

229 Richmond Street West – Temporary Use Zoning By-law – Decision Report – Approval

Date: April 11, 2025

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 10 - Spadina-Fort York

Planning Application Number: 25 124224 STE 10 OZ

SUMMARY

This report recommends the adoption of a City-initiated temporary use Zoning By-law to repeal and replace the existing temporary use Zoning By-law in effect for 229 Richmond Street West, extending the duration for the temporary use. The temporary use Zoning By-law will continue to permit an outdoor patio on the property at 229 Richmond Street West, in association with non-residential uses located within the block bounded by Richmond Street West, Duncan Street, Nelson Street, and John Street. This temporary use Zoning By-law is a 2-year extension of the existing temporary use permissions, and would enable the patio to continue until December 31, 2027.

The proposed temporary use Zoning By-law conforms with the Official Plan, including the Downtown Secondary Plan, is consistent with the Provincial Planning Statement (2024).

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 229 Richmond Street West substantially in accordance with the draft Zoning By-law Amendment included as Attachment 2 to the report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the zoning by-law amendments as may be required.

FINANCIAL IMPACT

The Development Review Division confirms that there are no financial implications resulting from the recommendations included in this Report in the current budget year or in future years.

DECISION HISTORY

Outdoor Patios

At its meeting on July 28, 2020, City Council adopted Item MM23.27 - 229 Richmond Street West -Temporary Use By-law and Licence Extension and Amending Agreement - Final Report, and enacted Temporary Use By-law 667-2020 to permit an outdoor patio on 229 Richmond Street West, with an expiry date of November 16, 2020, or the date upon which Ontario Regulation 358/20 is revoked.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.MM23.27>

Permission for temporary patios was subsequently extended a number of times, through the duration of the COVID-19 Pandemic.

At its meeting on November 9, 2023, City Council adopted Item PH7.2 - Review of Zoning Regulations for Outdoor Patios on Private Property. It permanently expanded permissions for outdoor patios on private property city-wide by repealing By-laws 236-2022 and 237-2022, and enacting By-laws 1154-2023 and 1153-2023. It also provided an extension to the temporary use permissions with respect to an outdoor patio at 229 Richmond Street West by repealing By-law 234-2022, which would have expired on December 31, 2023, and enacted replacement By-law 1150-2023 which will expire on December 31, 2025.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH7.2>

Park Development

At its meeting of October 27-29, 2019, City Council authorized the purchase of 229 Richmond. City Council directed CreateTO along with Corporate Real Estate Management and City Planning to report back on a Precinct Plan for 260 Adelaide Street West and 229 Richmond Street West, along with adjacent properties as appropriate, including a business plan to activate these sites with City uses such as affordable housing, parks, public parking managed by Toronto Parking Authority, childcare, and any other uses as may be suitable.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX9.6>

At its meeting on May 11, 2021, the CreateTO Board approved the financial business case for the potential disposition of 260 Adelaide Street West and the requisite funding allocation of the proceeds. The Board also approved the redevelopment plan for 229 Richmond Street West, which will include a new City park.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.RA22.9>

On February 7, 2024, the Bid Award Panel granted authority to award a contract for the design, construction, and contract administration for a new City park on 229 Richmond Street West on behalf of the Parks and Recreation Division of the City of Toronto. The park is expected to begin construction in October 2026.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.BA65.1>

THE SITE

Description

The site extends through the middle of the block from Richmond Street West to Nelson Street, between John Street and Duncan Street. It is rectangular in shape and has an area of 2,600 square metres. See Attachment 1 for the location map.

Existing Use

The site contains a large outdoor patio that is leased from the City and operated by neighbouring businesses and includes seating for restaurants and recreation uses (beach volleyball courts, pickleball courts, a skating rink). Structures such as dining cabins, a performance stage, and food and drink stands are found throughout the site.

Future Use

A new 2,600 square metre public park is planned for this site. On February 7, 2024, the City's Bid Award Panel granted authority to award a contract for the design, construction, and contract administration for a new park on the site on behalf of the Parks and Recreation Division. Construction is expected to begin in late 2026.

BACKGROUND

Temporary Use By-laws

Section 39 of the Planning Act provides authority to municipalities to pass temporary use by-laws. Such a by-law is a zoning by-law to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited by the municipality's zoning. At times, it is in the public interest to permit lands to be used for a particular use on a temporary basis, even though the use may not comply with the Official Plan or zoning by-law. A temporary use by-law must define the area to which it applies and specify the time period in which it will be in force. Chapter 5.1.5 of the Official Plan addresses temporary use by-laws.

At its meeting of October 27-29, 2020, City Council enacted the first city-wide temporary use by-laws expanding opportunities for outdoor patios. City Council also enacted site-specific temporary use by-laws where relief from the Zoning By-law was still required despite the city-wide temporary use by-laws being enacted. City Council has since provided several extensions to these by-laws.

On March 9, 2022, City Council requested staff in City Planning to report back to the Planning and Housing Committee on potential permanent modifications to the Zoning By-law for outdoor patios on private property. City Council also enacted several site-specific temporary by-laws for outdoor patios that still did not comply with the city-wide Zoning By-law amendments. On November 9, 2023, City Council, enacted zoning by-law amendments to permanently expand permissions for outdoor patios and provide additional permissions for limited entertainment on outdoor patios. City Council also enacted site specific by-laws for outdoor patios that did not comply with the city-wide

Zoning By-law amendments and extended temporary use by-laws for 229 Richmond Street West that will expire on December 31, 2025.

POLICY AND REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024) and shall conform to provincial plans.

Official Plan

The Official Plan Urban Structure Map 2 identifies the site as located within the Downtown and Central Waterfront. The land use designation for this site is Regeneration Areas. Regeneration Areas are areas that are in transition, usually from one predominant land use to one that includes a wide range of new uses. Policy 4.7(1) permits for a broad range of uses that will revitalize areas of the City that are largely vacant or underused. Extending temporary outdoor patio permissions in these areas provides economic opportunities for business owners and operators by permitting an expanded outdoor patron area.

The site is located within the Downtown Secondary Plan. Maps 41-3 and 41-3 B identify the site as located within the Mixed Use Areas 2 - Intermediate designation which envisions a built form transition from the taller scale anticipated in Mixed Use Areas 1 and the more mid-rise context of Mixed Use Areas 3. The site is also identified on Map 41-8 as forming part of the Grange-John Street-Roundhouse Park District. A park district is a cohesive local network of streets, laneways, parks and other open spaces centered on one or more community parks or open spaces that serve surrounding neighbourhoods, each with a unique identity and focus on supporting community life.

The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Zoning

The site is zoned Commercial Residential Employment CRE (x74) under Zoning By-law 569-2013. The CRE Zone permits a range of uses, including offices, parks, retail services, restaurants and take out eating establishments, dwelling units (apartment buildings, mixed use buildings), and some manufacturing uses.

Outdoor patios are not permitted as a stand-alone use but are permitted ancillary to another principal use (e.g., an eating establishment), and are required to be smaller than the principal use. In the CRE Zone, an outdoor patio must be ancillary with an eating establishment, amusement arcade, cabaret, entertainment place of assembly, nightclub, place of assembly, recreation use or sports place of assembly. Also, in the

CRE Zone, regulations limit the maximum size of an outdoor patio to 50 square metres or 50 per cent of the interior floor area of the associated establishment, whichever is greater.

City of Toronto Zoning By-law 569-2013 may be found here:

<https://www.toronto.ca/zoning>

A temporary use by-law exists for this site, City of Toronto Zoning By-law 1150-2023, permitting an outdoor patio, ancillary recreation uses, and entertainment uses associated with non-residential uses contained within the block bounded by Richmond Street West, Duncan Street, Nelson Street, and John Street. The temporary use permissions expire on December 31, 2025

The City of Toronto Zoning By-law 1150-2023 may be found here:

<https://www.toronto.ca/legdocs/bylaws/2023/law1150.pdf>

COMMUNITY CONSULTATION

In making their decision with regard to this application, Council may view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

COMMENTS

Provincial Policy Statement, Provincial Planning Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal find the proposal consistent with the PPS (2024).

Land Use

This extension of temporary use permissions has been reviewed against the Official Plan and Downtown Plan policies described in the Policy and Regulation Considerations Section of this report, as well as the policies of the Official Plan as a whole. An extension to the existing temporary use is reflective of the policy intent and is supported by staff.

In consultation with the Ward Councillor, staff recommend an extension of the temporary use Zoning By-law for the lands to December 31, 2027. This will provide permission for the outdoor patio to continue until the construction of the new park commences, expected late 2026 but with the temporary use permission including some buffer time.

CONTACT

Josh Estrella, Assistant Planner, Tel. No. 416-338-7697,
E-mail: Josh.Estrella@toronto.ca

SIGNATURE

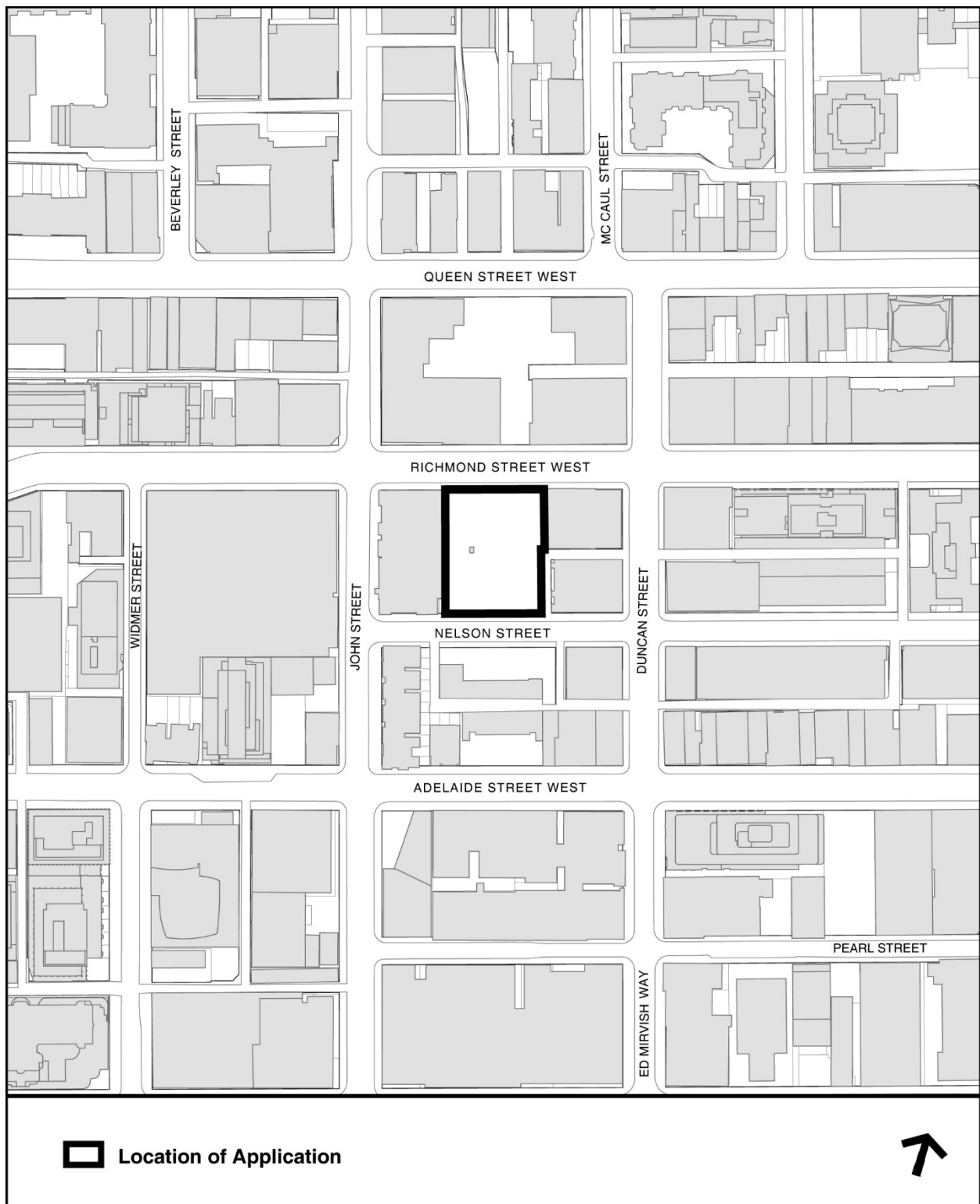
A handwritten signature in black ink, appearing to read 'Carly R', with a long horizontal flourish extending to the right.

Carly Bowman, M.Sc.Pl., MCIP, RPP
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Draft Zoning By-law Amendment

Attachment 1: Location Map



Attachment 2: Draft Zoning By-law Amendment

The Draft By-law Amendment will be made available on or before the May 1, 2025, Toronto and East York Community Council meeting.