

Authority: Ontario Municipal Board Order issued January 22, 2016 in Board File No. PL140047

CITY OF TORONTO

BY-LAW No. 133-2016(OMB)

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2014 as 20 to 26 Lombard Street and 25 Richmond Street East.

Whereas the Ontario Municipal Board pursuant to its memorandum of November 14, 2014 issued by Board Member Chee-Hing for File No. PL140047, upon hearing the appeal of Richmond Victoria Limited Partnership, under Section 34(11) of the *Planning Act*, deems it advisable to amend the City of Toronto Zoning By-law No. 569-2013; and

Whereas Council of the City of Toronto has the authority 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

Whereas pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the *height* or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas Council of the City of Toronto at its meeting of August 25, 26, 27 and 28, 2014 determined to support the coming into force of this By-law; 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;

The Ontario Municipal Board authorizes By-law No. 569-2013, the City of Toronto Zoning By-law, as amended, to be further amended as follows:

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, 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 CR7.8 (c4.5; r7.8) SS1 (x2601), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 2601 so that it reads:

Exception CR 2601

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

Site Specific Provisions:

On 25 Richmond Street East and 20 and 26 Lombard Street, if the requirements of By-law No. 133-2016(OMB) are complied with, none of the provisions of By-law No. 569-2013 apply to prevent the erection or use of a building, structure, addition or enlargement permitted in By-law No. 133-2016(OMB).

- (A) Despite regulation 40.10.40.10(1), the height of any **building** or **structure** erected on the lands must not exceed:
 - (i) the maximum height in metres permitted as indicated by the numbers following the letter "H" as shown on Diagram 3 of By-law No. 133-2016(OMB); and
 - (ii) the maximum number of **storeys** permitted as indicated by the numbers following the letters "ST" as shown on Diagram 3 of By-law No. 133-2016(OMB), exclusive of any above-grade mechanical components;
- (B) Despite (A) and regulations 40.5.40.10(4)-(7), the following may exceed the height indicated by the numbers following the letter "H" shown on Diagram 3 of By-law No. 133-2016(OMB) to the extent indicated as follows:
 - (i) lighting fixtures, cornices, sills, eaves, window washing equipment, parapets, privacy screens, terraces, cabanas, planters, balustrades, bollards, stairs, wheelchair ramps, landscape features, and public art installations must not exceed a maximum vertical projection of 1.2 metres above the height otherwise permitted;

- (ii) railings must not exceed a maximum vertical projection of 2.0 metres above the height otherwise permitted;
 - (iii) elements on the roof of the **building** or **structure** used for **green roof** technology must not exceed a maximum vertical projection of 1.5 metres above the height otherwise permitted; and
 - (iv) rooftop stacks and vents must not exceed a maximum vertical projection of 1.5 metres above the height otherwise permitted;
- (C) Despite clause 40.10.30.40, the maximum **gross floor area** erected or used on the lands must not exceed 51,438.0 square metres, of which:
- (i) the total maximum residential **gross floor area** erected or used on the **lot** must not exceed 50,358.0 square metres; and
 - (ii) the total maximum non-residential **gross floor area** erected or used on the **lot** must not exceed 1,080.0 square metres exclusive of any non-residential **gross floor area** used as a **parking garage**;
- (D) A maximum of 681 **dwelling units** are permitted;
- (E) A minimum of four (4) **dwelling units** erected or used on the lands must each have three or more bedrooms in compliance with the provisions of the Ontario Building Code (O. Reg. 322/12), as amended or replaced from time to time;
- (F) A minimum of forty-five (45) **dwelling units** erected or used on the lands must:
- (i) each be a minimum of 78.0 square metres;
 - (ii) collectively, have a minimum average **dwelling unit** size of 84.0 square metres; and
 - (iii) be constructed as or readily convertible to a three bedroom **dwelling units**, without requiring structural changes to the **dwelling unit**, where:
 - (a) a minimum of thirty-eight (38) convertible **dwelling units** must have an external opening in the constructed or convertible third bedroom; and
 - (b) each bedroom must be in compliance with the provisions of the Ontario Building Code (O. Reg. 322/12)

but nothing in subsection (ii) shall be interpreted to prevent a **dwelling unit** from having more than three bedrooms.

- (G) Despite clause 40.10.40.50, **amenity space** must be provided as follows:
- (i) indoor **amenity space** for use by the residents of the **dwelling units** at a minimum of the greater of 1,234.0 square metres or 1.81 square metres for each **dwelling unit**, where:
 - (a) all indoor **amenity space** must be provided in a multi-purpose room or rooms, whether or not such rooms are contiguous;
 - (b) a minimum of one of the rooms referred to in subsection (G)(i)(a) must contain a kitchen; and
 - (c) a minimum of one washroom must be provided in close proximity to, and on the same floor as, the room or a set of contiguous rooms referred to in subsection (G)(i)(a) which contains the kitchen required in subsection (G)(i)(b);
 - (ii) outdoor **amenity space** for use by the residents of the **dwelling units** at a minimum of 838.0 square metres or 1.23 square metres for each **dwelling unit** of which a minimum of 40.0 square metres must be provided in a location adjoining or directly accessible to the **amenity space** required in subsection (G)(i)(b);
- (H) Despite clause 40.10.40.70, no part of any **building** or **structure** erected or used above the **established grade** is permitted to be located outside the areas delineated by the heavy lines shown on Diagram 3 of By-law No. 133-2016(OMB);
- (I) Despite (H), the following encroachments are permitted:
- (i) despite regulation 40.10.40.60(1), a platform with a floor level higher than the floor level of the first **storey** of the **building** may extend a maximum of 2.2 metres beyond the heavy lines shown on Diagram 2 of By-law No. 133-2016(OMB), as measured perpendicular to the exterior walls of the building, provided:
 - (a) a platform or platforms together are not permitted to extend around a complete **storey** of a **building** or **structure**;
 - (b) balconies are not permitted on the **heritage buildings**; and
 - (c) balconies are not permitted on the east face of the portion of any **building** or **structure** erected on the lands fronting Lombard Street above the **heritage buildings** from the 5th to the 12th **storeys**, inclusive, for a distance of at least 10.0 metres commencing at the southernmost portion of such east face;

- (ii) despite regulation 40.10.40.60(2), canopies on the **first floor** of any **building** or **structure** on the lands may project a maximum of 1.5 metres beyond the heavy lines shown on Diagram 3 of By-law No. 133-2016(OMB), as measured perpendicular to the exterior walls of the building excluding any balcony walls; and
 - (iii) despite subsection (H) herein, eaves, lighting fixtures, window sills, landscape planters, awnings, canopies, public art installations, terraces, parapets, privacy screens and other minor architectural projections is permitted to project no more than 0.45 metres from a **building** on the lands;
- (J) Despite regulations 200.5.1.10(2) to (13), a maximum of seven **parking spaces** may have minimum dimensions of 2.6 metres in width and 5.6 metres in length, and may be obstructed on two sides;
- (K) Despite clause 200.5.10.1, a total of 286 **parking spaces** must be provided and maintained on the lands as follows;
- (i) a minimum of 241 **parking spaces** must be provided and maintained below **established grade** for use by the residents of the **dwelling units** erected or used on the lands; and
 - (ii) a maximum of 45 **parking spaces** must be provided and maintained below **established grade** in a commercial **parking garage**;
- (L) Despite article 220.5.10, clause 40.10.90.1, and regulation 220.5.1.10(1), a minimum of one Type "C" **loading space** and one Type "G" **loading space** must be provided and maintained on the lands;
- (M) A north-south, minimum 3.1 metre wide, privately owned, publically accessible interior walkway must be provided, extending from Richmond Street East south to the centre of the site through the **first floor** of a **building** on the lands, as shown in Diagram 4;
- (N) An L-shaped privately owned, publically accessible exterior walkway must be provided at ground level from Victoria Street to Lombard Street, and must be a minimum of 5.5 metres wide in the east-west direction, and a minimum of 5.5 metres wide in the north-south direction, all as shown on Diagram 4; and
- (O) The existing heritage **buildings** and **structures** designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, under City of Toronto By-law No. 531-82, located on the lands and shown on Diagram 3 attached and forming part of By-law No. 133-2016(OMB) must be retained *in situ* subject to such alteration as are permitted pursuant to a heritage easement agreement entered into by the owner with the City for such **buildings** pursuant to section 37 of the *Ontario Heritage Act* (R.S.O. 1990, c. O.18), as amended or replaced, together with any permit issued pursuant to section 33 of the *Ontario Heritage Act*.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(1) 397 of former City of Toronto By-law No. 438-86; and
- (B) Section 12(2) 132 of former City of Toronto By-law No. 438-86.

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; and
- (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 THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON
JANUARY 22, 2016 IN BOARD CASE NO. PL140047.

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 1 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:

- (1) Prior to issuance of an above grade building permit the owner shall:
 - (a) provide a financial contribution to the City to be used for community benefits in the amount of three million dollars (\$3,000,000) to be used towards the following capital improvements, all to the satisfaction of the Chief Planner and Executive Director of City Planning in consultation with the Ward Councillor:
 - (i) a cash payment of five hundred thousand dollars (\$500,000) towards the North St. Lawrence Market redevelopment;
 - (ii) a cash payment of five hundred thousand dollars (\$500,000) towards the implementation of Heritage Lighting and/or Interpretation Master Plan for Old Town Toronto;
 - (iii) a cash payment of one million five hundred thousand (\$1,500,000) towards local streetscape and/or park improvements in the vicinity of the subject site; and
 - (iv) a cash payment of five hundred thousand (\$500,000) towards the First Parliament Building site, municipally known in 2014 as 25 Berkeley Street, 54 Parliament Street, 265 Front Street East, and 271 Front Street East,

with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made; and
 - (b) identify, to the satisfaction of the Chief Planner and Executive Director, City Planning, which **dwelling units** satisfy the requirements in Section (3)(a) and (b), below.
- (2) Prior to the earlier of the issuance of an above grade building permit or the first registration of a condominium corporation on the subject site, the owner shall:
 - (a) convey and register, for nominal consideration, a non-exclusive easement in perpetuity in favour of the City, for use by the City and the general public as publicly-accessible, privately-owned, pedestrian thoroughfare walkway accessible to the general public 24 hours per day, seven (7) days per week, over the walkway required in Section 4(c), to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning, with the specific

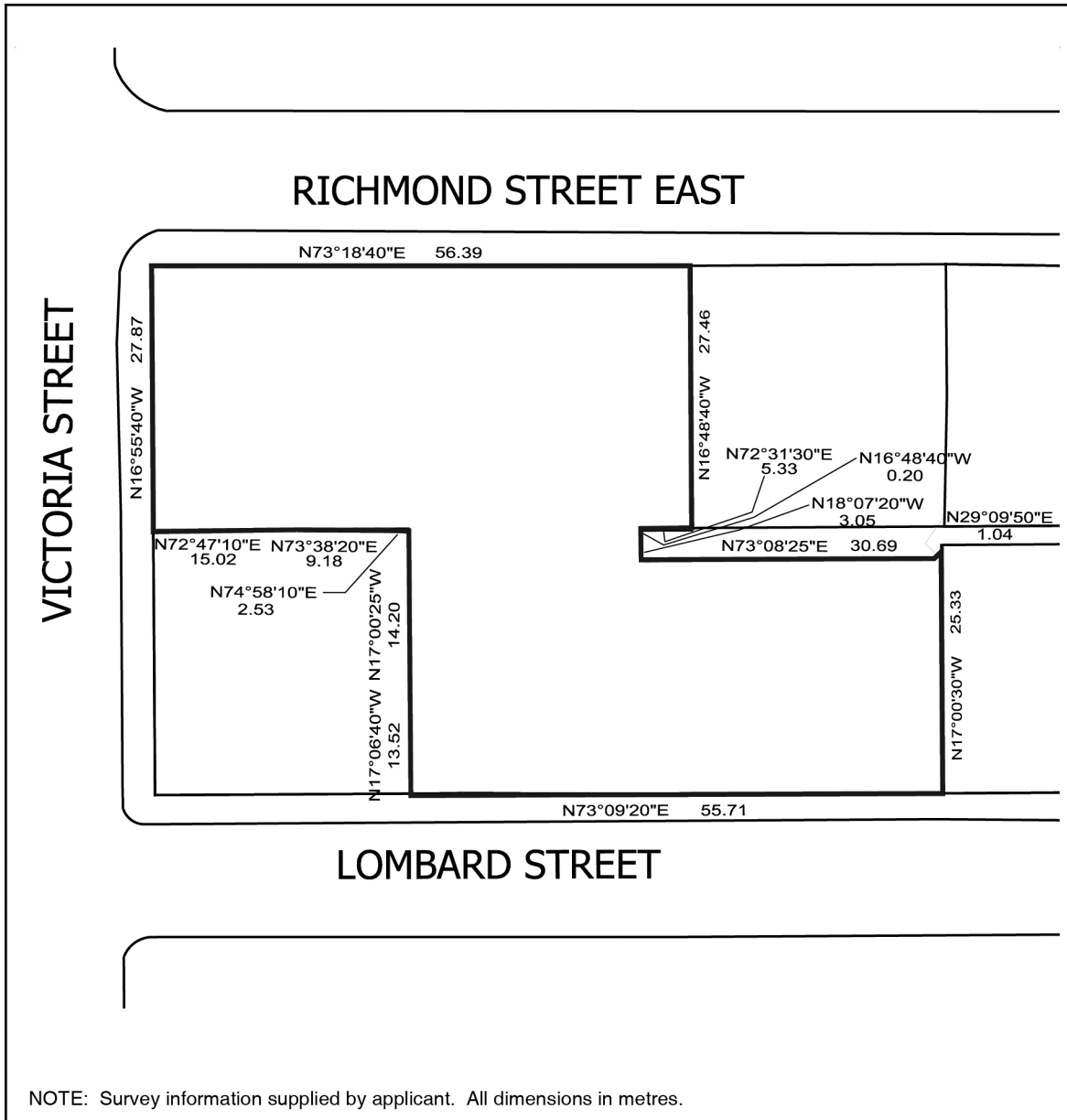
location, configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning, as part of any site plan approval for all or any part of the site, including provision for indemnification and insurance, and to come into effect on the first residential or non-residential use of any building erected on all or any part of the site after the date of enactment of this By-law, save and except for a temporary sales office; and

- (b) convey and register, for nominal consideration, a non-exclusive easement in perpetuity in favour of the City, for use by the City and the general public as publicly-accessible, privately-owned, pedestrian thoroughfare walkway accessible to the general public between the hours of 8:00 a.m. and 10:00 p.m., seven (7) days a week, over the walkway required in Section 4(d), to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning, with the specific location, configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning, as part of any site plan approval for all or any part of the site, including provision for indemnification and insurance, and to come into effect on the first residential or non-residential use of any building erected on all or any part of the site after the date of enactment of this By-law, save and except for a temporary sales office.
- (3) Prior to the issuance of any heritage permits or building permits, excluding any permits for repairs, maintenance and usual and minor works acceptable to the Manager of Heritage Preservation Services and required for the **buildings** on the **heritage site**, the owner shall:
- (a) have obtained final approval of this By-law, and this By-law shall have come into full force and effect in a form and with content acceptable to the Chief Planner and Executive Director, in consultation with the City Solicitor and the Manager of Heritage Preservation Services;
 - (b) have obtained final site plan approval pursuant to Section 114 of the *City of Toronto Act*;
 - (c) provide full building permit plans and drawings, including notes and specifications for the conservation and protective measure keyed to the Conservation Plan required in Section 5(a), and including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant;
 - (d) provide a lighting plan that describes how the **buildings** on the **heritage site** will be sensitively illuminated to enhance their heritage character, to the satisfaction of the Manager of Heritage Preservation Services;
 - (e) provide an interpretation plan for the **buildings** on the **heritage site** to the satisfaction of the Manager of Heritage Preservation Services; and
 - (f) provide a letter of credit, including provisions for upward indexing, in a form and from a bank acceptable to the Manager of Heritage Preservation Services, to

secure all the work included in the approved conservation plan required in Section 5(a), and the lighting plan and interpretation plan required in Sections 3(d) and (e), to the satisfaction of the Manager of Heritage Preservation Services. Prior to the release of the letter of credit the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the conservation work, lighting work and the interpretative work have been completed in accordance with the approved conservation plan in Section 5(a), the approved lighting plan in Section 3(d) and the approved interpretation plan in Section 3(e), and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager of Heritage Preservation Services.

- (4) The owner shall provide and maintain the following:
- (a) a minimum of four (4) **dwelling units** must have three or more bedrooms, all in compliance with the Ontario Building Code (O. Reg. 322/12);
 - (b) a minimum of forty-five (45) two-bedroom **dwelling units** must be capable of conversion to three-bedroom units, in compliance with the Ontario Building Code (O. Reg. 322/12), and must comply with the following:
 - (i) each **dwelling unit** must be a minimum size of 78.0 metres;
 - (ii) collectively, the average size of each **dwelling unit** must be a minimum of 84.0 metres; and
 - (iii) a minimum of thirty-eight (38) of these **dwelling units** must have an external opening in each bedroom;
 - (c) an exterior privately owned, publically accessible pedestrian walkway extending in an L-shape from Victoria Street to Lombard Street, to the satisfaction of the Chief Planner and Executive Director, City Planning and to be maintained to the satisfaction of the Executive Director, Engineering and Construction Services;
 - (d) an interior privately owned, publically accessible pedestrian walkway extending from Richmond Street East south to the centre of the subject site, to the satisfaction of the Chief Planner and Executive Director, City Planning and to be maintained to the satisfaction of the Executive Director, Engineering and Construction Services; and
 - (e) implement the interpretation plan for the **buildings** on the **heritage site** required in Section 3(e) to the satisfaction of the Manager of Heritage Preservation Services.
- (5) The owner shall provide the following to support the development of the lands:
- (a) prior to the enactment of this By-law, a detailed Conservation Plan (including drawings and specifications for materials and finishes related to the **buildings** on

- the **heritage site**) prepared by a qualified Heritage Consultant that is consistent with the conservation strategy set out in the Heritage Impact Assessment for the **heritage site** prepared by ERA Architects Inc. (28 June 2013, revised 8 July 2014), to the satisfaction of the Manager of Heritage Preservation Services;
- (b) prior to the enactment of this By-law, enter into and register on title a heritage easement agreement with the City pursuant to section 37 of the *Ontario Heritage Act* for the **heritage site** known as 26 Lombard Street, subject to approved alterations, to the satisfaction of the Manager of Heritage Preservation Services and the City Solicitor;
 - (c) prior to site plan approval, a functional servicing report to the satisfaction of the Executive Director, Engineering and Construction Services, and the owner shall pay for and construct any improvements to the municipal infrastructure in connection with the said report, should the Executive Director, Engineering and Construction Services determine that improvements to the infrastructure are required to support the development;
 - (d) prior to site plan approval, drawings, to the satisfaction of the Manager of Heritage Preservation Services, related to the conservation plan required in Section 5(a) as part of the plans considered for site plan approval;
 - (e) prior to the earlier of site plan approval, the issuance of any heritage permit or the issuance of any building permit for the site, a detailed construction management plan to the satisfaction of the Chief Planner and Executive Director, City Planning, and the owner must thereafter implement the plan; and
 - (f) streetscape improvements, both the provision and construction, to the public street right-of-way abutting the entire site, including but not limited to, sidewalk bump-outs, street lighting, pavers, street furniture and tree trench installation, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Parks, Forestry and Recreation, and Executive Director, Engineering and Construction Services, such work to be secured by a provision of a letter of credit satisfactory to the Chief Planner and Executive Director, City Planning, prior to the earlier of the issuance of any site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006* or the issuance of any building permit for all or part of the site.
- (6) In the event the cash contribution(s) referred to in Section (1) *has* not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



25 Richmond Street East and
20 & 26 Lombard Street

Diagram 1

File # 13 197153 STE 28 0Z



Not to Scale
11/03/2015

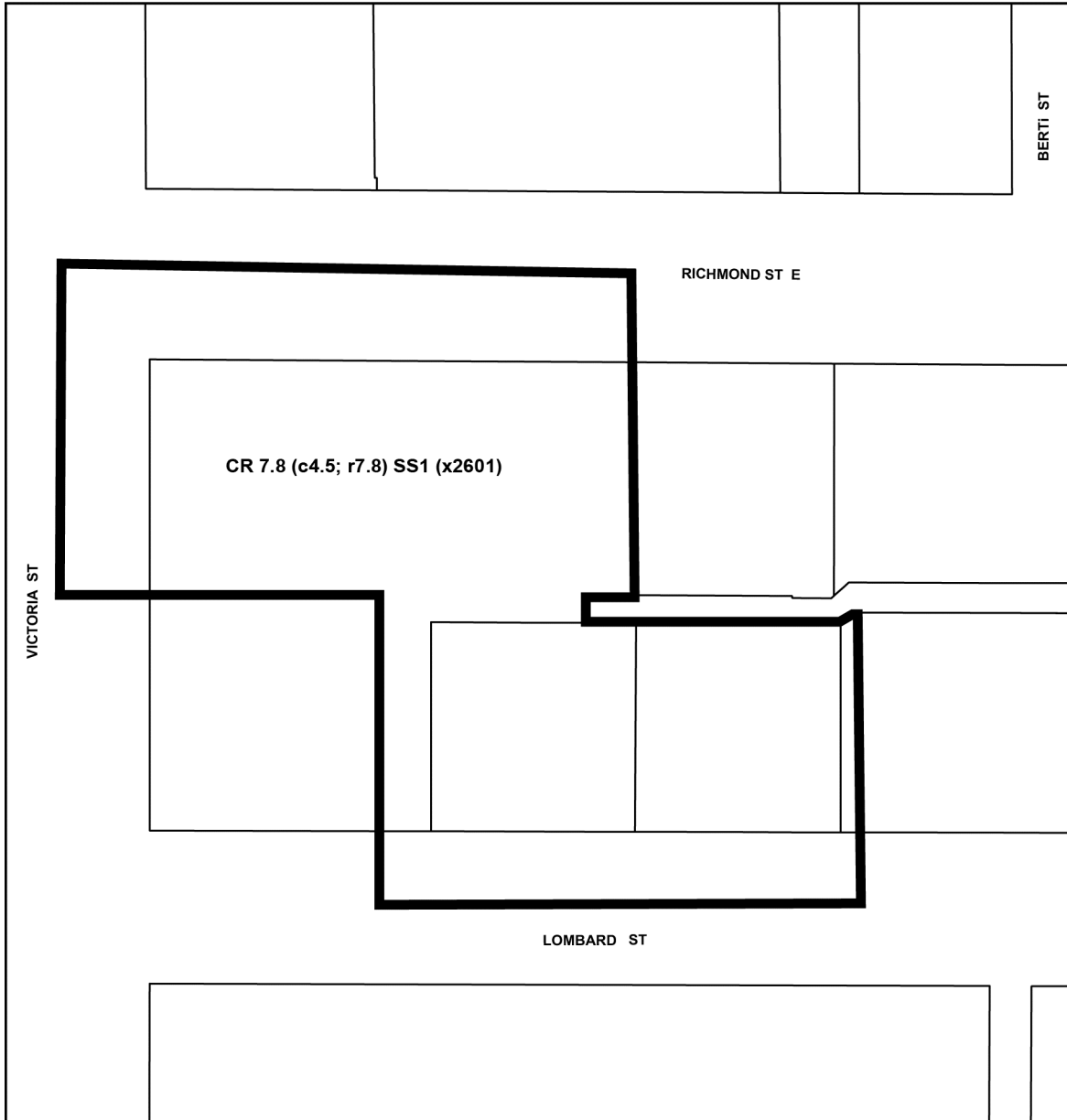


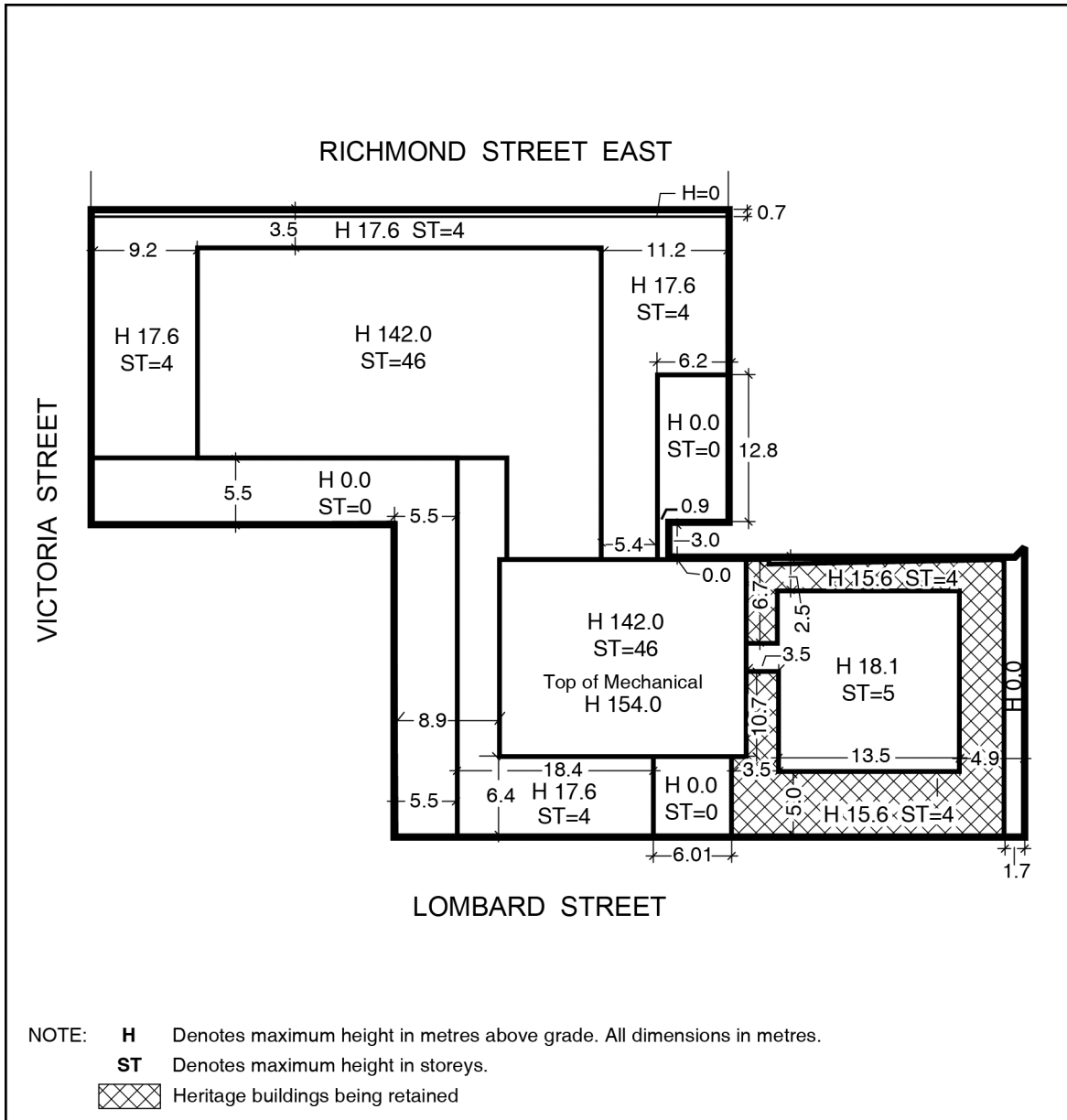
Diagram 2

25 Richmond Street East and
20 & 26 Lombard Street

File # 13 197153 STE 28 0Z



Not to Scale
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25 Richmond Street East and
20 & 26 Lombard Street

Diagram 3

File # 13 197153 STE 28 0Z



Not to Scale
12/07/2015

