

Authority: Ontario Municipal Board Decision/Order issued on June 6, 2017 and Local Planning Appeal Tribunal Order issued on September 6, 2019 in File PL160263

## CITY OF TORONTO

### BY-LAW 1614-2019(LPAT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2019 as 543-553 Richmond Street West.**

Whereas the owner of the lands shown on Map 1 attached hereto applied for a zoning by-law amendment for the redevelopment of the lands shown on Map 1 and appealed that application to the Local Planning Appeal Tribunal; and

Whereas authority is given to the Local Planning Appeal Tribunal by Section 34(26) of the Planning Act, R.S.O. 1990, c. P.13, as amended, to approve this By-law; and

Whereas the Local Planning Appeal Tribunal, following an appeal pursuant to Section 34(11) of the Planning Act, determined to amend the former City of Toronto Zoning By-law 438-86 with respect to lands known municipally in the year 2019 as 543-553 Richmond Street West; 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 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");

Therefore, By-law 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended by the Local Planning Appeal Tribunal as follows:

1. Pursuant to Section 37 of the Planning Act, the height and density of development 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 438-86 shall continue to apply on the *lot*.
5. None of the provisions of Section 2(1) with respect to the definitions of "*bicycle parking space – occupant*", "*bicycle parking space – visitor*", "*grade*", "*height*" and "*lot*" and Sections 4(2)(a), 4(5)(b), 4(8), 4(13), 4(16), 7(3) Part II 1, Part II 7, Part II 8(ii), 7(3) Part III, 12(2)246(a), (c), (e), 12(2)270 (a), (b) and 12(2)380 of Zoning By-law 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* consists of at least the lands delineated by the heavy lines on Map 1 attached to and forming part of this By-law;
  - b. the total *gross floor area* on the *lot* shall not exceed 37,500 square metres, provided:
    - i. The *residential gross floor area* shall not exceed 35,750 square metres; and
    - ii. The *non-residential gross floor area* shall not exceed 1,750 square metres;
  - c. the maximum number of *dwelling units* shall be 485;
  - d. a minimum of 10 percent 3-bedroom *dwelling units* shall be provided;
  - e. no portion of a 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 HT on Map 2 attached to and forming part of this By-law, with the exception of the following:

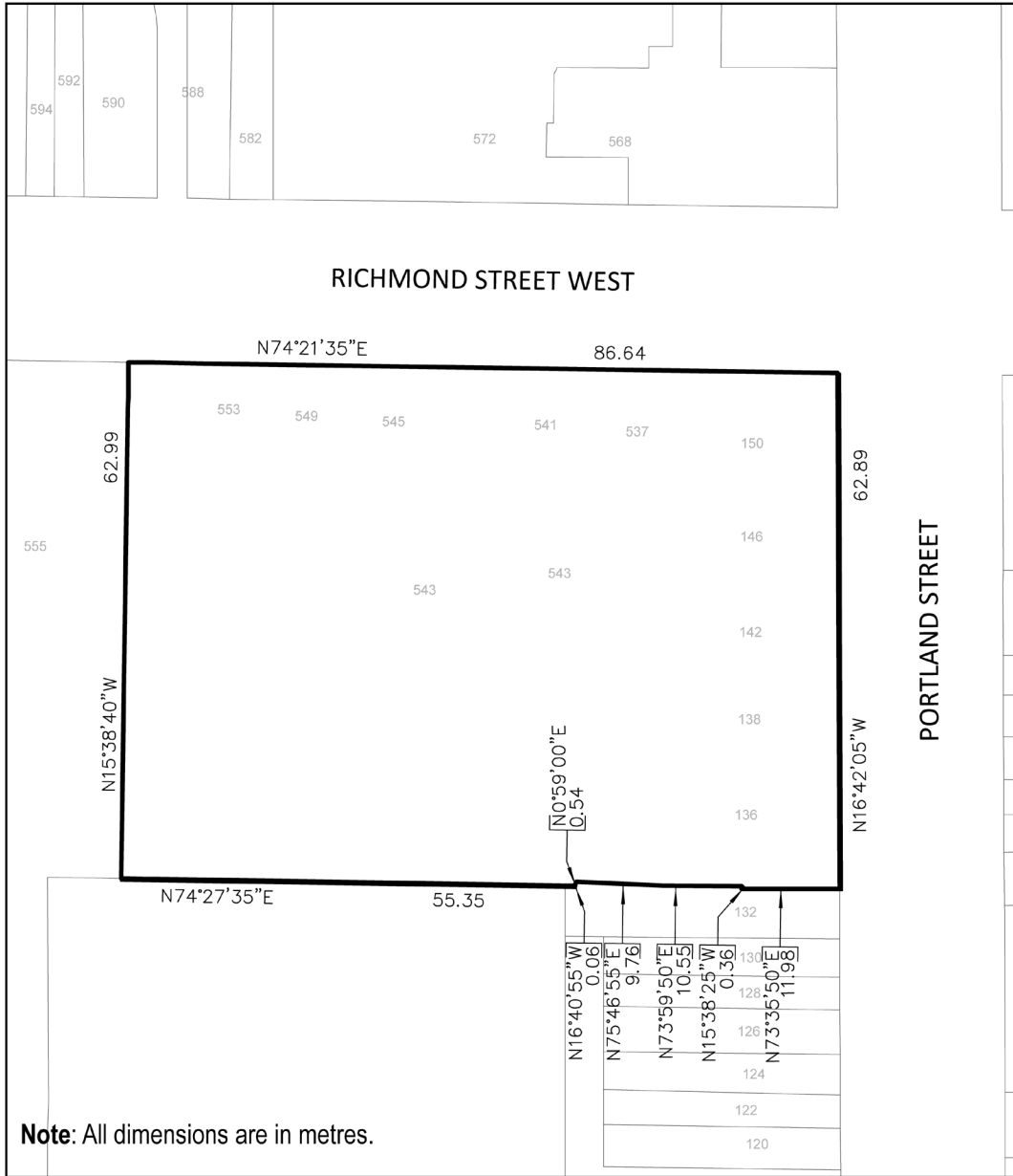
- i. Parapets, terrace or balcony guardrails, balustrades, dividers or railings, trellises, privacy screens, roof access hatch, window washing equipment, lightning rods, garbage chute overruns, elements of a green roof, light fixtures, structures located on the roof used for outside or open air recreation, safety or wind protection purposes, which may project to a maximum of 2.0 metres;
  - ii. Elements of a roof assembly, elements of a green roof and parapets which may project 0.5 metres over the height of the mechanical penthouse; and
  - iii. Elevator overrun, which may project 1.1 metres over the height of the mechanical penthouse;
- 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, with the exception of the following:
- i. Cornices, eaves, light fixtures, window sills, ventilation shafts, balustrades, railings, stair enclosures, stairs, planters, screens, underground garage ramp and associated structures, retaining walls, stairs and stair enclosures, which may project to a maximum of 0.5 metres;
  - ii. Balconies and terraces which may project to a maximum of 2.0 metres; and
  - iii. Canopies which may project to a maximum of 3.0 metres;
- g. *parking spaces* for residential and non-residential uses on the *lot* shall be provided and maintained in accordance with the following minimum requirements:
- i. A minimum of 0.36 parking spaces per *dwelling unit* for residents;
  - ii. A minimum of 0.08 parking spaces per *dwelling unit* for residential visitors; and
  - iii. No parking spaces shall be provided on the *lot* for non-residential uses;
- h. *bicycle parking* for residential and non-residential uses on the *lot* shall be provided and maintained in accordance with the following minimum standards:
- i. A minimum of 0.9 bicycle *parking space – occupant* per *dwelling unit* shall be provided for residents;

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- ii. A minimum of 0.1 *bicycle parking spaces – visitor per dwelling unit*, shall be provided for residential visitors;
  - iii. A minimum of 0.2 *bicycle parking spaces – occupant* for each 100 square metres of *non-residential gross floor area*;
  - iv. A minimum of 3 plus 0.3 *bicycle parking spaces – visitor* for each 100 square metres of *non-residential gross floor area*; and
  - v. All indoor *bicycle parking spaces* shall be limited to the ground floor level and the P1 level of the below-grade garage; and
- i. a minimum of one *loading space – type "G"*, one *loading space – type "B"*, and one *loading space – type "C"* shall be provided and maintained on the *lot*.
6. For the purposes of this By-law, each word or expression in italics type shall have the same meaning as each such word or expression as defined in Section 2 of By-law 438-86, as amended, except for the following:
- 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 bicycles are to be parked in a horizontal position, 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 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 parked 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 to be subject to the dimensions outline 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 bicycles are to be parked in a horizontal position, 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 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. In the case of a *staked bicycle parking space*, 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 1.2 metres;
  - c. *grade* shall mean 90.42 metres in Canadian Geodetic Datum;
  - d. *height* shall mean the vertical distance between grade and the highest point of the building to structure, except for those elements otherwise expressly permitted in this By-law;
  - e. *lot* means the parcel of land outlined by the heavy lines on Map 1 attached to and forming part of this By-law;
  - f. *residential gross floor area* shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level. The gross floor area of the *apartment building* is reduced by the area in the building used for:
    - i. Parking, loading and bicycle parking below-ground;
    - ii. Commercial parking area;
    - iii. *Loading spaces* and *bicycle parking spaces* at the ground level;
    - iv. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
    - v. Shower and change facilities required by this By-law for required *bicycle parking spaces*;
    - vi. *Residential amenity space* required by this By-law;
    - vii. Elevator shafts;
    - viii. Garage shafts;
    - ix. Mechanical penthouse; and
    - x. Exit stairwells in the building; and
  - g. *sales office* means a building, structure or facility on the *lot* used exclusively for the initial sale and/or initial leasing of *dwelling units* or non-residential gross floor area uses to be erected on the *lot*.
7. None of the provisions of By-law 438-86, as amended, shall apply to prevent a *sales office* on the *lot*.

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. The issuing of building permits with respect to the lands to which this By-law applies shall be dependent upon the owner satisfying the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of certain facilities, services or matters.
10. 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.

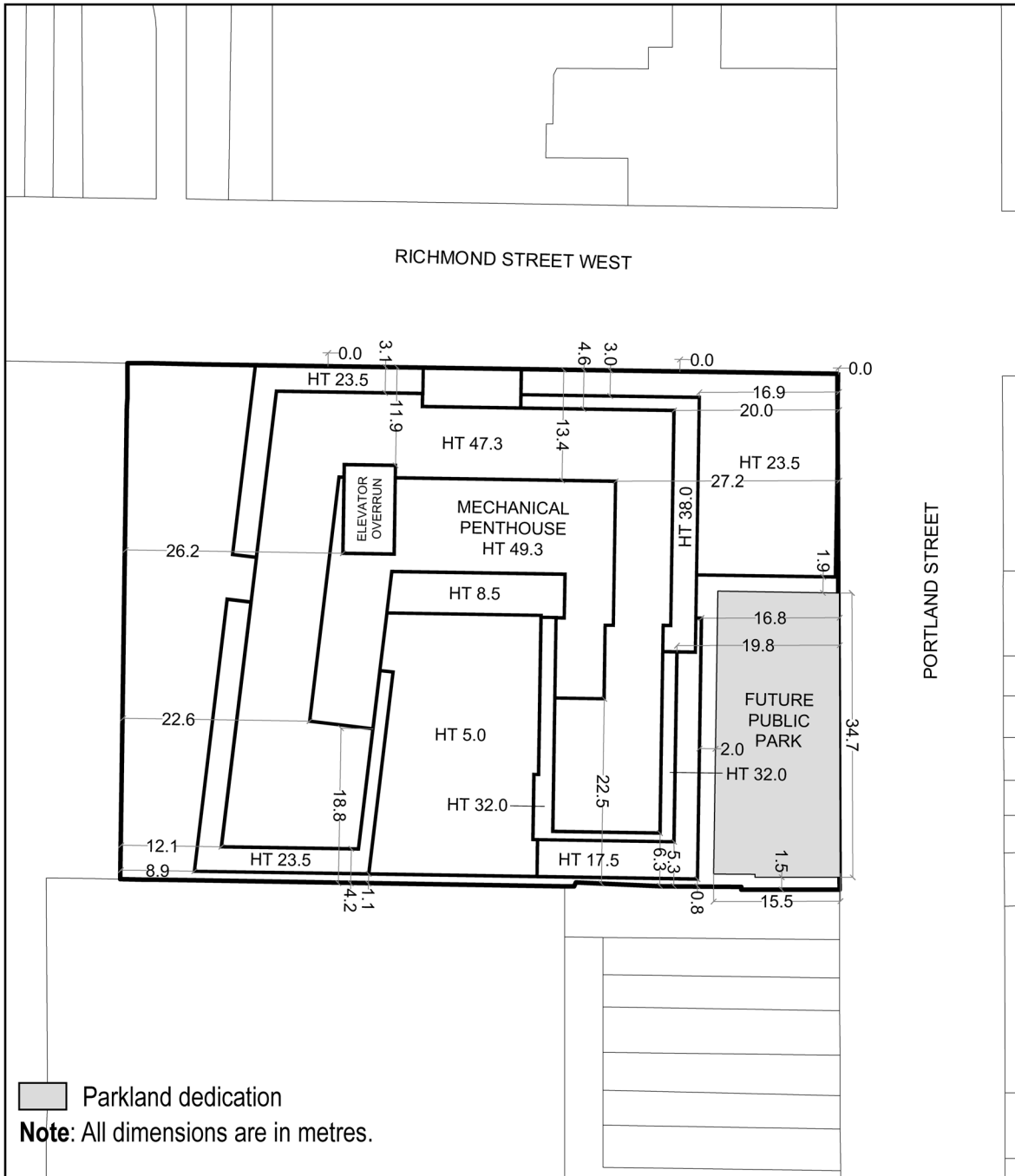
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**543 - 553 Richmond Street West**

File # 14 267424 STE 20 0Z





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**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 on Map 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 for the development, the owner shall provide to the City a cash contribution in the amount of \$550,000.00 for the following community services and facilities:
  - a. \$444,000.00 (80 percent) for the construction of the YMCA project at 505 Richmond Street West;
  - b. \$55,000.00 (10 percent) for the provision of new affordable rental housing units as part of the Alexandra Park revitalization in Ward 20, to be directed to the Capital Revolving Fund for Affordable Housing; and
  - c. \$55,000.00 (10 percent) for capital improvements to existing rental housing units provided by Toronto Community Housing Corporation in Ward 20.
2. In the event the necessary monies for the YMCA project at 505 Richmond Street West have been provided in advance of the building permits and the Section 37 payment for this project, the cash contribution referred to in 1(a) above may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
3. In the event the cash contributions referred to in 1(b) and (c) above have 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, City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
4. A minimum of 10 percent of the total number of dwelling units shall be three-bedroom or larger, in compliance with the Ontario Building Code.
5. Of the total amount of indoor and outdoor amenity space required to be provided pursuant to this By-law, a minimum of 21 square metres of outdoor amenity space and a minimum of 15 square metres of indoor amenity space shall be provided towards the provision of dog amenity space, with the exact location to be determined between the owner and the City.