

Authority: Toronto and East York Community Council
Item TE34.22, as adopted by City of Toronto Council on
July 19, 20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 851-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 241 Richmond Street West and 133 John Street.

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 the height 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 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 permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black

lines from a zone label of CRE to CRE (x47) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number 47 so that it reads:

(47) Exception CRE 47

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 241 Richmond Street West and 133 John Street, if the requirements of By-law 851-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (O) below;
- (B) The permitted maximum **gross floor area** of all **buildings** or **structures** must not exceed 33,500 square metres, of which a minimum of 1,273 square metres must be non-residential gross floor area;
- (C) The provision of **dwelling units** is subject to the following:
- (i) A minimum of 15 percent of the total number of **dwelling units must have** two or more bedrooms;
 - (ii) A minimum of 10 percent of the total number of **dwelling units must have** three or more bedrooms;
 - (iii) Any dwelling units with three or more bedrooms provided to satisfy (C)(ii) above are not included in the provision required by (C)(i) above;
 - (iv) An additional 15 percent of the total number of **dwelling units** will be any combination of two bedroom and three bedroom **dwelling units**, or **dwelling units** that can be converted into any combination of two and three bedroom **dwelling units**; and
 - (v) Convertible **dwelling units**, as described in (C)(iv) above, may be converted using accessible or adaptable design measures such as knock-out panels;
- (D) Despite Regulation 50.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 88.0 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 50.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3C of By-law 851-2022, except that the permitted maximum height of

the second **storey** is shown on Diagram 3A and the permitted maximum height of the eighth **storey** is shown on Diagram 3B;

- (F) Despite Regulations 50.5.40.10(3) and 4 and (E) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagrams 3A, 3B and 3C of By-law 851-2022:
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 7.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (F)(i) above, inclusive of a mechanical penthouse, by a maximum of 7.0 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres, provided they are located on the roof on the 35th storey or greater, and these elements have an additional projection beyond the specified projection in (F)(i) and (F)(ii);
 - (iv) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 1.5 metres above the roof-of mechanical penthouse and above the maximum heights permitted in (F)(i) and (F)(ii);
 - (v) **building** maintenance units and window washing equipment, by a maximum of 5.0 metres; above the maximum heights permitted in (F)(i)
 - (vi) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres; and
 - (vii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 4.0 metres;
- (G) Despite Regulation 50.5.40.70(1), Clause 50.10.40.30 and Clause 50.10.40.70 and Article 600.10.10, the required minimum **building setbacks** and **building depth** are as shown in metres Diagrams 3A, 3B and 3C of By-law 851-2022;
- (H) Despite Regulations 50.10.40.80(1) and (3) and Article 600.10.10, the required separation of **main walls** are as shown in metres on Diagrams 3A, 3B and 3C of By-law 851-2022;
- (I) Despite Clause 50.5.40.60 and 50.10.40.60 and (G) and (H) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

- (i) balconies by a maximum of 2.6 metres in zone A only, as shown on Diagram 3B of By-law 851-2022, between **storeys** 4-8;
 - (ii) balconies by a maximum of 3.415 metres in zone A only, as shown on Diagram 3C of By-law 851-2022, at **storey** 9;
 - (iii) balconies by a maximum of 3.290 metres in zone A and 3.420 metres in zone B, as shown on Diagram 3C of By-law 851-2022, between **storeys** 10-17;
 - (iv) balconies by a maximum of 3.805 metres in zone A and 2.435 metres in zone B, as shown on Diagram 3C of By-law 851-2022, between **storeys** 18-33;
 - (v) balconies by a maximum of 3.360 metres in zone A and 1.990 metres in zone B, as shown on Diagram 3C of By-law 851-2022, at **storey** 34;
 - (vi) balconies by a maximum of 3.165 metres in zone B only, as shown on Diagram 3C of By-law 851-2022, between **storeys** 35-40;
 - (vii) canopies and awnings, by a maximum of 3.0 metres;
 - (viii) exterior stairs, access ramps and elevating devices, by a maximum of 3.0 metres;
 - (ix) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 4.0 metres;
 - (x) architectural features, such as a pilaster, decorative column, projecting cornice, sill, belt course, or chimney breast, by a maximum of 3.5 metres;
 - (xi) window projections within base building height, including bay windows and box windows, by a maximum of 2.0 metres;
 - (xii) eaves, by a maximum of 2.0 metres;
 - (xiii) a dormer, by a maximum of 2.0 metres; and
 - (xiv) antennae, vents, and pipes, by a maximum of 1.0 metres;
- (J) Despite Regulation 50.10.40.50(1) **amenity space** must be provided at a minimum rate of 2.32 square metres for each **dwelling unit** on the **lot** as follows:
- (i) at least 1.15 square metres for each **dwelling unit** as indoor **amenity space**;

- (ii) at least 1.17 square metres of outdoor **amenity space** for each **dwelling unit** of which 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) the outdoor component is not permitted to be a **green roof**;
- (K) Despite Regulation 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 0.2 **parking spaces** per **dwelling unit** for the use of residents;
 - (ii) a minimum of 2 "car-share parking spaces"; and
 - (iii) no **parking spaces** are required for the use of residential visitors; and non-residential uses;
 - (iv) for the purpose of this exception, "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 the use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and
 - (v) for the purpose of this exception, a "car-share parking space" means a parking space exclusively reserved and actively used for "car-share" purposes, including by non-residents.
- (L) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 7 percent of the total number of **parking spaces** may be obstructed on one or two sides in accordance with 200.5.1.10(2)(D) without a requirement to increase the minimum width by 0.3 metres;
- (M) Despite Regulation 200.15.10(1), a minimum of 4 of the required **parking spaces** must be accessible **parking spaces**;
- (N) Despite Regulations 230.5.1.10(4) and (5), a **stacked bicycle parking** space must have the following minimum dimensions:
 - (i) Length of 1.82 metres;
 - (ii) Width of 0.45 metres; and
 - (iii) Vertical Clearance of 2.54 metres;
- (O) Despite Regulations 220.5.10.1, a minimum of one Type "G" **loading space** must be provided on the **lot**.

Prevailing By-laws and Prevailing Sections: (None Apply)

5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
6. Section 37 Requirements:
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law and 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 lands, to the satisfaction of the City Solicitor;
 - (B) Where Schedule A attached to 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 satisfaction of the same; and
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Requirements

Prior to the issuance of the first permit issued under the Building Code Act, 1992 in respect of the lands shown on Diagram 1 attached to this By-law, the owner shall enter into an agreement under Section 37(3) of the Planning Act and register same in priority, to the satisfaction of the City Solicitor, whereby the owner agrees to secure the facilities, services and matters set out below which are required to be provided to the City at the owner's expense as follows:

Financial Contribution

1. Prior to issuance of the first above-grade building permit, the owner shall make a cash contribution to the City in the amount of \$6,200,000.00 in Canadian funds (the "Cash Contribution") be allocated towards the following capital community services and facilities to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
 - (A) \$1,240,000.00 to be allocated towards the provision of affordable housing in Ward 10; and
 - (B) \$4,960,000.00 to be allocated towards Community Services and Facilities, parkland construction/improvements and/or streetscape improvements along Richmond Street West and/or Nelson Street in Ward 10.
2. The Cash Contribution set out in paragraph 1 shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date City Council adopts this By-law to the date of payment of the Cash Contribution by the owner to the City.
3. In the event the Cash Contribution in paragraph 1 has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity.

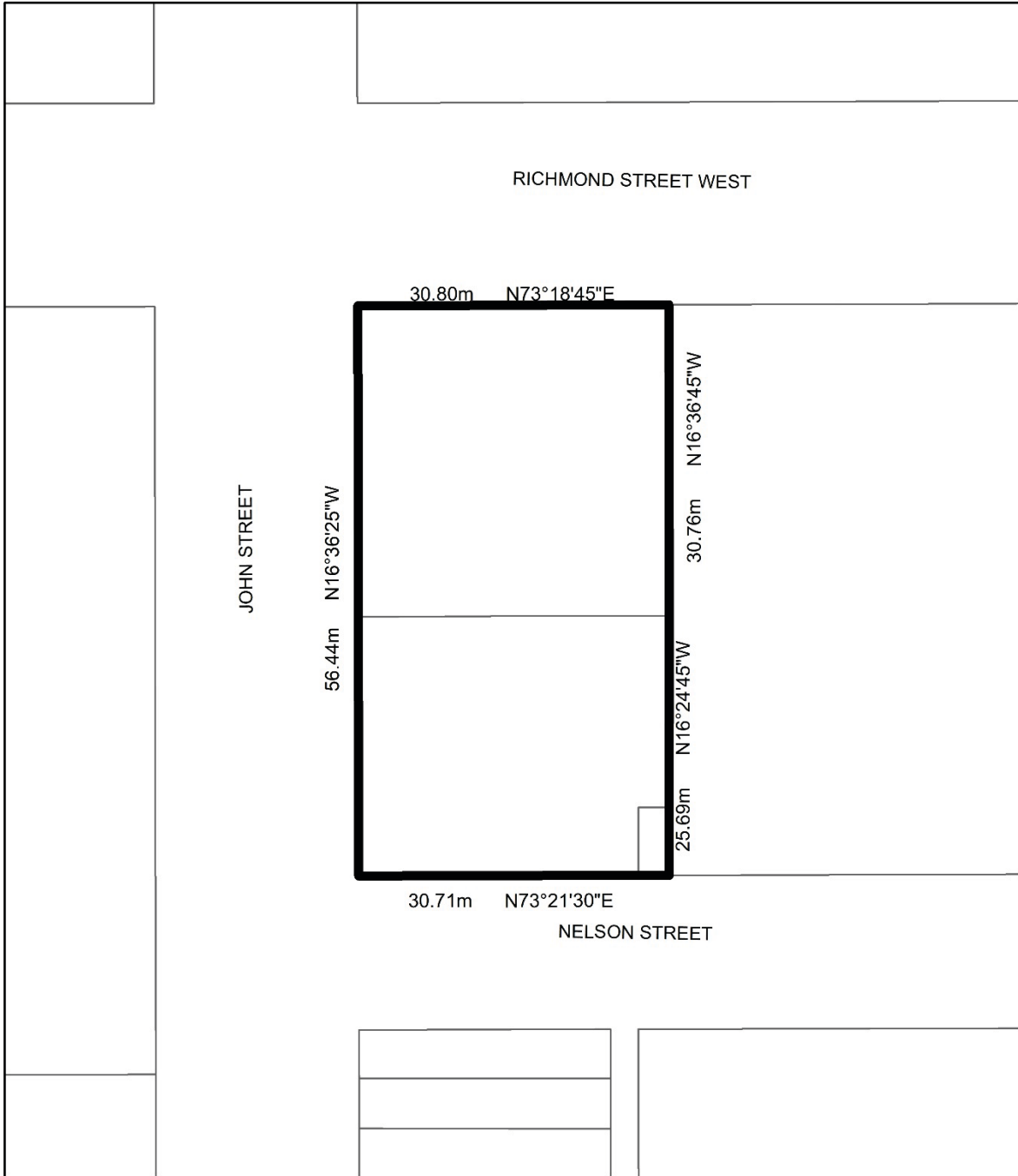
Privately-Owned Publicly Accessible Open Space

4. Prior to the earlier of one (1) year from any non-residential or residential use or occupancy, including interim occupancy pursuant to the Condominium Act, 1998, and registration of the first condominium within the site, except as otherwise agreed by the Chief Planner and Executive Director, City Planning on account of unforeseen delays (e.g. weather), the owner shall:
 - (A) construct, provide and thereafter maintain a privately-owned and publicly-accessible Open Space ("POPS") in the form of a mid-block connection having a

minimum area of no less than 120 square metres in the location generally identified on Diagram 3A attached to this By-law, with the specific configuration and design of the POPS to be determined and secured in the context of a review of a Site Plan Control Application for the development, to the satisfaction of the Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor;

- (B) prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, in priority to all title encumbrances, for nominal consideration and at no cost to the City, a public access easement in perpetuity in favour of the City over the POPS, on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning; and
 - (C) the owner shall be responsible, at its own expense, to prepare, submit to the City for approval and deposit all required reference plans to describe the easement(s) being conveyed in Clause 4(B) above.
5. The following matters shall also be secured in the Section 37 Agreement as a legal convenience to support the development, prior to approval of the Site Plan Control Application or the first permit for excavation or shoring work as indicated below:
- (A) Prior to the issuance of the first permit for excavation or shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the General Manager, Transportation Services and the Chief Building Official and Executive Director, Toronto Building, 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 the following construction-related details: noise, dust, size and location of staging areas, location and function of access gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the General Manager, Transportation Services, in consultation with the Ward Councillor.
 - (B) Prior to the earlier of site plan approval and the issuance of the first permit for excavation or shoring work, the owner shall submit the following materials to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:
 - (i) An updated Functional Servicing and Stormwater Management Report;
 - (ii) An updated Hydrogeological Report;
 - (iii) A Servicing Report Groundwater Summary Form; and
 - (iv) A Hydrogeological Review Summary Form.

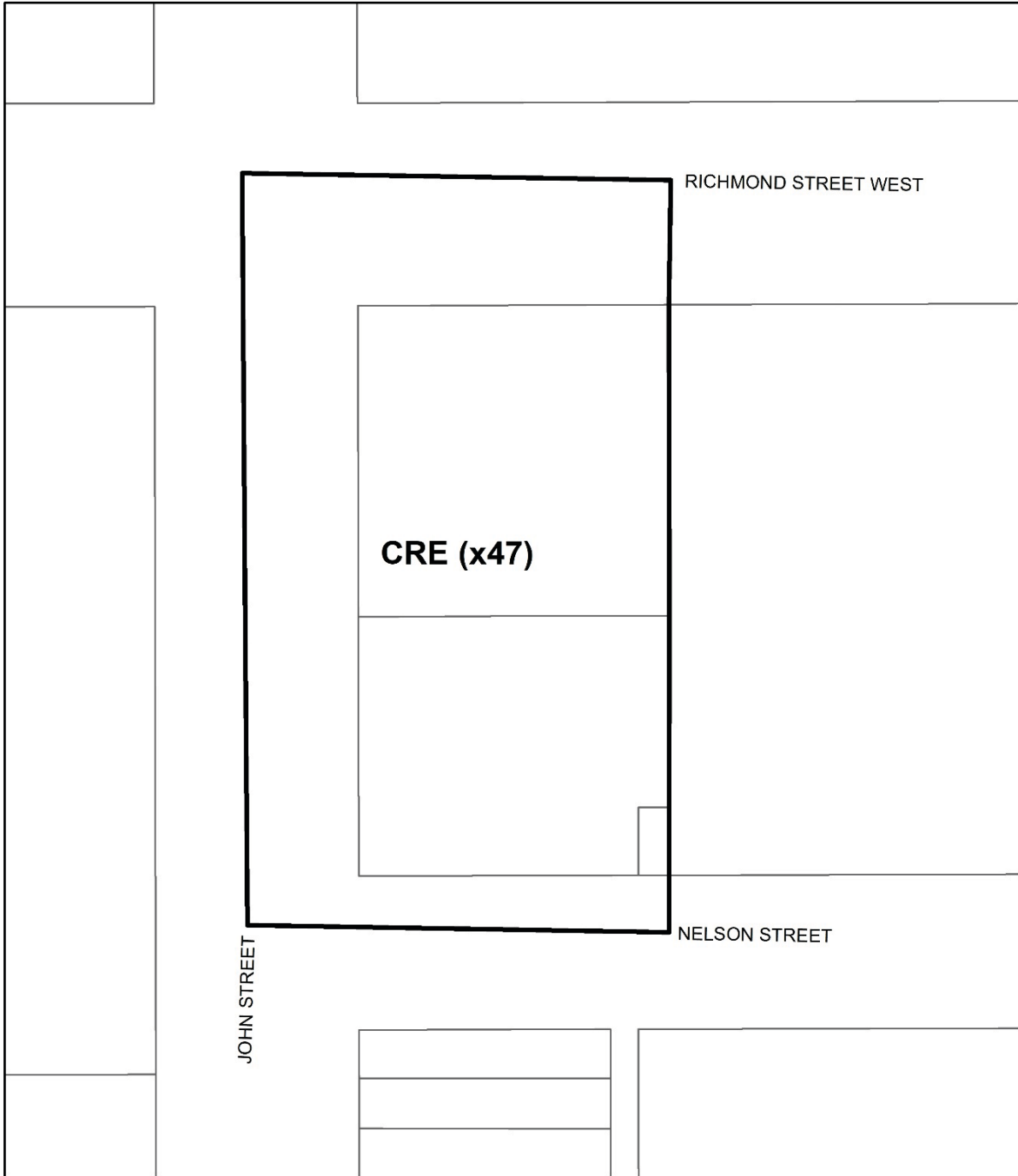
- (C) Prior to the earlier of site plan approval and the issuance of the first permit for excavation or shoring work, the owner shall pay for and construct any improvements to the municipal infrastructure recommended or required by the documents referred to in paragraph 5(B) above to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
6. Prior to December 9, 2022 or such later date as may be agreed to in writing by the Senior Manager, Heritage Planning and the owner, but in any event prior to the issuance of the first permit under the Building Code Act, 1992, the owner shall:
- (A) enter into a Heritage Easement Agreement with the City for the properties at 241 Richmond Street West and 133 John Street in accordance with the plans and drawings dated March 11, 2022, prepared by Architects Alliance, and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, the Heritage Impact Assessment, prepared by ERA Architects Inc., dated March 14, 2022 (the "HIA"), and with the Conservation Plan required by Clause 6(B) below, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning, including registration of such agreement to the satisfaction of the City Solicitor; and
 - (B) provide a detailed Conservation Plan for the properties at 241 Richmond Street West and 133 John Street, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the HIA, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.



 **TORONTO**
Diagram 1

241 Richmond Street West and
133 John Street

File # 21 171253 STE 20 0Z



 **TORONTO**
Diagram 2

241 Richmond Street West and
133 John Street

File # 21 171253 STE 20 0Z

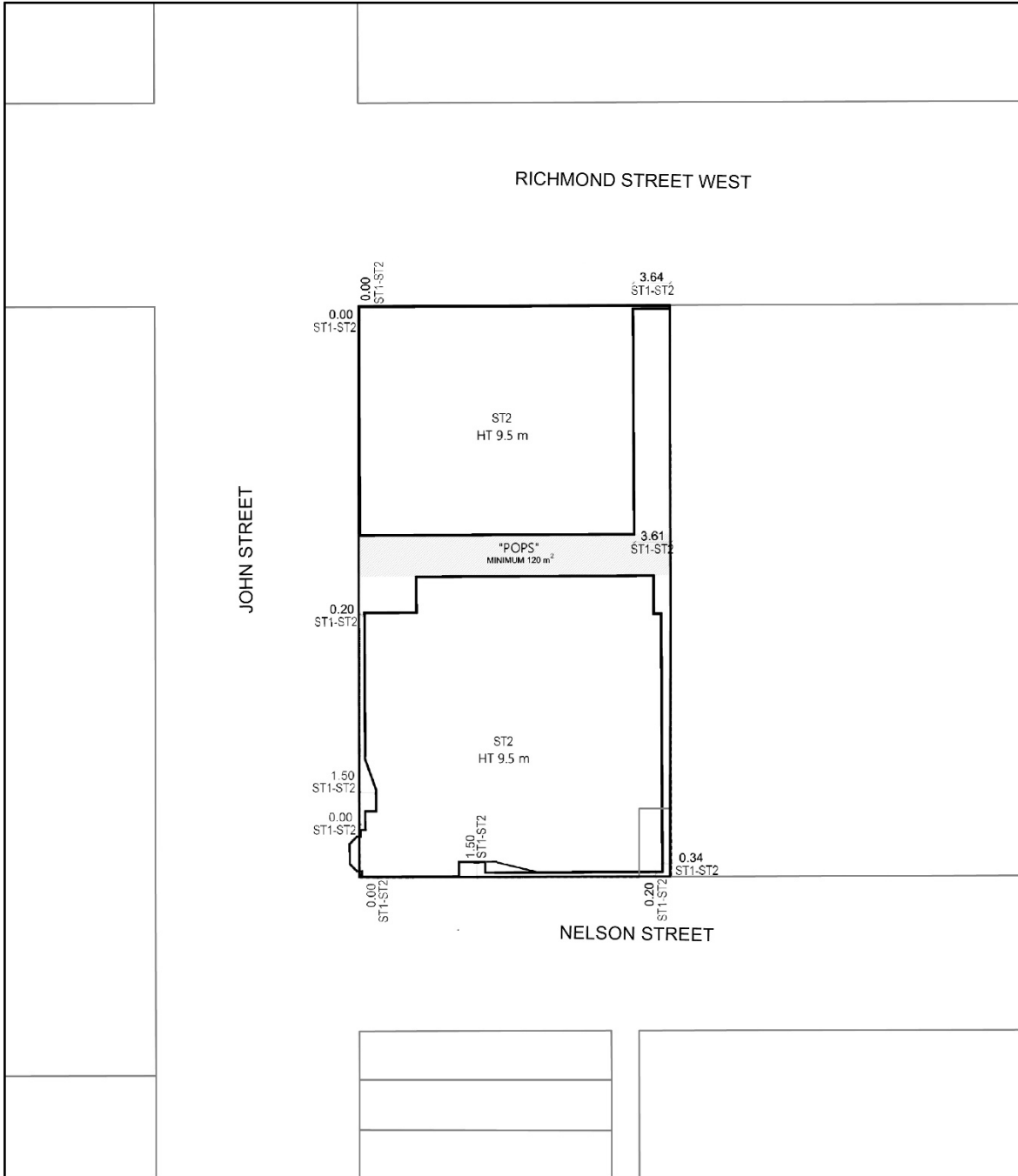


Diagram 3A - Storeys 1-2 Setbacks

241 Richmond Street West and
133 John Street
File # 21 171253 STE 20 0Z

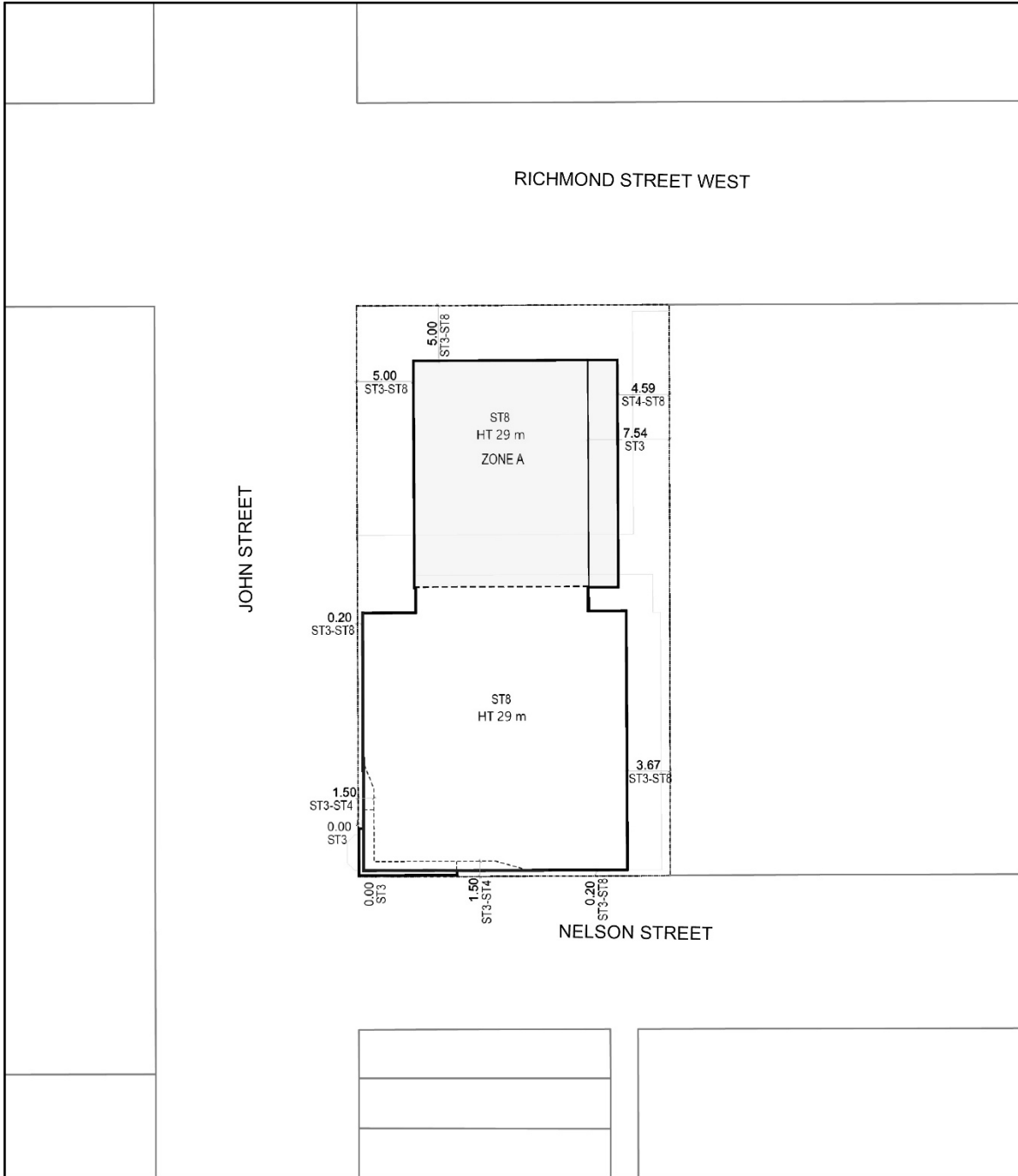


Diagram 3B - Storeys 3-8 - Balcony Zones

241 Richmond Street West and
133 John Street
File # 21 171253 STE 20 0Z

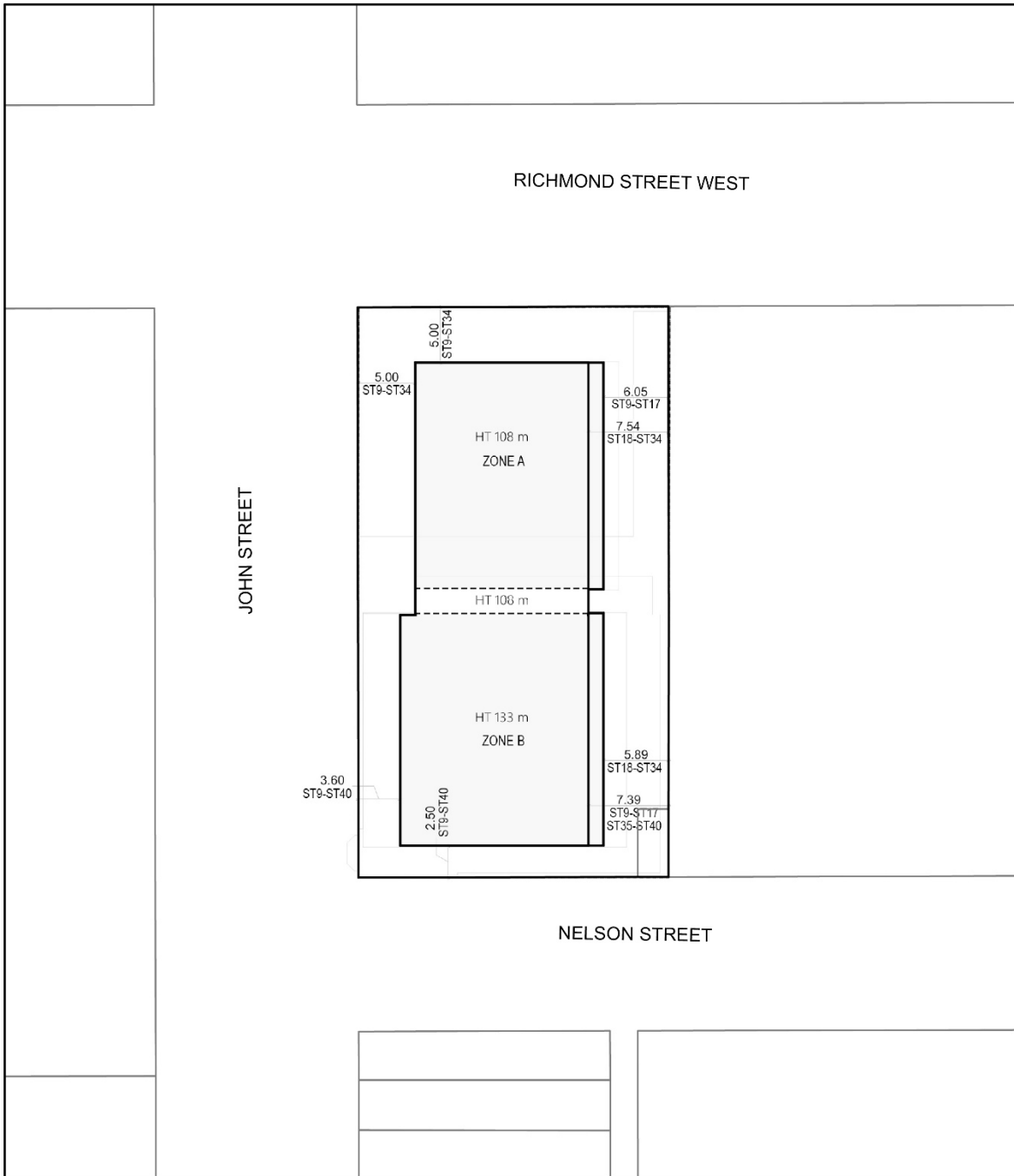


Diagram 3C - Storeys 9-40 Setbacks -Balcony Zones

241 Richmond Street West and
133 John Street
File # 21 171253 STE 20 0Z