

Authority: Toronto and East York Community Council Item TE32.9, as adopted by City of Toronto Council on May 22, 23 and 24, 2018

CITY OF TORONTO

BY-LAW 1182-2018

To amend former City of Toronto Zoning By-law 438-86, as amended, and former City of Toronto By-law 22751 respecting the lands municipally known in the year 2018 as 155 Wellesley Street East.

Whereas authority is given to Council by 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 height and/or density of development; 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 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 increases in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, and By-law 22751, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of the land and the City of Toronto (hereinafter referred to as the "City"); and

Whereas the Council of the City has required the *owner* of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the Planning Act, the density of development permitted by this By-law is permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities, services and matters set out in Schedule A, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.

2. Upon execution and registration of an agreement or agreements between the *City* and the *owner* of the *lot* pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Schedule A, 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, such building may not be erected or used until the *owner* of the *lot* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the *City* pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of By-law 22751 and By-law 438-86 shall continue to apply on the *lot*.
5. None of the provisions of Section 2(1) of By-law 438-86, as amended, with respect to the definitions of the terms *grade*, *height* and *lot* and Sections 4(2), 4(5)(b), 4(8), 4(12), 4(13), 4(16), Section 6(3) Part I, 6(3) Part II, 6(3) Part III and Section 12(2) 260 of Zoning By-law 438-86, as amended, shall apply to prevent the erection on the *lot* of an *apartment building*, *medical/dental office* and *retail store* provided that:
 - a. the building on the *lot* shall be comprised of the existing 18 *storey apartment building* and additions on the lands municipally known in the year 2018 as 155 Wellesley Street East, as shown on Map 2;
 - b. the 18-storey *apartment building* existing on the *lot* at the date of the passing of this By-law is permitted;
 - c. in addition to those uses permitted by Section 6(1)(a), *medical/dental office* and *retail store* are permitted uses on the *lot*;
 - d. notwithstanding section 1 of By-law 22751, 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, excluding the existing *parking garage* below *grade*, provided that the *non-residential gross floor area* of buildings above *grade* and structures shall not exceed 2,500 square metres;
 - e. no portion of any building or structure erected on the *lot* shall be located otherwise than wholly within the heavy lines and building envelopes identified on Map 2, with the exception of the following: architectural features, terraces, balconies, 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, walkways, transformer vaults, wheelchair ramps and site servicing features which may extend to a maximum of 2.0 metres beyond the heavy lines and building envelopes identified on Map 2;

- f. no portion of any building or structure erected on the *lot* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on Map 2, with the exception of the following: elevator overruns, 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, wind protection elements, and window washing equipment having a maximum height of the sum of 2.7 metres and the applicable height limit shown on Map 2;
- g. notwithstanding subsection 1(d) of By-law 22751, *parking spaces* must be provided and maintained on the *lot* in accordance with the following standards:
- i. 0.3 *parking spaces* per *bachelor dwelling unit*;
 - ii. 0.5 *parking spaces* per *one-bedroom dwelling unit*;
 - iii. 0.8 *parking spaces* per *two-bedroom dwelling unit*;
 - iv. 1.0 *parking spaces* per *three-bedroom dwelling unit*;
 - v. 0.1 *parking spaces* for visitors per *dwelling unit*;
 - vi. 0.35 *parking spaces* per 100 square metres of *medical/dental office non-residential gross floor area*; and
 - vii. 1.0 *parking spaces* per 100 square metres of *retail store* greater than 200 square metres of *non-residential gross floor area*;
- h. the *parking spaces* for visitors to the *medical/dental office, residential and retail store* uses shall be shared at the following rates:

	AM	PM	EVE
Medical/Dental Office	100 percent	100 percent	50 percent
Residential Visitor	10 percent	35 percent	100 percent
Retail Store	20 percent	100 percent	100 percent

- i. a maximum of 72 existing below-grade *parking spaces* and existing parking *drive aisle* are permitted within their existing dimensions;
- j. notwithstanding Section 4(17)(a) of By-law 438-86, a maximum of 14 *parking spaces* may be obstructed which do not provide an increased width of 0.3 metres on either side;

- k. a minimum of one *loading space – Type "G"* shall be provided and maintained on the *lot*;
- l. *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following standards:
 - i. A minimum of 0.9 *bicycle parking spaces - long-term* per *dwelling unit*;
 - ii. A minimum of 0.1 *bicycle parking spaces - short-term* per *dwelling unit*;
 - iii. A minimum of 3 *bicycle parking spaces - long-term* plus 0.2 *bicycle parking spaces - long-term* per 100 square metres of *non-residential gross floor area* associated with a *medical/dental office* or *retail store*;
 - iv. A minimum of 3 *bicycle parking spaces - short-term* plus 0.15 *bicycle parking spaces - short-term* per 100 square metres of *non-residential gross floor area* associated with a *medical/dental office* or *retail store*;
 - v. *Bicycle parking spaces* must comply with the following minimum dimensions:
 - A. minimum length of 1.8 metres;
 - B. minimum width of 0.6 metres; and
 - C. minimum horizontal clearance from the wall of 1.9 metres;
 - vi. The minimum dimensions of a *bicycle parking space* if placed in a vertical position on a wall, structure or mechanical device is:
 - A. minimum length or vertical clearance of 1.9 metres;
 - B. minimum width of 0.6 metres; and
 - C. minimum horizontal clearance from the wall of 1.2 metres;
 - vii. If a stacked bicycle parking space is provided, the minimum vertical clearance for each *bicycle parking space* is 1.2 metres;
- m. notwithstanding subsection 1(c) of By-law 22751, a minimum of 18 percent of the area of the *lot* shall be used as *landscaped open space*; and
- n. *residential amenity space* shall be provided on the *lot* in accordance with the following:
 - i. 53 square metres located indoors; and
 - ii. 100 square metres located outdoors.

6. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exceptions of the following:
- a. "*bicycle parking space*" means a *bicycle parking space - long-term* or a *bicycle parking space - short-term*;
 - b. "*bicycle parking spaces - long-term*" are *bicycle parking spaces* for use by the occupants or tenants of a building;
 - c. "*bicycle parking spaces - short-term*" are *bicycle parking spaces* for use by visitors to a building;
 - d. "*drive aisle*" means a vehicle passageway located within an area used for the parking or storage of 3 or more vehicles;
 - e. "*grade*" means 108.14 metres Canadian Geodetic Datum;
 - f. "*height*" means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law;
 - g. "*lot*" shall refer to those lands, delineated by a heavy black line on Map 1; and
 - h. "*stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.
7. Notwithstanding any 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 had occurred.
8. Except as otherwise provided herein, the provision of Zoning By-law 438-86 will continue to apply to the *lot*.
9. Within the lands shown on Map 1, 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.

Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,
Deputy Speaker
(Seal of the City)

Ulli S. Watkiss,
City Clerk

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out herein are 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* with conditions providing for indexing escalation of all financial contributions from the passage of the zoning by-law, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the *owner* shall agree as follows:

1. Prior to the issuance of a Notice of Approval Conditions for the *lot*, the *owner* shall provide a letter of credit, including provisions for upward indexing, for 120 percent of value of the improvements listed in sections 3 and 4 below, in a form and amount and from an institution to the satisfaction of the Chief Planner and Executive Director, City Planning.
2. Prior to the issuance of any building permit (including for clarity any permit for demolition, excavation, shoring, or any conditional permit, excepting such permits as are acceptable to the Chief Planner and Executive Director, City Planning) on the *lot*, the *owner* shall obtain a Notice of Approval Conditions, to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. Prior to January 1, 2019, the *owner* shall, at its sole cost and expense, pay for, construct, and make operational the following facilities and services on the *lot*, in conformity with the required Site Plan Approval, to be available to the existing and future tenants of the Existing Rental Building at no extra charge, except as specifically provided herein, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - a. new indoor amenity space of 53 square metres in the form of a gymnasium located on the lower level of the Existing Rental Building, adjacent to the existing laundry room;
 - b. improvements to the building entrances and lobby including the introduction of indoor lobby seating, subject to exceptions due to fire safety, to the satisfaction of the City's Fire Chief and General Manager, Fire Services or his Designate;
 - c. refurbishment of the existing bicycle storage room located adjacent to the basement vehicle entrance;
 - d. a new, push-button power door control to the existing laundry room, compliant with the provisions of the Ontario Building Code;
 - e. at least one new folding table in the existing laundry room that is be accessible to persons using mobility aids by having:
 - i. Knee and toe clearance underneath the table;
 - ii. A ground surface leading to and under the table that is level, firm and stable; and

- iii. Ground space around the table(s) that allows for a forward approach to the table(s).
4. Prior to the issuance of any occupancy permit for the *medical/dental office* or the *retail store* on the *lot*, whichever is earlier, the owner shall pay for, construct, and make operational:
 - a. outdoor amenity space of no less than 100 square metres in the form of a furnished patio, located in the southeast corner of the Site;
 - b. a minimum of 74 new *bicycle parking spaces - long-term* for existing and future tenants of the Existing Rental Building in the underground parking area; and
 - c. a minimum of eight (8) new *bicycle parking spaces - short term* located near the residential and retail pedestrian entrances to the Development;

The foregoing improvements shall be constructed and made operational in conformity with the required Site Plan Approval, to be available to the existing and future tenants of the Existing Rental Building at no extra charge, except as specifically provided herein, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

5. On January 1, 2019, or any time thereafter, the City shall be able to draw down on the letter of credit in Section 1 to complete the improvements in Sections 3 and 4 above, in the sole and absolute discretion of the Chief Planner and Executive Director, City Planning.
6. The *owner* shall provide and maintain the following on the *lot*:
 - 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; and
 - b. all improvements referred to in sections 3 and 4 above for the use and enjoyment of all residents of the Existing Rental Building on the *lot* with furnishings and finishes appropriate to their use.
7. To support the development of the lands, the *owner* shall ensure that the improvements in Conditions 3 and 4 above will continue to be used for such purposes without the loss of existing rental units or related services or facilities in a location on the *lot* agreeable to the Chief Planner and Executive Director, City Planning, with the provision of Zoning By-law 1182-2018, 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 and Executive Director, City Planning.



