

Authority: Toronto and East York Community Council Item 33.4,
as adopted by City of Toronto Council on May 11 and 12, 2010
Enacted by Council: February 8, 2011

CITY OF TORONTO

BY-LAW No. 249-2011

To amend City of Toronto Zoning By-law No. 1156-2010, as amended, with respect to the lands municipally known as 181, 199 and 203 Richmond Street West and 10 Nelson Street.

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 with respect to the lands known municipally in the year 2011 as 181, 199 and 203 Richmond Street West and 10 Nelson Street; 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 Section 34 of the *Planning Act*; and

WHEREAS Council of the City of Toronto, at its meeting of May 11 and 12, 2010 determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto; and

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

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law 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 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 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 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 in the aforesaid lands by By-law No. 1156-2010 of the City of Toronto, 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 (the "City"); 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. This By-law applies to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law.

2. Pursuant to Section 37 of the *Planning Act*, the heights or 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 Section 8 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
3. 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 and services and matters set out in Section 8 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.
4. Except as otherwise provided herein, the Regulations of Zoning By-law No. 1156-2010 continue to apply to the lands identified in Diagram 1.
5. The Zoning By-law Map of By-law No. 1156-2010 is amended by adding Exception 88 to the lands delineated by heavy line on Diagram 1 of By-law No. 249-2011.
6. Zoning By-law No. 1156-2010, is amended by adding Exception CRE 88 to Section 900.12.10 so that it reads:

Exception CRE 88

If the requirements of Section 8 – Section 37 requirements of By-law No. 249-2011 are complied with, a **building** or **structure** may be erected on the area covered by this exception and used for the uses permitted if the whole of the premises covered by this exception collectively comply with the following:

- (A) None of the provisions of regulations 5.10.40.1 (1), 5.10.40.10 (1) to (6), 5.10.40.60(1), 5.10.40.70 (1) to (4), 5.10.60.10 (1), 5.10.80.1 (1) and (2), 5.10.80.20 (1), 5.10.90.1 (1), 5.10.90.40 (1) , 5.10.1.10 (1), 5.10.40.10 (1) (2), and (3), 5.10.40.50 (1), 5.10.40.60 (1) through (9), 5.10.40.70 (1),(3),(4) and (5), 5.10.40.80 (2) and (3), 5.10.40.200 (5) and (6), 5.10.80.1 (2) and (4), 5.10.80.200 (6), 5.10.90.200 (75), 5.10.100.10 (10), 5.10.150.1(1), 200.5.1.10 (1), (3), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14), 200.5.10.1 (1) through (9), 200.10.1.5(1), 200.15.1(1), 200.15.1.5 (1) and (2), 200.15.10 (1) and (2), 220.5.1 (1), 220.5.1.10 (5), 220.5.10.1 (1) through (9), 230.5.1.10 (1), (8), (9) and (13), 230.5.10.1, 230.50.1.10 (1), and 280.5.90 will apply to prevent the construction of a mixed use building if there is compliance with the following:
- (B) Despite Regulation 50.10.20.20 (1) the following 'c' uses are not permitted on the lands delineated by heavy lines on Diagram 1.
 - i. **Nightclub**
 - ii. **Entertainment Place of Assembly**

- (C) No portion of a **building** or **structure** erected on the lands is to have a height in metres greater than the height in metres specified by the numbers following the symbol H on attached Diagram 2 of By-law No. 249-2011 except that:
- i. the maximum height for parapets, terrace guards and dividers, planters, railings, decorative screens, and window washing equipment is the sum of 1.8 metres and the applicable height limit shown on Diagram 2 of By-law No. 249-2011;
 - ii. the maximum height of chimney stacks or other heating, cooling or ventilating equipment and associated screening, pergolas or trellises may be the sum of 4.0 metres and the applicable height limit shown on Diagram 2 of By-law No. 249-2011; and
 - iii. nothing will prevent the erection or use of a structure on the roof of any **building** or **structure** erected on the lands for noise attenuation, outside or open air recreation, safety or wind protection purposes, stairs and stair enclosures, provided:
 - a. the maximum height of the top of the structure is no higher than the sum of 3.0 metres and the applicable height limit shown on Diagram 2;
 - b. no part of the structure, with the exception of terrace guards and dividers, planters, railings and decorative screens, is less than 2.0 metres from the **main wall**; and
 - c. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms.
- (D) The height of a **building** or **structure** on the lands is measured as the vertical distance between grade, which is Canadian Geodetic Datum elevation of 87.95 metres, and the highest point of the **building** or **structure** except for those elements prescribed in Section (C) i, ii and iii above.
- (E) The **building** or **structure** above grade must be located within the areas delineated by heavy lines on Diagram 2 of By-law No. 249-2011, except that:
- (i) awnings, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, balconies, guard rails, parapets, landscape and public art features may project to a maximum of 1.5 metres beyond the heavy lines shown on Diagram 2 of By-law No. 249-2011.
 - (ii) despite (E)(i) above, none of these projections can project beyond the heavy lines on Diagram 1 of By-law No. 249-2011, as measured perpendicular to the exterior walls of the **building**, or within the City right-of-way.

- (F) A maximum of 783 **dwelling units** will be permitted.
- (G) The **gross floor area** of all **buildings** and **structures** must not exceed 63,750 square metres, and:
 - i. the **gross floor area** of **buildings** and **structures** occupied by residential uses symbolized by the letter 'r' permitted by Regulations 50.10.20.10 (1), 50.10.20.20 (1) and 50.10.20.30 must not exceed 62,000 square metres.
 - ii. the **gross floor area** of **buildings** and **structures** occupied by commercial and employment uses symbolized by the letters 'c' and 'e' respectively, permitted by Regulations 50.10.20.10 (1), 50.10.20.20 (1) and 50.10.20.30 must not exceed 2,000 square metres, excluding the area occupied by a **parking garage** or **public parking**.
- (H) A minimum of 2.0 square metres of indoor **amenity space** must be provided for each **dwelling unit** and must be located in a multi-purpose room or rooms in a **building**, at least one of which contains a kitchen and a washroom.
- (I) A minimum of 2.0 square metres of outdoor **amenity space** must be provided for each **dwelling unit** of which at least 40.0 square metres is to be provided in a location adjoining or directly accessible from the indoor **amenity space**.
- (J) The required outdoor **amenity space** may be located above the ground floor.
- (K) The minimum width of an accessible parking space may be 3.65 metres.
- (L) A minimum of one combined Type 'G' **loading space** and Type 'B' **loading space** must be provided and maintained within a **building** or **structure** and may have a minimum width of 3.6 metres.
- (M) Shower and change facilities shall be required if greater than 15 non-residential "Short-Term Bicycle Parking" spaces are required.
- (N) Long-Term **bicycle parking spaces** for **dwelling units** may be provided in storage lockers.
- (O) 45 'Short-Term Bicycle Parking' **bicycle parking spaces** may be permitted in the first level below grade, provided any additional required short term **bicycle parking spaces** are provided at grade.
- (P) Exception CREx88 will apply to all of the lands regardless of future severance, partition or division.

8. The facilities, services and matters set out herein are the matters required to be provided by the owner of the lands at its own expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act* in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the lands as outlined in heavy lines on Diagram 1 to secure the following facilities, services or matters:
- (i) Prior to the issuance of the first building permit for above-grade portions the residential development to be constructed on the southerly half of the **lot**, the owner of the **lot** shall pay the sum of ONE MILLION DOLLARS (\$1,000,000.00) to the City of Toronto as and allocated as set out below:
 - a) \$100,000 shall be used for affordable housing in Ward 20 of the City; and
 - b) \$900,000 shall be allocated towards:
 - i) the design, development and construction of improvements to the streetscape along John Street between Queen Street West and Front Street West for the creation of a cultural spine along John Street;
 - ii) the design, development and construction of improvements to the streetscape along Richmond Street West between University Avenue and Spadina Avenue;
 - iii) Streetscape improvements to John Street, Nelson Street and Richmond Street West; or
 - iv) Heritage conservation district studies in the King Spadina East Precinct.
 - (ii) The payments referenced in Section 8(i) above will be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of the Section 37 Agreement to the date of payment of the sum by the owner to the City of Toronto.
 - (iii) The owner will provide access in favour of OCAD to loading at 205 Richmond Street West.
 - (iv) The owner will provide a contribution of not less than one percent of the estimated gross construction costs for the residential development to be constructed on the northerly half of the **lot** towards upgrades to the OCAD space, prior to obtaining any above-grade building permits.

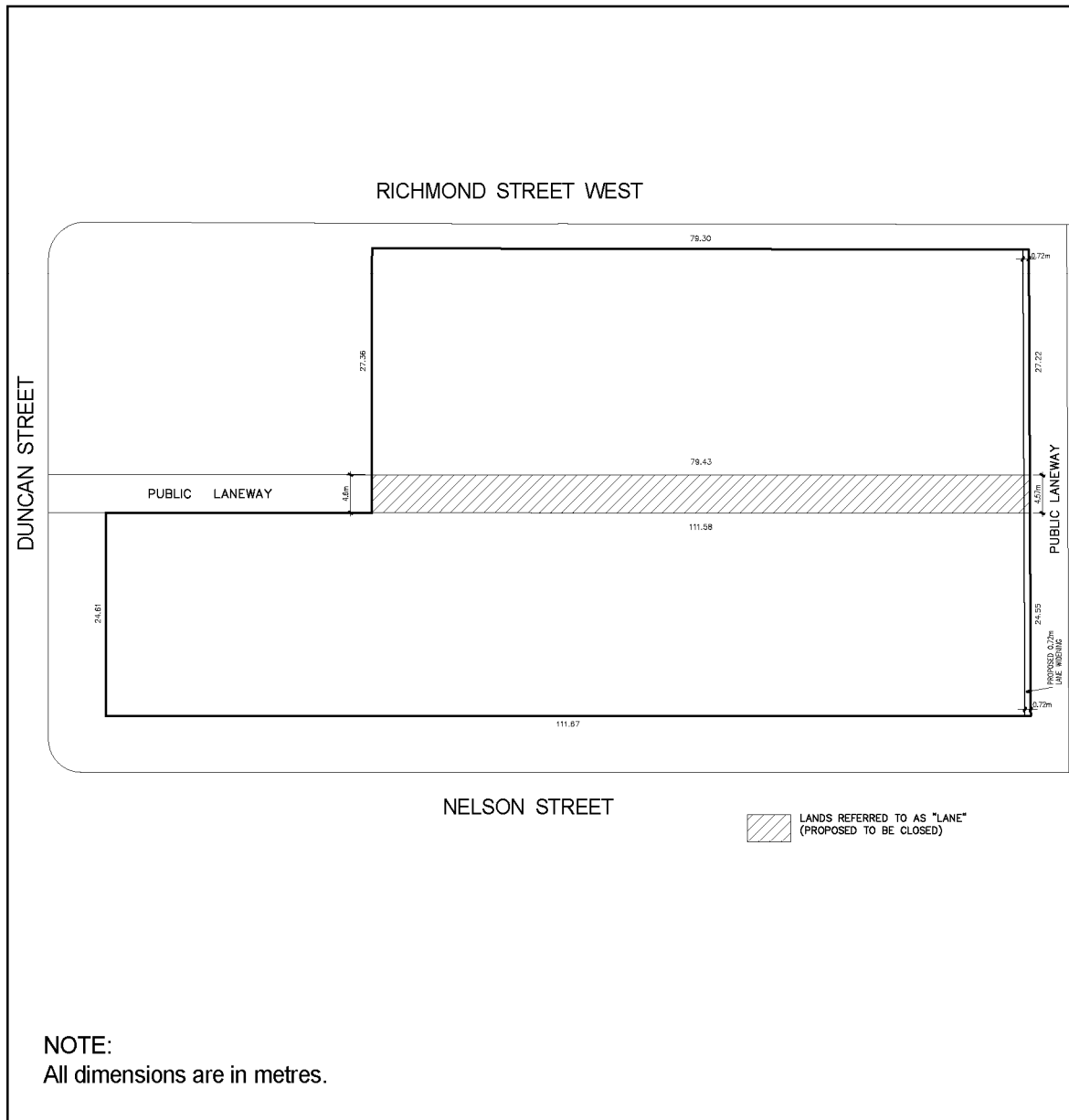
- (v) the owner will convey to the Ontario College of Art and Design University, for nominal consideration and free and clear of all encumbrances, a freehold conveyance of a stratified parcel of land having a gross floor area of no less than 743 square metres within the building to be constructed on the northerly half of the **lot**, for use as a gallery space by the Ontario College of Art and Design University.
- (vi) The owner agrees to provide architectural plans, elevations and landscape drawings satisfactory to the Chief Planner, in conjunction with each Site Plan Application and 1:50 Scale Elevations for the five-storey podium of the development contemplated by this by-law, with building materials labelled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian.
- (vii) The owner agrees to incorporate in the construction of the development, and thereafter maintain, the exterior of the building and landscape materials referred to in section 8 (vi) above to the satisfaction of the Chief Planner.
- (viii) The owner agrees that it will make a public art contribution to the City in accordance with the Public Art program equal to one percent (1%) of the Gross Construction Costs of the residential development to be constructed on the southerly half of the **lot** to the City in accordance with the Public Art program.
- (ix) At least ten percent (10%) of the total number of **dwelling units** to be constructed in the **buildings** on the **lot** shall be capable of being designed as three bedroom units in compliance with the provisions of the Ontario Building Code.
- (x) The owner shall provide and maintain an irrigation system, at the applicant's expense, for proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirements to maintain in good order and operation.
- (xi) The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support the development.
- (xii) The owner shall provide, maintain and operate transportation demand measures, facilities and strategies as stipulated in the applicant's Traffic Impact Study accepted by the General Manager, Transportation Services

ENACTED AND PASSED this 8th day of February, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



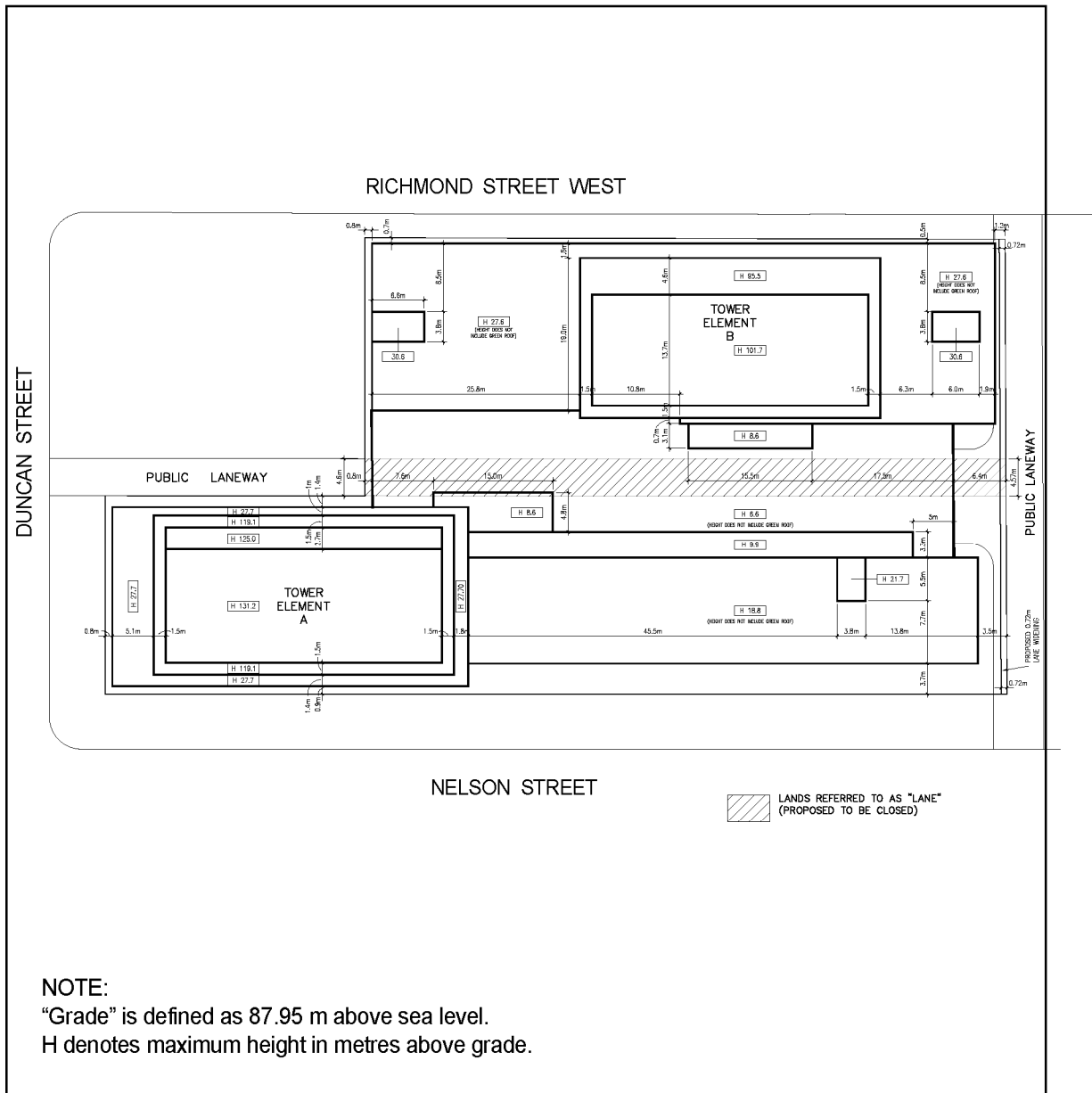
Toronto City Planning
Diagram 1

181, 199, 203 Richmond Street West
and 10 Nelson Street

File # 08_146250



City of Toronto By-Law 1156-2010
Not to Scale
01/25/2011



Toronto City Planning
Diagram 2

181, 199, 203 Richmond Street West
and 10 Nelson Street

File # 08_146250



City of Toronto By-Law 1156-2010
Not to Scale
01/25/2011