

CITY OF TORONTO

BY-LAW 1344-2018(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2017 as 85-91 Broadway Avenue and 198 Redpath Avenue.

Whereas the Ontario Municipal Board/Local Planning Appeal Tribunal pursuant to its Decision/Orders issued on November 23, 2017 and June 25, 2018, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, 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 85-91 Broadway Avenue and 198 Redpath Avenue; 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 density of development; 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 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 Orders:

1. The lands subject to this By-law are outlined by heavy lines on Map 1, attached to and forming part of this By-law.
2. None of the provisions of Section 2 with respect to the definitions of *lot*, *grade*, *bicycle parking space-occupant*, *bicycle parking space-visitor*, *temporary sales office*, *residential gross floor area*, and *height* and Sections 4(2), 4(4)(b), 4(12), 4(13), 4(16), 4(17), 6(3) Part I 1, 6(3) Part II 2, 3, 4, and 5, and 6(3) Part III 1 of 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* with underground parking on the *lot* delineated by heavy lines on Map 1, provided that:

- (a) The maximum permitted *residential gross floor area* is 25,300 square metres;
- (b) No part of any building or structure on the *lot* erected or used above *grade* shall exceed the *height* limits shown in metres and indicated by the numbers following the letter "H" in the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law;
- (c) Nothing in Section 2(b) above shall prevent the following elements from projecting above the *height* limits shown on Map 2, as follows:
 - (i) Safety railings and fences located at each of the roof levels of the building provided the maximum vertical distance of any such railing does not exceed 1.8 metres;
 - (ii) a parapet, including roof drainage, thermal insulation and roof ballast at each of the roof levels of the building provided the maximum vertical dimension of any such parapet does not exceed 1.8 metres; and
 - (iii) structures on the roof of any part of the building used for outside or open air recreation, green roof elements, wind mitigation elements, landscape features, architectural elements, elevator overruns, public art features, mechanical equipment, telecommunications equipment and antennae, window washing equipment, stair towers, partitions dividing outdoor recreation areas, trellises or a fence, planters, landscape features, wall or structure enclosing such elements, lightning rods and exhaust flues provided the maximum vertical distance of such does not exceed 6.0 metres;
- (d) No portion of any *apartment building*, including balconies, erected on the *lot* above *grade* is located otherwise than wholly within the areas delineated by heavy lines and building envelopes shown on Map 2, with the exception of the following:
 - (i) except for structural support elements, the *storeys* within a portion of the building or structure shall be setback a minimum of 7.5 metres from the north lot line between 0 metres and 12.5 metres above *grade*; and
 - (ii) except for structural support elements, the *storeys* within a portion of the building or structure shall be setback a minimum of 2 metres from the east lot line between 0 metres and 5 metres above *grade*;
- (e) Nothing in Section 2(d) above shall prevent the following elements from projecting beyond the heavy lines shown on Map 2, as follows:

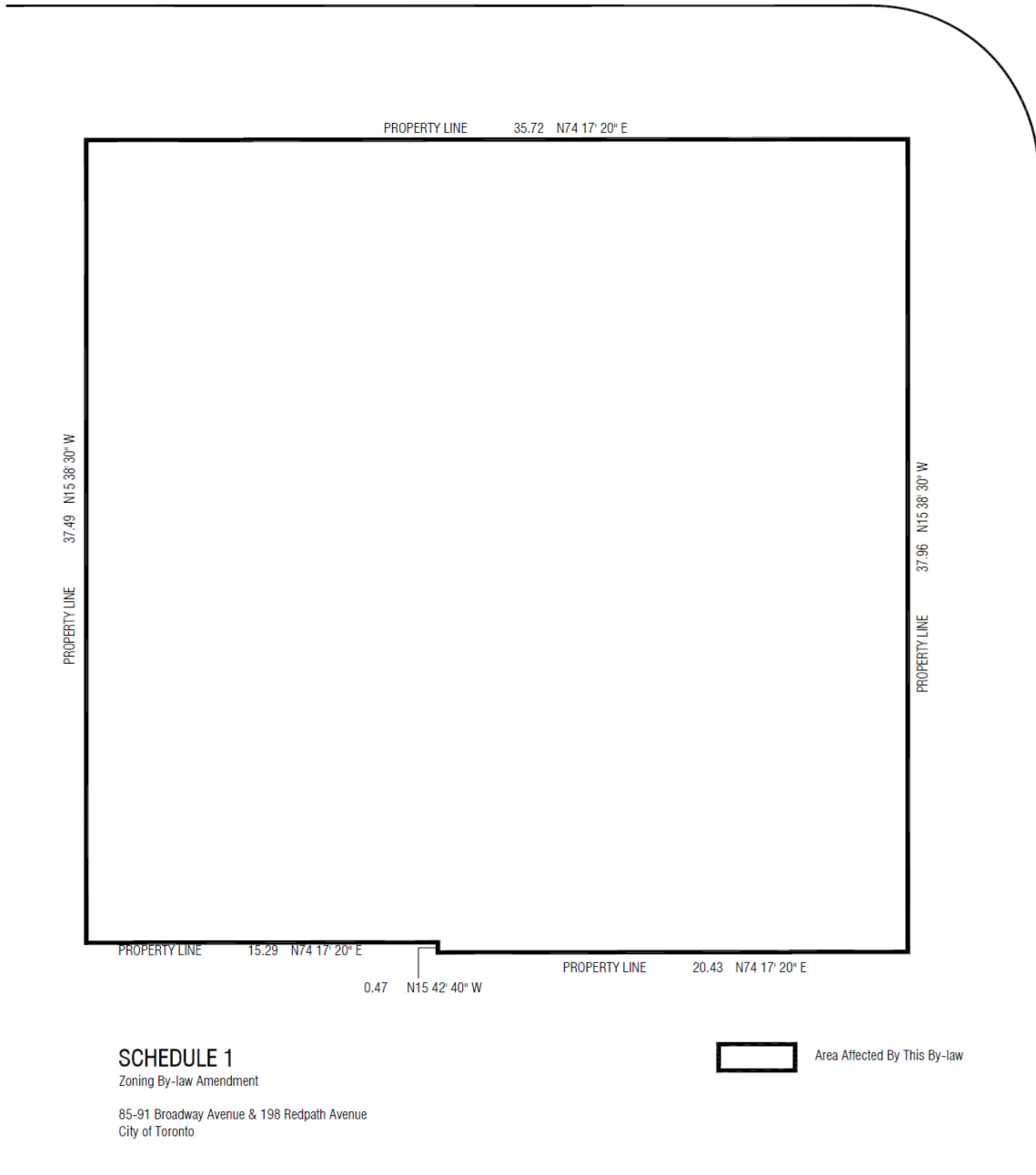
- (i) Balconies may only be located within the areas identified on Map 3, attached to and forming part of this by-law;
 - (ii) Cornices, lighting fixtures, window washing equipment, awnings, canopies, finials, parapets, terraces, terrace guards, platforms ornamental or architectural elements, trellises, eaves, window sills, bay windows, balconies, canopies, guardrails, balustrades, railings, wind mitigation screens and features, planters, monuments, arbours, patios, decorative features, stairs, stair enclosures, stair landings, supportive columns, wheel chair ramps, vents, stacks, wind screens and features, acoustic screens and features underground garage ramps and their associated structures, underground garage stair enclosures, retaining walls, fences, screens, weather protection, and canopies, provided that the maximum projection does not exceed 2.0 metres; and
 - (iii) Landscape and public art features provided that the maximum projection does not exceed 7.5 metres;
- (f) A maximum of 385 *dwelling units* are permitted;
- (g) A minimum of 652 square metres of indoor *residential amenity space* and 669 square metres of outdoor *residential amenity space* shall be provided on the *lot*. A minimum of 40 square metres of outdoor *residential amenity space* must be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;
- (h) A minimum of 80 *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
- (i) Minimum of 70 *parking spaces* shall be provided for residents;
 - (ii) Minimum of 10 *parking spaces* shall be provided for the use of residential visitors; and
 - (iii) For each *car-share parking space* provided on the *lot*, the minimum number of *parking spaces* required by (i) above shall be reduced by 4 *parking spaces*, up to a maximum of 5 *car-share parking spaces*;
- (i) A *parking space* shall have a minimum width of 2.6 metres, a minimum length of 5.6 metres, and a minimum height of 2.0 metres;
- (j) A minimum of 316 *bicycle parking spaces-occupant* shall be provided and maintained on the *lot*;
- (k) A minimum of 36 *bicycle parking spaces-visitor* shall be provided and maintained on the *lot*;
- (l) A minimum of 5 percent of the *dwelling units* shall be three bedroom *dwelling units*;

- (m) None of the provisions of By-law 438-86, as amended, or this By-law shall apply to prevent a *temporary sales office* on the *lot* as of the date of passing of this By-law; and
 - (n) *Loading spaces* shall be provided and maintained on the *lot* in accordance with the following requirement:
 - (i) One *loading space-type G* shall be provided.
3. 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*" shall mean an elevation of 160.15 metres Canadian Geodetic Datum;
 - (b) "*height*" shall be measured from "*grade*" to the highest point of the building;
 - (c) "*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 be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or not be refundable;
 - (d) "*car-share parking space*" shall mean a parking space that is reserved and actively used for car-sharing;
 - (e) "*temporary sales office*" shall mean a building, structure, trailer or facility on the *lot* used exclusively for the sales, marketing, display and promotion of *dwelling units*;
 - (f) "*bicycle parking space-occupant*" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles; and
 - (i) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) Where bicycles are to be parked in a *stacked bicycle parking space*, has dimensions of at least 0.45 metres by 1.8 metres and a vertical clearance of 1.2 metres for each *bicycle parking space*; and
 - (iv) In the case of a bicycle rack, is located in a secured room or area;

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- (g) *"bicycle parking space-visitor"* shall mean an shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles; and
- (i) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) Where bicycles are to be parked in a *stacked bicycle parking space*, has dimensions of at least 0.45 metres by 1.8 metres and a vertical clearance of 1.2 metres for each *bicycle parking space*; and
 - (iv) May be located indoors or outdoors including within a secured room or enclosure;
- (h) *"stacked bicycle parking space"* shall mean a horizontal bicycle parking space that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.
4. 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.
5. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height of development on *Parcel A* contemplated herein, beyond that otherwise permitted in By-law 438-86, is permitted in return for the provision by the *owner*, at the *owner's* expense, of certain facilities, services and matters set out in Schedule A, subject to and in accordance with an agreement pursuant to Section 37(3) of the Planning Act securing the following facilities, services and matters set out in Schedule A, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act that is in a form and registered on title to *Parcel A*, to the satisfaction of the City Solicitor.
6. 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 satisfaction of the same.


Pursuant to Ontario Municipal Board/Local Planning Appeal Tribunal Decisions/Orders issued on November 23, 2017 and June 25, 2018 in File PL170407.

BROADWAY AVENUE



SCHEDULE 1
Zoning By-law Amendment

85-91 Broadway Avenue & 198 Redpath Avenue
City of Toronto

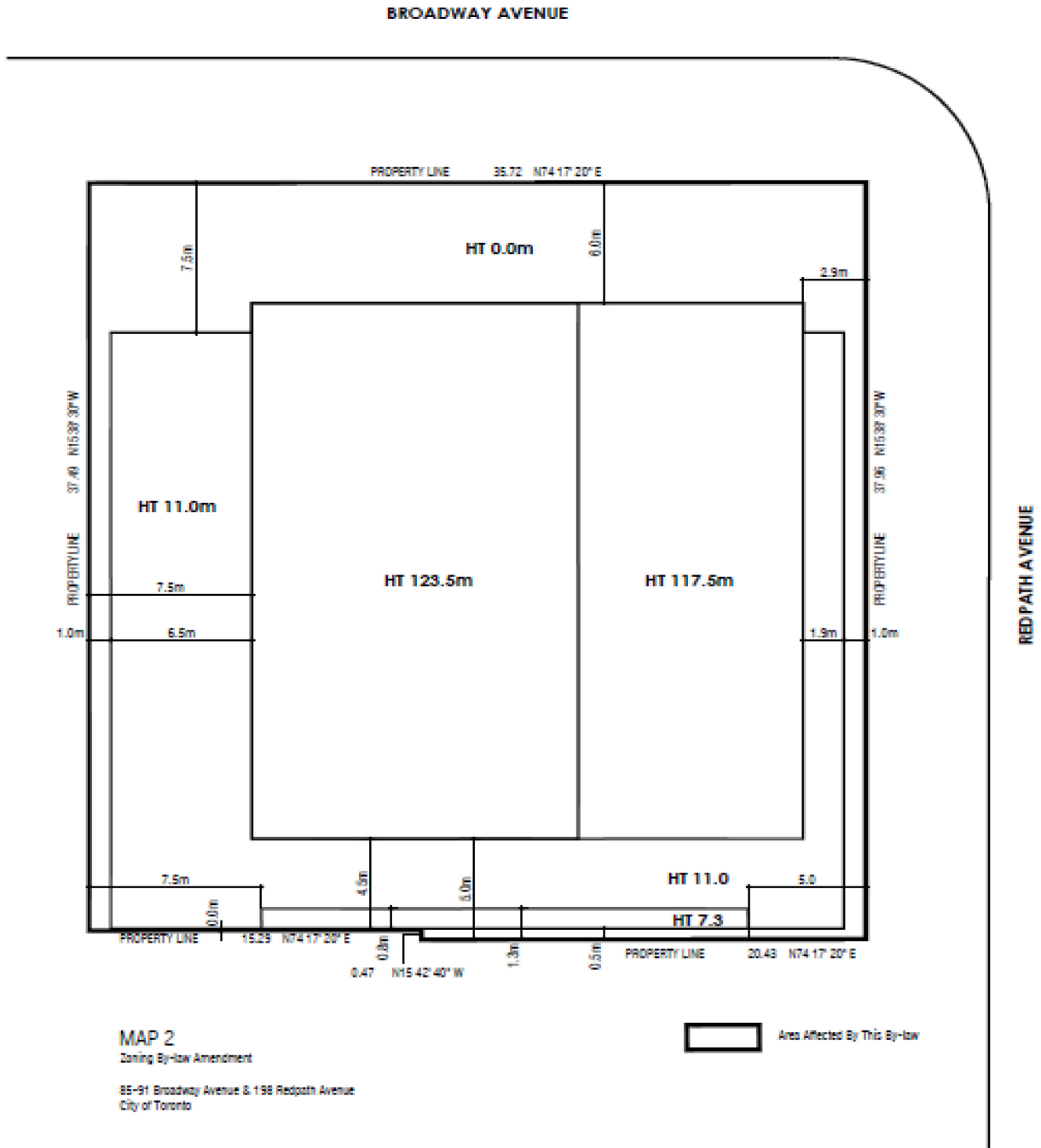
 Area Affected By This By-law

MAP 1

▪ BROADWAY HOLDINGS INC ▪ 85 BROADWAY AVENUE ▪ 1196.16D ▪ Nov. 9, 2017



**GRAZIANI
+
CORAZZA**
ARCHITECTS INC.

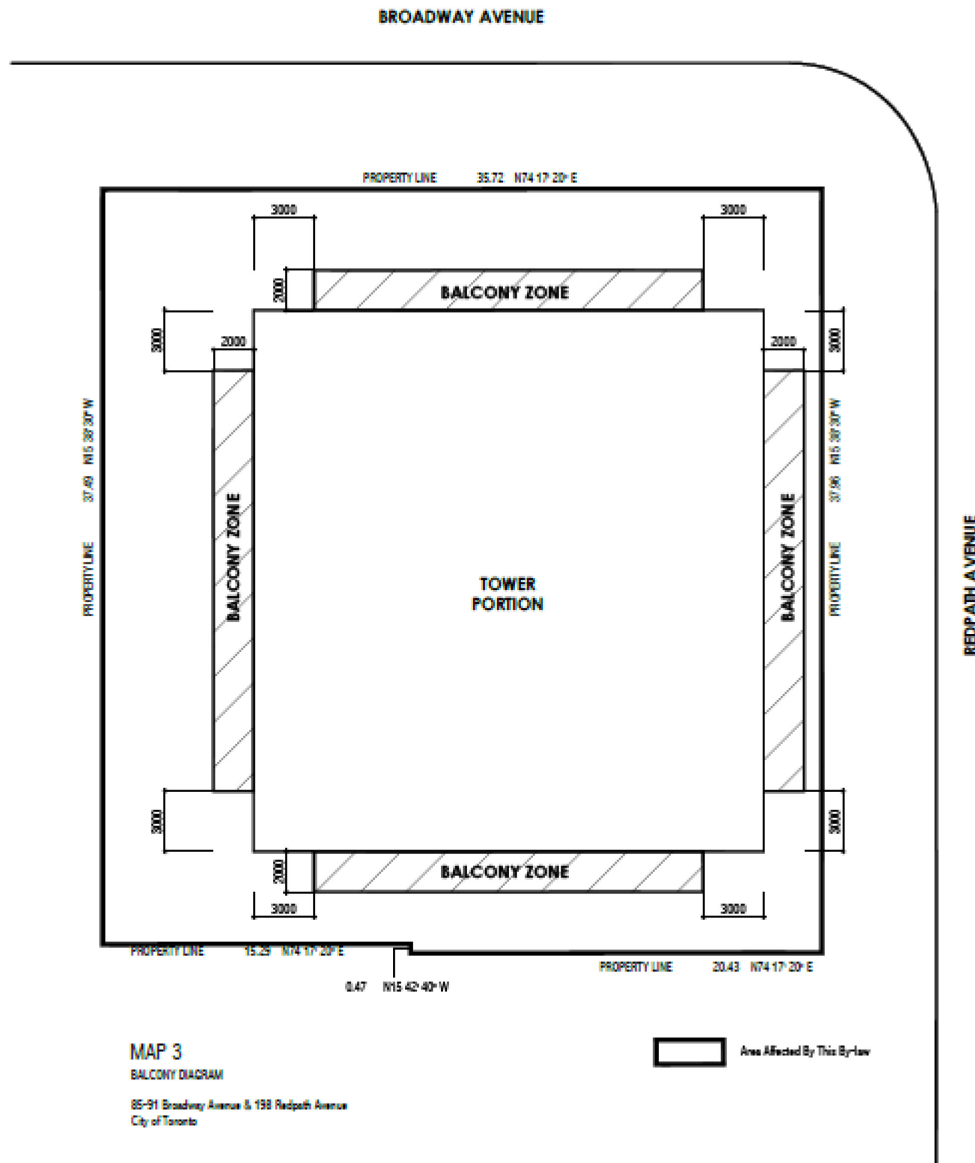


MAP 2

• BROADWAY HOLDINGS INC • 85 BROADWAY AVENUE • 1196.16D • Mar. 22, 2018



**GRAZIANI
+
CORAZZA**
ARCHITECTS INC.



SCHEDULE A
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* and the *owner* with conditions providing for indexing escalation of both the financial contributions, and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first above *grade* building permit the *owner* shall provide a cash contribution of \$1,300,000, and 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 the payment is made towards
 - a. Public realm improvements in the Yonge-Eglinton Secondary Plan area; and
 - b. Additional community services and facilities in the Yonge-Eglinton Secondary Plan Area in accordance with emerging infrastructure priorities identified in the Yonge-Eglinton Secondary Plan Review.
2. In the event the cash contributions referred to in Section 1 have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.
3. The following matters are required to be secured in the Section 37 Agreement as a matter of legal convenience. The replacement rental dwelling units shall be provided by the Owner in accordance with the following conditions:
 - a. the Owner shall provide and maintain nine (9) replacement rental dwelling units and two (2) new market rental dwelling units, comprised of two (2) bachelor units, two (2) one-bedroom units, six (6) two-bedroom units and one (1) three-bedroom unit, on the subject site for a period of at least twenty (20) years, as generally shown on the plans submitted to the City Planning Division dated November 2, 2017. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - b. the Owner shall provide and maintain at least two (2) bachelor and one (1) two-bedroom replacement rental dwelling units at affordable rents and five (5) two-bedroom and one (1) three-bedroom replacement rental dwelling units at mid-range rents for at least ten (10) years, beginning from the date of first occupancy. The Owner shall also provide and maintain at least two (2) one-bedroom new market rental dwelling units at unrestricted rents for at least ten (10) years, beginning from the date of first occupancy;
 - c. The owner shall provide ensuite laundry in all replacement rental dwelling units and new market rental dwelling units;

- d. The owner shall provide tenants of the replacement rental dwelling units and new rental dwelling units with access to all indoor and outdoor amenities and bicycle parking on the same terms and conditions as condominium residents;
- e. The owner shall provide at least two (2) vehicle parking spaces for rent to tenants of the replacement rental dwelling units and new market rental dwelling units;
- f. The owner shall provide at least seven (7) of the replacement rental dwelling units with a balcony or terrace; and
- g. The owner shall provide tenant relocation and assistance plan to all eligible tenants, including the right to return to a replacement rental dwelling unit, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.