

Authority: Toronto and East York Community Council Item 13.10, as adopted by City of Toronto Council on March 5, 6 and 7, 2012 and MM26.23, moved by Councillor McConnell, seconded by Councillor Milczyn, as adopted by City of Toronto Council on October 2, 3 and 4, 2012

Enacted by Council: October 4, 2012

CITY OF TORONTO

BY-LAW No. 1288-2012

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to the lands known municipally as 40 Scott Street and 10 Wellington Street East.

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, with respect to the lands known municipally in the year 2012 as 40 Scott Street and 10 Wellington 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 the Council of the City of Toronto has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

5. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (1) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (2) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
6. None of the provision of Sections 2(1) with respect to the definition of *grade*, *height*, and *lot*, 4(2)(a), 4(5)(a)-(f) and (h), 4(8), 4(12), 4(13)(a) – (d), 8(3) Part I 1, 2 and 3(a), 8(3) Part II, 8(3) Part III, and 12(2) 276 of Zoning By-law No. 438-86, being "A by-law to regulate the use of land and erection, use, bulk, height, spacing of land 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 or use of a *mixed-use building* on the lands municipally known as 40 Scott Street and 10 Wellington Street East in the year 2012 (hereinafter referred to as the *lot*) provided that:
- (1) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (2) the amount of *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed the following:
 - (a) the *residential gross floor area* shall not exceed 45,500 square metres;
 - (b) the *non-residential gross floor area* shall not exceed 6,500 square metres of which a minimum of 4,500 square metres shall be used for office uses;
 - (3) a minimum of 47 *dwelling units* or 10% of the total number of *dwelling units* on the *lot*, whichever is the lesser, shall be three or more bedroom *dwelling units* or shall be convertible to three or more bedroom *dwelling units*;
 - (4) no portion of the *mixed-use building* erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law;
 - (5) Section 5(4) of this By-law shall not apply to the type of structures listed in the column entitled "STRUCTURE" in the following chart, provided that the restrictions set out opposite the structure in the columns entitled "MAXIMUM PERMITTED PROJECTION" and "OTHER APPLICABLE QUALIFICATIONS" are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A. light fixtures, cornices, sills, eaves	1.0 metres	none
B. balconies	not more than 3.0 metres from the wall where it is attached	none
C. canopies, other than canopies set out in D. below	not more than 3.5 metres from the wall where it is attached	none
D. entrance canopy	not more than 4.5 metres from the wall where it is attached	located along the Scott Street frontage of the <i>lot</i>
E. ornamental and architectural features, landscape features, art installations, bollards, stairs, stair enclosures, wheel chair ramps, underground garage ramps and their associated structures, garbage and servicing areas and their associated structures, retaining walls, air shafts, transformer vaults and elements required for the functional operation of the building	no restriction	none

- (6) no portion of a building or structure erected on the *lot* shall have a greater *height* in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2 except that:
- (a) a mechanical penthouse having a maximum vertical dimension of 4.0 metres shall be permitted within the area on Map 2 outlined by dashed lines and labeled "MECH B", provided the overall *height* of the building including such mechanical penthouse in such location does not exceed 35.0 metres;
 - (b) the maximum height for parapets, fences, railings, balcony and terrace guards and dividers, decorative screens, privacy screens, wind screens, planters, balustrades, and window washing equipment shall be the sum of 2.0 metres and the applicable *height* limit shown on Map 2; and

- (c) the maximum height for unenclosed heating, ventilation, or cooling equipment such as chimneys, stacks, and flues shall be the sum of 2.0 metres and the applicable *height* limit shown on Map 2 or permitted by subsections (a) and (b) above;
- (7) the minimum number of *parking spaces* to be provided in a building on the *lot* shall be as follows:
 - (a) 0.3 *parking spaces* per bachelor *dwelling unit*;
 - (b) 0.5 *parking spaces* per one-bedroom *dwelling unit*;
 - (c) 0.75 *parking spaces* per two-bedroom *dwelling unit*;
 - (d) 1.2 *parking spaces* per three- or more bedroom *dwelling unit*;
 - (e) residential visitor *parking spaces* shall be calculated at 0.06 spaces per residential unit;
 - (f) non-residential *parking spaces* shall be calculated at 1 space per 300 square metres of net floor area;
 - (g) residential visitors *parking spaces* and non-residential *parking spaces* may be provided in combination provided that a minimum of 10 residential visitor *parking spaces* are provided on the *lot*;
- (8) notwithstanding Section 6(7) above, where a PATH connection is provided within the underground parking garage on the *lot*, the minimum number of *parking spaces* required for non-residential uses on the *lot* may be reduced by 5 *parking spaces*;
- (9) despite the minimum dimensions of a *parking space* in Section 4(17) of By-law No. 438-86, a maximum of 25 *parking spaces* provided on the *lot* may have minimum dimensions as follows:
 - (a) length: 5.0 metres;
 - (b) width: 2.6 metres; and
 - (c) height: 2.0 metres;
- (10) the minimum number of loading spaces to be provided and maintained on the *lot* shall be:
 - (a) one (1) *loading space – type B*;
 - (b) two (2) *loading space – type C*; and
 - (c) one (1) *loading space – type G*;

- (11) a minimum of 1,350 square metres of *residential amenity space* shall be provided on the *lot* as follows:
 - (a) a minimum of 975 square metres of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms (whether or not such rooms are contiguous), at least one of which contains a kitchen and a washroom; and
 - (b) a minimum of 375 square metres of outdoor *residential amenity space* shall be provided of which at least 40 square metres shall be provided in a location adjoining or directly accessible to indoor *residential amenity space*;
 - (12) the minimum number of *bicycle parking spaces* to be provided on the *lot* shall be as follows:
 - (a) for residential uses, a minimum of 1.0 *bicycle parking spaces* per *dwelling unit*, of which 0.8 *bicycle parking spaces – occupant* per *dwelling unit* and 0.2 *bicycle parking spaces – visitor* per *dwelling unit*; and
 - (b) for uses listed in Section 8(1)(f)(b)(iv), (v), and (vi) of By-law No. 438-86, *bicycle parking spaces* shall be provided in accordance with Section 4(13) of By-law No. 438-86;
 - (13) the *bicycle parking spaces* required in Section 6(12) of this By-law may be provided in a *stacked bicycle parking space*;
 - (14) despite the minimum dimensions of a *bicycle parking space* in Section 2(1) of By-law 438-86, as amended, if *bicycle parking spaces* are provided in a *stacked bicycle parking space* then the minimum vertical dimensions of a *stacked bicycle parking space* shall be at least 1.2 metres and the minimum horizontal dimensions shall be at least 0.45 metres in width and 1.8 metres in length;
7. Despite the definitions of "*grade*", "*height*", and "*lot*" in Section 2(1) of By-law No. 438-86, as amended, they shall not apply to the lands and instead the following definitions shall apply:
- (1) "*grade*" means 82.2 metres Canadian Geodetic Datum;
 - (2) "*height*" means the vertical distance between *grade* and the highest point of the mechanical penthouse on the roof except for those elements prescribed in Section 6(6) of this By-law;
 - (3) "*lot*" means the lands delineated by heavy lines on Map 1 attached to this By-law;
8. None of the provisions of By-law No. 438-86, as amended, shall apply to prevent a temporary sales office, including an office in a sales trailer, on the *lot* for the purpose of selling or leasing the residential *dwelling units* or the *non-residential gross floor area* provided for in this By-law;

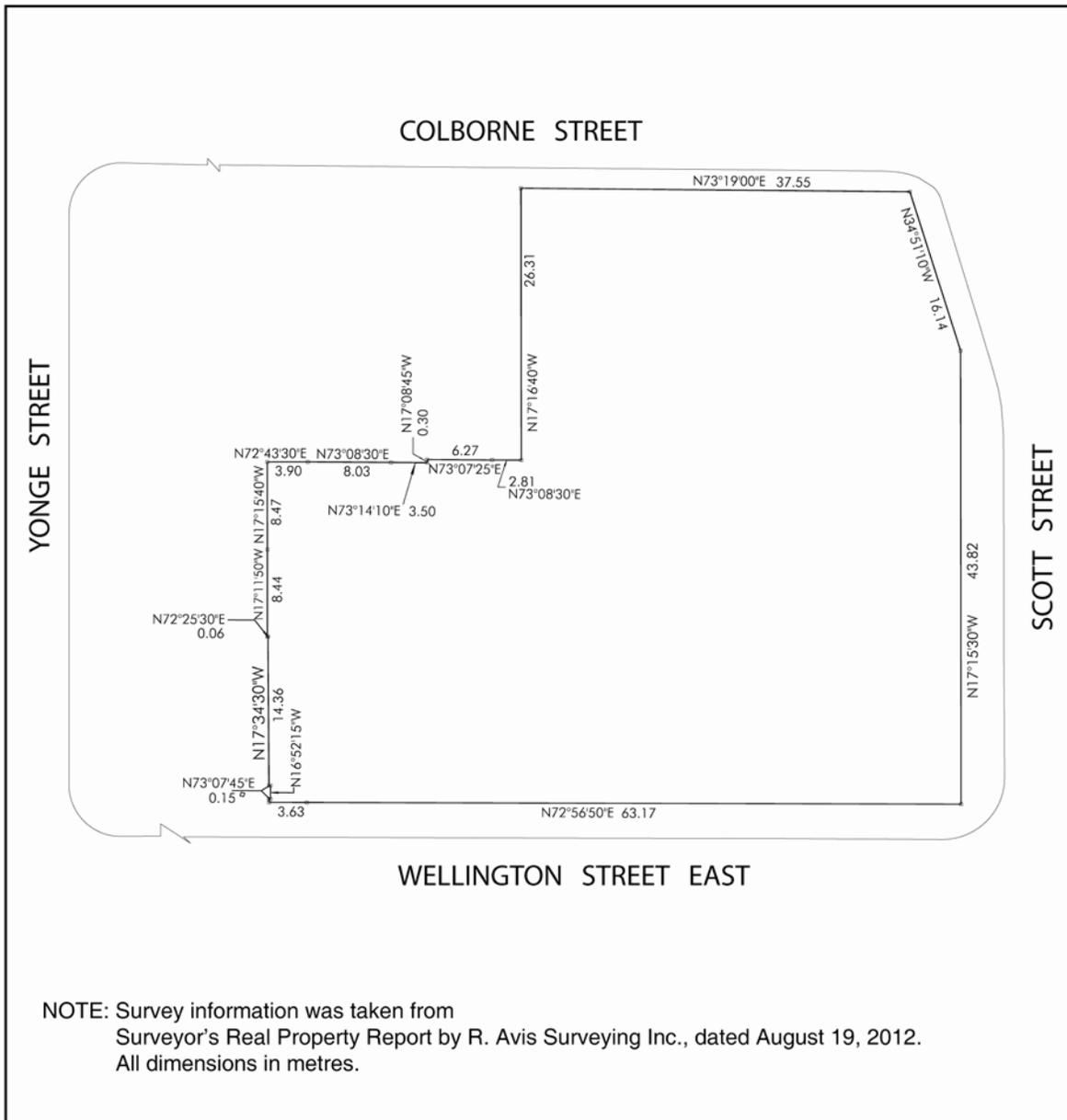
9. This By-law shall apply to all of the lands shown on Map 1 attached to this By-law, regardless of future severance, partition or division.

ENACTED AND PASSED this 4th day of October, A.D. 2012.

FRANCES NUNZIATA,
Speaker

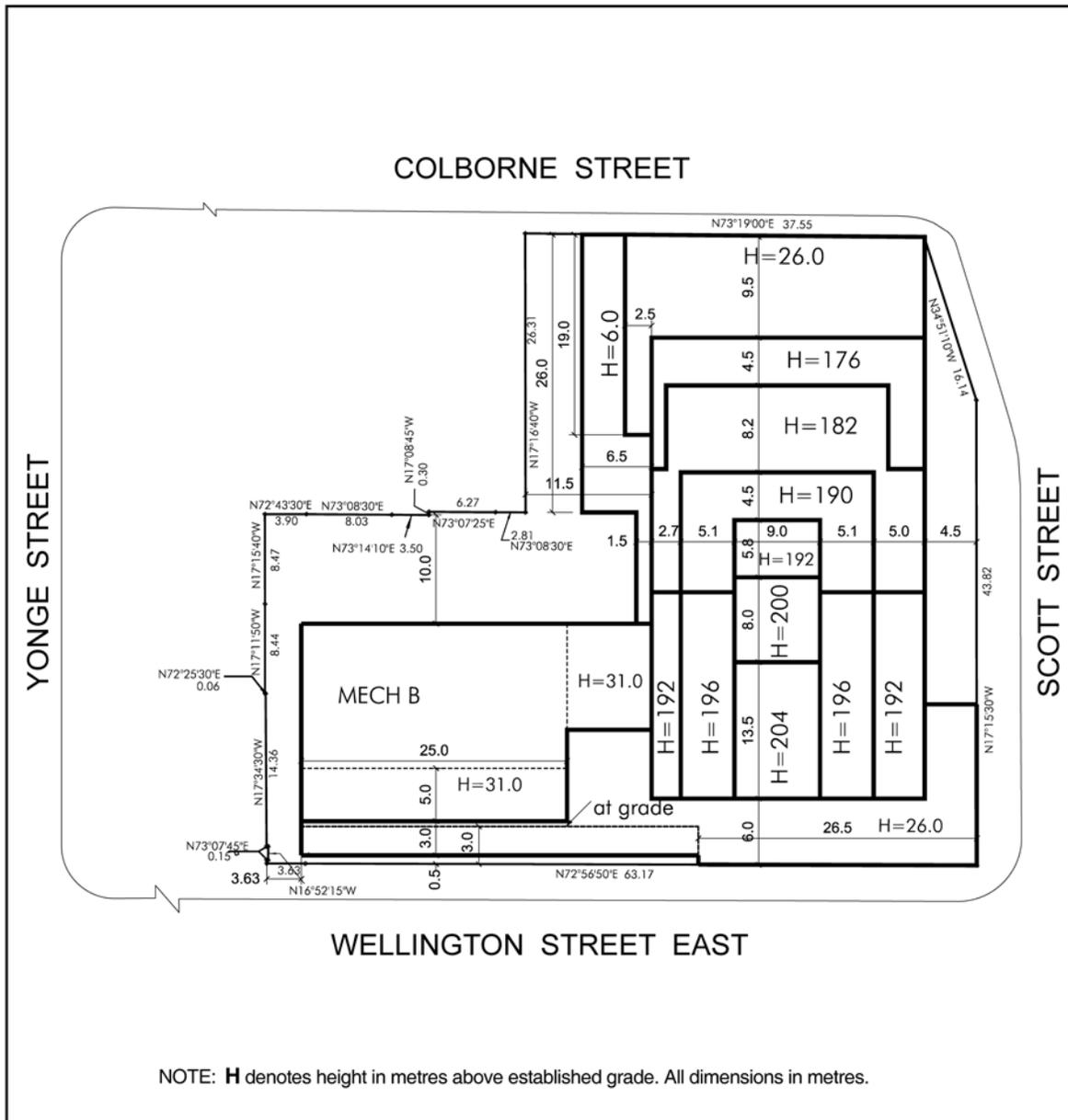
ULLI S. WATKISS,
City Clerk

(Corporate Seal)



NOTE: Survey information was taken from
Surveyor's Real Property Report by R. Avis Surveying Inc., dated August 19, 2012.
All dimensions in metres.





Appendix 1

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of the *lot*, or portion thereof at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - a. The owner shall provide a financial contribution to the City in the amount of TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) on the terms as set out in the Section 37 Agreement. This amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Agreement to the date of payment. This contribution is to be used for the following:
 - i. \$1,000,000 to be directed to public art to be located on publicly accessible portions of the site and/or within Berczy Park;
 - ii. \$1,300,000 for streetscape on the north side of Wellington from Yonge Street to Church Street not abutting the site, streetscaping on Colborne Street from Yonge Street to Scott Street not abutting the site, streetscaping on Scott Street from Colborne Street to Front Street East not abutting the site; and
 - iii. \$200,000 for the redevelopment of the North St. Lawrence Market.
2. The Section 37 Agreement shall require that the cash amounts identified in "ii." and "iii." above shall be paid to the City prior to the issuance of an above-grade building permit for the development.
3. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The owner shall make arrangements satisfactory to the Chief Planner and Executive Director, Planning Division, to require the owner to use commercially reasonable efforts to remove, clean, repair (if required to a maximum of 90 stones), reduce the thickness to 4 inches at the owner's discretion and reinstall the existing limestone cladding on specified portions of the proposed building, except that the owner shall not be required to provide security with respect to this obligation;

- ii. The owner shall provide knock-out panels for future PATH pedestrian connection to the north and south generally on the first level below grade of the development at the westerly edge of the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Economic Development and the General Manager of Transportation Services; and to be detailed in an agreement pursuant to Section 41 of the *Planning Act*; and
- iii. The Heritage Toronto marker at the entrance off Wellington Street East titled "Royal Insurance Company of Canada" shall be removed, stored during construction and re-installed on site in a location to the satisfaction of the Manager, Heritage Preservation Services.