

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

CITY OF TORONTO

Bill No. ~

BY-LAW No. **XXXX-2017**

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as, 497, 505, and 511 Richmond Street West

Whereas Council of the City of Toronto has the authority to 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;

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 and 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. 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 No. 569-2013, as amended, Chapter 800 Definitions.
3. Zoning By-law No. 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 to: CRE (x11) as shown on Diagram "2" attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Exception 11 to

Article 900.12.10 so that it reads:

Exception CRE11

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

Site Specific Provisions:

- (A) On 497, 505 and 511 Richmond Street West, if the requirements of Section 5 and Schedule A of by-law [Clerks to supply by-law ##] are complied with, none of the provisions of Chapter 50.5.40.10, 50.10.40.10, 50.10.40.50, 50.10.40.60, 200.5.1(2), 200.5.1.10 (8), 200.5.10.1 apply to prevent the erection or use of a **building** permitted in by-law [Clerks to supply by-law ##] that complies to (B) to (M) below.
- (B) The maximum **gross floor area** must not exceed 31,700 square metres, of which:
 - (i) a maximum of 23,100 square metres is used for **residential uses**;
 - (ii) a minimum of 8,000 square metres of **gross floor area** is used for **non-residential uses**, of which a minimum of 4,600 square metres must be used for a **community centre**.
- (C) No portion of any **building** or **structure** erected or used above ground will, be located otherwise than wholly within the areas delineated by heavy lines as shown on Diagram "1" of By-law [Clerks to supply by-law ##].
- (D) Despite regulation 10.5.40.10(1), the height of a **building**, is measured from the Canadian Geodetic Datum elevation of 91.0 metres.
- (E) A **building** or **structure**, must not exceed the height in metres specified by the numbers following the letter "H" on Diagram "4" of By-law [Clerks to supply by-law ##].
- (F) Despite (E) above, the only elements permitted to exceed a height of 47.5 metres within "Area A" as identified on Diagram "3" of By-law [Clerks to supply by-law ##] up to the height specified by the numbers following the symbol "H" on Diagram "4" of By-law [Clerks to supply by-law ##] up to a maximum combined area of 700 square meters 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:

- "(F) *Despite (E) above, the only elements permitted to exceed a height of 47.5 metres within "Area A" as identified on Diagram "3a" of By-law [Clerks to supply by-law ##] up to the height specified by the numbers following the letter "H" on Diagram "4" of By-law [Clerks to supply by-law ##] up to a maximum combined area 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."*
- (G) Despite (C) and (E) above, the following elements are permitted to project horizontally from the **building** beyond the heavy lines specified on Diagram "4" of By-law [Clerks to supply 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, damper equipment; window washing equipment; and
- (ii) Balconies to a maximum of 1.5 metres provided they are located on the east and west facades of the **building**, and do not occupy more than 50% of each **building** facade.
- (H) A maximum of 288 **dwelling units** is permitted.
- (I) No **dwelling units** are permitted on the second or third **storeys** of the **building**.
- (J) A minimum of 10 percent of all **dwelling units** must have 3-bedrooms;
- (K) Indoor **amenity space** must 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 these rooms are contiguous, with at least one washroom and kitchen.
- (L) Outdoor **amenity space** must be provided at a minimum rate of 1.3 square metres for each **dwelling unit**.
- (M) For a maximum of 288 **dwelling units**, parking spaces must be provided as follows:
- (i) A minimum of 103 **parking spaces** will be provided for residents.

- (ii) A minimum of 72 **parking spaces**, of which 2 may be car-share **parking spaces**, will be provided for the shared use of the non-residential uses in the building.

4. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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 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 satisfaction of the same.
- (C) 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 Schedule A are satisfied.

Enacted and passed on month ##, 20##.

Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
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 lands as shown in Diagram [--] in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

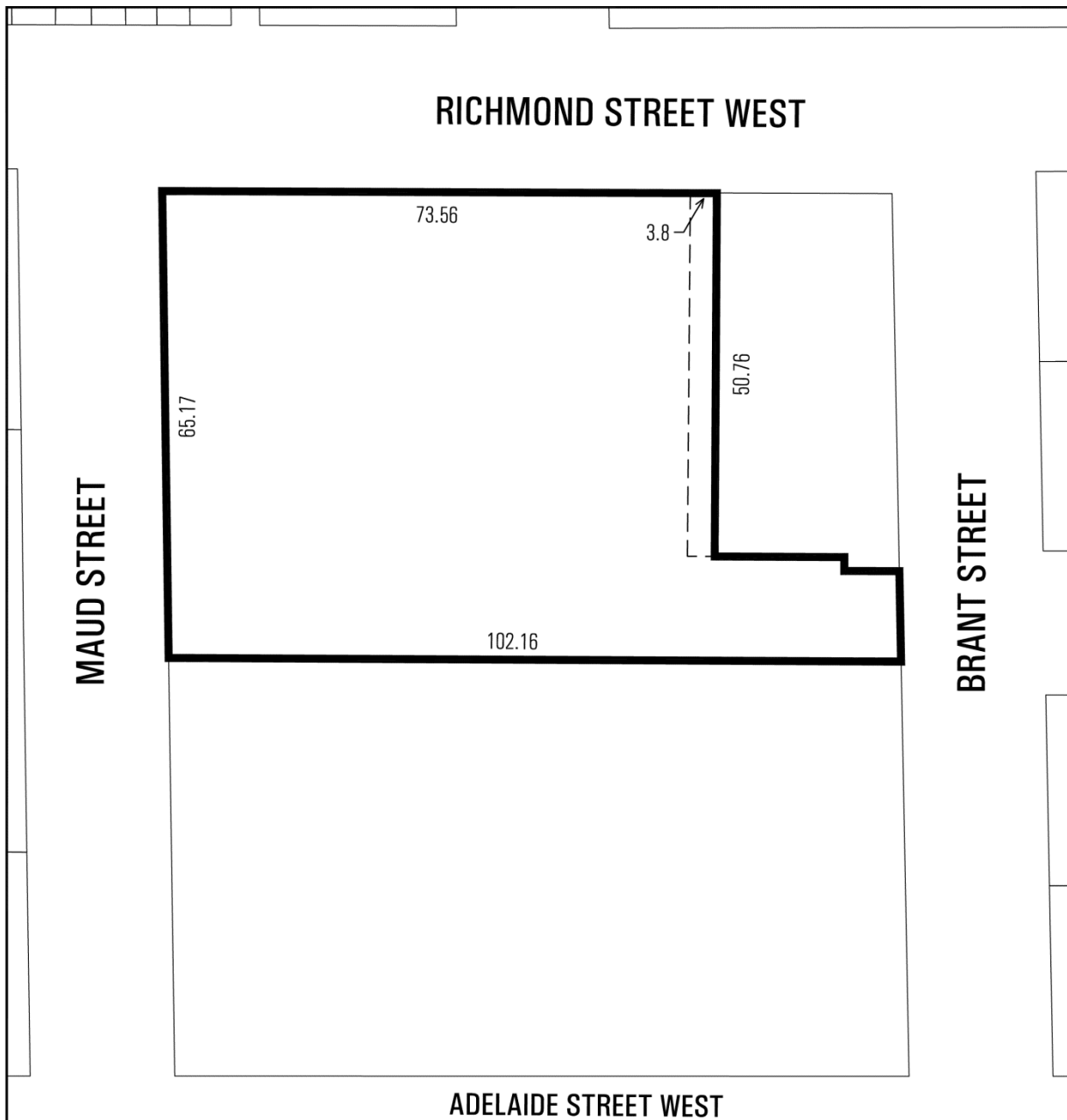
- a. The matters set out in Recommendations 1 c. 1-3., 1 d. 1-7, and 1 e. 1 & 2 of the Report of the Chief Planner and Executive Director, City Planning Division to the Toronto Preservation Board and Toronto and East York Community Council dated January 20, 2017 "Alterations to Designated Heritage Property and Authority to Amend a Heritage Easement Agreement - 497, 505 and 511 Richmond Street West";
- b. 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;
- c. 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;
- d. 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;
- e. 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

- f. 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;
- g. 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;
- h. 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;
- i. 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;
- j. 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;
- k. 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;
- l. 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;

- m. 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;
- n. 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;
- o. 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;
- p. 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.
- q. 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
- r. 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."
- s. 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.



Toronto
Diagram 1

497 Richmond Street West

File # 16 196378 STE 20 OZ

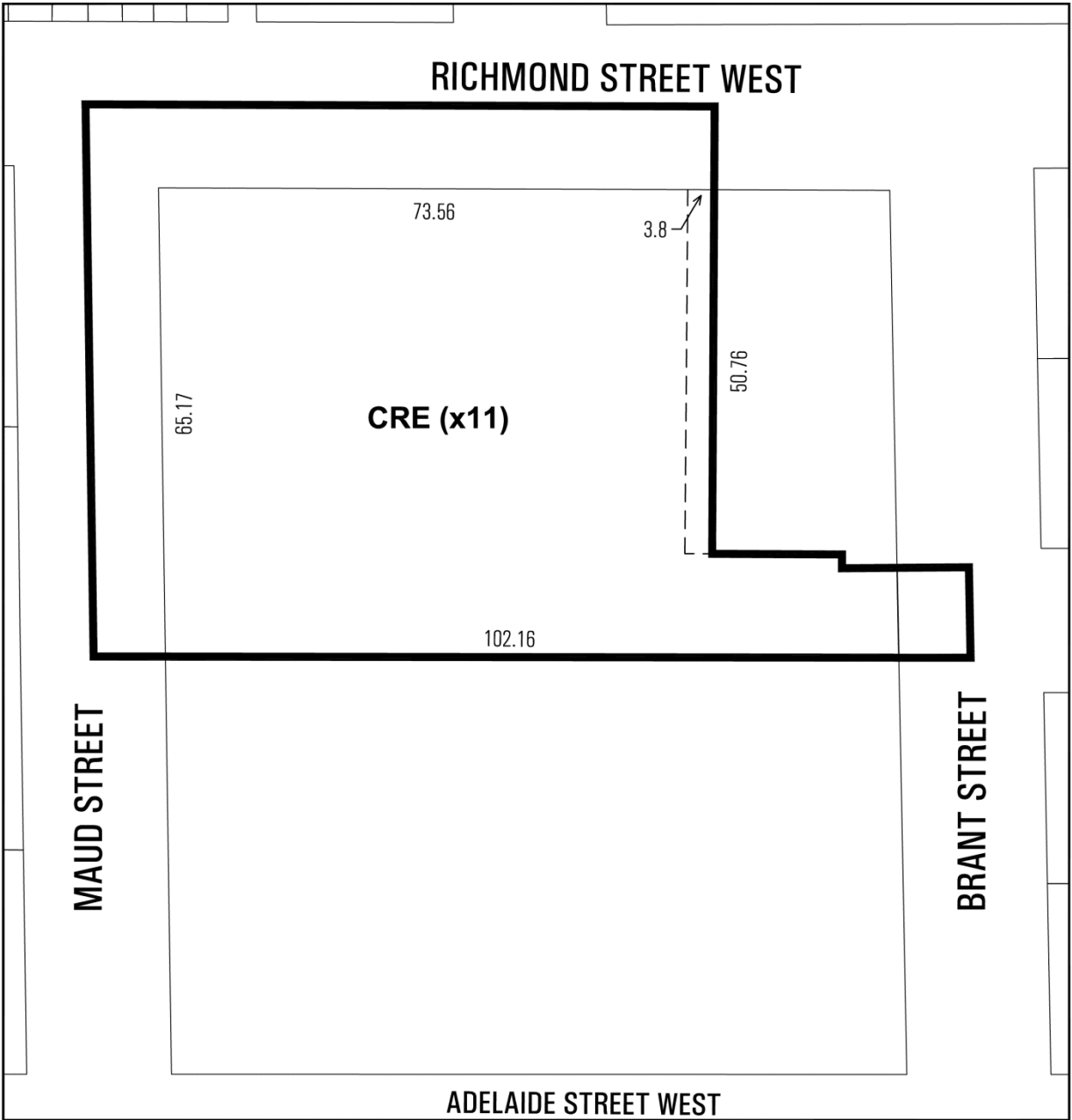
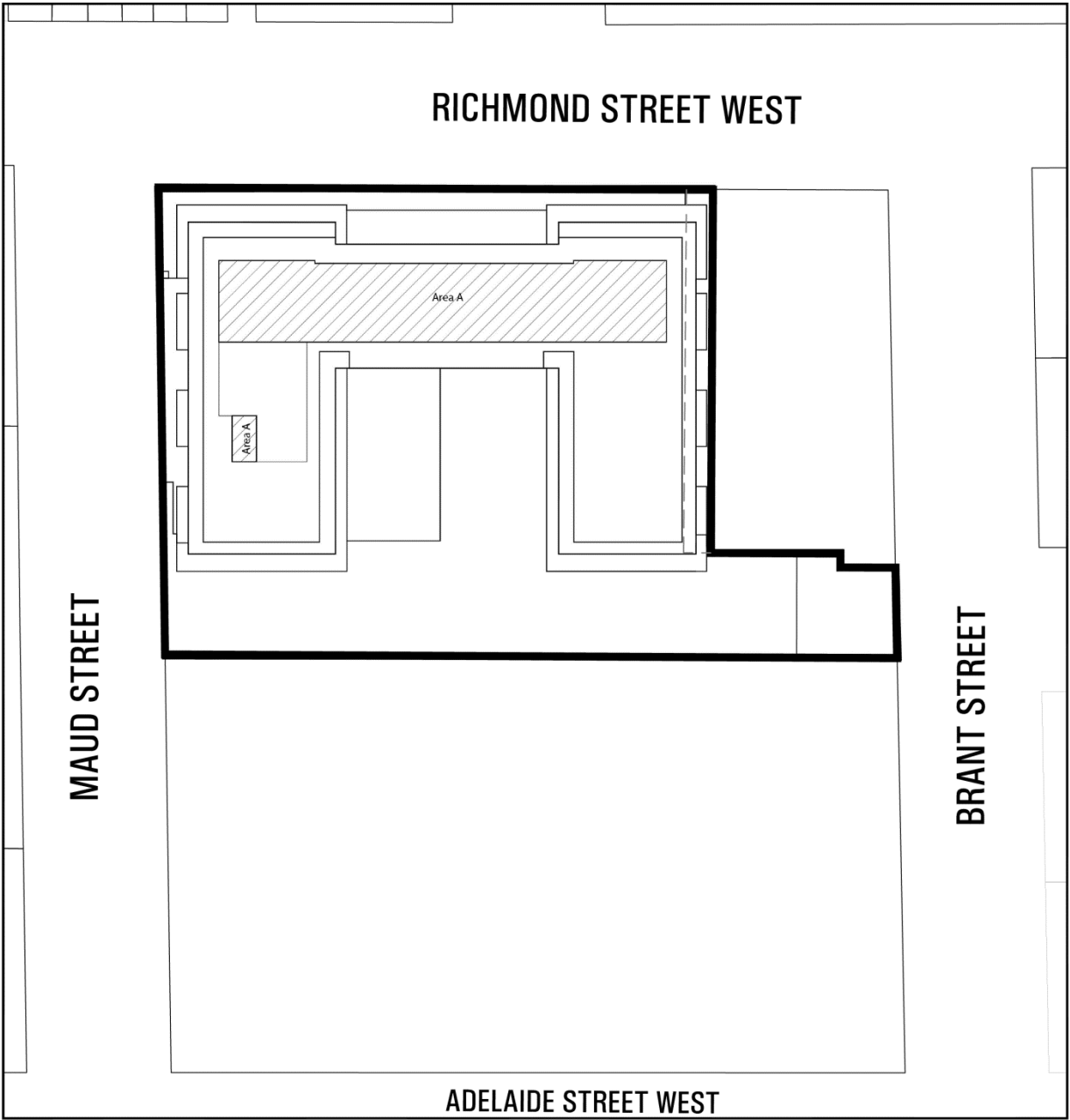



Diagram 2

497 Richmond Street West

File # 16 196378 STE 20 OZ



Toronto
Diagram 3

497 Richmond Street West

File # 16 196378 STE 20 0Z

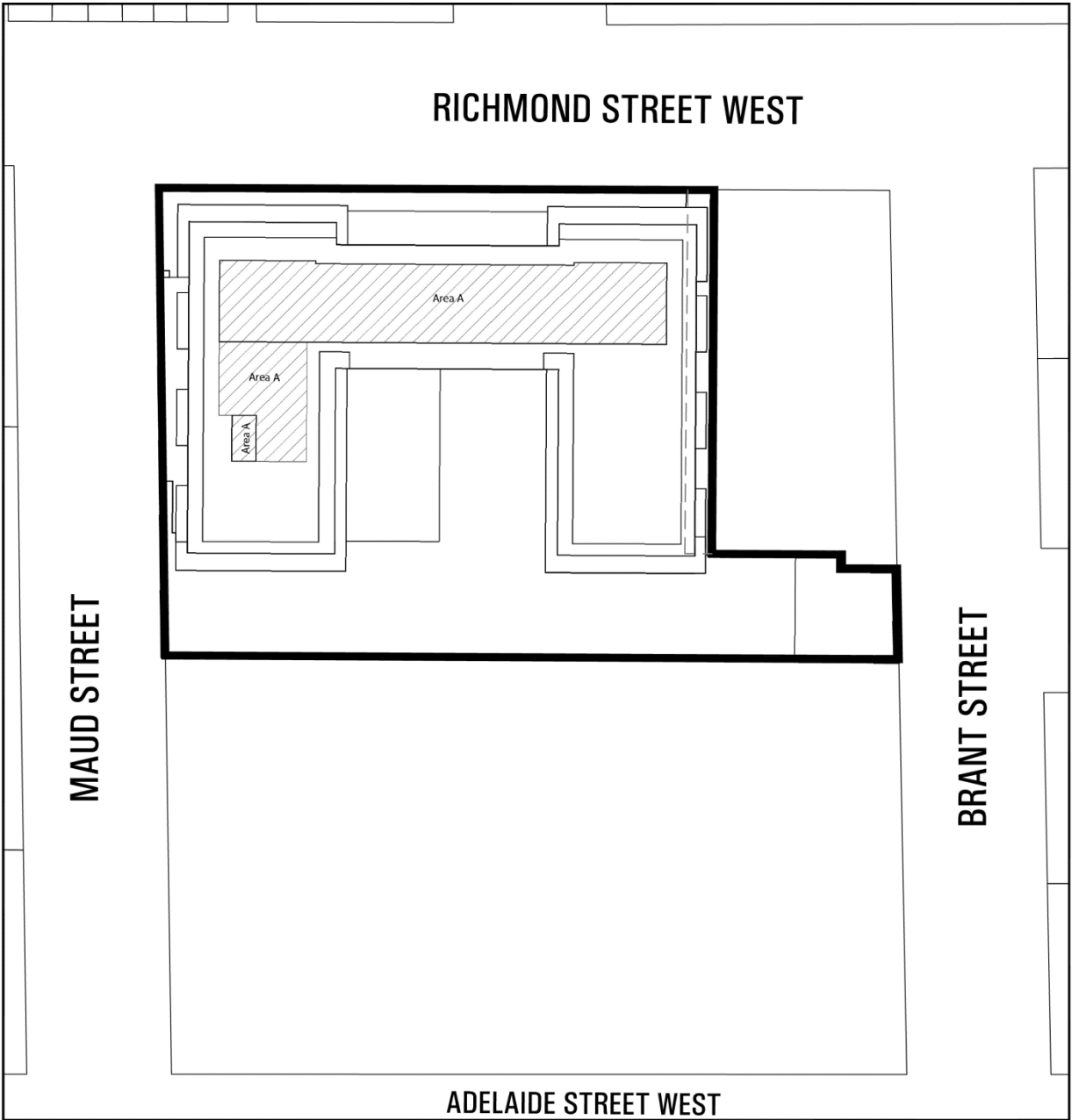



Diagram 3a

497 Richmond Street West

File # 16 196378 STE 20 OZ



File # 16 196378 STE 20 OZ