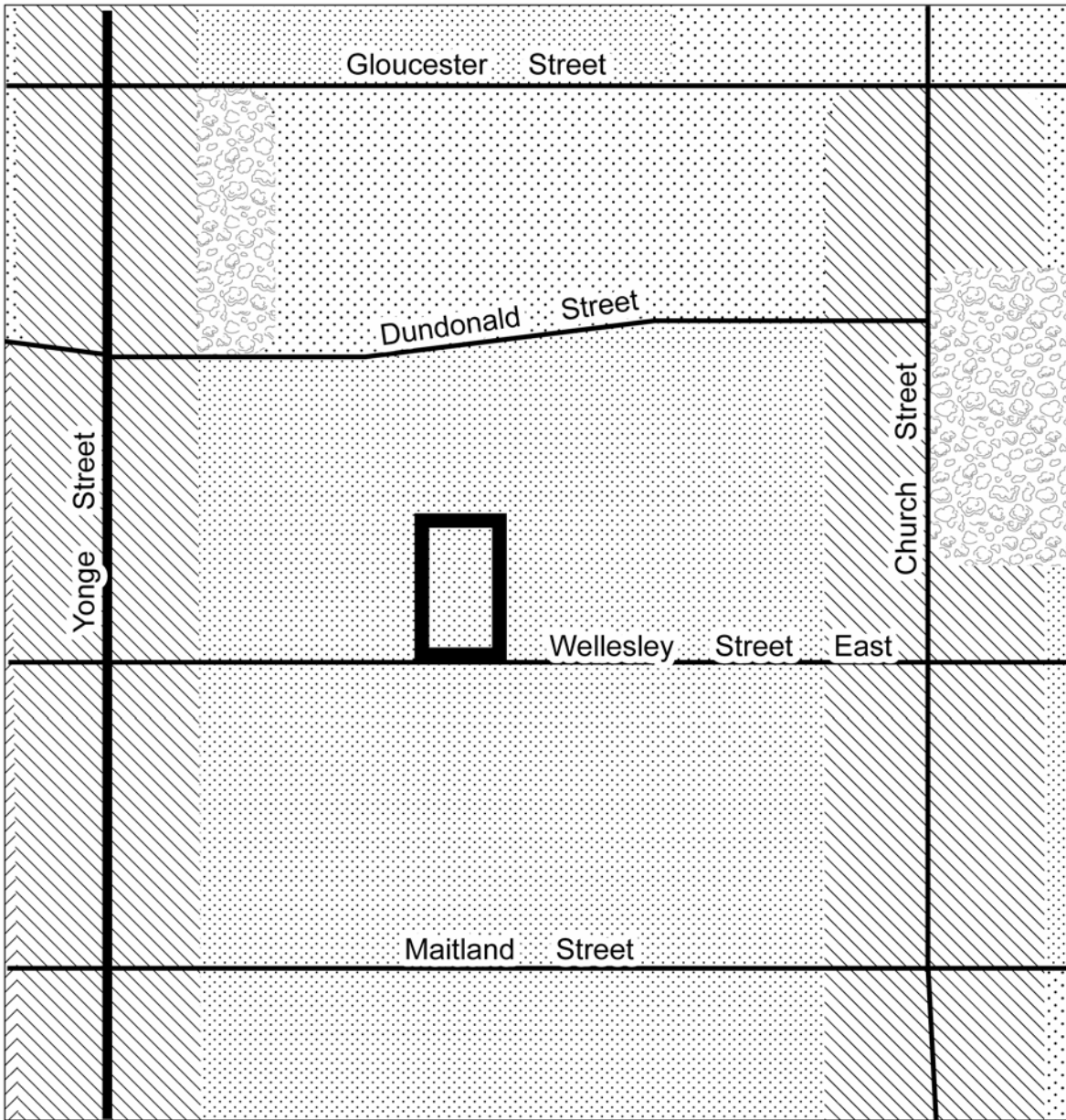
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- G Parks District
- R3 Residential District
- R4 Residential District
- CR Mixed-Use District



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 Zoning By-law 438-86 as amended  
 Extracted 02/28/06 - EM







Attachment 8: Official Plan (Map)



 **TORONTO** City Planning  
Division  
**Official Plan**

40 Wellesley Street East

File # 05\_212275

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

  
Not to Scale  
03/01/06