

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

CITY OF TORONTO

BY-LAW No. 671-2016(OMB)

To amend former City of Toronto Zoning By-law No. 438-86 with respect to the lands municipally known 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 Zoning By-law No. 438-86, as amended, with respect to the lands known municipally as 604-618 Richmond Street West; and

Whereas the Official Plan for the City of Toronto contains such 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 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 increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, 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. 438-86, as amended, of the former City of Toronto is further amended by the Ontario Municipal Board as follows:

1. None of the provisions of Section 2(1) with respect to "*bicycle parking space - occupant*", "*bicycle parking space - visitor*", "*grade*", "*height*", "*lot*" and "*residential amenity space*" and Sections 4(2)(a), 4(5)(b), 4(10)(a), 4(12), 4(13)(a), (c) and (d), 4(14), 4(16), 7(3) Part II 1(i), 7(3) Part II 3, 7(3) Part II 7, 7(3) Part II 8(ii), 7(3) Part III 2 and 12(2) 246(a) and (e) of By-law No. 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of 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" as amended, shall apply to prevent the erection and use of a *mixed-use* building on the *lot*, provided that:
 - (a) the *lot* on which the buildings are to be located comprises at least the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;

- (b) the total aggregate *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 16,000 square metres, provided:
 - (i) the *residential gross floor area* does not exceed 15,500 square metres; and
 - (ii) the *non-residential gross floor area* does not exceed 500 square metres;
- (c) no portion of a building or structure erected above grade on the *lot* shall have a greater *height* in metres than the heights in metres specified by the numbers following the symbol H on Map 2 of this By-law, or shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 of this Exception, with the exception of the following:
 - (i) guard rails, railings and dividers, trellises, eaves, screens, stairs, stair enclosures, roof drainage, window washing equipment, lightning rods, elevator overruns, garbage chute overruns, architectural features, landscaping and elements of a green roof, cornices, light fixtures, ornamental elements, art, patios, decks, pillars, terraces, window sills, planters, ventilation and exhaust shafts, balustrades, doors, wheelchair ramps, fences, site servicing features, awnings and canopies and underground garage ramps and associated structures;
 - (ii) balconies may project 1.8 m from the wall where it is attached;
 - (iii) canopies may project 3.6 m from the wall where it is attached; and
 - (iv) parapets may project 1.8 m above the height in metres specified by the number following the symbol H on Map 2 of this By-law;
- (d) *residential amenity space* is provided in accordance with the following:
 - (i) a minimum of 64 square metres of outdoor *residential amenity space*; and
 - (ii) a minimum of 341 square metres of indoor *residential amenity space*;
- (e) *Parking spaces* shall be provided and maintained on the *lot* 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 space* for each three or more bedroom *dwelling unit*;
 - (v) a minimum of 13 *parking spaces* shall be provided for visitors to *dwelling units*; and

- (vi) no *parking spaces* shall be required for non-residential uses;
 - (f) a minimum of 229 *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) a minimum of 207 *bicycle parking spaces - occupant*, shall be provided; and
 - (ii) a minimum of 22 *bicycle parking spaces - visitor* shall be provided;
 - (g) one *loading space - type "G"* shall be provided and maintained on the *lot*; and
 - (h) a minimum of 21 *dwelling units* erected or used on the *lot* 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).
2. None of the provisions of this By-law or By-law No. 438-86 shall apply to prevent a *sales office* on the *lot*.
3. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
4. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
- (a) "*bicycle parking space - occupant*" means an area that is equipped with a bicycle locker or a room or bicycle rack for the purpose of parking and securing bicycles; and
 - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking spaces within the stacker are not be subject to the dimensions outlined in (i) and (ii) above;

- (b) "*bicycle parking space - visitor*" means an area that is equipped with a room or a bicycle rack for the purpose of parking and securing bicycles; and
 - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking spaces within the stacker are not be subject to the dimensions outlined in (i) and (ii) above;
 - (c) "*grade*" shall mean 90.8 metres Canadian Geodetic Datum;
 - (d) "*height*" shall mean, the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;
 - (e) "*lot*" means the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (f) "*residential amenity space*" shall mean a common area or areas within the mixed-use building which are provided for the exclusive use of residents of the mixed-use building for recreation or social purposes and may include one guest suite which contains a kitchen and bathroom;
 - (g) "*sales office*" means a building, structure or facility on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*.
5. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* is permitted in return for the owner's election to provide, at the owner's expense, the facilities, services and matters set out in Schedule "A" hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the *lot*.
6. 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.
7. 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.

8. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

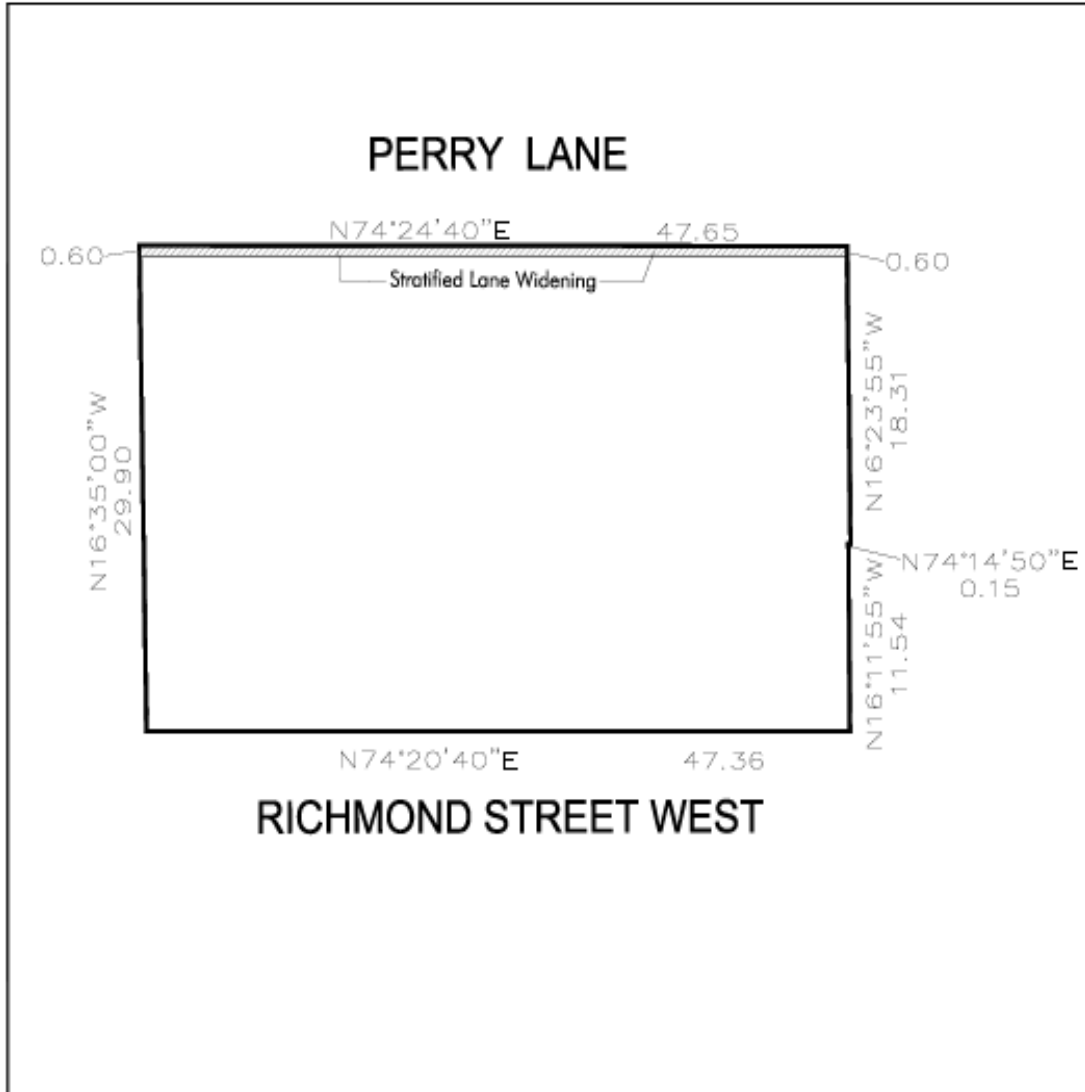
PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JANUARY 26, 2016 IN BOARD CASE NO. MM140038 UNDER OMB FILE NO. PL140506.

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 erected or used on the lot must:
 - (a) be constructed as or be readily convertible to three bedroom dwelling units, without requiring structural changes to the dwelling unit; and
 - (b) 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).



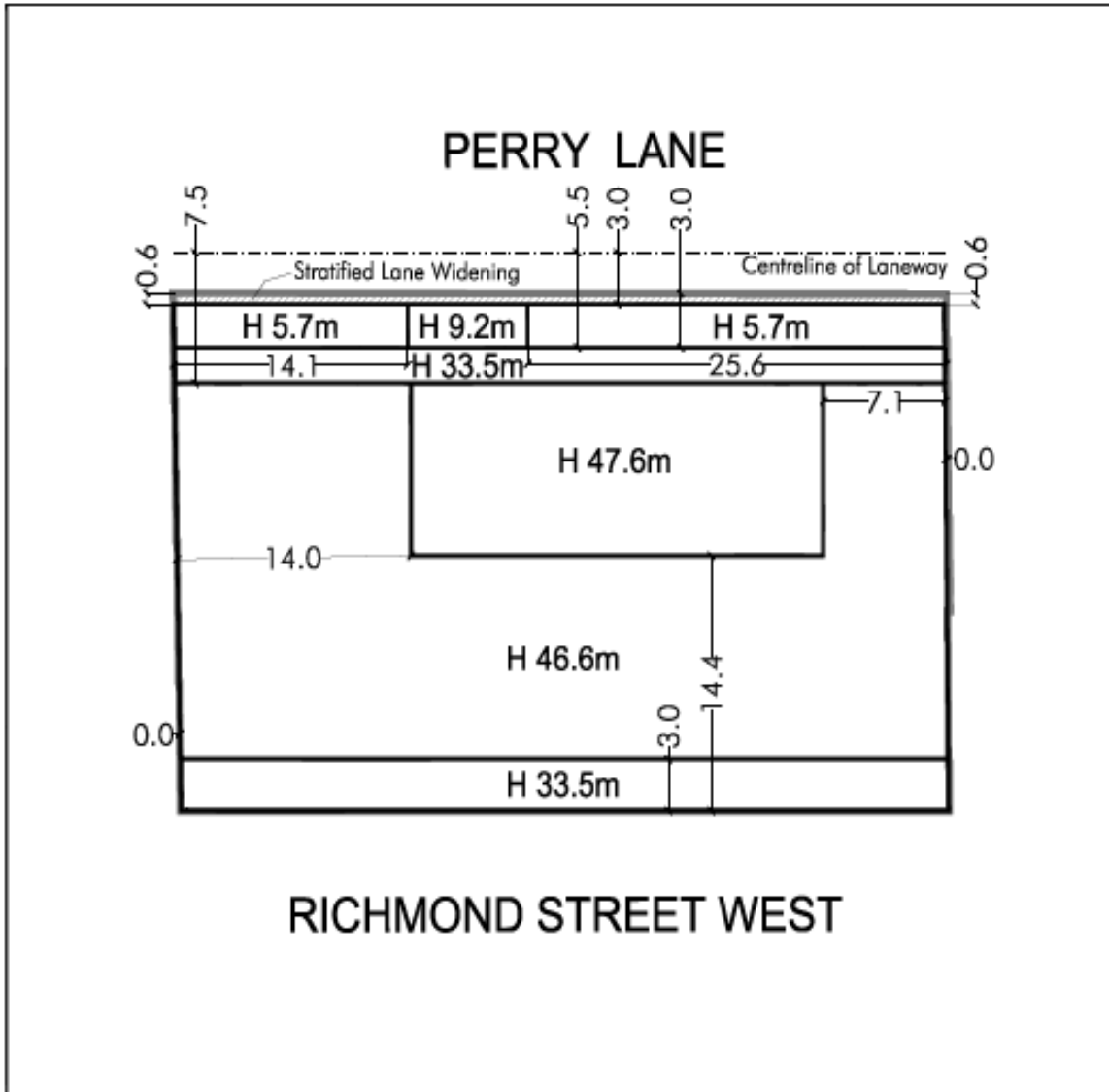
604-618 Richmond Street West, Toronto

Map 1

File #13 _____



Not to Scale



604-618 Richmond Street West, Toronto

Map 2

File #13 254795 STE 20 OZ



Not to Scale