

Authority: Local Planning Appeal Tribunal Decision  
issued on July 15, 2019 and Ontario Land Tribunal Order  
issued on May 2, 2022 in File PL170832

## CITY OF TORONTO

### BY-LAW 397-2022(OLT)

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 451-457 Richmond Street West.**

Whereas the Owner of the lands in the year 2017 appealed a proposed zoning by-law amendment to the Local Planning Appeal Tribunal (now the Ontario Land Tribunal) pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Local Planning Appeal Tribunal, by its Decision issued on July 15, 2019 and Ontario Land Tribunal Order issued on May 2, 2022, determined to amend Zoning By-law 569-2013, as amended, with respect to lands known municipally as 451-457 Richmond Street West;

The Ontario Land Tribunal Orders:

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 for the lands subject to this By-law on the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: "CRE (x36)" as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.12.10 Exception 36 so it reads:

#### **Exception CRE x36**

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:

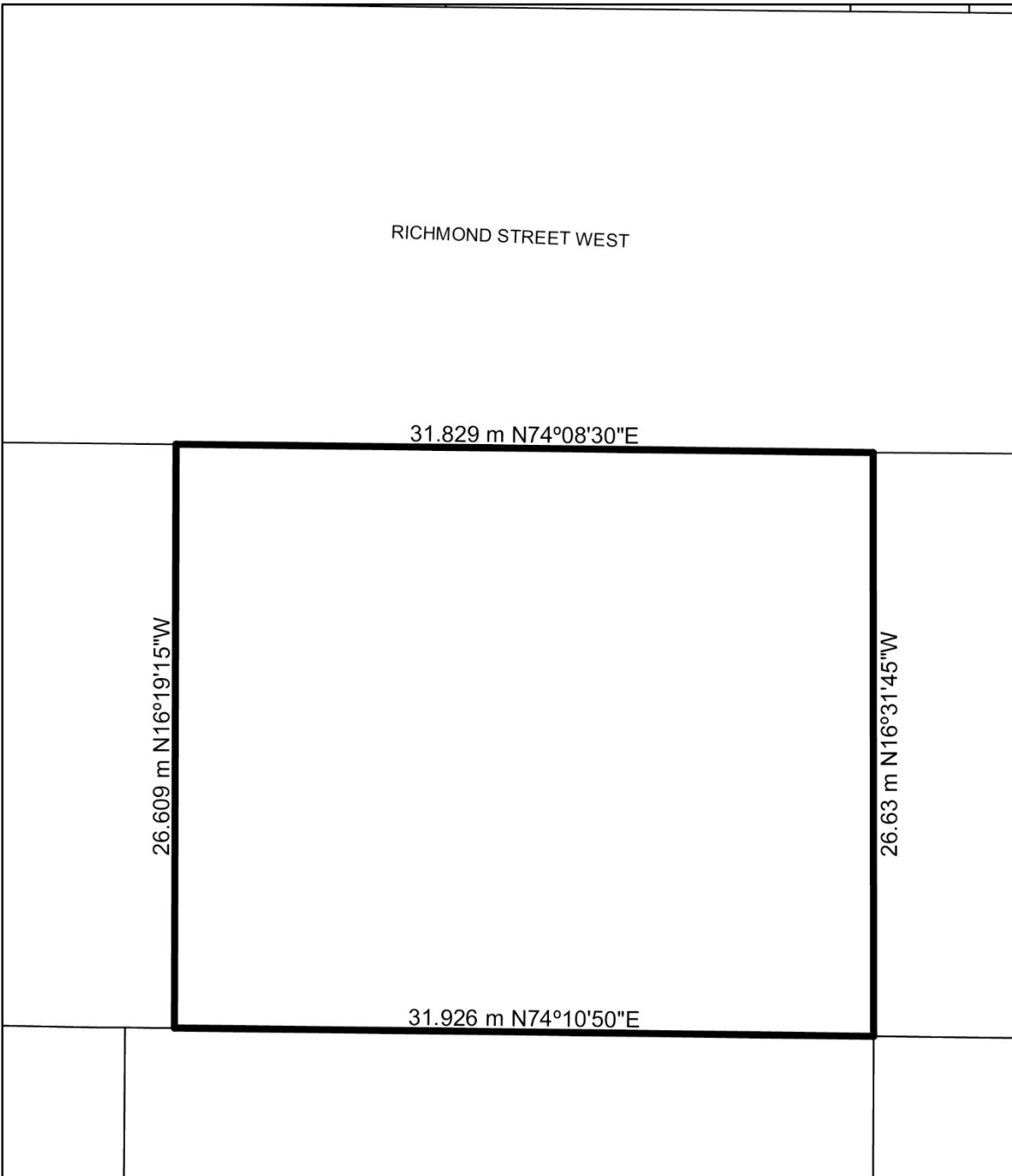
- (A) On the lands municipally known as 451-457 Richmond Street West, if the requirements of Section (B) to (T) of this By-law are complied with, a **mixed-use building** may be erected and used;
- (B) The permitted **gross floor area** of all the **buildings** or **structures** on the **lot** must not exceed 9,750 square metres, of which:

- i. the permitted maximum residential **gross floor area** is 9,655 square metres; and
  - ii. the permitted minimum non-residential **gross floor area** is 75 square metres;
- (C) A minimum of ten percent (10%) of the total number of **dwelling units** to be constructed on the **lot** must contain three or more bedrooms and have a minimum size of 70 square metres for each **dwelling unit**;
- (D) Despite Regulation 50.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 90.95 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 50.10.40.10(1), no **building** or **structure** on the **lot** may have a height greater than the height in metres specified by the number following the "HT" symbol as shown on Diagram 3 attached to By-law 397-2022(OLT);
- (F) Despite Regulations 50.5.40.10(3) and (4) and (E) above, the following elements of a **building** or **structure** may exceed above the maximum permitted height limits shown on Diagram 3 attached to By-law 397-2022(OLT) as follows:
- i. Wind screens, parapets, terrace or balcony guardrails, ornamental elements, pavers, balustrades, railings and dividers, pergolas, trellises, planters, eaves, privacy screens, stair enclosures, skylights, mechanical and architectural screens, access hatches, roof assemblies, roof drainage, chimneys, vents, lightning rods, light fixtures, pavers, elements of a **green roof, structures** located on the roof used for outside or open air recreation, chillers, air vents and exit hatch, by no more than 2.0 metres;
  - ii. Window washing equipment by no more than 3.0 metres;
  - iii. Elevator overrun, by no more than 4.0 metres; and
  - iv. Despite (F)(i) above, privacy screening for the outdoor **amenity space** at the third floor level, by no more than 3.0 metres;
- (G) Despite Regulation 50.5.40.70(1), Regulations 50.10.40.70(1), (3) and (5), Regulations 50.10.40.80(1) and (3), and Regulation 600.10.10 the required minimum **building setbacks** and minimum distance between **main walls** of **buildings** must be provided as shown in metres on Diagram 3 of By-law 397-2022(OLT);
- (H) Despite Regulation 50.5.40.60(1), Regulations 50.10.40.60(1), (2), and (5) and (G) above, the following elements of a **building** may encroach into the required **building setback** or minimum distance between **main walls** of **buildings**:

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- i. Cornices, eaves, light fixtures, parapets, canopies, awnings, ornamental elements, **landscaping** features, light fixtures, trellises, window sills, ornamental elements, ventilation shafts, balustrades, guardrails, railings, wheelchair ramps, screening, stair enclosures, doors, underground garage ramp and associated **structures**, wheelchair ramps, damper, window washing equipment, up to a maximum of 0.5 metres;
  - ii. Balconies and terraces, up to a maximum of 1.5 metres, with the exception of the area identified as Balcony Zone A on Diagram 3 of By-law 397-2022(OLT) where only recessed balconies are permitted between a height of 9.0 metres and 31.0 metres above grade; and
  - iii. **Structures** used for outside or open air recreation, safety or wind protection, up to a maximum of 1.6 metres;
- (I) Despite Regulation 50.10.40.50, indoor **amenity space** must be provided at a minimum rate of 2.0 square metres for each **dwelling unit** and may be provided in a multi-purpose room or rooms, whether or not these rooms are contiguous, with at least one washroom and kitchen;
  - (J) Despite Regulation 50.10.40.50(1)(B), a minimum of 44 square metres of outdoor **amenity space** must be provided in a location adjoining or directly accessible to the indoor **amenity space**;
  - (K) Indoor **amenity space** may be provided in a multi-purpose room or rooms, whether or not these rooms are contiguous, with at least one washroom and kitchen;
  - (L) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1 **parking spaces** must be provided below ground in accordance with the following minimum ratios:
    - i. 0.18 **parking spaces** per residential **dwelling unit** for residential uses;
    - ii. no **parking spaces** are required for residential visitors; and
    - iii. no **parking spaces** are required for non-residential uses;
  - (M) Despite (L) above, the total number of **parking spaces** provided on the **lot** for residential uses may be reduced at a rate of 4 **parking spaces** for each **car-share parking space**, provided the maximum permitted reduction is calculated using the following formula:
    - i.  $4 \times (\text{total number of } \mathbf{dwelling\ units} \div 60)$ , fraction rounded down to the nearest whole number;
  - (N) Despite Regulations 220.5.1.10(1), 200.5.10.1(2), (3), (4) and (5), a minimum of one Type "G" **loading space** must be provided on the **lot**;

- (O) Despite Regulation (L) above, **parking spaces** provided on the **lot** for residential uses may be reduced at a rate of 1 **parking space** for each 5 **bicycle parking spaces** provided in excess of the minimum number of required **bicycle parking spaces** required in clause 230.5.10.1, provided the reduction is not greater than 20 percent of the total minimum **parking spaces** required;
  - (P) Despite Regulation 230.5.1.10.(4)(B), the minimum width of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is 0.45 metres;
  - (Q) Despite Regulation 230.5.1.10.(4)(C), the minimum width of a **bicycle parking space** if placed in a **stacked bicycle parking space** is 0.45 metres;
  - (R) Despite Regulation 230.5.1.10(10), a “short-term” **bicycle parking space** may be located in a **stacked bicycle parking space**;
  - (S) Despite Regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** on the **lot** and may be located in a secured room or an unsecured room; and
  - (T) For the purposes of this exception, a recessed balcony is a balcony that does not project horizontally beyond the adjacent exterior wall which is perpendicular to the direction the balcony faces, or a balcony that is inset from the exterior wall of a residential suite and does not project beyond said exterior wall.
5. Despite any severance, partition, or division of lands shown on Diagram 1, the provisions of this By-law will apply to the whole of the lands as if no severance, partition or division had occurred.

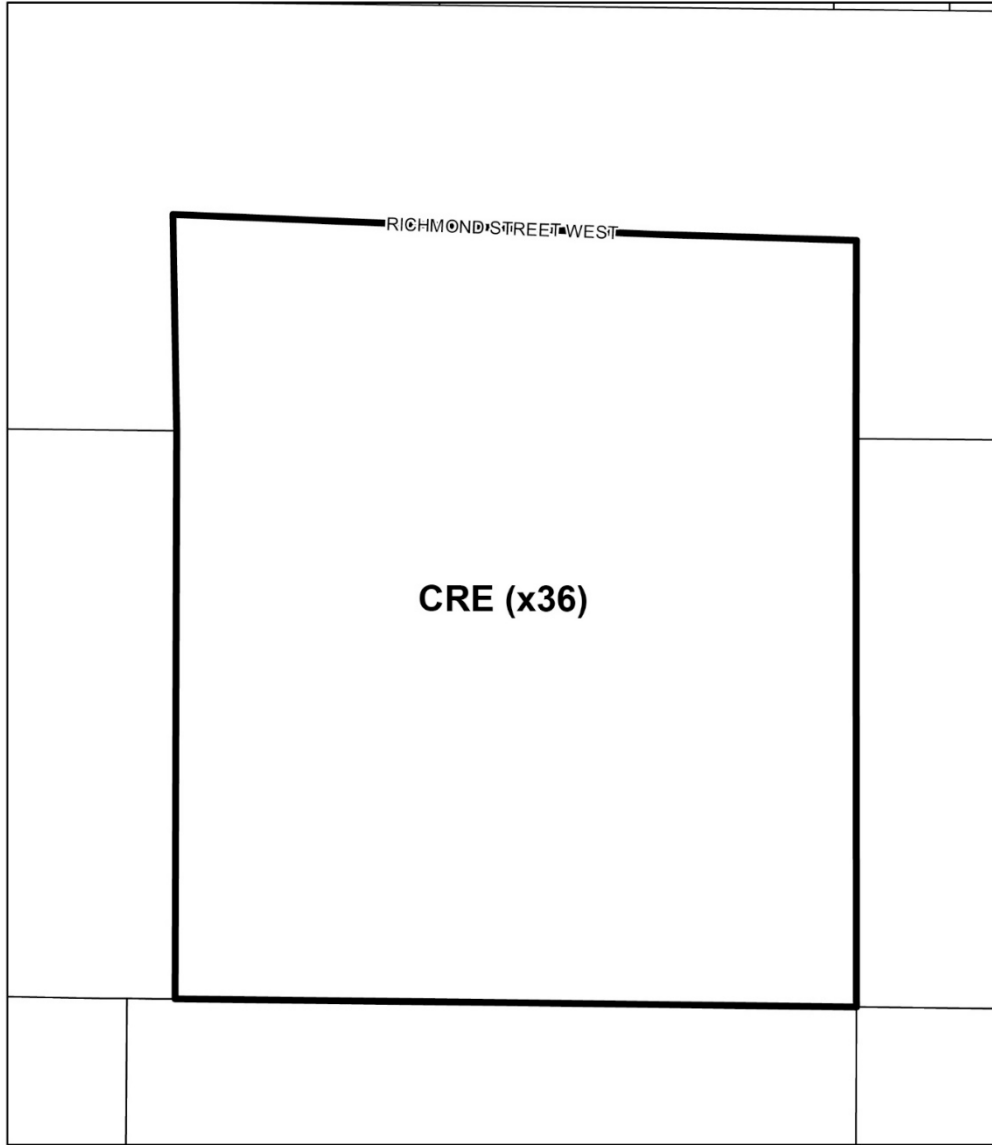
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 **TORONTO**  
Diagram 1

**451-457 Richmond Street West**

File # 16 268947 ESC 20 02



 **TORONTO**  
Diagram 2

451-457 Richmond Street West

File # 16 268947 ESC 20 0Z

