

Authority: Toronto and East York Community Council Item 22.9, adopted as amended, by City of Toronto Council on January 27 and 28, 2009 and Motion MM31.11, moved by Councillor Vaughan, seconded by Councillor Mihevc, as adopted by City of Toronto Council on February 23, 24 and 25, 2009
Enacted by Council: February 25, 2009

CITY OF TORONTO

BY-LAW No. 283-2009

To amend By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 306, 308, 318, 320 and 322 Richmond Street West.

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2009 as 306, 308, 318, 320 and 322 Richmond Street West; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

WHEREAS the Council of the City of Toronto, at its meeting on January 27 and 28, 2009, determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site*, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
3. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
4. Notwithstanding Section 7(1)(a) of *By-law No. 438-86*,
 - (a) no person shall use the *site* or erect or use a building within the *site* for any purpose except one or more of the following uses: an *apartment building*, an *hotel* which may be a suite hotel, and uses *accessory* thereto including an underground *parking garage* which may contain *car-share parking spaces*, a *sales office*, a *restaurant* use located within the *hotel* and *accessory* to the *hotel*, a fitness facility located within the *hotel* and *accessory* to the *hotel* and to the *apartment building*, and

- (b) for certainty, no person shall use the *site* or erect or use a building within the *site* for the purpose of an *entertainment facility – nightclub*.
5. The maximum combined *residential gross floor area* and *non-residential gross floor area* of all buildings or structures erected within the *site* shall not exceed 28,775 square metres, of which,
- (a) the maximum *residential gross floor area* shall not exceed 15,458 square metres, and
- (b) the maximum *non-residential gross floor area* shall not exceed 13,317 square metres.
6. The *site* shall contain no more than,
- (a) 140 *dwelling units*, and
- (b) 145 *hotel room/suites*.
7. No part of any building or structure erected within the *site*,
- (a) shall be located above finished ground level other than within a *building envelope*, and
- (b) shall be located below finished ground level within that portion of the *site* abutting the lane and shown as the hatched area on Map 2 attached hereto.
8. The provisions of Section 7(a) of this By-law do not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
Eaves, cornices, ornamental or architectural elements, balustrades, mullions, window sills, bay windows	Maximum 0.3 metre projection, provided the height of the “STRUCTURE” is no higher than that portion of the building to which it is attached.
Parapets	No restriction on the extent of the projection, provided the height of such “STRUCTURE” is not greater than 1.2 metres.
Windscreens	No restriction on the extent of the projection, provided the height of such “STRUCTURE” is not greater than 2 metres.

Fences, safety railings and guardrails	No restriction on the extent of the projection, provided the height of such “STRUCTURE” is not greater than 1.2 metres, with the exception that the height of any fences, safety railings and guardrails located on top of the 11th storey may have a height of 1.9 metres.
Unenclosed Balconies	no restriction on the extent of the projection, provided it does not extend beyond the <i>building envelope</i> of the portion of the building to which it is attached.
Pool Enclosure (Removable) one only on the roof of the 11th storey	Maximum projection as shown on Map 2, provided the height of such “STRUCTURE” is not greater than 5 metres.
Stairs, stair enclosures, wheelchair ramps, landings and associated railings, light fixtures and standards, underground garage ramps and landscape features and planters	No restriction on projection or height of “STRUCTURE”.

9. Notwithstanding Sections 4(2)(a) and 12 (2) 246 (a) of *By-law No. 438-86*,
- (a) each portion of a building or structure erected above finished ground level within the *site* shall, in respect of each *building envelope* area,
 - i. have a maximum *height* in metres as shown following the symbol “H” on Map 2 for the corresponding *building envelope* area, and
 - ii. have a maximum number of storeys as shown on Map 2 for the corresponding *building envelope* area, but
 - (b) the preceding subsection (a) shall not apply to those structural projections permitted to be outside a *building envelope* by Section 8 hereof, and
 - (c) the component of the building located within the *building envelope* area delineated by the broken lines and shown as “MECHANICAL H 128.8” on Map 2, shall be used only as a mechanical penthouse at any point between a *height* of 123.8 metres and the height limit of 128.8 metres.
10. Notwithstanding Sections 4(5)(b) and 12 (2) 246 (e) of *By-law No. 438-86*, the number of *parking spaces* provided and maintained on the *site* shall not be less than the number calculated in accordance with the following minimum ratios, (fractions to be rounded down to the closest whole number), all of which shall be located in the underground *parking garage*,

<i>bachelor dwelling unit</i>	0.30 spaces per <i>dwelling unit</i>
one bedroom <i>dwelling unit</i>	0.50 spaces per <i>dwelling unit</i>
two bedroom <i>dwelling unit</i>	0.75 spaces per <i>dwelling unit</i>

three bedroom <i>dwelling unit</i>	1.2 spaces per <i>dwelling unit</i>
visitor parking	0.06 spaces per <i>dwelling unit</i>

11. Notwithstanding the preceding Section, the total number of *parking spaces* required to satisfy parking requirements for residents, but not for visitors, may be reduced, up to a maximum reduction of 15 *parking spaces*, by 5 *parking spaces* for each *car-share parking space* provided and maintained in an underground *parking garage* within the *site*.
12. Notwithstanding Sections 4(8) and 12 (2) 246 (f) of *By-law No. 438-86*, one *loading space - type G* and one *loading space – type B* shall be provided and maintained on the *site*.
13. Notwithstanding Section 4(12) of *By-law No. 438-86*, the requirements contained therein for *residential amenity space* may be satisfied in respect of the *apartment building* by the provision of indoor and outdoor amenity area, being a common area for recreational or social purposes, located within the eleventh and twelfth storeys of the *hotel*, provided,
- (a) the said indoor and outdoor amenity area contains at least 300.0 square metres of floor area, and
 - (b) the said 300.0 square metres of floor area is accessible to and only to the residents of the *apartment building* and patrons of the *hotel*, and their respective guests.
14. Sections 4(2)(a), 4(5)(b), 4(8) 4(12), 4(14), 4(17), 7(3) Part II 1 (i) & (ii), 3 and 7 E, 12 (2) 246 (a), (e), (f) of *By-law No. 438-86* and those sections added to *By-law No. 438-86* by *By-law No. 922-2006*, shall not apply to prevent the erection and use of any building or structure within the *site* that is otherwise permitted by this By-law, and permissive exception 12 (2) 339 of *By-law No. 438-86* shall not apply to the *site*.
15. For the purpose of this By-law, the following expressions shall have the following meaning,
- (a) “*building envelope*” means a building envelope for each height area within the *site*, as shown by an “H” and as delineated by the lines on Map 2 attached hereto,
 - (b) “*By-law No. 438-86*” means *By-law No. 438-86*, as amended, of the former City of Toronto being, “A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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,
 - (c) “*car-share motor vehicle*” means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *site*,
 - (d) “*car-share parking space*” means a *parking space* used exclusively for the parking of a *car-share motor vehicle*,

- (e) “*City*” means the City of Toronto,
- (f) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure, and for clarity shall include the highest point of any mechanical penthouse, elevator overruns, stairwell enclosures, or other building elements,
- (g) “*owner*” means the registered owner of the *site* or any part thereof,
- (h) “*parking space*” means an unobstructed area of at least 5.9 metres in length and at least 2.6 metres in width and having a minimum unobstructed vertical clearance at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle, and includes a *parking stacker*,
- (i) “*parking stacker*” means *parking stacker* as defined in *By-law No. 438-86* with the exception of the dimensions of the platform which may be reduced to not less than 2.3 metres by 4.48 metres instead of 2.5 metres by 5.4 metres,
- (j) “*sales office*” means an office located on the *site* in a temporary building, structure, facility or trailer satisfactory to the *City’s* Chief Planner used exclusively for the sale of *dwelling units* to be erected within the *site*,
- (k) “*site*” means those lands outlined by heavy lines on Map 1 attached hereto, and
- (l) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.

ENACTED AND PASSED this 25th day of February, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

APPENDIX 1**SECTION 37 PROVISIONS**

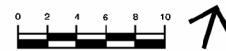
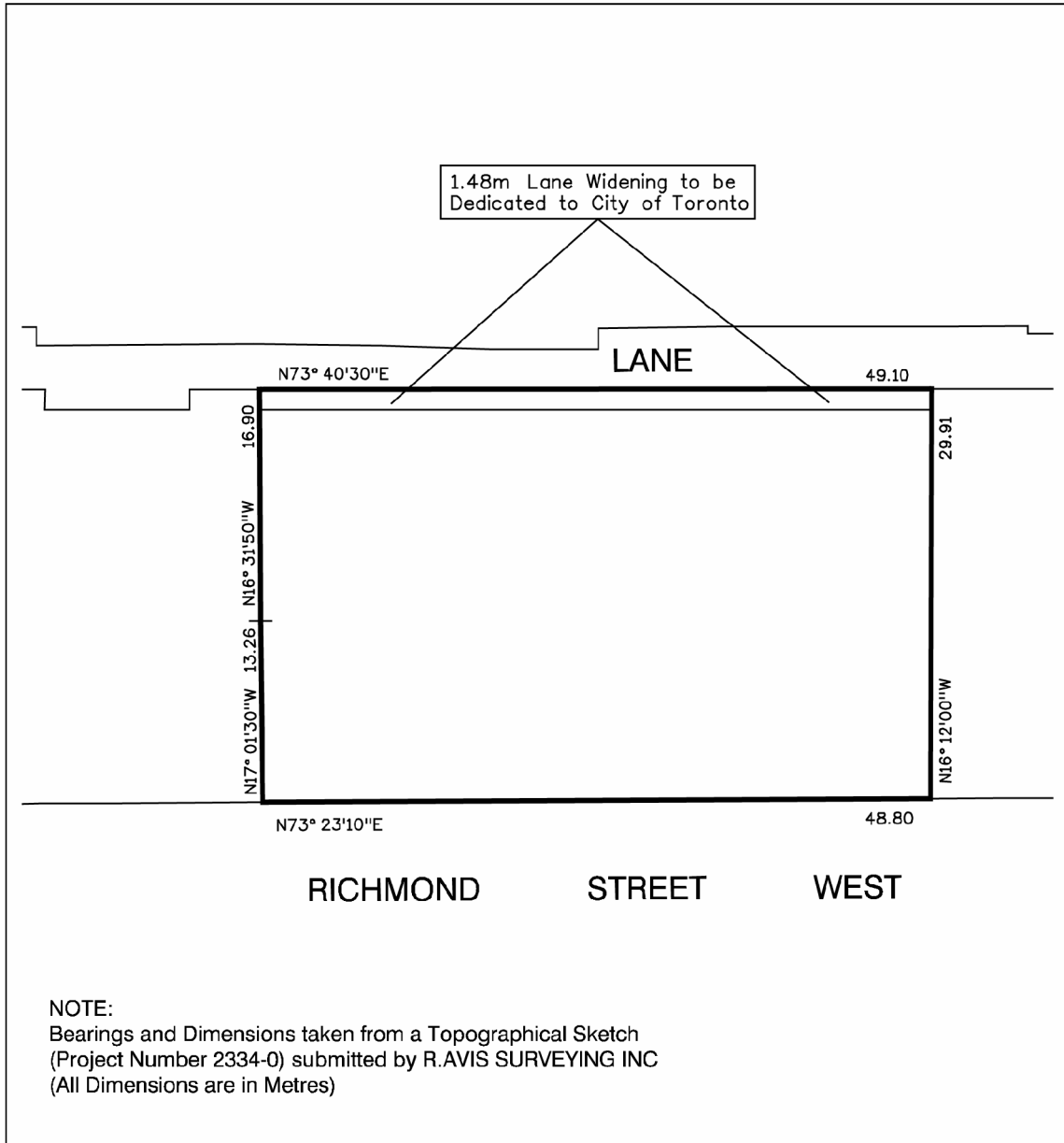
The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* to the *City* in accordance with an agreement or agreements pursuant to Section 37(1) of the *Planning Act*:

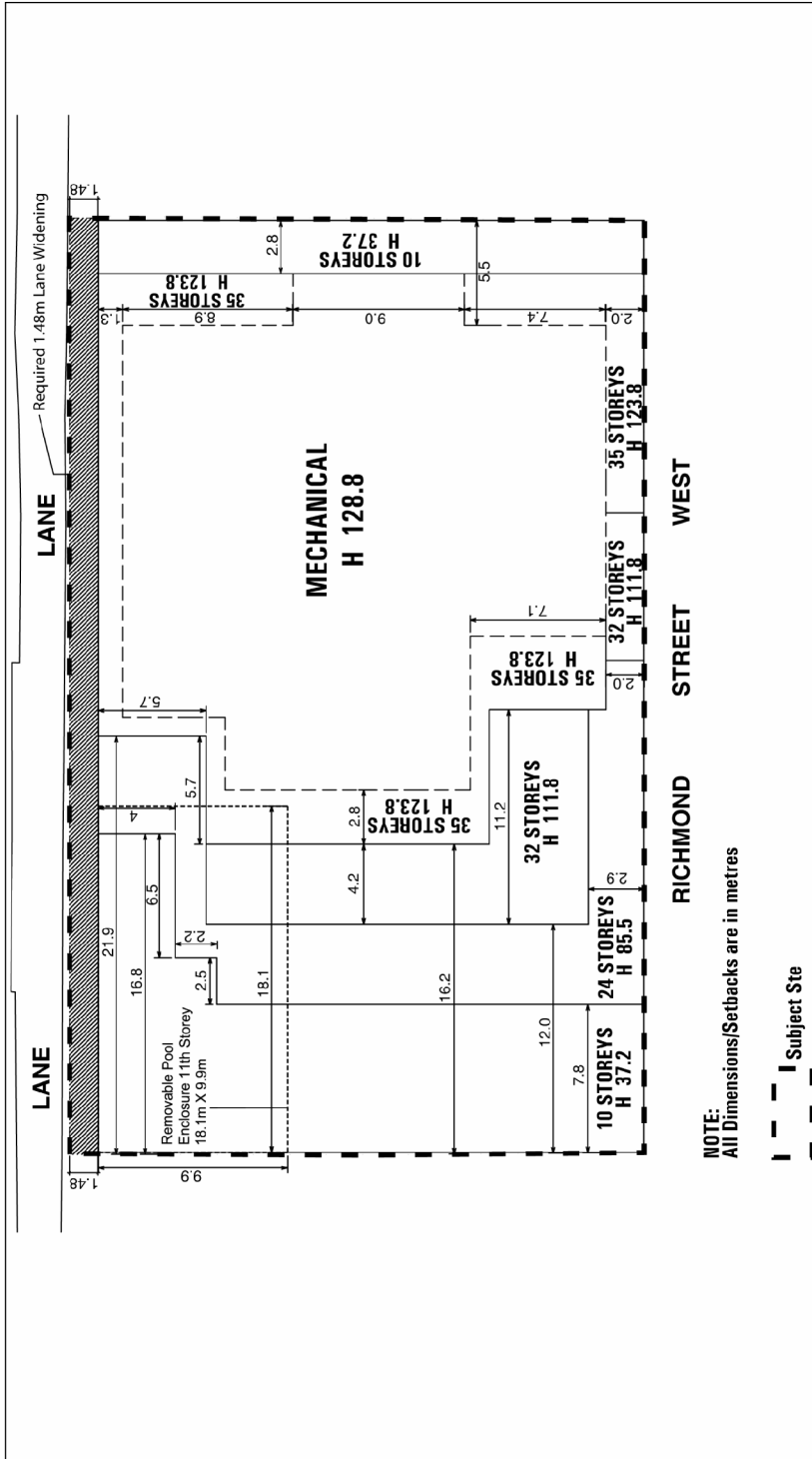
- payment of \$50,000 within 30 days of final confirmation of the zoning by-law for capital improvements to social housing in Ward 20,
- payment of \$500,000 prior to the issuance of the first above grade building permit, towards streetscape improvements for Richmond Street West between John Street and Spadina Avenue,
- payment of \$150,000 prior to the earliest of condominium registration of any part of the residential, but not the *hotel*, component of the proposed building or two years after the first occupancy of any part of the proposed building that is not within a condominium, towards streetscape improvements for Richmond Street West between John Street and Spadina Avenue,
- the *owner* shall construct the development in accordance with elevations on file with the Chief Planner, and shall make such refinements to the elevations as are required by, and to the satisfaction of, the Chief Planner, and the *owner* shall thereafter maintain the building and any replacement building, to the satisfaction of the Chief Planner, in accordance with such elevations and shall further secure these obligations in the associated site plan agreement and any condominium agreement,
- the *owner* shall construct the development with such high quality building landscaping features, including plants located throughout the vertical face and balconies/terraces of the proposed building, as are required by, and to the satisfaction of, the Chief Planner, and
 - o as part of the site plan application the *owner* shall pay, to a maximum of \$10,000.00, for a peer review of the said building landscape features, and provide a letter of credit to secure their installation and maintenance for at least two years,
 - o thereafter maintain the said landscaping for the life of the building, and any replacement building, to the satisfaction of the Chief Planner,
 - o and shall further secure these obligations in the associated site plan agreement and any condominium agreement,
- the *owner* shall attempt to use the most current technologies and design principles, including green technologies and principles of sustainability and universal accessibility and energy efficiency and shall construct the proposed building so as to incorporate and fulfil the responses shown on the Green Development Standard Checklist accepted by the Chief Planner,

- the *owner* shall agree that, at least 10% of the total number of Dwelling Units contained within the building shall contain three or more bedrooms and, for the purpose of calculating the number of Dwelling Units containing three or more bedrooms,
 - (a) in the event the building contains adjacent Dwelling Units, each of which have less than three bedrooms and which are separated by knock-out panels that would allow the two adjacent Dwelling Units to be combined into one Dwelling Unit containing three or more bedrooms, then
 - (b) each such pair of adjacent Dwelling Units shall be counted as one Dwelling Unit containing three or more bedrooms.

- the *owner* shall enter into an agreement with the *City* pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters, in a form satisfactory to the City Solicitor with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.





TORONTO City Planning
Map 2: DRAFT

306,308,318,320 and 322 Richmond Street West

File #07_238270

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 Note to Scale
 01/28/09