

Attachment 10 regarding TE34.14

Authority: Toronto and East York Community Council Item ## as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. xxxx-2018

To amend Zoning By-law No. 569-2013 of the City of Toronto, as amended, with respect to the lands known municipally in the year 2018 as 495-517 Wellington Street West.

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*;

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

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 matters as are set out in the by-law;

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of lands elects to provide facilities, services or matters, in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality in respect of the facilities, services and matters;

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, 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; and

WHEREAS pursuant to Section 39 of the *Planning Act*, 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;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this By-law are outlined in 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 CRE (x19), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number 19 so that it reads:

(19) Exception CRE 19

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 495-517 Wellington Street West, if the requirements of Section 5 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, regulation 50.10.40.10(1) does not apply to prevent the erection or use of **buildings** or **structures** permitted in compliance with (B) to (M) below:
- (B) Despite regulations 50.5.40.10(1) and (2), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 84.50 metres, and the highest point of the **building** or **structure**;
- (C) Despite regulations 50.5.40.10(1), (2) and (4) and 50.10.40.10(3) no portion of any **building** or **structure**, is to have a height greater than the height in metres specified by the number following the "HT" symbol as shown on Diagram 3 attached to and forming part of By-law #####-2018, except that:
 - (i) excluding, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, parapets, guards, **landscaping** and elements of a **green roof**, which shall be in accordance with regulation 50.5.40.10(4) and (5); and
 - (ii) no projections above the height in metres specified by the number following the "HT" symbol as shown on Diagram 3 are permitted in the hashed areas shown as 'No Projection Zone' on Diagram 3.
- (D) Despite regulations 50.10.40.70(1), (2), (4) and (5), 50.10.40.1(1), 50.5.40.10(5), 50.5.40.60(1) and 50.10.40.60(2) all portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines on Diagram 4 attached to and forming part of By-law #####-2018, except that cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, trellises, terraces, eaves, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors,

wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and associated **structures** may extend beyond the heavy lines in accordance with regulations 50.10.40.60 shown on Diagram 4;

- (E) For each 10,000 square metres, or part thereof, of **gross floor area** of any **buildings** on the **lot**, with the exception of the **existing heritage buildings** as identified on Diagram 4 attached to and forming part of By-law #####-2018, a minimum of 9000 square metres of office **gross floor area** must be provided up to a minimum of 38,000 square metres of total office use **gross floor area** for the **lot**;
- (F) The **common outdoor space** provided on the ground floor must have a minimum unobstructed height above grade specified by the numbers following the symbol “HT”, shown on Diagram 4 of By-law #####-2018, with the exception of: architectural features; public art elements; window washing equipment; light fixtures; sprinkler heads and where no minimum clear height is specified, the private open space is to be unobstructed and open to the sky.
- (G) despite regulation 200.5.1.10(2), up to a maximum of 30 **parking spaces**, up to but not in excess of the maximum permitted **parking spaces** on the **lot**, may have the following minimum dimensions: 2.4 metres width, 5.6 metres length and 2.0 metres height. All other **parking spaces** required by regulation 200.5.10.1 shall be in accordance with regulation 200.5.1.10(2);
- (H) Despite regulations 230.5.1.10(9), 230.5.10.1, Table 230.5.10.1(1) and 230.40.1.20(2) a minimum of 211 **bicycle parking spaces** allocated for commercial uses and all visitors must be provided and maintained on the **lot**, and may be provided below grade;
- (I) **Bicycle parking spaces** may be provided as **stacked bicycle parking spaces**, or as vertical **bicycle parking spaces**;
- (J) Despite regulation 220.5.10.1 and 220.5.1(2) two **loading spaces** – type B, and three (3) **loading spaces** – type C, must be provided and maintained on the **lot**.
- (K) Section 600.10 Building Setback Overlay District Map, does not apply.
- (L) no less than two **privately-owned publicly-accessible open spaces** (POPS) with a combined minimum area of 405 square metres must be provided on the ground level within the hatched area shown on Diagram 5 attached to and forming part of this By-law.
- (M) Prevailing By-law Section 12(2)260 of former City of Toronto By-law 438-86 does not apply.

Prevailing By-laws and Prevailing Sections:

(A) 12(2)270 of former City of Toronto By-law 438-86.

5. For the purpose of the By-law:

- a) “**common outdoor space**” means a paved, sodded or landscaped exterior area or areas on a **lot** which provides amenities for the benefit and enjoyment of pedestrians and which:
- (i) adjoins and is directly accessible from a **street**, other than a lane;
 - (ii) contains, but is not limited to, at least two of the following elements: landscaping such as grass, shrubs, trees and flowers; refuse receptacles/recycling bins; outdoor seating;
 - (iii) is located within 2 metres of **grade** and is accessible by a ramp not exceeding a gradient of 1 in 12, or by stairs and a ramp not exceeding a gradient of 1 in 12;
 - (iv) is not narrower than 2.5 metres; and
 - (v) is not for the purposes of a driveway, vehicular ramp, loading or servicing area, outdoor storage, motor vehicle parking, vent or stairs.
- b) “**Privately-owned publicly-accessible open space**” means a space on the **lot** situated at ground level within the hatched area shown on Diagram 5 attached to and forming part of this By-Law that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures and is used principally for the purpose of sitting, standing and other recreational uses, including the use by the owner for special events as set out in Appendix 1, Clause 7. a) and b) of this By-law.

6. 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 attached to this By-law, in return for the provision by the owner, at the owner's expense of the 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 must 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 the provisions of Schedule A of this By-law are satisfied.

Enacted and passed on month ##, 20##.

Name,
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 height of the proposed development on the lands as shown on Map 1 of 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. Provide a cash contribution, of \$400,000 for the Bathurst Quay Neighbourhood Plan, payable prior to introducing the necessary Bills to City Council for enactment.
2. Provide a cash contribution, of \$400,000 for the Waterfront School playground at 635 Queens Quay West, Toronto, ON, M5V 3G3, payable prior to introducing the necessary Bills to City Council for enactment.
3. Provide a cash contribution, of \$380,000 for the provision of new affordable housing as part of the Alexandra Park and Atkinson Housing Co-Operative Revitalisation, to be directed to the Capital Revolving Fund for Affordable Housing, payable prior to the issuance of the first above-grade building permit.
4. Provide a cash contribution, of \$720,000 toward streetscape and public realm improvements to Wellington Street West, Portland Street, Draper Street and/or Front Street West to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, payable prior to the issuance of the first above-grade building permit.
5. The required cash contributions pursuant to recommendation 1 to 4 inclusive, are to be indexed upwardly in accordance with the Statistics Canada non-residential Construction Price Index for the Toronto Census Metropolitan Area, calculated from the date of execution of the Section 37 Agreement to the day the payment is made; and
6. In the event the cash contributions in recommendation 1 to 4 inclusive above, have not been used for the intended purpose within five (5) years of the by-laws coming into full force and effect, the cash contributions may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands.
7. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development, at the owner's expense:
 - a. The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, an area of not less than 280 square metres at grade for use by the general public as a privately-owned publicly accessible open space (POPS), located generally on the western side of the site fronting

Portland Street and providing an entrance to the mews in a location to be identified through the Site Plan Approval process, and shall convey, prior to the issuance of Site Plan Approval, an easement along the surface of the lands which shall constitute the POPS, for nominal consideration, to the City. The specific location, configuration and design of POPS shall be determined in the context of Site Plan Approval pursuant to Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City to the satisfaction of the Acting Director, Community Planning, Toronto and East York District. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS.

- b. The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, an area of not less than 125 square metres at grade for use by the general public as a privately-owned publicly accessible open space (POPS), located generally at the southwest corner of the site in a location identified through the Site Plan Approval process, and shall convey, prior to the issuance of Site Plan Approval, an easement along the surface of the lands which shall constitute the POPS, for nominal consideration, to the City. The specific location, configuration and design of POPS shall be determined in the context of Site Plan Approval pursuant to Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City to the satisfaction of the Acting Director, Community Planning, Toronto and East York District. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS.
- c. Prior to the issuance of Site Plan Approval, the owner shall convey to the City a public pedestrian easement for the life of the building, across the two publicly-accessible private open spaces (POPS) having a total minimum area of 405 square metres, to the satisfaction of the Acting Director, Community Planning, Toronto and East York District.
- d. Prior to the issuance of Site Plan Approval, the owner shall convey to the City a public pedestrian easement for the life of the building, over the mid-block pedestrian mews, to the satisfaction of the Acting Director, Community Planning, Toronto and East York District.
- e. Detailed landscape and lighting plans will be submitted and approved through the Site Plan Approval process to realize the objective of creating a 'green link' on Wellington Street West to connect Clarence Square with Victoria Memorial Square. These plans will be subject to the approval of the Chief Planner and Executive Director, City Planning Division and the General Manger, Transportation Services.
- f. Prior to the issuance of the first building permit, the owner shall submit a Construction Management Plan to the satisfaction of the General Manager of Transportation Services and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development,

will implement the Plan during the course of construction. The Construction Management Plan will include, but not be limited to, details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information and any other matters deemed necessary.

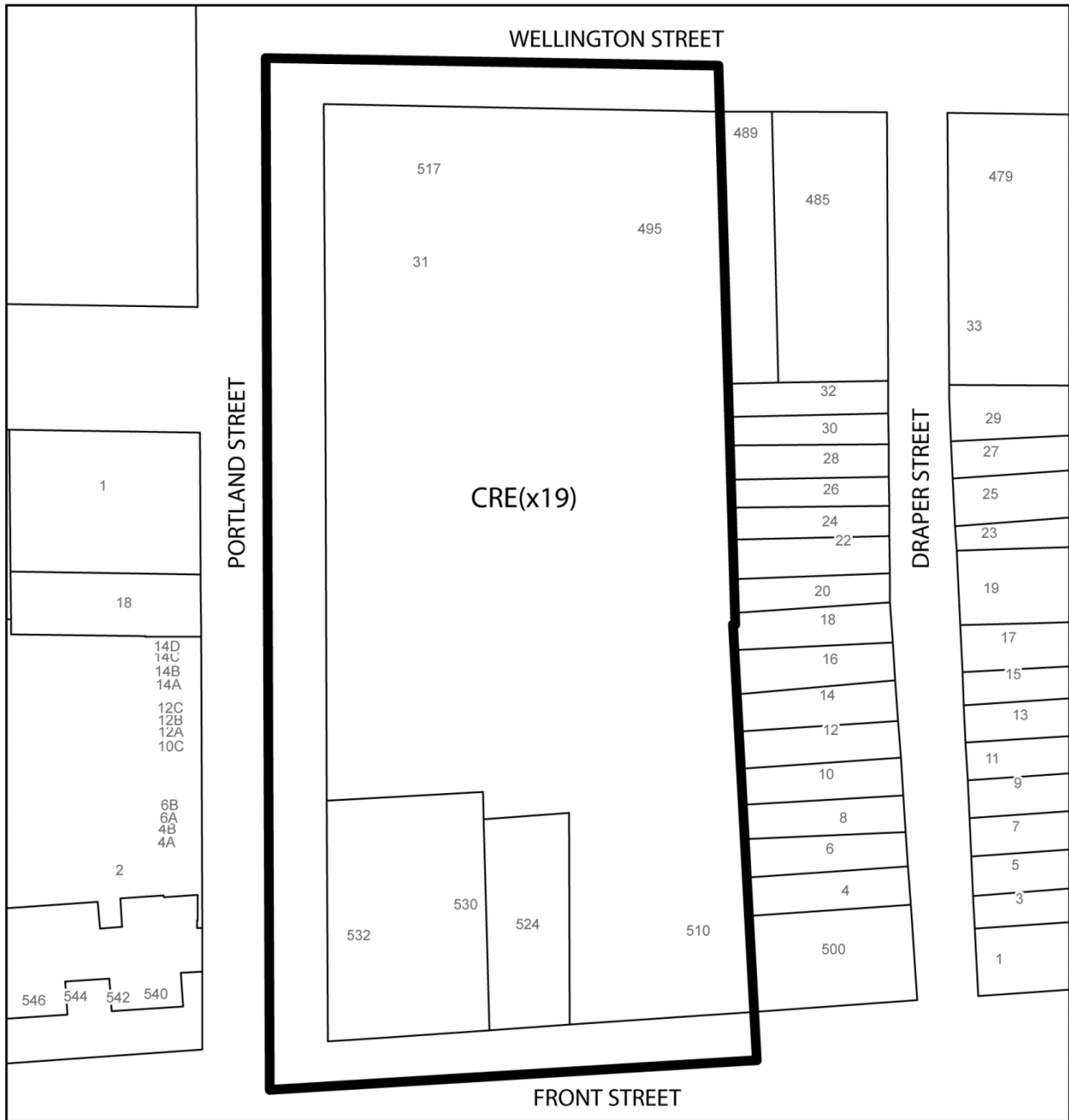
- g. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on December 7, 2017, through the adoption of item PG23.9 of the Planning and Growth Committee.



 **TORONTO**
Diagram 1

**495-517 Wellington Street
& 510-532 Front Street West**

File # 17 256142 STE 20 02



 **TORONTO**
Diagram 2

**495-517 Wellington Street
& 510-532 Front Street West**

File # 17 256142 STE 20 OZ





TORONTO
 Diagram 4

**495-517 Wellington Street
 & 510-532 Front Street West**
 File # 17 256142 STE 20 OZ



 **TORONTO**
Diagram 5

495-517 Wellington Street & 510-532 Front Street West

File # 17 256142 STE 20 OZ