

Authority: Toronto and East York Community Council Item 34.15,
as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014

CITY OF TORONTO

BY-LAW No. 1041-2014

To amend former City of Toronto Zoning By-law No. 438-86, as amended, respecting lands known municipally in the year 2014 as 324, 326, 328 and 332 Richmond 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*; and

Whereas the Official Plan for the City of Toronto contains 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 increases in 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; 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, the 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 No. 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 the City of Toronto;

The Council of the City of Toronto enacts:

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
2. None of the provisions of Sections 4(2)(a), 4(5)(b), 4(10), 4(12), 4(13), 4(14), 4(16), 7(3) Part II 1(i), 7(3) Part II 1(i) 3, 7(3) Part II 7, 12(2) 132, 12(2) 204, and 12(2) 246 (a) and (e) of Zoning 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 apply to prevent the erection and use of a *mixed use building* containing *residential gross floor area*, *non-residential gross floor area* and a *commercial parking garage* on the *lot* provided that:

- (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (b) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 21,305 square metres, of which:
- (i) the *residential gross floor area* shall not exceed 21,050 square metres; and
 - (ii) the *non-residential gross floor area* shall not exceed 255 square metres;

For the purposes of this section, a *commercial parking garage* shall not be counted as *non-residential gross floor area*.

- (c) no portion of any building or structure above *grade*, is located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following provided that it does not extend beyond the boundaries of the *lot*:

| Structure: | Location of Projection: | Maximum Permitted Projection: |
|-------------------|--------------------------------|--------------------------------------|
| balconies | any required setback | 1.8 metres |
| canopies, awnings | south and east elevations | 6.0 metres |

- (d) the *height* of any building or structure, or portion thereof, does not exceed those *heights* in metres as shown on Map 2, with the exception of the following:

| Structure: | Location of Projection: | Maximum Permitted Projection: |
|---|--------------------------------|--------------------------------------|
| planters, decorative screens, stairs, and roof access hatches | any storey | 2.0 metres |
| chimneys, cooling tower vents, venting stacks, and ducts | any storey | no restriction |
| stair enclosures | any storey | 3.0 metres |
| fences, safety railings, guardrails, balustrades, terrace and balcony guards and dividers | any storey | 1.5 metres |
| parapets | any storey | 0.5 metres |
| trellises | storeys 11 and 24 | 2.4 metres |
| wind screens | storeys 11 and 24 | 3.0 metres |

- (e) parking shall be provided and maintained on the *lot* in accordance with the following:

| Dwelling Type | Minimum number of parking spaces required |
|----------------------|--|
| Bachelor units | 0.30 spaces per unit |
| 1-bedroom Units | 0.50 spaces per unit |
| 2-bedroom Units | 0.75 spaces per unit |
| 3+bedroom Units | 1.2 spaces per unit |
| Residential Visitors | 0.06 spaces per unit |

- (f) minimum of 2 car share spaces (equivalent to 8 resident parking spaces) and to a maximum of 4 car share spaces;
- (g) notwithstanding Section 2(e) above, the total number of resident and resident visitor parking spaces required may be reduced by a total of 50 parking spaces provided that the remaining parking spaces include a minimum of 18 visitor parking spaces and 2 car share parking spaces;
- (h) a minimum of 310 bicycle parking spaces - occupant and 50 bicycle parking spaces - visitor (residential) shall be provided and maintained on the lot. No bicycle parking spaces shall be required for *non-residential gross floor area*;
- (i) the required *bicycle parking spaces - occupant* and *bicycle parking spaces - visitor* (residential) may be provided as a *stacked bicycle parking space*. Notwithstanding the requirements of Section 2(1) of By-law No. 438-86, if a *stacked bicycle parking space* is provided, the minimum dimensions are as follows:
- | | |
|--------------------------------------|-------------|
| vertical clearance | 1.37 metres |
| centre-to-centre separation distance | 0.46 metres |
| length | 1.64 metres |
- (j) a minimum of 2.0 square metres of indoor *residential amenity space* shall be required per *dwelling unit*;
- (k) a minimum of 2.0 square metres of outdoor *residential amenity space* shall be required per *dwelling unit*;
- (l) a guest suite shall not count as a dwelling unit for the purposes of calculating the amenity space requirements of Section 2(i) and 2(j) of this By-law; and
- (m) the permitted maximum slope of the drive aisle is 10% to 15% for the portion leading from grade to the first floor below grade parking garage. The permitted slope in all other cases is 5%.

3. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law No. 438-86, as amended, with the exception of the following:
- (a) "*lot*" means those lands delineated by heavy lines on Map 1 attached to a forming part of this By-law;
 - (b) "*grade*" means 88.73 metres Canadian Geodetic Datum;
 - (c) "*height*" means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law;
 - (d) "*commercial parking garage*" means a parking facility that is used for the temporary parking of motor vehicles as a principle use on a lot;
 - (e) "*stacked bicycle parking space*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces;
 - (f) "*car share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit 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 not be refundable; and
 - (g) "*car-share parking space*" means a *parking space* that is reserved and actively used for car sharing.
4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.
5. 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 October 26 and 27, 2009 through the adoption of Planning and Growth Management Committee Item 32.3.
6. 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* is permitted in return for the owner's election to provide, at the owner's expense, the facilities, services and matters set out in Appendix 1 hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the *lot*.

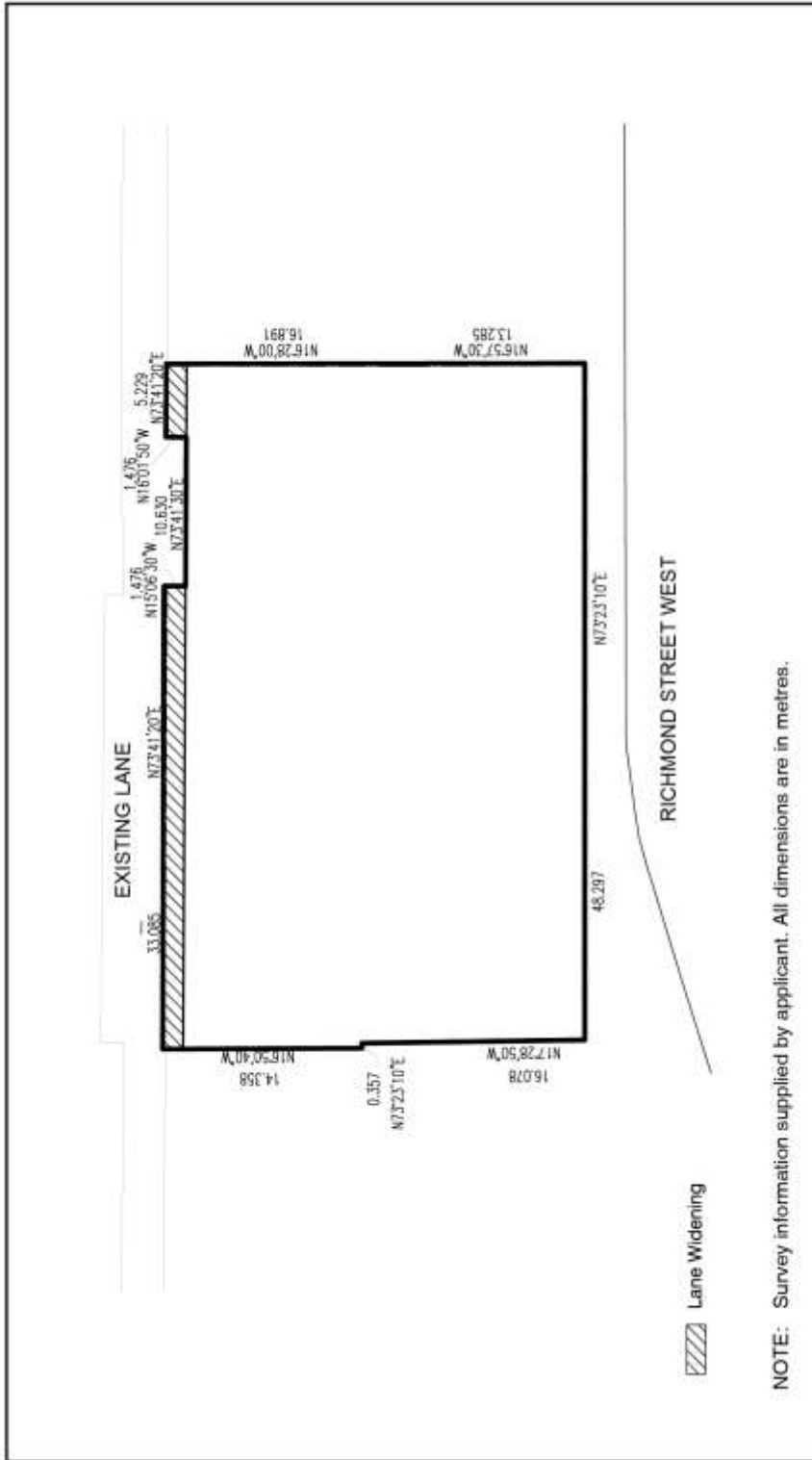
7. Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on the satisfaction of the same. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix 1 are satisfied.

Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



NOTE: Survey information supplied by applicant. All dimensions are in metres.



Map 1

324, 326, 328 & 332 Richmond Street West

File # 12 124056 STE 20 02



Not to Scale
07/10/2014

Appendix 1

Section 37 Provisions

The facilities, services and matters set out below the matters 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:

- (a) the owner will pay to the City, a cash payment of \$80,000 payable within 30 days of the Zoning By-law coming into full force and effect, for the purpose of improvements of street kiosks at the Scadding Court Community Centre;
- (b) a cash payment of \$200,000 to be payable prior to the issuance of the first above-grade building permit towards capital improvements to/or development of new Toronto Community Housing Corporation units in Ward 20;
- (c) a cash payment of \$120,000, to be payable prior to the issuance of the first above-grade building permit towards local parkland, streetscape improvements and community facilities within the King-Spadina East Precinct;
- (d) a cash payment of \$400,000, to be payable upon the registration of the residential condominium towards local parkland, streetscape improvements and community facilities within the King-Spadina East Precinct; in consultation with the Ward Councillor and appropriate City staff;
- (e) in the event the cash contributions referred to in Sections (a) and (d) above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
- (f) the amounts identified in Sections (a) - (d) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment; and
- (g) the following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - (i) a minimum of ten percent (10%) of the total number of dwelling units to be constructed in the mixed-use building shall be capable of being designed as 3-bedroom units in compliance with the provisions of the Ontario Building Code and these dwelling units are to be shown on any marketing plans as 3-bedroom units and to be marketed as 3-bedroom units. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to 3-bedroom units;

- (ii) require the Owner to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director, Engineering and Construction Services, should it be determined that improvements to infrastructure are required to support the development; and

- (iii) prior to Site Plan Approval, the owner will submit a Construction Management Plan including but not 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 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.