

Authority: Local Planning Appeal Tribunal Decision
issued on February 1, 2019, Order issued on January 31,
2020 and Order issued on March 5, 2020 in Tribunal File
PL171511

CITY OF TORONTO

BY-LAW 252-2020(LPAT)

To amend the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 2706-2730 Dundas Street West in the year 2019.

Whereas after hearing an appeal under Section 34(11) of the Planning Act R.S.O 1990, c.P.13, as amended, the Local Planning Appeal Tribunal, by its Decision issued on February 1, 2019, Order issued on January 31, 2020 and Order issued on March 5, 2020 in respect of Tribunal File PL171511, approved amendments to By-law 438-86, as amended, for the City of Toronto with respect to lands known municipally as 2706-2730 Dundas Street West in the year 2019;

The Local Planning Appeal Tribunal Orders:

1. None of the provisions of Sections 4(2)(a), 4(3), 4(4)(b), 4(6)(b), 4(6)(c), 4(7)(b), 4(12), 4(13), 4(14), 4(16), 4(17), 8(3) Part I, 8(3) Part II, 8(3) Part III, 8(3) Part IV 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 in various areas of the City of Toronto", as amended, shall apply to prevent the erection of a *mixed-use building* on the *lot* and uses *accessory* thereto on the lands municipally known as 2706-2730 Dundas Street West in the year 2019, provided that:
 - (a) The *lot* consists of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) The total combined residential *gross floor area* and *non-residential gross floor area* erected or used on the lot shall not exceed 14,500 square metres, subject to the following:
 - i. The *residential gross floor area* shall not exceed 14,000 square metres;
and
 - ii. The *non-residential gross floor area* shall not exceed 600 square metres;
 - (c) No portion of the building or structure erected above *grade* on the *lot* is located otherwise than wholly within the areas delineated by the heavy lines on Map 2 attached to and forming part of this By-law;
 - (d) Notwithstanding Section 1(c) of this By-law, the following elements and or structures are permitted projections into the required setback areas, to a maximum permitted projection of 2.0 metres:

- i. Balconies, cornices, lighting fixtures, window washing equipment, parapets, terraces, terrace guards, platforms ornamental or architectural elements, eaves, window sills, bay windows, guardrails, balustrades, railings, wind mitigation screens and features, planters, monuments, patios, decorative features, stair landings, supportive columns, vents, garage ramps and their associated structures, retaining walls, fences, screens, canopies, awnings, mechanical equipment, exhaust flutes or fans, wheelchair ramps, thermal insulation and landscape and public art features;
- (e) No portion of the building or structure erected above *grade* on the *lot* is located above the maximum height in metres as indicated by the numbers following the letter "H" as shown on Map 2, attached to and forming part of this by-law.
- (f) Notwithstanding Section 1(e) of this By-law, the following elements may project above or beyond the heights specified in metres by the numbers following the symbol "HT" on Map 2 of By-law 252-2020(LPAT):
 - i. Parapets, including roof drainage, roofing, thermal insulation, green roof elements and materials, and roof ballasts to a maximum vertical dimension of 1.5 metres above the height specified on Map 2 of By-law 252-2020(LPAT);
 - ii. Safety railings, wind screens, and noise barriers to a maximum vertical dimension of 2.5 metres above the height specified on Map 2 of By-law 252-2020(LPAT);
 - iii. Structures on the roof of the building used for indoor, outside or open air recreation, window washing equipment, stair towers, partitions dividing outdoor recreation areas, trellises, fences, finials, arbours, planters, walls or structures enclosing such elements, mechanical screens and equipment, lightning rods and exhaust flues and fans, landscape, lighting and public art features, signage, and operational equipment to a maximum vertical dimension of 3.5 metres above the height specified on Map 2 of By-law 252-2020(LPAT);
- (g) A minimum of 60 *parking spaces* are provided and maintained on the lot for *residential* uses;
- (h) A minimum of 2 *parking spaces* provided and maintained on the lot visitors for *residential* uses;
- (i) No parking spaces are required for the non-residential uses;
- (j) Notwithstanding any dimension requirements to the contrary, *parking spaces* may be provided within a *parking stacker*;

- (k) Notwithstanding Sections 4 (4) and 4 (17), a maximum of 2 parking spaces are permitted to be obstructed;
- (l) Notwithstanding Sections 4 (4) and 4 (17), a maximum of 2 parking spaces are permitted to be accessed from a drive aisle that is less than 6 metres in width;
- (m) Elements or equipment for the charging of electric or hybrid-electric vehicles may encroach into a *parking space* provided it encroaches no more than 0.30 metres so as to reduce the length of the *parking space*;
- (n) A *bicycle parking space* may encroach into a *parking space* provided it encroaches no more than 0.75 metres so as to reduce the length of the *parking space*;
- (o) A stacked parking space shall have the following minimum dimensions:
 - i. A minimum length of 5.0 metres;
 - ii. A minimum width of 2.4 metres;
 - iii. A minimum vertical clearance of 1.5 metres; and
 - iv. The minimum dimensions specified in i. to iii. above also apply to a maximum of 2 parking spaces that are obstructed.
- (p) Notwithstanding any dimension requirements to the contrary, *bicycle parking spaces* may be in the form of stacked *bicycle parking spaces*;
- (q) A stacked bicycle parking space shall have the following minimum dimensions:
 - i. A minimum length of 1.8 metres;
 - ii. A minimum width of 0.4 metres; and
 - iii. A minimum vertical clearance of 1.1 metres;
 - iv. Notwithstanding i. through iii. above, a stacked bicycle parking space may overlap horizontally with another stacked bicycle parking space.
- (r) One (1) loading *space – type G* shall be provided and maintained on the *lot*;
- (s) *Residential amenity space* shall be provided and maintained on the *lot* in accordance with the following:
 - i. A minimum of 200 square metres of *indoor residential amenity space*; and
 - ii. A minimum of 350 square metres of *outdoor residential amenity space*.

- (t) None of the provision of this By-law and By-law 438-86 shall apply to prevent the erection or placement of a *temporary sales office* on the lot;
- (u) For the purposes of this By-law, every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid Bylaw 438-86, as amended, with the exception of the following:
- i. "*Grade*" means 118.30 metres Canadian Geodetic Datum;
 - ii. "*Height*" means the vertical distance between *grade* and the highest point of the building or structure, subject to (c) and (e) of this By-law;
 - iii. "Parking stacker" means a mechanical motor vehicle parking facility with parking spaces which:
 - A. Are positioned above and below each other; and
 - B. May not be readily accessible at all times without maneuvering another vehicle or a device;
 - iv. "*Lot*" means those lands outlined on Map 1 attached hereto;
 - v. "*Non-residential gross floor area*" means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the non-residential portion of a *mixed-use building* at the level of each floor, but excluding:
 - A. parking, loading and bicycle parking below established grade;
 - B. parking, loading and bicycle parking at or above established grade;
 - C. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - D. shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - E. elevator shafts;
 - F. garbage shafts;
 - G. mechanical penthouse; and
 - H. exit stairwells in the building; and
 - (i) "*Residential gross floor area*" means the aggregate of the areas of each floor, measured between the exterior faces of

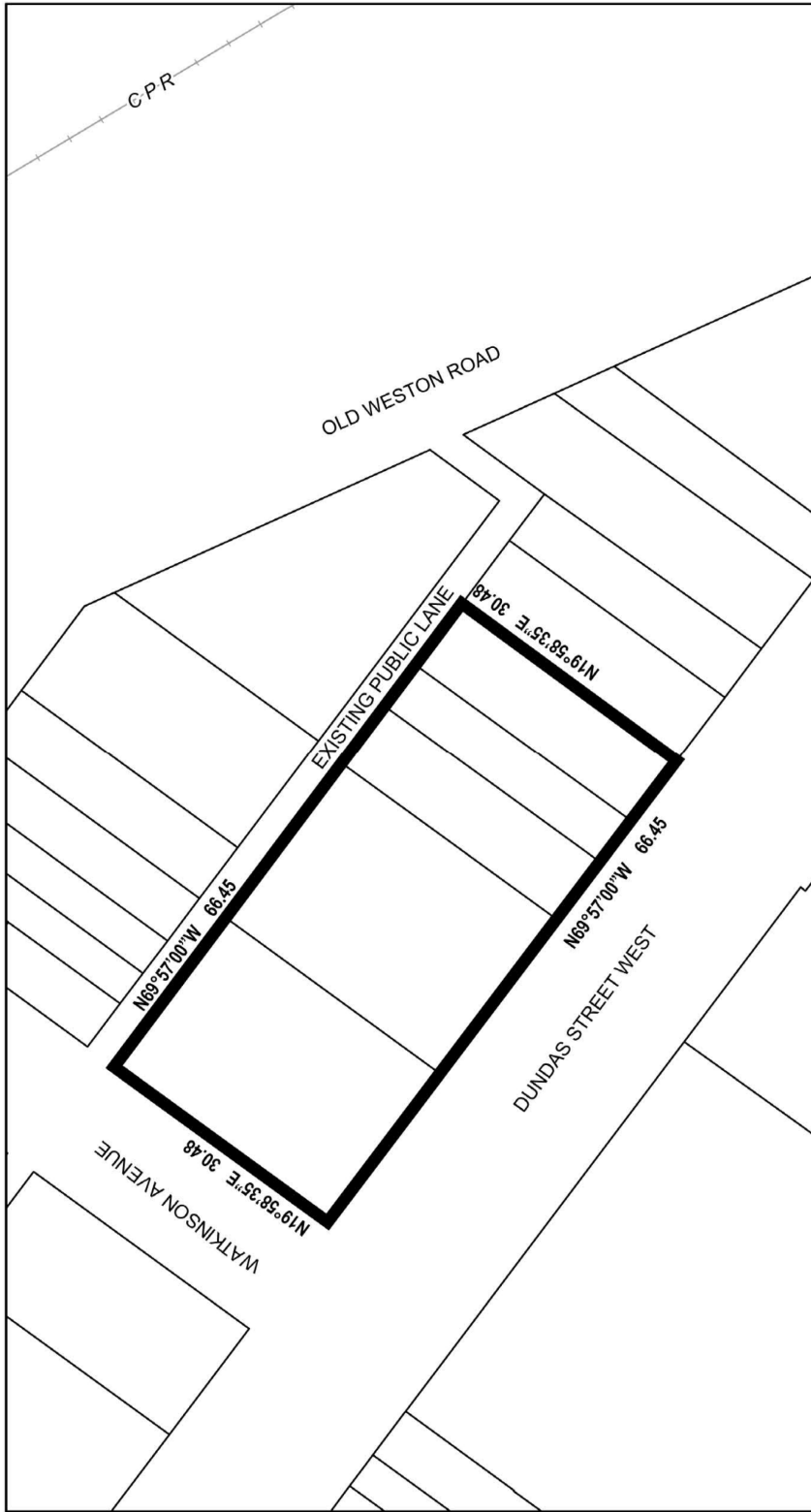
the exterior walls of the residential portion of a *mixed-use building* at the level of each floor, but excluding:

- a. *amenity space*;
- b. parking, loading and bicycle parking below established grade;
- c. parking, loading and bicycle parking at or above established grade;
- d. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- e. shower and change facilities required by this By-law for required *bicycle parking spaces*;
- f. elevator shafts;
- g. garbage shafts;
- h. mechanical penthouse;
- i. exit stairwells in the building; and
- j. voids;

- vi. *Temporary sales office* shall mean a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot* and/or the administration and management of construction activity related to construction on the *lot*.

2. 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.

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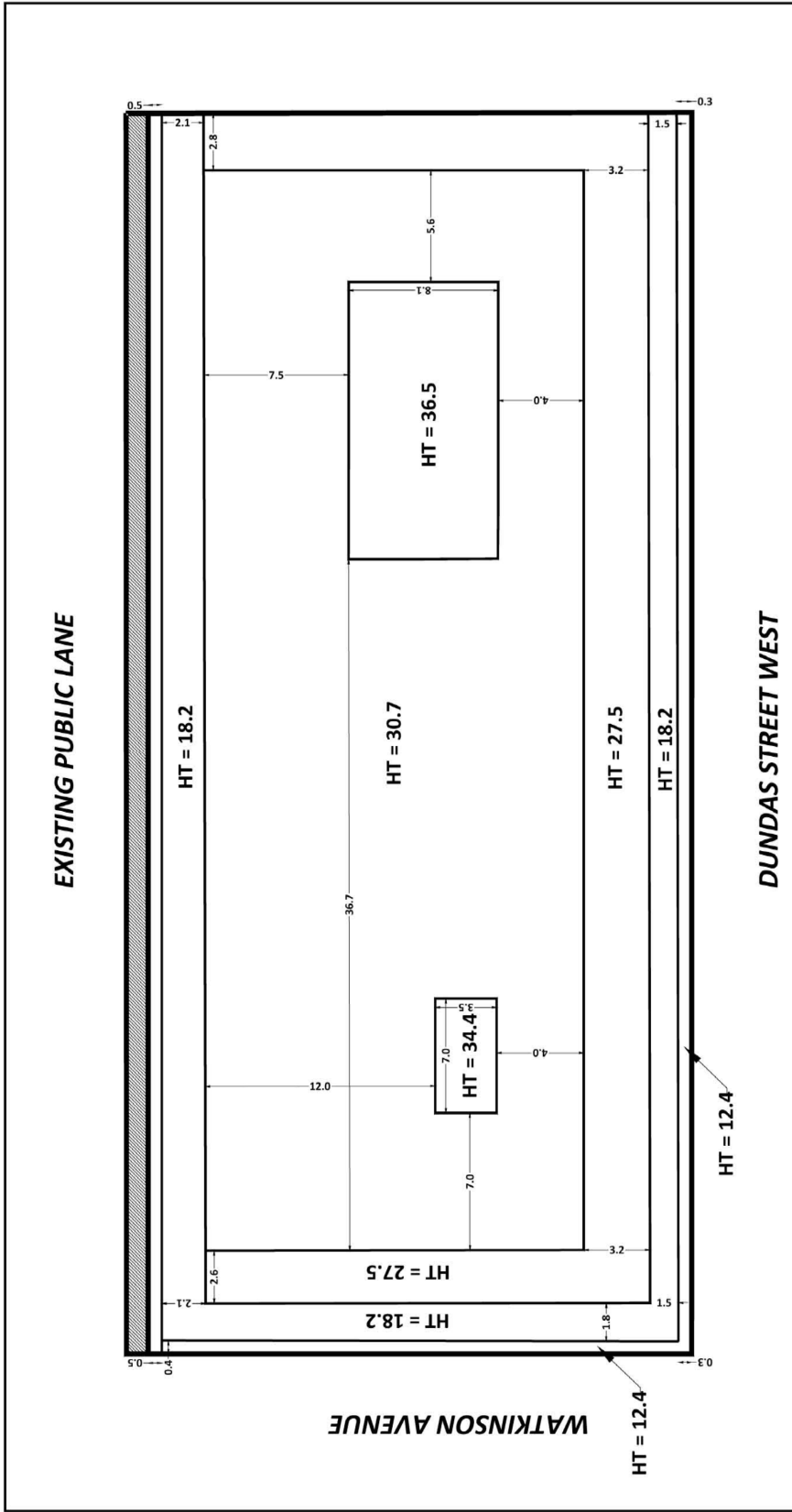
 **Toronto**
Map 1

2706 - 2730 Dundas Street West

File # 17 210219 STE 14 0Z



City of Toronto By-law 438-86
Not to Scale
11/20/2019



File # 17 210219 STE 14 0Z



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