

Authority: Toronto and East York Community Council Item TE22.5, as adopted by City of Toronto Council on March 9, 2016 and MM31.60, by Councillor Joe Cressy, seconded by Councillor Paul Ainslie, as adopted by City of Toronto Council on July 4, 5, 6 and 7, 2017

## CITY OF TORONTO

### Bill 855

### BY-LAW -2017

#### **To amend former City of Toronto By-law 438-86, as amended, with respect to the lands municipally known in the year 2016 as 497, 505 and 511 Richmond Street West.**

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 such provisions relating to the authorization of increases in height and 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 increase 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 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 increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, 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. None of the provisions of Section 2 with respect to the definitions of *lot*, *grade*, and *height* and Sections 4(2), 4(5)(a)(b)(c)(d)(e)(f)(h), 4(8), 4(9), 4(12), 7(2)(6)(iii), 7(2)(9), 7(3) of By-law 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection use, bulk, height, spacing of and other matters related 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 apply to prevent the erection and use of *mixed-use building* containing dwelling units and non-residential uses on the *lot* provided the provisions of this By-law are complied with:

- (a) the *lot* shall consist of the lands delineated by heavy lines and hatching on Map 1 attached to and forming part of this By-law;
- (b) the total aggregate *residential* and *non-residential gross floor area* permitted on the *lot* is 32,400 square metres, subject to the following:
  - (i) the maximum permitted *residential gross floor area* is 24,000 square metres; and
  - (ii) a minimum of 8,000 square metres of *non-residential gross floor area* is provided, of which a minimum of 4,400 square metres is used for a *community centre*;
- (c) no portion of the building above *grade* shall be located otherwise than wholly within the height areas delineated by lines on the attached Map 3 attached to and forming part of this By-law.
- (d) no portion of a building or structure erected on the *lot* shall have a greater *height* in metres as measured from *grade*, than specified by the numbers following the symbol "H" in the *height* areas delineated on Map 3 of this By-law
- (e) nothing in subsections (c) and (d) above shall apply to prevent the following elements from projecting beyond the lines delineating *height* areas as shown on Map 3 of this By-law:
  - (i) eaves, cornices, window sills, landscape features, wheel chair ramps, light fixtures, balustrades, bollards, awnings, canopies, raised planters, fences, vents, underground garage ramp and associated structures, window washing equipment, damper equipment to reduce building movement; and
  - (ii) balconies are permitted on the east and west facades of the building, up to a maximum depth of 1.5 metres and not occupying more than 50 percent of each building facade;
- (f) despite subsections (d) and (e) above, the only elements permitted to exceed a height of 47.5 metres as identified on Map 3 of this By-law are the following:
  - (i) mechanical elements, stair and stair enclosures up to a combined maximum of 700 square meters and a maximum height of 6 metres; and
  - (ii) fences, raised planters, landscape features, light fixtures, guardrails associated with an outdoor *residential amenity space* up to a maximum height of 2 metres,

provided they are located in "Area A", as identified in hatching on Map 2 attached to and forming part of this By-law and having a maximum area of 850 square metres;

- (h) a maximum of 300 *dwelling units* shall be provided on the *lot*;
  - (i) no *dwelling units* are permitted on the second or third *storeys* of the building;
  - (k) indoor *residential amenity space* shall be provided at a minimum rate of 1.3 square metres for each *dwelling unit* and may be provided in a multi-purpose room or rooms, whether or not such rooms are contiguous, with at least one washroom and kitchen;
  - (l) outdoor *residential amenity space* shall be provided at a minimum rate of 1.3 square metres for each *dwelling unit*;
  - (m) for a maximum of 300 *dwelling units* parking spaces shall be provided on the *lot* in accordance with the following:
    - (i) a minimum of 103 parking spaces shall be provided for residents; and
    - (ii) a minimum of 72 *parking spaces*, including a minimum of 2 *car share* spaces, shall be provided for *non-residential* uses;
  - (n) a minimum of one *loading space – Type "G"* shall be provided on the *lot*; and
  - (o) a minimum of one *loading space – Type "B"* shall be provided on the *lot*.
2. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* contemplated herein is permitted in return for the provision by the *owner*, at the *owner's* expense, of the facilities, services, and matters set out in Schedule 1 hereof 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 *lot*, to the satisfaction of the City Solicitor.
3. Where Schedule 1 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 depending on satisfaction of the same.
4. 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 provision of Schedule 1 of this By-law are satisfied.
5. None of the provisions of By-law 438-86, as amended, shall apply to prevent a temporary *sales office* on the *lot* for the sale of units to be located on the *lot*.

6. For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined by said By-law 438-86, as amended, except the following:
- (a) "*grade*" shall mean 91 metres Canadian Geodetic Datum;
  - (b) "*lot*" shall mean the lands outlined in the heavy lines on Map 1 attached to and forming part of this by-law;
  - (c) "*car-share*" or "*car sharing*" shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
  - (d) "*car-share parking space*" shall mean a *parking space* that is reserved and actively used for *car-sharing*;
  - (e) "*community centre*" shall mean a premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities. A club is not a community centre; and
  - (f) "*height*" shall mean the distance between *grade* and the highest point of the building.
7. Despite any existing or future severance, partition or division of the *lot*, the provision of this By-law shall apply to the whole of the *lot* as if no severance, partition, or division occurred.
8. The provisions of By-law 438-86, as amended, shall continue to apply to the *lot* except as otherwise provided in this By-law.
9. Within the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law, no person shall use any land or erect or use any building or structure on the *lot* 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 , 2017

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

## SCHEDULE 1

### 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 and density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

#### *Heritage*

- (1) Prior to final site plan approval the *owner* shall:
  - (a) amend the existing Heritage Easement Agreement for the property at 497, 505 and 511 Richmond Street West in accordance with the plans and drawings dated December 5, 2016, prepared by Diamond Schmitt Architects Inc., date-stamped received by the City Planning Division January 3, 2017, and on file with the Senior Manager, Heritage Preservation Services, and subject to and in accordance with the Conservation Plan referred to in Clause 1(b) below all to the satisfaction of the Senior Manager, Heritage Preservation Services, including registration of such amending agreement to the satisfaction of the City Solicitor;
  - (b) provide a Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 497, 505 and 511 Richmond Street West prepared by ERA Architects Inc., issued July 20, 2016 and revised January 20, 2016, to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - (c) provide final site plan drawings, including drawings related to the approved Conservation Plan referred to in Clause 1(b) above, to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - (d) provide a Heritage Lighting Plan that describe how the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services; and
  - (e) provide a detailed Landscape Plan for property to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (2) prior to the issuance of any permit for all or any part of the property at 497, 505 and 511 Richmond Street West, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Preservation Services, the *owner* shall:
  - (a) obtain final approval for the necessary zoning by-law amendment giving rise to the proposed alterations to the property at 497, 505 and 511 Richmond Street West, such amendments to have been enacted by City Council and to have come into full force and effect in a form and with content acceptable to City Council as

- determined by the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Preservation Services;
- (b) have obtained final site plan approval for the property, issued by the Chief Planner and Executive Director, City Planning;
  - (c) provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan referred to in Clause (1)(b) above, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - (d) provide a Letter of Credit, including provision for upwards indexing in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, Heritage Lighting Plan and Interpretation Plan;
  - (e) provide an Interpretation Plan for the property at 497, 505 and 511 Richmond Street West, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter implement such plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - (f) provide full documentation of the heritage property at 497, 505 and 511 Richmond Street West, including two (2) printed sets of archival quality 8"x10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Preservation Services; and
  - (g) submit a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (3) notwithstanding Clause (2) above, permits for demolition and staging work (including façade retention), and for shoring and excavation, as are acceptable to the Senior Manager, Heritage Preservation Services, may be issued prior to the satisfaction of all of the requirements of Clause (2) above, on condition that prior to the issuance of any such permits the *owner* shall:
- (a) obtain final approval for the necessary zoning by-law amendment giving rise to the proposed alterations as required by Clause (2)(a) above;
  - (b) amend the Heritage Easement Agreement required by Clause (1)(a) above, including registration of such amending agreement to the satisfaction of the City Solicitor;
  - (c) provide the Conservation Plan as required by Clause (1)(b) above;

- (d) provide full building permit drawings, as required by Clause (2)(c) above, for the work to be permitted by any such demolition, staging, excavation or shoring permits;
- (e) provide the Letter of Credit required by Clause (2)(d) above; and
- (f) provide the full documentation, as required by Clause (2)(f) above, of the buildings or portions thereof at 497, 505 and 511 Richmond Street West to be demolished or altered by any such demolition, staging, excavation or shoring permits,

all to the satisfaction of the Senior Manager, Heritage Preservation Services. In addition and notwithstanding the above, a permit to allow construction of a concrete foundation system to support the future façade retention structure, with no physical impact to the Richmond Street or Maud Street elevations of the building, may be issued prior to the satisfaction of Clause (3)(a) above provided that the balance of this Clause (3) has been fully satisfied;

- (4) prior to release of the Letter of Credit required in Clause (2)(d) above, the *owner* shall:
  - (a) provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting work, and the required interpretive work has been completed in accordance with the Conservation Plan, Heritage Lighting Plan, Landscape Plan, and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - (b) provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services;

#### *Archaeological Resources*

- (5) Prior to final site plan approval, the *owner* shall retain a consultant archaeologies, licensed by Ministry of Culture, Tourism and Sport, under the provisions of the Ontario heritage Act (R.S.O. 1990 as amended) to carry out a Stage 2 archaeological resources assessment of the subject property in accordance with the Stage 1 assessment report (June 27, 2016) (Figure 2) and follow through on recommendations from the Stage 1 assessment report to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2011 Standards and Guidelines for Consulting Archaeologists, Ministry of Culture, Tourism and Sport. This is to be to the satisfaction of the Senior Manager, Heritage Preservation Services. Should the archaeological assessment process continue beyond a Stage 2 assessment, any recommendation for Stage 3-4 mitigation must be reviewed and approved by Heritage Preservation Services prior to commencement of site mitigation;



- (6) prior to final site plan approval, the *owner* shall submit a copy of the relevant archaeological assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk. This is to be completed to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (7) the *owner* shall ensure that no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to Heritage Preservation Services, City Planning and the Heritage Operations Unit, Ministry of Tourism, Culture and Sport, confirming in writing, that all archaeological licensing and technical review requirements have been satisfied. This is to be completed to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (8) Prior to final site plan approval, the *owner* shall incorporate significant archaeological resources and findings into the proposed development through either in-situ preservation and interpretation where feasible, or commemorate and interpret the resources through exhibition development on site including, but not limited to, commemorative plaquing. This is to be completed to the satisfaction of the Senior Manager, Heritage Preservation Services;

#### *Exterior Pedestrian Walkway*

- (9) The construction and maintenance at the owner's expense and no cost to the City, of a pedestrian walkway through the courtyard at the east entry of the Waterworks Building within the area generally identified in cross-hatching on Map 3 of this By-law and having a minimum width of 2.1 metres for use by the City and the general public for the life of the development shall be provided on terms set out in the Section 37 Agreement, including requirements for, commencing at occupancy, insurance and indemnification of the City, all to the satisfaction of the Chief Planner and Executive Director, City Planning. The details and location of the pedestrian walkway will be determined in the context of site plan approval;

#### *Interior Pedestrian Walkway*

- (10) Construction and maintenance, at the owner's expense and no cost to the City, of an interior pedestrian walkway through the building from Richmond Street West to St. Andrew's Playground together with provision for use by the City and the general public 7 days a week, or as otherwise agreed, and provided that the interior walkway is open to the City and the general public no less than 56 hours a week, shall be provided for the life of the development on terms set out in the Section 37 Agreement, including requirements for commencing at occupancy, insurance and indemnification of the City, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division. This walkway may be closed for special events or other occasions as set out in the Section 37 agreement. The details and location of the pedestrian walkway will be determined in the context of site plan approval;

*St. Andrew's Playground*

- (11) The *owner* shall, at its own expense, be responsible for winter maintenance of park walkways associated with the use of doors opening onto the park at the south side of the building;
- (12) The *owner* shall ensure that the doors fronting onto St. Andrew's Playground are only open 7 days a week for the hours of 7 a.m. to 11 p.m., or as otherwise agreed, on terms set out in the Section 37 Agreement all to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the General Manager, Parks, Forestry and Recreation;
- (13) Provision of a maximum of four doors are permitted to exit into St. Andrew's Playground and no door swings into St. Andrew's Playground will be permitted. The proposed design of the doors will be to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the General Manager, Parks, Forestry and Recreation;
- (14) The provision of special design features to be built into the park edge along the south face of the building, will be at the *owners* expense, to accommodate the doors and concentrated pedestrian traffic resulting from their use to the satisfaction of the General Manager, Parks, Forestry and Recreation, the details to be determined in the context of final site plan approval;
- (15) Payment of an annual fee to the City by the *owner* in the minimum amount of \$10,000 (indexed) for additional park maintenance costs to be spent in St. Andrew's Playground resulting from the spill out and intensification of use generated by the proposed food hall, including but not limited to extra garbage pick-up and wear and tear on the park materials to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- (16) Prior to the issuance of any above grade buildings permits, the *owner* will be required to provide information to the appropriate staff in Parks, Forestry and Recreation regarding the limiting distance requirements established under the *Ontario Building Code Act*, 1992. If the City agrees to enter into a Limiting Distance Agreement, the City will require compensation for the affected area;
- (17) The *owner* shall be required to obtain an environmental assessment report, prepared by a qualified engineer, at the end of the permitted occupation of the parking lot on the west side of St. Andrew's Playground to verify that the parkland continues to meet the applicable laws, regulations and guidelines respecting sites to be used for public park purposes. The owner will be required to provide an RSC upon expiry of the lease agreement. The owner will be responsible for paying all costs associated with the City retaining a third-party peer reviewer for the environmental addendum. These matters are to be to the satisfaction of the General Manager, Parks, Forestry and Recreation;

*Construction Management*

- (18) Prior to the issuance of the first building permit, the *owner* will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, 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 and 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;

*Community Centre*

- (19) a minimum of 4,600 square metres of community centre space, as defined in City of Toronto Zoning By-law 569-2013, as amended, shall be operated on-site by the City or by a non-profit organization to the satisfaction of the General Manager, Parks, Forestry and Recreation. Should the community centre space not be conveyed to a non-profit organization for the purposes of a community centre, as defined in City of Toronto Zoning By-law 569-2013, as amended, the City shall have the option for the space to be conveyed to the City for nominal value for the purpose of a community use, at the discretion of the General Manager, Parks, Forestry and Recreation, subject to the appropriate legal agreements being amended. Should the City choose not to occupy the space for the purposes of a community centre, any alternative use or disposal of the space shall required approval by City Council;
- (20) Prior to final site plan approval, plans will be provided demonstrating the design of the proposed community centre space be to the satisfaction of the General Manager, Parks, Forestry and Recreation in consultation with the Chief Planner and Executive Director, City Planning Division;
- (21) prior to final site plan approval, a Community Access Agreement shall be executed between a non-profit service provider and the City for the proposed community centre facility, to the satisfaction of the City Solicitor in consultation with the General Manager Parks, Forestry and Recreation;

*Three Bedroom Units*

- (22) the *owner* shall provide a minimum ten (10) percent of all units as units that are convertible to three (3) bedroom units, with built in features to ensure convertibility as determined prior to final site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning;

*Municipal Infrastructure*

- (23) The *owner* shall be financially responsible for all costs associated with any municipal infrastructure improvements deemed necessary pursuant to the accepted functional

servicing report which may include but not limited to the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property to the satisfaction of the Executive Director, Engineering and Construction Services;

*Wind Study*

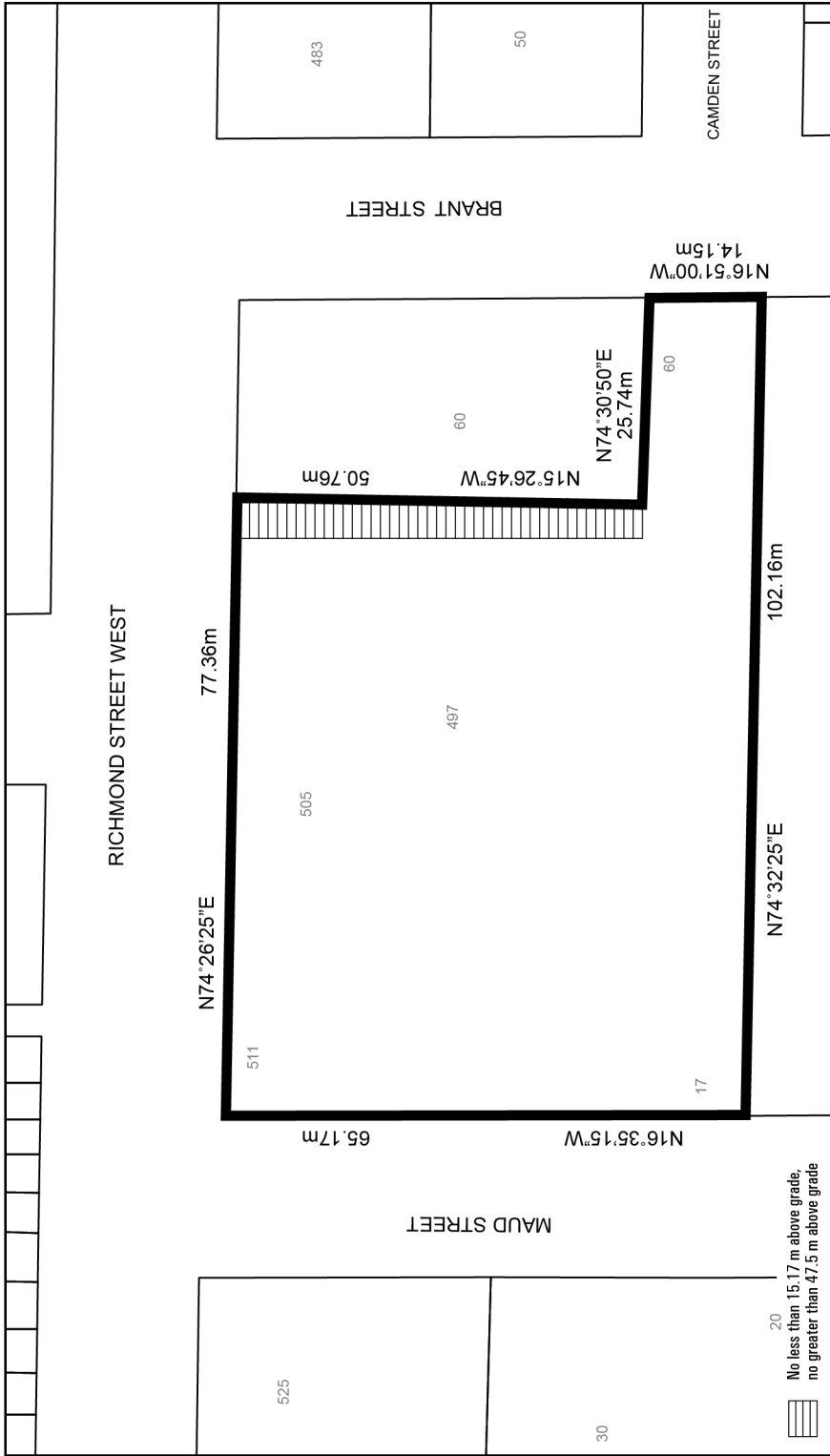
- (24) Prior to site plan approval, the *owner* shall submit a Wind Study for the proposed development and an undertaking to implement any necessary mitigation measures, to the satisfaction of the Chief Planner and Executive Director, City Planning division;

*Groundwater Discharge*

- (25) Prior to the issuance of the first building permit, excluding permits for demolition and staging work (including façade retention) as well as a concrete foundation system to support any future faced retention structure where satisfactory arrangements have been made with Toronto Water, the *owner* shall obtain and submit a discharge agreement/permit from City of Toronto, Toronto Water, Environmental Monitoring and Protection Section for discharging groundwater to city sewers, if applicable, to the satisfaction of the Executive Director, Engineering and Construction Services; and

*Dog Amenities*

- (26) Provision of on-site dog amenities at the *owner's* expense with proper disposal facilities for the building residents, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

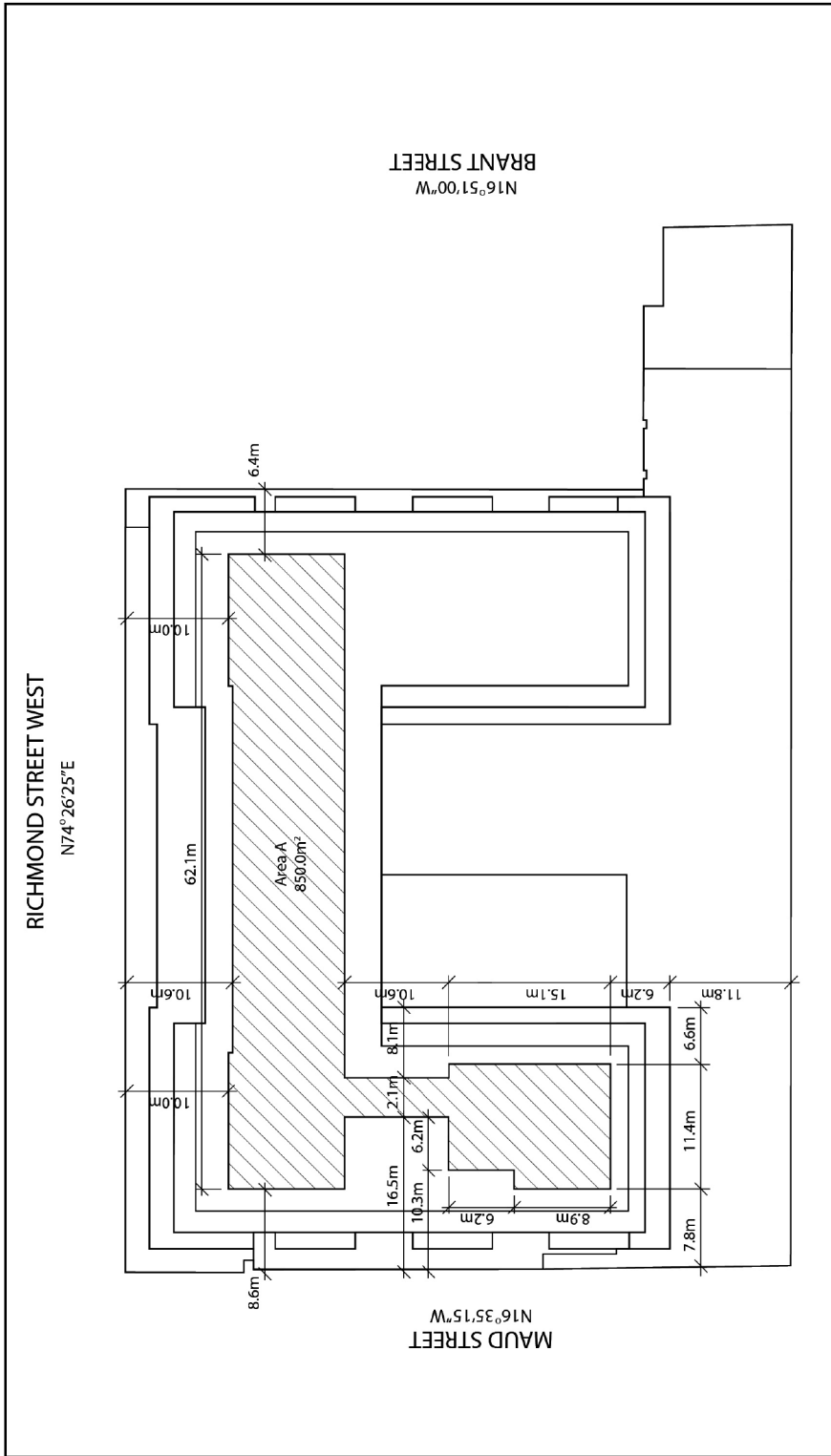


# 497 Richmond Street West

File # 16 196378 STE 20 0Z

City of Toronto By-Law 438-86  
Not to Scale  
05/04/2017





# 497 Richmond Street West

## Map 2

File # 16 196378 STE 20 OZ



City of Toronto By-Law 438-86  
Not to Scale  
07/06/2017

