

Authority: Toronto and East York Community Council Report No. 6, Clause No. 2,
as adopted by City of Toronto Council on July 19, 20, 21 and 26, 2005
Enacted by Council: July 21, 2005

CITY OF TORONTO

BY-LAW No. 675-2005

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 46 Wellesley Street East.

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally as 46 Wellesley Street East; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed zoning by-law amendment; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development beyond those otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services or matters as are set out in the By-law; and

WHEREAS the owner of the land that is the subject of this by-law has elected to provide the facilities, services and matters as hereinafter set out; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted 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 and are to be secured by one or more agreements between the owner of such land and the City of Toronto; and

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; and

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

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

1. None of the provisions of section 2 with respect to *grade* and section 4(2)(a)(i) and (ii), 4(5)(b) as it relates to non-residential gross floor area only, 4(5)(i), 4(12), 4(13), 4(16), 6(1), 6(3) Part I, 6(3) Part II, 6(3) Part III of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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, shall apply to prevent the erection and use of a *mixed-use building* and *accessory* uses, including a *parking garage*, on the lands municipally known as 46 Wellesley Street East (hereinafter referred to as the *lot*) provided:

- (a) the *lot* consists of the lands delineated by heavy lines on the attached Map 1;
- (b) the combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 18,605 square metres, of which not more than 18,445 square metres shall be *residential gross floor area* and not more than 160 square metres shall be *non-residential gross floor area*;
- (c) the *non-residential gross floor area* shall be limited to one or more uses permitted under section 8(1)(f)(b)(iv) of By-law No. 438-86;
- (d) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 with the exception of the following:
 - (i) cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, bay windows, wheel chair ramps, underground garage ramps and their associated structures and landscape features, all of which may extend beyond the heavy lines on the attached Map 2;
 - (ii) balconies may extend up to 1.0 metre beyond the heavy lines on the attached Map 2; and
 - (iii) that portion of the parking garage and associated structures, which are covered by a raised terrace, to a maximum height of 2.5 metres;
- (e) the *height* of any building or structure, or portion thereof, does not exceed those *heights* as indicated by the numbers following the symbol H on the attached Map 2, except for the following:
 - (i) a structure on the roof of the building used for outside or open air recreation, safety or wind protection purposes, chimney stack or other heating, cooling or ventilating equipment, window washing equipment on the roof of the building, ornamental elements, parapets, stairs, stair enclosures and safety railings may exceed the height limit on the attached Map 2 by no more than 3.0 metres;
- (f) a minimum of 454 square metres of indoor *residential amenity space* shall be provided on the *lot* in a multi-purpose room or a number of rooms that have a kitchen and a washroom adjoining or directly accessible thereto;
- (g) a minimum of 454 square metres of outdoor residential amenity space shall be provided on the *lot* of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;
- (h) a minimum of 635 square metres of *landscaped open space* shall be provided on the *lot*;

- (i) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) 0.5 *parking spaces* for each *one bedroom dwelling unit*;
 - (ii) 0.75 *parking spaces* for each *two bedroom dwelling unit*; and
 - (iii) 0.06 *parking spaces* for every *dwelling unit* for visitors use;
 - (j) a minimum of 190 *bicycle parking spaces* shall be provided and maintained on the *lot*, and of the total number of *bicycle parking spaces* provided, 80% shall be designated *bicycle parking space – occupant*, and 20% shall be designated *bicycle parking space – visitor*;
 - (k) at least one *loading space-type G* shall be provided and maintained on the *lot*; and
 - (l) the width of the driveway shall be a minimum of 5.5 metres, except at the point where it is perpendicular to the garage door, at which point the width may be 5.0 metres.
2. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development contemplated by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the owner of the *lot* of the following facilities, services and matters to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in section 2(e) hereof:
- (a) the owner agrees to contributions in the amount of \$500,000.00 towards the following community improvement initiatives:
 - (i) a contribution in the amount of \$310,000.00 to the City for the future acquisition and development of new municipal parkland in the area;
 - (ii) a contribution in the amount of \$20,000.00 to the City for the purpose of capital improvements by Loft Community Services at McEwan House, located at 20-22 Dundonald Street;
 - (iii) a contribution in the amount of \$20,000.00 to the City for the purpose of capital improvements by Church-Isabella Residents Co-operative Inc. at Paul Kane House, located at 56 Wellesley Street East; and
 - (iv) capital improvements and use of a portion of the building at 46 Wellesley Street East, equivalent to \$150,000.00, for AIDS2006, for the purpose of managing and hosting the XVI International AIDS Conference;
- which contributions for the items specified in sections 2(a)(i), 2(a)(ii) and 2(a)(iii) are payable prior to issuance of the first above-grade building permit;

- (b) the owner agrees to provide a public art landscape feature, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (c) the owner agrees to undertake improvement of the street right-of-way abutting the *lot*, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry & Recreation, and the Executive Director, Technical Services;
 - (d) the owner agrees to provide an irrigation system for all street trees in the public right-of-way abutting the *lot* which irrigation system has an automatic timer, is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a backflow preventer, all to the satisfaction of the Executive Director, Technical Services, including requirements to maintain the entire system in continuing good order and operation; and
 - (e) the owner enters into an agreement with the City, satisfactory to the City Solicitor, pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters required by section 2 of this By-law, as well as those matters deemed appropriate for the orderly development of the lands, and such agreement shall be registered against title to the *lot*.
3. None of the provisions of By-law No. 438-86 shall apply to prevent a sales office or interim office use for the purpose of managing and hosting the XVI International AIDS Conference in the building on the *lot* as of the date of the passing of this By-law or for a sales office in a sales trailer on the *lot*.
4. For the purposes of this By-law:
- (a) “*grade*” shall mean 107.87 metres Canadian Geodetic Datum;
 - (b) “*landscaped open space*” shall mean open, unobstructed space on the *lot* that is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping, including outdoor areas within 2.5 metres of *grade* which are designated as *residential amenity space* pursuant to the requirements of this by-law, and not withstanding the foregoing includes any:
 - (i) surfaced walk, outdoor *bicycle parking space – visitor*, communal patio or similar area, including the patio associated with the uses permitted under section 1(c) of this by-law; and
 - (ii) outdoor tennis or badminton court or similar sports or recreational area; outdoor unenclosed swimming pool or decorative pool, but does not include a driveway or ramp, whether surfaced or not, a curb, retaining wall, motor vehicle parking area or an open space beneath or within a building or structure; and

- (c) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.

ENACTED AND PASSED this 21st day of July, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

MAP I

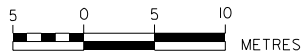


SURVEY AND MAPPING SERVICES
TORONTO JUNE 2005
BL05/46WELLS1.DGN
FILE: W47-Z17
MAP No. 51H-321 DRAWN: VG

MAP 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



SURVEY AND MAPPING SERVICES
TORONTO JULY 2005
BL05/46WELLS2.DGN
FILE: W47-Z17
MAP NO. 51H-321 DRAWN: VG