

CITY OF TORONTO

BY-LAW 266-2021(LPAT)

To amend Zoning By-law 569-2013, 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 569-2013, 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 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;

The Local Planning Appeal Tribunal enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1, attached to this By-law.
2. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.1 respecting the lands outlined by heavy black lines to CR 3.0 (c2.0; r2.5) SS2 (x264) and CR 2.0 (c1.0; r2.0) SS2 (x264), as shown on Diagram 2 attached to this By-law.

3. Zoning By-law 569-2013, as amended, is further amended by adding Exception Number (264) to Article 900.11.10 so that it reads:

(264) Exception CR 264

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 276-294 Main Street, if the requirements in Section 4 and Schedule A of By-law 266-2021(LPAT) are complied with, a building, structure, addition or enlargement may be erected in compliance with (B) to (W) below;
- (B) For the purposes of this Exception, the front lot line shall be the lot line running parallel to Main Street;
- (C) Despite Regulation 40.10.20.100(8), the entrance or exit to public parking may be through a lane or street in the Residential Zone;
- (D) Despite Regulation 40.10.20.100(11), a fence is not required on a lot with public parking in a surface parking lot;
- (E) Despite Regulation 40.10.40.1(1) and By-law 607-2015, residential lobby, mail room and other ancillary residential use portions of the building may be located at the same level as non-residential use portions of the building;
- (F) Despite Regulations 40.5.40.10(1) and 40.5.40.10(2), the height of a building or structure is the distance between the Canadian Geodetic Datum elevation of 130.10 metres and the elevation of the highest point of the building or structure;
- (G) Despite Regulation 40.10.40.10(2), the maximum height of any part of a building or structure is the numerical value, in meters, following the letters "HT" shown on Diagram 3 attached to this by-law;
- (H) Despite Regulations 40.5.40.10(3), 40.5.40.10(4), 40.5.40.10(5) and 40.5.40.10(6), the following building elements and structures are permitted to project vertically beyond the height limits specified on Diagram 3 of By-law 266-2021(LPAT);
 - (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;
- (I) Despite Regulation 40.10.40.40(1), the combined residential gross floor area and non-residential gross floor area shall not exceed 28,150 square metres, provided that:
- (i) The residential gross floor area does not exceed 26,450 square metres;
 - (ii) The non-residential gross floor area does 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 Exception, parking spaces located in a public parking facility below ground shall not be included in the calculation of gross floor area;
- (J) Despite Regulation 40.10.40.50(1), a building must provide amenity space at a minimum rate of 3.0 square metres for each dwelling unit, of which:
- (i) at least 1.5 square metres for each dwelling unit is indoor amenity space;
 - (ii) at least 1.5 square metres for each dwelling unit is outdoor amenity space;
 - (iii) at least 40.0 square metres is outdoor amenity space in a location adjoining or directly accessible to the indoor amenity space; and
 - (iv) no more than 25 percent of the outdoor component may be a green roof;
- (K) Despite Regulations 5.10.40.70(1), 40.5.40.70(1) and 40.10.40.70(2), the required minimum building setbacks above grade are as shown on Diagram 3 of By-law 266-2021(LPAT);

- (L) Despite Clause 40.5.40.70 and Regulation 40.10.40.70(2), the following building elements and structures are permitted to encroach into the required minimum building setbacks shown in metres on Diagram 3 of By-law 266-2021(LPAT):
- (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 a heritage site to a maximum of 2.0 metres; and
 - (ii) Balconies to a maximum of 2.0 metres;
- (M) Despite Regulation 40.10.40.80(2), no regulations for the separation distance between main walls with or without windows on the same lot apply provided they meet the minimum building setbacks as shown on Diagram 3 of By-law 266-2021(LPAT);
- (N) Despite Regulations 40.10.80.20(1) and (2), a parking space may be located within 0.5 metres of a lot line or within 7.5 metres from a lot in the Residential Zone category, Residential Apartment Zone category or Open Space Zone category;
- (O) Despite Regulation 200.5.10.1(1), parking spaces must be provided 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) Despite Regulation 40.5.80.1(1) parking spaces required by Section (O)(ii) above may be provided as public parking;
- (P) Despite Regulation 200.5.1.10(2), 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;

- (Q) Despite Regulation 200.5.1.10(2)(A)(ii) and (P)(ii) above:
- (i) a bicycle parking space may encroach into the required width of a parking space by up to 0.15 metres on one or both sides, provided; and
 - (ii) a maximum of 15 percent of the number of parking spaces may be encroached upon as permitted by (i) above;
- (R) Despite Regulation 200.5.1.10(2)(D), bicycle parking spaces and their associated fixed objects are not an obstruction of a parking space;
- (S) Regulation 200.5.1.10(2)(C)(iv), does not apply to a parking space that is obstructed and parallel to a drive aisle from which vehicle access is provided;
- (T) Despite Regulation 200.15.1(1) and By-law 579-2017, accessible parking spaces must comply with the following:
- (i) accessible parking spaces must be located on the same level as a barrier free passenger elevator that provides access to the first storey of the building;
 - (ii) an accessible parking space must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres;
- (U) Despite Regulation 220.5.10.1(1), a minimum of 1 Type "G" loading space must be provided;
- (V) Despite Regulation 230.5.1.10(4) the minimum dimensions of a stacked bicycle parking space are:
- (i) minimum length of 1.6 metres;
 - (ii) minimum width of 0.25 metres; and
 - (iii) minimum vertical clearance from the ground of 1.2 metres; and
- (W) A minimum of 10 percent of dwelling units must be three-bedroom dwelling units and a minimum of 25 percent of dwelling units must 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.

Prevailing By-laws and Prevailing Sections: (None Apply)

4. 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 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 the satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure on the site erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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

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 shown on Diagram 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 Diagram 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; and
- (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.

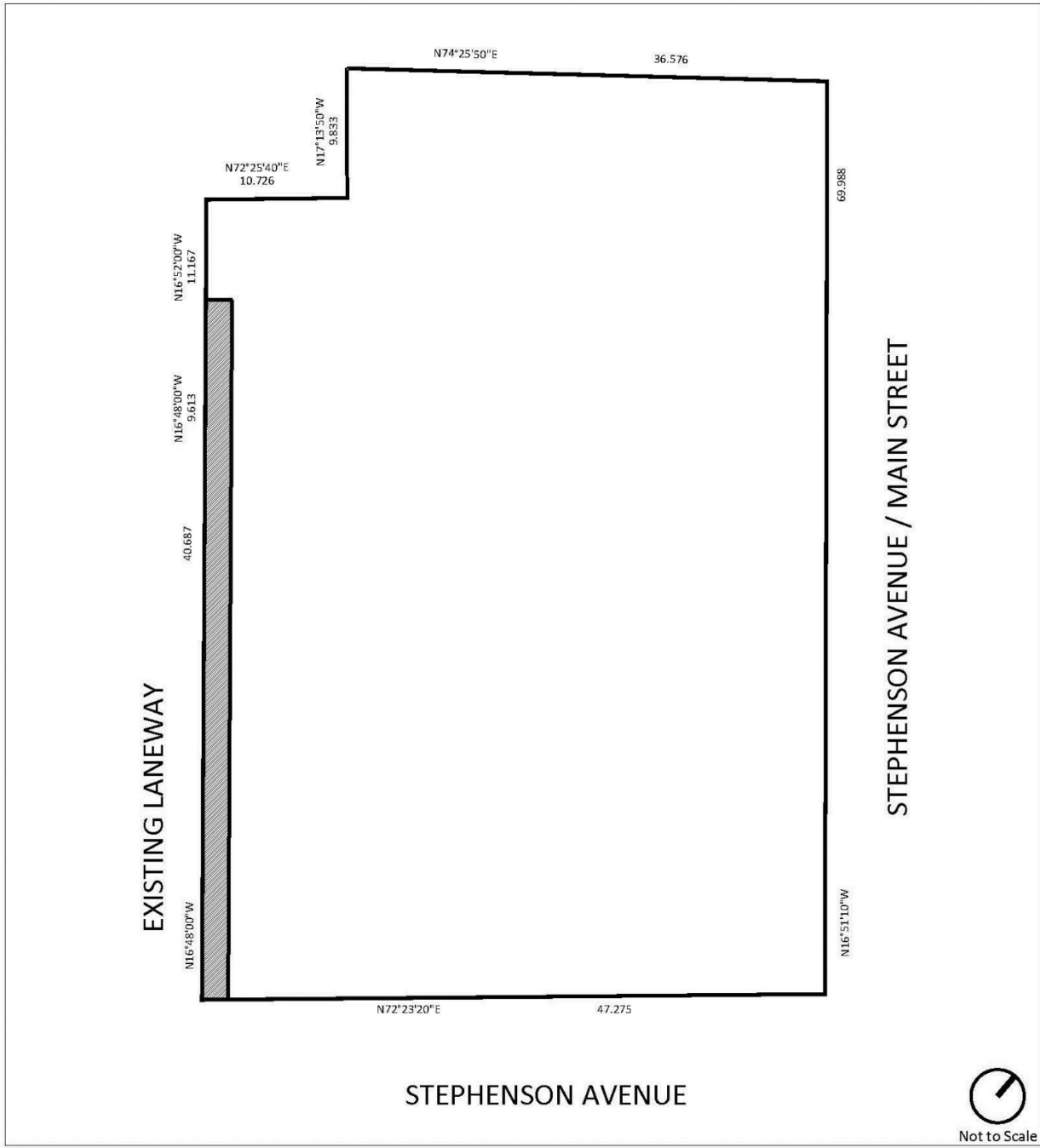




Diagram 1
Zoning By-law Amendment
 276-294 Main Street
 City of Toronto

Area affected by this by-law 

Area of proposed 2.038m lane widening 

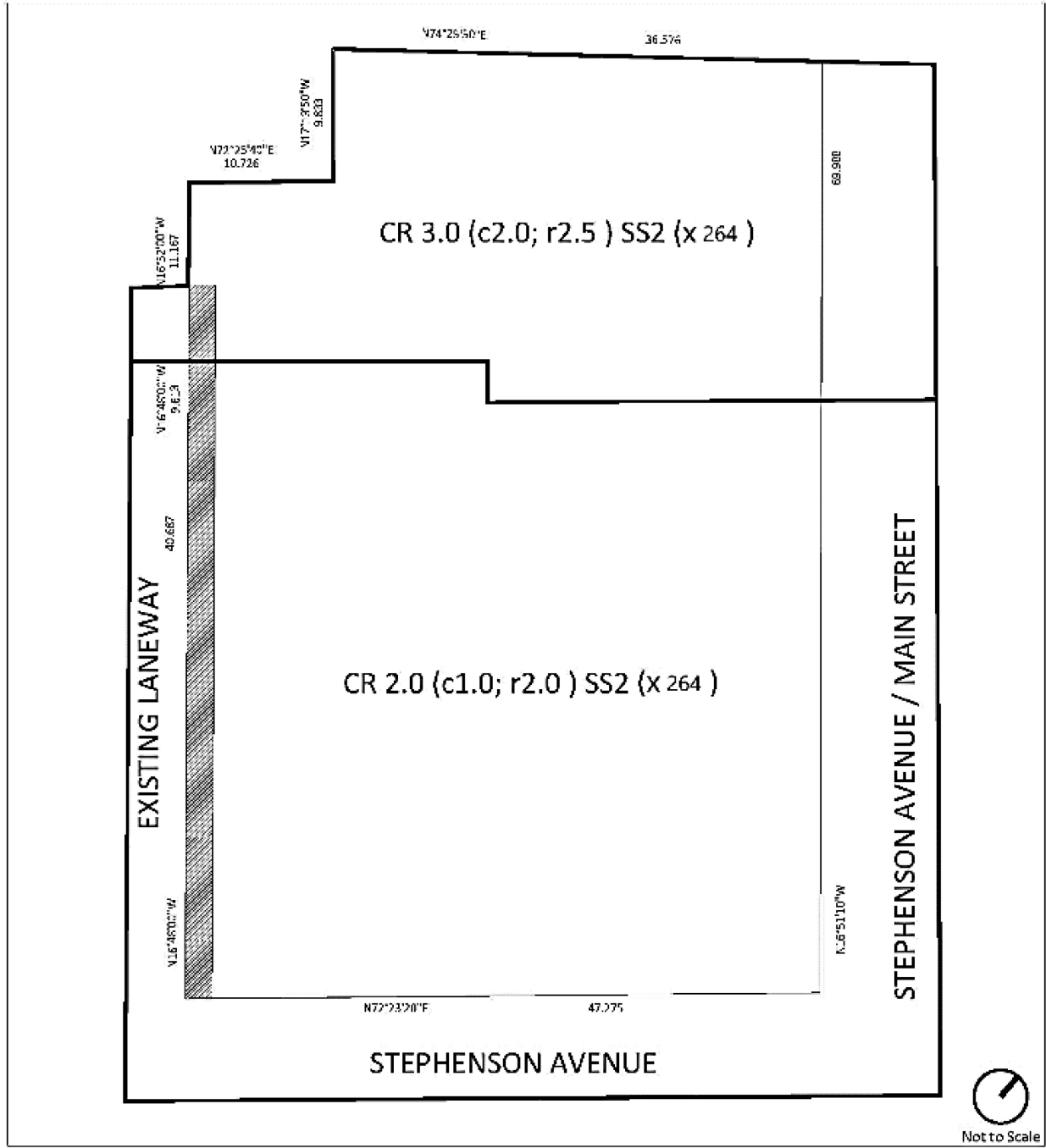




Diagram 2
Zoning By-law Amendment
 276-294 Main Street
 City of Toronto

Area affected by this by-law 

Area of proposed 2.038m lane widening 


 Not to Scale

