

Authority: Ontario Municipal Board Decision/Order issued December 3, 2015 as amended June 14, 2016 in Board File PL141139

CITY OF TORONTO

BY-LAW 975-2017(OMB)

To amend By-law 569-2013 with respect to the lands municipally known in the year 2014 as 50 Wellesley Street East and 31 to 35 Dundonald Street.

Whereas the Ontario Municipal Board pursuant to its Decision/Order issued December 3, 2015, as amended June 14, 2016 in Board File PL141139, upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 569-2013, as amended, for the City of Toronto with respect to Lands known municipally known as 50 Wellesley Street East and 31 to 35 Dundonald Street; and

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

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; 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 increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 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;

By-law 569-2013 is amended by the Ontario Municipal Board 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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands shown as Parcel A on Diagram 1 attached to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: R (d2.5) (x27) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands shown as Parcel A on Diagram 1 attached to this By-law to the Height Overlay Map in

Section 995.20.1, and applying the following height label to these lands: HT 30.0, as shown on Diagram 3 attached to this By-law.

5. Zoning By-law 569-2013, as amended, is further amended by adding the lands shown as Parcel A on Diagram 1 attached to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA1, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands shown as Parcel A on Diagram 1 attached to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label of B2 to these lands, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands shown as Parcel A on Diagram 1 attached to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.2.10 Exception Number 27 so that it reads:

Exception R [27]

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) If Section 11 and Schedule A for By-law 975-2017(OMB) on 50 Wellesley Street East none of the provisions of 5.10.40.70.(2), 10.5.40.10, 10.5.40.60, 10.5.50.10.(1), 10.5.50.10(3), 10.5.60.20.(8), 10.5.60.20.(9), 10.5.60.20.(11), 10.5.80.1, 10.5.100.1(3)(B), 10.10.20.10(1), 10.10.20.40(1), 10.10.40.1., 10.10.40.10, 10.10.40.30(1), 10.10.40.40(1), 10.10.40.70., 10.10.40.80.(1), 200.5.1.10.(2), 200.5.1.10.(8), 200.5.10.(1), 200.10.1, 200.15.1, 220.5.10.1. and 230.5.1.10.(9) apply to prevent the erection or use of a **mixed use building** on the **lot** containing **dwelling units**, non-residential uses, **public parking**, in accordance with the following regulations (B) to (S);
- (B) The **lot** consists of the lands shown as Parcel A on Diagram 1 attached to By-law 975-2017(OMB);
- (C) The **gross floor area** permitted on the **lot**, excluding those portions of a **building** used for the purposes of **public parking**, must not exceed 25,500.0 square metres, and:
 - (i) The maximum **gross floor area** devoted to residential uses shall not exceed 25,250.0 square metres; and
 - (ii) A minimum of 250.0 square metres of **gross floor area** must be used for non-residential uses on the **lot**;

- (D) The **gross floor area** of a **mixed use building** is reduced by the area in the **building** used for:
- (i) Parking, loading and bicycle parking below finished ground level;
 - (ii) Required **loading spaces** at the ground level and required **bicycle parking spaces** at or above finished ground level;
 - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below finished ground level;
 - (iv) Required **amenity space**;
 - (v) Elevator shafts;
 - (vi) Garbage shafts;
 - (vii) Mechanical penthouse; and
 - (viii) Exit stairwells in the **building**;
- (E) In addition to the **building** types permitted in 10.10.20.40(1) a **mixed-use building** is also permitted;
- (F) The following uses are also permitted:
- (i) **automated banking machine, office, personal service shop, retail store, eating establishment, outdoor patio, public parking, take-out eating establishment**;
- (G) No portion of the **building** erected on the **lot** may be located above finished ground level other than wholly within the areas delineated by heavy lines on Diagram 7 attached to By-law 975-2017(OMB) with the exception of the following:
- (i) lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, railings, privacy screens, patios, decks, cabanas, swimming pool, swimming pool equipment enclosure, planters, balustrades, bollards, stairs, covered stairs or stair enclosures, elevator enclosures and elevator lobbies associated with an entrance or exit from an underground **parking garage**, awnings, fences and safety railings, trellises, underground garage ramps and associated **structures**, mechanical and architectural screens, guards, guardrails, chimneys, vents, stacks, retaining walls, wheel chair ramps, **landscape** features, and art installations may extend beyond the heavy lines shown on the attached Diagram 7 attached to By-law 975-2017(OMB);
 - (ii) balconies and associated architectural **structures** may project to a maximum of 1.5 metres beyond the heavy lines shown on Diagram 7 attached to By-law 975-2017(OMB);

- (iii) ornamental and architectural features to a maximum horizontal projection of 3.0 metres beyond the heavy lines shown on Diagram 7 attached to By-law 975-2017(OMB); and
 - (iv) the erection and use of the **structures**, elements and enclosures permitted by Clause (G) of this exception;
- (H) The height of any **building** or **structure** erected above finished ground level on the **lot**, must not exceed the height in metres as shown following the symbol "H" on Diagram 7 attached to By-law 975-2017(OMB), as measured from 107.87 metres Canadian Geodetic Datum to the highest point of the **building** or **structure**, except for:
 - (i) the erection or use of the **structures**, elements and enclosures permitted by Clause (G) of this exception; and
 - (ii) the erection or use of **structures** on any roof used for outside or open air recreation, maintenance, safety, wind protection or **green roof** purposes;
- (I) Despite any regulation to the contrary, no portion of any **building** or **structure** above finished ground level may be within the hatched area shown on the Diagram 7 of By-law 975-2017(OMB) with the exception of:
 - (i) vents, grills, and manhole covers flush with finished ground level;
- (J) The number of storeys in a **building** on the **lot** must not exceed the numbers shown following the symbol "ST" on Diagram 7 attached to By-law 975-2017(OMB), excluding mechanical and roof top elements;
- (K) In addition to clause 10.10.40.50, required indoor **amenity space** may include up to two guest suites containing either a kitchen or a bathroom, if the combined floor area of the suites, as measured between the interior walls of the suites, does not exceed 65 square metres;
- (L) A minimum of 0.3 **parking spaces** per **dwelling unit** must be provided and maintained on either or both of the **lot** and Parcel B as shown on Diagram 1 attached to By-law 975-2017(OMB) for the exclusive use of residents;
- (M) No **parking spaces** are required for residential visitors and non-residential uses;
- (N) The requirements of regulation 200.5.1.10.(2) apply with the exception that a **parking space**, accessed by a one-way or two-way drive aisle having a minimum width of 7.0 metres or more, notwithstanding that such **parking spaces** may be obstructed on one or two sides in accordance with regulation 200.5.1.10.(2)(D), as amended, must have the following minimum dimensions:
 - (i) Length 5.2 metres;
 - (ii) Width 2.6 metres; and

- (iii) Vertical clearance 2.0 metres;
- (O) A maximum of ten (10) percent of the **parking spaces** on the **lot** for residents may have the following minimum dimensions:
 - (i) Length – 5.0 metres;
 - (ii) Width – 2.4 metres; and
 - (iii) Vertical clearance – 1.84 metres;
- (P) A minimum of three (3) **parking spaces** on the **lot** must be provided as accessible **parking spaces** and notwithstanding that such accessible **parking spaces** may be obstructed on one or two sides in accordance with Article 200.5.1.10.(2)(D), as amended, must have the following minimum dimensions:
 - (i) Length – 5.2 metres;
 - (ii) Width – 3.9 metres; and
 - (iii) Vertical clearance – 2.1 metres;
- (Q) a minimum of one Type "G" **loading space** must be provided and maintained on the **lot** for the shared use of **buildings** and **structures** located on the **lot** and Parcel B as shown on Diagram 1 of By-law 975-2017(OMB);
- (R) **Driveway** access to the **lot** is only permitted from Wellesley Street;
- (S) Despite any existing or future severance, partition, or division of the **lot**, the provisions of By-law 975-2017(OMB) apply to the whole of the **lot** as if no severance, partition or division occurred.

Prevailing By-laws and Prevailing Sections (None Apply)

- 9. By-law 675-2005 is repealed.
- 10. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.2.10 Exception Number **[28]** so that it reads:

Exception R [28]

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) If Section 11 and Schedule A for By-law 975-2017(OMB) are complied with, on 31 to 35 Dundonald Street none of the provisions of 5.10.40.70.(2), 10.5.40.10, 10.5.40.60, 10.5.50.10.(1), 10.5.50.10(3), 10.5.60.20.(11), 10.5.80.1, 10.5.100.1(3)(B), 10.10.20.10.(1), 10.10.20.40.(1), 10.10.40.1., 10.10.40.10, 10.10.40.30(1), 10.10.40.40(1), 10.10.40.70., 10.10.40.80.(1), 200.5.1.10.(2),

200.5.1.10.(8), 200.5.10.(1), 200.10.1, 200.15.1, 220.5.10.1. and 230.5.1.10.(9) apply to prevent the erection or use of **townhouses**, **semi-detached dwellings**, a **parking garage** and **public parking** on the **lot**, in accordance with the following regulations (B) to (P);

- (B) The **lot** consists of the lands shown as Parcel B on Diagram 1 attached to By-law 975-2017(OMB);
- (C) The **gross floor area** on the **lot** must not exceed 1,450 square metres, excluding any areas of a **parking garage** located below finished ground level;
- (D) Permitted **building** types and uses on the **lot** are as follows:
 - (i) **semi-detached houses and townhouses**, which are considered as separate **buildings**, despite one or more parts may be joined to a **parking garage**; and
 - (ii) a **parking garage ancillary** to the uses on the **lot** and Parcel A as shown on Diagram 1 of By-law 975-2017(OMB);
- (E) A maximum of 10 **dwelling units** are permitted on the **lot**;
- (F) No portion of any **building** erected on the **lot** may be located above finished ground level other than wholly within the areas delineated by heavy lines on Diagram 7 attached to By-law 975-2017(OMB) with the exception of the following:
 - (i) lighting fixtures, cornices, sills, eaves, canopies, parapets, railings, privacy screens, patios, decks, planters, balustrades, stairs, covered stairs or stair enclosures, awnings, fences and safety railings, trellises, mechanical and architectural screens, chimneys, vents, stacks, retaining walls, wheel chair ramps, landscape features, may extend beyond the heavy lines shown on the attached Diagram 7 attached to By-law 975-2017(OMB); and
 - (ii) the erection and use of the **structures**, elements and enclosures permitted by Clause (G) of this exception;
- (G) The height of any **building** or **structure** erected above finished ground level on the **lot**, must not exceed the height in metres as shown following the symbol H on Diagram 7 attached to By-law 975-2017(OMB) as measured from 110.32 metres Canadian Geodetic Datum to the highest point of the **building** or **structure** except for:
 - (i) the erection or use of the **structures**, elements and enclosures permitted by Clause (F) of this exception; and
 - (ii) the erection or use of **structures** on any roof used for outside or open air recreation, maintenance, safety, wind protection or **green roof** purposes;

- (H) The number of **storeys** in each **building** on the **lot** must not exceed three (3) **storeys** excluding mechanical and roof top elements, stairs, stair enclosures and enclosed areas providing access to roof top terrace;
- (I) A minimum of 0.3 **parking spaces** per **dwelling unit** must be provided and maintained on either or both of the **lot** and Parcel A as shown on Diagram 1 of By-law 975-2017(OMB);
- (J) No **parking spaces** are required for residential visitors;
- (K) The requirements of Article 200.5.1.10.(2) apply with the exception that a **parking space**, accessed by a one-way or two-way drive aisle having a minimum width of 7.0 metres or more, notwithstanding that such **parking spaces** may be obstructed on one or two sides in accordance with Article 200.5.1.10.(2)(D), as amended, must have the following minimum dimensions:
 - (i) Length 5.2 metres;
 - (ii) Width 2.6 metres; and
 - (iii) Vertical clearance 2.0 metres;
- (L) A maximum of ten (10) percent of the **parking spaces** on the **lot** for residents may have the following minimum dimensions:
 - (i) Length – 5.0 metres;
 - (ii) Width – 2.4 metres; and
 - (iii) Vertical clearance – 1.84 metres;
- (M) The requirements of Article 200.5.1.10.(2) apply with the exception that an accessible **parking space**, accessed by a one-way or two-way drive aisle having a minimum width of 7.0 metres or more, notwithstanding that such accessible **parking spaces** may be obstructed on one or two sides in accordance with Article 200.5.1.10.(2)(D), as amended, must have the following minimum dimensions:
 - (i) Length – 5.2 metres;
 - (ii) Width – 3.9 metres; and
 - (iii) Vertical clearance – 2.1 metres;
- (N) A minimum of one Type "G" **loading space** must be provided and this requirement may be satisfied by the provision of a Type "G" **loading space** on Parcel A as shown on Diagram 1 of By-law 975-2017(OMB) which may be shared with the uses on Parcel A;
- (O) **Driveway** access to the **lot** is only permitted from Parcel A shown on Diagram 1 to By-law 975-2017(OMB) from Wellesley Street; and

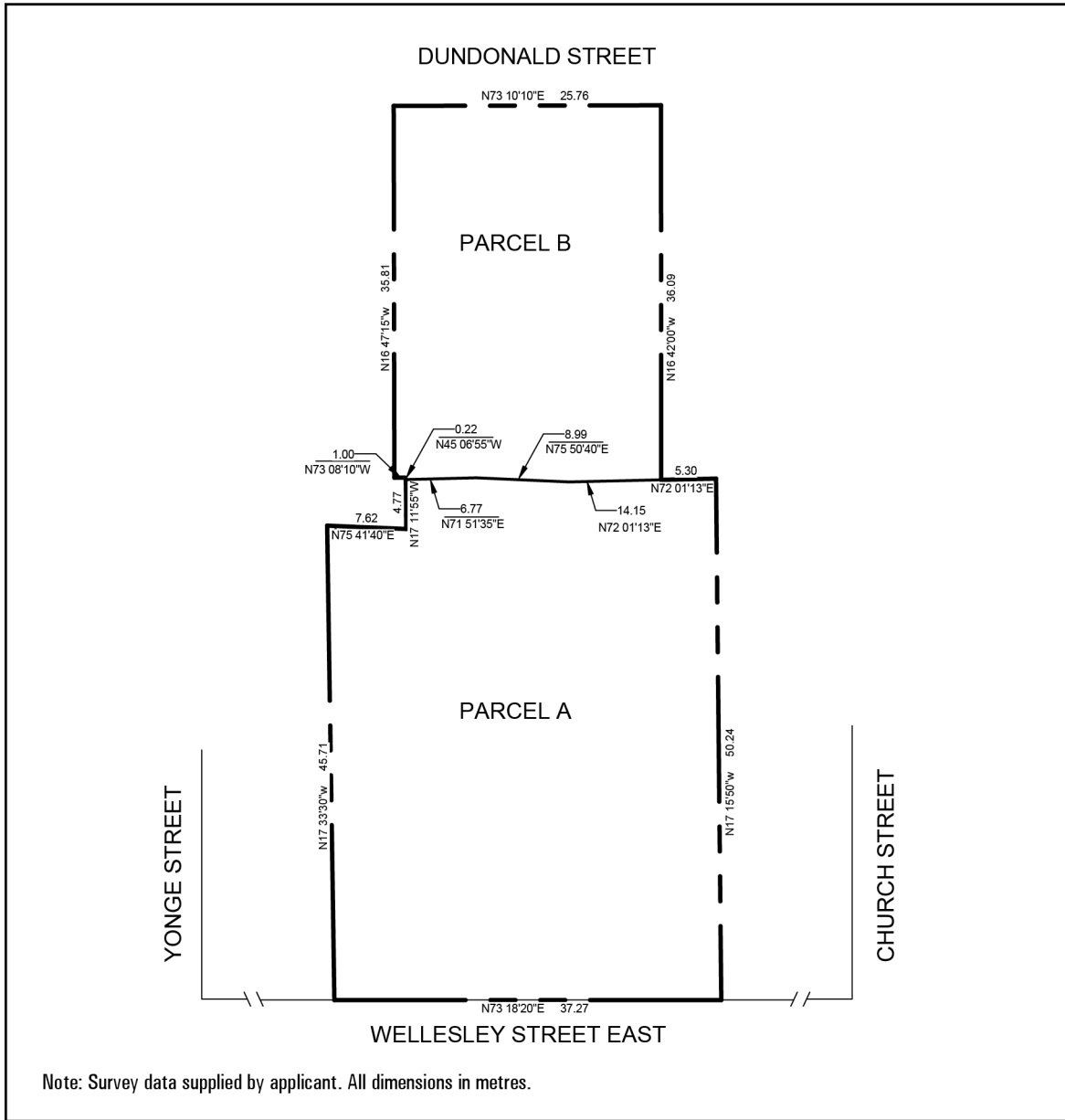
- (P) Despite any existing or future severance, partition, or division of the **lot**, the provisions of By-law 975-2017(OMB) apply to the whole of the **lot** as if no severance, partition or division occurred.

Prevailing By-laws and Prevailing Sections (None Apply)

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 Parcel A and Parcel B shown on Diagram 1 of By-law 975-2017(OMB) 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 Parcel A and Parcel B shown on Diagram 1 of By-law 975-2017(OMB), to the satisfaction of the City Solicitor;
- (B) Where Schedule A of By-law 975-2017(OMB) 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; and
- (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 By-law 975-2017(OMB) unless the provisions of Schedule A of By-law 975-2017(OMB) are satisfied.

Ontario Municipal Board Decision/Order issued December 3, 2015 as amended June 14, 2016 in Board File PL141139



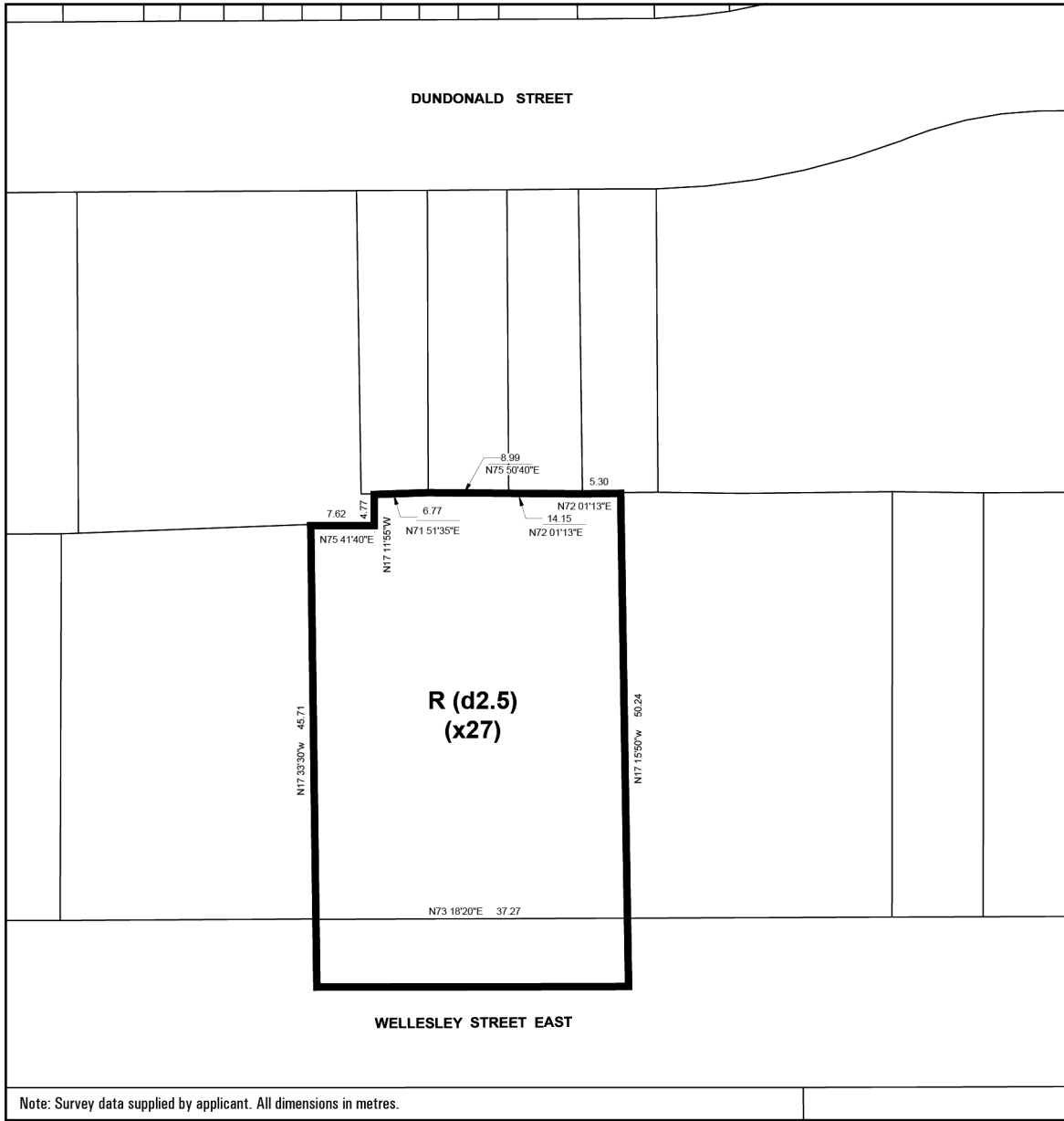
50 Wellesley Street East and 31-35 Dundonald Street

Diagram 1

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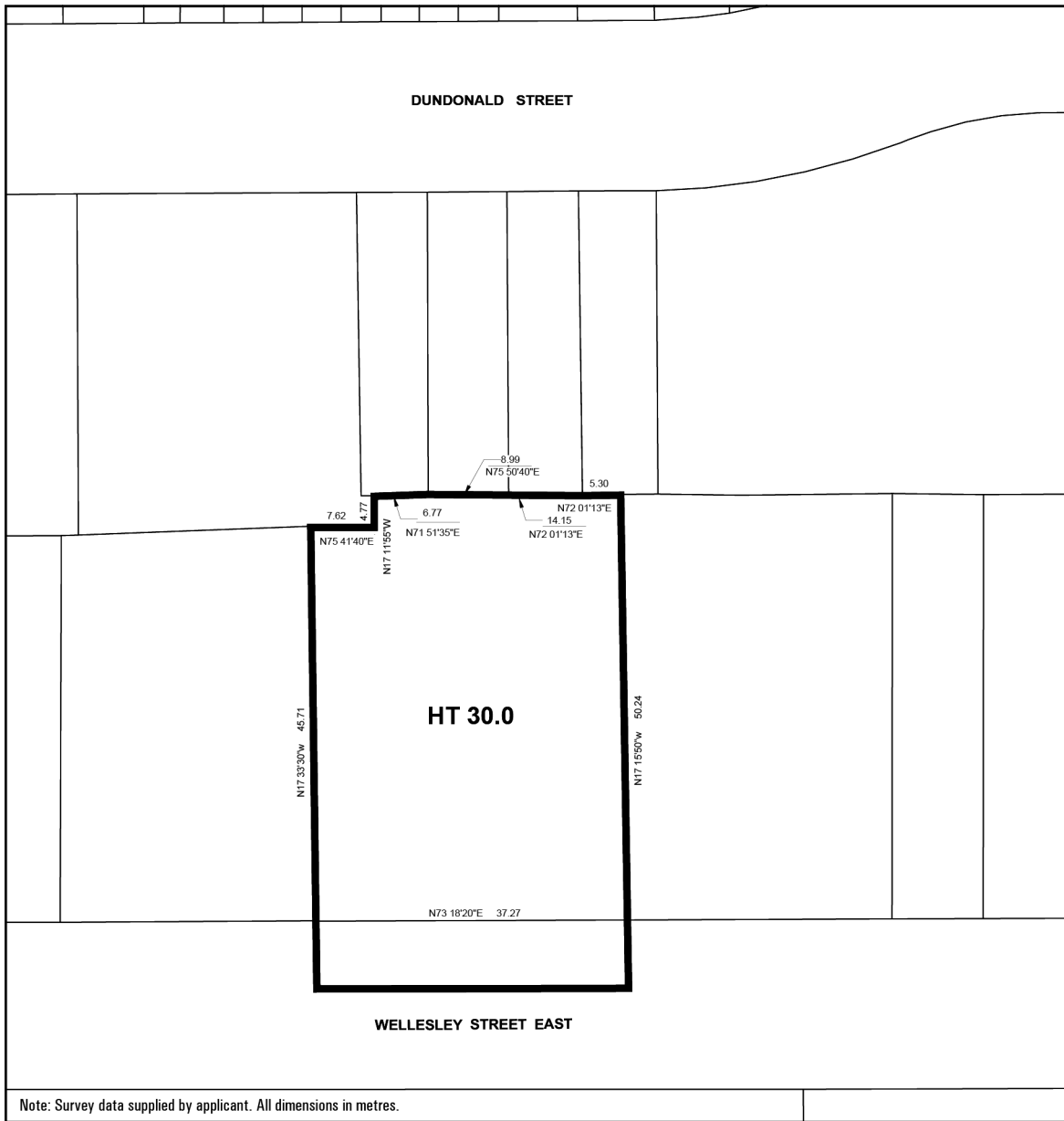
50 Wellesley Street East and 31-35 Dundonald Street

Diagram 2

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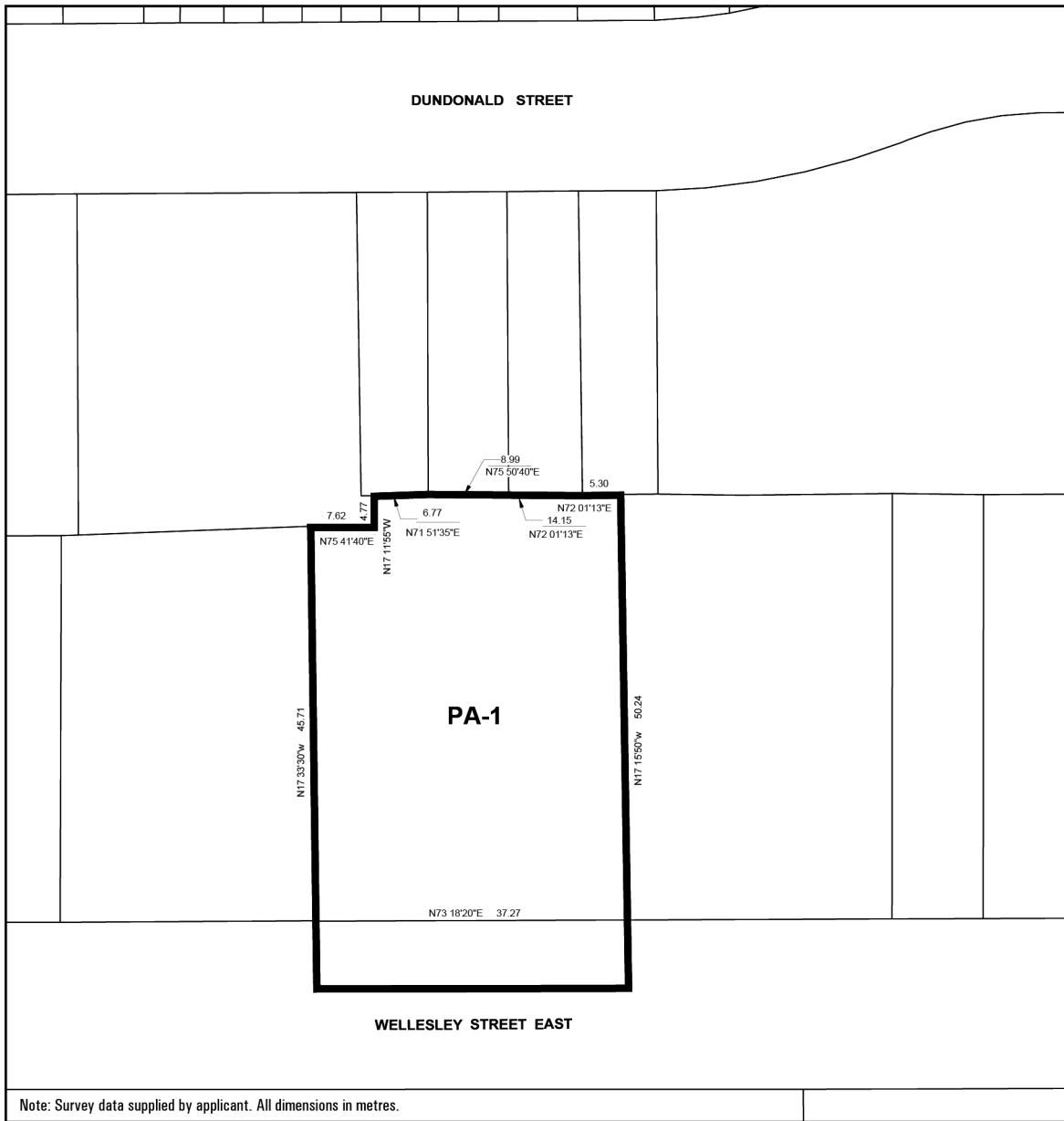
50 Wellesley Street East and 31-35 Dundonald Street

Diagram 3

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50 Wellesley Street East and 31-35 Dundonald Street

Diagram 4

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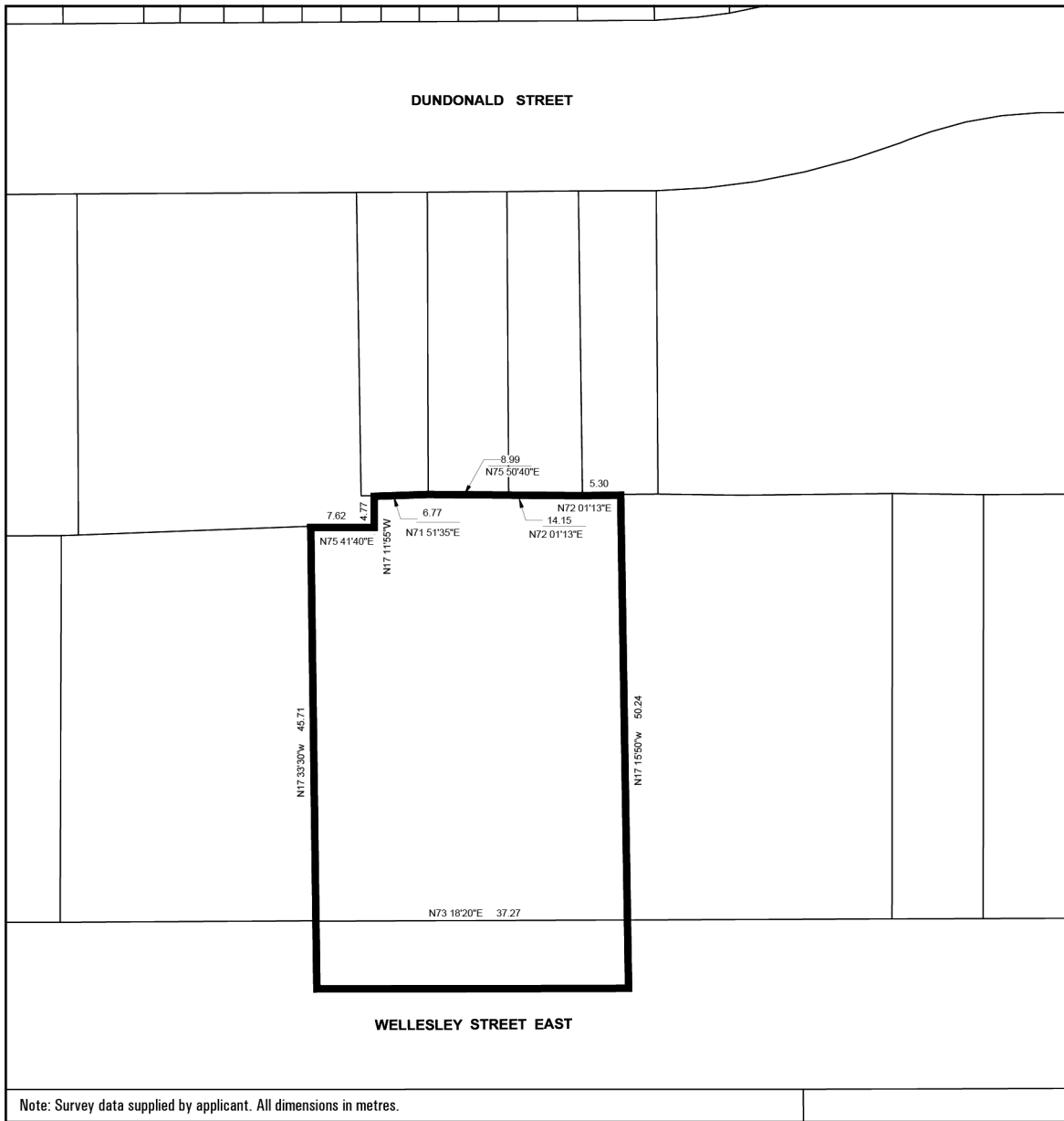
50 Wellesley Street East and 31-35 Dundonald Street

Diagram 5

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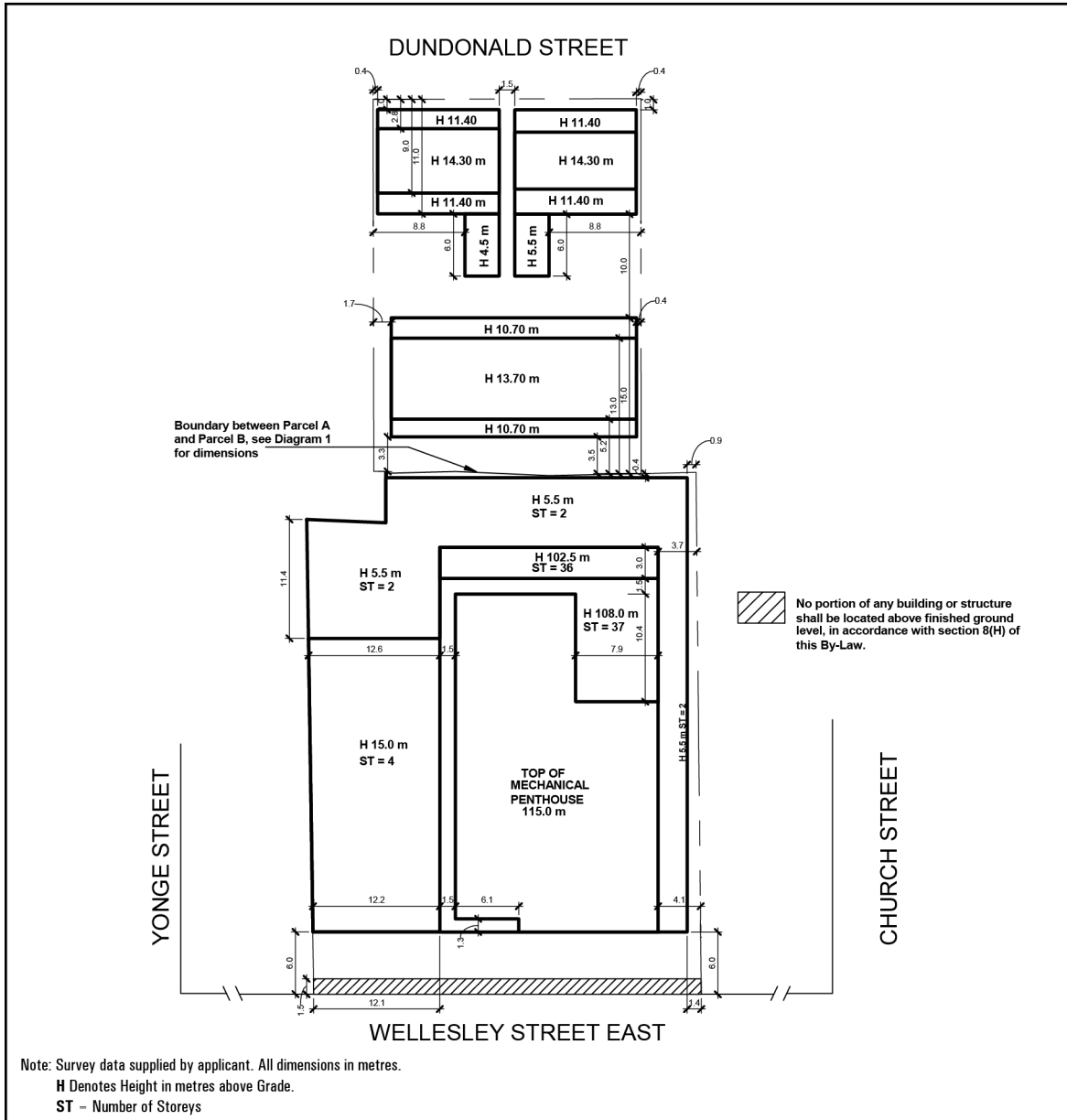
50 Wellesley Street East and 31-35 Dundonald Street

Diagram 6

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50 Wellesley Street East and 31-35 Dundonald Street

Diagram 7

File # 14 159828 STE 27 0Z



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SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the *owner* of the *lot* at their expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first above-grade building permit, other than for a temporary sales office, the *owner* shall make a cash contribution to the City in the amount of \$1 million dollars, which will be used by the City for the following:
 - (a) \$200,000 for one or more of the more of the following in Ward 27:
 - A. new community and/or cultural space;
 - B. capital improvements for Toronto Community Housing; and
 - C. the City's Capital Revolving Fund for Affordable Housing for the purpose of maintaining and constructing affordable rental housing units in Ward 27;
 - (b) \$800,000 for local parks and streetscape improvements for lands located in Ward 27

with such cash amounts to be applied as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor.
2. The cash amounts identified in Sections 1(a) and (b) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement by both parties to the date of submission of the funds by the *owner* to the City.
3. A minimum of fifteen 15 *dwelling units* located within the building on the *lot* shall be three (3) *bedroom dwelling units* or greater, having a minimum size of 83.6 square metres, of which ten (10) may be grade-related units.
4. The construction of a public pedestrian walkway and a conveyance of a public access easement to the City along the entire Wellesley Street frontage, having a minimum depth of 1.5 metres, and over the walkway to be located on the east side of the site to provide access to the commercial parking garage entrance, the location and details to be secured in the context of site plan approval for the development.
5. The provision of a short term parking space on the ground floor for deliveries.

6. The Owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development, to the satisfaction of the Executive Director, Engineering and Construction, which the details of such if required to be secured in a Site Plan Agreement with the City.
7. The Owner shall provide a tree replanting guarantee deposit payment or letter of credit associated with the white oak tree identified as tree No. 6 in the Owner's application to injure and destroy trees, as established through the Private Tree By-law permit process.