

Authority: Local Planning Appeal Tribunal Decision issued on February 7, 2019 and Ontario Land Tribunal Orders issued on August 16 and October 5, 2022, effective August 12, 2022, in File PL170348

CITY OF TORONTO

BY-LAW 1247-2022 (OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 485-489 Wellington Street West.

Whereas the Ontario Land Tribunal, formerly the Local Planning Appeal Tribunal, pursuant to its Decision issued on February 7, 2019 and Ontario Land Tribunal Orders issued on August 16, and October 5, 2022, effective August 12, 2022, in respect of File PL170348, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 485-489 Wellington Street West; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a Municipality may, in a by-law passed under section 34 of the Planning Act, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law; and

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

Whereas Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and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 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 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 has elected to provide the facilities, services and matters hereinafter set forth in Schedule A of this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 569-2013, as amended; and

Whereas Schedule A of this By-law requires the owner of the aforesaid lands to provide certain facilities, services or matters and enter into an agreement or agreements between the owner of the land and the City of Toronto (hereinafter referred to as the "City") prior to the issuance of a building permit;

The Ontario Land Tribunal orders:

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 same 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 CRE (x38), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number 38 so that it reads:

(38) Exception CRE 38

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) On 485-489 Wellington Street West, if the requirements of By-law 1247-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (X) below;
- (B) Despite regulations 50.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 84.77 metres and the highest point of the **building** or **structure**;
- (C) The total permitted maximum **gross floor area** for all uses on the **lot** is 9,050 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 8,565 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 485 square metres.
- (D) In addition to the elements described in regulation 50.5.40.40(3), the **gross floor area** of the **building** may be reduced by the area in the **building** used for:

- (i) a driveway ramp; and
 - (ii) **amenity space** provided in excess of the requirement in Regulation (L)(i) below.
- (E) Despite regulation 50.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 attached to By-law 1247-2022(OLT);
- (F) Despite regulation 50.10.40.10(4), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 3 attached to By-law 1247-2022(OLT);
- (G) For the purpose of interpreting (F) above, a mechanical penthouse and the "vestibule" area shown on Diagram 3 attached to By-law 1247-2022(OLT) providing rooftop access do not constitute as a **storey**;
- (H) Despite (E) and (F) above, and regulations 50.5.40.10(4), (5), (6) and (7) and 50.10.40.10(3), the following **building** elements and **structures** may project above the permitted maximum height as shown on Diagram 3 attached to By-law 1247-2022(OLT):
- (i) elevator overruns, mechanical penthouse, mechanical equipment and any associated enclosure **structures**, and parapets, to a maximum of 6.5 metres;
 - (ii) window washing equipment, to a maximum of 3.0 metres;
 - (iii) a **structure** used for outside or open air recreation, maintenance, safety or wind protection purposes, unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, trellises, landscape elements, elements of a **green roof**, parapets, guards, railings, privacy and wind screens, lighting fixtures, landscape planters, vents, stacks, ladders, to a maximum of 2.0 metres;
 - (iv) terraces and terrace platforms, to a maximum of 1.0 metre;
 - (v) architectural and ornamental features, to a maximum of 0.5 metre;
 - (vi) pergolas are permitted in outdoor **amenity space**, to a maximum of 3.0 metres and are not permitted on the portion of the **building** on Diagram 3 labelled as "HT 14.0";
 - (vii) a vestibule providing rooftop access, to a maximum of 3.0 metres, provided it is located only within the "vestibule" area shown on Diagram 3; and

- (viii) the **building** elements and **structures** listed in (H)(i) to (vi) above, are not permitted in the "vestibule" area shown on Diagram 3.
- (I) Despite regulations 50.10.40.70(1), (2) and (5) and clauses 50.10.40.80 and 600.10.10, the required minimum **building setbacks** for each level of the **building** are as shown in metres on Diagram 3 attached to By-law 1247-2022(OLT);
- (J) Despite (I) above and Clauses 50.5.40.60 and 50.10.40.60, the following **building** elements may encroach into the required minimum **building setbacks** as follows:
- (i) terraces and terrace platforms, guards, railings, privacy and wind screens, trellises, pergolas, parapets and landscape planters may project beyond the required **building setback** to the extent of the **main wall** of the **storey** below;
 - (ii) balconies, canopies and awnings, to a maximum of 2.0 metres;
 - (iii) cornices, lighting fixtures, parapets, eaves, windows, window sills, guardrails, railings, wheel chair ramps, vents, screens, landscape elements, public art features, exhaust vents and wall mounted equipment, to a maximum of 1.5 metres;
 - (iv) bay windows located on the **first floor** fronting Draper Street may encroach to a maximum of 1.5 metres; and
 - (v) architectural and ornamental features, to a maximum of 0.5 metres.
- (K) The total number of **dwelling units** on the **lot** must not exceed 117, and must include the following:
- (i) A minimum of 24 percent of the **dwelling units** must contain two bedrooms; and
 - (ii) A minimum of 13 percent of the **dwelling units** must contain three or more bedrooms.
- (L) Despite regulation 50.10.40.50(1), **amenity space** must be provided in accordance with the following:
- (i) a minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit**; and
 - (ii) a minimum of 1.2 square metres of outdoor **amenity space** per **dwelling unit**.

- (M) Despite Table 200.5.10.1, and regulation 200.5.10.1(1), **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.18 **parking spaces** per **dwelling unit** must be provided for residential occupants;
 - (ii) a minimum of 0.06 **parking spaces** per **dwelling unit** must be provided for residential visitors; and
 - (iii) a minimum of 1 **parking space** per 300 square metres of non-residential **gross floor area** must be provided for non-residential uses.
- (N) Despite regulations 200.15.1.5(1) and 200.15.10(1), a minimum of 2 accessible **parking spaces** must be provided;
- (O) Despite Regulations 200.15.1(1), (3) and (4), accessible **parking spaces** must be provided in accordance with the following:
- (i) a minimum length of 5.6 metres;
 - (ii) a minimum width of 3.4 metres;
 - (iii) a minimum vertical clearance of 2.1 metres;
 - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre accessible barrier free aisle or path on one side of the accessible **parking space**; and
 - (v) accessible **parking spaces** must be the **parking spaces** closest to a barrier free entrance to a **building** or passenger elevator that provides access to the first **storey** of the **building** and must be the shortest route from such entrances.
- (P) Despite regulation 200.5.1.10(12)(C), the vehicle entrance to a **building** must be at least 2.0 metres from the **lot line** abutting a **street**;
- (Q) Despite regulations 230.5.1.10(10) and 230.50.1.20(2), "long-term" and "short term" **bicycle parking spaces** may be located in a secured room, enclosure or bicycle locker and in a **stacked bicycle parking space**;
- (R) Despite regulation 230.5.1.10(9), "long-term" **bicycle parking spaces** may be located on the first or second **storey** of the **building** and on levels of the **building** below-ground;
- (S) Despite regulation 230.5.1.10(4)(C), a **stacked bicycle parking space** may be provided in accordance with the following minimum dimensions:

- (i) a minimum length of 1.8 metres;
 - (ii) a minimum width of 0.45 metres; and
 - (iii) a minimum vertical height of 1.2 metres.
- (T) Despite regulation 230.5.1.10(7), shower and change facilities are not required;
- (U) Despite regulations 220.5.10.1(2), (3) and (5), one Type "G" **loading space** must be provided;
- (V) Despite regulation 50.10.90.10(1), a **loading space** located in a **building** may have its access through a **main wall** that faces a **street**;
- (W) Regulations 50.10.40.1(1) with respect to first floor elevation, and 50.10.50.10(1) and (2) with respect to landscaping and fence requirements when abutting a lot in the residential zone category do not apply; and
- (X) Regulations 50.10.20.100(2) with respect to maximum **interior floor area** of all **cabarets, clubs, eating establishments, entertainment places of assembly, nightclubs, places of assembly, recreation uses and take-out eating establishments** and 150.100.30.1(1) with respect to a fence where an eating establishment abuts a lot in the residential zone do not apply.

Prevailing Bylaws and Prevailing Sections: (None Apply)

5. None of the provisions of By-law 569-2013 apply to prevent a temporary sales office or construction office on the lands, for a period not to exceed 3 years from the date of this By-law coming into full force and effect.
6. Despite any existing or future severance, partition or division of the lands, the provisions of the By-law apply to the lands identified on Diagram 1 attached to this By-law as if no severance, partition or division occurred.
7. 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 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 and enter into an

agreement or agreements, 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.

8. Within the lands, no person shall use any land or erect or use any **building** or **structure** unless the following municipal sewers are provided to the lot line and the following provisions are complied with:

- (A) all new public roads have been constructed to a minimum 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.

Pursuant to the Decision of the Local Planning Appeal Tribunal issued on February 7, 2019 and Orders of the Ontario Land Tribunal issued on August 16 and October 5, 2022, effective August 12, 2022, in File PL170348.

Schedule A

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the site at its expense to the City in return for the increase in height and density of the proposed development on the lands shown on Diagram 1 to this By-law 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 any Building Permit, the owner shall enter into an agreement or agreements to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the facilities, services or matters set out below.
2. The Owner shall prepare a Construction Management Plan prior to the commencement of construction on the site to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. The Owner shall work with the City Solicitor and appropriate City staff to explore the feasibility of the removal of three existing street posts along Draper Street and install below grade hydro lines and appropriate lighting on the building at the Owner's expense up to a maximum contribution of \$150,000 (representing \$50,000 per street post).

Diagram 1

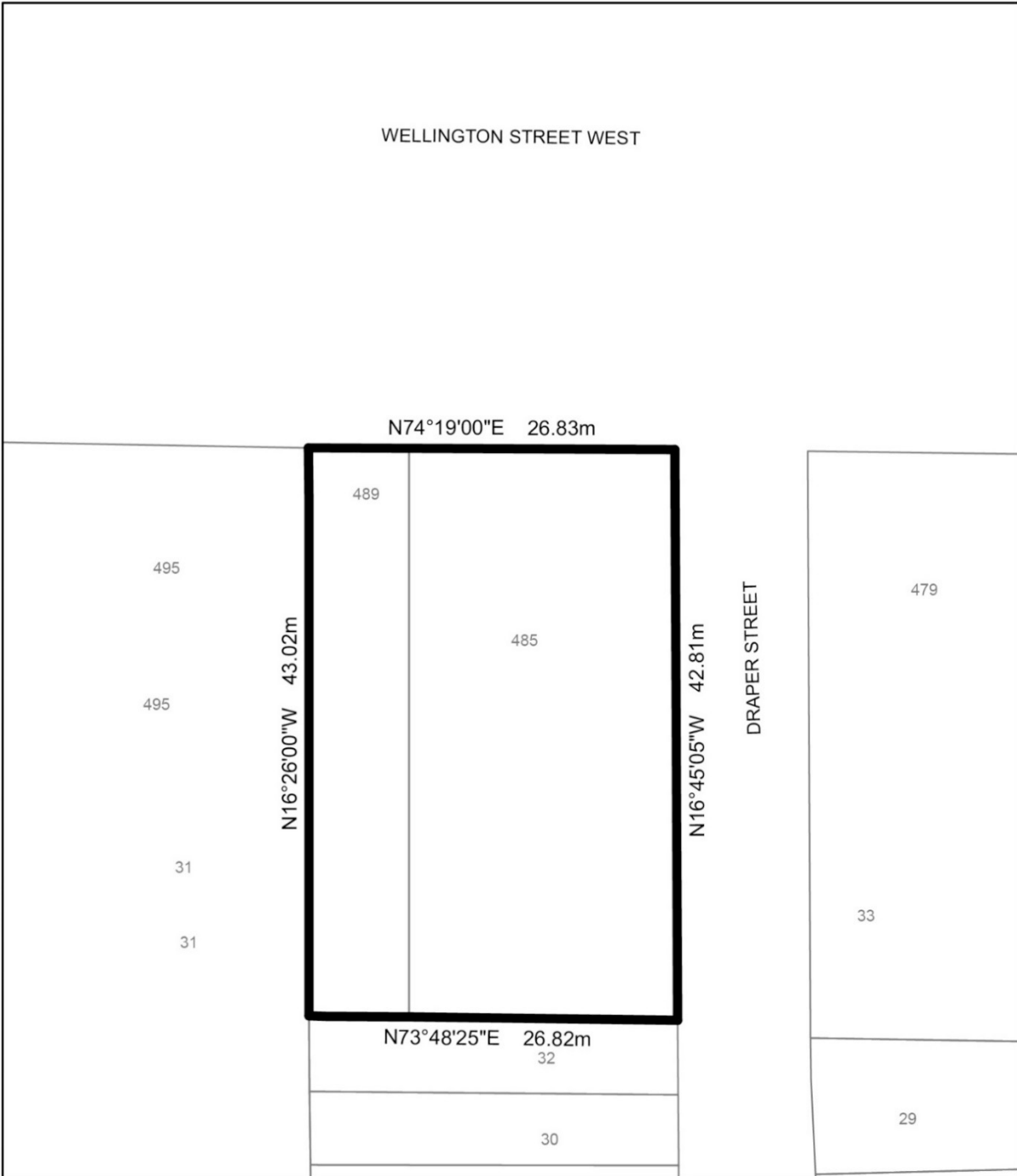


Diagram 2

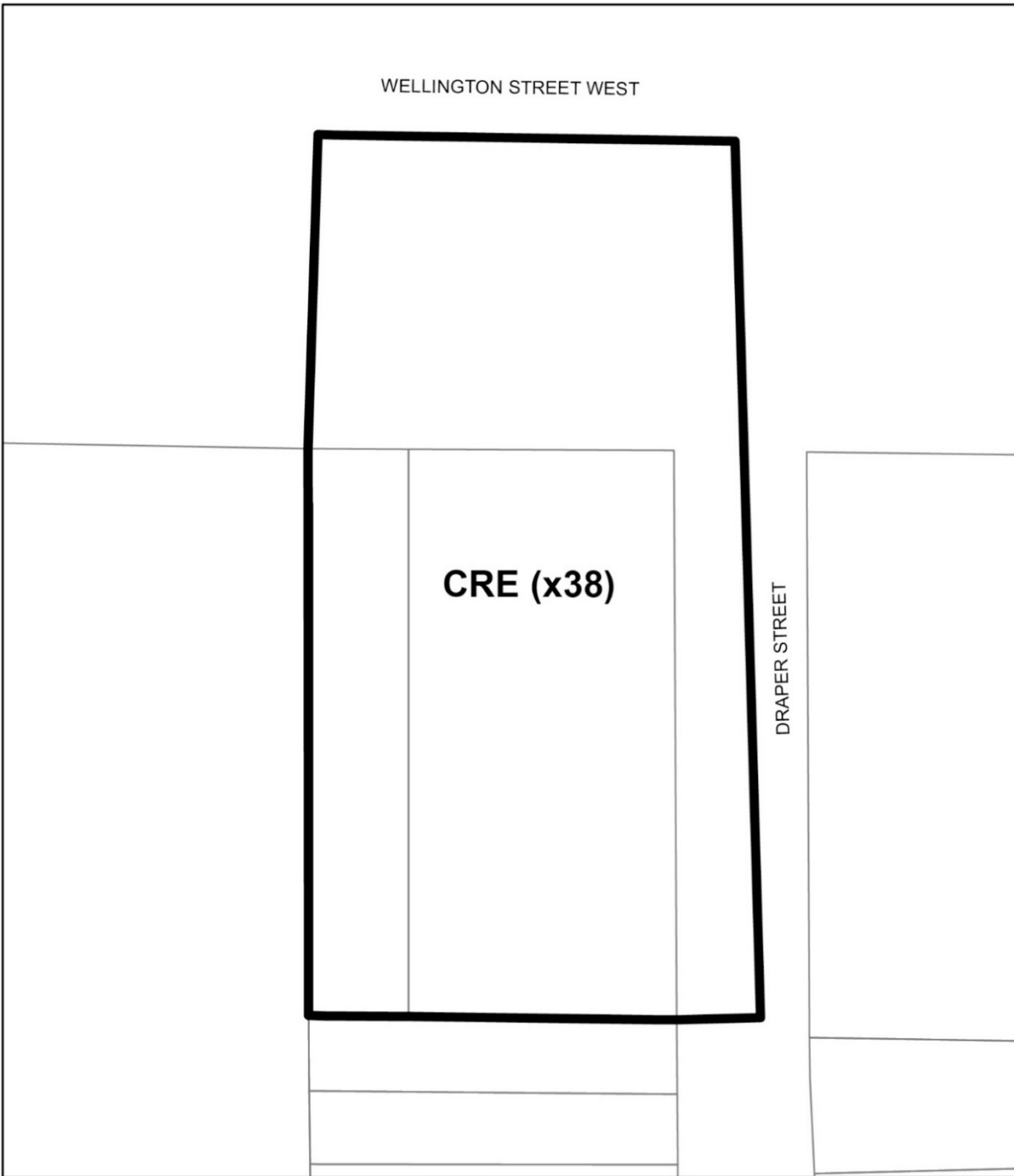
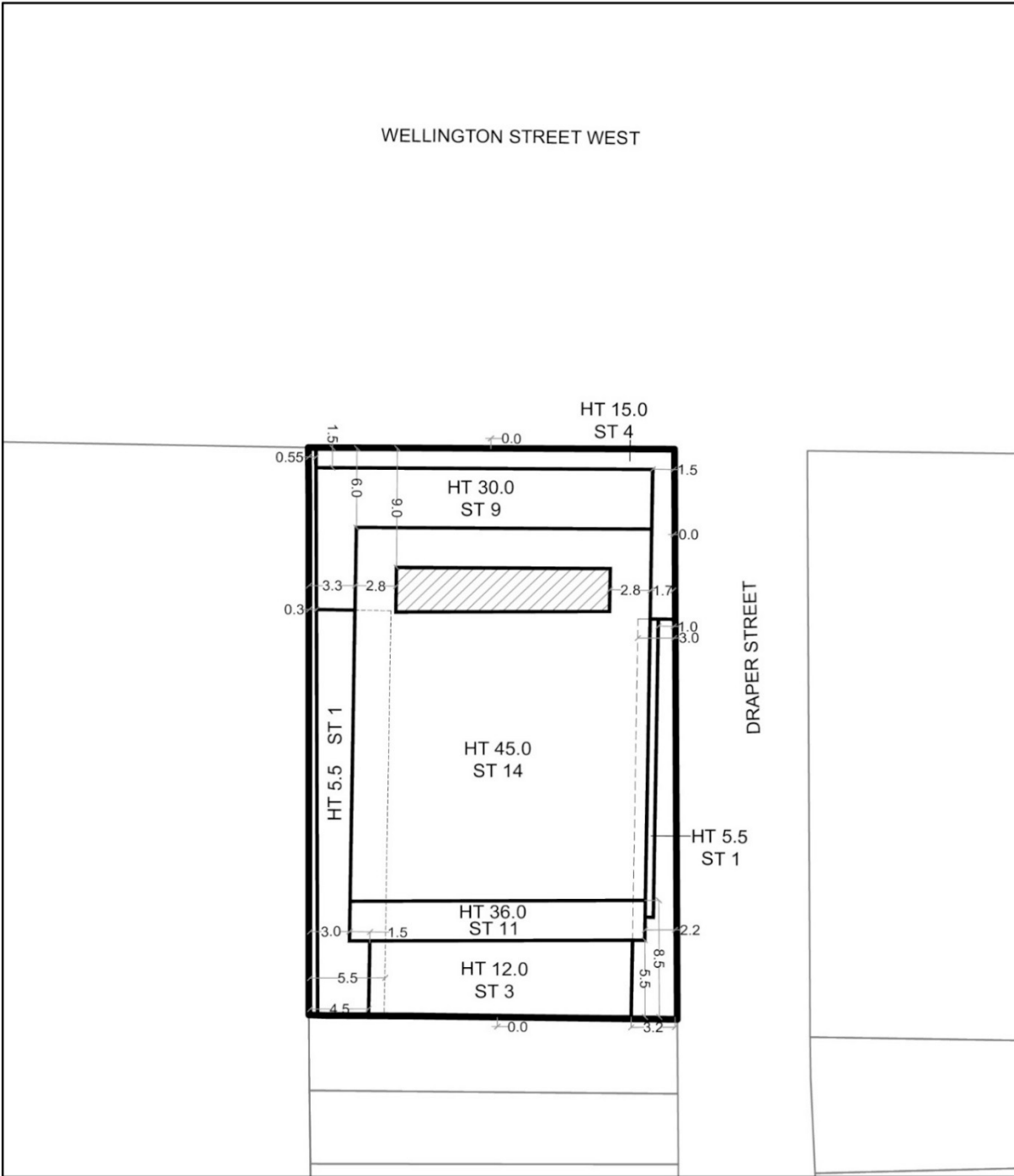


Diagram 3




 **TORONTO**
Diagram 3

485-489 Wellington Street West

File # 16 114472 STE 20 0Z

- Extent of Ground Floor and 3rd Floor
- Extent of 2nd Floor
- ▨ Vestibule referred to in 4(G) and 4(H)


City of Toronto By-law 569-2013
Not to Scale
08/11/2022