

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 amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 155 Wellesley Street East.

Whereas Council of the City of Toronto has the authority to pursuant to 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 the 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 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 matters as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the density of development, the 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 increase in density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is 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. The lands subject to this By-law are outlined by heavy black lines on Diagram [--] 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 outlined by heavy black lines to R(d2.0)(x48), 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 Article 900.2.10 Exception Number 48 so that it reads:

Exception R 48

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 155 Wellesley Street East, despite former City of Toronto By-law 22751, if the requirements of this by-law [Clerks to supply by-law ##] are complied with, a **building** or **structure** may be constructed in compliance with regulations (B) to (K) below; [Clerks to supply by-law ##].
- (B) The **lot** consists of the land delineated by the heavy line on Diagram 1 of By-law [Clerks to supply by-law ##].
- (C) Despite clauses 10.10.20.10 and 10.10.20.100, a medical office, and a **retail store** are permitted uses within the areas of the **building** delineated by heavy lines shown on Diagram 3 of By-law [clerks to insert number];
- (D) Despite regulation 10.10.40.40(1), 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 within the areas of the **building** delineated by heavy lines shown on Diagram 3 of By-law [clerks to insert number];
- (E) Despite regulations 5.10.40.70(1) or (2), 10.5.40.70(1) and (2), 10.5.100.1(5), and clauses 10.5.40.60, 10.10.40.70 and 10.10.40.80, no portion of any **building** or **structure** may be located outside the area delineated by heavy lines shown on Diagram 3 of by-law [Clerks to supply by-law ##] with the exception of: 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, wheelchair ramps and site servicing features by no more than 2.0 metres;
- (F) Despite clause 10.10.40.10, no portion of any new **building** or **structure** may exceed the height in metres specified by the numbers following the symbol HT of Diagram 3 of by-law [Clerks to supply by-law ##] with the exception of; 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 and window washing equipment by no more than 2.0 metres;

- (G) Despite Regulations 10.5.50.10(4) and (5), a minimum of 18% of the area of the **lot** must be for **landscaping** and a minimum of 50% of the required **landscaping** area must be **soft landscaping**;
- (H) Despite Regulation 10.10.40.50(1), 53 square metres of indoor **amenity space** and 100 square metres of outdoor **amenity space** must be provided and maintained on the **lot**;
- (I) Despite Regulations 200.5.1(3) and 200.5.1.10(2), a maximum of 72 existing below-grade **parking spaces** and existing **parking drive aisle** are permitted within their existing dimensions as of the date of passing of this By-law;
- (J) Despite Regulation 200.5.1.10(2), a maximum of 14 **parking spaces** may be obstructed which do not provide for an increased width of 0.3 metres on either side.
- (K) Despite Chapter 220, a minimum of one **loading space – Type G** must be provided and maintained on the **lot**.

Prevailing By-laws and Prevailing Sections:

(A) former City of Toronto By-law 22751.

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram [--] 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 shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 20##.

Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

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 density of the proposed development on the lands as shown in Diagram 1 in 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. Prior to the issuance of a building permit, 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 an above grade building permit, 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 site, 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 site; in conformity with required Site Plan Approval, with no cost pass-through to residents of the existing building, to the satisfaction of the Chief Planner or his designate.
4. The owner shall provide and maintain the following:
- 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.
5. 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 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;

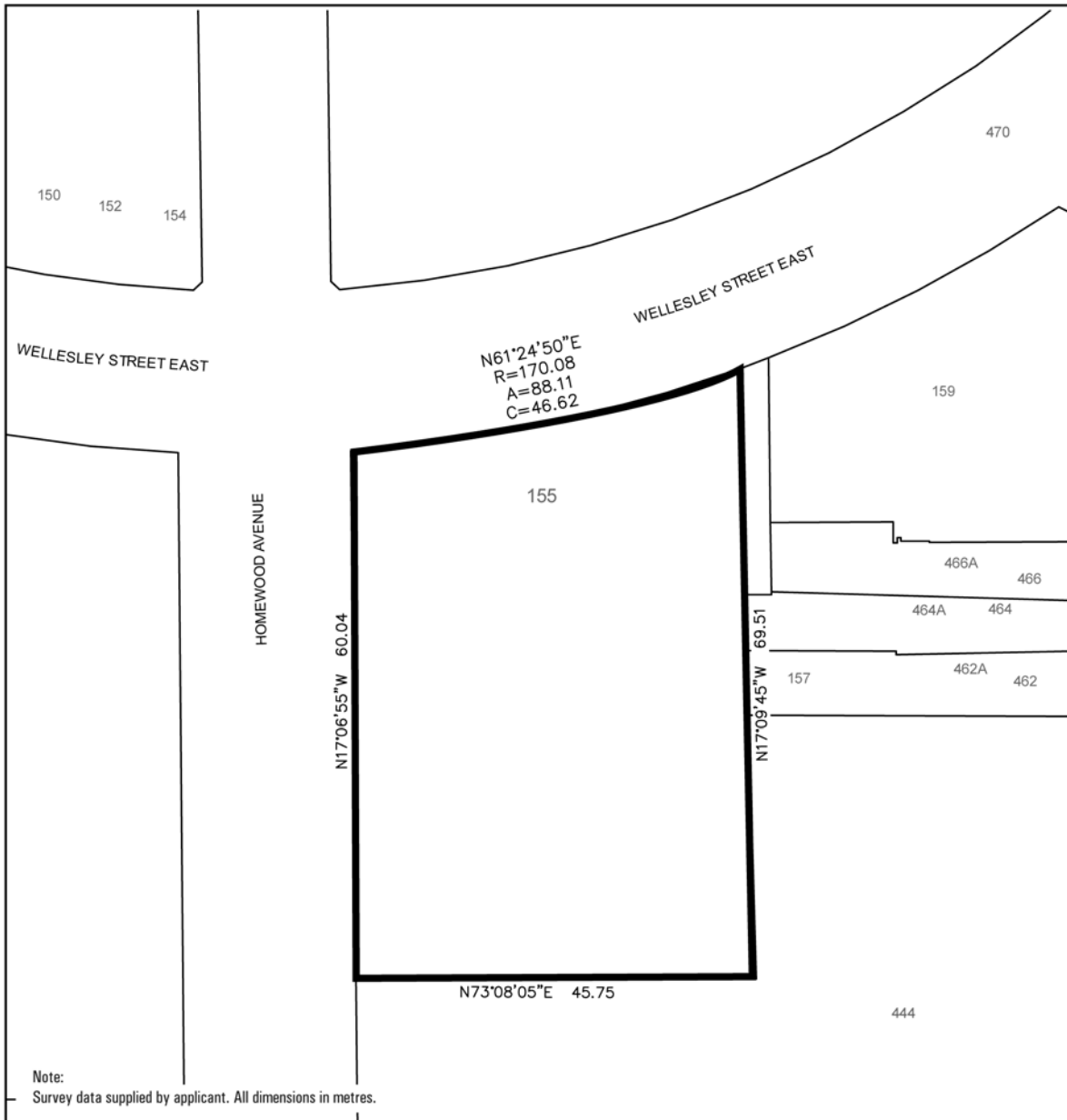
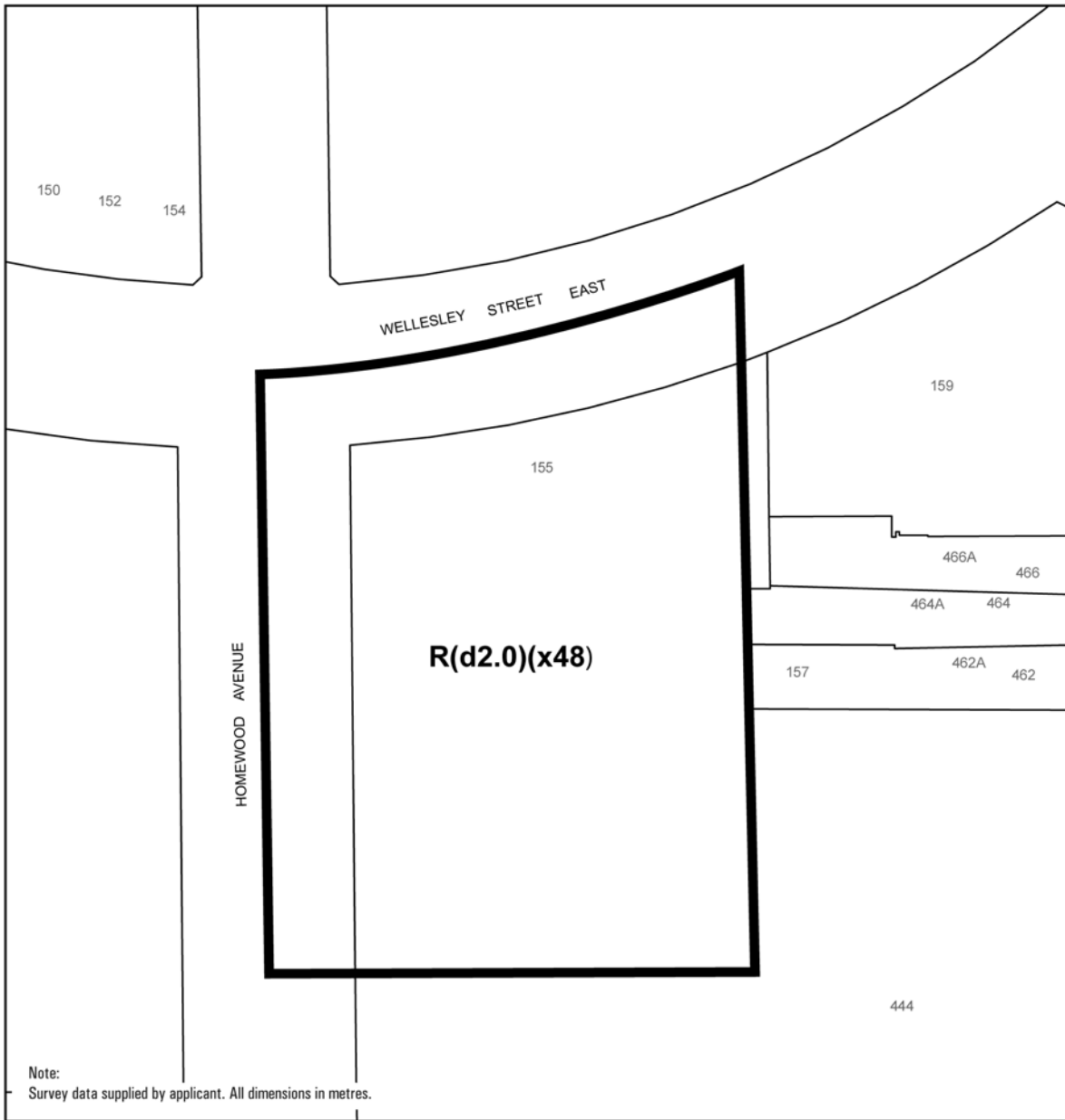



Diagram 1

155 Wellesley Street East

File # 17 241044 STE 27 OZ



 **TORONTO**
Diagram 2

155 Wellesley Street East

File # 17 241044 STE 27 0Z

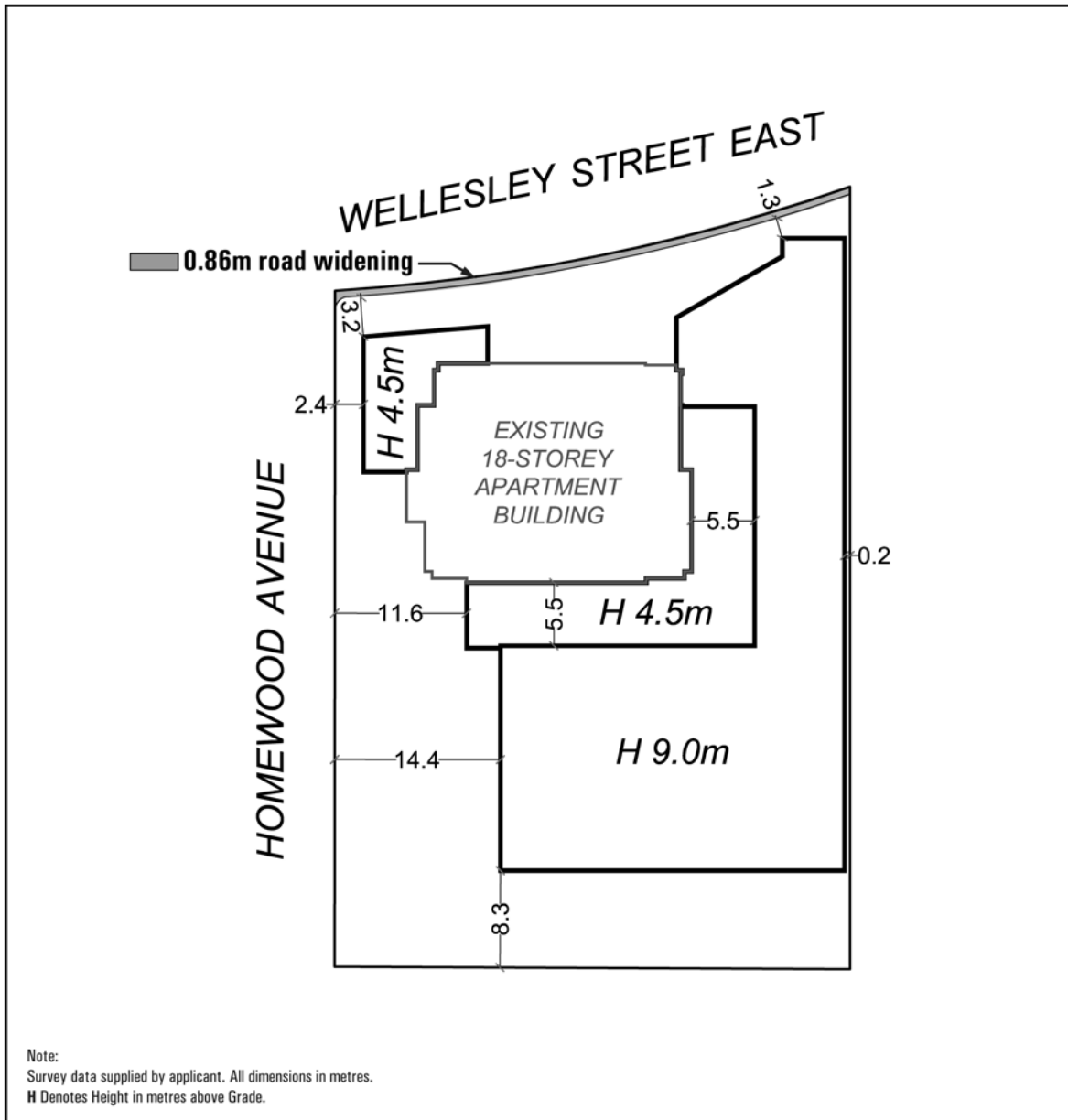



Diagram 3

155 Wellesley Street East

File # 17 241044 STE 27 0Z