

Attachment 8 regarding TE34.13

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. 438-86, as amended,
With respect to the lands municipally known as,
520 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*; and

WHEREAS the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or 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 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 increases in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the land and the City of Toronto (hereinafter referred to as the "*City*"); and

WHEREAS the Council of the *City* has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law; and

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development

City of Toronto By-law No. xxxx-2018 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 *lot* of the facilities, services and matters set out in Schedule A hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.

2. Upon execution and registration of an agreement or agreements between the *City* and the *owner* of the *lot* on title to the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Schedule A hereof, the *lot* 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*, such building may not be erected or used until the *owner* of the *lot* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply on the *lot*.
5. None of the provisions of Section 2(1) with respect to the definitions of “ , , “*grade*”, “*height*”, “*lot*”, “*motor vehicle elevator*”, “*parking space*”, “*sales office*”, “*stacked bicycle parking space*”, “*tandem parking space*” and Sections 4(2), 4(5), 4(8) 4(10), 4(12), 4(13), 4(14), 4(16), 4(17), 7(3) Part I,-12(2) 246(a)(e)(f), 12(2)270, 12(2)380 of *Zoning By-law No. 438-86*, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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”, shall apply to prevent the erection and use of a *mixed-use building*, containing dwelling units and non-residential uses on the *lot*, provided that:
 - a) the *lot* on which the building is to be located comprises at least those lands within the 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* of any building or structure erected on the *lot* shall not exceed 8,900 square metres;
 - c) the maximum number of *dwelling units* shall be 126;
 - d) a minimum of 10% 3-bedroom *dwelling units* shall be provided;
 - e) no portion of any building or structure on the *lot* shall have a *height* in metres, above *grade*, greater than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, except for:

- i. parapets, roof drainage, thermal insulation and roof ballast, roofing material, waterproofing membranes, terrace or balcony guards and dividers, planters, balustrades, window washing equipment, partitions, screens, retaining walls, ornamental elements, architectural elements, landscape elements, green roof elements, lighting fixtures, emergency generator, vents, flues, screens, pipes, access roof hatch, structures located on the roof used for outside or open air recreation, safety or wind protection purposes which may project to a maximum of 2.0 metres;
 - ii. fluid cooler which may project to a maximum of 0.3 metres; and
 - iii. elevator over run which may project to a maximum of 2.3 metres;
- f) no portion of any building or structure erected and used above grade on the lot is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, except for:
 - i. cornices, eaves, light fixtures, ornamental elements, parapets, art and landscape features, architectural flutes, patios, pergolas, trellises, window sills, ventilation shafts, guardrails, balustrades, railings, stair enclosures, stairs, fences, planters, screens, site servicing features, awnings and canopies, retaining walls, window washing equipments, wheel chair ramps and which may project to a maximum of 0.5 metres;
 - ii. terraces, terrace platforms, terrace guards and dividers located on the roof of the base building which may project to a maximum of 3.0 metres; and,
 - iii. balconies, balcony platforms, or balcony guards and dividers, which may project to a maximum of 1.8 metres;
- g) *residential amenity space* shall be provided above or below grade in accordance with the following:
 - i. a minimum of 225 square metres of indoor *residential amenity space* shall be provided; of which a minimum of 90 square metres shall be located above *grade*;
 - ii. a minimum of 40 square metres of outdoor *residential amenity space* shall be provided above *grade*, which shall be accessible from indoor *residential amenity space*;
- h) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - i. 25 *parking spaces* shall be provided for residents;

- ii. no *parking spaces* are required for residential visitors;
 - iii. no *parking spaces* are required for non-residential uses; and
 - iv. a maximum of 4 *tandem parking spaces* may be provided;
- i) of the required parking referenced in the paragraph above, a maximum of 7 *parking spaces / tandem parking spaces* may have a minimum length of 5.0 metres and a minimum width of 2.4 metres;
- j) access to the *parking spaces* may be provided by *motor vehicle elevators* in accordance with the following:
- i. each *motor vehicle elevator* shall have a minimum width of 2.8 metres and a minimum length of 5.8 metres; and
 - ii. not less than 2 *motor vehicle elevators* are provided and maintained for use on the *lot*;
- k) a minimum of one *loading space - Type "G"* shall be provided and maintained on the *lot*;
- l) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- i. a minimum of 1.0 *bicycle parking spaces* for each *dwelling unit*, comprised of 0.9 *bicycle parking spaces* for residents and 0.1 *bicycle parking spaces* for visitors; and
 - ii. a *bicycle parking space* may be provided in a horizontal or vertical position, or in a *stacked bicycle parking space*;
6. None of the provisions of By-law No. 438-86, as amended, shall apply to prevent a *sales office* on the *lot*, and a *sales office* shall be exempt from the requirements of By-law No. 438-86, as amended, and this By-law to provide *parking spaces* associated with the *sales office*;
7. For the purpose of this By-law, all italicized words and expression have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:
- a) "*bicycle parking space*" means an area that is equipped for the purpose of parking and securing bicycles, and:

- i. where bicycles are to be parked horizontally, has dimensions of at least 0.6 metres in width by 1.8 metres in length and a vertical dimension of at least 1.9 metres;
 - ii. where bicycles are to be parked vertically, has dimensions of at least 0.6 metres in width by 1.2 metres in length , and a vertical dimension of at least 1.9 metres;
 - iii. in the case of a *stacked bicycle parking space* where bicycles are to be parked horizontally, has dimensions of at least 0.4 metres in width by 1.6 metres in length and a vertical dimension of at least 1.0 metres; and
 - iv. in the case of a *stacked bicycle parking space* where bicycles are to be parked vertically, has dimensions of at least 0.4 metres in width and 1.0 metres horizontal clearance from the wall, and a vertical dimension of at least 1.6 metres;
 - b) “*grade*” means the Canadian Geodetic Elevation of 91.45 metres;
 - c) “*height*” means the vertical distance between *grade* and the highest point of the building or structure;
 - d) “*lot*” means the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - e) “*motor vehicle elevator*” means a lifting device that is lowered and raised mechanically in a vertical shaft in order to move vehicles from one floor to another;
 - f) “*parking space*” means an area used for the parking or storing of a motor vehicle and may be accessed via *motor vehicle elevator(s)*, and, subject to the provisions of section 5(i) of this By-law, shall have the following minimum dimensions: length 5.6 metres, height 2.0 metres, width 2.6 metres;
 - g) “*sales office*” means a building, structure, facility or trailer on the *lot* used for the purpose of the sale and/or leasing of *dwelling units* to be erected on the *lot*;
 - h) “*stacked bicycle parking space*” means a *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*; and
 - i) “*tandem parking space*” means a *parking space* that is only accessed by passing through another *parking space* from a drive aisle.
- 8.** 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.
- 9.** Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure 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 A
Section 37 Provisions

The facilities, services and matters set out herein are required to be provided by the *owner* of the *lot* at its 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 *City* with conditions providing for indexing escalation of the financial contributions and letters of credit, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

- i. Prior to the issuance of the first below-grade building permit for the 520 Richmond Street West property, the owner shall convey to the City for nominal consideration good and marketable title in fee simple to that part of the air space of the property municipally known as 530 Richmond Street West located above the horizontal plane that is fifteen (15.0) metres above the grade of the property at ground level, free and clear of all encumbrances, except those that may be acceptable to the City in its sole and unfettered discretion; and,
- ii. Upon conveying the required 1.02 metre lane widening of the north-south lane abutting the site at 520 Richmond Street West on the west side, the owner is required to restore the portion of the lane immediately abutting the property at 520 Richmond Street West (between Richmond Street West and Rush Lane) in accordance with City standards and reflecting any required public realm improvements associated with the future pedestrianization of the lane to be initiated by the City, from Richmond Street West to Queen Street West, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.



