

Authority: Toronto and East York Community Council Item 22.2, as adopted by City of Toronto Council on March 21, 2013 and MM36.2, moved by Councillor Wong-Tam, seconded by Councillor McMahon, as adopted by City of Toronto Council on June 11, 12 and 13, 2013

## **CITY OF TORONTO**

### **BY-LAW No. 826-2013**

#### **To amend Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 159 Wellesley Street East.**

Whereas authority is given to the Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass Zoning By-laws; 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*;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2 of Zoning By-law No. 438-86, of the former City of Toronto, as amended, with respect to the definition of the terms *lot*, *grade*, *height*, and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13), 4(16) 4(17), 6(1), 6(3) Part I 1, 6(3) Part II and 6(3) Part III 1 shall apply to prevent the erection or use of any buildings or structures on the *lot* containing residential and non-residential uses, including uses *accessory* thereto, provided that:
  - (a) The aggregate of the *residential gross floor area* and *non-residential gross floor area* of buildings and structures on the *lot* shall not exceed 23,175 square metres, subject to the following:
    - (i) The *residential gross floor area* of buildings and structures shall not exceed 23,025 square metres; and
    - (ii) The *non-residential gross floor area* of buildings and structures shall not exceed 150 square metres.
  - (b) A minimum ground floor height of 5 metres shall be provided.
  - (c) Residential *dwelling units* shall be provided as follows:
    - (i) 69% *one-bedroom units*;
    - (ii) 22% *two-bedroom units*; and
    - (iii) 9% *three-bedroom units*.
  - (d) *Residential amenity space* shall be provided on the *lot* as follows:
    - (i) A minimum of 3.2 square metres per *dwelling unit* of indoor *residential amenity space*;

- (ii) A minimum of 1.68 square metres per *dwelling unit* of outdoor *residential amenity space*.
- (e) No portion of a building or structure erected on the *lot* shall have a greater *height* in metres than the *heights* in metres specified by the numbers following the symbol H on the attached Map 2.
- (f) No portion of a building or structure erected or used above finished ground level on the *lot* is located otherwise than within the areas delineated by heavy lines on the attached Map 2.
- (g) Nothing in this By-law shall prevent the following structures and elements from projecting beyond the heavy lines and above the *height* limits shown on the attached Map 2:
  - (i) Bollards, eaves, cornices, lighting fixtures, awnings, canopies, balconies, fences and safety railings, architectural features, parapets, trellises, balustrades, window sills, window washing equipment, privacy screens, mechanical and architectural screens, guardrails, chimneys, vents, stacks, terraces, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps and their associated structures, stair landings, planters and elements or structures on the roof of the building used for outside or open air recreation, green roof, safety or wind protection purposes.
- (h) A minimum of 77 *parking spaces* will be provided on the *lot*;

Provided further that:

- (i) An additional 50 resident *parking spaces* shall be provided off-site by means of a lease arrangement in relation to the premises at 155 Wellesley Street East or elsewhere at a property, any part of which is located within 60 metres of the *lot*, provided such premises remain in compliance with the *parking space* requirements of Zoning By-law No. 438-86, of the former City of Toronto, as amended;
- (ii) A reduction of four resident *parking spaces* will be permitted for each *car-share parking space* provided on the *lot* or off-site as described in section 9(a) and the maximum reduction permitted by this means shall be capped by the application of the following formula:  
  
4 x (total no of units divided by 60) rounded down to the nearest whole number; and
- (iii) A minimum of seven *parking spaces* shall be provided and maintained on the *lot* for residential visitors.

- (i) The owner shall comply with the *parking space* dimensional requirements of Zoning By-law No. 438-86, of the former City of Toronto, as amended, except that up to seven *parking spaces* may have a length of no less than 5.0 metres.
  - (j) Bicycle parking shall be provided as follows:
    - (i) 0.8 resident bicycle parking space per residential unit; and
    - (ii) 0.2 space for visitor parking spaces per residential unit.
  - (k) One *loading space - type "G"* shall be provided and maintained on the *lot*.
  - (l) A temporary *sales presentation centre* shall be permitted on the *lot*, and none of the provisions of this By-law or By-law No. 438-86, of the former City of Toronto, as amended, shall apply to such use.
- 2. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in this By-law.
- 3. Upon execution and registration of an agreement or agreements with the owner of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.
- 4. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, of the former City of Toronto, as amended, with the exception of the following:
  - (a) "*car-share motor vehicle*" means a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot";
  - (b) "*car-share parking space*" means a *parking space* used exclusively for the parking of a car-share motor vehicle;
  - (c) "*grade*" means 108.88 metres Canadian Geodetic Datum;
  - (d) "*height*" means 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;
  - (e) "*lot*" means at least the lands delineated by heavy lines shown on Map 1; and

- (f) "*sales presentation centre*" shall mean an office provided for the marketing or selling of *dwelling units* located or to be located on the lot.
5. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure 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.
6. 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 occurred.

Enacted and passed on June 13, 2013.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

### **Appendix 1**

The facilities, services and matters set out herein are the matters 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 and the owner with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, HST, termination and unwinding and registration and priority of agreement:

- (a) Prior to the issuance of the first above-grade building permit for the *lot*, \$500,000 for the renovation of Casey House;
- (b) Prior to the issuance of the first above-grade building permit for the *lot*, \$100,000 for capital improvements to Toronto Community Housing Corporation properties located within Ward 27;
- (c) Prior to the issuance of the first above-grade building permit for the *lot*, \$200,000 for the provision of bike-share facilities at a location that is proximate to the *lot* as determined by the Chief Planner in consultation with the ward councillor, provided that the selection of this location by the City shall not constrain other aspects of site plan approval for the development.
- (d) The provision and conveyance of approximately 8 residential units for an approximate total of 7,300 square feet (plus or minus 3%) to Habitat for Humanity or a similar non-profit housing provider (the "Provider") of below-market ownership housing on the following terms:
  - (i) The apartments shall be provided to the standard agreed upon with Habitat for Humanity;
  - (ii) The conveyance shall be for \$250 per square foot (\$2,688.17/square metre) plus interim occupancy fees prior to condominium registration, with other customary adjustments for any costs associated with those units at the time of closing to be absorbed by the purchaser;
  - (iii) In the event that both the Provider and the City fail to enter into or to complete any of the agreements of purchase and sale for the apartments on the owner's standard terms, as modified by these provisions, in a timely manner and through no misfeasance of the owner, the owner may satisfy its obligation this subsection (c), in its entirety, by paying the sum of \$800,000 to the City's capital revolving fund for affordable housing, with the proviso that the funds be spent on affordable housing in Ward 27. Upon paying the said sum, the owner will be released from its obligation to complete any agreements of purchase and sale.
- (e) The owner shall enter into agreements of purchase and sale on its standard terms as modified by these provisions with respect to all of the below-market condominium units with the City and/or the Provider prior to the issuance of the first above-grade building permit for the development and there shall be provisions allowing the agreements of

purchase and sale of all of these units to be assignable by the City to a Provider approved by the owner.



