

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

CITY OF TORONTO

BY-LAW 1008-2020(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to 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 No. PL160081 issued March 21, 2018 and pursuant to its Order in respect of Tribunal Case No. PL160081 issued March 6, 2020, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 569-2013, as amended, for the 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 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 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, 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 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;

By-law 569-2013, as amended, of the City of Toronto 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 and forming 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 (x24), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number 24 so that it reads:

Exception CRE x24

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 452-458 Richmond Street West, if the requirements of Clause 5 and Schedule A of By-law 1008-2020(LPAT) are complied with, clause 50.10.40.10 does not apply to prevent the erection or use of a **building** or **structure**, addition, or enlargement permitted in compliance with (B) to (P) below;
- (B) Despite Regulation 50.5.40.10(1), height is measured from the Canadian Geodetic Datum elevation of 90.95 metres and the elevation of the highest point of the **building**;
- (C) Despite Clause 50.5.40.10, no portion of any **building** or **structure** can exceed those heights in metres above ground as indicated by numbers following the letters HT on Diagram 3 of By-law 1008-2020(LPAT) excluding 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 are permitted above a height of 39 metres within the area shown as Balcony Zone A on Diagram 3 of By-law 1008-2020(LPAT).
- (D) Despite Clauses 50.10.40.60, 50.10.40.70 and 50.10.40.80 no portion of any **building** or **structure** above-ground is located other than wholly within the areas delineated by heavy lines on Diagram 3 of By-law 1008-2020(LPAT) with 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; and
 - (iii) guardrails, balustrades, railings, balconies may have a depth of 2.1 metres.
- (E) The permitted maximum **gross floor area** is 7,650 square metres, of which:
- (i) a maximum of 7,250 square metres of **gross floor area** is for residential uses; and
 - (ii) a maximum of 430 square metres of **gross floor area** is for non-residential uses.
- (F) Despite Regulation 50.10.40.50(1), **amenity space** must be provided in accordance with the following:
- (i) a minimum of 260 square metres of indoor **amenity space** must be located in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom and may include a guest suite.; and
 - (ii) a minimum of 75 square metres of outdoor **amenity space**;
- (G) Despite Regulations 200.5.10.1(1) and (6), **parking spaces** must be provided in accordance with the following:
- (i) A minimum of two **parking spaces** for residents of the **mixed-use building**;
 - (ii) A minimum of one **parking space** to be used for car share must be provided; and
 - (iii) A minimum of one short-term delivery/service vehicle **parking space** must be provided.
- (H) Despite Clause 200.5.10.1, **parking spaces** are not required for non-residential uses or visitors to the residential uses.
- (I) Despite Section 200.15, accessible **parking spaces** are not required.
- (J) Despite Regulations 200.5.1.10(2)(B) (i), (ii) and (iii) and (D), the minimum dimensions of a **parking space**, except for a **parking space** used for car-share are:

- (i) Length 5.6 metres;
 - (ii) Height 2.0 metres; and
 - (ii) Width 2.6 metres.
- (K) Despite Regulations 200.5.1.10(2)(B) (i), (ii) and (iii) and (D), the minimum dimensions of a **parking space** used for car-share are:
- (i) Length 5.2 metres
 - (ii) Height 2.0 metres; and
 - (iii) Width 2.6 metres.
- (L) Despite Regulation 230.5.10.1(1) and 230.5.10.1(5), a minimum of 127 **bicycle parking spaces** must be provided in accordance with the following:
- (i) A minimum of 14 short-term **bicycle parking spaces** for visitors to the **dwelling units**;
 - (ii) A minimum of 113 long-term **bicycle parking spaces** for occupants of the **dwelling units** and may be located at grade or on the lower levels; and
 - (iii) Both long-term **bicycle parking spaces** and short-term **bicycle parking spaces** may be located in **stacked bicycle parking spaces**.
- (M) Despite Regulation 220.5.10.1, one Type C **loading space** is required.
- (N) Despite Regulation 230.50.10.20(1) a **bicycle parking space** for a **dwelling unit** may be located in a storage locker.
- (O) Section 600.10, with respect to tall building setbacks, does not apply.
- (P) Despite Regulation 230.5.1.10(9)(B)(iii), respecting the location of bicycle parking spaces for a dwelling unit, does not apply.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2)270 of former City of Toronto By-law 438-86

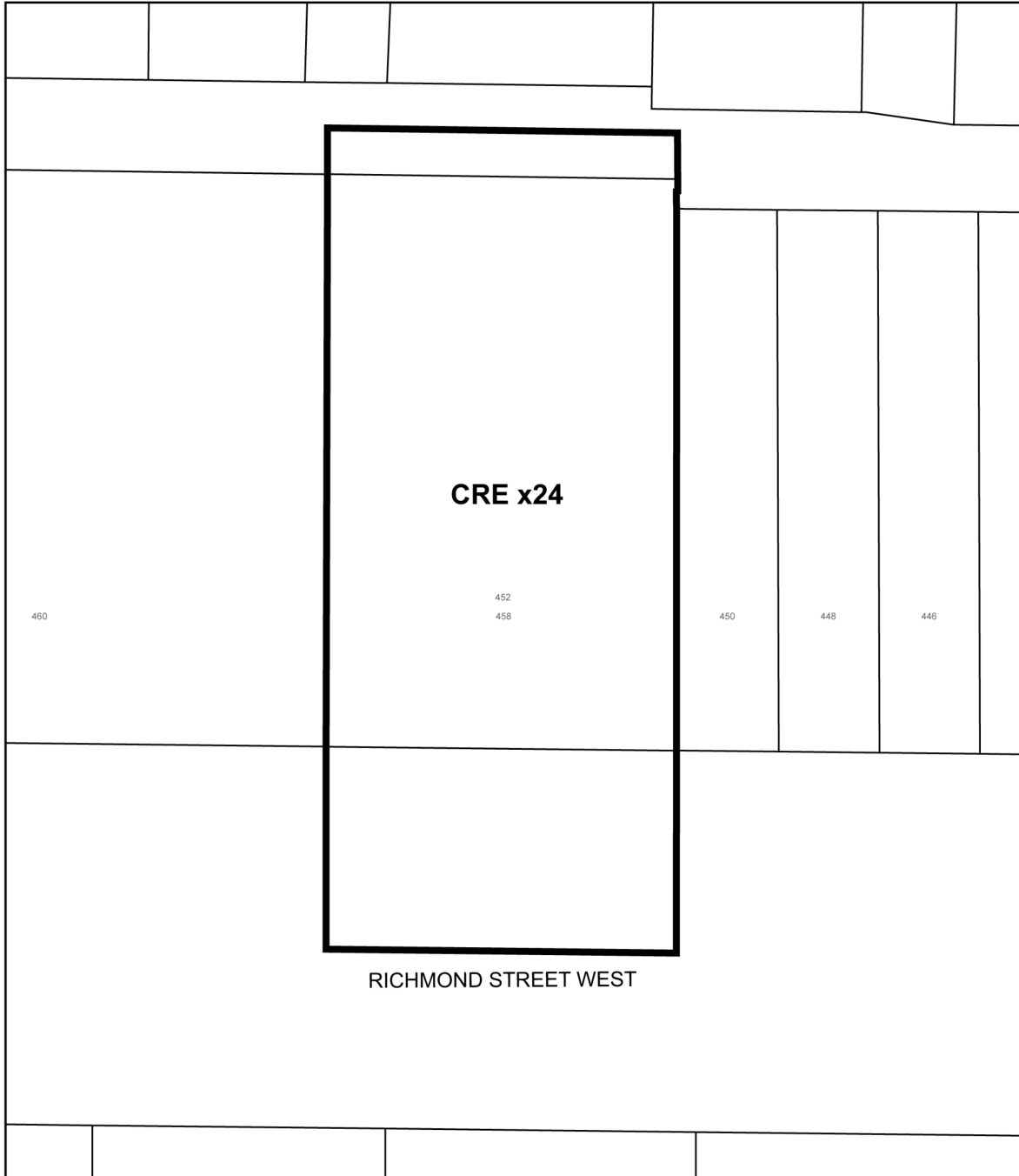
5. Section 37 Provisions:

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and/or 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 lot, 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.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

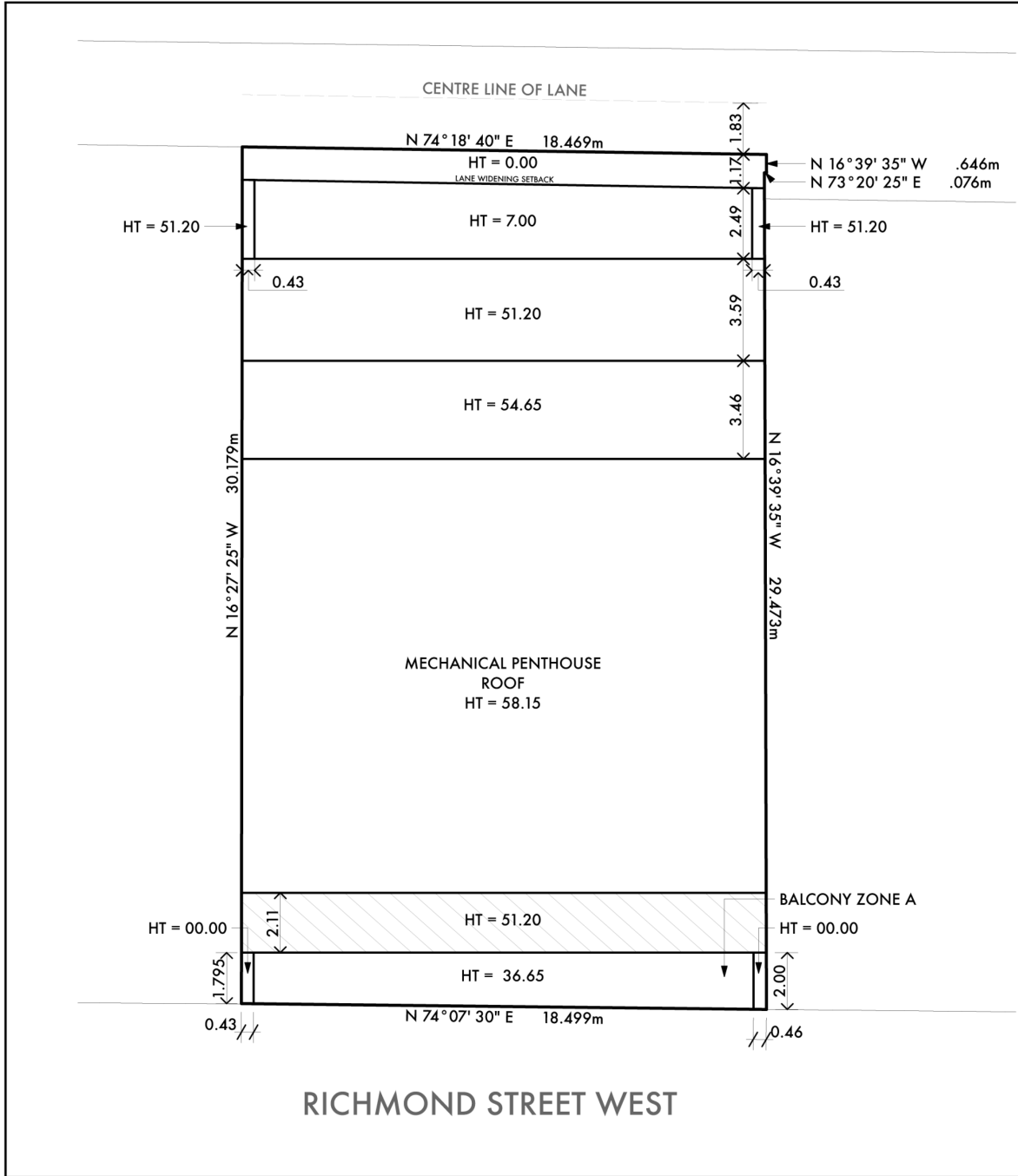
Local Planning Appeal Tribunal Decision issued March 21, 2018 and Order issued March 6, 2020 in Tribunal Case PL160081.



 **TORONTO**
Diagram 2

452-458 Richmond Street West

File # 15 223802 STE 20 0Z



TORONTO
Diagram 3

452-458 Richmond Street West

File # 15 223802 STE 20 0Z

City of Toronto By-law 569-2013
Not to Scale
4/1/2019

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 Diagram 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.