

Authority: Toronto and East York Community Council Item ~ as adopted by City of  
Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend the Zoning By-law for the City of Toronto, being By-law 569-2013, as amended, with respect to the lands municipally known in the year 2015 as, 410, 440, 444, 450 and 462 Front Street West; 425, 439, 441 and 443 Wellington Street West and 6 to 18 Spadina Avenue and 19 Draper Street.**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law;

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto.

Whereas Council of the City of Toronto, at its meeting on \_\_\_\_\_, 2016, determined to amend the Zoning By-law No. 569-2013 for the City of Toronto with respect to lands known municipally in the year 2015 as 410, 440, 444, 450 and 462 Front Street West; 425, 439, 441 and 443 Wellington Street West and 6 to 18 Spadina Avenue and 19 Draper Street;

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

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands municipally known in the year 2015 as 19 Draper Street, 410, 440, 444, 450 and 462 Front Street West 425, 439, 441 and 443 Wellington Street West and 6 to 18 Spadina Avenue, as outlined in heavy black line to CRE(x●) and OR(x●), as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands municipally known in the year 2015 as 6 to 18 Spadina Avenue, 410, 440 and 444 Front Street West and 425 Wellington Street West, to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Overlay label to these lands: PA1, as shown on Diagram 3 attached to this Bylaw; and
5. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands municipally known in the year 2015 as 6 to 18 Spadina Avenue, 410, 440 and 444 Front Street West and 425 Wellington Street West to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 23.0, HT 30.0, HT 39.0 and HT 61.0 as shown on Diagram 4 attached to this Bylaw; and
6. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands municipally known in the year 2015 as 6 to 18 Spadina Avenue, 410, 440 and 444 Front Street West and 425 Wellington Street West, to the Lot Coverage Overlay Map in Section 995.10.1.
7. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands municipally known in the year 2015 as 6 to 18 Spadina Avenue, 410, 440 and 444 Front Street West and 425 Wellington Street West to the Rooming House Overlay Map in Section 995.40.1, and applying the label B3, as shown on Diagram 5 attached to this By-law; and
8. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.12.10 Exception Number (●):

**(●) Exception CRE ●**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 410, 440, 444, 450 and 462 Front Street West; 425, 439, 441 and 443 Wellington Street West and 6-18 Spadina Avenue, shown as CRE (●) on Diagram 2 to By-law ### [NTD: Clerks to provide ###], none of the provisions of 5.10.40.70.(1) to (4), 50.5.40.60(1), 50.10.20.100(1), (5), (19), (26), (27), (28), (31)(A)(C)(D) and (39), 50.10.40.1, 50.10.40.30(1), 50.10.50.10, 50.10.80.10(1), 50.10.90.10(1), 50.10.90.40(3), 50.10.100.10(1)(B), 150.45, 150.48, 200.10.1(2), 200.15.1.5(1), 230.5.1.10(9) and 230.50.1.20 (1) and (2)(D) apply to prevent the erection or use of **buildings** or **structures** on the lands subject to this Site Specific Provision, shown as CRE(x●) on Diagram 2 to By-law #####, if in compliance with regulations (B) to (T) below and Section 10. And Schedule “A” of By-law ###-2016 : [NTD: Clerks to provide By-law number]
- (B) In addition to the uses permitted by Regulation 50.10.20.10(1), **public parking** and outdoor open air markets are permitted.
- (C) Outdoor open air markets may provide retail sales, food sales and other uses from kiosks, tents, vehicles, tables and such facilities are not **buildings** or **structures**.
- (D) Despite regulation 50.10.20.20(1) (A), the outdoor sale or display of goods or commodities is not subject to regulation 50.10.20.100(41)(C).
- (E) For the purposes of this exception, a bicycle services and repair shop is not a vehicle repair shop.
- (F) Despite regulation 50.10.20.100(23) a **vehicle fuel station** operated as an electric **vehicle** charging station is not subject to regulation 150.92
- (G) **parking spaces** must be located below a Canadian Geodetic Datum elevation of 85.0 metres;
- (H) An **outdoor patio** is not subject to regulation 50.10.20.100(21), a minimum 15.0 metre setback is provided from a **lot** in a Residential Zone category;
- (I) despite the definition of an **outdoor patio** pursuant to regulation 800.50(525), an **outdoor patio** may include an outdoor patron area that is a non-residential use or **ancillary** to a non-residential use;

- (J) despite regulation 50.10.20.100(22) provided no more than a maximum of 6 vehicles are displayed outside which may or may not be in connection with **vehicle dealerships**, only regulations 150.90.20.1 (1) and (2)(B) and (C)(i) and (ii) apply;
- (K) despite regulation 50.10.20.100(22), a **vehicle dealership** or portion thereof operated as a car share organization is not subject to regulation 150.90;
- (L) despite regulation 50.10.20.100(25), if a **vehicle washing establishments** is located with a portion of a **building** located below a Canadian Geodetic Datum elevation of 85.0 metres, the provisions of regulation 150.96 shall not apply; and
- (M) despite regulation 50.10.20.100(32) the **interior floor area** restriction contained in regulation 150.100.20.1(1)(A), a maximum of 12% of the total **interior floor area** of the **eating establishment** to a maximum of 100 square metres is used for used noted as (i) to (vii) provided the primary use of the **premises** is maintained as an **eating establishment**.
- (N) The total **gross floor area** of all **buildings** and **structures** must not exceed 289,000 square metres, of which:
- i. The areas of **buildings** and **structures** occupied by residential uses must not exceed a **gross floor area** of 175,000 square metres;
  - ii. the area of any uses operated in connection with an outdoor open air market are not included in the calculation of **gross floor area**.
- (O) The combined **gross floor area** of all ground floor levels contained in **buildings** on the lands subject to this Exception and shown as CRE (X●) on Diagram 2 to By-law ###, shall not exceed a maximum of 17,350 square metres, where the ground floor level is the floor level of a **building** that is closest to the Canadian Geodetic Datum elevation of 85.0 metres. **[NTD: Clerks to supply By-law number]**
- (P) In addition to the provisions of regulation 50.5.40.40, the following areas of a **building** are also not included in the calculation of **gross floor area**:
- i. indoor **amenity space** up to a maximum of 2 square metres of indoor **amenity space** per **dwelling unit**; and

- ii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below the Canadian Geodetic Datum of 85.0 metres.
- (Q) Despite all of regulations 50.10.40.60, 50.10.40.70 and 50.10.40.80 no portion of any **building** or **structure** above-ground is located other than wholly within the areas delineated by heavy lines on Diagrams 6 to 10 of By-law ## [NTD: Clerks to supply by-law##], with the exception of the following:
- i. lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, railings, privacy screens, planters, balustrades, bollards, stairs, escalators and related enclosures, balconies, awnings, fences, underground garage ramps and associated **structures**, walls and safety railings, trellises, guards, guardrails, retaining walls, wheel chair ramps, public art, bike share facilities, outdoor **recreation uses**, band shells, ornamental or architectural features, landscape features, **day nursery** facilities and art installations;
  - ii. pedestrian bridges subject to a maximum height of 24.0 metres, measured between the Canadian Geodetic Datum elevation of 85.0 metres and the highest point of the bridge;
  - iii. covered walkways, architectural and ornamental canopies and similar structures, including related support structures; and
  - iv. **structures**, elements and enclosures permitted by regulation (R) below.
- (R) Despite all of regulations 50.5.40.10 and 50.10.40.10(1), the height of each portion of a **building** or **structure**, is measured as the vertical distance between Canadian Geodetic Datum elevation of 85.0 metres and the highest point of the **building** or **structure**, and must not exceed the height in metres as specified by the numbers following the symbol “H” as shown on Diagrams 7 to 10 to By-law ### [NTD: Clerks to supply by-law ###] except for the following projections:
- i. **structures**, elements and enclosures permitted by regulation (Q) above;
  - ii. elevators and related **structures** provided that:

- a) such projections are located on those portions of a **building** permitted above a height of 81 metres as shown on Diagrams 7, 8, 9 and 10 of By-law ##;
  - b) such projections are limited to a maximum vertical projection of 13.0 metres above the height limits specified by the numbers following the symbol “H” as shown on Diagrams 7,8, 9 and 10 of By-law ###; and;
  - c) the horizontal area of each projection is not greater than 150 square metres.
- iii. portions of a **building** used for indoor **amenity space** and or a **recreation use** operated as a gym, fitness centre or health club provided that:
- a) such projections are located on those portions of a **building** subject to a height limit of 26.3 metres and/or 36.3 metres as shown on Diagrams 7, 8 and 9 of By-law ### (NTD: Clerks to supply by-law ##), and
  - b) such projections are limited to a maximum vertical projection of 5.0 metres above the permitted **building** heights shown on Diagrams 7, 8 and 9 of By-law ### (NTD: Clerks to supply by-law ##) and the provisions of regulation (S) shall not apply.
- iv. the erection or use of **structures** on any roof used for outdoor **amenity space** or open air recreation, maintenance, safety, wind or green roof purposes, vestibules providing access to outdoor amenity space, cooling towers, parapets, mechanical and architectural screens, chimneys, vents, stacks, mechanical fans, **structures** and elements associated with green energy and renewable energy facilities. Such projections are limited to a maximum vertical projection of 6.0 metres above the permitted **building** heights shown on Diagrams 7, 8 and 9 of By-law ### (NTD: Clerks to supply by-law ##)
- (S) Despite any other provision of this Exception, above a height of 36.3 metres as measured in accordance with regulation (R H) above, a minimum separation distance of 25 metres must be provided between the **main walls** of buildings located within Tower Zone 01 and Tower Zone 02 and between any other

**structure** on the lands, excluding the **structures** and elements permitted by subsection (Q) and (R) (iii) above.

(T) Within the areas shown as Tower Zone 01 and Tower Zone 02 on Diagrams 8 and 9, the follow applies:

i. Within Tower Zone 01, the maximum **gross floor area** of any **storey**, the floor level of which is more than 61.0 metres above the Canadian Geodetic Datum elevation of 85.0 metres, is 985.0 square metres;

ii. Within Tower Zone 02, the maximum **gross floor area** of any **storey**, the floor level of which is more than 67.0 metres above the Canadian Geodetic Datum elevation of 85.0 metres, is 985.0 square metres;

(U) Despite regulation 50.10.40.50, **amenity space** must be provided in accordance with the following:

i. a minimum of 3.0 square metres of **amenity space** per **dwelling unit** shall be provided, of which, not less than 1.2 square metres per **dwelling unit** shall be provided as indoor **amenity space**;

ii. a minimum of 40 square metres of outdoor **amenity space** provided in a location directly accessible from an area containing indoor **amenity space**;

iii. indoor **amenity space** may include guest suites where such suites may contain either a kitchen or a bathroom; and

iv. **amenity space** shall be available for use by the occupants of a **building** for recreational or social activities and may also be available for use by visitors and guests to a **building**.

(V) Despite regulations 200.5.10.1(1), (4) and (6), **parking spaces** must be provided in accordance with the following:

i. A minimum of 0.4 **parking spaces** per **dwelling unit** shall be provided for residents.

ii. **Parking spaces** for all other uses within a **building** or **structure** shall be provided in accordance with the following table:

**Parking Space Rates and Parking Space Occupancy Table**

Land Use	Minimum Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Hotel	0.2 <b>parking spaces</b> for each 100 square metres of <b>gross floor area</b>	80%	75%	100%
Office	0.35 <b>parking spaces</b> for each 100 square metres of <b>gross floor area</b>	100%	60%	0%
All other non-residential uses	1.00 <b>parking space</b> for each 100 square metres of <b>gross floor area</b>	20%	100%	100%
Residential visitors	0.1 <b>parking spaces per dwelling unit</b>	10%	35%	100%

- AM = 6 a.m. to Noon.  
PM = Noon to 6 p.m.  
Eve= 6 p.m. to 6 a.m.
- iii. For the purpose of the table above, **gross floor area** is to be calculated in accordance with regulation 200.5.1.10.
  - iv. Despite subsection (ii) above, no parking spaces are required for a **day nursery, eating establishment, take-out eating establishment**, uses within an outdoor open air market, **software development and processing facility, recreation use** operated as gym, fitness centre or health club and a **community centre**.
  - v. The minimum number of **parking spaces** as required in the table above is determined as follows:
    - a) for each of the morning, afternoon and evening parking periods identified in the table above, the minimum number of **parking spaces** required for each use, is calculated using the respective **parking space** rate and occupancy rate;
    - b) the minimum number of **parking spaces** required for each parking period is the total of the **parking spaces** required for all uses during that parking period;
    - c) the minimum number of **parking spaces** required is equal to the largest number of **parking spaces** required for any parking period; and
- (W) For each car-share parking space provided, the minimum number of **parking spaces** for residents required pursuant to regulation (L)(i) above may be reduced by four **parking spaces**, up to a maximum reduction as calculated by the following formula: 4 x



(the total number of **dwelling units** on the lands divided by 60), rounded down to the nearest whole number.

- (X) For the purpose of this Exception,
- i. Car share means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the **building** for short term rental, including hourly rental; and
  - ii. A car-share parking space means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;
- (Y) Despite regulation 50.5.80.1, the **parking spaces** required by regulation (V)(ii) above may be provided on a non-exclusive basis and may be provided within a **public parking** use on the **lot**.
- (Z) Despite regulation 200.5.1.10(2):
- i. a maximum of 15 % of the total number of required **parking spaces** do not have to comply with regulation 200.5.10.2 (iv) may have the following minimum dimensions, despite that such **parking spaces** are obstructed in accordance with regulation 200.5.1.10(2)(D):
    - a) Length – 5.6 metres;
    - b) Width – 2.6 metres;
    - c) Height – 2.0 metres; and
  - ii. Provided that, the total number of **parking spaces** which are obstructed on two sides in accordance with i. above does not exceed 5% of the total number of required **parking spaces**.
- (AA) Despite regulation 220.5.20.1(2), the maximum permitted slope of a ramp or **driveway** leading to a **loading space** is 15%, except the maximum permitted slope of the portion of a ramp or **driveway** within 6 metres of the limit of a **street** is 5%.
- (BB) Despite regulation 230.5.1.10(4)(A)(ii), if a **stacked bicycle parking space** is provided, the minimum width for each **bicycle parking space** is 0.45 metres.

- (CC) Despite any existing or future severance, partition or division of the lands shown as CRE (x●) on Diagram 2 of By-law ##### **[NTD: Clerks to supply by-law #]**, the provisions of this Exception and By-law 569-2013, shall apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred.
- (DD) The provisions of By-law 1107-2016 shall not apply to prevent the erection or use of a **building** or **structure** that complies with the provisions of this Exception CRE ●, as may be amended or varied from time to time.

Prevailing By-laws and Prevailing Sections: (None Apply)

9. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.42.10 Exception Number (●):

**(●) Exception OR (●)**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On the lands known municipally as 19 Draper Street in the year 2015, identified as OR on Diagram 2 to By-law No. ### **[Clerks to supply by-law number]**, in addition to the uses permitted under regulation 90.30.20.10, and despite any regulations of By-law 569-2013, as amended, to the contrary, a construction management office is also a permitted use;
- (B) Regulation 90.30.40.70 does not apply to a **building, structure** or trailer used for the purpose of a construction management office.
- (C) Other than a trailer, no vehicle parking or vehicular access is permitted in connection with a construction management office.
10. Within the lands shown on Schedule "~" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) 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

- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

**11.** Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown as CRE (x●) on Diagram 2 of this By-law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner must not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to Exception CRE● of By-law 569-13, as amended, unless the provisions of Schedule A of such By-law are satisfied.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20~.

\_\_\_\_\_  
JOHN TORY,  
Mayor

\_\_\_\_\_  
Ulli S. Watkiss  
City Clerk

(Corporate Seal)

## SCHEDULE A

### Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown as CRE (x●) on Diagram 2 of this By-law, and secured in an agreement or agreements pursuant to Section 37(3) of the *Planning Act*, whereby the owner agrees as follows:

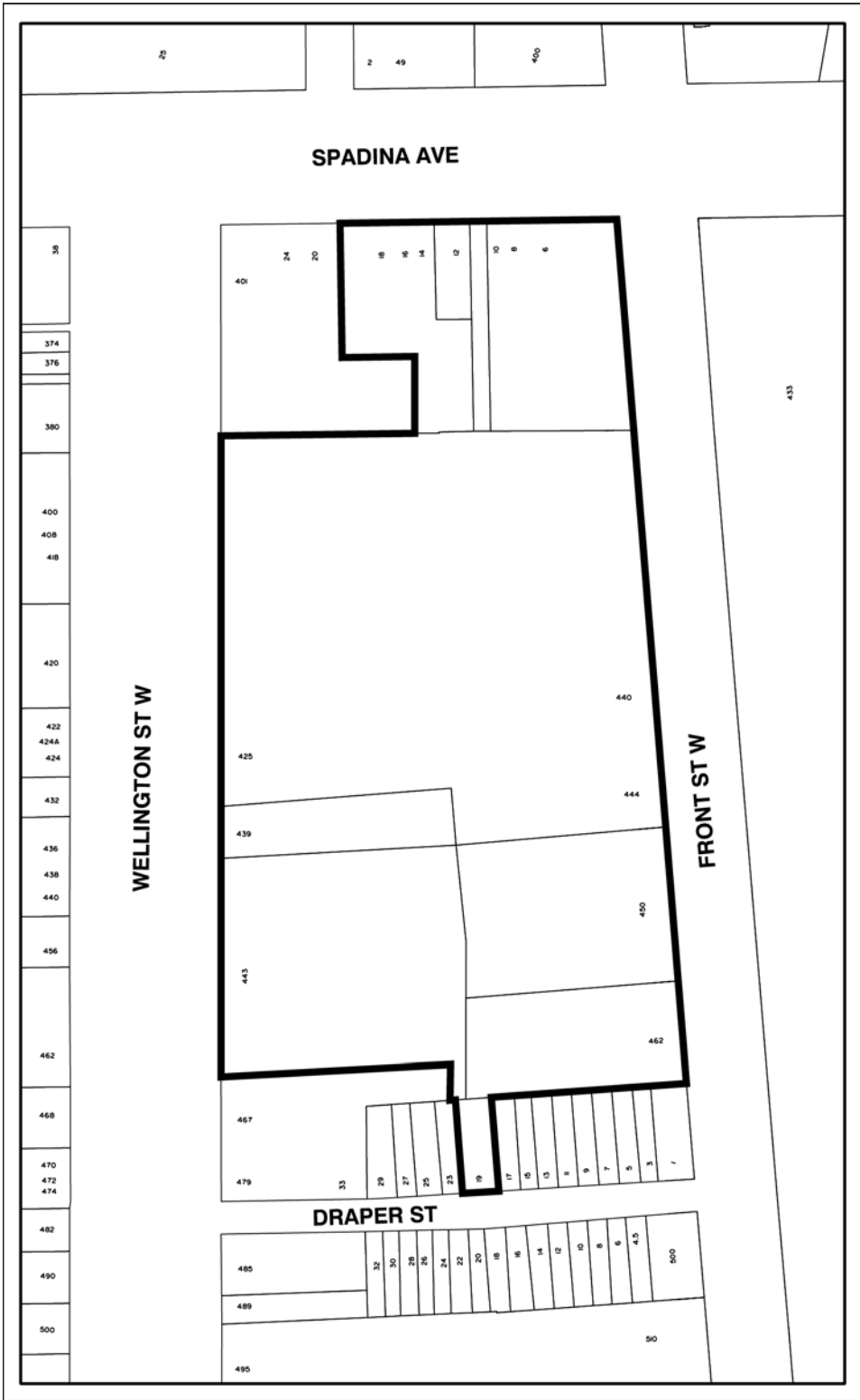
1. The owner shall provide to the City:
  - i. The construction, finishing, furnishing and equipping of a non-profit licensed child care facility to accommodate approximately 57 children, including infants, toddlers and preschoolers, comprising 613 square metres of interior space and a minimum of 192 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for a child pick-up and drop-off area with safe access to and from the underground garage.
  - ii. The entering into a lease agreement with the City for three 25-year terms and one 24-year term for a total of 99 years; and such facility shall be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs, repair and maintenance costs, property damage, liability insurance, realty taxes and local improvement charges.
  - iii. A one-time cash contribution in the amount of \$180,000.00 to the Child Care Facility Replacement Reserve Fund to replace appliances and large equipment due to wear and tear.
  - iv. A one-time cash contribution in the amount of \$150,000.00 towards Start-Up Operating Costs for the defrayment of operational deficits during the first year of operation.
  - v. An indexed letter of credit in the amount of \$2,800,000.00 to secure above base streetscape improvements on Wellington Street West adjacent the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
  - vi. An indexed letter of credit in the amount of \$1,700,000.00 to secure above base streetscape improvements on Wellington Street West east of the subject site to Spadina Avenue and west of the subject site to Draper Street, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward

- Councillor.
- vii. A cash contribution of \$1,000,000.00 toward construction of the YMCA facility to be constructed at 505 Richmond Street West.
  - viii. The provision and maintenance of a public art contribution with a minimum value of \$900,000.00.
  - ix. An indexed letter of credit in the amount of \$220,000.00 to secure street lighting associated with the streetscape improvements on Wellington Street West, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the Ward Councillor.
  - x. A cash contribution of \$1,130,000.00 for streetscape improvements on Draper Street, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
  - xi. A cash contribution of \$75,000.00 for a new crosswalk on Wellington Street West, to the satisfaction of the General Manager, Transportation Services Division.
  - xii. A cash contribution of \$500,000.00 for the provision of new affordable rental housing in Ward 20, to be directed to the Capital Revolving Fund for Affordable Housing.
  - xiii. A cash contribution of \$500,000.00 toward the Toronto Community Housing (TCHC) revolving capital fund for repairs to TCHC housing in Ward 20.
  - xiv. Prior to condominium registration, the owner shall convey to the City two public pedestrian easement for the life of the building securing access to the publicly accessible private open spaces (POPS) for a total of to the satisfaction of the Chief Planner and Executive Director, City Planning Division, generally as shown on the Zoning schedules to be attached as Attachments 10 and 11.
  - xv. In the event the cash contributions referred to in 4. (iii), (iv),(vii), (viii), (x), (xi) and (xii) above has not been used for the intended purpose within five (5) years of this by-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

- xvi. The \$4,435,000.00 cash contribution referred to in 4. (iii), (iv), (vii), (viii), (ix), (x), (xi) and (xii) above is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the introduction of Bills to the date of payment. All cash contributions, except for those noted above in 4. (iii) and (iv) will be payable prior to the first above grade building permit.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
- i. Prior to the issuance of Final Site Plan Approval, the owner shall have addressed the requirements for the removal of private trees on the site and adjacent the property as required by the City of Toronto Private Tree By-law as outlined in the memorandum from Urban Forestry Services staff dated April 1, 2015.
  - ii. A detailed landscape and lighting plan will be submitted and approved through the site plan approval process to realize the objective of creating a 'green link' on Wellington Street West to connect Clarence Square with Victoria Memorial Square. These plans will be subject to the approval of the Chief Planner and Executive Director, City Planning Division and the General Manger, Transportation Services.
  - iii. Obligations related to the maintenance of the streetscape improvements will be to be to the satisfaction of the Manager of Right-of Way Management, Transportation Services.
  - iv. Implementation of the recommendations in the noise and vibration study and certification by the applicant's noise and vibration consultant confirming that the proposed buildings as shown on the site plan drawings are designed and built in accordance with the recommendation of the study.
  - v. Wind tunnel testing as recommended in the Pedestrian Level Wind Conditions – Letter of Opinion prepared by RWDI and implementation any recommended mitigation measures.
  - vi. A construction management agreement to the satisfaction of the Ward Councillor, in consultation with the local community.
  - vii. The owner shall register a 118 Restriction under the Land Titles Act and the Owner shall convey to the satisfaction of the General Manager of Parks, Forestry and Recreation lands municipally known as 19 Draper Street and 456 Wellington Street West which represent a portion of the owner's Section 42 on-site and off-site parkland

dedication requirement respectively, with the remainder being provided as cash in lieu payment as discussed below.

- viii. The remaining parkland dedication requirement not fulfilled through the required on-site and off-site land conveyance as set out under recommendation 4.b.vii of the report shall be satisfied through a cash-in-lieu of parkland payment, where the owner shall provide a letter of credit to secure such payment prior to the first above-grade building permit and the parties acknowledge that these funds will be directed towards the above base park improvements of the Public Parks to the satisfaction of the General Manager of Parks, Forestry and Recreation. There will be a credit toward the amount of cash in lieu to be paid that includes hard and soft costs with respect to the acquisition and provision of the park at 456 Wellington Street West.
- ix. Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the above base park improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
- x. In the event the owner is unable to provide the conveyance of 456 Wellington Street West to the City as their off-site parkland dedication as set out in recommendation 4.b.vii of the report, the owner, prior to the issuance of the first above-grade building permit, shall make an off-site parkland dedication contribution for the balance of the parkland dedication requirement to the satisfaction of the General Manager, Parks Forestry and Recreation, which shall go to the City's Account 220419 and shall be used for acquiring parkland in the area; and that Chapter 415, Development of Land of the Toronto Municipal Code be amended as may be required.
- xi. The owner shall provide a minimum ten percent (10%) of the residential units having at least three bedrooms.



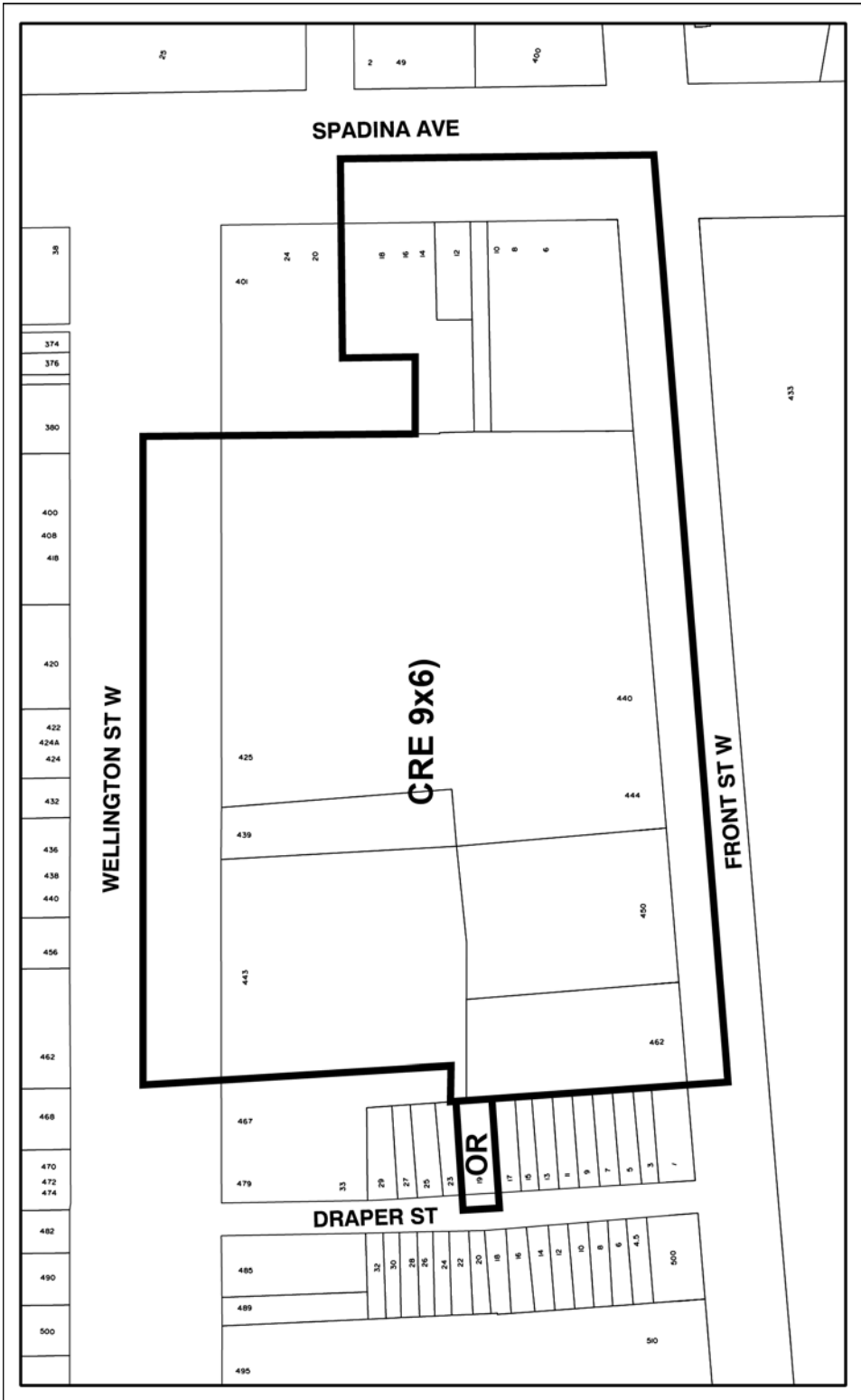
**Toronto**  
Diagram 1

440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,  
6-18 Spadina Avenue and 1 & 19 Draper Street  
File # 14 116571 STE 20 0Z

City of Toronto By-Law 568-2013  
Not to Scale  
11/02/2016



DIAGRAMS

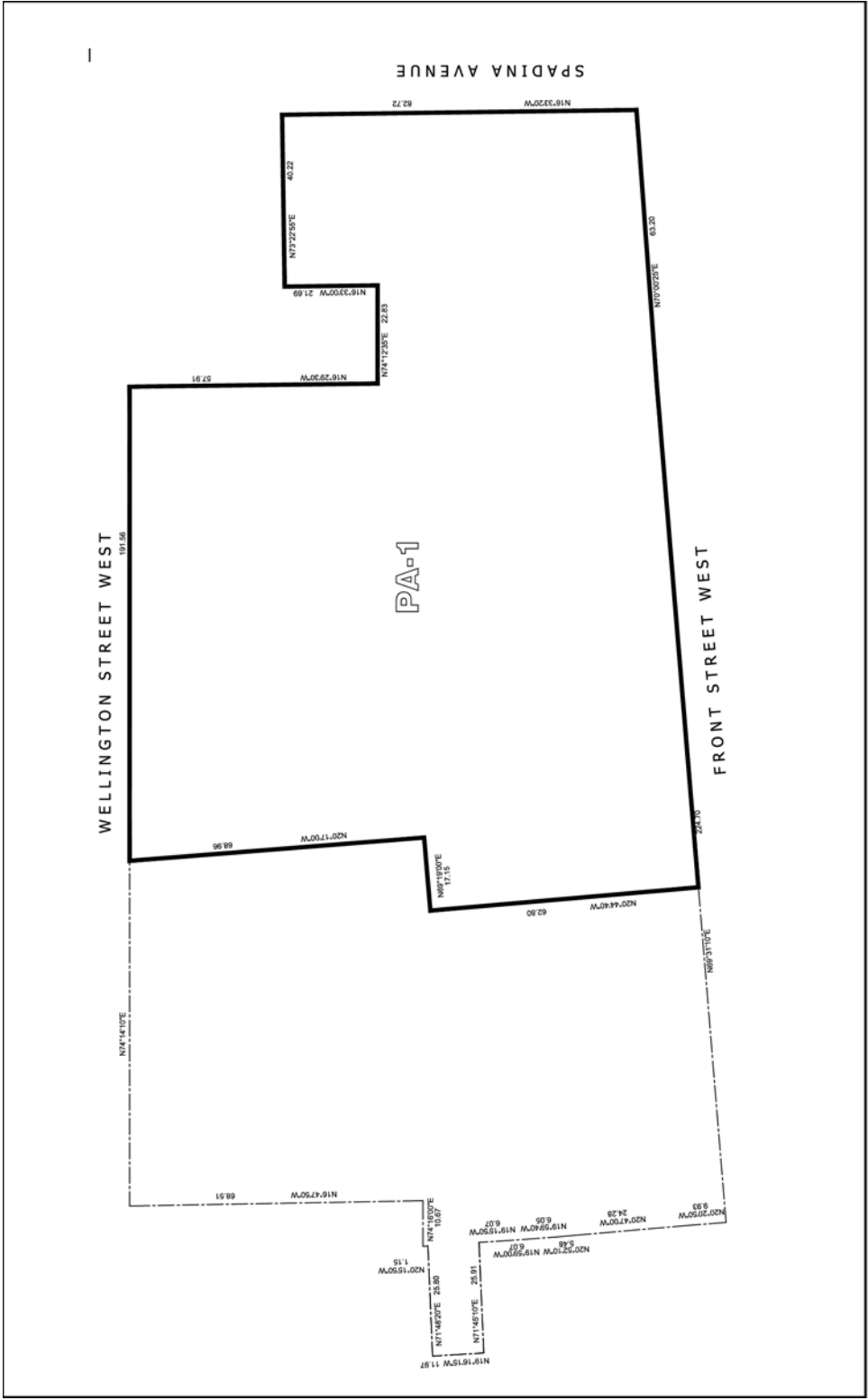


**Toronto**  
Diagram 2

440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,  
6-18 Spadina Avenue and 1 & 19 Draper Street  
File # 14 116571 STE 20 0Z

City of Toronto By-Law 568-2013  
Not to Scale  
11/02/2016

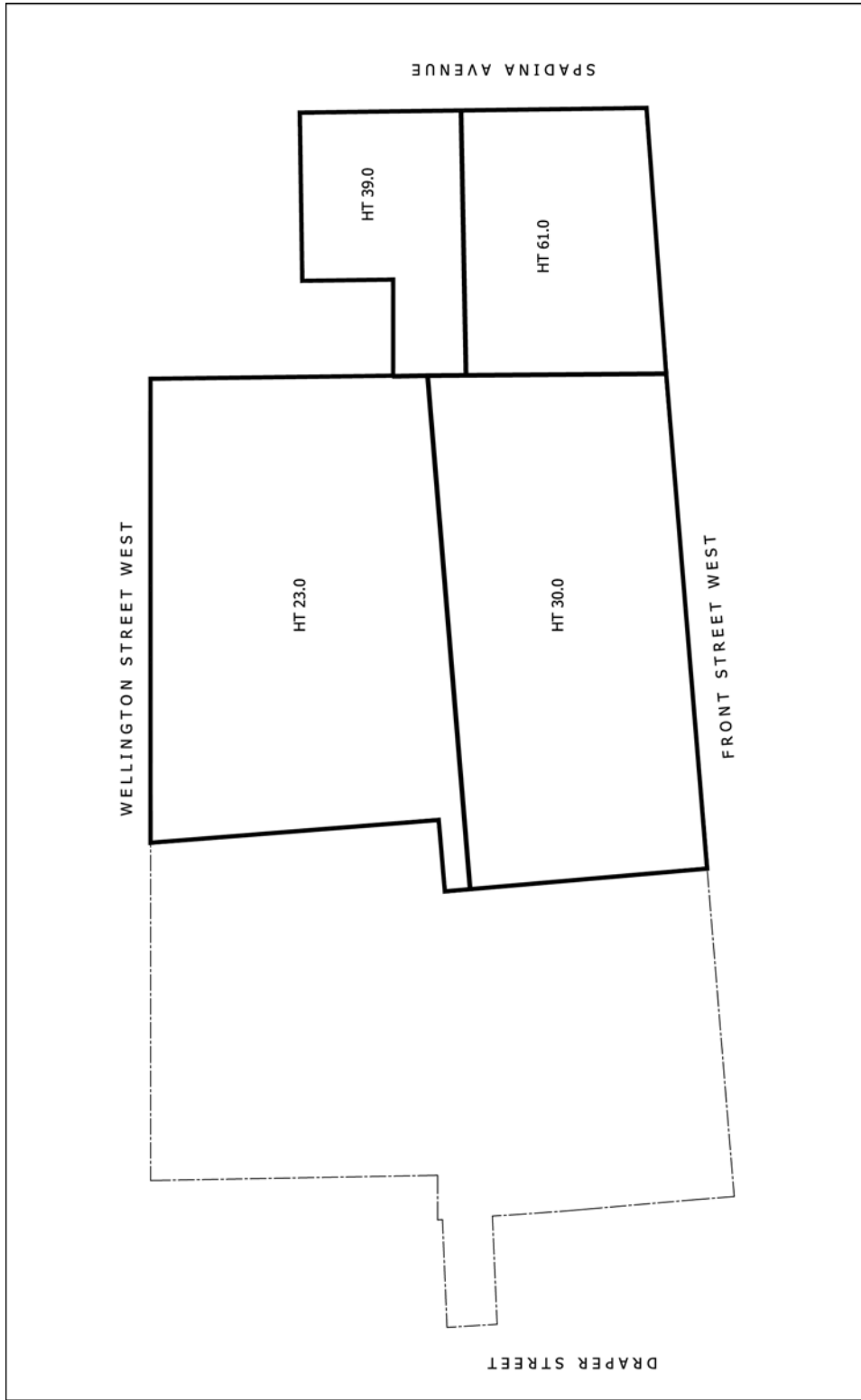




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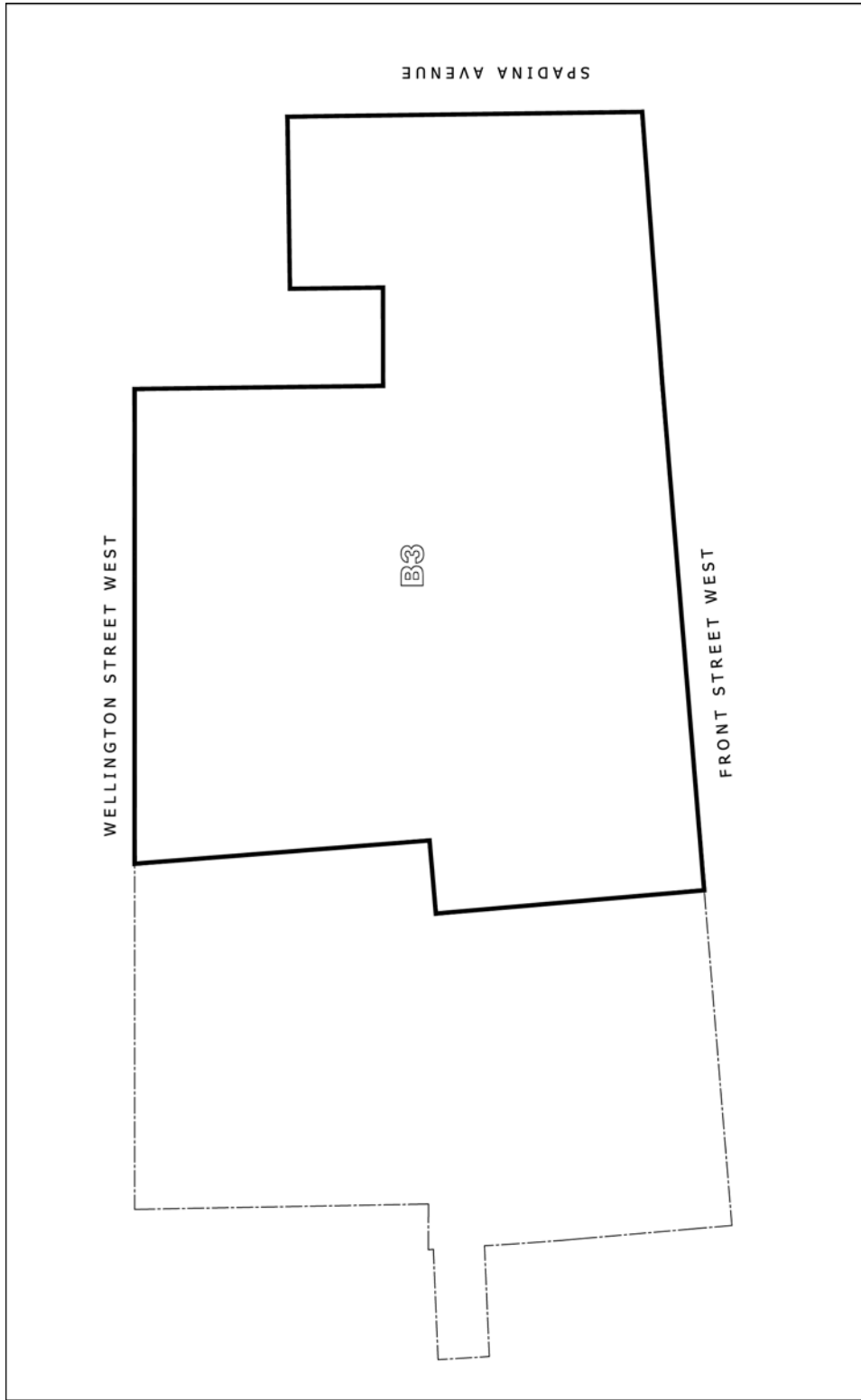
**Toronto**  
 Diagram 3

City of Toronto By-Law 569-2013  
 Not to Scale  
 11/09/2016



440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,  
6-18 Spadina Avenue and 1 & 19 Draper Street  
File # 14 116571 STE 20 0Z

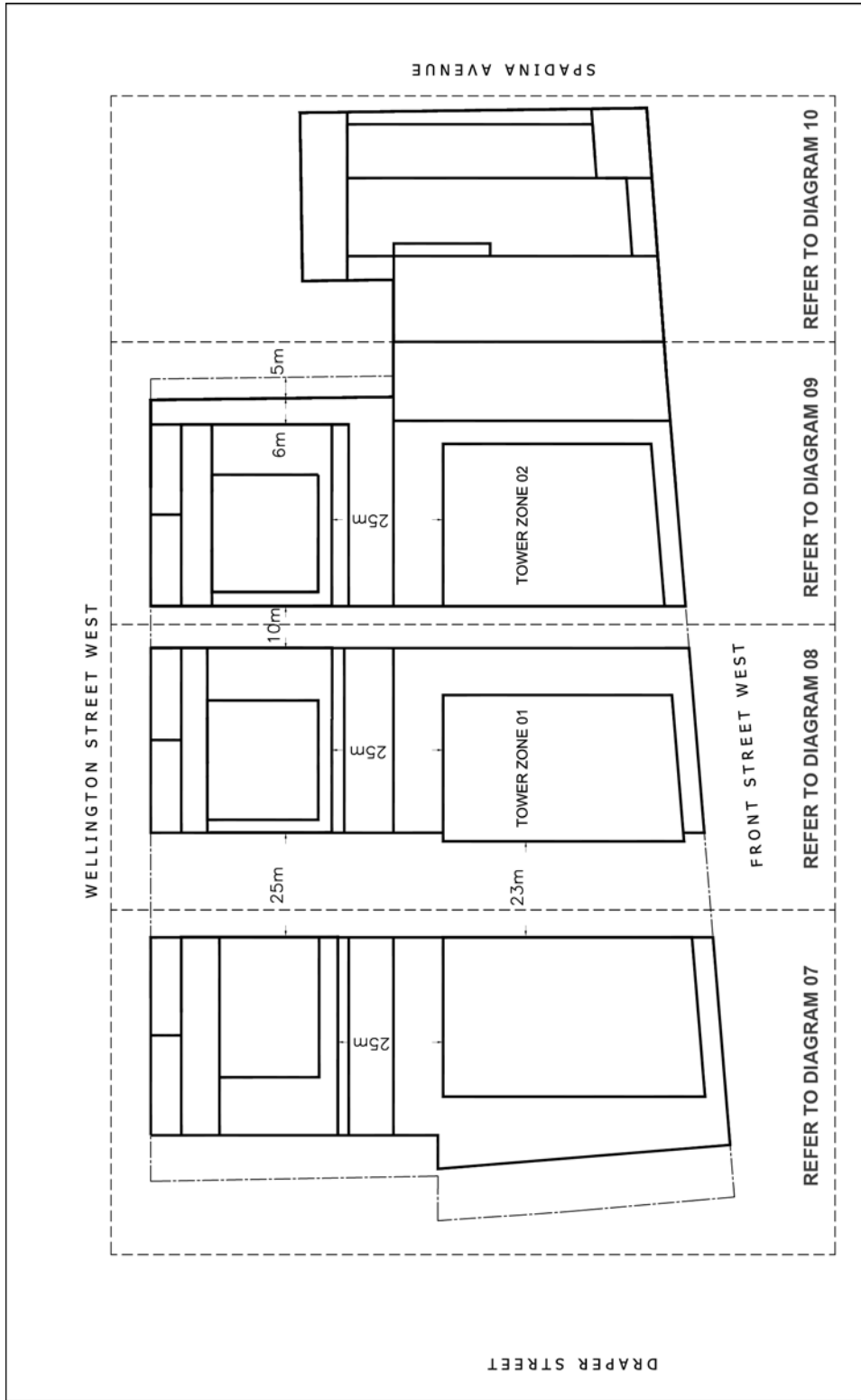
City of Toronto By-Law 568-2013  
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11/09/2016



**Toronto**  
Diagram 5

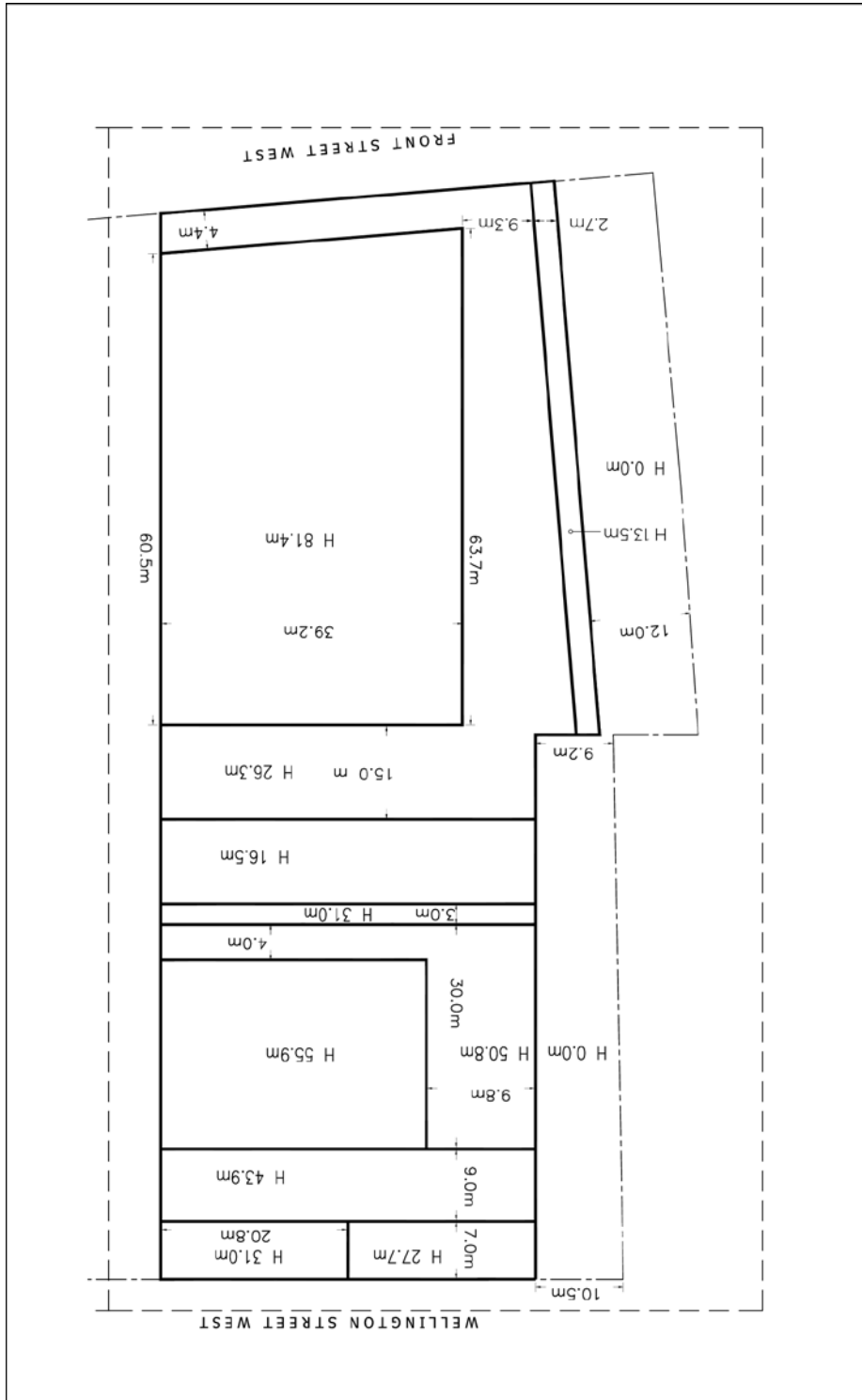
440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,  
6-18 Spadina Avenue and 1 & 19 Draper Street  
File # 14 116571 STE 20 0Z

City of Toronto By-Law 568-2013  
Not to Scale  
11/09/2016



440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,  
6-18 Spadina Avenue and 1 & 19 Draper Street  
File # 14 116571 STE 20 0Z

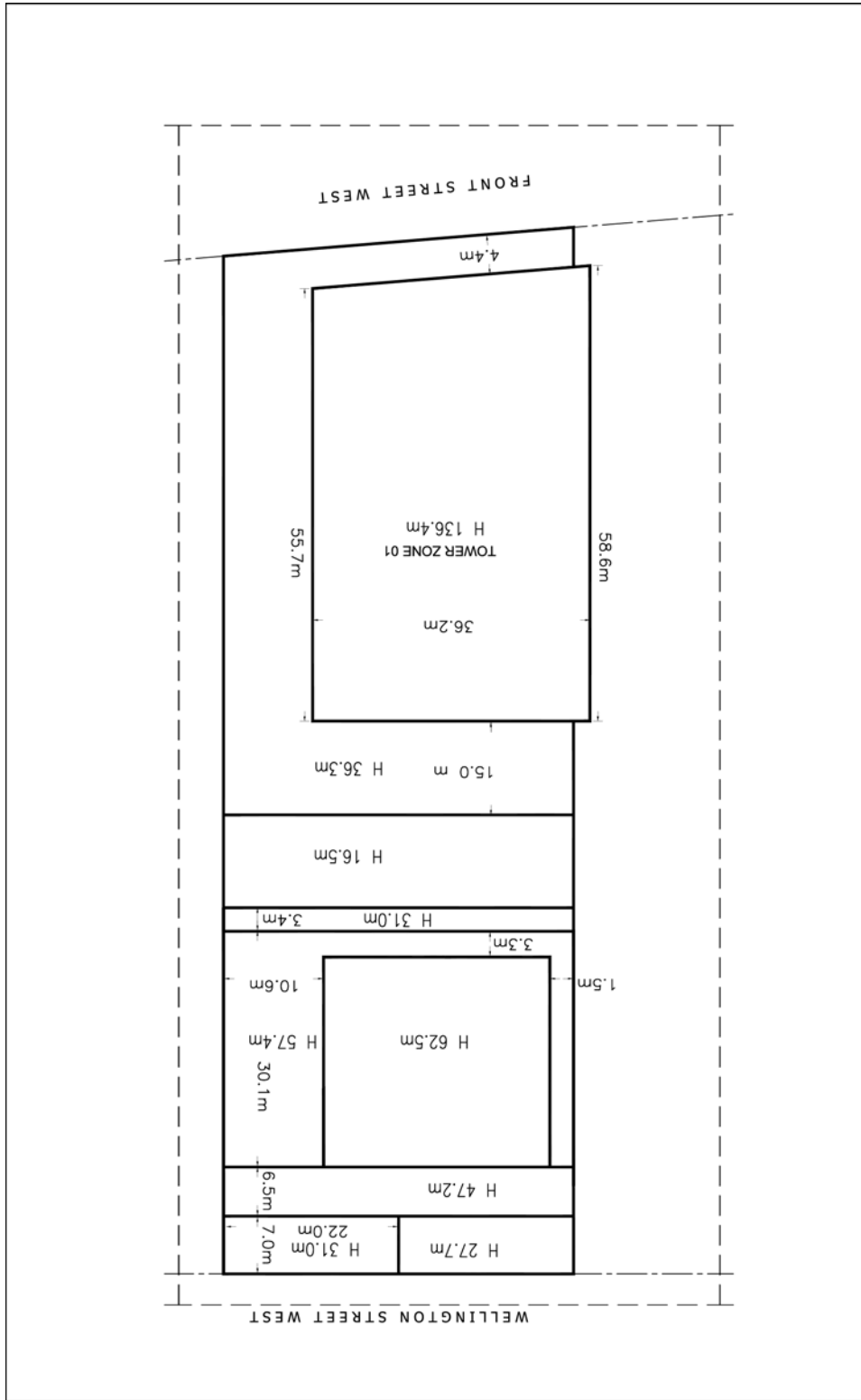
City of Toronto By-Law 569-2013  
Not to Scale  
11/09/2016



**Toronto**  
 440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,  
 6-18 Spadina Avenue and 1 & 19 Draper Street  
 File # 14 116571 STE 20 0Z

**Toronto**  
 Diagram 7

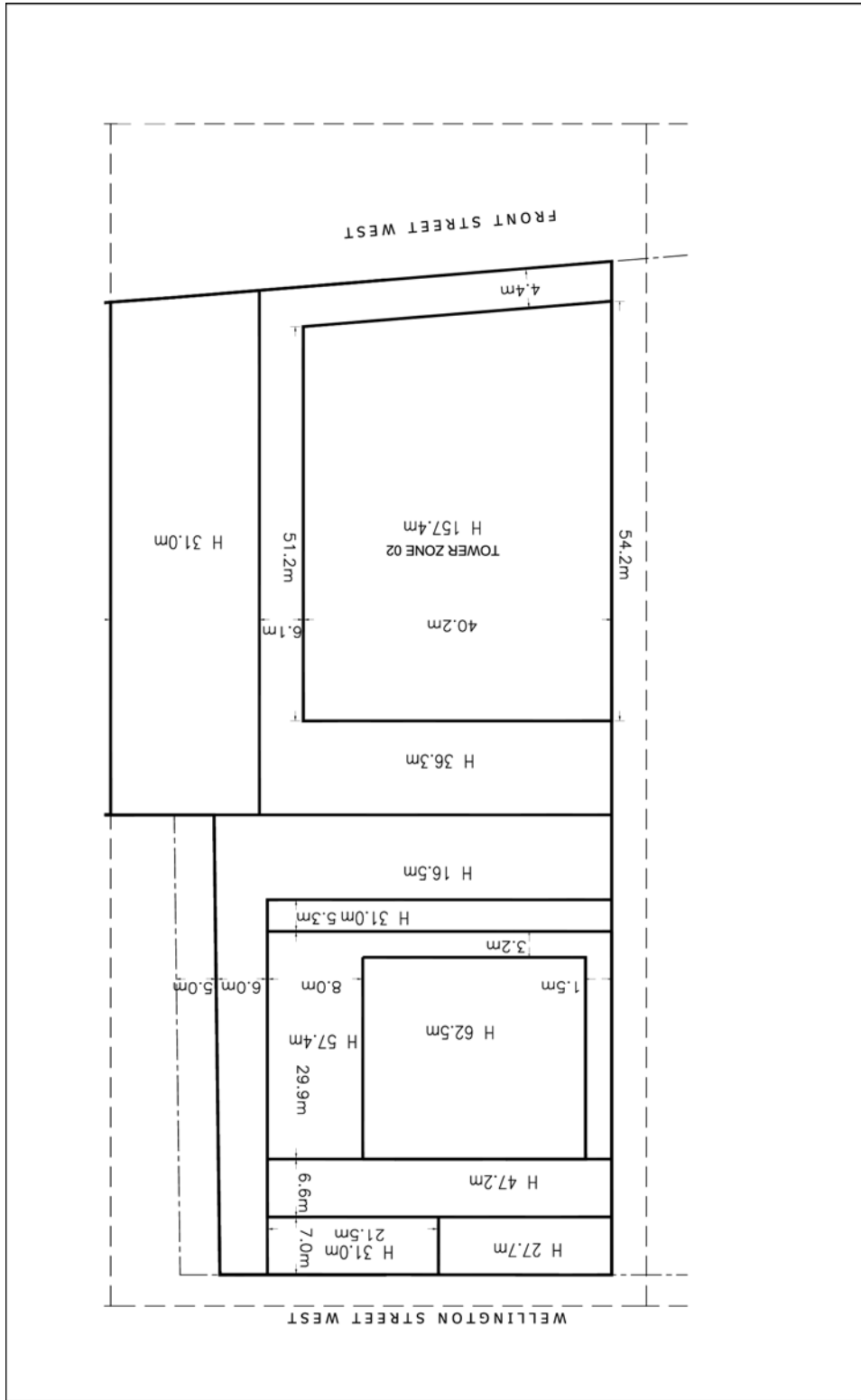
City of Toronto By-Law 569-2013  
 Not to Scale  
 11/14/2016



440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,  
 6-18 Spadina Avenue and 1 & 19 Draper Street  
 File # 14 116571 STE 20 0Z

**Toronto**  
 Diagram 8

City of Toronto By-Law 569-2013  
 Not to Scale  
 11/09/2016

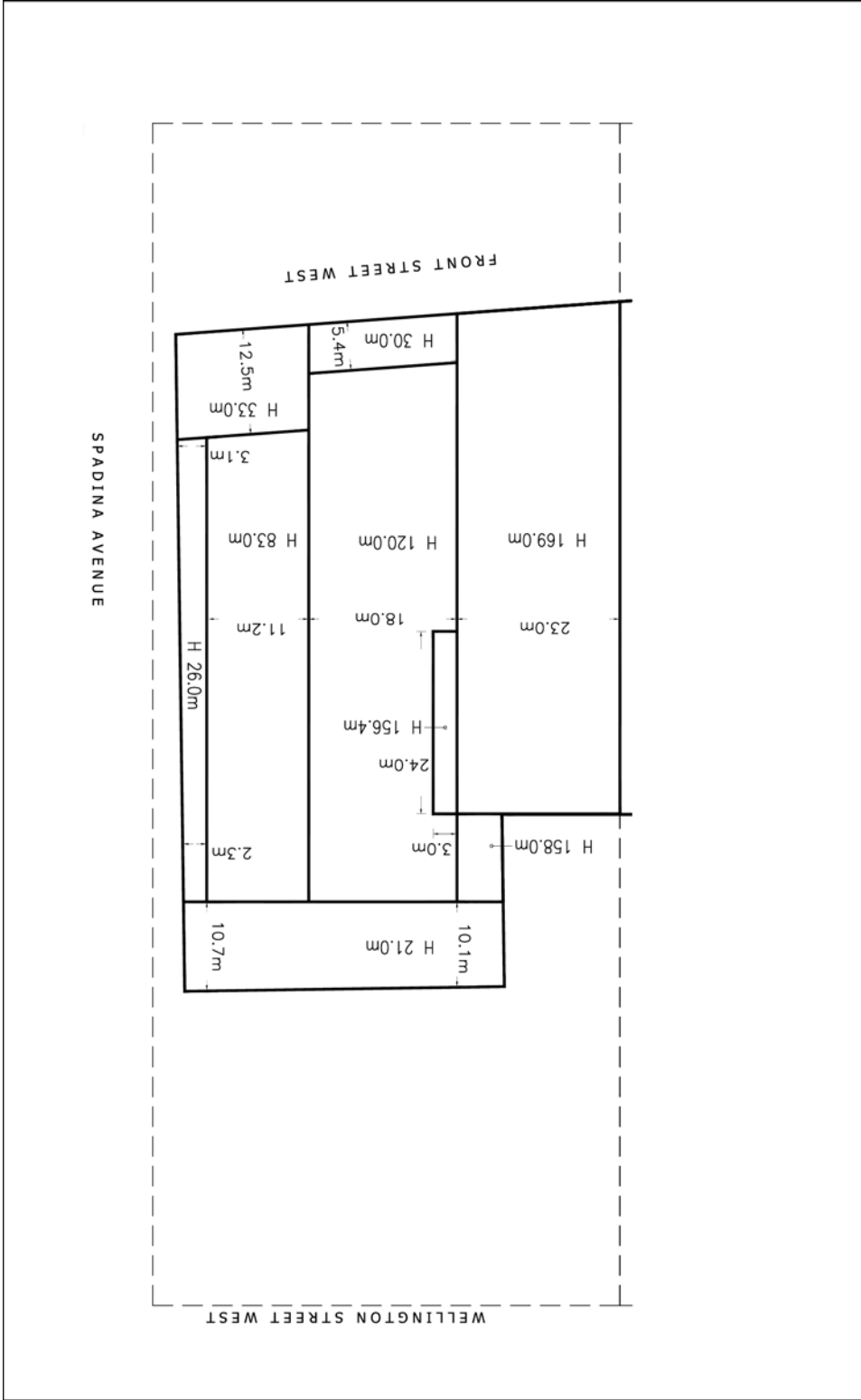


**Toronto**  
**Diagram 9**

440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,  
 6-18 Spadina Avenue and 1 & 19 Draper Street  
 File # 14 116571 STE 20 0Z

City of Toronto By-Law 569-2013  
 Not to Scale  
 11/09/2016





**Toronto**  
**Diagram 10**

440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,  
 6-18 Spadina Avenue and 1 & 19 Draper Street  
 File # 14 116571 STE 20 0Z

City of Toronto By-Law 569-2013  
 Not to Scale  
 11/09/2016

Authority: Toronto and East York Community Council Item ~ as adopted by City of  
Toronto Council on ~, 20~

Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20**

**To amend Zoning By-law No. 438-86 of the former City of Toronto, as amended with respect to the lands municipally known as, 410, 440, 444, 450 and 462 Front Street West; 425, 439, 441 and 443 Wellington Street West and 6 to 18 Spadina Avenue and 19 Draper Street.**

**Whereas** Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

**Whereas** Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

**Whereas** the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development;

**Whereas** pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law;

**Whereas** subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

**Whereas** the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

**Whereas** the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands 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 which are secured by one or more agreements between the owner of the land and the City of Toronto.

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of development permitted is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
2. Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same.
3. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix 1 are satisfied.
4. District Map 50G-321 contained in Appendix "A" of By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spaces 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, is further amended by redesignating from "R3" to "G" the lands identified as "G" on Appendix "A" as outlined on Plan 2 attached to and forming part of this By-law.
5. None of the provisions of Sections 2(1) with respect to the definition of *bicycle parking space-occupant*, *bicycle parking space-visitor*, *grade*, *height*, *lot*, *residential amenity space*, *restaurant*, *storey*, and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13), 4(16), 4(17), 7(1), 7(3)PART II, 8(1), 9(1), 12(2)132, 12(2)204, 12(2)246, 12(2)260 and 12(2)270 of By-law No. 438-86, of the former City of Toronto, as amended being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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 buildings containing residential, commercial and office uses, a *commercial parking garage* and uses *accessory* to the foregoing uses on the *lot* provided that:
  - (a) the *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law, excluding those lands labelled G;
  - (b) the following uses are permitted on the *lot*:
    - (i) residential and non-residential uses permitted by Section 7(1)(f) of By-law 438-86, as amended, which uses shall not be subject to the qualifications where indicated; and

- (ii) *outdoor open air market, retail warehouse, outdoor recreation uses, a commercial parking garage;*
  - (iii) an outdoor patio where meals or refreshments or both may be served to patrons;
- (c) the combined total *gross floor area* of all buildings erected or used on the *lot* for residential and non-residential uses shall not exceed 289,000 square metres, provided;
- (i) the area of buildings occupied by residential uses does not exceed a gross floor area of 175,000 square metres;
  - (ii) the area of any uses operated in connection with an *outdoor open air market* are not included in the calculation of *gross floor area*;
- (d) the combined *gross floor area* of all *ground floor levels* contained in buildings on the *lot* shall not exceed a maximum of 17,350 square metres;
- (e) no portion of any building erected above finished ground level on the *lot* is located other than wholly within the *building envelope* areas delineated on Maps 2, 3, 4, 5 and 6 attached to this By-law, with the exception of the following projections:
- (⊕) lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, railings, privacy screens, planters, balustrades, bollards, stairs, escalators and associated enclosures, balconies, awnings, fences, underground garage ramps including associated enclosures and structures, walls and safety railings, trellises, guards, guardrails, retaining walls, wheel chair ramps, public art, bike share facilities, and outdoor recreation uses, band shells, ornamental or architectural features, landscape features, day nursery facilities and art installations;
  - (ii) pedestrian bridges limited to a maximum height of 24.0 metres, measured between *grade* and the highest point of the bridge;
  - (iii) covered walkways, architectural and ornamental canopies and similar structures, including related support structures;
  - (iv) the erection or use of the structures, elements and enclosures permitted by Section 5.(f) of this By-law;
- (f) the *height* of each portion of a building or structure erected above *grade* on the *lot*, in respect of each *building envelope* area, shall have a maximum *height* in metres as shown following the symbol “H” on Maps

3, 4, 5 and 6 for the corresponding *building envelope* area, including roof top mechanical penthouses, except for the following projections:

- (i) the erection or use of the structures, elements and enclosures permitted by Section 5.(e) of this By-law;
- (ii) elevators and related structures provided that:
  - a) such projections are located on those portions of a building permitted above a height of 81 metres as shown on as shown on Maps 3,4, 5 and 6;
  - b) such projections are limited to a maximum vertical projection of 13.0 metres above the height limits specified by the numbers following the symbol “H” as shown on Maps 3,4, 5 and 6; and;
  - c) the horizontal area of each projection is not greater than 150 square metres.
- (iii) portions of a building used for indoor residential amenity space and/or a *club* operated as a gym, fitness centre or health club provided that:
  - a) such projections are located on any portion of a building subject to a height limit of 26.3 metres and/or on any portion of a building subject to a height limit of 36.3 metres, with such height limits as shown on Maps 3, 4 and 5; and
  - b) such projections are limited to a maximum vertical projection of 5.0 metres above the height limits shown on Maps 3, 4 and 5;
- (iv) the erection or use of structures on any roof used for outdoor *residential amenity space* or open air recreation, maintenance, safety, wind or green roof purposes, vestibules providing access to outdoor *residential amenity space*, cooling towers, parapets, mechanical and architectural screens, chimneys, vents, stacks, mechanical fans, structures and elements associated with green energy and renewable energy facilities, with all such projections limited to a maximum vertical projection of 6.0 metres above the height limit shown on maps 3, 4, 5 and 6;
- (g) notwithstanding any other provisions of this By-law, above a height of 36.3 metres, a minimum separation distance of 25 metres shall be

provided between the main exterior walls of buildings located within Tower Zone 01 and Tower Zone 02 as shown on Maps 1, 3 and 4, and between any other portion of a building on the lot, excluding the projections permitted by subsection (e) and (f)(iii) above;

- (h) within the areas shown as Tower Zone 01 and Tower Zone 02 on Maps 1, 4 and 5, the following applies:
  - (i) within Tower Zone 01, the maximum *gross floor area* of any storey, the floor level of which is more than 61.0 metres above *grade*, is 985.0 square metres;
  - (ii) within Tower Zone 02, the maximum *gross floor area* of any storey, the floor level of which is more than 67.0 metres above *grade*, is 985.0 square metres;

**Residential Amenity Space**

- (i) *residential amenity space* shall be provided and maintained as follows:
  - (i) a minimum of 3.0 square metres of *residential amenity space* per *dwelling unit*, of which not less than 1.2 square metres per *dwelling unit* shall be provided as indoor *residential amenity space*;
  - (ii) a minimum of 40 square metres of outdoor *residential amenity space* provided in a location accessible from indoor *residential amenity space*; and
  - (iii) indoor *residential amenity space* may also include guest suites, where such suites may contain either a kitchen or a bathroom;

**Parking**

- (j) a minimum of 0.4 *parking spaces* per *dwelling unit* shall be provided for residents;
- (k) *parking spaces* for all other uses shall be provided in accordance with the following table:

*Parking Space Rates and Parking Space Occupancy Table*

Land Use	Minimum Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Hotel	0.2 <i>parking spaces</i> for each 100	80%	75%	100%

	square metres of <i>gross floor area</i>			
Office	0.35 parking spaces for each 100 square metres of <i>gross floor area</i>	100%	60%	0%
All other non-residential uses	1.00 <i>parking space</i> for each 100 square metres of <i>gross floor area</i>	20%	100%	100%
Residential visitors	0.1 <i>parking spaces per dwelling unit</i>	10%	35%	100%

- (i) for the purpose of the table above, the *interior floor area* of that portion of a building used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas and storage areas below *grade, parking space, loading space, or drive aisle* used to access a *parking space* or loading space is not included in the *gross floor area* for the purpose of calculating *parking space* requirements.
- (ii) notwithstanding the table above, no *parking spaces* are required for *day nursery uses, restaurants and take-out restaurants, outdoor open air market, data processing establishment, community centre and club* operated as a gym, fitness centre or health club;
- (iii) the minimum number of *parking spaces* as required in the table above is determined as follows:
  - A. for each of the morning, afternoon and evening parking periods identified in the table above, the minimum number of *parking spaces* required for each use, is calculated using the respective *parking space* rate and occupancy rate;
  - B. the minimum number of *parking spaces* required for each parking period is the total of the *parking spaces* required for all uses during that parking period;
  - C. the minimum number of *parking spaces* required is equal to the largest number of *parking spaces* required for any parking period; and
- (l) for each *car-share parking space* provided on the *lot*, the minimum number of resident *parking spaces* required for residents pursuant to subsection (j) above may be reduced by four *parking spaces*, up to a maximum reduction as calculated by the following formula: 4 x (the total number of *dwelling units* on the *lot* divided by 60), rounded down to the nearest whole number;
- (m) for each 5 *bicycle parking spaces* provided in excess of the minimum number of *bicycle parking spaces* required by this By-law, the minimum



number of resident *parking spaces* required pursuant to subsection (j) above may be reduced by 1 *parking space*, up to a maximum reduction of 20% of the minimum that would otherwise be required pursuant to subsection (j) above;

- (n) the *parking spaces* required pursuant to subsection (k) above may be provided on a non-exclusive basis and may be provided in a *commercial parking garage* on the lot;
- (o) *parking spaces* required by this By-law are to be provided in accordance with the requirements of subsections (i) and (k) of Section 4(5) of By-law 438-86, as amended;
- (p) all parking spaces shall be located below *grade*;
- (q) if the calculation of the required number of *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number;
- (r) a room or enclosed area, including its enclosing walls within the building that is used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas, storage areas below grade, *parking space* or loading space, or a drive aisle used to access a *parking space* or a loading space, is not included in the *gross floor area* for the purpose of calculating *parking space* requirements;
- (s) the requirements of Section 4(17) of By-law 438-86, as amended, shall apply with the exception that:
  - (i) up to a maximum of 15 % of the total number of required *parking spaces* may have the following minimum dimensions, notwithstanding that such *parking spaces* are obstructed on one or two sides in accordance with Section 4(17)(e) of By-law 438-86, as amended:
    - A. Length – 5.6 metres;
    - B. Width – 2.6 metres;
    - C. Height – 2.0 metres; and
  - (ii) provided that the total number of required *parking spaces*, which are obstructed on two sides and provided in accordance with (i) above, is no more than 5% of the total number of required parking spaces;

**Loading**

- (t) loading spaces shall be provided on the *lot* in accordance with the following:
- (i) one *loading space – type G* shall be provided on the *lot*;
  - (ii) access to loading spaces may be provided by driveways and passageways having a maximum slope of up to 15 percent, provided the maximum permitted slope of a ramp or driveway within 6.0 metres of the limit of a *street* is 5 percent;
  - (iii) loading for a *retail store, retail warehouse, restaurant, personal grooming establishment*, or establishment for the cleaning or care of apparel shall be provided as follows:

Total <i>Gross Floor Area</i> on the <i>lot</i> devoted to such uses	Minimum Number of Loading Spaces Required
0 to 499 square metres	None required
500 to 1,999 square metres	1 <i>loading space - type B</i>
2,000 to 4,999 square metres	2 <i>loading spaces - Type B</i>
5,000 to 9,999 square metres	3 <i>loading spaces - type B</i>
10,000 to 19,999 square metres	1 <i>loading space - type A</i> and 3 <i>loading spaces - type B</i>
20,000 to 29,999 square metres	1 <i>loading space - type A</i> and 3 <i>loading spaces - type B</i> and 1 <i>loading space - type C</i>
30,000 square metres or greater	1 <i>loading space - type A</i> and 3 <i>loading spaces - type B</i> and 1 <i>loading space - type C</i>

- (iv) loading for a grocery store or supermarket shall be provided as follows:

Total <i>Gross Floor Area</i> on the <i>lot</i> devoted to such uses	Minimum Number of Loading Spaces Required
0 to 499 square metres	None required
500 to 999 square metres	1 <i>loading space - type B</i>
1,000 to 1,999 square metres	1 <i>loading space - type A</i>
2,000 to 4,999 square metres	1 <i>loading space - type A</i> and 1 <i>loading space - type B</i>
5,000 to 9,999 square metres	1 <i>loading space - type A</i> and 2 <i>loading space - type B</i>
10,000 to 19,999 square metres	2 <i>loading space - type A</i> and 2 <i>loading space - type B</i>

(v) loading for office uses shall be provided as follows:

Total <i>Gross Floor Area</i> on the <i>lot</i> devoted to such use	Minimum Number of Loading Spaces Required
0 to 499 square metres	None required
500 to 999 square metres	1 <i>loading space – type B</i>
1,000 to 1,999 square metres	1 <i>loading space – type B</i> and 1 <i>loading space – type C</i>
2,000 to 3,999 square metres	1 <i>loading space – type B</i> and 2 <i>loading spaces – type C</i>
4,000 to 27,999 square metres	2 <i>loading spaces – type B</i> and 2 <i>loading spaces – type C</i>
28,000 to 51,999 square metres	2 <i>loading spaces – type B</i> and 3 <i>loading spaces – type C</i>
52,000 square metres or greater	A minimum of 2 <i>loading spaces – type B</i> and 3 <i>loading spaces – type C</i>

(vi) loading for a *hotel* shall be provided as follows:

Total <i>Gross Floor Area</i> on	Minimum Number of Loading Spaces
----------------------------------	----------------------------------

the <i>lot</i> devoted to such use	Required
0 to 4,999 square metres	1 <i>loading space – type B</i>
5,000 to 9,999 square metres	1 <i>loading space – type B</i> and 1 <i>loading space – type C</i>
10,000 to 19,999 square metres	2 <i>loading spaces – type B</i> and 1 <i>loading space – type C</i>
20,000 to 49,999 square metres	2 <i>loading spaces – type B</i> and 2 <i>loading spaces – type C</i>
50,000 square metres or greater	A minimum of 1 <i>loading space – type A</i> , 1 <i>loading space – type B</i> and 2 <i>loading spaces – type C</i>

- (u) notwithstanding the requirements of (t) above:
- (i) the loading space requirement for two or more of the following uses on the *lot*: office, *retail store*, *restaurant*, *take-out restaurant*, personal service shop or *hotel*, is the total of (A) and (B) below:
    - A. the minimum number of required *loading spaces – type B* is the largest number of *loading spaces – type B* required for any one of the uses above, plus the *loading spaces – type B* required for all other non-residential uses on the *lot* not listed above; plus
    - B. the minimum number of required *loading spaces – type C* is the largest number of *loading spaces – type C* required for any one of the uses listed above plus the *loading spaces – type C* required for all other non-residential uses on the *lot* that are not listed above;
  - (ii) the requirement for a *loading space – type A* or a *loading space – type B* for non-residential uses on the *lot* is satisfied by the provision of a *loading space – type G*;

### **Bicycle Parking**

- (v) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
  - (i) long term *bicycle parking spaces* are for use by the occupants or tenants of a building;
  - (ii) short term *bicycle parking spaces* are for use by visitors to a building;
  - (iii) for *dwelling units*: 0.9 bicycle parking spaces for each *dwelling unit*, allocated as long term bicycle parking spaces and 0.1 *bicycle parking spaces* for each *dwelling unit* allocated as short term *bicycle parking spaces*;
  - (iv) for office uses: 0.2 *bicycle parking spaces* for each 100 square metres of *interior floor area* used for office uses allocated as long term *bicycle parking spaces* and 3 plus 0.2 *bicycle parking spaces* for each 100 square metres of *interior floor area* used for office uses allocated as short term *bicycle parking spaces*;
  - (v) for all other non-residential uses: 0.2 *bicycle parking spaces* for each 100 square metres of *interior floor area* used for all other non-residential uses allocated as *long term bicycle parking spaces* and 3 plus 0.3 *bicycle parking spaces* for each 100 square metres of *interior floor area* used for all other non-residential uses allocated as *short term bicycle parking spaces*; and

### **Definitions**

- (w) for the purpose of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law 438-86, as amended except that the following definitions shall apply:
  - (i) "*bicycle parking space*" means an area that is equipped with a bicycle rack, bicycle ring, bicycle stacker or bicycle locker for the purpose of parking and securing bicycles, and:
    - A. where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and vertical dimension of at least 1.9 metres; and

- B. where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
  - C. notwithstanding (a) and (b) above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.8 metres by 0.45 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.4 metres;
- (ii) “*building envelope*” means a building envelope for each height area as shown by an “H”, and as delineated on Maps 2, 3, 4 and 5 attached hereto;
  - (iii) “*City*” means the City of Toronto;
  - (iv) “*car-share*” means the practice whereby a number of people share the use of one or more motor vehicles and such car-share motor vehicles are made available to at least the occupants of the building for short term rental, including hourly rental;
  - (v) “*car-share parking space*” means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;
  - (vi) “*gas bar*” means a building or place where only automotive fuels are available which may include an electric vehicle charging station;
  - (vii) “*grade*” means the Canadian Geodetic Datum elevation of 85.0 metres;
  - (viii) “*gross floor area*” means the sum of the total area of each floor level of a building or structure above and below finished ground level, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
    - A. *parking spaces* and *loading spaces* below *grade*;
    - B. required *loading spaces* at the ground level;
    - C. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;

- D. facilities for bicycle parking, including but not limited to the area occupied by *bicycle parking spaces* and required shower and change facilities;
  - E. *residential amenity space* up to a maximum of 2.0 square metres of indoor *residential amenity space* for each *dwelling unit* on the *lot*;
  - F. elevator shafts, garbage shafts
  - G. mechanical penthouses; and
  - H. exit stairwells in the building or structure;
- (ix) “*ground floor level*” is the floor level of a building that is closest to *grade*;
  - (x) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law;
  - (xi) “*interior floor area*” means the floor area of any part of a building measured to the interior side of a main wall, the centreline of an interior wall, or as measured to a line delineating the part being measured;
  - (xii) “*lot*” means at least the lands delineated by heavy lines shown on Plan 1;
  - (xiii) “*outdoor open air market*” means portion of a *lot* where, goods, wares, merchandise or a substance, article or thing is offered, kept or stored for retail sales, which may include food sales, retail sales and other uses from containers, kiosks, tents, vehicles, tables or similar structures;
  - (xiv) “*residential amenity space*” means a common area or areas within a *lot* which are provided for the use of residents, visitors and guests of a building for recreational or social purposes and such areas may include guest suites;
  - (xv) “*restaurant*” shall have the same meaning provided in Section 2 of By-law 438-86, as amended, with the exception that the *non-residential gross floor area* restrictions in subsection (iv) shall be amended to provided for a maximum of 12% of the non-residential gross floor area or 100 square metres, whichever is less shall apply to one or more of the uses noted in subsection (v);

6. The provisions of By-law 1106-2016 shall not apply to prevent the erection or use of a building or structure that complies with Sections 1. to 5. of this By-law, as may be amended or varied from time to time.
7. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
8. None of the provisions of Section 5(1) and 5(3)Part II of By-law No. 438-86, of the former City of Toronto, as amended being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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 building, structures or trailers used for the purpose of a construction management office on the lands municipally known as 19 Draper Street in the year 2015 and identified as G on Map 2 to this By-law subject to the following:
  - (a) Other than for trailers, no vehicle parking or vehicle access is permitted in connection with a construction management office.
9. Within the lands shown on Schedule “~” attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (a) 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
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
10. Section 37 Provisions
  - (a) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at the owner’s expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands to the satisfaction of the City Solicitor.



- (b) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (c) The owner must not use, or permit the use of, a building or structure erected with an increase in height pursuant to this By-law unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20~.

\_\_\_\_\_  
JOHN TORY,  
Mayor

\_\_\_\_\_  
Ulli S. Watkiss  
City Clerk

(Corporate Seal)

**SCHEDULE A**  
**Section 37 Provisions**

**The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height of the proposed development on the lands as shown on Map 1 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:**

1. The owner shall provide to the City:
  - i. The construction, finishing, furnishing and equipping of a non-profit licensed child care facility to accommodate approximately 57 children, including infants, toddlers and preschoolers, comprising 613 square metres of interior space and a minimum of 192 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for a child pick-up and drop-off area with safe access to and from the underground garage.
  - ii. The entering into a lease agreement with the City for three 25-year terms and one 24-year term for a total of 99 years; and such facility shall be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs, repair and maintenance costs, property damage, liability insurance, realty taxes and local improvement charges.
  - iii. A one-time cash contribution in the amount of \$180,000.00 to the Child Care Facility Replacement Reserve Fund to replace appliances and large equipment due to wear and tear.
  - iv. A one-time cash contribution in the amount of \$150,000.00 towards Start-Up Operating Costs for the defrayment of operational deficits during the first year of operation.
  - v. An indexed letter of credit in the amount of \$2,800,000.00 to secure above base streetscape improvements on Wellington Street West adjacent the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
  - vi. An indexed letter of credit in the amount of \$1,700,000.00 to secure above base streetscape improvements on Wellington Street West east of the subject site to Spadina Avenue and west of the subject site to Draper Street, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward

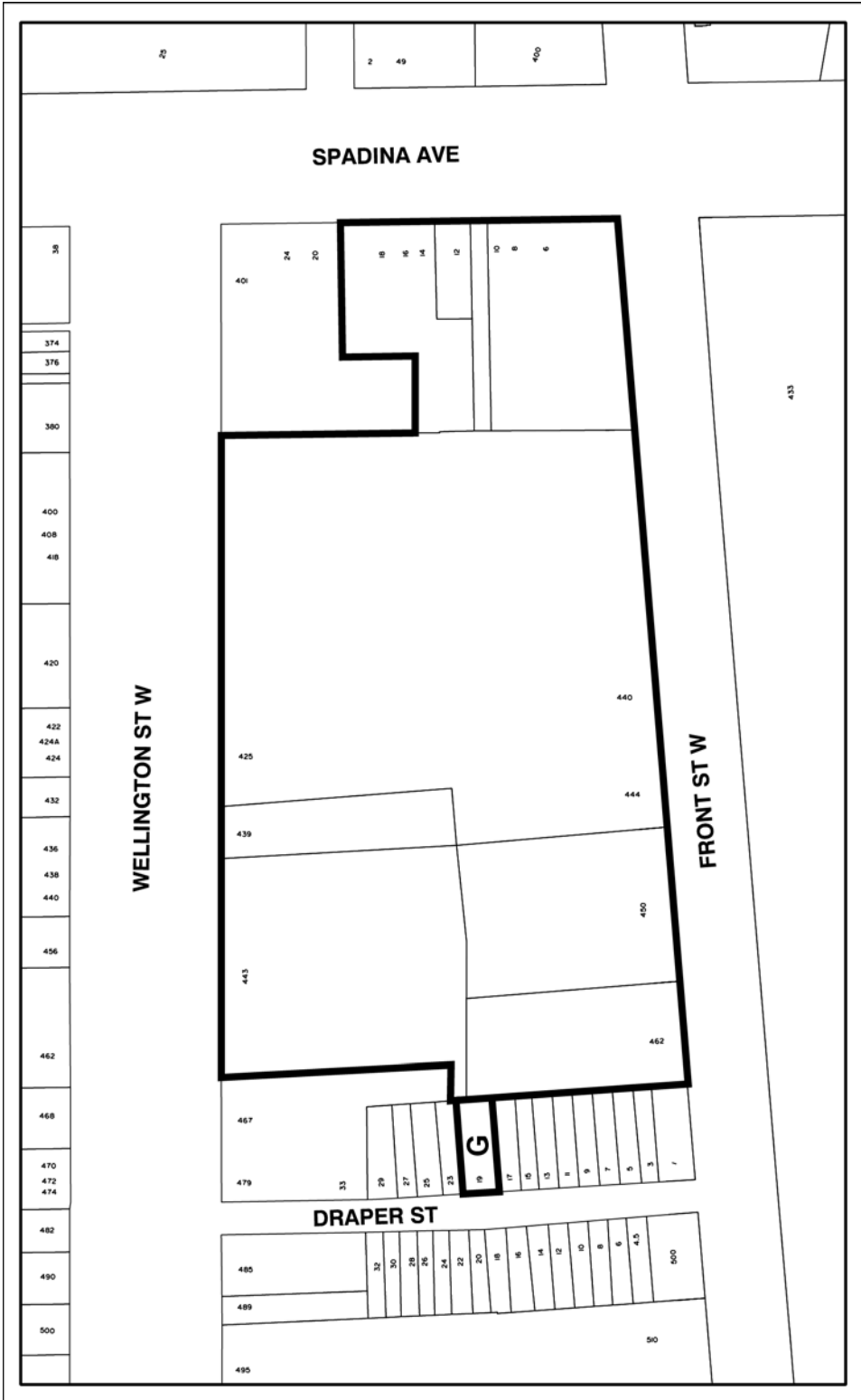
Councillor.

- vii. A cash contribution of \$1,000,000.00 toward construction of the YMCA facility to be constructed at 505 Richmond Street West.
- viii. The provision and maintenance of a public art contribution with a minimum value of \$900,000.00.
- ix. An indexed letter of credit in the amount of \$220,000.00 to secure street lighting associated with the streetscape improvements on Wellington Street West, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the Ward Councillor.
- x. A cash contribution of \$1,130,000.00 for streetscape improvements on Draper Street, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
- xi. A cash contribution of \$75,000.00 for a new crosswalk on Wellington Street West, to the satisfaction of the General Manager, Transportation Services Division.
- xii. A cash contribution of \$500,000.00 for the provision of new affordable rental housing in Ward 20, to be directed to the Capital Revolving Fund for Affordable Housing.
- xiii. A cash contribution of \$500,000.00 toward the Toronto Community Housing (TCHC) revolving capital fund for repairs to TCHC housing in Ward 20.
- xiv. Prior to condominium registration, the owner shall convey to the City two public pedestrian easement for the life of the building securing access to the publicly accessible private open spaces (POPS) for a total of to the satisfaction of the Chief Planner and Executive Director, City Planning Division, generally as shown on the Zoning schedules to be attached as Attachments 10 and 11.
- xv. In the event the cash contributions referred to in 4. (iii), (iv),(vii), (viii), (x), (xi) and (xii) above has not been used for the intended purpose within five (5) years of this by-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

- xvi. The \$4,435,000.00 cash contribution referred to in 4. (iii), (iv), (vii), (viii), (ix), (x), (xi) and (xii) above is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the introduction of Bills to the date of payment. All cash contributions, except for those noted above in 4. (iii) and (iv) will be payable prior to the first above grade building permit.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
- i. Prior to the issuance of Final Site Plan Approval, the owner shall have addressed the requirements for the removal of private trees on the site and adjacent the property as required by the City of Toronto Private Tree By-law as outlined in the memorandum from Urban Forestry Services staff dated April 1, 2015.
  - ii. A detailed landscape and lighting plan will be submitted and approved through the site plan approval process to realize the objective of creating a 'green link' on Wellington Street West to connect Clarence Square with Victoria Memorial Square. These plans will be subject to the approval of the Chief Planner and Executive Director, City Planning Division and the General Manager, Transportation Services.
  - iii. Obligations related to the maintenance of the streetscape improvements will be to be to the satisfaction of the Manager of Right-of Way Management, Transportation Services.
  - iv. Implementation of the recommendations in the noise and vibration study and certification by the applicant's noise and vibration consultant confirming that the proposed buildings as shown on the site plan drawings are designed and built in accordance with the recommendation of the study.
  - v. Wind tunnel testing as recommended in the Pedestrian Level Wind Conditions – Letter of Opinion prepared by RWDI and implementation any recommended mitigation measures.
  - vi. A construction management agreement to the satisfaction of the Ward Councillor, in consultation with the local community.
  - vii. The owner shall register a 118 Restriction under the Land Titles Act and the Owner shall convey to the satisfaction of the General Manager of Parks, Forestry and Recreation lands municipally known as 19 Draper Street and 456 Wellington Street West which represent a

portion of the owner's Section 42 on-site and off-site parkland dedication requirement respectively, with the remainder being provided as cash in lieu payment as discussed below.

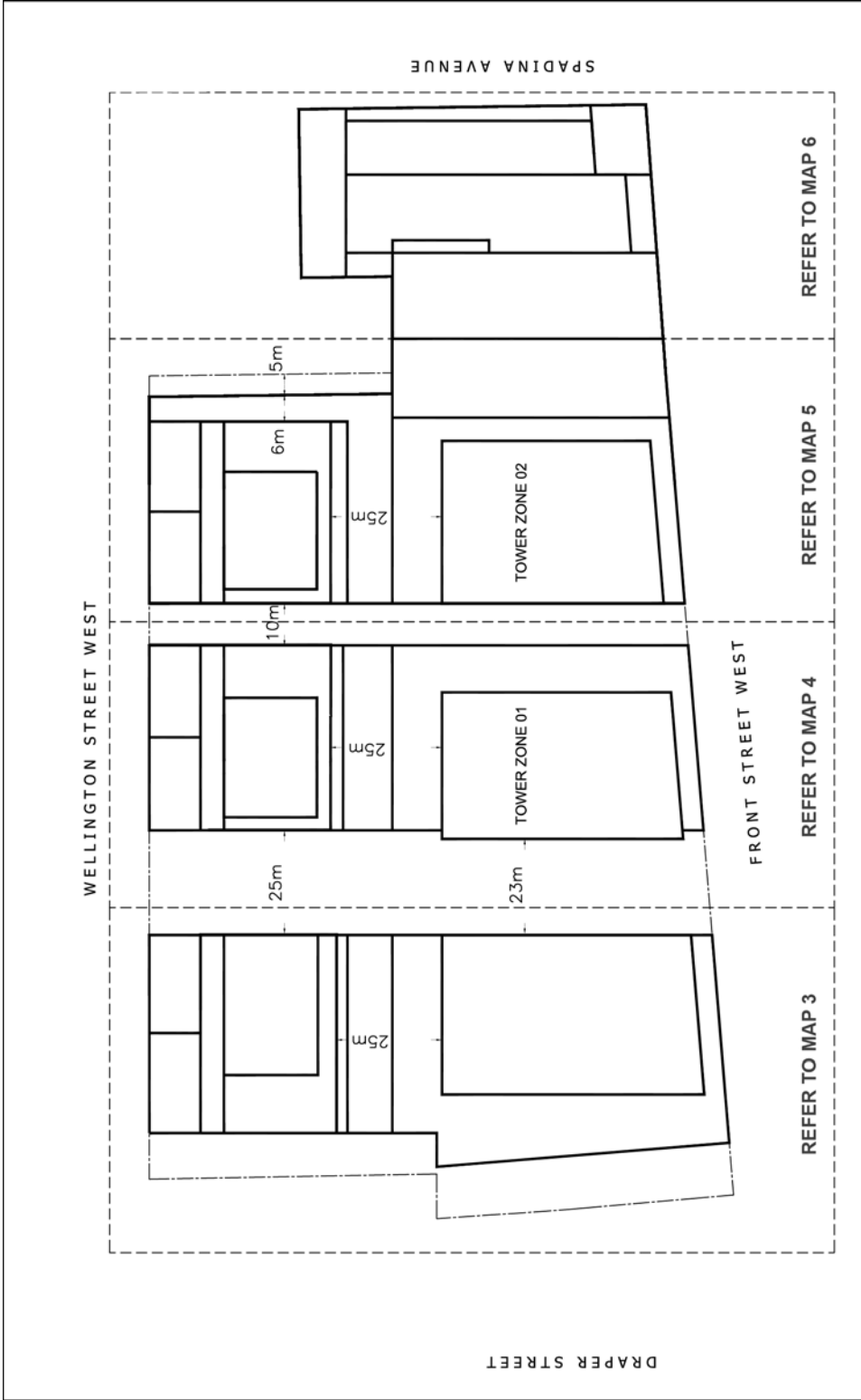
- viii. The remaining parkland dedication requirement not fulfilled through the required on-site and off-site land conveyance as set out under recommendation 4.b.vii of the report shall be satisfied through a cash-in-lieu of parkland payment, where the owner shall provide a letter of credit to secure such payment prior to the first above-grade building permit and the parties acknowledge that these funds will be directed towards the above base park improvements of the Public Parks to the satisfaction of the General Manager of Parks, Forestry and Recreation. There will be a credit toward the amount of cash in lieu to be paid that includes hard and soft costs with respect to the acquisition and provision of the park at 456 Wellington Street West.
- ix. Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the above base park improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
- x. In the event the owner is unable to provide the conveyance of 456 Wellington Street West to the City as their off-site parkland dedication as set out in recommendation 4.b.vii of the report, the owner, prior to the issuance of the first above-grade building permit, shall make an off-site parkland dedication contribution for the balance of the parkland dedication requirement to the satisfaction of the General Manager, Parks Forestry and Recreation, which shall go to the City's Account 220419 and shall be used for acquiring parkland in the area; and that Chapter 415, Development of Land of the Toronto Municipal Code be amended as may be required.
- xi. The owner shall provide a minimum ten percent (10%) of the residential units having at least three bedrooms.



**Toronto**  
Map 1

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6-18 Spadina Avenue and 1 & 19 Draper Street  
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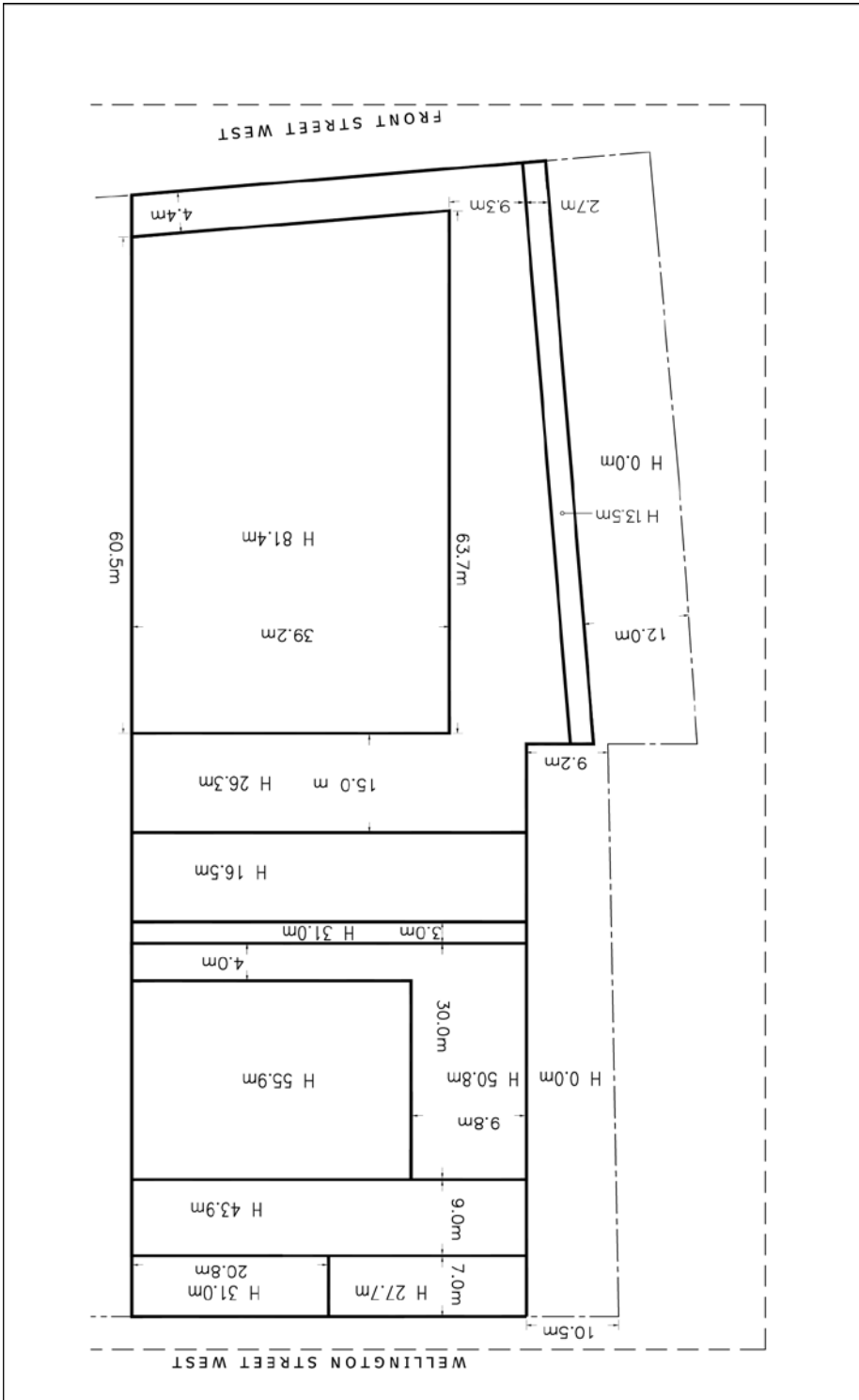
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440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,  
 6-18 Spadina Avenue and 1 & 19 Draper Street  
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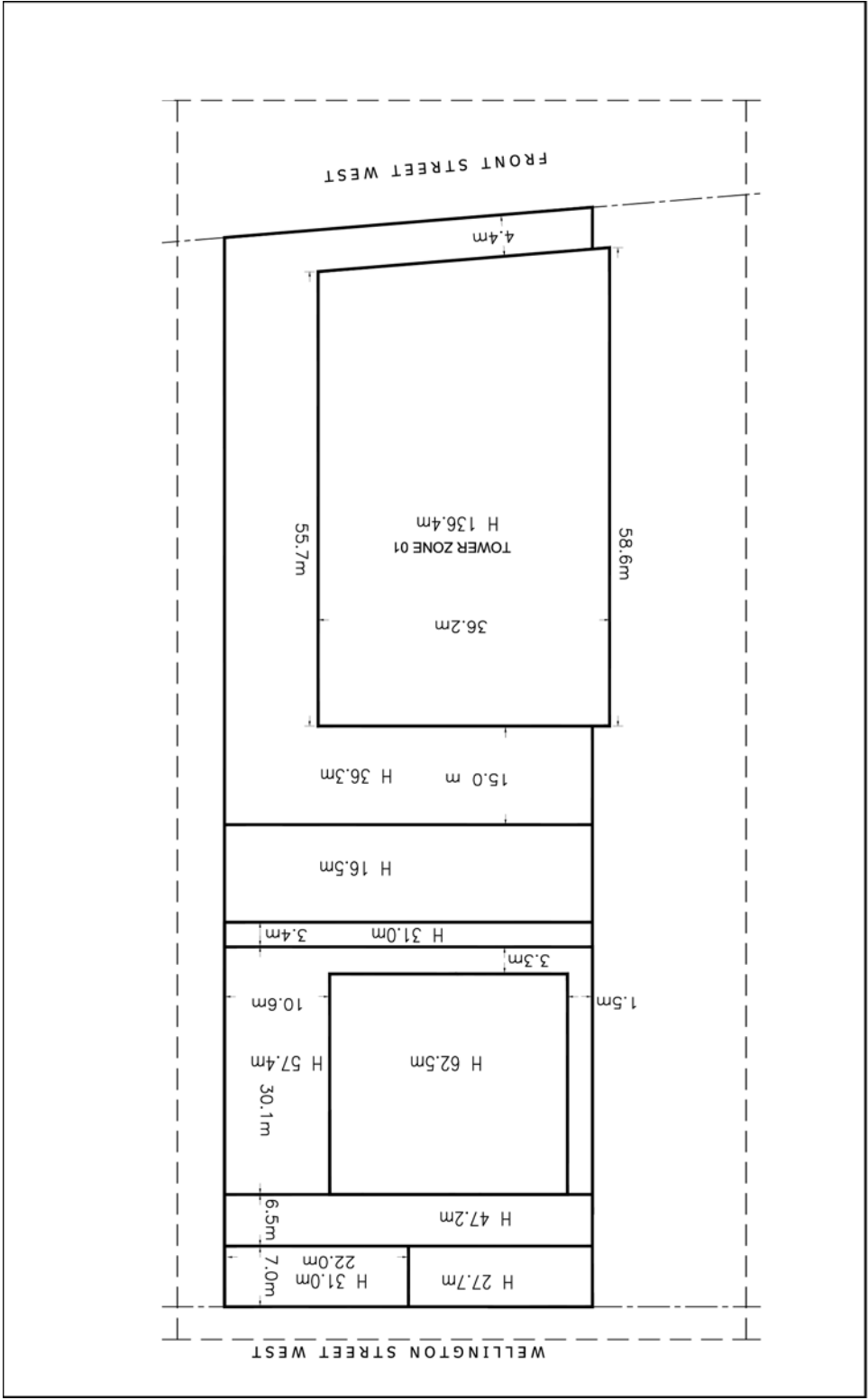


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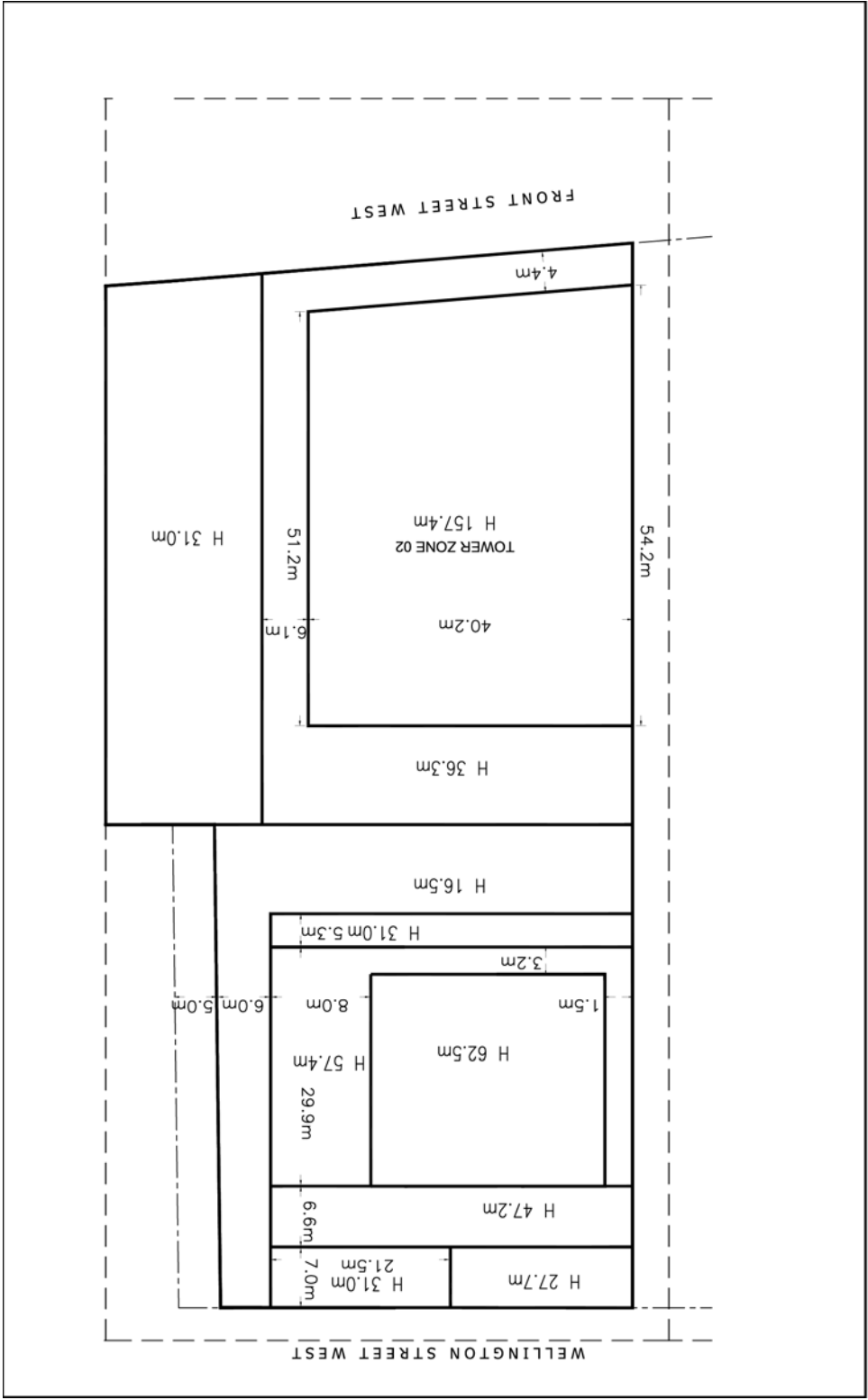




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 6-18 Spadina Avenue and 1 & 19 Draper Street  
 File # 14 116571 STE 20 0Z



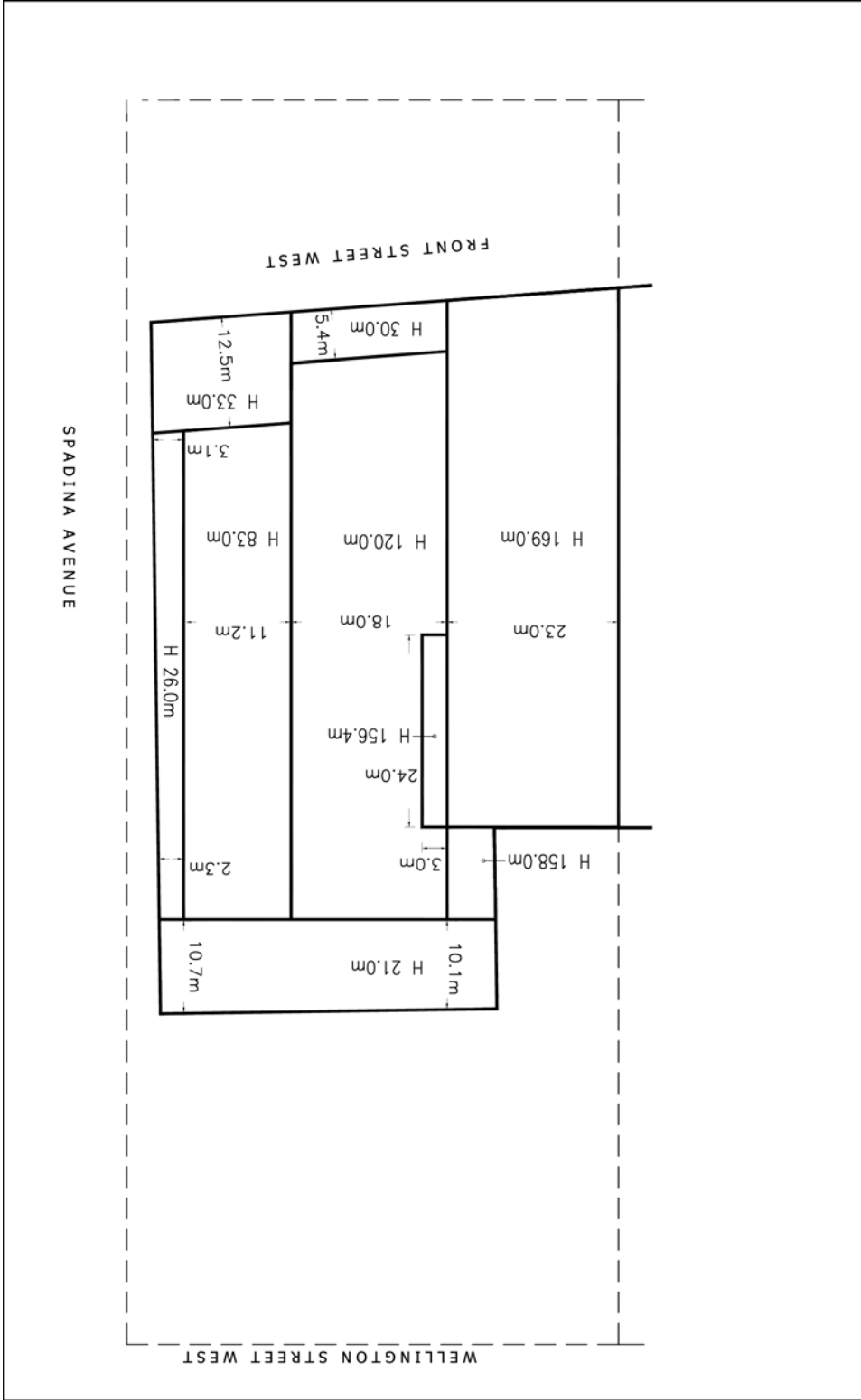
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**Toronto**  
Map 5

440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,  
6-18 Spadina Avenue and 1 & 19 Draper Street  
File # 14 116571 STE 20 0Z

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11/09/2016



440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,  
6-18 Spadina Avenue and 1 & 19 Draper Street  
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11/09/2016