

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 1183-2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 155 Wellesley Street East.

Whereas Council of the City of Toronto has the authority pursuant to 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 the 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 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 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 and matters in return for an increase in the 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 has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in density permitted beyond that 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 is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

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 the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to R(d2.0)(x48), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 48 so that it reads:

Exception R 48

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 155 Wellesley Street East, despite former City of Toronto By-law 22751, if the requirements of By-law 1183-2018 are complied with, a **building** or **structure** may be constructed in compliance with regulations (B) to (K) below;
- (B) The **lot** consists of the land delineated by the heavy line on Diagram 1 of By-law 1183-2018;
- (C) Despite clauses 10.10.20.10 and 10.10.20.100, a medical office, and a **retail store** are permitted uses within the areas of the **building** delineated by heavy lines shown on Diagram 3 of By-law 1183-2018;
- (D) Despite regulation 10.10.40.40(1), 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 underground parking garage, provided that the non-residential **gross floor area** of buildings and structures shall not exceed 2,500 square metres within the areas of the **building** delineated by heavy lines shown on Diagram 3 of By-law 1183-2018;
- (E) Despite regulations 5.10.40.70(1) or (2), 10.5.40.70(1) and (2), 10.5.100.1(5), and clauses 10.5.40.60, 10.10.40.70 and 10.10.40.80, no portion of any **building** or **structure** may be located outside the area delineated by heavy lines shown on Diagram 3 of By-law 1183-2018 with the exception of:
- (i) architectural features, balconies, terraces, 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 by no more than 2.0 metres beyond the heavy lines shown on Diagram 3;
- (F) Despite clause 10.10.40.10, no portion of any new **building** or **structure** may exceed the height in metres specified by the numbers following the symbol HT of Diagram 3 of By-law 1183-2018 with the exception of:
- (i) 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 and window washing equipment which may exceed the height in metres specified by the numbers following the symbol HT of Diagram 3 by no more than 2.7 metres;
- (G) Despite Regulations 10.5.50.10(4) and (5), a minimum of 18 percent of the area of the **lot** must be for **landscaping** and a minimum of 50 percent of the required **landscaping** area must be **soft landscaping**;

- (H) Despite Regulation 10.10.40.50(1), 53 square metres of indoor **amenity space** and 100 square metres of outdoor **amenity space** must be provided and maintained on the **lot**. Such outdoor **amenity space** is not required to be in a location adjoining or directly accessible to the indoor **amenity space**;
- (I) Despite Regulations 200.5.1(3) and 200.5.1.10(2), a maximum of 72 existing below-grade **parking spaces** and existing **drive aisle** are permitted within their existing dimensions as of the date of passing of this By-law;
- (J) Despite Regulation 200.5.1.10(2), a maximum of 14 **parking spaces** may be obstructed which do not provide for an increased width of 0.3 metres on either side; and
- (K) Despite Chapter 220, a minimum of one **loading space – Type G** must be provided and maintained on the **lot**.

Prevailing By-laws and Prevailing Sections: (A) former City of Toronto By-law 22751.

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in 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 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 density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,
Deputy Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A**Section 37 Provisions**

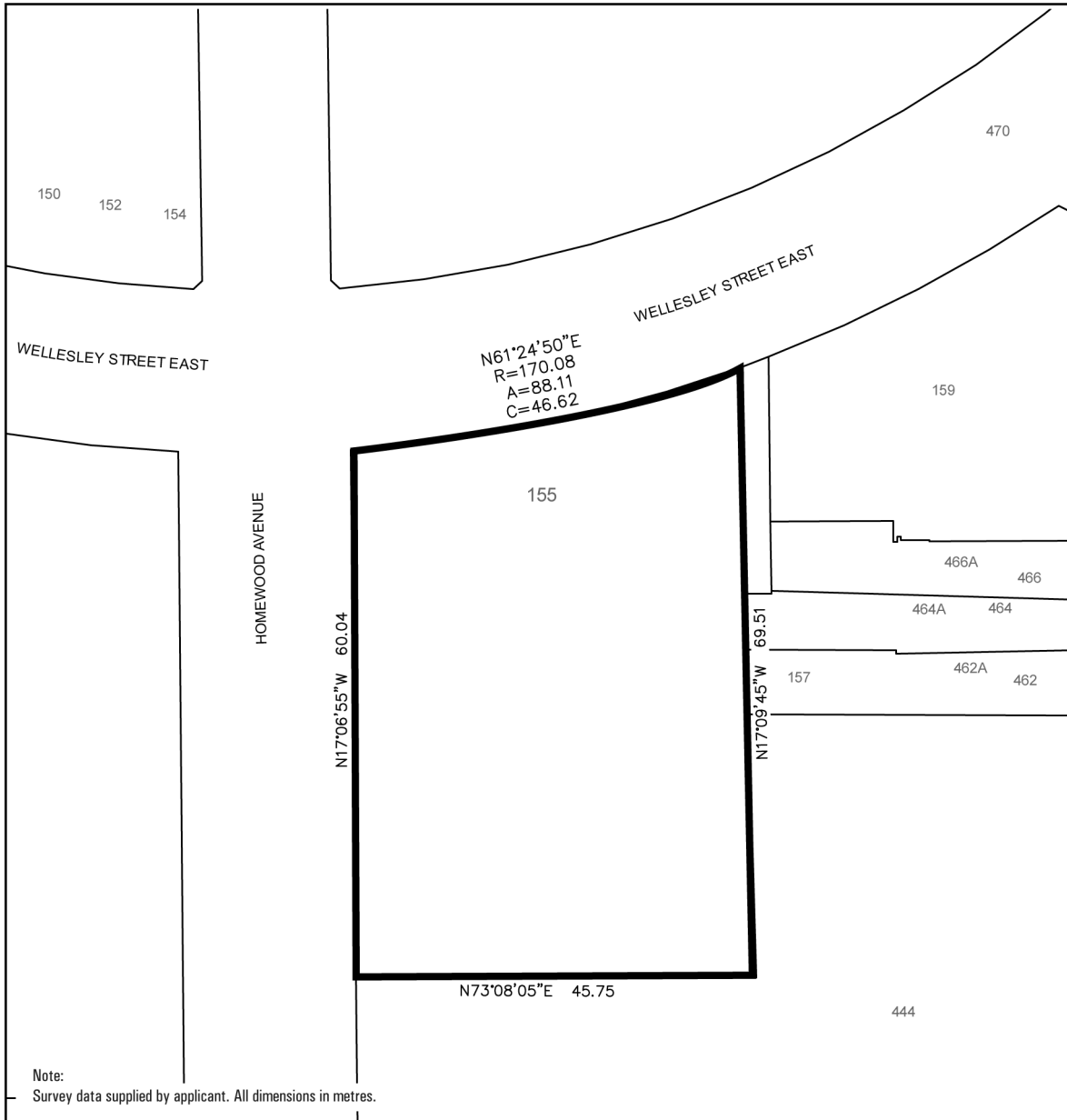
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees 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 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 1183-2018, 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.



155 Wellesley Street East

File # 17 241044 STE 27 0Z

