

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto  
Council on ~, 20~  
Enacted by Council: ~, 20~

## CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend ~ Zoning By-law No. ~, as amended,  
With respect to the lands municipally known 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*;

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 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 and the City of Toronto;

The Council of the City of Toronto ENACTS as follows:

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)(9), 7(3) of By-law No. 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 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) A maximum of 24,000 square metres of *gross floor area* may be used for *residential uses*;
  - (iii) A minimum of 8,000 square metres of *gross floor area* may be used for *non-residential uses*, of which a minimum of 4,400 square metres must be used for a *community centre*.
- (c) No portion of the building above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 1 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" on Map 3 attached to and forming part of this By-law;
- (e) Despite subsection (d) the only elements permitted to exceed a *height* of 47.5 metres within Area A as identified on Map 2 attached to and forming part of this by-law up to the height specified by the numbers following the symbol "H" on Map 3 attached to and forming part of this by-law up to a maximum combined area of 700 square metres are the following:
  - (i) mechanical elements, stair and stair enclosures.

*NOTE: If approval is obtained to allow the applicant to use the strata above 47.5 metres for the purposes of outdoor amenity space as outlined in Recommendation 5(e) in report TE22.5, the following will replace subsection (e) above:*

- "(e) *Despite subsection (d) the only elements permitted to exceed a height of 47.5 metres within Area A as identified on Map 2a attached to and forming part of this by-law up to the height specified by the numbers following the symbol "H" on Map 3 attached to and forming part of this by-law up to a maximum combined area of 850 square metres are the following:*
  - (i) mechanical elements, stair and stair enclosures up to a combined*

*maximum of 700 square meters;*

*(ii) fences, raised planters, landscape features, light fixtures, guardrails."*

- (f) Nothing in subsections (d) and (e) above shall apply to prevent the following elements from projecting horizontally beyond the heavy lines and shown on Map 3 attached to and forming part 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.
  - (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% of each building facade.
- (g) A maximum of 288 *dwelling units* shall be provided on the *lot*.
- (h) No *dwelling units* are permitted on the second or third *storeys* of the *building*.
- (i) A minimum of 10 percent of all *dwelling units* provided on the *lot* shall have 3-bedroom(s).
- (j) 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.
- (k) Outdoor *residential amenity space* shall be provided at a minimum rate of 1.3 square metres for each *dwelling unit*.
- (l) For a maximum of 288 *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.
  - (ii) A minimum of 72 *parking spaces*, including a minimum of 2 *car share* spaces, shall be provided for *non-residential* uses.
- (m) A minimum of one *loading space – Type "G"* shall be provided on the *lot*.
- (n) 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" 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* as of the date of the passing of this By-law.
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*; and
  - (e) "*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 this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

## **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:

- (1) The matters set out in Recommendations 1 c. 1-3., 1 d. 1-7, and 1 e. 1 & 2 of the Report of the Chief Planner and Executive Director, City Planning Division to the Toronto Preservation Board and Toronto and East York Community Council dated January 20, 2017 "Alterations to Designated Heritage Property and Authority to Amend a Heritage Easement Agreement - 497, 505 and 511 Richmond Street West";
- (2) 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 as identified as Area A on Attachment 7 and having a minimum width of 2.1 metres for use by the City and the general public 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. The details and location of the pedestrian walkway will be determined in the context of site plan approval;
- (3) 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 between the hours of 7 a.m. and 11 p.m., or as otherwise agreed, for the life of the development on terms set out in the Section 37 Agreement and, commencing at occupancy, insurance and indemnification of the City, 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;
- (4) The owner shall be financially responsible for all costs associated with any municipal infrastructure improvements deemed necessary pursuant of the accepted functional servicing report. 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;
- (5) 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; and

- (6) 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;
- (7) 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;
- (8) 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;
- (9) 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;
- (10) 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;
- (11) 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;
- (12) Payment of an annual fee to the City by the owner in the amount of \$10,000 (indexed) for additional park maintenance costs 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;

- (13) 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;
- (14) 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;
- (15) Provision of on-site dog amenities at the owner's expense with proper disposal facilities for the building residents or dog relief stations, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (16) 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.
- (17) Prior to final site plan approval, the owner shall 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 required in Recommendation 1.b.2 in the report of January 20, 2017 from the Chief Planner and Executive Director, City Planning Division, all to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such amending agreement to the satisfaction of the City Solicitor; and
- (18) Prior to final site plan approval, the owner shall 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."



- (19) Prior to the issuance of the first building permit, 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.







