

Authority: Toronto and East York Community Council Report No. 9, Clause No. 7,  
adopted as amended, by City of Toronto Council on December 5, 6 and 7, 2005  
Enacted by Council: December 7, 2005

## CITY OF TORONTO

### BY-LAW No. 1069-2005

**To amend By-law No. 6752, as amended, of the former Borough of East York with respect to lands municipally known as 1042-1048 Broadview Avenue.**

WHEREAS authority is given to Council by Sections 34 and 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to enact this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS Section 4.3.2 of the Official Plan of the former Borough of East York contains provisions relating to the authorization of increases in height and/or density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, the Council of the municipality may, in a By-law enacted pursuant to Section 34 of the *Planning Act*, authorize increases in the height and density of development beyond that otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS Section 37(3) of the *Planning Act*, R.S.O. 1990, c.P. 13 provides that where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, a 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 lands hereinafter referred to has elected to provide the facilities, services and matters set out in this By-law in return for the increase in height and density of development beyond that otherwise permitted on the aforesaid lands by the By-law No. 6752, as amended; and

WHEREAS the City of Toronto has required the owner of the subject lands to enter into one or more agreements with respect to the facilities, services and matters set out in this By-law in return for the increase in height and density proposed;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this By-law are those lands outlined by a heavy black line and identified as "Area Subject to Amendment" as shown on Schedule 1 attached hereto.
2. Schedule "A" to Zoning By-law No. 6752, as amended, is hereby further amended by changing the zoning category for the lands identified as "Area Subject to Amendment" on Schedule 1 of this By-law from "C (Commercial) Zone" to "R3A.25 (Residential Site Specific) Zone."

3. Zoning By-law No. 6752, as amended, is hereby further amended by adding a new Section 7.7.5.25 immediately after Section 7.7.5.24 of the By-law as follows:

“7.7.5.25 1042-1048 Broadview Avenue (R3A.25 Zone)

7.7.5.25.1 Area Restricted

The provisions of this section shall only apply to those lands being Part Lot 13, Concession 2 from the Bay and Part of Lot A Registered Plan 1221, City of Toronto (formerly Borough of East York) designated R3A.25 on Schedule 1 of this By-law.

7.7.5.25.2 General Provisions

On those lands referred to in Section 7.7.5.25.1 of this By-law, no person shall use, occupy, Erect, alter, cause to be used, occupied, Erected or altered, any Building, Structure or land or part thereof, except in accordance with Schedule 2 of this By-law and the following provisions:

(1) Developable Area

For the purpose of this By-law, development will be located above top-of-bank.

(2) Permitted Uses

- (a) Apartment House;
- (b) Live-Work Units; and
- (c) Temporary Sales Office

(3) Minimum Floor to Ceiling Heights for Ground Floor

For the purpose of this By-law, the minimum floor to ceiling height for the ground floor shall be 2.74 metres.

(4) Maximum Gross Floor Area for Live-Work Units

For the purpose of this By-law, the total combined maximum Gross Floor Area for all Live-Work Units shall not exceed 486 square metres and the component of each Live-Work Unit devoted to Commercial Uses shall be restricted to the ground floor only.

(5)	Development Requirements	
(a)	Minimum Lot Area	1,930 m <sup>2</sup>
(b)	Maximum No. of Residential Units (Including Live-Work Units)	186 units
(c)	Number of Live-Work Units	4
(d)	Maximum Gross Floor Area Apartment	16,425m <sup>2</sup>
(e)	Maximum Coverage	50%
(f)	Minimum Setbacks - South Side	Schedule 2
(g)	Minimum Setbacks - West Side	Schedule 2
(h)	Minimum Setbacks - North Side	Schedule 2
(i)	Minimum Setbacks - East Side	Schedule 2
(j)	Maximum Heights	Schedule 2
(k)	Maximum No. of Storeys	22 Storeys (plus one-Storey (5m) mechanical penthouse/amenity space)
(l)	Minimum No. of Parking Spaces – Resident	Ratios set out in chart
	Bachelor Units	0.3 spaces/unit
	1-Bedroom Units	0.7 spaces/unit
	2-Bedroom Units	1.0 space/unit
	3+ -Bedroom Units (if any)	1.2 spaces/unit
	Live/Work Units	1.0 space/unit
(m)	Minimum No. of Parking Spaces – Visitor	0.12 Parking Spaces / Unit
(n)	Minimum Parking Space Dimension	2.6m x 5.9m (15.34m <sup>2</sup> )
(o)	Minimum No. of Bicycle Parking Spaces	22

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|-----|---|---|
| (p) | Residential Amenity Space –<br>Indoor (per Residential Unit)  | 2m <sup>2</sup>   |
| (q) | Residential Amenity Space –<br>Outdoor (per Residential Unit) | 1.7m <sup>2</sup>   |
| (r) | Loading   | 1 Type ‘G’ Loading<br>Space                                   |
| (s) | Balconies   | At least 75% of all<br>residential units to<br>have balconies |
| (t) | Minimum Driveway Width  | 6.0 metres<br>(2 way operation)                               |

(6) Section 37 Requirements

Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted in return for the provision by the owner of the following facilities, services and matters to the City, at the owner’s sole expense, in accordance with and subject to compliance with the provisions of an agreement between the owner and the City pursuant to Section 37 of the *Planning Act*, which agreement is executed and registered on title to the lands outlined in heavy black lines on Schedule 1 attached hereto:

- (a) the owner shall make the following cash contributions to the City secured upon execution of the Section 37 Agreement and payable to the City for immediate distribution under the direction of the General Manager Parks upon this By-law coming into force and effect:
- (i) a \$65,000.00 cash contribution toward the cost of upgrades to the bike trail/sidewalk extending along Pottery Road between Bayview Avenue and Broadview Avenue;
  - (ii) a \$2,000.00 cash contribution toward the cost of improvements to Charles Sauriol Parkette;
  - (iii) a \$78,000.00 cash contribution toward the cost of improvements to outdoor amenity areas, sports or playground facilities at the Chester Elementary School and Westwood Middle School that will be accessible to the public and that are to be determined in consultation with the Ward

Councillor, the Toronto and District School Board and the General Manager Parks according to the Master Plan-Legend designed by Victor Ford & Associates Inc., under contract with the Toronto District School Board;

- (iv) a \$100,000.00 cash contribution toward the cost of the extension of the Don Valley Woodland Trail for connection to the public entrance between the apartment buildings at 980 and 1000 Broadview Avenue;
  - (v) a \$25,000 cash contribution toward the cost of redevelopment of a formal trailhead feature at the Pottery Road access to the Lower Don Valley Woodland Trail System;
  - (vi) a \$5,000.00 cash contribution toward the cost of preparation and installation of interpretive signage for the Todmorden Mills Wildflower Preserve; and
  - (vii) a \$25,000.00 cash contribution toward the cost of implementing control measures related to invasive plant species along Pottery Road between Bayview Avenue and Broadview Avenue;
- (b) if the purpose for which the cash contribution referred to in (a) cannot be achieved, either in whole or in part, within a reasonable period of time as determined by the General Manager Parks, the monies paid may be used for other appropriate public purposes in the vicinity of the subject property and in the sole discretion of the General Manager Parks;
  - (c) the owner shall design and landscape the public boulevard on the west side of Broadview Avenue immediately abutting the Lot in a manner consistent with landscaping approved for the Lot in the site plan approval process pursuant to Section 41 of the *Planning Act*; and
  - (d) prior to issuance of an above-grade building permit for the development contemplated by this By-law the owner shall design and construct any improvements to the municipal infrastructure required in connection with such development, including sanitary, sewer, water and storm facilities as well as other external services.

- (7) Notwithstanding the foregoing, in the interim until construction of the development approved in this By-law occurs, the zoning permission shall be as it existed the day before the passing of this By-law, with the following use exclusions:
- (a) Automobile Service Station;
  - (b) Automobile Service Centre;
  - (c) Automotive Trade; and
  - (d) Motor Vehicle Repair Shop;
- (8) Notwithstanding any of the foregoing provisions, where a provision of the By-law or the Section 37 Agreement requires provision of facilities, services and matters prior to issuance of a building permit for the development permitted by this By-law, the owner may not erect or use any building or structure until the owner has satisfied the said requirements and building permit issuance shall be dependent upon the same.
- (9) For the purpose of this By-law:
- (a) “Bicycle Parking Space – Occupant” shall mean an area that is equipped with a bicycle rack or a locker for the purpose of parking and securing bicycles of an occupant of the building, and:
    - (i) where the bicycles are to be parked on a horizontal surface such space has a horizontal dimension of at least 0.6 meters by 1.8 metres and a vertical dimension of at least 1.9 metres;
    - (ii) where the bicycles are to be parked in a vertical position such space has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
    - (iii) in the case of a bicycle rack, a rack located in a secured room or area;
  - (b) “Bicycle Parking Space – Visitor” shall mean an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles of visitors to the building which spaces have dimensions similar to a Bicycle Parking Space - Occupant but that may be located outdoors or indoors but not within a secured room enclosure or locker;

- (c) “Commercial Use” shall have the meaning given to that term in By-law No. 6752, as amended, but does not include the following: Automobile Service Station, Automotive Service Centre, Automotive Trade or Motor Vehicle Repair Shop;
- (d) “Driveway Width” shall mean the width of access for vehicular ingress and egress to and from a Street to parking facilities on the Lot;
- (e) “Front Lot Line” shall mean the Lot Line that divides the subject lot from Broadview Avenue;
- (f) “Live-Work Unit” shall mean a Dwelling Unit that may include Commercial Uses by a resident of such accommodation as well as by any number of other persons and which unit is two storeys in height with an entrance and ground floor directly accessible to the Street at Grade;
- (g) “Loading Space – Type G” shall mean a loading space constructed to the requirements of the Ontario Building Code, including allowance for City of Toronto bulk lift and rear bin vehicle loading with impact factors where they are to be built as supported structures with:
  - (i) a minimum width of 3.5 metres (4 metres where enclosed), a minimum vertical clearance of at least 6.1 metres over the first 8.0 metres of the loading space measured from the end of the loading space opposite to the entrance to it, a vertical clearance of at least 4.3 metres over the balance of the loading area and minimum inside and outside turning radii of 9 metres and 16 metres, respectively;
  - (ii) the floor of at least the first 2.0 metres of the loading space measured from the end of the loading space, opposite the entrance to it, is constructed of concrete and has a slope not exceeding 2 percent (1 cm in 50 cm); and
  - (iii) a minimum width of at least 4.0 metres where the loading space is vertically enclosed by a wall or fence on both sides;
- (h) “Residential Amenity Space – Outdoor” shall mean an outdoor common area or areas on a Lot which are provided for the exclusive use of residents of a building on the Lot for recreational or social purposes;

- (i) “Residential Amenity Space – Indoor” shall mean a common area or room or contiguous common areas or rooms within a building, at least one of which contains a kitchen and washroom, which are provided for the exclusive use of residents of such building for recreational or social purposes;
- (j) “Temporary Sales Office” shall mean temporary Buildings or structures Erected and used for the purpose of selling the residential units contemplated by this By-law; and
- (k) with the exception of the words or expressions referred to in subparagraphs (a) to (j) above, each word or expression which is capitalized, shall have the same meaning as the said word or expression has for the purposes of the aforesaid By-law No. 6752, as amended.”

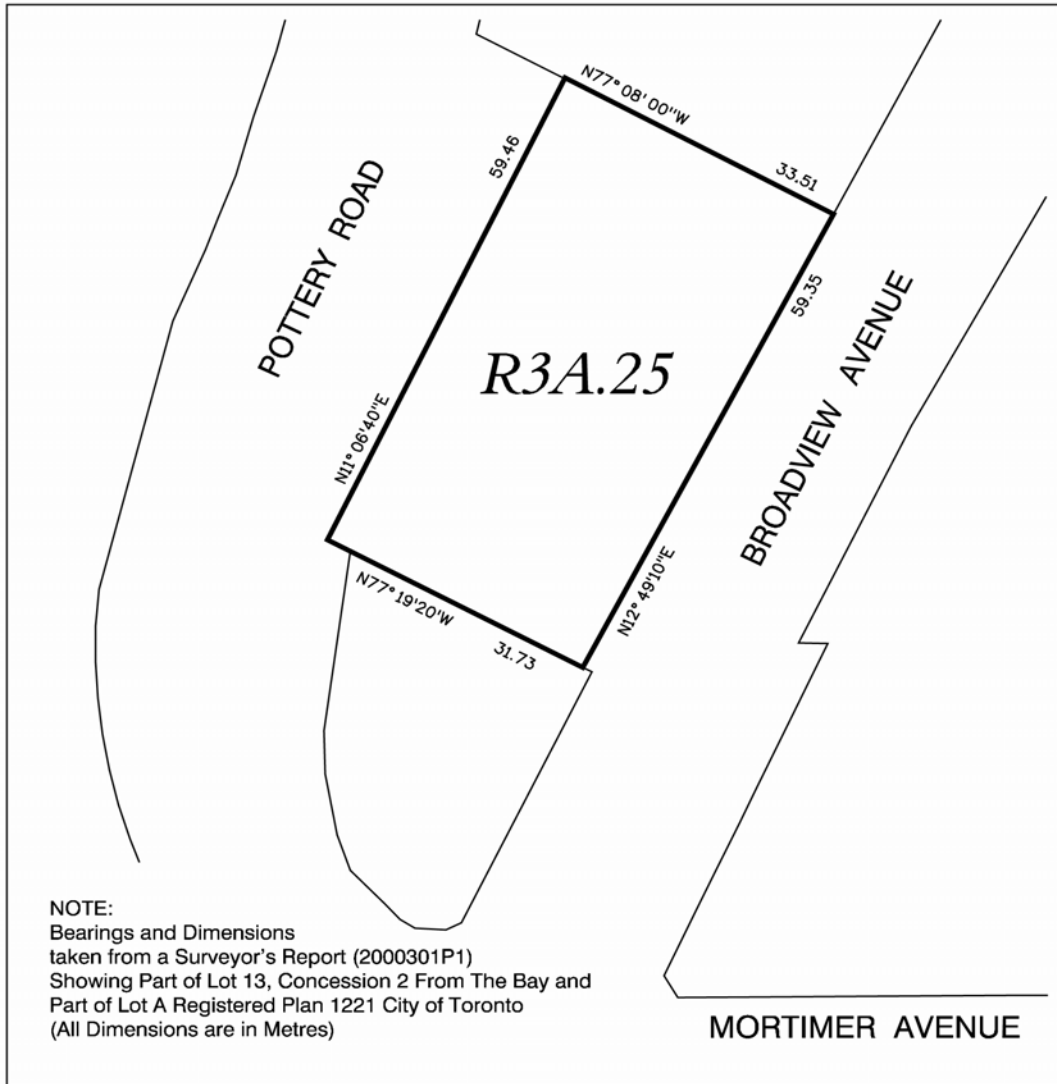
ENACTED AND PASSED this 7th day of December, A.D. 2005.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)






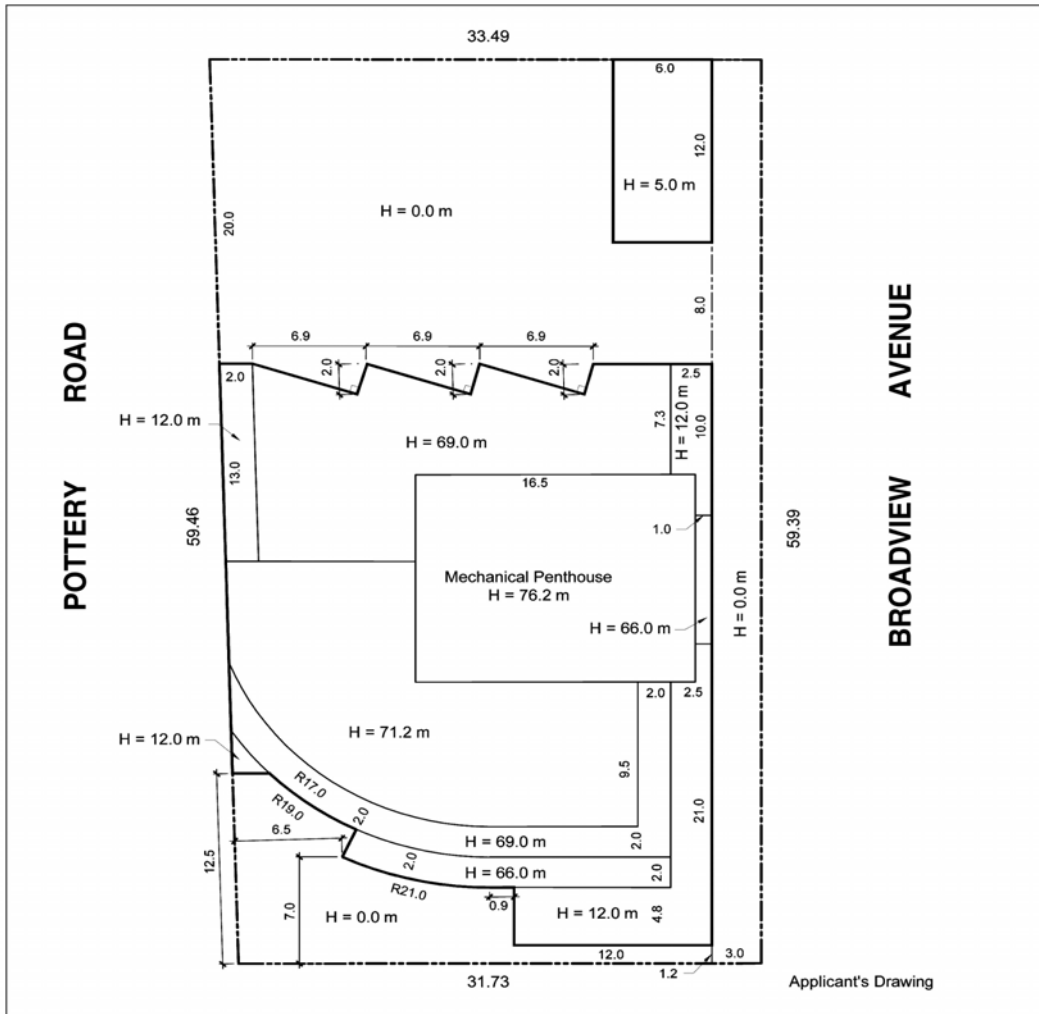
**TORONTO** City Planning Division  
**Schedule 1**

1042 - 1048 Broadview Avenue

File # 04\_133889

 Area Subject to Amendment

  
 Not to Scale  
 Zoning By-law 6752 as amended  
 12/01/05 - DR



 **TORONTO** City Planning  
Division  
Schedule 2

1042 - 1048 Broadview Avenue

File # 04\_133889

----- Property Boundary

  
Not to Scale  
12/01/05