

Authority: Toronto East York Community Council Report No. 1, Clause No. 8,
as adopted by City of Toronto Council on February 13, 14 and 15, 2002
Enacted by Council: February 15, 2002

CITY OF TORONTO

BY-LAW No. 149-2002

To amend the Zoning By-law No. 438-86 of the former City of Toronto in respect of lands known as Nos. 66 Temperance Street and 73 Richmond Street West.

WHEREAS the Council of the City of Toronto has proposed an amendment to its zoning by-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, respecting the lands municipally known in the year 2001 as Nos. 66 Temperance Street and 73 Richmond Street West; and

WHEREAS the Toronto East York Community Council conducted a public meeting on January 29, 2002, under Section 34 of the *Planning Act* regarding the Zoning Amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held on February 13, 14 and 15, 2002, determined to amend By-law No. 438-86, as amended, of the former City of Toronto; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the By-law 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 an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. Upon execution and registration of the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of Section 3 herein, Parcel A and Parcel B of the *lot*, as shown on Plan 1 attached, are subject to the requirements set out in this By-law and, except as otherwise provided herein, the provisions of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall continue to apply to Parcel A and Parcel B.
2. None or the provision of section 2 of the aforesaid By-law No. 438-86 as it pertains to the definitions of “*bicycle parking spaces – visitor*”, “*live-work unit*”, “*lot*” and “*parking space*”, and sections 4(2)a; 4(5); 4(12); 8(3) PART I 1, 2, and 3; 8(3) PART III 1(a); and 8(3) PART XI 2(2); of the aforesaid By-law 438-86, shall prevent the building on *Parcel A* existing on February 15, 2002, from being used for live-work, office and/or retail uses, or the erection or use of a *mixed-use building* or a *residential building* on *Parcel B*, provided:
 - (1) the *lot* comprises *Parcel A* and *Parcel B*, despite more than one building is or is to be erected thereon, and all such buildings shall be deemed to have a common basement;
 - (2) *bicycle parking spaces - visitor* are provided in a locker;
 - (3) not more than 79 *parking spaces* are less than the required minimum size as set out in the definition of *parking space* in section 2 of the aforesaid By-law No. 438-86;
 - (4) not more than 26 *parking spaces* will not be accessible at all times without moving another vehicle as required in section 2 of the aforesaid By-law No. 438-86;
 - (5) the width of the driveway leading to the *parking spaces* is not less than 2.9 metres wide;
 - (6) the *height* of any building or structure on *Parcel B* does not exceed 158.0 metres;
 - (7) the height of the mechanical penthouse and of the final design elements on *Parcel B* shall not exceed 14.0 m and 34.0 m, respectively, whereas the requirements of section 4(2)a shall apply to *Parcel A*;
 - (8) not less than 265 *parking spaces* are provided on the *lot*;

- (9) 480 square metres of indoor *residential amenity space* and 245 square metres of outdoor *residential amenity space* is provided on *Parcel B* and the requirements of section 4(12) regarding the provision of kitchen and washroom facilities are complied with;
- (10) the *non-residential gross floor area*, *residential gross floor area* or combination thereof erected or used on the *lot*, shall not exceed the amounts listed in the columns opposite the Parcel reference;

<i>Parcel</i>	<i>Total Gross Floor Area m2</i>	<i>Residential Gross Floor Area m2</i>	<i>Non-Residential Gross Floor Area (m2)</i>
<i>A</i>	4650	3410	3410
<i>B</i>	38620	38420	3000

- (11) any building or structure erected on *Parcel B* complies with section 8(3) PART II 1(a)(ii); and
- (12) the definition of “*live-work unit*” contained in section 2 of By-law No. 438-86, is applied except that any number of persons may work in the unit provided the resident or residents of the unit also work in the unit.
3. Notwithstanding Section 2 hereof, the density and height of development permitted by Section 2 is permitted subject to compliance with the conditions set out therein and in return for the provision by the owner of the *lot* referred to in Section 1 of the following facilities, services and matters to the City of Toronto, namely:
- (1) retain, restore, conserve and maintain the building located at No. 73 Richmond Street West, in accordance with an approved Restoration Plan and in a manner that respects the quality and character of the building and which is secured and further defined through one or more agreements pursuant to Section 37 of the *Ontario Heritage Act* and Section 37 of the *Planning Act*;
- (2) deposit with the City, a letter of credit in the amount of \$256,100.00 dollars, prior to the issuance of a building permit in respect of *Parcel A*, to secure the retention, restoration, conservation and maintenance of the historic elements of such building;
- (3) provide and maintain one or more works of *art* pursuant to a public art program in publicly accessible portions of the *lot* of a value not less than one per cent of the cost of construction of all new buildings, structures and additions erected on *Parcel B* on or after the date of passing of this By-law, provided that the costs related to obligations under the agreement drawn pursuant to Section 37 of the *Ontario Heritage Act* and costs related to public art, shall not be included in such valuation;
- (4) deposit with the City, a letter of credit in the amount of \$115,000.00 for pedestrian amenities in the area, prior to the issuance of an excavation permit in respect of *Parcel B*;

- (5) connect the mechanical system of any building erected on the lands known municipally as No. 66 Temperance Street to the Toronto District Heating and Cooling System;
- (6) undertake or pay for improvements to the public sidewalks and boulevards immediately adjacent to the *lot*, generally as shown on the landscape plan to be referred to in an agreement pursuant to section 41 of the *Planning Act*; and
- (7) enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* and the *Ontario Heritage Act*, to secure all the facilities, services and matters referred to in this By-law, and such agreement or agreements are appropriately registered against the title of the lands.

4. For the purposes of this By-law;

- (1) “*art*” includes works of plastic art, graphic art, sculptured landscaping, fountains and artistic treatment of walls or other building elements clearly visible at all times from public areas, including flooring, structure, lighting and furnishings, provided such elements or works have been designed by or in collaboration with artists;
- (2) “*lot*” means those lands delineated by heavy lines on Plan 1 and includes both *Parcel A* and *Parcel B*;
- (3) “*Parcel A*”, and “*Parcel B*” means the areas identified as “*Parcel A*” and “*Parcel B*” on Plan 1; and
- (4) each other word or expression which is italicized herein shall have the same meaning as each word and expression as defined in the aforesaid By-law No. 438-86, as amended;

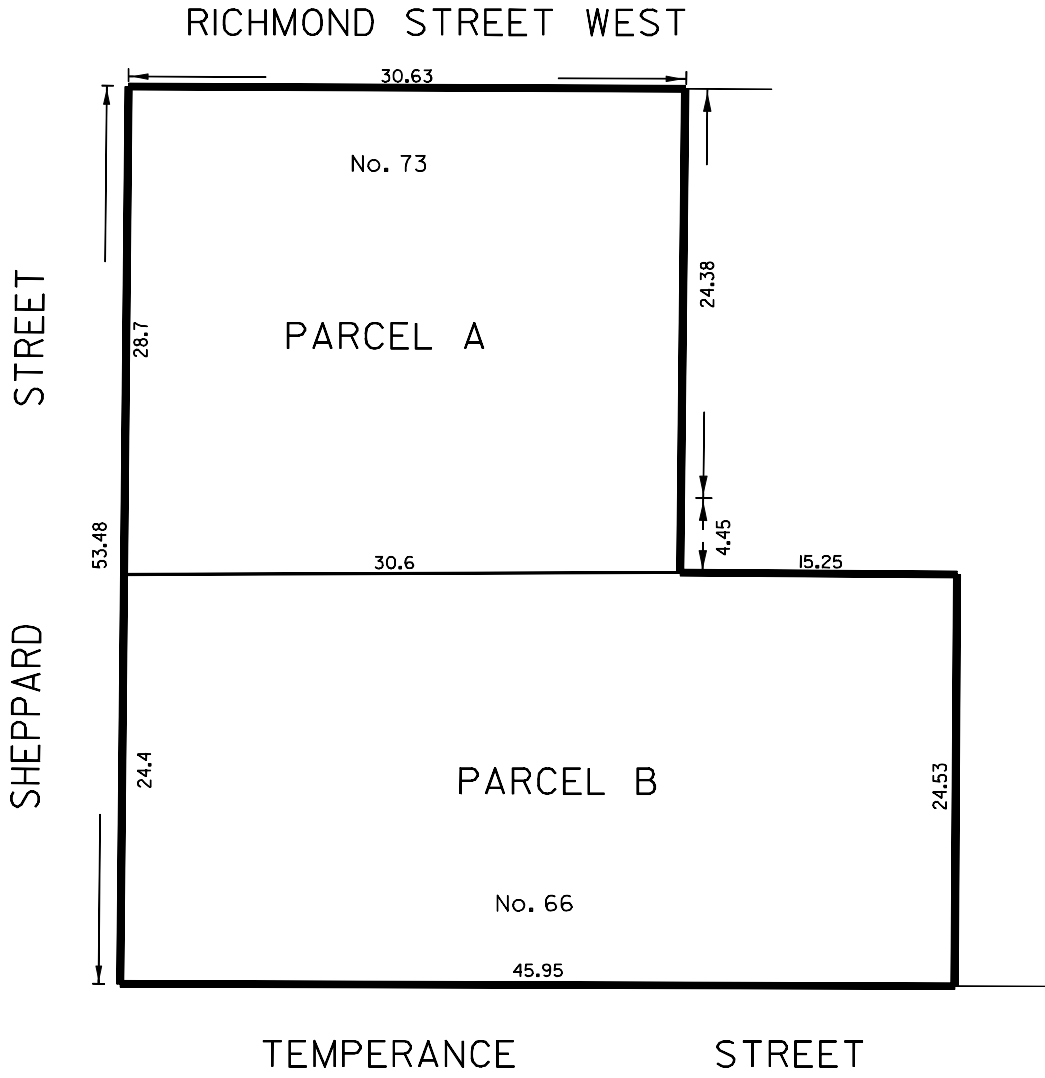
ENACTED AND PASSED this 15th day of February, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

PLAN I



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO FEBRUARY, 2002
BL2/73RICHW1.DGN
FILE: R19-231
MAP No. 50G-23 DRAWN: WL