

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2018
Enacted by Council: ~, 2018

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2018

To adopt an amendment to Zoning By-law No 438-86, as amended in respect to the lands municipally in the year 2018 as 155 Wellesley Street East.

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*; and

WHEREAS the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or density of development; and

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 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; and

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; and

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

WHEREAS the increases in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the land and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law; and

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

1. Pursuant to Section 37 of the *Planning Act*, the density of development City of Toronto By-law No. xxx-2018 permitted by this By-law is permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the *lot* of the facilities, services and matters set out in Schedule A 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 between the *City* and the owner of the *lot* on title to the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Schedule A 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, such building may not be erected or used until the owner of the *lot* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) 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* shall continue to apply on the *lot*.
5. None of the provisions of Section 2 of By-law 438-86, as amended, with respect to the definitions of the terms *grade*, *height* and *lot* and Sections 4(2), 4(5)(b), 4(8), 4(8)(b), 4(12), 4(13), 4(16), Section 6(3) Part I, 6(3) Part II, 6(3) Part III and Section 12(2) 260 of Zoning By-law No. 438-86, as amended, shall apply to prevent the erection on the *lot* of an apartment building, medical offices and retail uses provided that:
 - (a) The building on the *lot* shall be comprised of the existing 18-Storey apartment building and additions on the lands municipally known in the year 2018 as 155 Wellesley Street East, as shown on Map 2 attached hereto and forming part of this By-law;
 - (b) The 18-storey *apartment building* existing on the *lot* at the date of the passing of this by-law is permitted;
 - (c) In addition to those uses permitted by Section 6(1)(a), *medical office* and *retail* are permitted uses on the *lot*;
 - (d) Notwithstanding section 1 of By-law No. 22751, the aggregate of the *residential gross floor area* and *non-residential gross floor area* of buildings and structures as shown on Map 1 shall not exceed 10,000 square metres, provided that the *non-residential gross floor area* of buildings and structures shall not exceed 2,500 square metres;
 - (e) No portion of any building or structure erected on the *lot* shall be located otherwise than wholly within the heavy lines and building envelopes identified on Map 2 attached to and forming part of this By-law, with the exception of the following: architectural features, balconies, terraces, awnings, canopies, light fixtures, parapets, art and landscape features, patios, decks, pillars, trellises, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, fences, frames, screens, window washing equipment, walkways, transformer vaults, wheelchair ramps and site servicing features by no more than 2.0 metres;

- (f) No portion of any building or structure erected on the *lot* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, with the exception of the following: elevator overruns, access ladder, architectural features, balustrades, chimney and flue stacks, communications equipment, cooling towers, doors, eaves, elements of a green roof including green roof servicing enclosures, guard rails, insulation and roof surface materials, landscaping features, light fixtures, lightning rods, parapets, railings and dividers, roof drainage, roof hatch, screens, trellises, vents and air intakes, wind protection elements, and window washing equipment by no more than 2.0 metres;
- (g) Notwithstanding subsection 1(d) of By-law No. 22751, *parking spaces* must be provided and maintained on the *lot* in accordance with the following standards:
- (i) 0.3 *parking spaces* per bachelor *dwelling unit*;
 - (ii) 0.5 *parking spaces* per one-bedroom *dwelling unit*;
 - (iii) 0.8 *parking spaces* per two-bedroom *dwelling unit*;
 - (iv) 1.0 *parking spaces* per three-bedroom *dwelling unit*;
 - (v) 0.1 *visitor parking spaces* per *dwelling unit*;
 - (vi) 0.35 *parking spaces* per 100 square metres of medical office *non-residential gross floor area*; and
 - (vii) 1.0 *parking spaces* per 100 square metres of retail greater than 200 square metres of *non-residential gross floor area*;
- (h) The medical office, residential visitor and retail parking shall be shared at the following rates:

	AM	PM	EVE
Medical Office	100%	100%	50%
Visitor	10%	35%	100%
Retail Store	20%	100%	100%

- (i) A maximum of 72 existing below-grade *parking spaces* and existing *parking drive aisle* are permitted within their existing dimensions;
- (j) A maximum of 14 *parking spaces* may be obstructed which do not provide an increased width of 0.3 metres on either side.
- (k) A minimum of one *loading space – Type “G”* shall be provided and maintained on the *lot*;

- (l) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following standards:
- (i) a minimum of 0.9 *bicycle parking spaces – long-term* per *dwelling unit*;
 - (ii) a minimum of 0.1 *bicycle parking spaces – short-term* per *dwelling unit*; and
 - (iii) a minimum of 3 *bicycle parking spaces – long-term* plus 0.2 *bicycle parking spaces – long-term* per 100 square metres of *non-residential gross floor area* associated with a medical office facility;
 - (iv) a minimum of 3 *bicycle parking spaces – short-term* plus 0.15 *bicycle parking spaces – short-term* per 100 square metres of *non-residential gross floor area* associated with a medical office facility;
 - (v) *bicycle parking spaces* must comply with the following minimum dimensions:
 - minimum length of 1.8 metres;
 - minimum width of 0.6 metres; and
 - minimum horizontal clearance from the wall of 1.9 metres.
 - (vi) the minimum dimensions of a *bicycle parking space* if placed in a vertical position on a wall, structure or mechanical device is:
 - minimum length or vertical clearance of 1.9 metres;
 - minimum width of 0.6 metres; and
 - minimum horizontal clearance from the wall of 1.2 metres.
 - (vii) if a stacked bicycle parking space is provided, the minimum vertical clearance for each *bicycle parking space* is 1.2 metres.
- (m) Notwithstanding subsection 1(c) of By-law No. 22751, a minimum of 18% of the area of the *lot* shall be used as *landscaped open space*; and
- (n) *Residential amenity space* shall be provided on the *lot* in accordance with the following:
- (i) 53 square metres located indoors; and
 - (ii) 100 square metres located outdoors.
6. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exceptions of the following:
- (a) "*bicycle parking spaces – long-term*" are *bicycle parking spaces* for use by the occupants or tenants of a building;

- (b) "*bicycle parking spaces – short-term*" are *bicycle parking spaces* for use by visitors to a building
 - (c) "grade" means 108.14 metres Canadian Geodetic Datum;
 - (d) "*height*" means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law;
 - (e) "*lot*" shall refer to those lands, delineated by a heavy black line on Map 1, attached to and forming part of this By-law.
 - (f) "*stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.
7. Notwithstanding any 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. Except as otherwise provided herein, the provision of Zoning By-law No. 438-86 will continue to apply to the *lot*.
9. 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 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.

ENACTED AND PASSED this ~ day of ~, A.D. 2018.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out herein are required to be provided by the *owner* of the *lot* 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 all financial contributions from the passage of the zoning by-law, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the *owner* shall agree as follows:

1. Prior to the issuance of any building permit on the *lot*, the *owner* shall:
 - a. Provide a Construction Mitigation Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - b. Provide a letter of credit for 120% of value of the improvements listed in Conditions 2(c) and 3 below, to the satisfaction of the Chief Planner or his designate; and
 - c. Design and provide financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services, should it be determined that improvements or upgrades are required to support the development, according to the Functional Servicing Report, Stormwater Management Report, and Hydrogeological Study, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;

2. Prior to issuance of any above grade building permit on the *lot*, the *owner* shall:
 - a. Obtain Final Site Plan Approval for the building at 155 Wellesley Street East.
 - b. At no cost to the *City*, pay for, construct and make operational any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services and the City Solicitor;
 - c. Provide the following improvements for the use and enjoyment of all residents of the rental building at 155 Wellesley Street East, with no cost pass-through to residents of the existing building, in conformity with required Site Plan Approval to the satisfaction of the Chief Planner or his designate:

- i. New indoor amenity space of 53 square metres in the form of a gymnasium located on the lower level of the existing building, adjacent to the existing laundry room;
 - ii. New long-term bicycle storage for tenants of the existing building in the underground parking area.
 - iii. New short-term bicycle racks located near the residential and retail entrances.
 - iv. Refurbishment of the existing bicycle storage room located adjacent to the basement vehicle entrance.
 - v. Improvements to the building entrances and lobby including the introduction of indoor lobby seating.
3. Prior to the introduction of the first non-residential use on the *lot*, the *owner* shall provide outdoor amenity space of no less than 100 square metres in the form of a furnished patio, located in the southwest corner of the *lot*; in conformity with required Site Plan Approval, with no cost pass-through to residents of the existing building, all to the satisfaction of the Chief Planner or his designate.
4. The *owner* shall provide and maintain the following on the *lot*:
 - a. 113 existing residential rental units in the existing rental building as rental housing, with no applications for demolition or conversion of the maintained rental units to a non-rental purpose for a period of 20 years commencing from the date of the approval of the amending by-laws.
 - b. All improvements referred to in Conditions 2(c) and 3 above for the use and enjoyment of all residents of the rental building at 155 Wellesley Street East with furnishings and finishes appropriate to their use.

To support the development of the lands, the *owner* shall ensure that the improvements in Conditions 2(c) and 3 above will continue to be used for such purposes without the loss of existing rental units or related services or facilities in a location on the *lot* agreeable to the Chief Planner or his Designate, with the provision of Zoning By-law [XXX-2018], with no application to be made by the owner or any subsequent owner to amend provisions of the Zoning By-law for at least 20 years without the consent of the Chief Planner;



