

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 253-2020(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 2706 -2730 Dundas Street West.

Whereas the Local Planning Appeal Tribunal pursuant to its Decision/Orders issued on February 1, 2019, January 31, 2020 and March 5, 2020 in respect of Tribunal File PL151511, 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 the Zoning By-law for the City of Toronto, being By-law 569-2013, as amended with respect to lands municipally known in the year 2019 as 2706-2730 Dundas Street West; 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;

Now therefore pursuant to the Order of the Local Planning Appeal Tribunal, By-law 569-2013 is further amended 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 CR 2.5 (c2.0; r1.5) SS2 (x226), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [x226], so that it reads:

Exception CR (x226)

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 2706-2730 Dundas Street West if the requirements in Section 6 and Schedule A of By-law 253-2020(LPAT) are complied with, a **building** or **structure** may be constructed in compliance with regulations (B) to (S) below;
- (B) Despite regulations 40.5.40.70(1), 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** are shown on Diagram 3 of Bylaw 253-2020(LPAT);
- (C) Despite (B) above, and regulations 5.10.40.70(1), 40.5.40.60(1), 40.10.40.60(1) through (9), the following elements and or **structures** are permitted to encroach into the required **building setback** areas to a maximum 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 flues and enclosures or fans, wheelchair ramps, thermal insulation and landscape and public art features
- (D) Despite regulations 40.5.40.10(1) and (2) the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 118.30 metres to the highest point of a **building** or **structure**;
- (E) Despite regulation 40.10.40.10(2) the height of any **building** or **structure** must not exceed the height in metres specified by the numbers following the symbol HT on Diagram 3 of By-law 253-2020(LPAT);
- (F) Despite regulation 40.10.40.40(1) the permitted maximum **gross floor area** of all **buildings** and **structures** is 14,500 square metres, provided that:
- (i) The maximum residential **gross floor area** is 14,000 square metres; and
- (ii) The maximum non-residential **gross floor area** is 600 square metres.

- (G) Despite (E) above, and regulations 40.5.40.10(3) through (7), the following elements may project above the heights specified by the numbers following the symbol HT on Diagram 3 of By-law 253-2020(LPAT):
- (i) A parapet, including roof drainage, roofing, thermal insulation, **green roof** elements and materials, and roof ballasts, provided the maximum vertical dimension does not exceed 1.5 metres above the height of each of the roof levels of the **building**;
 - (ii) Safety railings, wind screens, and noise barriers, provided the maximum vertical dimension does not exceed 2.5 metres above the height of each of the roof levels of the **building**; and
 - (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, or operational equipment, provided the maximum vertical dimension does not exceed 3.5 metres above the height of each of the roof levels of the **building**.
- (H) Despite regulation 40.10.40.50(1) a minimum of 200 square metres of indoor **amenity space** must be provided;
- (I) Despite regulation 200.5.10.1(1) and Table 200.5.10.1 the minimum number of required **parking spaces** is as follows:
- (i) Minimum of 60 **parking spaces** for residential uses;
 - (ii) Minimum of 2 **parking spaces** for visitors for residential uses; and
 - (iii) No parking **spaces** are required for the non-residential uses.
- (J) Despite regulation 200.5.1 (3), a maximum of 2 parking spaces are permitted to be accessed from a drive aisle that is less than 6 metres in width;
- (K) Despite regulation 200.5.1.10 (2), a maximum of 2 **parking spaces** are permitted to be obstructed;
- (L) Despite regulations 220.5.10.1(1) through (10) **loading spaces** must be provided as follows:
- (i) 1 Type "G"
- (M) 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**;

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- (N) 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**;
 - (O) Despite regulation 230.5.1.10(9) long term **bicycle parking spaces** may be located on any level below ground;
 - (P) Despite regulation 230.5.1.10(4) and (5) a **stacked bicycle parking space** must have the following minimum dimensions:
 - (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.4 metres; and
 - (iii) minimum vertical clearance of 1.1 metres.
 - (Q) Despite regulation 230.5.1.10(4), a **stacked bicycle parking space** may overlap horizontally with another **stacked bicycle parking space**.
 - (R) Despite regulation 200.5.1.10(2)(A) a **stacked parking space** must have the following minimum dimensions:
 - (i) minimum length of 5.0 metres;
 - (ii) minimum width of 2.4 metres;
 - (iii) 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.
 - (S) Despite regulation 200.15.1(4) an **accessible parking space** may be located below ground and does not need to be nearest to a pedestrian access provided it is located no farther than 25.0 metres from an elevator entrance;

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2) 270 (a) of former City of Toronto By-law 438-86.
5. Despite any existing or future consent, severance, partition or division of the lot, the provisions of By-law 253-2020(LPAT), will apply to the lands, as identified on Diagram 1, as if no consent, severance, partition or division occurred.
 6. 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.

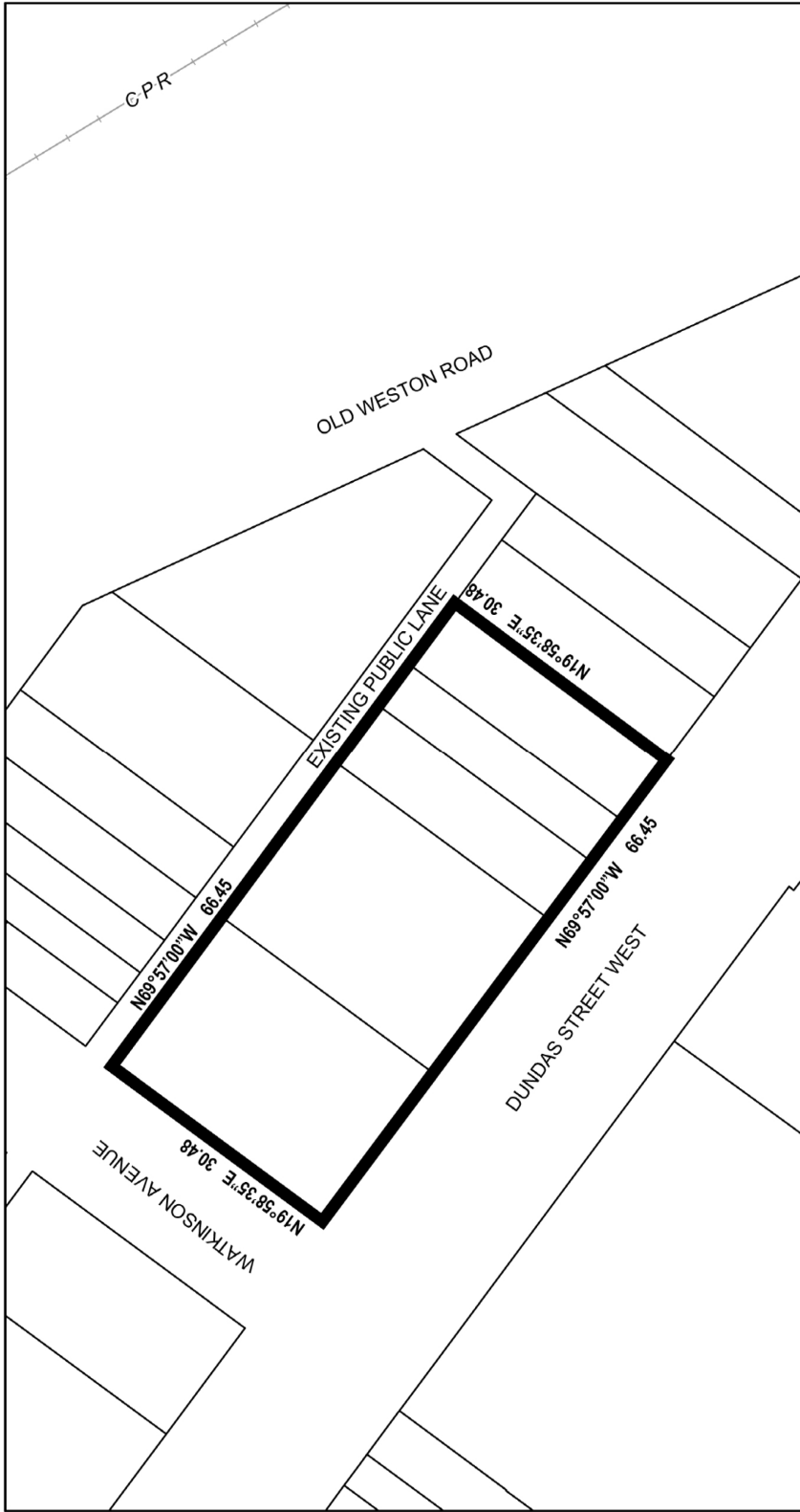
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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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. The provision of community benefits pursuant to Section 37 of the Planning Act in the amount of not less than \$690,000 to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, for the following benefits:
 - (A) An indexed cash contribution of \$690,000 to be paid to the City prior to the issuance of the first above-grade building permit with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
 - (B) In the event the cash contribution(s) referred to in Section(1) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) that are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



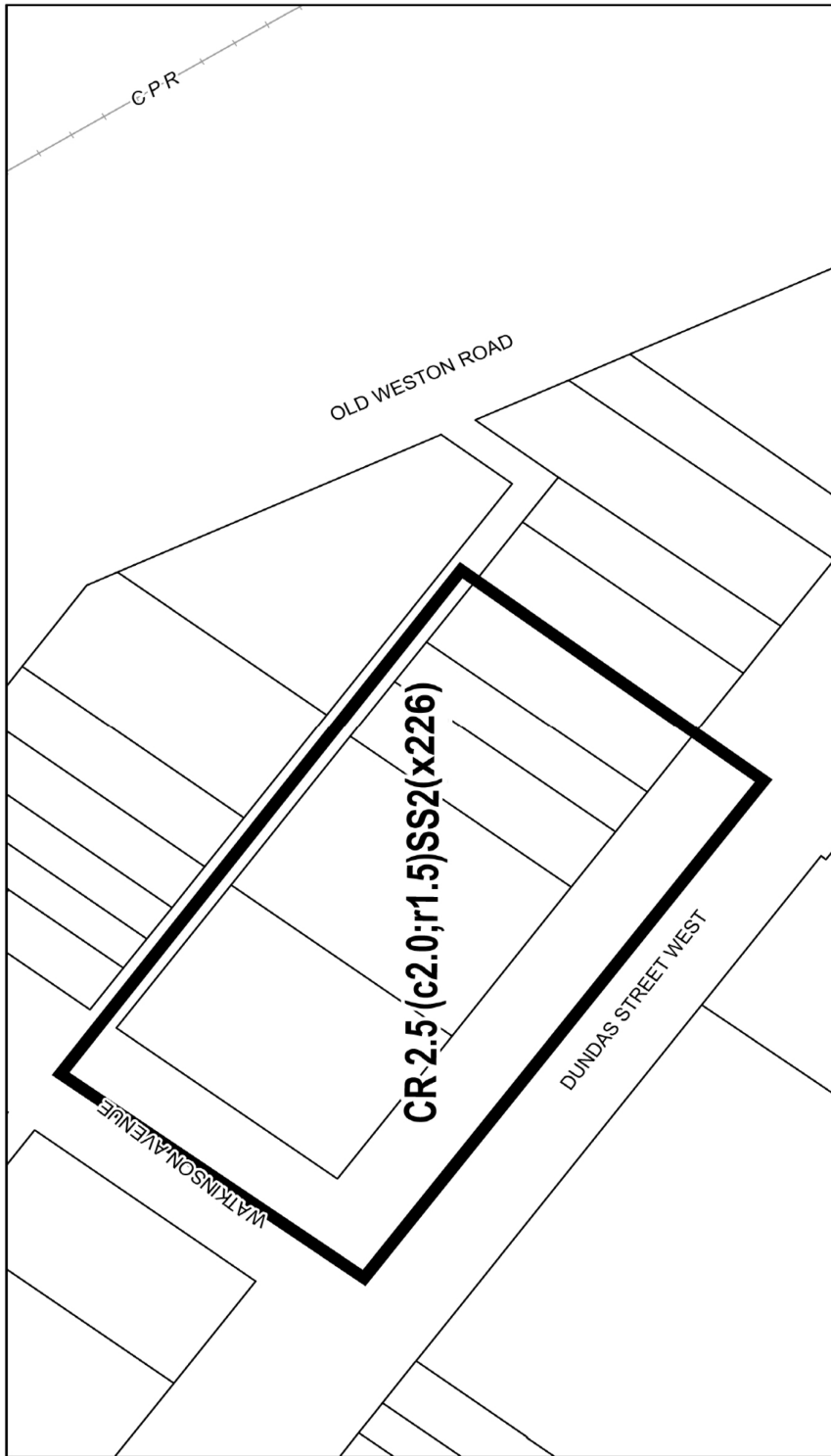
Toronto
 Diagram 1

2706 - 2730 Dundas Street West

File # 17 210219 STE 14 0Z



City of Toronto By-law 569-2013
 Not to Scale
 11/20/2019



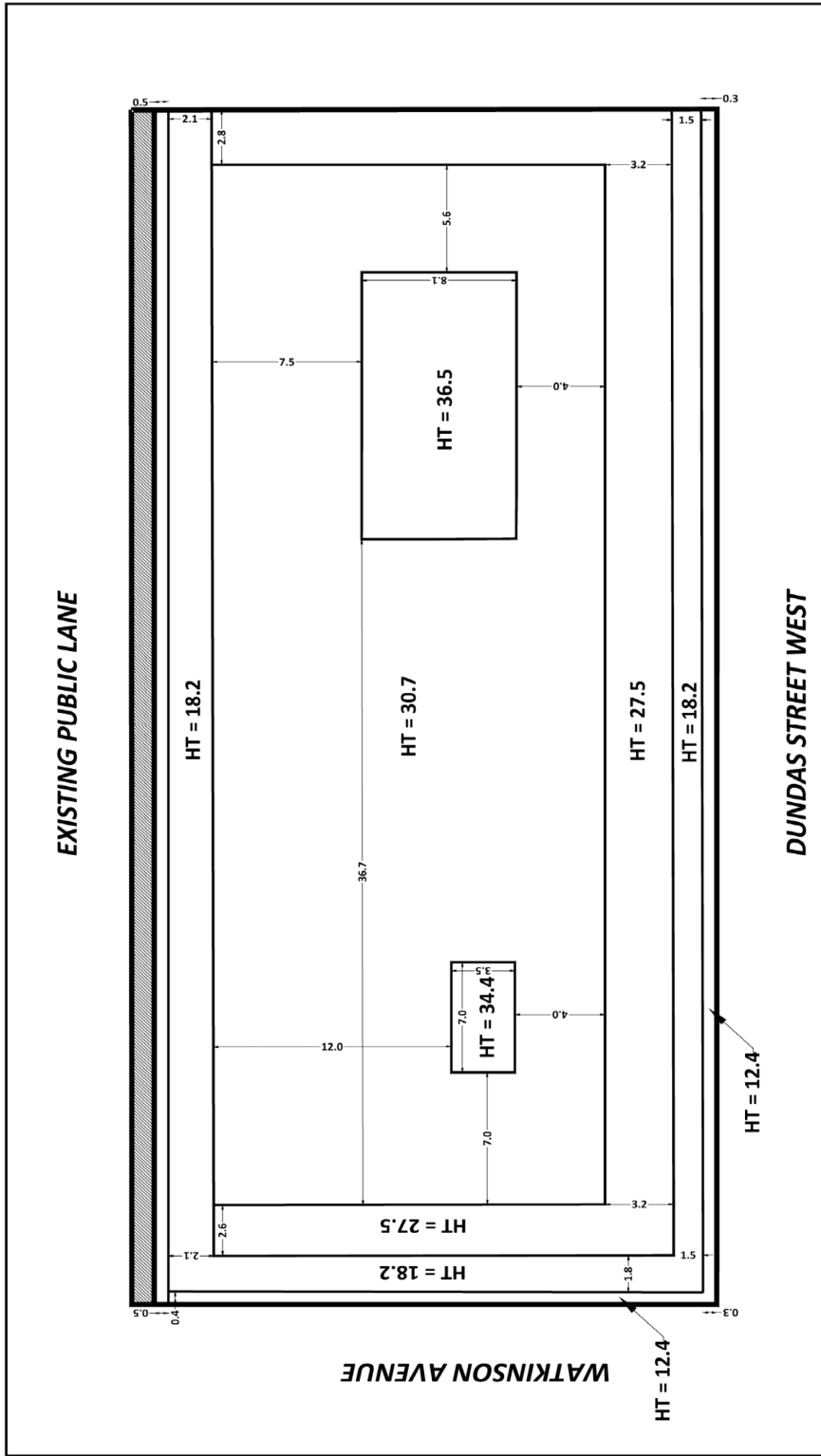
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Diagram 2

2706 - 2730 Dundas Street West

File # 17 210219 STE 14 0Z



City of Toronto By-law 568-2013
Not to Scale
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