

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 1615-2019(LPAT)

To amend Zoning By-law 569-2013, 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 Diagram 1 attached hereto applied for a zoning by-law amendment for the redevelopment of the lands shown on Diagram 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 Zoning By-law 569-2013 with respect to lands known municipally in the year 2018 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 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 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 (hereinafter referred to as the "*City*"); and

Therefore, By-law 569-2013, of the City of Toronto, as amended, is further amended by the Local Planning Appeal Tribunal 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 569-2013, Chapter 800 Definitions.

3. Zoning By-law 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 (x22), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number 22 so that it reads:

Exception CRE 22

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:

- (A) On the lands municipally known as 543-553 Richmond Street West, if the requirements of Section 5 and Schedule A of By-law 1615-2019(LPAT) are complied with, none of the provisions of regulations 50.10.40.30(1), 50.10.40.80 (1) to (3), 50.10.90.40.(1), 200.15.1.5(1), 600.10 and 600.10.10 apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in compliance with the following:
- (B) Despite regulation 50.5.40.40, the total **gross floor area** of all buildings and structures on the lot must not exceed 37, 500 square metres and:
 - (i) the residential **gross floor area** must not exceed 35,750 square metres; and
 - (ii) the non-residential **gross floor area** must not exceed 1,750 square metres;
- (C) The maximum number of **dwelling units** is 485;
- (D) Height is measured from the Canadian Geodetic Datum elevation of 90.42 metres;
- (E) A minimum of 10 percent of the dwelling units must be 3-bedroom units;
- (F) Despite regulation 50.10.40.10(1), no portion of a **building** or **structure** on the **lot** may have a height greater than the height limits specified by the numbers in metres following the symbol H on Diagram 3 of By-law 1615-2019(LPAT):
- (G) Despite regulation 50.5.40.10 and (F) above, the following elements of a **building** may exceed the maximum permitted height as follows:
 - (i) 2.0 metres for 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;

- (ii) 0.5 metres above the height of the mechanical penthouse for elements of a roof assembly, elements of a **green roof** and parapets; and
 - (iii) 1.1 metres above the height of the mechanical penthouse for an elevator overrun;
- (H) Despite regulations 50.10.40.70(1) and 50.10.40.60, no portion of any **building** or **structure** erected above the Canadian Geodetic Datum elevation of 90.42 metres is located otherwise than wholly within the areas shown on Diagram 3 of By-law 1615-2019(LPAT);
- (I) Despite (H) above, the following elements of a **building** may encroach into a required **building setback** as follows to a maximum of:
 - (i) 0.5 metres for 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, wheel chair ramps and which may project to a maximum of 0.5 metres;
 - (ii) 2.0 metres for balconies and terraces; and
 - (iii) 3.0 metres for canopies;
- (J) Despite regulation 200.5.10.1, **parking spaces** for residential and non-residential uses on the **lot** must be provided and maintained in accordance with the following:
 - (i) a minimum of 0.36 **parking spaces** for each **dwelling unit** for residents;
 - (ii) a minimum of 0.08 **parking spaces** for each **dwelling unit** for residential visitors; and
 - (iii) no **parking spaces** are required for non-residential uses;
- (K) Despite regulation 200.15.10, a minimum of 8 **accessible parking spaces** must be provided;
- (L) Despite regulation 230.5.10.1, all indoor **bicycle parking spaces** must be limited to the ground floor and P1 level of the **building**;
- (M) Despite regulation 230.5.1.10(4)(C), **staked bicycle parking spaces** staked horizontally must have the following minimum dimensions:
 - (i) a minimum width of 0.6 metres;
 - (ii) a minimum length of 1.8 metres; and

- (iii) a minimum vertical clearance of 1.2 metres;
- (N) Despite regulation 220.5.10.1, a minimum of one Type "G" **loading space**, one Type "B" **loading space**, and one Type "C" **loading space** must be provided and maintained on the **lot**;
- (O) Despite any existing or future severance, partition, or division of the **lot**, shown on Diagram 2 of By-law 1615-2019(LPAT), the provisions of this By-law applies to the whole **lot** as if no severance, partition or division occurred;

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

5. Section 37 Provisions

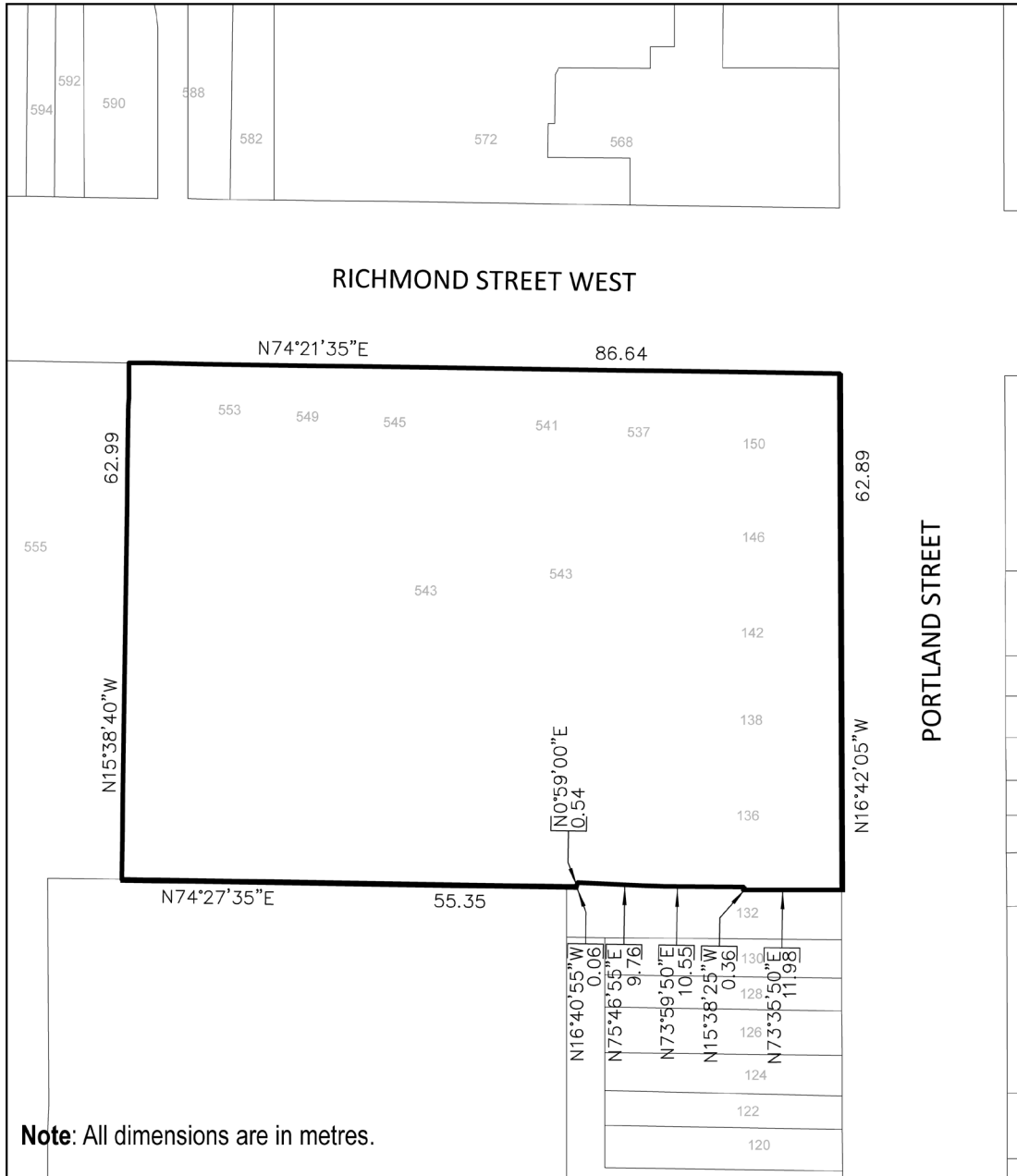
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities,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

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

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:

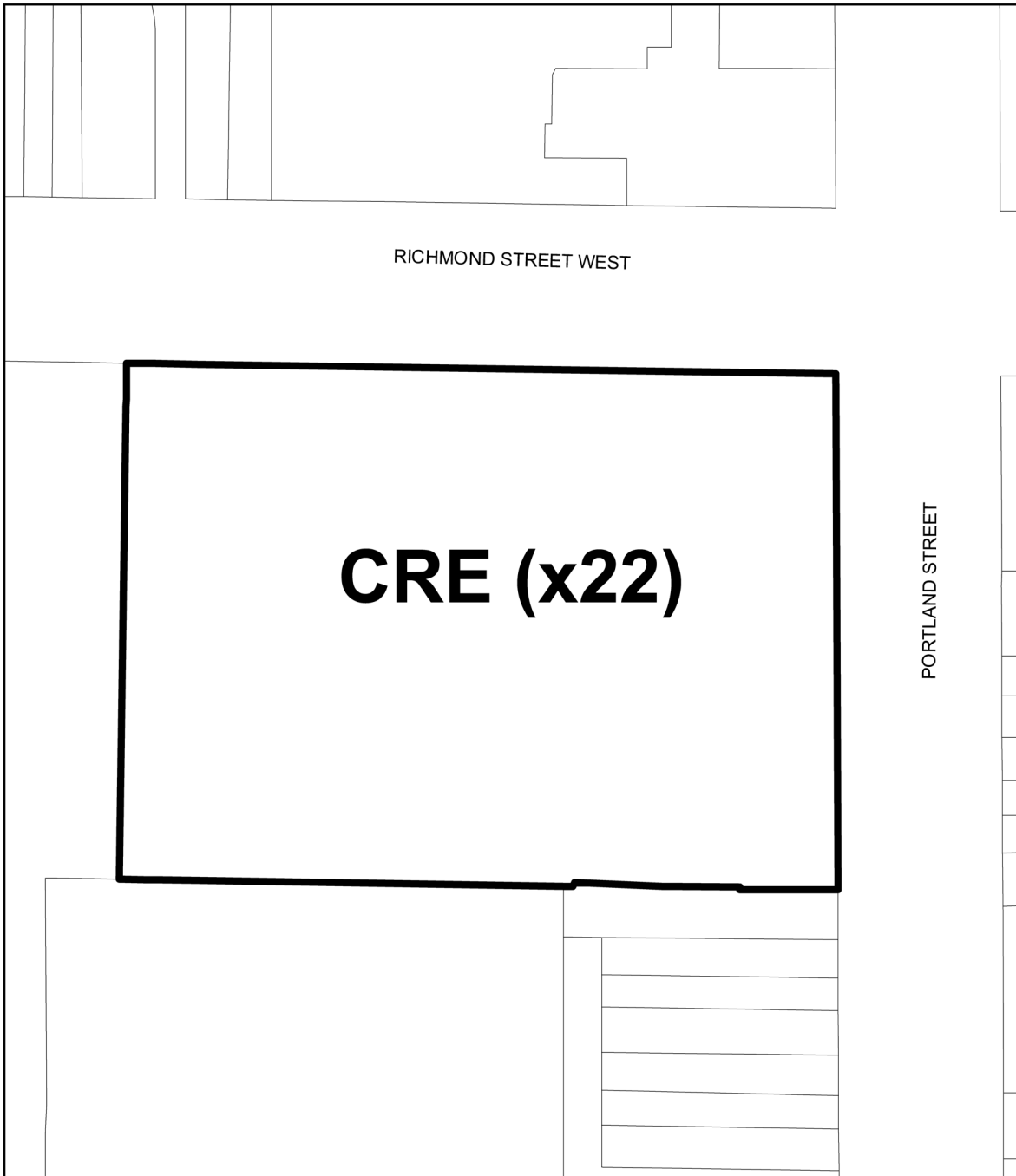
1. Prior to issuance of an above grade building permit, the owner shall provide a cash contribution in the amount of \$550,000.00 to be used towards local improvements in the vicinity of the lands to be determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Non-Residential Construction Price Index, calculated from the date of the Section 37 Agreement to the date the payment is made.
2. In the event the financial contributions referred to in (1) above have not been used for the intended purpose within 3 years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose at the sole discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
3. A minimum of ten (10) percent of the total number of units shall be three bedrooms or larger, in compliance with the Ontario Building Code.
4. Of the total amount of indoor and outdoor amenity space to be provided pursuant to this By-law, a minimum of 21.00 square metres of outdoor amenity space and a minimum of 15.00 square metres of indoor amenity space shall be provided towards the provision of dog amenity space, with the exact location to be determine between the owner and the City.



TORONTO
Diagram 1

543 - 553 Richmond Street West

File # 14 267424 STE 20 OZ



 **TORONTO**
Diagram 2

543 - 553 Richmond Street West

File # 14 267424 STE 20 0Z

