

## **467-479 Wellington Street West and 33 Draper Street – Zoning Amendment Application – Appeal Report**

Date: March 7, 2024

To: Toronto and East York Community Council

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

Ward: 10 - Spadina-Fort York

**Planning Application Number: 22 179828 STE 10 OZ**

### **SUMMARY**

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On July 20, 2022, a Zoning By-law Amendment application was submitted seeking permission for a 23-storey mixed-use building containing 225 dwelling units at 467-479 Wellington Street West and 33 Draper Street. The applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame prescribed in the Planning Act.

This report recommends that the City Solicitor and appropriate City staff attend the OLT hearing to oppose the application in its current form and continue discussions with the applicant to resolve outstanding issues.

### **RECOMMENDATIONS**

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The Director, Community Planning, Toronto and East York District, recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal to oppose the appeal of the Zoning By-law Amendment in its current form for the lands at 467-479 Wellington Street West and 33 Draper Street and authorize the City Solicitor and appropriate City staff to continue discussions with the applicant in an attempt to resolve outstanding matters.

2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council direct the City Solicitor to request that the Ontario Land Tribunal withhold issuance of its final Order until such time as the City Solicitor advises that:

a. the final form and content of the draft Zoning By-law is to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; and

b. the owner has at its sole cost and expense:

i. submitted a revised Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review, including the

Foundation Drainage Report or addendums ("Engineering Reports"), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

ii. secured the design and provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development; and

iii. ensured the implementation of the accepted Engineering Reports does not require changes to the proposed amending By-laws or any such required changes have been made to the proposed amending By-laws, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new infrastructure or upgrades to existing municipal servicing infrastructure, as may be required.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## **THE SITE**

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**Description:** The site is generally rectangular in shape with a strip of land running further south to the rear of the properties at 23-29 Draper Street. The site has an approximate area of 1,879 square metres. The frontage is 37.2 metres on Wellington Street West and 42.7 metres on Draper Street. The lot has a depth of 69.8 metres along the eastern property line.

**Existing Use:** Two attached two-storey office buildings that are listed on the City's Heritage Register and are contributing buildings in the King-Spadina Heritage Conservation District.

## **THE APPLICATION**

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**Description:** A 23-storey (75 metres plus a 6-metre mechanical penthouse) mixed-use building with an approximate gross floor area of 19,762 square metres with commercial

uses (417 square metres) on the ground floor and residential uses (19,345 square metres) above.

**Density:** 10.52 times the area of the lot.

**Dwelling Units:** The proposed 225 dwelling units include 83 one-bedroom (36.8%), 107 two-bedroom (47.6%), and 35 three-bedroom units (15.6%).

**Access, Parking and Loading:** Access to the residential lobby is proposed from Draper Street. Access to the ground floor retail uses would be from Wellington Street West. Access to the two-level underground garage containing 56 parking spaces (45 residential and 11 visitor) is proposed on Draper Street on the west side of the development. The proposed 253 bicycle parking spaces (225 residential, 27 visitors, 1 retail) are located at grade and within the first level of the underground garage. An internalized Type G loading space is proposed to be accessed from the west side of the building, from Draper Street.

**Additional Information:** See Attachments 1 through 10 of this report for the Application Data Sheet, a three-dimensional representation of the project in context, a site plan, elevations and other relevant drawings of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at <https://toronto.ca/467WellingtonStW>

**Reason for Application:** The Zoning By-law Amendment application seeks to obtain relief from the development criteria in Zoning By-law 569-2013 as they relate to height and setbacks.

**Site Plan Control:** A Site Plan Control application (file no. 22 179827 STE 10 SA) has been submitted.

### **Agency Circulation Outcomes**

The application together with the applicable reports have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

## **POLICY & REGULATION CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

### **Official Plan Designation**

The site is designated Regeneration Areas in the Official Plan. Surrounding the site are other properties designated Regeneration Areas except to the south of the site; these

sites are designated Neighbourhoods and make up a small pocket of 2-storey historical homes along Draper Street from Wellington Street West to Front Street West.

The Official Plan can be found here: <https://www.toronto.ca/city-government/planningdevelopment/official-plan-guidelines/official-plan/>

### **Downtown Plan**

The Downtown Plan contains a vision and policies for the continued growth of the Downtown. In the Downtown Plan, the site is designated Mixed Use Areas 2 - Intermediate, a designation that allows for intensification.

The Downtown Plan can be found here:  
<https://www.toronto.ca/wpcontent/uploads/2022/06/962d-cityplanning-official-plan-41secondary-plan-downtownplan.pdf>

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

The site is located within the King-Spadina Secondary Plan. City Council originally adopted this Secondary Plan in 1996. Updates to the plan's policies took place in 2015 and again in 2020. The 2020 policy updates (approved as Official Plan Amendment 486) were appealed to the Ontario Land Tribunal. The Tribunal then approved the updated King-Spadina Secondary Plan, bringing the Secondary Plan in-force as of August 14, 2023. The applicant is one of the remaining site-specific appellants to various policies of OPA 486.

Within the King-Spadina Secondary Plan, the site is in the West Precinct and Mixed-Use Areas 2, which has a building height context of generally 50 metres. The site is also within Height Transition Zone G, which stipulates that development will transition downwards in height and scale towards St. Andrew's Playground. Lastly, the site is within the Wellington Place Area of Special Identity, which speaks to building stepbacks in relation to streetwall heights.

The King-Spadina Secondary Plan can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/king-spadina-secondary-plan-review/>

### **Heritage**

The properties included within the site are listed on the City's Heritage Register and are also considered as "contributing" within the King-Spadina Heritage Conservation District (HCD); which has been approved by the Ontario Land Tribunal. The site is also adjacent to the in-effect Draper Street HCD to the south.

### **Zoning**

The site is zoned Commercial Residential Employment (CRE(x1)) under City-wide Zoning By-law 569-2013. The CRE zone permits a broad range of uses and controls density through built form performance standards, including a maximum height of 23 metres and minimum setbacks and stepbacks.

## **Design Guidelines**

The following design guidelines have been used in the evaluation of this application:

- King-Spadina Public Realm Strategy;
- Growing Up Guidelines: Planning for Children in Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting
- Retail Design Manual; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planningdevelopment/officialplanguidelines/design-guidelines/>

## **Toronto Green Standard**

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. The TGS can be found here:

<https://www.toronto.ca/citygovernment/planningdevelopment/official-plan-guidelines/toronto-green-standard>

## **COMMUNITY CONSULTATION MEETING**

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On February 27, 2023, City Planning staff hosted a Virtual Community Consultation on the application. Twenty members of the public were in attendance as well as the applicant and the Ward Councillor. Below is a summary of the attendee's comments and issues:

- concern with the safety, noise, and feasibility of vehicular access off Draper Street;
- preference for vehicular access off Wellington Street West;
- concern with the development fitting in with the planned streetscape improvements along Draper Street; and
- concern with the overall height of the building and its shadow impacts on Wellington Street West.

The comments received have informed the review of the application.

## **Statutory Public Meeting**

In making their decision regarding this application, Council members will have had an opportunity to consider submissions made at the statutory public meeting held by the

Toronto and East York Community Council for this application. The Community Council meeting is broadcast live over the internet and recorded for review.

## **COMMENTS**

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

Staff's review of the application has had regard for the relevant matters of provincial interest set out in the Planning Act. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS, and shall conform to provincial plans. The proposal is not consistent with and does not conform to provincial policy as it relates to built form or cultural heritage.

### **Built Form**

The Built Form policies of the Official Plan provide that new development should fit within its existing and planned context, and limit its impact on neighbourhood streets, parks, open spaces, and properties. The King-Spadina Secondary Plan identifies Wellington Street West as an area of special identity, which recognizes the historical industrial buildings with large setbacks as a model for the scale and pattern of any redevelopment. In addition, the Secondary Plan provides that development in Mixed Use Areas 2 within the West Precinct will generally not exceed 50 metres in height.

The application proposes a building height of approximately 75 metres (81 metres inclusive of the mechanical penthouse). City Planning staff have concerns with the proposed building height. The existing and planned context of this area of King-Spadina reflects a building height of 45 to 50 metres (exclusive of the mechanical penthouse). Immediately to the west, the building at the southwest corner of Draper Street and Wellington Street West approved at 45 metres; to the east is the 50-metre-tall Building 'C' in the Well development.

The proposal's 75 metres does not fit within the existing and planned context of the West Precinct of King-Spadina. The height of the proposed building should be reduced to align with the existing and planned context. As well, the proposed setbacks from front facades along both the Wellington Street West and Draper Street frontages are inadequate; a greater setback is desirable and supports good planning and urban design, as well as meeting the policies of the King-Spadina Secondary Plan.

### **Heritage Conservation**

The application proposes to conserve part of the front façade of the building at 479A Wellington Street West and to demolish all other buildings on the subject lands. To mitigate the impact of the demolition, a replica of the front facades of 467 and 479 Wellington Street would be constructed. New massing would be provided behind and above the retained and reconstructed facades. The new massing would be set back 3 metres from the reconstructed facades at 467 and 479 Wellington Street West and 3.6 metres behind the retained façade at 479A Wellington Street West at the third-floor

level. At levels 4-9, the new massing would cantilever out again to the line of the front facades.

The buildings on the subject lands have been substantially altered and as such are not being recommended for individual designation under Part IV, Section 29 of the Ontario Heritage Act. They are, however, included on the City's Heritage Register and are contributing properties within the now in-force King-Spadina HCD Plan. The application site is also adjacent to the Draper Street Heritage Conservation District (HCD).

The proposal does not currently meet the policies of the King-Spadina HCD Plan or the policies of the Official Plan related to heritage resources.

### **Shadow Study**

The shadow study shows shadowing on the future park at 456 Wellington Street West from 3:18 pm to 4:18 pm at the Spring and Fall equinoxes. Shadow impacts should be limited through a reduction in the proposed building height.

### **Housing**

The Downtown Secondary Plan provides that development containing more than 80 units include a minimum of 15% 2-bedroom units, a minimum of 10% 3-bedroom units and an additional 15% of units as some combination of 2 and 3-bedroom units or units that can be converted to 2 and 3-bedroom units through accessible or adaptable design measures, totalling 40% of dwelling units that are 2- and 3-bedroom units. The Growing Up Guidelines reflect these policies and provide ideal unit sizes for larger units (90 square metres for two-bedroom units and 100-106 square metres for three-bedroom units).

The percent of proposed 2-bedroom units (47.6%) and 3-bedroom units (15.6%) supports the unit mix objectives of the Secondary Plan and Guidelines. However, Staff note that only 11 of the 107 two-bedroom units and only 14 of the three-bedroom units achieve the unit size objectives of the Guidelines.

Affordable housing is a significant priority for the City. The proposed development, if approved, will be subject to a Community Benefit Charge (CBC) requirement at the time of Building Permit. The CBC can be satisfied by a cash payment to the City or an agreement between the City and the developer for the developer to provide an in-kind contribution which could include the provision of affordable housing. The applicant has not offered to provide affordable housing through an in-kind contribution at this time.

### **Streetscape**

Along Wellington Street, the proposal includes the retention of the improved streetscape that was built as part of the Well development. This streetscape includes a 3-metre-wide pedestrian clearway and generous furnishing/planting zones. Altogether, from building face to curb, the sidewalk width is 18.4 metres along Wellington Street West. Along Draper Street, the sidewalk width from building face to curb is 4.1 metres and includes a 2.1 metre pedestrian clearway. These proposed streetscapes are acceptable.

## **Land Use**

Policy 6.9 of the Downtown Secondary Plan encourages the replacement of non-residential floor area either on site or on another site within the King-Spadina Secondary Plan area with new development. The King-Spadina Secondary Plan (2023) also supports the enhancement of non-residential spaces to strengthen economic activity.

The existing building on the site has an overall non-residential gross floor area of approximately 3,326 square metres. The application proposes an overall gross floor area of 19,762 square metres of which 415 square metres is proposed for non-residential uses. Overall, there is a reduction in the total non-residential floor area on the site.

## **Amenity Space**

The proposal includes 450 square metres of indoor amenity space and 450 square metres of outdoor amenity space for a total of 900 square metres. This amenity space proposed meets the City-wide Zoning By-law 569-2013 being 4 square metres per dwelling unit. Staff accept this provision of amenity space.

## **Parkland**

In accordance with Chapter 415, Article III of the Toronto Municipal Code, Parks, Forestry and Recreation staff have requested that the applicant satisfy the parkland dedication requirement through cash-in-lieu.

## **Community Services and Facilities**

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, livable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods, foundational to creating complete communities and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

## **Mobility**

Pedestrian access into the ground floor retail store is from Wellington Street West whereas the residential lobby is accessed from Draper Street. Vehicular access to the site is proposed from Draper Street and into a 6-metre-wide private driveway. The location and size of the driveway is acceptable.

During the community consultation meeting, attendees raised concerns regarding the location of the vehicular access. The King-Spadina Secondary Plan states that service access should be taken from Wellington Street West; however, given the existing context, access off Wellington Street West would result in the removal of the recently constructed streetscape along the Wellington Street West frontage. This streetscape



improvement was a community benefit obtained through the Well's Section 37 agreement.

The truck turnaround movements all occur on site and not on Draper Street. As well, the planned Draper Street streetscape improvements have considered this development and would require that the streetscaping along the portion of Draper Street adjacent to the subject site be in alignment with the streetscape improvements for the remainder of Draper Street. This would ensure a cohesive treatment and would be secured through the site plan approval process and constructed by the developer.

With regards to safety concerns, the future site plan agreement would require, among other safety measures, a fully trained building maintenance person to assist large vehicle operators entering or exiting the site by controlling pedestrian, cyclist, and all other vehicular activity in the immediate area. Lastly, the King-Spadina Secondary Plan also encourages, wherever possible, shared service access and staff, together with the applicant, can explore a shared service access from the Well.

With regards to traffic impact, Transportation Services reviewed the applicant's transportation impact study. The study demonstrates that the proposed development would generate approximately 31 new two-way vehicular trips during both the morning and afternoon peak hours. Given this level of trip generation, the study concludes that the projected development traffic would have minimal impacts on area intersections, and therefore, can be acceptably accommodated on the adjacent road network. Transportation Services accepts this conclusion.

The proposal's supply of 56 parking spaces is acceptable to Transportation Services; however, they require that seven accessible parking spaces be provided, as per the Zoning By-law, whereas currently the proposal provides three. The proposed 253 bicycle parking spaces (225 residential, 27 visitors, 1 retail) are located at grade and within the first level of the underground garage, which is acceptable.

## **Servicing**

Engineering and Construction Services have reviewed the application and have provided comments to the applicant. Revisions and clarifications are required to the Stormwater Management Report, Functional Servicing Report, and Hydrogeological Assessment. These revisions must be completed to the satisfaction of Engineering and Construction Services in order to ensure that the proposal can be serviced.

In the event the Ontario Land Tribunal allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the provision of revised functional servicing studies that address the outstanding issues identified in the memo dated October 3, 2022 (or as may be further revised), from Engineering and Construction Services, including implementation of any required upgrades which may be secured through the use of holding provisions or appropriate agreement(s).

## **Solid Waste**

Solid Waste Management Services have reviewed the application and provided comments to the applicant. The comments include ensuring the garbage storage room is a minimum of 70.5 square metres. The current plans do not include this annotation.

## **Toronto Green Standard**

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

## **Further Issues**

Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

## **CONTACT**

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## **SIGNATURE**

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Carly Bowman, M.Sc.Pl., MCIP, RPP  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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Attachment 1: Application Data Sheet  
Attachment 2: Location Map  
Attachment 3: Official Plan Land Use Map  
Attachment 4: Existing Zoning By-law Map  
Attachment 5: Simplified Site Plan  
Attachment 6: Ground Floor Plan  
Attachment 7: Residential Solid Waste Management Plan  
Attachment 8: Simplified East Elevation  
Attachment 9: Simplified North Elevation  
Attachment 10A: 3D Massing Model Looking Northeast  
Attachment 10B: 3D Massing Model Looking Southwest

## Attachment 1: Application Data Sheet

Municipal Address: 467 WELLINGTON STREET WEST Date Received: July 20, 2022

Application Number: 22 179828 STE 10 OZ

Application Type: Zoning By-law Amendment

Project Description: Zoning By-law Amendment application to facilitate the redevelopment of the site with a 23-storey mixed-use building with retail at-grade and residential above. 225 residential units are proposed.

Applicant	Agent	Architect	Owner
SmartCentres REIT	MHBC Planning	Turner Fleischer	1094950 ONTARIO LIMITED

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	1241-2017 (King-Spadina HCD)
Zoning:	CRE (x1)	Heritage Designation:	Listed
Height Limit (m):	23	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 1,879 Frontage (m): 37 Depth (m): 67

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,702		893	893
Residential GFA (sq m):			19,345	19,345
Non-Residential GFA (sq m):	3,317		417	417
Total GFA (sq m):	3,317		19,762	19,762
Height - Storeys:	2		23	23
Height - Metres:	6		74	74

Lot Coverage Ratio (%): 47.51 Floor Space Index: 10.52

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	19,304	41
Retail GFA:	417	

Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			225	225
Other:				
Total Units:			225	225

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			83	107	35
Total Units:			83	107	35

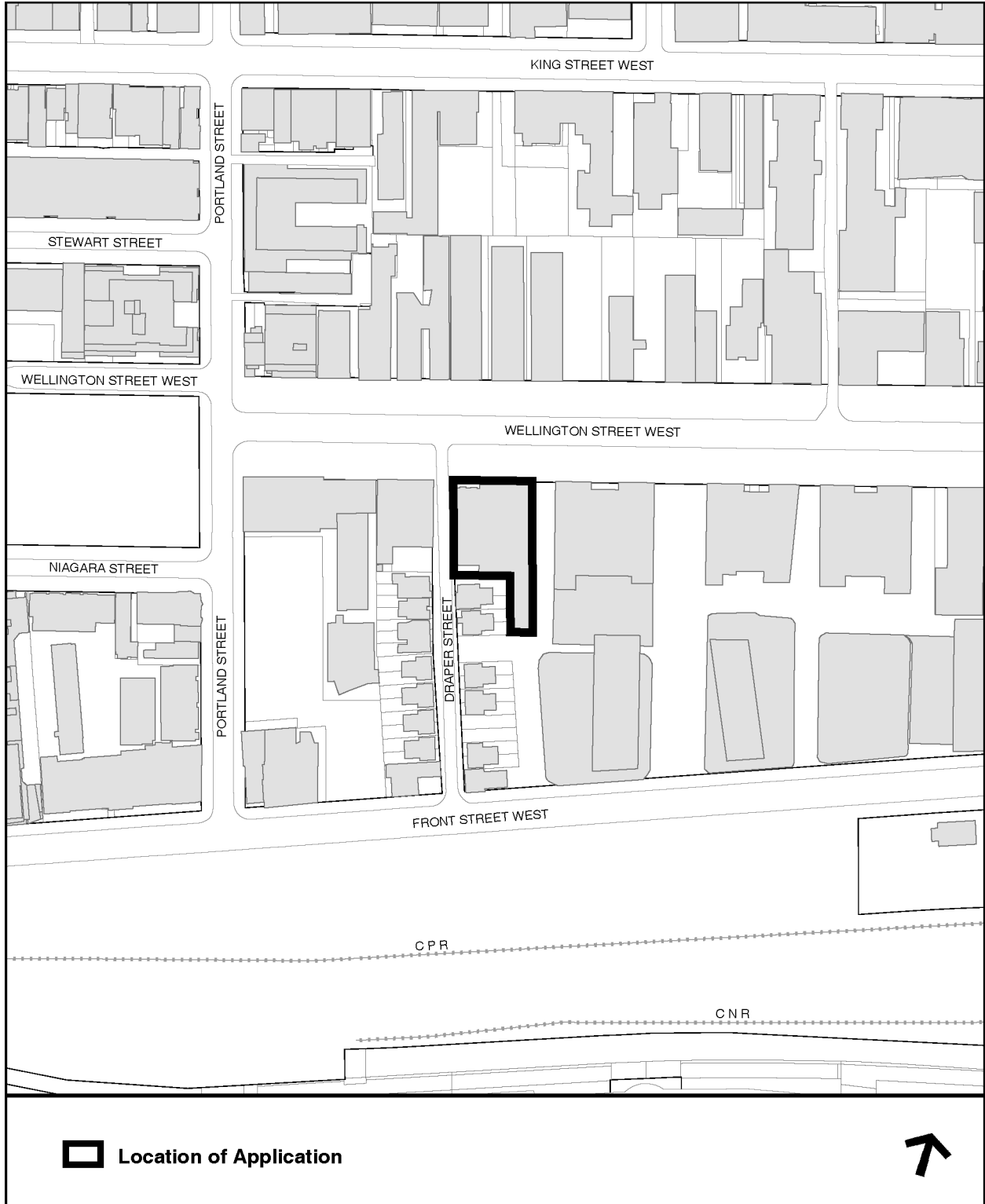
Parking and Loading

Parking Spaces:	56	Bicycle Parking Spaces:	253	Loading Docks:	1
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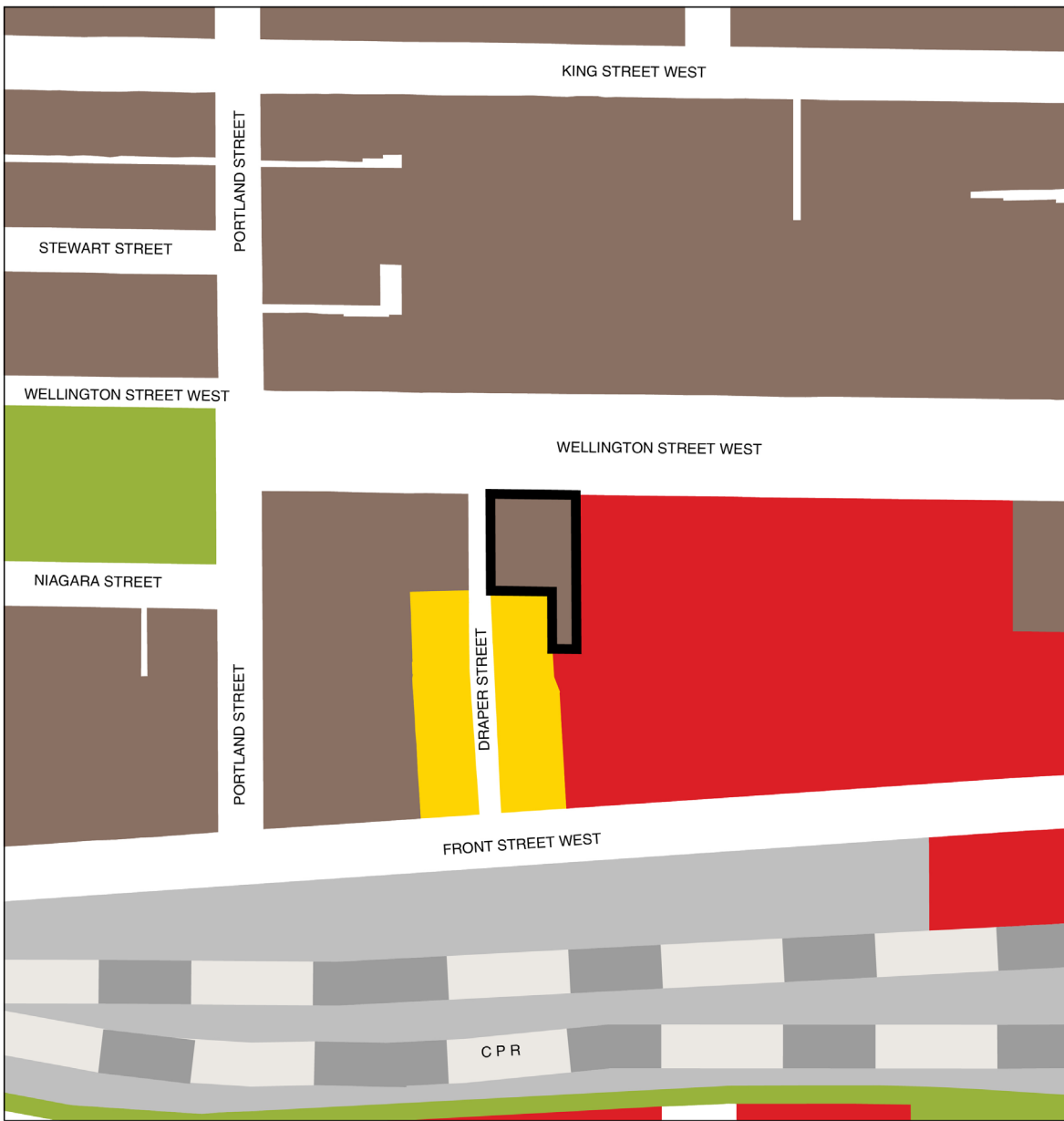
CONTACT:

George Pantazis, Senior Planner  
 (416) 392-3566  
 George.Pantazis@toronto.ca

## Attachment 2: Location Map



# Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

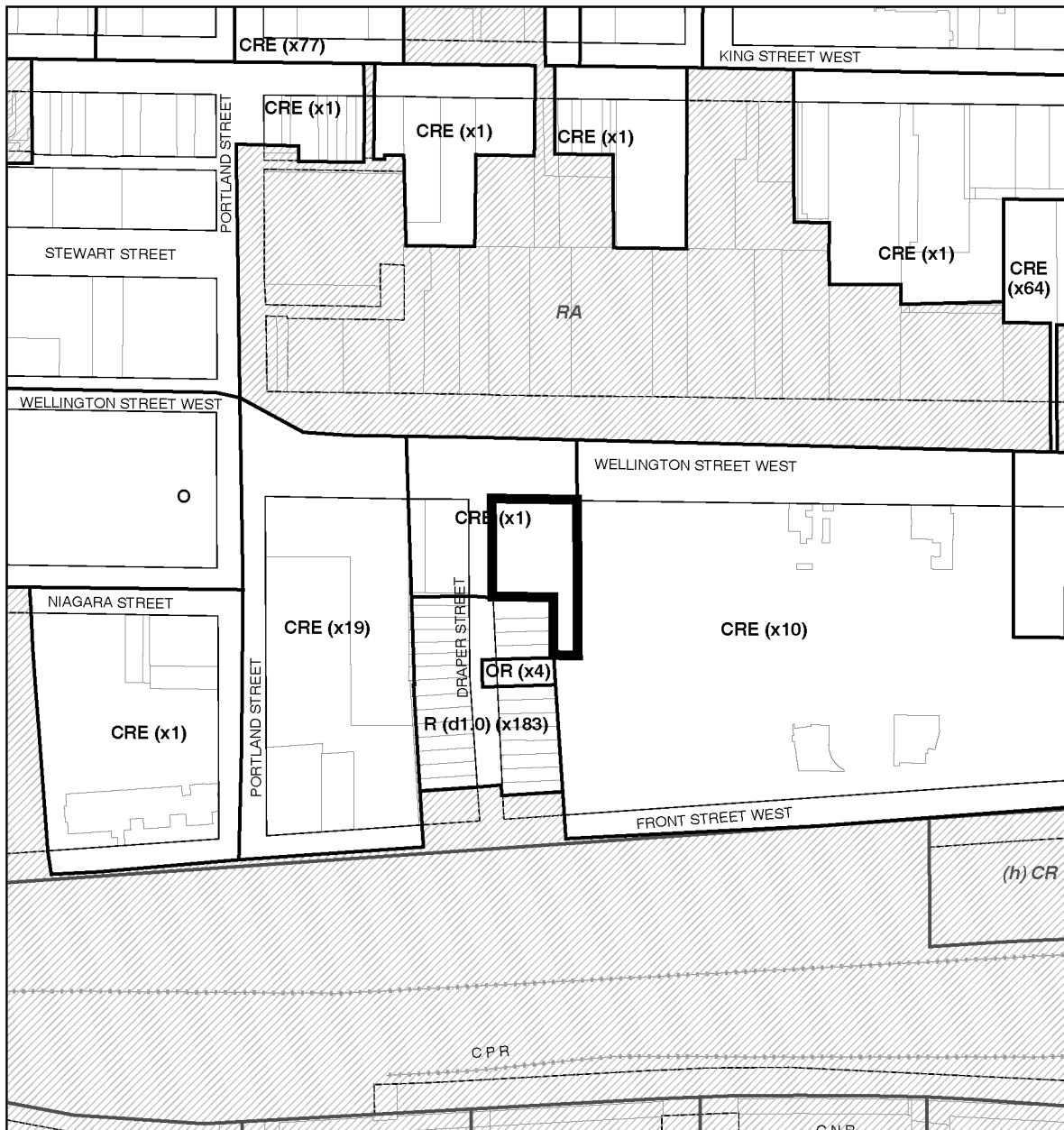
467 Wellington Street West

File # 22 179828 STE 10 0Z

- Location of Application
- Neighbourhoods
- Mixed Use Areas
- Parks
- Regeneration Areas
- Utility Corridors

Not to Scale
   
 Extracted: 07/25/2022

# Attachment 4: Existing Zoning By-law Map




Zoning By-law 569-2013

467 Wellington Street West

File # 22 179828 STE 10 0Z

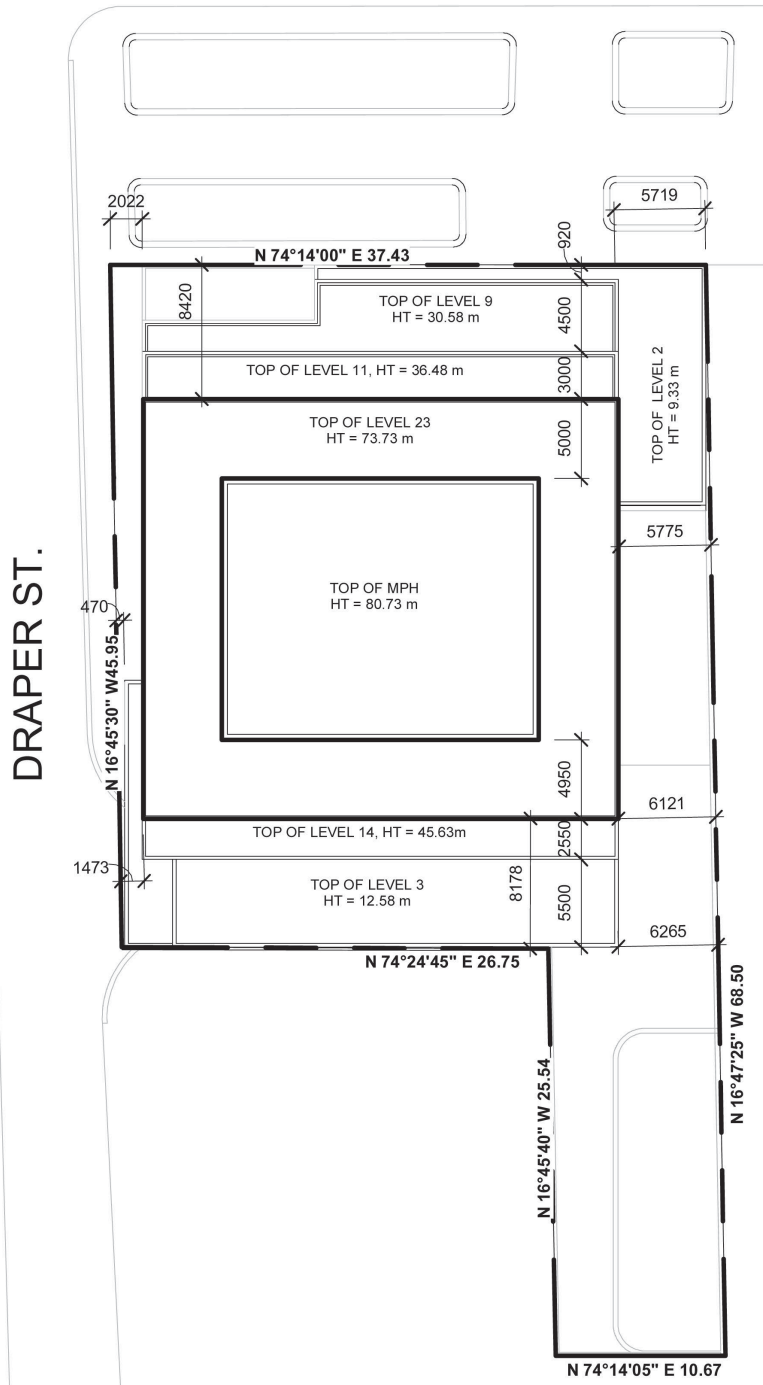
-  Location of Application
- R** Residential
- CRE** Commercial Residential Employment
- O** Open Space
- OR** Open Space Recreation

-  See Former City of Toronto By-law No. 438-86
- RA** Mixed-Use District
- T** Industrial District

  
 Not to Scale  
 Extracted: 07/25/2022

**Attachment 5: Simplified Site Plan**

WELLINGTON ST W



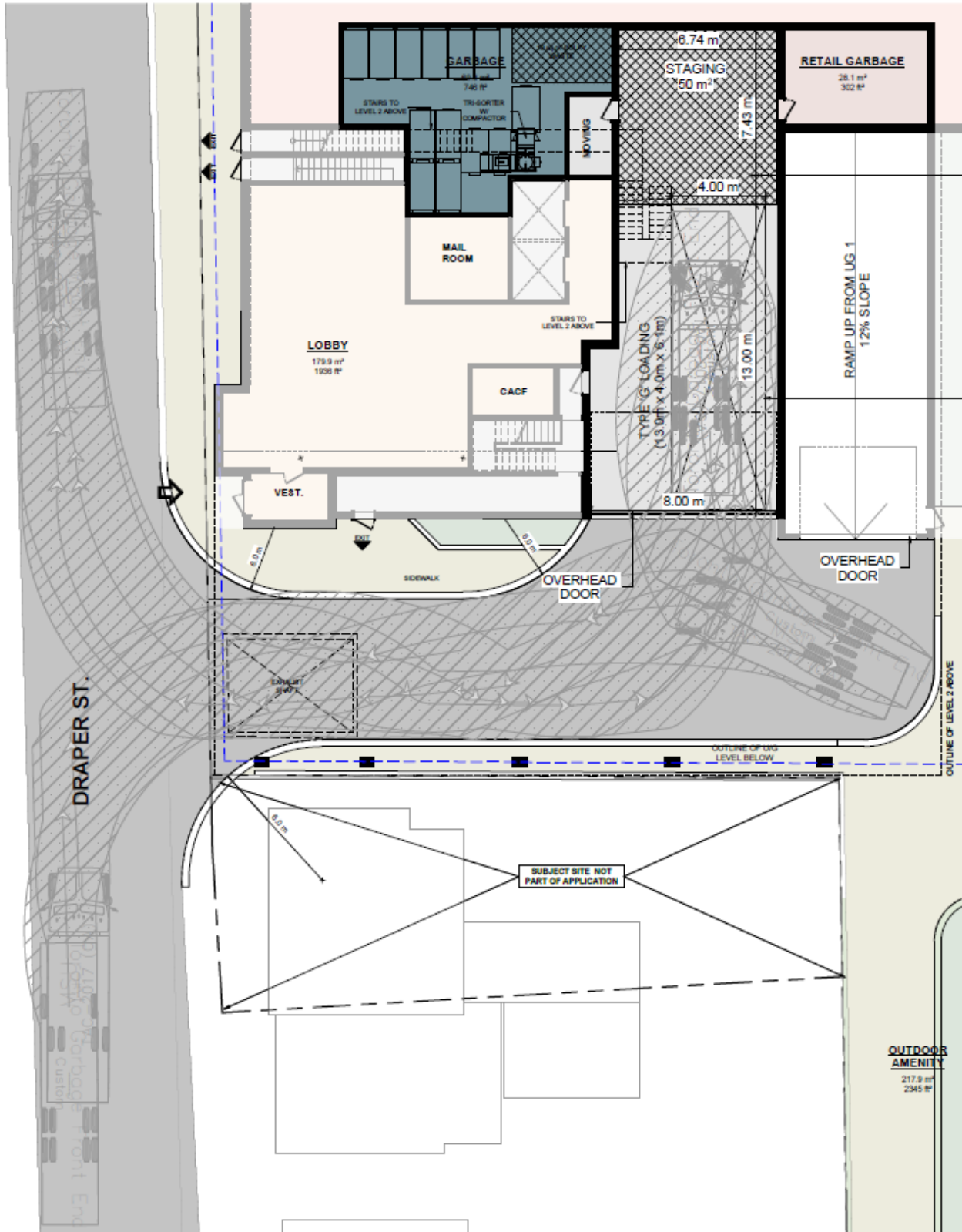
Site Plan





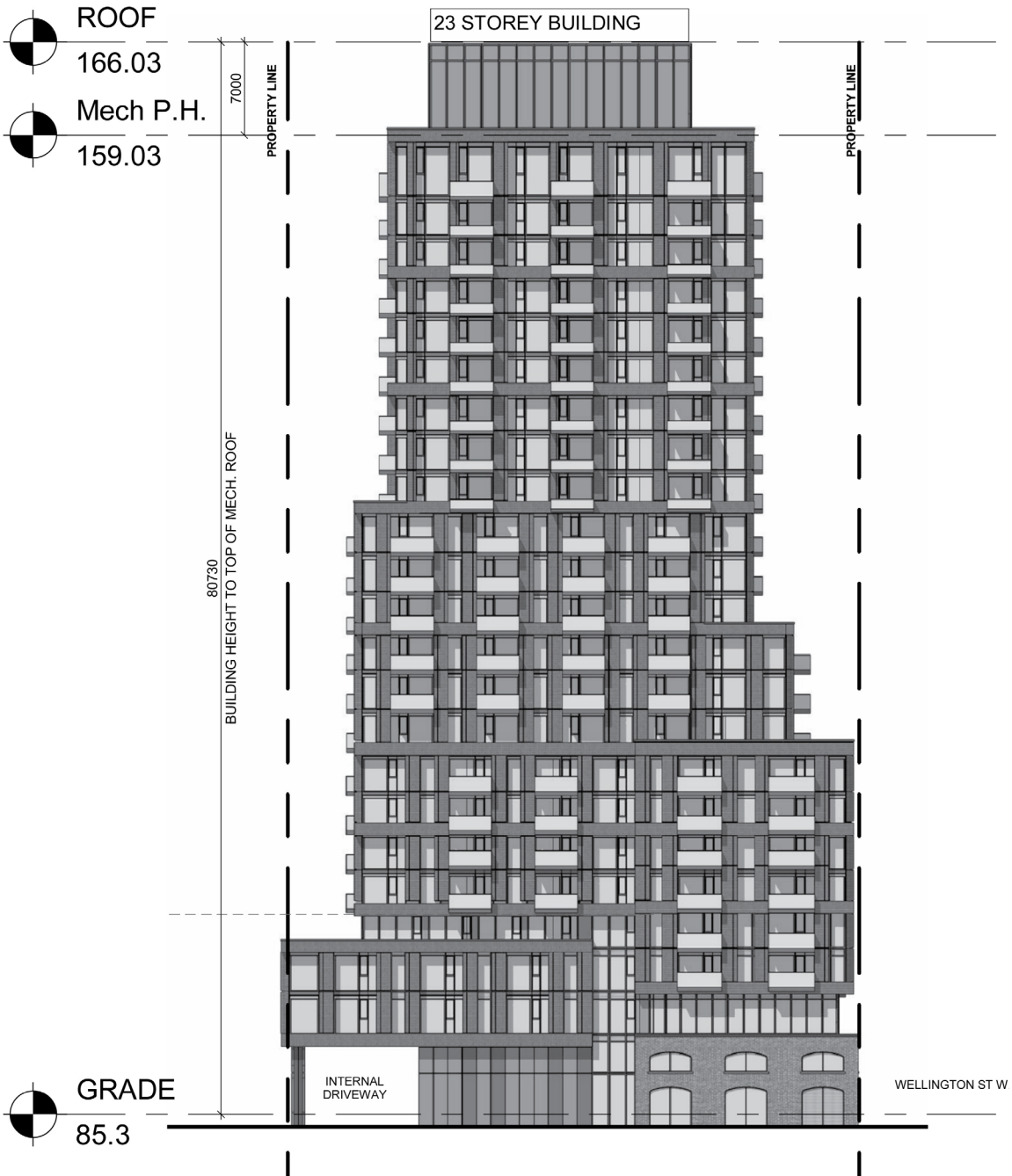


# Attachment 7: Residential Solid Waste Management Plan



# Attachment 8: Simplified East Elevation

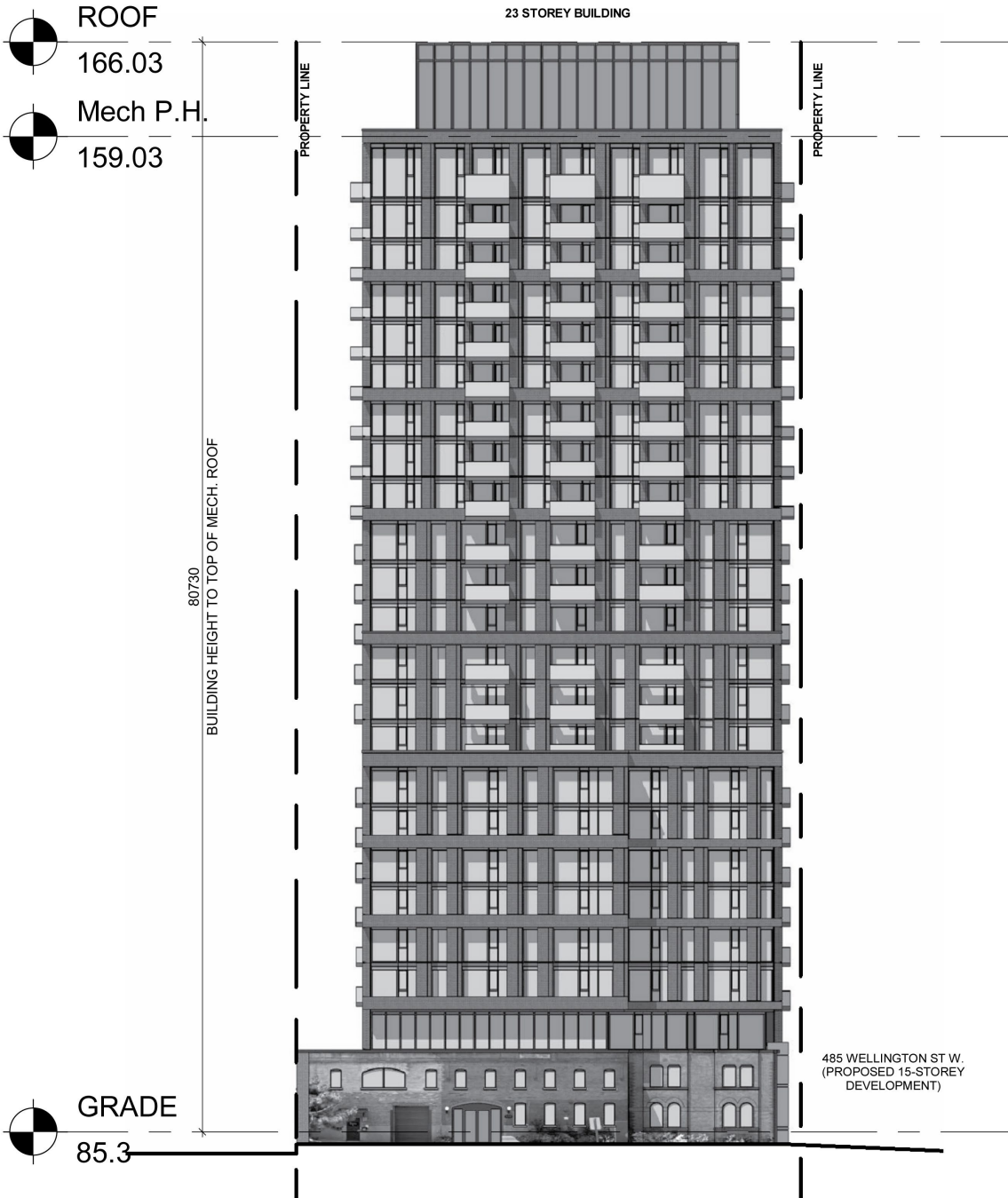
TO 23 FL 80.73m  
TO Mechanical 73.73m



East Elevation

# Attachment 9: Simplified North Elevation

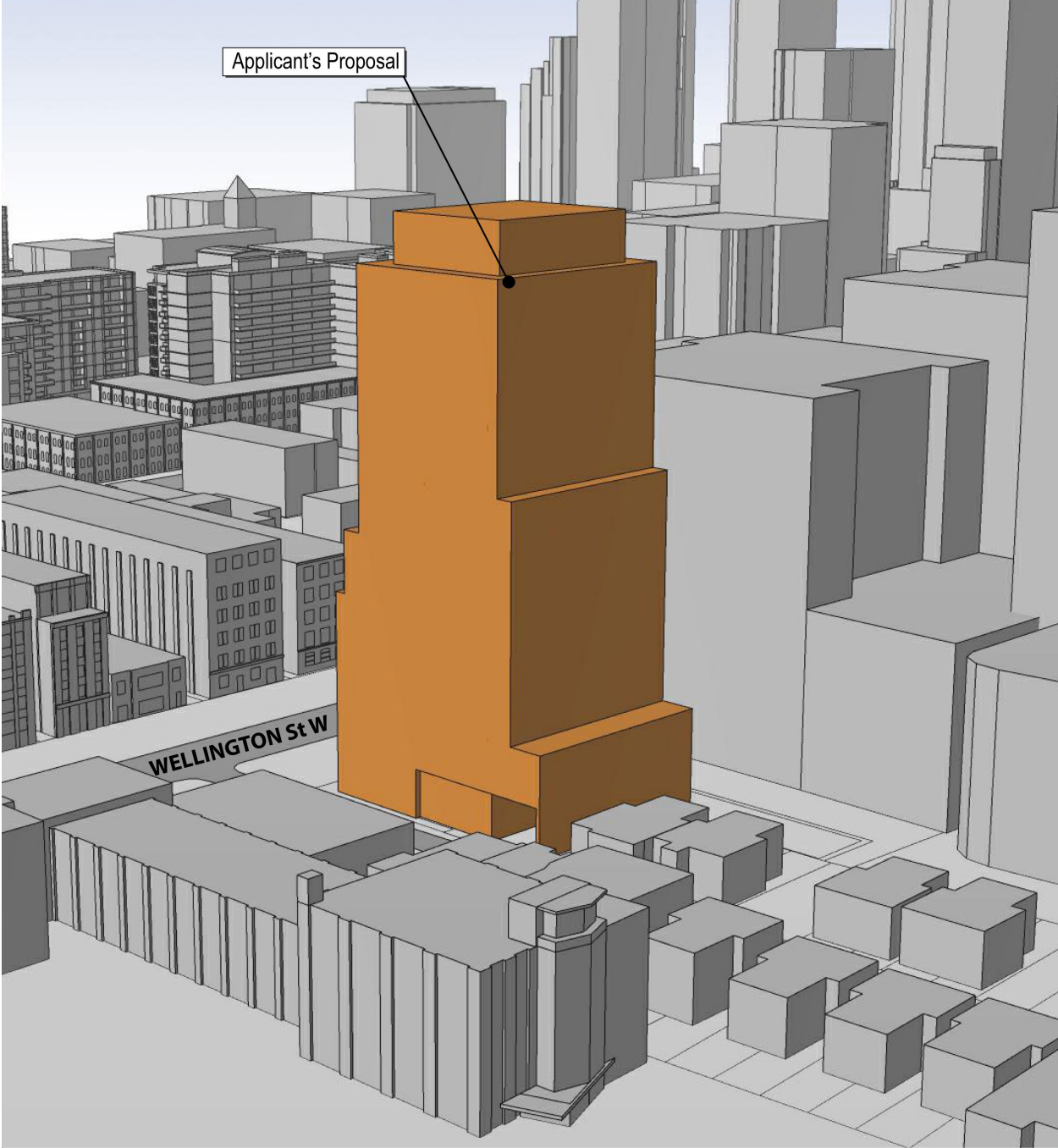
TO 23 FL 80.73m  
TO Mechanical 73.73m



North Elevation



**Attachment 10A: 3D Massing Model Looking Northeast**



**Attachment 10B: 3D Massing Model Looking Southwest**

