

Authority: Ontario Municipal Board Decision/Order issued on October 15, 2015, February 17, 2016 and October 20, 2017 in Board File PL140555

CITY OF TORONTO

BY-LAW 1479-2017(OMB)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2015 as 81 Wellesley Street East.

Whereas the Ontario Municipal Board, by Order issued on October 15, 2015, February 17, 2016 and October 20, 2017, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determined to amend Zoning By-law 569-2013, as amended, with respect to lands municipally known, in the year 2015, as 81 Wellesley Street East; and

Whereas authority is given to the Ontario Municipal Board under Section 34(26)(b) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to approve this By-law; 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 and density of development beyond that 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 or matters in return for any increase in the height or 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 hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set out; and

Whereas the increase in the density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which are to be secured by one or more agreements between the *owner* of such lands and the City of Toronto; and

Whereas the Ontario Municipal Board has held a hearing in accordance with the *Planning Act*; The Ontario Municipal Board amends Zoning By-law 569-2013, as amended, 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 amending 900.11.10 exception 2145 so that it reads:

Exception CR 2145

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) 5.10.40.70 (4) 40.10.20.100 (21) (A) Regulations 40.10.40.1 (6), 40.10.40.70 (1), 40.10.40.80 (1), 40.10.50.10 (1), (2), and (3), 40.10.90.1 (1), 40.10.90.10 (1), 40.10.100.10 (1), 150.100.30.1 (1), 200.5.1 (3), 200.5.1.10 (4), (8) and (12), and (13), 200.5.10.1 (1), (6) and (7), 200.15.1.5, 220.5.20.1 (1), 230.5.1.10 (4), (5), (9) and (10) do not apply to prevent the erection or use of a **mixed use building, structure**, addition or enlargement if it complies with regulations (B) to (Q) below and Section 4 and Schedule A of By-law 1479-2017(OMB);
- (B) The **lot** consists of the lands shown on Diagram 1 attached to By-law 1479-2017(OMB);
- (C) Despite 40.10.40.40 (1), the **gross floor area** must not exceed 15,400 square metres, of which:
- i. the **gross floor area** for residential uses must not exceed 15,300 square metres; and
 - ii. a minimum of 50 square metres of **gross floor area** must be provided for non-residential uses on the **lot**;
- (D) Despite 40.5.40.10 (3), (4), (5), (6) and (7); 40.5.40.60 (1) and 40.10.40.60, no part 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 2 attached to By-law 1479-2017(OMB) with 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 units, mechanical and architectural screens, guards, guardrails, retaining walls, wheel chair ramps, landscape features, and art installations may extend beyond the heavy lines shown on the attached Diagram 2 attached to By-law 1479-2017(OMB) to a maximum of 2.0 metres; and
 - ii. balconies and associated architectural structures may project beyond the heavy lines as shown on Diagram 2 of By-law 1479-2017(OMB);
- (E) Despite 40.5.40.10 (1) height is measured from the Canadian Geodetic Datum elevation of 107.8 metres;
- (F) Despite 40.5.40.10 (3), (4), (5), (6) and (7); 40.10.40.10 (1), 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 2 attached to By-law 1479-2017(OMB), except for:

- i. the **structures**, elements and enclosures permitted by Clause (D) of this exception to a maximum of 2.0 metres; and
 - ii. the **structures** on any roof used for outside or open air recreation, maintenance, safety, wind protection or green roof purposes to a maximum of 4.5 metres; and
 - iii. aircraft warning lights, lightning rods, exhaust flues, chimneys, vents and stacks;
- (G) Despite 40.10.40.10 (1), the maximum number of **storeys** in a **building** on the **lot** must not exceed the numbers shown following the symbol ST on Diagram 2 of By-law 1479-2017(OMB) excluding mechanical and roof top elements;
- (H) No portion of the **building** between finished ground level and 6.0 metres above finished ground level may be located within the "Area of Publicly Accessible Courtyard at Ground Level" outlined by a dashed line as shown on Diagram 2 of By-law 1479-2017(OMB) with the exception of the following **structures** and elements:
- i. columns, piers, beams and other structural elements, soffit and fascia, heating and insulating elements, window and door sills, door swings, elements for utilities, and lighting;
 - ii. glass art walls, art, seating and tables, water features, planting beds and planting, and access hatches;
 - iii. vents and grills flush with finished ground level; and
 - iv. signage, excluding signage affixed to the ground;
- (I) A maximum of 181 **dwelling units** are permitted;
- (J) Despite 40.10.40.50 (1) and (2), **amenity space** for **dwelling units** must be provided for each **dwelling unit** in accordance with the following:
- i. a minimum of 1.83 square metres of indoor **amenity space** for each **dwelling unit**; and
 - ii. a minimum of 1.0 square meters of outdoor **amenity space** for each **dwelling unit**;
- (K) Despite 200.5.1 (2), **parking spaces** must be provided and maintained in accordance with the following requirements:
- i. a minimum of 0.37 **parking spaces** for each **dwelling unit**; and

- ii. **no parking spaces** are required for residential visitors or non-residential uses;
- (L) Despite regulation 200.5.1.10 (2); 200.5.10.1 (2), a maximum of 4 parking spaces which are obstructed on one or two sides, may have minimum dimensions of 5.6 metres in length and 2.6 metres in width;
- (M) **Vehicle** access to the **lot** must be provided from Wellesley Street East and the abutting **lane**;
- (N) **Vehicle** access to the **parking spaces** must be provided by an unobstructed driveway with a minimum width of 6.0 metres and access may be provided by car elevator;
- (O) A **bicycle parking space** may be equipped with a bicycle rack, bicycle ring, bicycle stacker or bicycle locker for the purposes of parking and securing bicycles and:
 - i. where the bicycles are to be parked in a horizontal position, except in the case of a bicycle stacker and bicycle ring, has horizontal dimensions of at least 0.6 metres by 1.8 metres and vertical dimension of at least 1.9 metres; and
 - ii. where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
- (P) The "Area of Publicly Accessible Courtyard at Ground Level" as shown on Diagram 2 must be provided and have a minimum area of 106 square metres; and
- (Q) The lands subject to this exception need not comply with the requirements of Section 600.10.

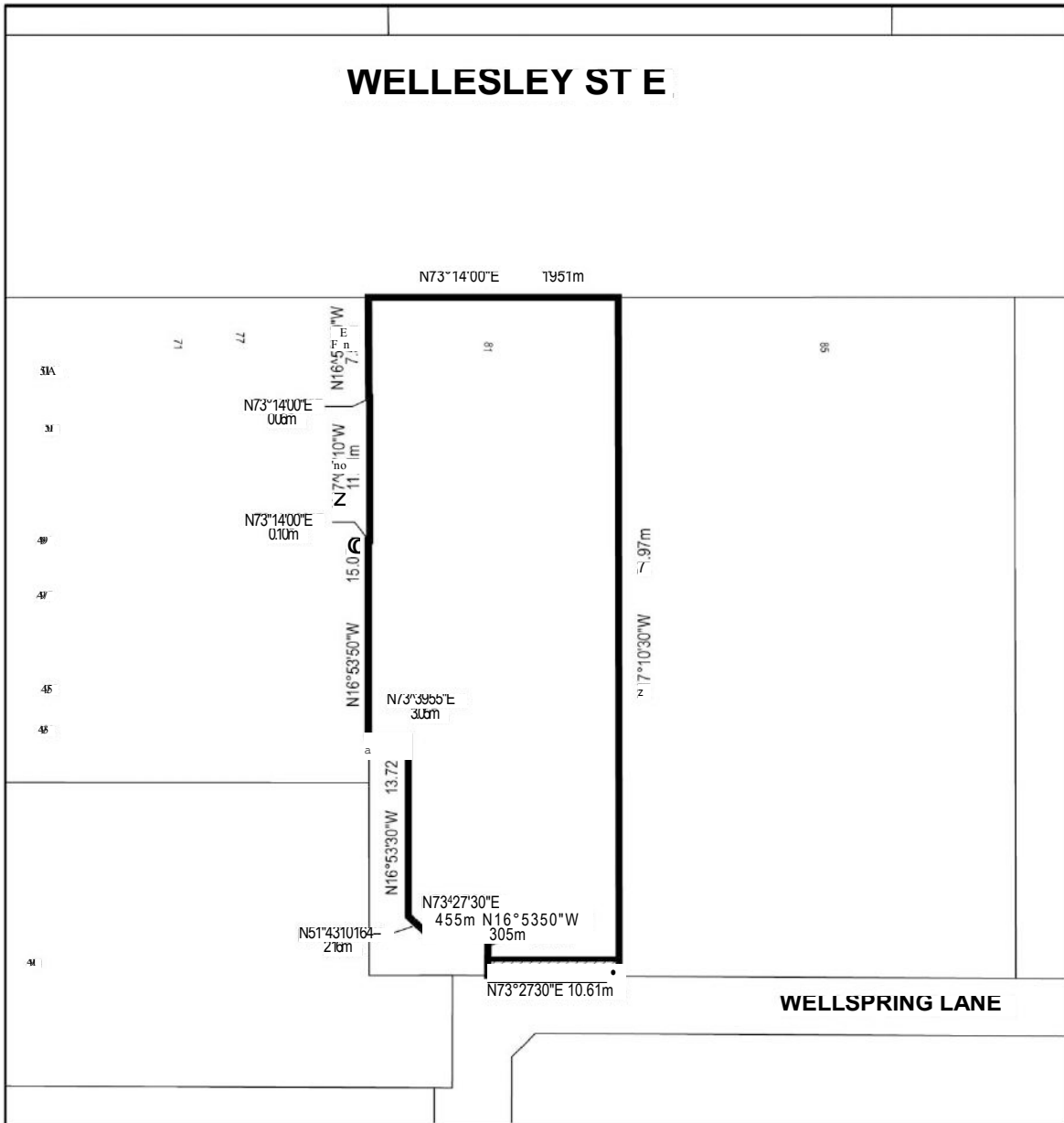
Prevailing By-laws and Prevailing Sections: (None Apply)

4. 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 the Lands shown on Diagram 1 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; and

- (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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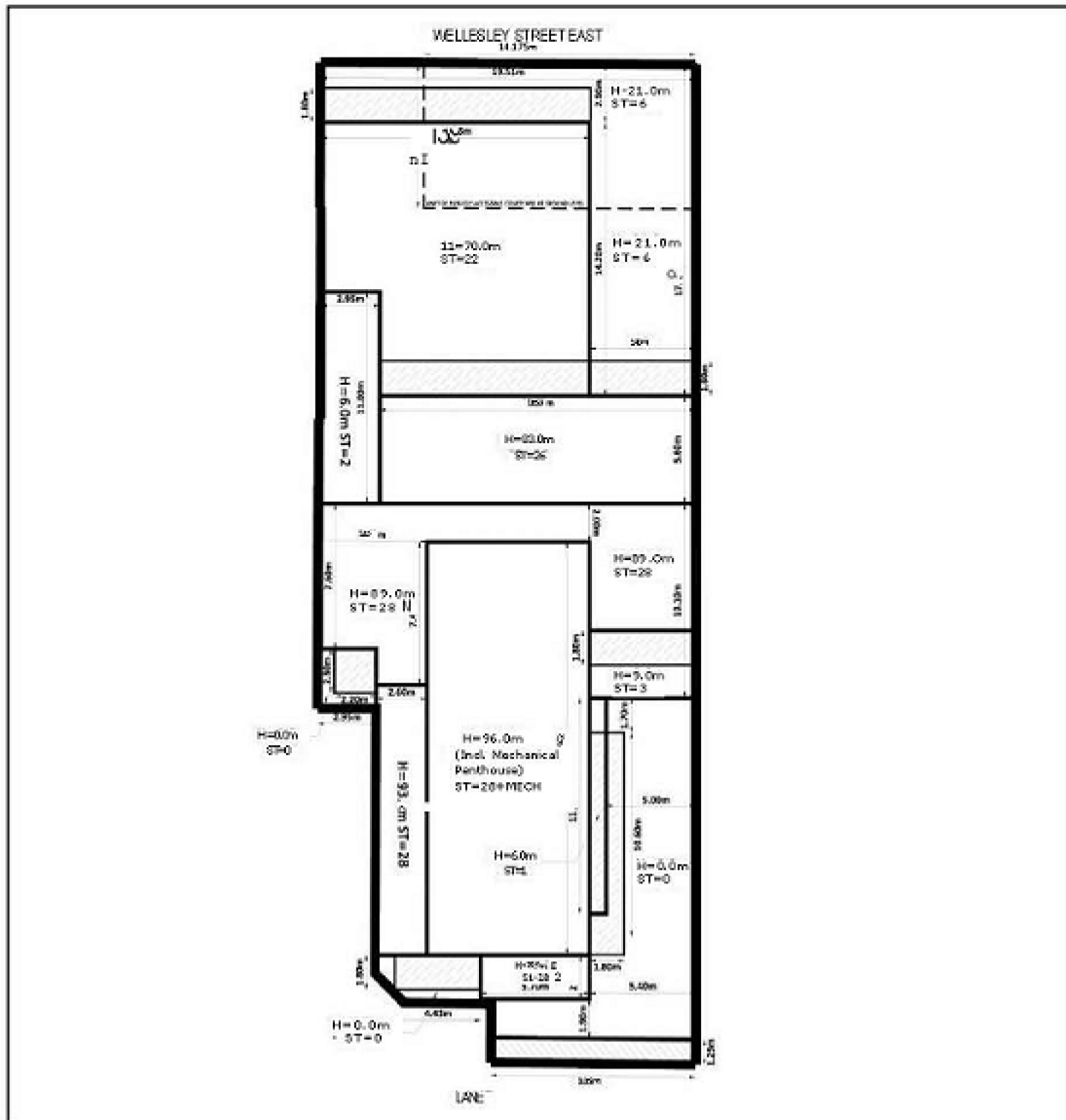
TORONTO

81 Wellesley Street East

Diagram 1

File # 13 225676 STE 27 OZ

 Area affected by this by-law
 1.29m Lane Widening



TORONTO

81 Wellesley Street East

Diagram 2

File # 13 225676 STE 27 OZ

- Area affected by this by-law
- =1 1.29m Lane Widening
- Area of Publicly Accessible Courtyard at Ground Level
- I=1 Area of Balcony Projections

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. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. In addition to the required loading space, the *owner* agrees to provide a short term *parking space* on the ground floor level for pick-up and drop-off and deliveries;
 - ii. The construction of a 106 square metre privately owned, publicly accessible open space on the ground floor level fronting onto Wellesley Street East, located within the dashed outline shown on Diagram 2 of By-law 1479-2017(OMB);
 - iii. The conveyance of a publicly accessible open space easement to the City over the 106 square metres;
 - iv. The provision of public art to be located in the privately owned, publicly accessible open space to a value of not less than \$329,424.00; and
 - v. The owner agrees, that if requested as a condition of site plan approval, the owner will agree to the conveyance of the lane widening, as shown on Diagram 2 of By-law 1479-2017(OMB), to the City at no cost.