

Authority: North York Community Council Item 19.23,  
as adopted by City of Toronto Council on October 30, 31 and November 1, 2012

## CITY OF TORONTO

### BY-LAW No. 222-2013

**To amend General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to lands municipally known as 101 Erskine Avenue and 66 Broadway Avenue.**

Whereas authority is given to 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*; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council or a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law 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 or matters in return for any 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 lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increases in density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provisions of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

Whereas the Official Plan of the City of Toronto contains provisions relating to the authorization of the height and density of development; and

Whereas Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.

2. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
4. None of the provisions with respect of Section 2(1) with respect to the definition of '*height*', '*grade*', '*lot*' and '*parking space*' and Sections 4(2)(a), 4(4)(b), 4(11), 4(12), 4(13), 4(16), 4(17), 6(1), 6(3) Part I 1, 6(3)3 A, 6(3) Part II 2, 6(3) Part II 3, 6(3) Part II F(II), 6(3) Part II 4, 6(3) Part II 5, 6(3) Part II 6, 6(3) Part II 8, 6(3) Part III 1, 12 (2) 118 and 12(2) 119 of Zoning By-law 438-86 of the former City of Toronto, 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 an *apartment building*, including uses *accessory* thereto, on the *lot* provided:
  - (a) The *lot* consists of the lands delineated by heavy lines on Schedule A attached to and forming part of this by-law.

**Park**

- (b) The lands identified on Schedule B as "Park Dedication 'G' Area: 497 SM" are to be used for Park purposes only.

**101 Erskine Avenue and 66 Broadway Avenue - Buildings A, B and C:**

- (c) The permitted total floor space index for existing Building C and proposed Buildings A and B as shown on Schedule B shall be 4.4, based on the area of the *lot* as shown on Schedule A.
- (d) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
  - i. A total number of parking spaces servicing both the existing and proposed buildings shall not exceed 620 spaces.

**101 Erskine Avenue – Buildings A and B:**

- (e) The total *residential gross floor area* of Buildings A and B to be erected on the *lot* shall not exceed 32,350 square metres.
- (f) The maximum number of *dwelling units* does not exceed 432.

- (g) No part of any building or structure erected or used above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on the attached Schedule B.
- (h) No part of any building or structure erected or used above finished ground level shall exceed the *height* limits above *grade* for such building in metres specified by the numbers following the symbol "H" or, with respect to existing Building C, the height of existing Building C as shown on Schedule B.
- (i) Nothing in this By-law shall prevent the following elements from projecting beyond the heavy lines and above the heights shown on Schedule B:
  - i. Eaves, cornices, lighting fixtures, awnings, ornamental elements, architectural features, privacy screens, planters, parapets, trellises, window sills/surrounds, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, vents, underground garage ramps and their associated structure, fences and safety screens, and landscape and public art features;
  - ii. Balconies, which may extend to a maximum horizontal projection from an exterior building wall of 1.8 metres beyond the wall to which they are attached; and
  - iii. A mechanical penthouse which may extend to a maximum height of 5.0 metres.

**101 Erskine Avenue Buildings A and B Parking:**

- (j) *Parking spaces* for Buildings A and B shall be provided on the *lot* in accordance with the following dimensions:
  - i. A minimum of 2.6 metres in width and a minimum of 5.6 metres in length together with a minimum drive aisle width of 5.5 metres.

**101 Erskine Avenue Building A Parking:**

- (k) A minimum of 0.5 parking spaces per bachelor or one-bedroom unit.
- (l) A minimum of 0.85 parking spaces per two bedroom dwelling unit.

**101 Erskine Avenue Building A Visitors Parking:**

- (m) A minimum of 0.15 *parking spaces* per *dwelling unit* for visitors.

**101 Erskine Avenue Building B Townhouse Parking:**

- (n) A minimum of 1.0 parking spaces for each townhouse dwelling unit.

**101 Erskine Building A and B Bicycle Parking:**

- (o) *Bicycle parking spaces* for Building A and Building B shall be provided on the *lot* in accordance with the following:
  - i. A minimum of 0.7 bicycle parking spaces per dwelling unit; and
  - ii. A minimum of 0.08 short term bicycle parking spaces per dwelling unit.

**101 Erskine Buildings A and B Residential Amenity Space:**

- (p) *Residential amenity space* for Buildings A and B shall be provided on the *lot* in accordance with the following:
  - i. A minimum of 2 square metres of indoor *residential amenity space* for each *dwelling unit* located in a multi-purpose room or rooms, which need not be contiguous, at least one of which contains a kitchen and a washroom; and
  - ii. A minimum of 2 square metres of outdoor *residential amenity space* for each *dwelling unit*, of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*.

**5. Definitions:**

- (a) For the purposes of this By-law, the terms set forth in italics have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended, except for the following:
  - i. "*Height*" means the highest point of the roof above *grade*;
  - ii. "*Grade*" means 160.5 m Canadian Geodetic Datum;
  - iii. "*Lot*" means those lands identified in Schedule A attached to this By-law; and
  - iv. "*Parking space*" means an unimpeded area, at least 2.6 metres in width, 5.6 metres in length, together with a drive aisle width of 5.5 metres, which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another vehicle.

**6. 66 Broadway Avenue - Building C**

- (a) Existing residential Building C, its accessory uses and structures are deemed to comply with all provisions of By-law No. 438-86, as amended.

7. None of the provisions of By-law No. 438-86, as amended, or of this By-law shall apply to prevent the erection or use on the *lot* of a temporary sales office and associated parking.
8. Despite any existing or future severance, partition or division of the lot, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition, or division occurred.
9. No person shall use any land or erect or use any building or structure on the lot 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 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.
10. Section 13 of By-law No. 438-86 shall be amended by adding, 'By-law No. 222-2013' respecting 101 Erskine Avenue and 66 Broadway Avenue.

Enacted and passed on February 21, 2013.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**Appendix "1"**  
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for no credit for development charges or park levy, indexing escalation of the financial contributions, indemnity, insurance, taxes, termination and unwinding, and registration and priority of the agreement:

1. The owner shall provide to the City the sum of ONE MILLION DOLLARS (\$1,000,000.00) prior to final site plan approval. These funds will be used towards the design and implementation of off-site streetscape, street tree improvements and/or public art in the Ward 25 portion of the Yonge-Eglinton Apartment Neighbourhood Area, as determined by the Chief Planner in consultation with the General Manager, Parks, Forestry and Recreation, and the Executive Director, Technical Services, with the design of the improvements completed after consultation with the Ward Councillor, residents and local ratepayer associations.
2. The owner shall complete on-site park improvements above the base park condition, to a minimum amount of \$160,000, within 2 years of the issuance of the above-grade building permit, to the satisfaction of the General Manager, Parks, Forestry and Recreation, with the design of the improvements to be completed after consultation with the Ward Councillor, residents and local ratepayer associations.

All such amounts in Sections 1 and 2 of this Appendix 1 are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

3. The owner shall maintain the apartment building at 66 Broadway Avenue with 356 existing rental apartment dwelling units as rental housing for a minimum period of twenty (20) years commencing from the date the by-law comes into effect, with no application for demolition without replacement, or for conversion to non-rental housing purposes during the twenty year period.
4. The owner shall complete the following building and site improvements for the apartment building at 66 Broadway Avenue within 2 years of the issuance of the above-grade building permit, all to the satisfaction of the Director of Community Planning, North York District:
  - (a) Replace and upgrade the swimming pool, including the provision of new seating, tables and furniture for the pool area;
  - (b) Provide and maintain landscaping elements as shown on L101 Landscape Layout Plan 66 Broadway lands and L301 Planting Plan 66 Broadway land, both date stamped February 11, 2013 and on file with North York Community Planning, which may be amended only with the consent of the Director of Community Planning, North York District;

- (c) Improve the security features of the portion of the existing underground parking structure currently serving the apartment building at 66 Broadway; and
- (d) Improve the portion of the existing underground parking structure currently serving the apartment building at 66 Broadway that will remain after the completion of the development by, at a minimum, re-painting and providing and maintaining better signage and lighting.

The owner shall not pass through any of the costs of the improvements or the maintenance of the improvements in Section 4 of Appendix 1 to the tenants of the apartment building at 66 Broadway, including in the form of a rent increase above the Guideline established under the Residential Tenancies Act.

- 5. The owner shall enter into a Park Maintenance Agreement with the City prior to the issuance of an above-grade building permit to maintain the on-site parkland dedication shown on Schedule B to the satisfaction of the General Manager, Parks, Forestry and Recreation, and further agrees to implement said agreement, also to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- 6. The owner shall submit to the City prior to the issuance of any building permit a Construction Management Plan, to the satisfaction of the Executive Director, Technical Services, and further agrees to implement said plan, also to the satisfaction of the Executive Director, Technical Services.
- 7. The owner agrees to submit to the City prior to the issuance of any Building Permit a Tenant and Resident Communication Strategy, to the satisfaction of the Chief Planner, and further agrees to implement said plan, also to the satisfaction of the Chief Planner.





