

Authority: Ontario Municipal Board Order issued on January 26, 2016 in Board Case No. MM140038, File No. PL140506

CITY OF TORONTO

BY-LAW No. 672-2016(OMB)

To amend City of Toronto By-law No. 569-2013, as amended, with respect to lands known municipally in the year 2016 as 604-618 Richmond Street West.

Whereas the Ontario Municipal Board, pursuant to its Order issued on January 26, 2016, in Board File No. PL140506, determined to amend By-law No. 569-2013, as amended, with respect to the lands known municipally as 604-618 Richmond Street West; and

Whereas authority is given to the Ontario Municipal Board under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended; 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 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;

By-law No. 569-2013, as amended, is further amended by the Ontario Municipal Board as follows:

1. This By-law applies to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in By-law No. 569-2013, Chapter 800 Definitions.
3. 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 (x5), as shown on Diagram 2 attached to this By-law.

4. By-law No. 569-2013 is amended by adding Article 900.12.1 Exception Number 5, so that it reads:

Exception CRE (5)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions:

- (A) On 604-618 Richmond Street West, if the requirements of By-law 672-2016(OMB) are complied with, none of the provisions of regulations 5.10.40.70(1) to (3), 50.5.40.70(1), 50.10.40.10(1), 50.10.40.50(1), 50.10.40.60(1), 50.10.40.70(1), 50.10.40.70(3), 50.10.40.70(5), 50.10.40.80 (3), 200.5.10.1(1) and (6), 200.5.10.1(1), 200.15.1.5(1), 230.5.1.10(4), 230.5.1.10(9), 230.5.10.1(1), 230.5.10.1 (5), 230.50.1.20(1) and 900.12.10(76) apply to prevent the erection of a **building** or **structure** permitted in By-law 672-2016(OMB);
- (B) The height of a **building** or **structure** on the lands is measured as the vertical distance between Canadian Geodetic Datum elevation of 90.8 metres, and the highest point of the **building** or **structure** except for those elements prescribed in section (C) below;
- (C) No portion of any **building** or **structure** on the lands, excluding parapets, guard rails, railings and dividers, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, elevator overruns, garbage chute overruns, architectural features, landscaping and elements of a green roof is to have a height greater than the height in metres specified by the number following the H symbol as shown on Diagram 3 of By-law 672-2016(OMB) except that:
- (i) Parapets may project above the height in metres specified by the number following the H symbol as shown on said Diagram 3 by a maximum of 1.8 metres;
- (D) The portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines as shown on Diagram 3 of By-law 672-2016(OMB), except that:
- (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation and exhaust shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment and underground garage ramps and associated structures may extend beyond the heavy lines shown on Diagram 3 of said by-law;
- (E) The total **gross floor area** of all **buildings** and **structures** on the lands must not exceed 16,000 square metres and:

- (i) the **gross floor area of buildings or structures** occupied by residential uses symbolized by the letter 'r' permitted by Regulations 50.10.20.10(1) and 50.10.20.20(1) must not exceed 15,500 square metres; and
 - (ii) the **gross floor area of buildings and structures** occupied by commercial and employment uses symbolized by the letters 'c' and 'e', respectively, permitted by Regulations 50.10.20.10(1) and 50.10.20.20(1) must not exceed 500 square metres;
- (F) **Amenity space**, which may include a guest suite containing a kitchen and washroom, must be provided in accordance with the following:
 - (i) a minimum of 341 square metres of indoor **amenity space**; and
 - (ii) a minimum of 64 square metres of outdoor **amenity space**;
- (G) **Parking spaces** must be provided and maintained in accordance with the following minimum requirements:
 - (i) a minimum of 0.3 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) a minimum of 0.5 **parking spaces** for each one bedroom **dwelling unit**;
 - (iii) a minimum of 0.8 **parking spaces** for each two bedroom **dwelling unit**;
 - (iv) a minimum of 1.0 **parking spaces** for each three bedroom **dwelling unit**;
 - (v) a minimum of 13 **parking spaces** for visitors to **dwelling units**; and
 - (vi) no parking spaces shall be required for non-residential uses.
- (H) A minimum of 229 **bicycle parking spaces** must be provided and maintained on the lands, of which:
 - (i) 22 **bicycle parking spaces** must be allocated for short-term bicycle parking; and
 - (ii) 207 **bicycle parking spaces** must be allocated for long-term bicycle parking and may be located on any level of the building at or below grade;
- (I) **Stacked bicycle parking spaces** are not subject to the dimensions outlined in Regulations 230.5.1.10(4)(C), 230.5.1.10(5)(A) and 230.5.1.10(10);
- (J) A short-term **bicycle parking space** may be located in a **stacked bicycle parking space**;
- (K) A minimum of one Type "G" **loading space** must be provided and maintained on the lands;

- (L) A minimum of 21 **dwelling units** on the lands must:
 - (i) be constructed as or be readily convertible to three bedroom **dwelling units**, without requiring structural changes to the **dwelling unit**; and
 - (ii) each of the three bedrooms must be or be capable of being in compliance with the provisions of the Ontario Building Code (O. Reg. 322/12);

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

5. Section 37 Provisions

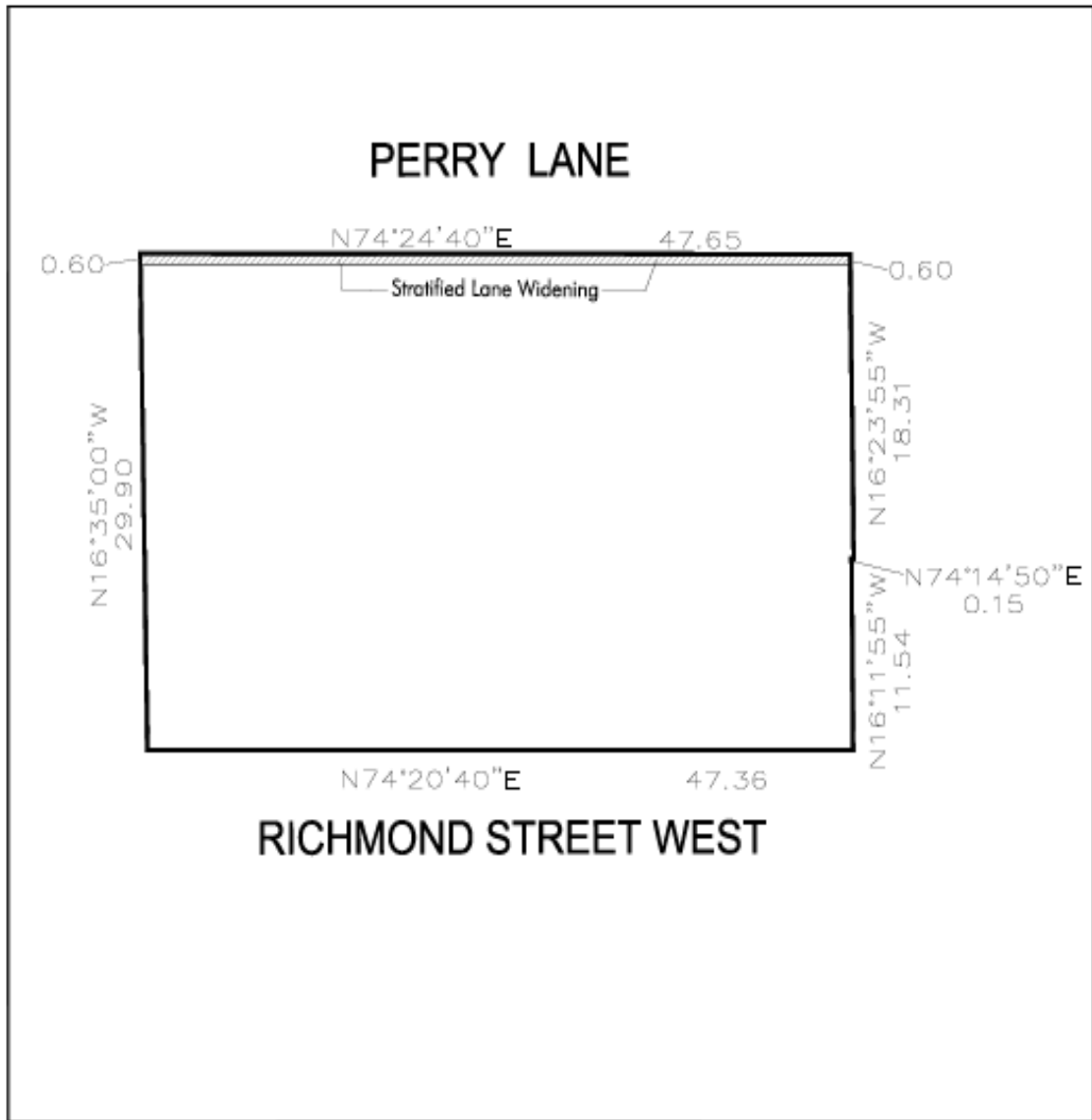
- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, 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.

PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JANUARY 26, 2016 IN BOARD CASE NO. MM140038 UNDER OMB CASE NO. PL140506.

Schedule A**Section 37 Provisions**

The facilities, services and matters set out herein are the matters required to be provided by the owner of the site at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37 of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexing escalation of any financial contributions and letters of credit, indemnity, insurance, HST, termination and unwinding and registration and priority of the agreement:

1. The provision of a financial contribution in the amount of \$660,000, prior to the issuance of the first above-grade building permit, with the contribution to be used by the City to be allocated as follows:
 - (a) \$66,000 to be provided to Toronto Community Housing Corporation for capital improvements to and or the provision of new affordable housing units in Ward 20.
 - (b) \$250,000 to be used for streetscape improvements on Richmond Street West in the vicinity of the site.
 - (c) \$344,000 to be used towards the construction of a community centre or community facility in the King-Spadina Area.
2. A minimum of 21 dwelling units on the lands must:
 - (i) be constructed as or be readily convertible to three bedroom dwelling units, without requiring structural changes to the dwelling unit; and
 - (ii) each of the three bedrooms must be or be capable of being in compliance with the provisions of the Ontario Building Code (O. Reg. 322/12).



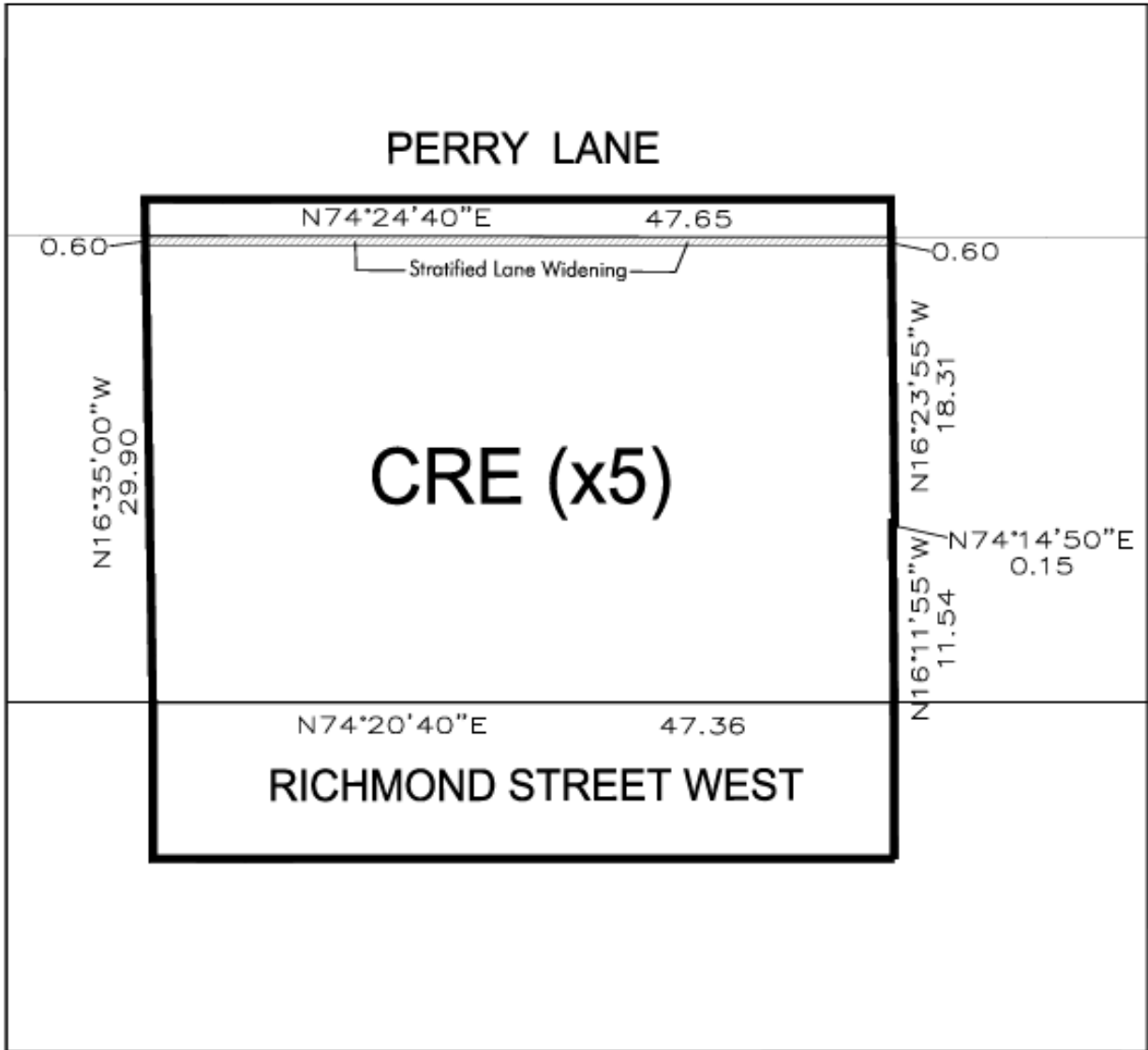
604-618 Richmond Street West, Toronto

Diagram 1

File #13 _____



Not to Scale



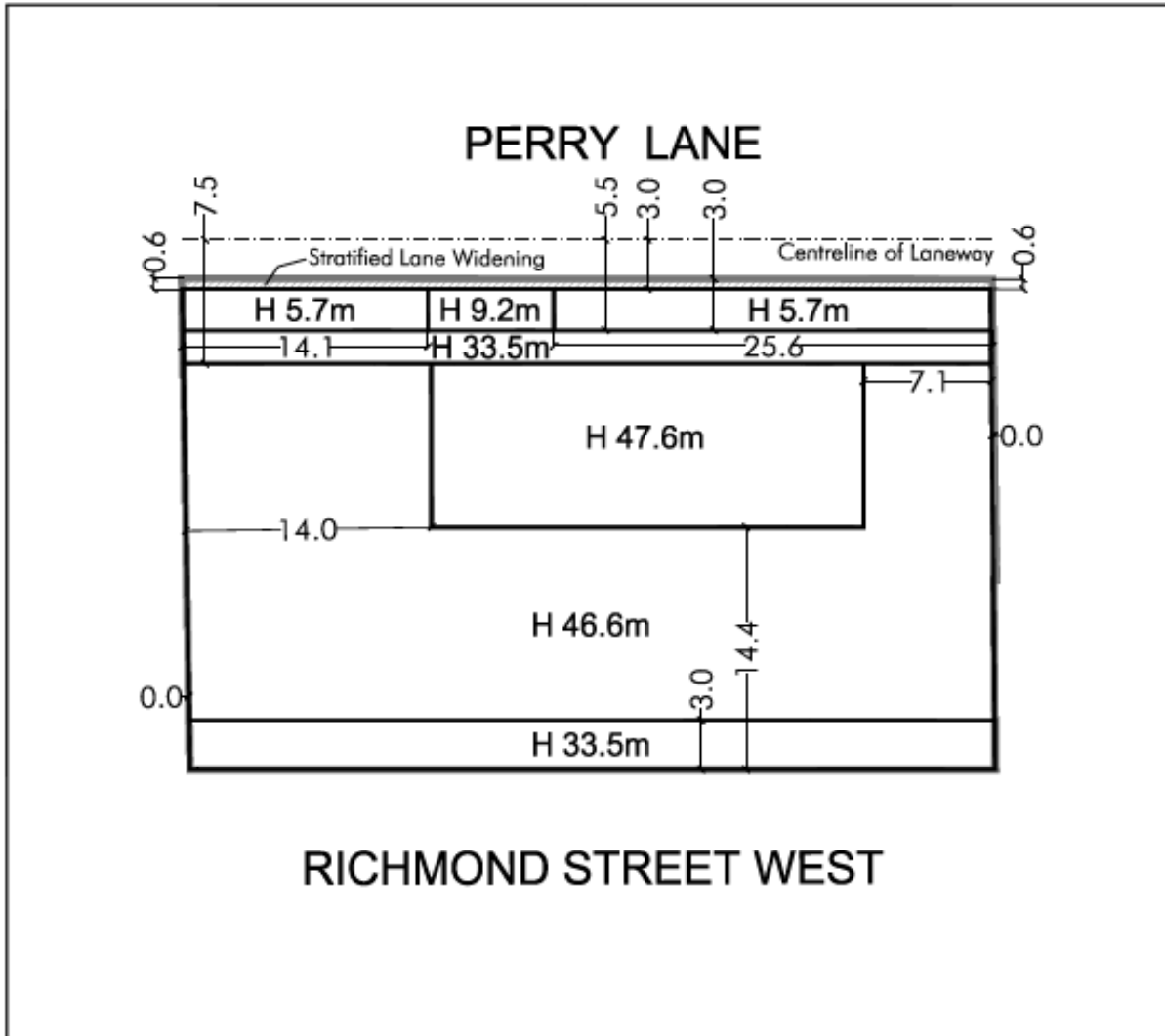
604-618 Richmond Street West, Toronto

Diagram 2

File #13 _____



Not to Scale



604-618 Richmond Street West, Toronto

Diagram 3

File #13 254795 STE 20 02



Not to Scale