

Authority: Local Planning Appeal Tribunal Decision
issued March 21, 2018 and Order issued March 6, 2020 in
Tribunal Case PL160081

CITY OF TORONTO

BY-LAW 1007-2020(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2020 as 452-458 Richmond Street West

Whereas the Ontario Municipal Board (now the Local Planning Appeal Tribunal), pursuant to its decision in respect of Tribunal Case PL160081 issued March 21, 2018 and pursuant to its Order in respect of Tribunal Case. PL160081 issued March 6, 2020, upon hearing an appeal under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 438-86, as amended, for the former City of Toronto with respect to lands municipally known as 452-458 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 permitted beyond that otherwise permitted on the aforesaid lands by Zoning 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 which is secured by one or more agreements between the owner of the land and the City of Toronto;

By-law 438-86, as amended, of the former City of Toronto is further amended by the Local Planning Appeal Tribunal 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*", "*residential amenity space*", "*residential gross floor area*" and "*non-residential gross floor area*" and Sections 4(2)(a), 4(5)(b), 4(12), 4(13)(a), (c) and (d), 4(14), 4(16), 4(17)(a), 4(17)(e), 7(3) Part II 1(i), 7(3) Part II 3, 7(3) Part II 7(E), 7(3) Part II 8(ii), 7(3) Part III 2 and 12(2) 246(a), 12(2) 246(e), 12(2) 380 of By-law 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:

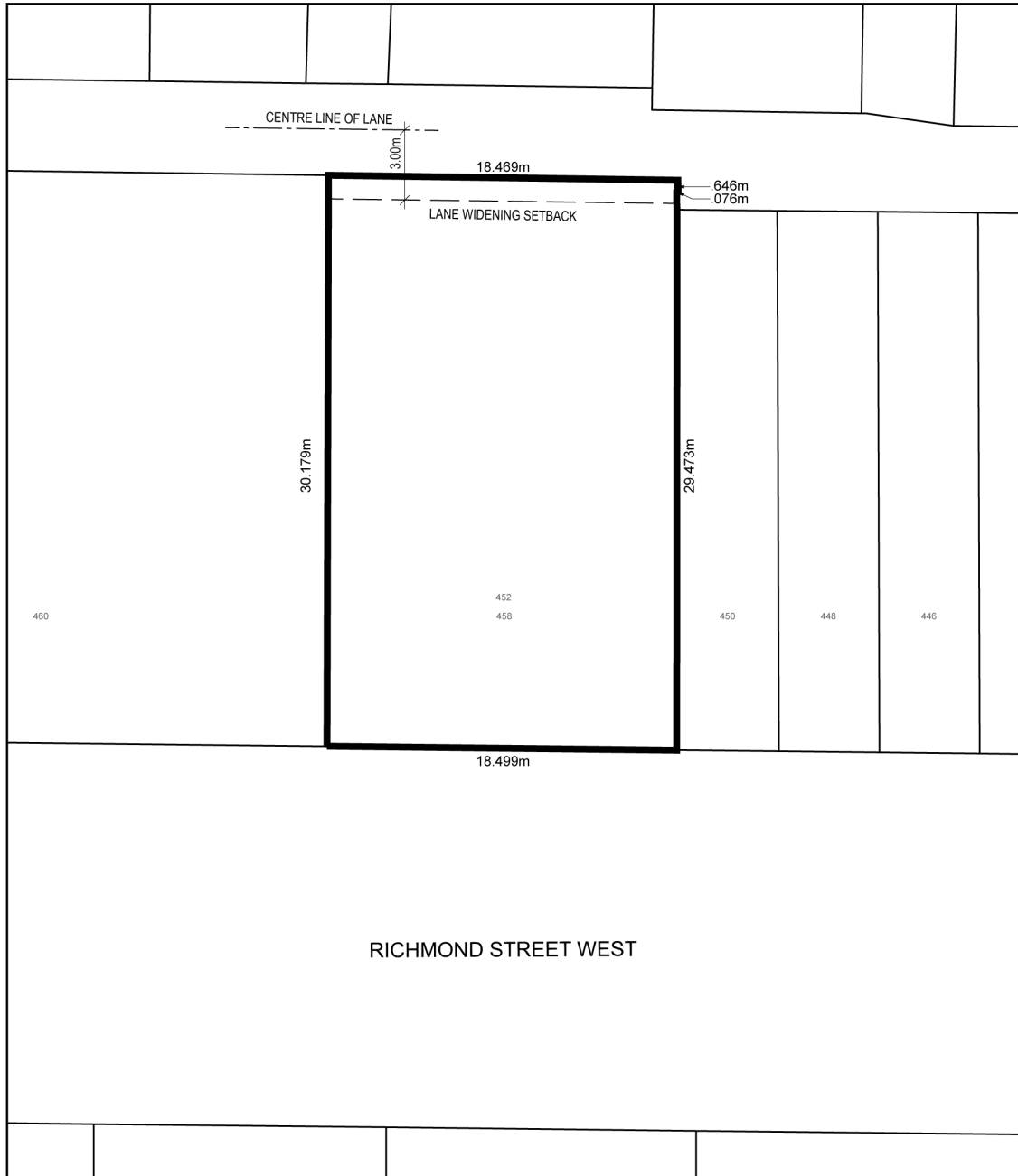
- (a) the *lot* on which the building is to be located comprises at least the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
- (b) the total *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 7,650 square metres, provided:
 - (i) the *residential gross floor area* does not exceed 7,250 square metres; and
 - (ii) the *non-residential gross floor area* does not exceed 430 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 with the exception of the following:
 - (i) awnings, building cornices, lighting fixtures, ornamental elements, lightning rods, trellises, eaves, window sills, guardrails, balustrades, railings, balconies, terraces, stairs, stair enclosures, wheel chair ramps, landscape and green roof elements, partitions dividing outdoor recreation areas, wind mitigation and public art elements, air intakes, vents and ventilating equipment, chimney stacks, exhaust flues and garbage chute overruns may be a maximum of 2.1 metres;
 - (ii) window washing equipment may exceed the maximum height by 3 metres;
 - (iii) parapets, roof finishes, roof assembly, landscape and green roof elements may exceed the maximum height by 1.2 metres; and
 - (iv) no balconies shall be permitted above a height of 39 metres within the area shown as Balcony Zone A on Map 2 attached hereto;
- (d) no portion of a building or structure to be erected on the *lot* above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following:
 - (i) awnings, building cornices, window washing equipment, lighting fixtures, ornamental elements, parapets, roof finishes, roof assembly, trellises, eaves, window sills, terraces, stairs, stair enclosures, wheel chair ramps, partitions dividing outdoor recreation areas, wind mitigation, air intakes, vents and ventilating equipment and exhaust flues;
 - (ii) canopies may have a depth of 1.5 metres;
 - (iii) guardrails, balustrades, railings, balconies may have a depth of 2.1 metres;

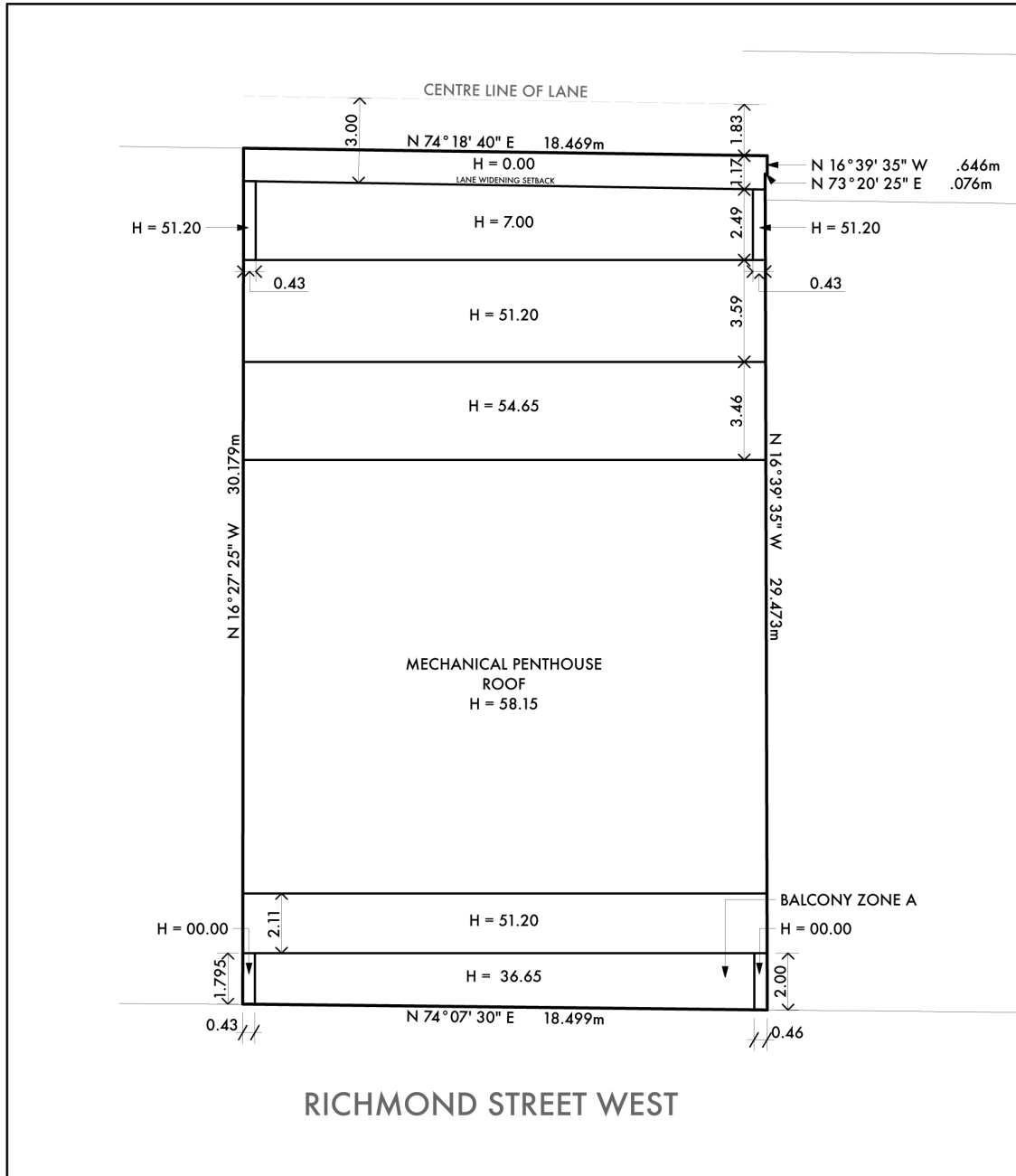
- (e) *residential amenity space* is provided in accordance with the following:
- (i) a minimum of 75 square metres of outdoor *residential amenity space*; and
 - (ii) a minimum of 260 square metres of indoor *residential amenity space* must be located in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom;
- (f) a minimum of 2 *parking spaces* shall be provided for residential uses on the *lot*;
- (g) a minimum of 1 *parking space* shall be provided for short-term delivery and service vehicles on the *lot*;
- (h) a minimum of 1 *car-share parking space* shall be provided on the *lot*;
- (i) no *parking spaces* shall be required for non-residential uses or visitors to the residential uses;
- (j) the minimum dimensions of a *parking space*, except for a *car-share parking space* shall be:
- length 5.6 metres;
 - height 2.0 metres;
 - width 2.6 metres;
- (k) the minimum dimensions of a *car-share parking space* shall be:
- length 5.2 metres;
 - height 2.0 metres;
 - width 2.6 metres;
- (l) a minimum of 127 *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) a minimum of 113 *bicycle parking spaces – occupant*, shall be provided; and
 - (ii) a minimum of 14 *bicycle parking spaces – visitor* shall be provided;
- (m) one *loading space – type C* shall be provided and maintained on the *lot*.
2. None of the provisions of By-law 438-86 of the former City of Toronto shall apply to prevent the erection or use of a temporary *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 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 bicycle rack or a room with bicycle racks 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) "*car share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a car-sharing vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven;

- (d) "*car-share parking space*" means a parking space exclusively for a car used only for car--sharing purposes;
 - (e) "*grade*" means 90.95 metres Canadian Geodetic Datum;
 - (f) "*height*" means the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;
 - (g) "*lot*" means the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (h) "*residential amenity space*" means 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;
 - (i) "*residential gross floor area*" and "non-residential gross floor area" shall be calculated in accordance with the applicable deductions in By-law 569-2013; and
 - (j) "*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 Lands 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 subsection 37(3) of the Planning Act that are in a form satisfactory to the City Solicitor and registered on title to the Lands.
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 438-86, as amended, shall continue to apply to the *lot*.

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452-458 Richmond Street West

File # 15 223802 STE 20 0Z

Schedule A
Section 37 Provisions

The facilities, services and matters set out below are the matters 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 a registered agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the City whereby the owner agrees as follows:

1. Prior to the issuance of the first above-grade building permit, the owner of the lands shall provide to the City an indexed cash contribution in the amount of \$300,000.00, which shall be directed in whole or in part toward specific capital facilities for community services and facilities in the vicinity of the *lot*, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. In the event the cash contributions referred to in Section 1, 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 contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.