

**CITY OF TORONTO**

**BY-LAW 265-2021(LPAT)**

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally known in the year 2021 as 276-294 Main Street.**

Whereas the Local Planning Appeal Tribunal, pursuant to its Decision/Order in respect of Case Number PL171473 issued on June 26, 2019 and April 1, 2021 upon hearing an appeal under Subsection 34(11) of the Planning Act, R.S.O. c. P.13, as amended, deems it advisable to amend By-law 438-86, as amended, for the City of Toronto with respect to lands known as 276-294 Main Street; 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/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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or density of development; 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 and/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 438-86 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;

The Local Planning Appeal Tribunal enacts:

1. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of development is permitted beyond that otherwise permitted on the lands shown on Map 1 attached to and forming part of this By-law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 of this By-law and which are secured by one or more agreements pursuant to Subsection 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.
2. Where Appendix 1 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 same. 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 Appendix 1 are satisfied.

3. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the lot.
4. The lands subject to this By-law are outlined by heavy lines on Map 1, attached to and forming part of this By-law.
5. None of the provisions of Sections 2(1) with respect to the definition of *grade*, *height*, *lot*, *non-residential gross floor area* and *residential gross floor area* and Sections 4(2)(a), 4(3), 4(4), 4(6), 4(10), 4(12), 4(14), 4(17), 8(3) Part I, 8(3) Part II, 8(3) Part IV, 8(3) Part XI, and 12(2)270 of Zoning By-law 438-86 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* and uses accessory thereto, and a *commercial parking garage* and *commercial parking lot* on the lands municipally known as 276-294 Main Street in the year 2021, provided that:
  - (a) The total combined residential gross floor area and non-residential gross floor area erected or used on the lot shall not exceed 28,150 square metres, subject to the following:
    - (i) The *residential* gross floor area shall not exceed 26,450 square metres;
    - (ii) The *non-residential* gross floor area shall not exceed 1,700 square metres, of which a minimum of 1,400 square metres shall be office; and
    - (iii) For the purposes of this By-law, parking spaces located in an accessory parking garage, *commercial parking garage* or *commercial parking lot* shall not be included in the calculation of *residential gross floor area* or *non-residential gross floor area*;
  - (b) 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 letters "HT" as shown on Map 2, attached to and forming part of this By-law;
  - (c) Notwithstanding Section 5(b) of this By-law above, the following building elements, structures and projections for the building are permitted to extend beyond the heavy lines and above the heights referred to therein:
    - (i) A parapet, roof drainage components, or thermal and waterproofing assembly located at each of the roof levels of the building, provided the maximum vertical distance of any such structure does not exceed 1.5 metres;

- (ii) Safety railings and fences and guardrails at each of the roof levels of the building, provided the maximum vertical dimension of any such structure does not exceed 1.8 metres beyond the height of each roof level of the building;
  - (iii) Structures on the roof of any part of the building used for outside or open air recreation, green roof elements, planters, wind mitigation elements, noise mitigation elements, screens, landscape features, telecommunications equipment and antennae, and partitions dividing outdoor recreation areas, provided the maximum vertical distance of such does not exceed 2.5 metres; and
  - (iv) Mechanical penthouses, mechanical or operational equipment, stairs, stair enclosures, window washing equipment, lightning rods, exhaust flues, vents, ventilating equipment, chimney stack, and garbage chute overruns provided the maximum vertical distance of such does not exceed 5.0 metres, notwithstanding that cooling towers, cooling tower perimeter walls, elevator overruns, a parapet, roof drainage components and thermal and waterproofing assembly can project an additional 2.5 metres for a total of 7.5 metres;
- (d) 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, except for the following permitted projections into the required setback areas:
- (i) Lighting fixtures, architectural features, window washing equipment, awnings, canopies, parapets, parapet flashing, roof and terrace scuppers, roof overhang, gutter, downspout, trellises, window sills, guardrails, balustrades, railings, wind mitigation and acoustic screens and features, planters, wheel chair ramps, mechanical exhaust and intake components, underground garage ramps and their associated structures and elements, retaining walls, fences, Siamese connections, privacy screens, and a porch with a roof associated with *heritage building* to a maximum of 2.0 metres; and
  - (ii) Balconies to a maximum of 2.0 metres;
- (e) *Residential amenity space* shall be provided and maintained on the lot in accordance with the following:
- (i) a minimum of 1.5 square metres per *dwelling unit* of indoor residential amenity space;
  - (ii) a minimum of 1.5 square metres per *dwelling unit* of outdoor residential amenity space;

- (iii) at least 40.0 square metres is outdoor *residential amenity space* in a location adjoining or directly accessible to the indoor *residential amenity space*; and
- (iv) no more than 25 percent of the outdoor component may be a green roof;
- (f) A minimum of 10 percent of *dwelling units* shall be three-bedroom *dwelling units* and a minimum of 25 percent of *dwelling units* shall be two-bedroom *dwelling units*, and for the purposes of this section if the calculation of the number of required dwelling units results in a number with a fraction, the number is rounded down to the nearest whole number;
- (g) *Parking spaces* shall be provided and maintained on the lot, in accordance with the following:
  - (i) a rate of 0.3 *parking spaces* per *dwelling unit* for residents;
  - (ii) a rate of 0.06 *parking spaces* per *dwelling unit* for residential visitors and which may be shared on a non-exclusive basis with occupants and visitors to the non-residential uses on the lot; and
  - (iii) parking spaces for residential visitors and non-residential uses may be provided in an accessory parking garage, commercial parking garage or commercial parking lot;
- (h) A maximum of 10 percent of the required *parking spaces* may have minimum dimensions of:
  - (i) length of 5.1 metres;
  - (ii) width of 2.4 metres;
  - (iii) vertical clearance of 1.7 metres; and
  - (iv) the side of the parking space may be obstructed;
- (i) For a maximum of 15 percent of the number of parking spaces, a bicycle parking space may encroach 0.15 metres into the required width of a *parking space* on both sides;
- (j) Bicycle *parking spaces* and their associated fixed objects are not an obstruction of a parking space;
- (k) The side of a *parking space* that is adjacent and parallel to a drive aisle from which vehicle access is provided may be obstructed;

- (l) An accessible parking space must be located on the same level as a barrier free passenger elevator that provides access to the first storey of the building must have the following minimum dimensions:
  - (i) length of 5.6 metres;
  - (ii) width of 3.4 metres; and
  - (iii) vertical clearance of 2.1 metres;
- (m) Bicycle parking spaces may be provided as stacked bicycle parking spaces and the minimum dimensions of a stacked bicycle parking space are:
  - (i) length of 1.6 metres;
  - (ii) width of 0.25 metres; and
  - (iii) vertical clearance from the ground of 1.2 metres; and
- (n) One (1) *loading space* – type G shall be provided and maintained on the lot.

6. For the purposes of this By-law, all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law 438-86, as amended, except as herein provided:

- (a) "*grade*" means 130.10 metres Canadian Geodetic Datum;
- (b) "*height*" means the vertical distance between grade and the highest point of the building or structure, subject to permitted projections;
- (c) "*lot*" means those lands outlined on Map 1 attached hereto;
- (d) "*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:
  - (i) parking, loading and bicycle parking below established grade, including a *commercial parking garage*;
  - (ii) parking, loading and bicycle parking at or above established grade, including a *commercial parking lot*;
  - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - (iv) shower and change facilities required by this By-law for required bicycle parking spaces;

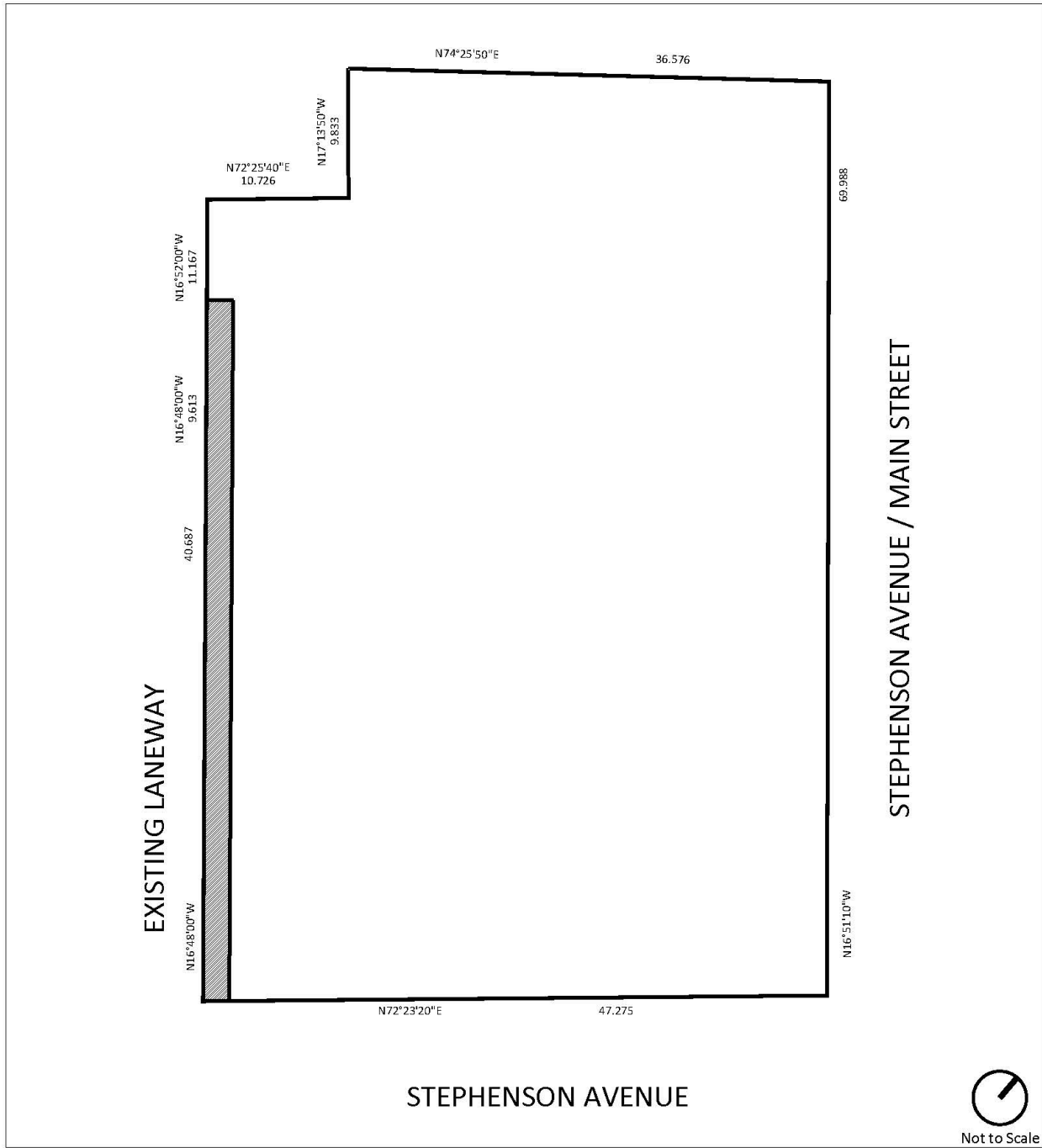
- (v) elevator shafts;
  - (vi) garbage shafts;
  - (vii) mechanical penthouse; and
  - (viii) exit stairwells in the building; and
- (e) "*residential gross floor area*" means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the residential portion of a mixed-use building at the level of each floor, but excluding:
- (i) required indoor *residential amenity space*;
  - (ii) parking, loading and bicycle parking below established grade, including a *commercial parking garage*;
  - (iii) parking, loading and bicycle parking at or above established grade, including a commercial parking lot;
  - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - (v) shower and change facilities required by this By-law for required bicycle parking spaces;
  - (vi) elevator shafts;
  - (vii) garbage shafts;
  - (viii) mechanical penthouse; and
  - (ix) exit stairwells in the building.
7. 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.

Local Planning Appeal Tribunal Order PL171473 issued on June 26, 2019 and April 1, 2021.


**Appendix 1**  
**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 shown on Map 1 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act to be registered on title to 276-294 Main Street, whereby the owner agrees as follows:

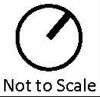
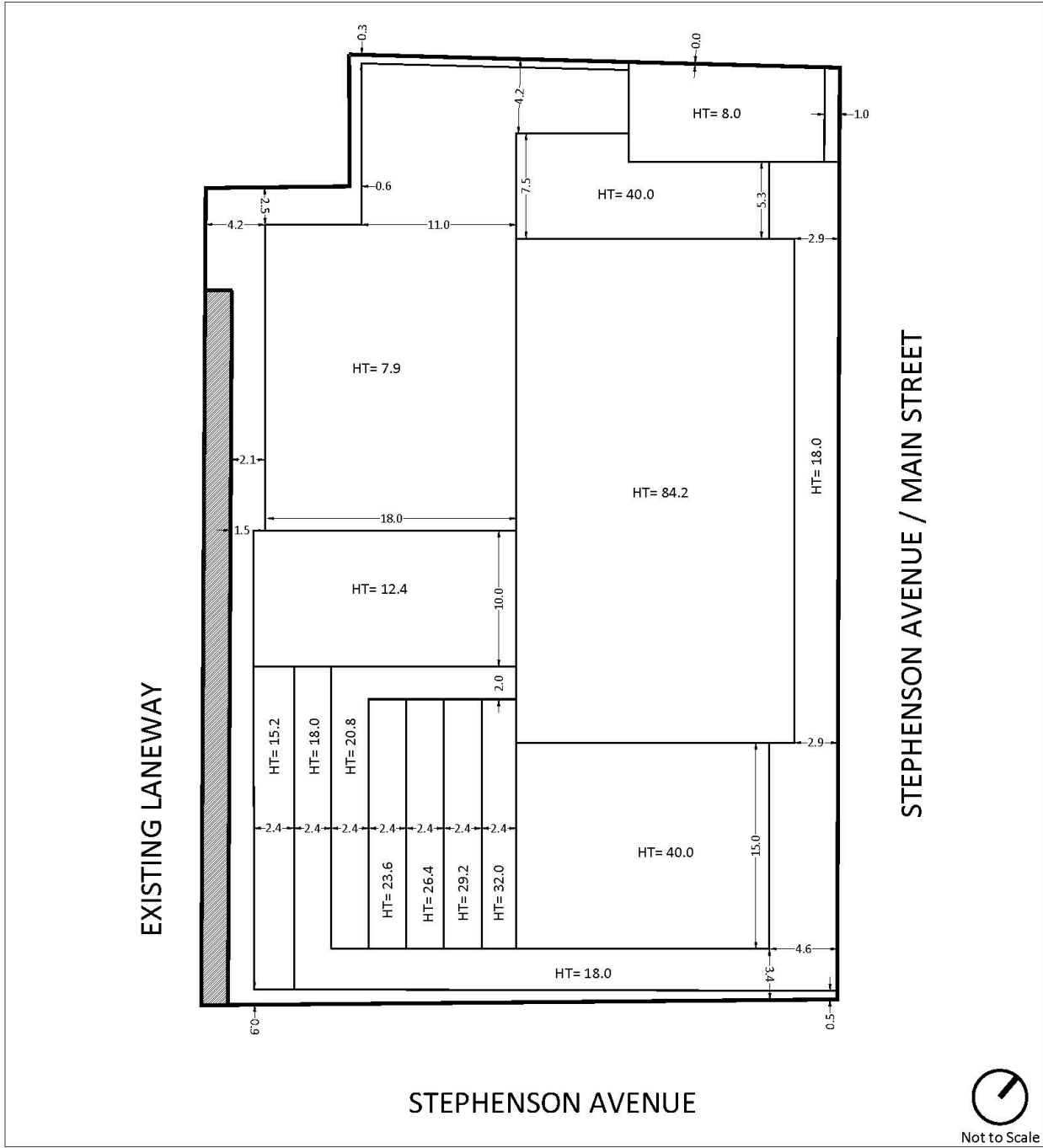
- (1) Prior to issuance of an above grade building permit for the lands on Map 1, the owner must provide a cash contribution in the amount of \$1,500,000 towards capital improvements that will benefit the community in the vicinity of the lands, such as, but not limited to, non- profit licensed daycare facilities, community centres, recreation facilities, libraries, arts- related community space, local streetscape improvements, Business Improvement Area capital projects, capital improvements to Toronto Community Housing in Ward 19, or public parks in the area, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- (2) The cash contribution referred to in Section 1 of this Schedule shall be increased by upwards index in accordance with the apartment Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price indexes Publication 327-0058, or its successor, calculated from the date of the execution of the Section 37 Agreement to the date each such payment is made.




**Map 1**  
**Zoning By-law Amendment**  
 276-294 Main Street  
 City of Toronto

Area affected by this by-law 

Area of proposed 2.038m lane widening 



**Map 2**  
**Zoning By-law Amendment**  
 276-294 Main Street  
 City of Toronto

Area affected by this by-law   
 Area of proposed 2.038m lane widening 