

Authority: Toronto and East York Community Council Item 20.14,
adopted as amended, by City of Toronto Council on December 1, 2 and 3, 2008
Enacted by Council: December 10, 2008

CITY OF TORONTO

BY-LAW No. 1321-2008

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 90 -100 Broadview Avenue.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass 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*;

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 "90-100 Broadview Avenue" as shown on Map 1 attached hereto.
2. Section 12(1) to the Zoning By-law No. 438-86, is further amended by adding a new Section 12(1) 478 immediately after Section 12(1) 477 of the By-law as follows:

None of the provisions of Sections 4(1), 4(2), 4(4)(b),4(6)b, 4(12), 4(13), 9(1), and 9(3) Part I (2) and (3) of By-law No. 438-86, as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *lot* containing *dwelling units* and non-residential uses, provided;

- (a) the *lot* is comprised of at least those lands shown outlined by heavy lines on Map 1 attached to and forming part of this By-law;
- (b) the *mixed-use building* contains:
 - (i) no more than 18,750 square metres of *residential gross floor area*;
 - (ii) no less than 6,000 square metres and no more than 9,500 square metres of *non-residential gross floor area*, provided that the total cumulative amount of *non-residential gross floor area* for *retail stores* shall not exceed 900 square metres and that no individual *retail store* shall exceed 300 square metres of *non-residential gross floor area*; and
 - (iii) the *retail stores* shall only be permitted on first *storey* above *grade* and first *storey* below *grade*.

- (c) the following residential uses are permitted:
 - (i) a maximum of 222 *dwelling units*;
 - (ii) of the 222 *dwelling units* listed in Section 2(c)(i), a maximum of 12 *live-work units* are permitted; and
 - (iii) of the 12 *live-work units* listed in Section 2(c)(ii), the *live-work units* shall only be permitted on the first *storey above grade* and first *storey below grade*.

- (d) home/work uses shall be a permitted residential use *accessory* to a *dwelling unit* if:
 - (i) only the residents of the *dwelling unit* work in the home/work use;
 - (ii) the work component of the home/work use is restricted to the following uses or classifications: office, workshop, studio, *personal grooming establishment*, or *tailoring shop*;
 - (iii) the maximum gross floor area being the aggregate of the area of each floor above and below *grade* for work purposes does not exceed the lesser of 30m² or 30% of the *residential gross floor area* of the *dwelling unit*;
 - (iv) there is no sale of goods from the *dwelling unit*; and
 - (v) there is no outside storage associated with the use.

- (e) the following non-residential uses are permitted:
 - (i) *artist's or photographer's studio*;
 - (ii) *bake-shop*;
 - (iii) *branch of a bank or financial institution*;
 - (iv) *caterer's shop*;
 - (v) *clinic*;
 - (vi) *commercial school*;
 - (vii) *communications and broadcasting establishment*;
 - (viii) *community or social agency*;
 - (ix) *courier service*;

- (x) *custom workshop;*
 - (xi) *data processing establishment;*
 - (xii) *designer's studio;*
 - (xiii) *duplicating shop;*
 - (xiv) *newsstand;*
 - (xv) *office;*
 - (xvi) *performing arts studio;*
 - (xvii) *personal grooming establishment;*
 - (xviii) *premises of a charitable institution or non-profit institution;*
 - (xix) *private art gallery;*
 - (xx) *public art gallery;*
 - (xxi) *publisher;*
 - (xxii) *retail store;*
 - (xxiii) *service, rental or repair shop;*
 - (xxiv) *showroom;*
 - (xxv) *software design and development establishment*
 - (xxvi) *tailoring shop;* and
 - (xxvii) *trade school.*
- (f) no portion of the *mixed-use building* shall have a *height* in metres greater than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, with exception of the following:
- (i) the maximum height for terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, window washing equipment, ornamental architectural features, chimney stacks and structures used for safety or wind protection purposes shall be the sum of 1.5 metres and the applicable height limit shown on Map 2;
 - (ii) the maximum height for diver screens shall be the sum of 2.0 metres and the applicable height limit shown on Map 2; and

- (iii) the maximum height for a ladder for maintenance purposes shall not exceed the sum of 1.0 metre and the applicable height limit shown on Map 2.
- (g) no portion of the *mixed-use building* above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, with the exception of the following:
- (i) cornices, light fixtures, awnings, ornamental elements, parapets, landscape features, trellises, eaves, window sills, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheel chair ramps and underground garage ramps and associated structures;
 - (ii) balconies and canopies provided they extend no more than 1.8 metres beyond the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law; and
 - (iii) the floor slab and balcony at the seventh *storey* may extend up to 5.0 metres eastward, and shall be wholly located within the *lot*, as delineated by heavy lines on Map 1 attached to and forming part of this By-law.
- (h) *parking spaces* are provided and maintained on the *lot*, at the following rates:
- (i)

Bachelor Units	0.3 spaces per unit
1-Bedroom Units	0.7 spaces per unit
2-Bedroom Units	1.0 spaces per unit
3-Bedroom Units	1.2 spaces per unit
Visitor Spaces	0.12 spaces per unit
 - (ii) a minimum of 24 *parking spaces* shall be provided for the exclusive use of the non-residential uses;
 - (iii) the residential visitor parking spaces shall be shared by residential and non-residential visitors; and
 - (iv) a minimum of one *car-share parking space* shall be provided on the first parking level below *grade*.
- (i) a minimum of 166 *bicycle parking spaces* shall be provided and maintained on the *lot*, of which:
- (i) a total of 133 *bicycle parking spaces* shall be provided and maintained for the exclusive use of residents of the building, and shall be located on the parking levels below *grade* in the building; and

- (ii) a total of 33 *bicycle parking spaces* shall be provided and maintained for the exclusive use of visitors, and shall be located at ground level and accessed via the building vestibule or lobby.
 - (j) not less than 0.75 square metres of indoor *residential amenity space* per *dwelling unit* and not less than 1.45 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *lot*.
 - (i) The indoor and outdoor *residential amenity space* referenced in 2(j) shall be contiguous, and located on the first floor of the *mixed-use building*.
 - (k) not less than 80% of the residential units will have a balcony and/or a terrace.
3. Pursuant to Section 37 of the *Planning Act*, the heights and density of the development contemplated by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the Owner of the *lot*, of the following facilities, services and matters to the City at the Owner's sole expense and in accordance with and subject to the agreement referred to in Section 3(f) herein:
- (a) the amount of \$310,000 payable to the City of Toronto prior to the issuance of any above *grade* building permits for the development of the *lot*, the amount to be used for:
 - (i) a cash contribution in the amount of \$60,000 for the undertaking and completion of the Queen Street East Heritage Conservation District Study;
 - (ii) a cash contribution in the amount of \$70,000 for the development of the Joel Weeks Park;
 - (iii) a cash contribution in the amount of \$35,000 for capital facilities improvements at the Jimmy Simpson Recreation Centre;
 - (iv) a cash contribution in the amount of \$25,000 for the Chinese Archway Reserve Fund;
 - (v) a cash contribution in the amount of \$50,000 for public realm improvements, including decorative boulevard paving and lighting, in the Riverside District Business Improvement Area;
 - (vi) a cash contribution in the amount of \$35,000 for capital facilities improvements at the Ralph Thornton Community Centre; and
 - (vii) a cash contribution in the amount of \$35,000 to Toronto Community Housing Corporation for capital upgrades within Ward 30 Toronto-Danforth, to be allocated by the Chief Operating Officer of the Toronto Community Housing Corporation in consultation with the Ward Councillor.

- (b) the amount of \$40,000 payable to the City of Toronto prior to this By-law coming into full force and effect, shall be used for capital facilities improvements at the Matty Eckler Community Centre.
- (c) The following matters are also to be secured in the Section 37 agreement:
 - (i) The existing 3 ½ storey non-residential building at 100 Broadview Avenue be preserved, maintained as non-residential, and incorporated into any development on the *lot*; and
 - (ii) The provision of a one-year membership to the *car-sharing* program, which will operate in conjunction with the *car-share parking spaces* provided for on this site, at no cost to all initial purchasers of residential units in the development.
- (d) the incorporation, in the construction of the building, of exterior materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The Owner shall include 1:50 scale drawings for the first to fourth storey portions of the Broadview Avenue elevations with building materials labeled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian.
- (e) the payments required in clause (a) herein shall increase in accordance with the increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement or, if the site specific by-laws for the project are appealed to the Ontario Municipal Board, from the date of the Board order approving the by-laws, to the date of submission of the funds by the owner to the City.
- (f) the payments required in clause (a) herein shall be paid prior to the issuance of the first above *grade* building permit to permit construction of a building or a portion of a building on the *lot*.
- (g) the Owner of the lands enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required in Section 3(a), (b), (c) and (d) herein and registers such agreement against title to the *lot* as a first charge, all to the satisfaction of the City Solicitor.

4. For the purposes of this By-law:

- (a) “*car-share*” shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

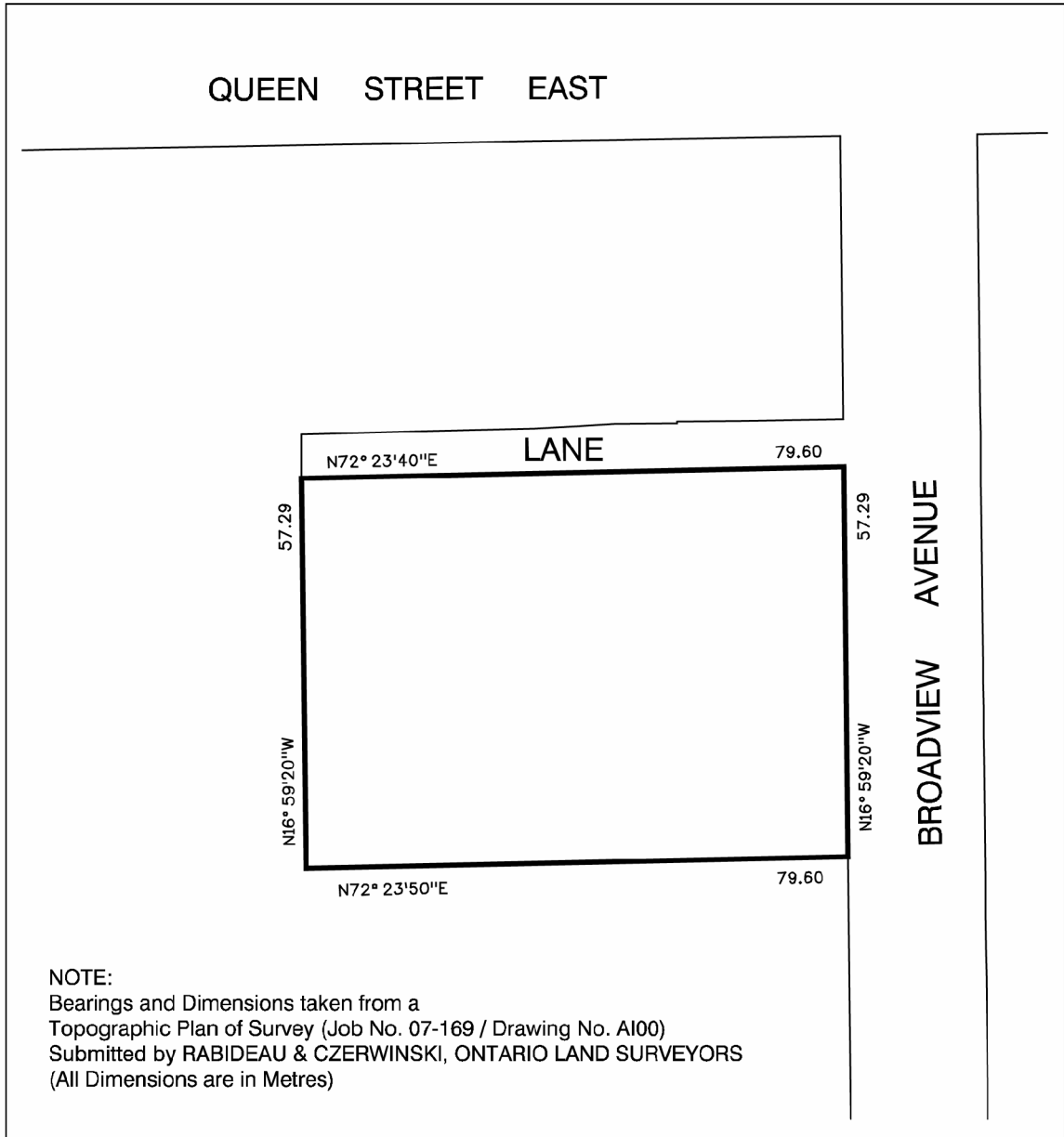
- (b) “*car-share parking space*” shall mean a *parking space* that is reserved and actively used for *car-share* purposes;
 - (c) “*grade*” shall mean 80.3 metres Canadian Geodetic Datum;
 - (d) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure on the *lot*;
 - (e) “*live-work unit*” shall mean a *dwelling unit* which may be used for work purposes by the residents of the unit and which may also be used for work purposes by persons not residing in the unit; and
 - (f) each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
5. 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.
6. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
7. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this 10th day of December, A.D. 2008.

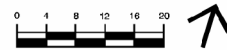
SANDRA BUSSIN,
Speaker

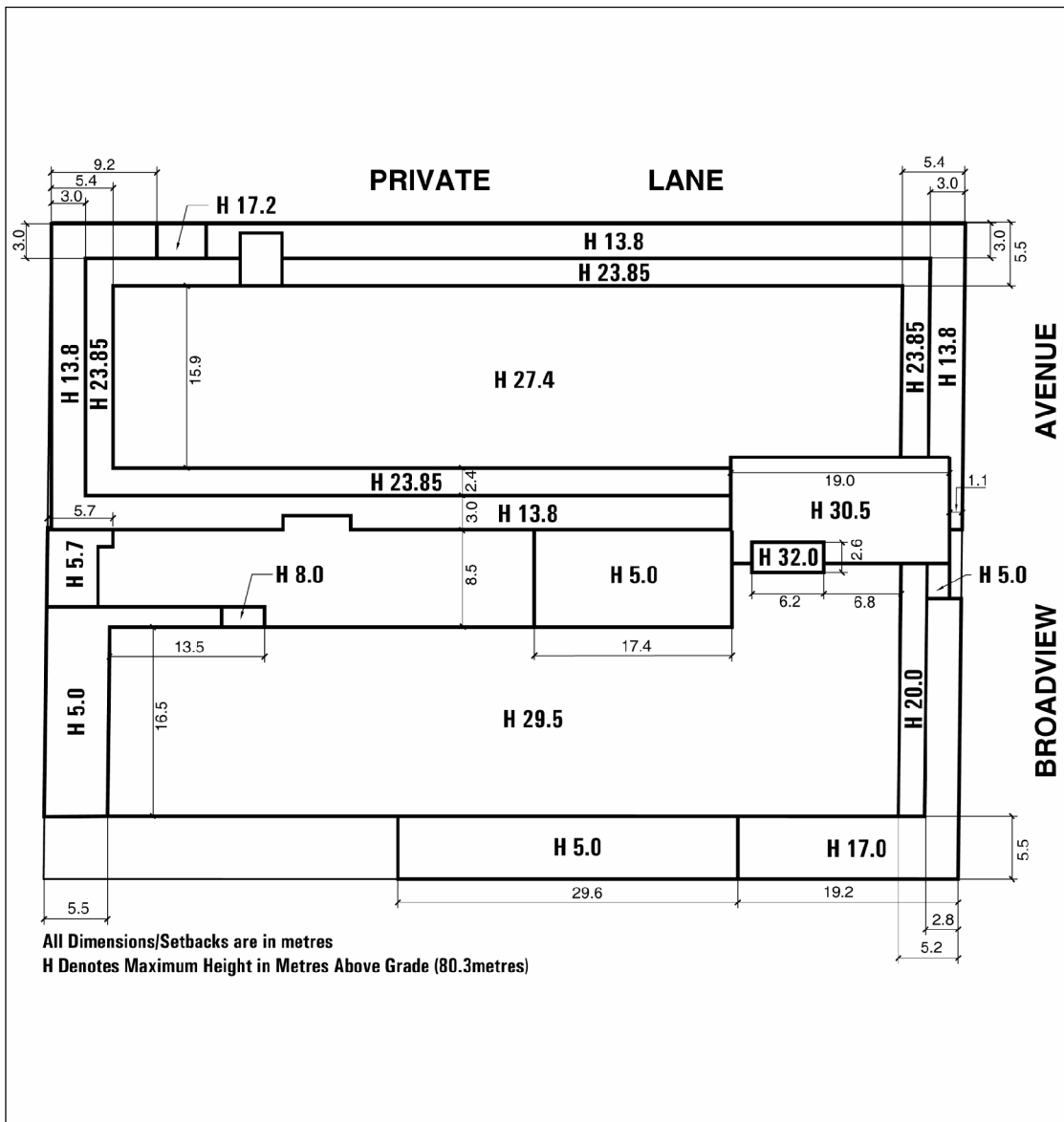
ULLI S. WATKISS
City Clerk

(Corporate Seal)



NOTE:
 Bearings and Dimensions taken from a
 Topographic Plan of Survey (Job No. 07-169 / Drawing No. AI00)
 Submitted by RABIDEAU & CZERWINSKI, ONTARIO LAND SURVEYORS
 (All Dimensions are in Metres)





All Dimensions/Setbacks are in metres
H Denotes Maximum Height in Metres Above Grade (80.3metres)