

Authority: Toronto East York Community Council Report No. 7, Clause No. 2,
as adopted by City of Toronto Council on October 2, 3 and 4, 2001
Enacted by Council: October 4, 2001

CITY OF TORONTO

BY-LAW No. 865-2001

A By-law to amend Zoning By-law No. 438-86 of the former City of Toronto to permit the construction of an apartment building on lands known as 800 Wellington Street West.

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 an increase in height or density or both height and density of development beyond those otherwise permitted by the by-law 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 or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality in respect of the facilities, services or matters; and

WHEREAS the owner of the lands known as 800 Wellington Street West has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in density or height permitted hereunder, beyond those otherwise permitted on those lands by By-law No. 438-86 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 an agreement between the owner and the City of Toronto (the "City"); and

WHEREAS the Council of the City has required the owner to enter into an agreement for the provision of certain facilities, services and matters in return for the increases in height and density permitted in this By-law;

The Council of the City of Toronto hereby enacts as follows:

1. Subject to section 2, none of the provisions of By-law No. 438-86 cited in the following subsections shall apply to prevent the erection and use of an *apartment building* on the *lot*, being the lands shown outlined by heavy lines on Plan 1 attached to and forming part of this By-law, provided that all requirements set out in this By-law are complied with:

Density

- (1) Despite section 8(3) PART 1 of By-law No. 438-86, the aggregate of the *residential gross floor area* and *non-residential gross floor area* of the *apartment building* shall not exceed 13 220 square metres, provided that
 - (a) the *residential gross floor area* of the *apartment building* shall not exceed 13 220 square metres; and

- (b) the *non-residential gross floor area* of the *apartment building* shall not exceed the amount in square metres calculated in accordance with By-law No. 438-86;

Parking Spaces

- (2) Despite section 4(4)(b) of By-law No. 438-86 as it relates to the requirement for visitors' parking, not less than 21 *parking spaces* shall be maintained within 200 metres of the *lot* for the purpose of visitors parking;
- (3) Not less than 136 *parking spaces* shall be provided and maintained on the *lot* for the purposes of residents' parking;
- (4) Despite section 2(1) of By-law No. 438-86 as it pertains to the definition of *parking space*, of the *parking spaces* required in subsection (3), twenty one *parking spaces* shall not have a length of less than 5.57 metres and fifteen *parking spaces* shall not have a length of less than 5.7 metres;

Height

- (5) Despite section 4(2)(a) of By-law No. 438-86, the height of the *apartment building* shall not exceed 30.0 metres measured to the top of the main roof, not including a mechanical penthouse, the height of which shall not exceed an additional 8.0 metres measured from the top of the main roof, provided the area occupied by the mechanical penthouse is less than 25 percent of the area of the roof of the *apartment building*;
- (6) Despite Section 4(2)(a)(ii)B of By-law No. 438-86, a rooftop recreation area may be located less than 2.0 metres from the adjacent outside walls of an *apartment building*;

Dwelling Unit Mix

- (7) Not less than 30 percent of the total number of *dwelling units* in the *apartment building* shall have two or more bedrooms; and

Access

- (8) Section 4(16) of the By-law No. 438-86 shall not apply to the subject lands.

2. The density and height of development permitted by section 1 are permitted subject to compliance with the conditions set out in section 1 and in return for the provision by the *owner* of the following services, facilities and matters to the City of Toronto, namely:

- (1) funds in the amount of \$362,000.00, to be delivered to the City upon or before the earliest to occur of:
 - (a) the date that is eighteen months after the date of passing of this By-law and the by-law to adopt the authorizing Official Plan amendment, if there is no appeal of either amendment;
 - (b) the date that is eighteen months from the date of an Ontario Municipal Board decision substantially upholding this By-law and the by-law adopting the authorizing Official Plan amendment, if there is an appeal of either by-law; and
 - (c) the date upon which a building permit is issued for any above *grade* structure on the lot,

such funds to be used to implement capital improvement projects in the vicinity of the *lot*, that will address the needs of the local area and new residents, generally to be identified through a Community Improvement Plan to be adopted by City Council that addresses matters such as streetscape and park improvements and funding for local community programs;

- (2) execution by the *owner* and registration of an agreement to secure the above obligations, upon terms and conditions satisfactory to the City, including provisions that, in the event the completed *apartment building* has a *gross floor area* less than the maximum permitted under section 1, the funds to be secured under subsection (1) shall be reduced accordingly at a rate of 17 percent of the value obtained by multiplying the amount of *gross floor area* exceeding 6 234 square metres, by 30.

3. All italicized words and expressions in this By-law have the same meanings as defined in By-law No. 438-86.

ENACTED AND PASSED this 4th day of October, A.D. 2001.

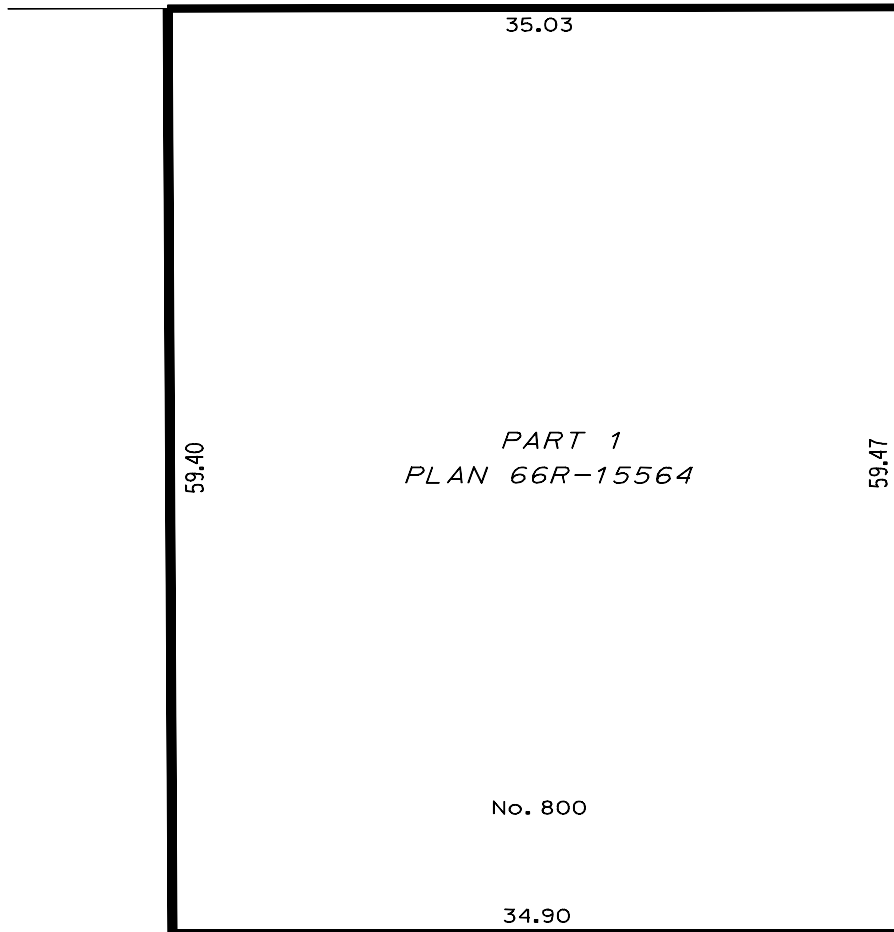
CASE OOTES,
Deputy Mayor

ULLI WATKISS
City Clerk

(Corporate Seal)

PLAN 1

CANNIFF STREET



STAFFORD STREET

WELLINGTON STREET WEST



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO OCTOBER, 2001
BL01/800WELL1.DGN
FILE: W9-223
MAP No. 49G-323 DRAWN: PG