

Authority: Ontario Municipal Board Decision issued on November 23, 2017 and Local Planning Appeal Tribunal Order issued June 25, 2018 in Tribunal File PL170407

CITY OF TORONTO

BY-LAW 1345-2018(LPAT)

To amend Zoning By-law 569-2013, 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 on June 25, 2018 in respect of Tribunal File PL170407, 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 the Zoning By-law for the City of Toronto, being By-law 569-2013, as amended, 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 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 Orders:

1. The lands subject to this By-law are outlined by heavy 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 990.10 respecting the lands outlined by heavy lines to "R (d2.0) (xR53)", as shown on Diagram 2 attached to this By-law.

3. Zoning 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number R 53 so that it reads:

Exception R53

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 85-91 Broadway Avenue and 198 Redpath Avenue, if the requirements of Section 5 and Schedule A of By-law 1345-2018(LPAT) are satisfied none of the provisions of regulations 10.10.40.10(1) and 10.10.40.40 apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in compliance with (B) to (S) below;
- (B) Despite Section 5.10.40.70(1), the underground garage may be set back 0.0 metres from all **lot lines**;
- (C) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** is 23,900 square metres;
- (D) Despite regulation 10.5.40.10(1), the height of the **building** is the distance between the Canadian Geodetic Datum elevation of 160.15 metres and the elevation of the highest point of the **building**;
- (E) Despite regulation 10.10.40.10(1), the permitted maximum height of a **building** or **structure** is the height in metres specified by the numbers following the symbol HT on Diagram 3 of By-law 1345-2018(LPAT);
- (F) Despite clauses 10.5.40.10 and 10.10.40.10, the following **building** elements and **structures** are permitted to project vertically beyond the height limits specified in (E) above:
 - (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;
 - (iii) Structures on the roof of any part of the building used for outside or open air recreation, 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; and

- (iv) Green roof elements provided the maximum vertical distance of such does not exceed 2.0 metres;
- (G) Despite clause 10.10.40.70 and regulation 10.5.40.70(1), the required minimum **building setbacks** are as shown on Diagram 3 of By-law 1345-2018(LPAT), with the exception of the following:
- (i) Except for structural support elements, the **storeys** within a portion of the **building** or **structure** must be set back a minimum of 7.5 metres from the north **lot line** between 0 metres and 12.5 metres above the Canadian Geodetic Datum Elevation of 160.15 metres; and
 - (ii) Except for structural support elements, the **storeys** within a portion of the **building** or **structure** must be set back a minimum of 2 metres from the east **lot line** between 0 metres and 5 metres above the Canadian Geodetic Datum Elevation of 160.15 metres;
- (H) Despite clause 10.5.40.60 and regulation 10.5.40.50(2), the following **building** elements are permitted to encroach into the required **building setbacks**:
- (i) Balconies may be located only within the areas identified on Diagram 4 of By-law 1345-2018(LPAT), attached to and forming part of this By-law; and
 - (ii) Landscape and public art features provided that the encroachment does not exceed 7.5 metres;
- (I) Despite regulation 10.10.40.50(1), a minimum of 652 square metres of indoor **amenity space** and 669 square metres of outdoor **amenity space** must be provided;
- (J) Despite clause 200.5.10, a minimum of 80 **parking spaces** must be provided on the **lot** in accordance with the following:
- (i) A minimum of 70 **parking spaces** must be provided for residents; and
 - (ii) A minimum of 10 **parking spaces** must be provided for the use of visitors;
- (K) For each car-share **parking space** provided on the **lot**, the minimum number of **parking spaces** required by (I) above may be reduced by 4 **parking spaces**, up to a maximum of 5 car-share **parking spaces**;

- (L) Despite regulation 230.5.1.10(9) and 230.5.10.1, 316 **bicycle parking spaces** must be provided for residents and 36 **bicycle parking spaces** must be provided for visitors;
- (M) Despite regulation 230.5.1.10(4), where bicycles are to be parked in a **stacked bicycle parking space**, the minimum dimension of a **bicycle parking space** must be at least 0.45 metres wide by 1.8 metres in length with a vertical clearance of 1.2 metres for each **bicycle parking space**;
- (N) Despite regulations 230.5.1.10(6) and 230.5.1.10(9) **bicycle parking spaces** may be located indoors or outdoors including within a secured room or enclosure;
- (O) Regulation 230.10.1.20(1) respecting storage location of **bicycle parking spaces** does not apply;
- (P) A maximum of 385 **dwelling units** are permitted;
- (Q) A minimum 5 percent of the **dwelling units** must be three bedroom **dwelling units**;
- (R) Regulations 10.5.100.1(5), 10.5.50.10(4)(A) and (B), 10.5.50.10(5), 10.5.80.30 and 10.10.40.30(1) do not apply; and
- (S) None of the provisions of By-law 569-2013, 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.

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

4. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, except that the following definitions shall apply:
 - (A) **Car-share** means 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;
 - (B) **Car-share parking space** means a **parking space** that is reserved for car-sharing;
 - (C) **Temporary sales office** means a **building, structure**, trailer or facility on a **lot** used exclusively for the sales, marketing, display and promotion of **dwelling units** on the **lot**.

5. 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 satisfaction of the same.
- (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.

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

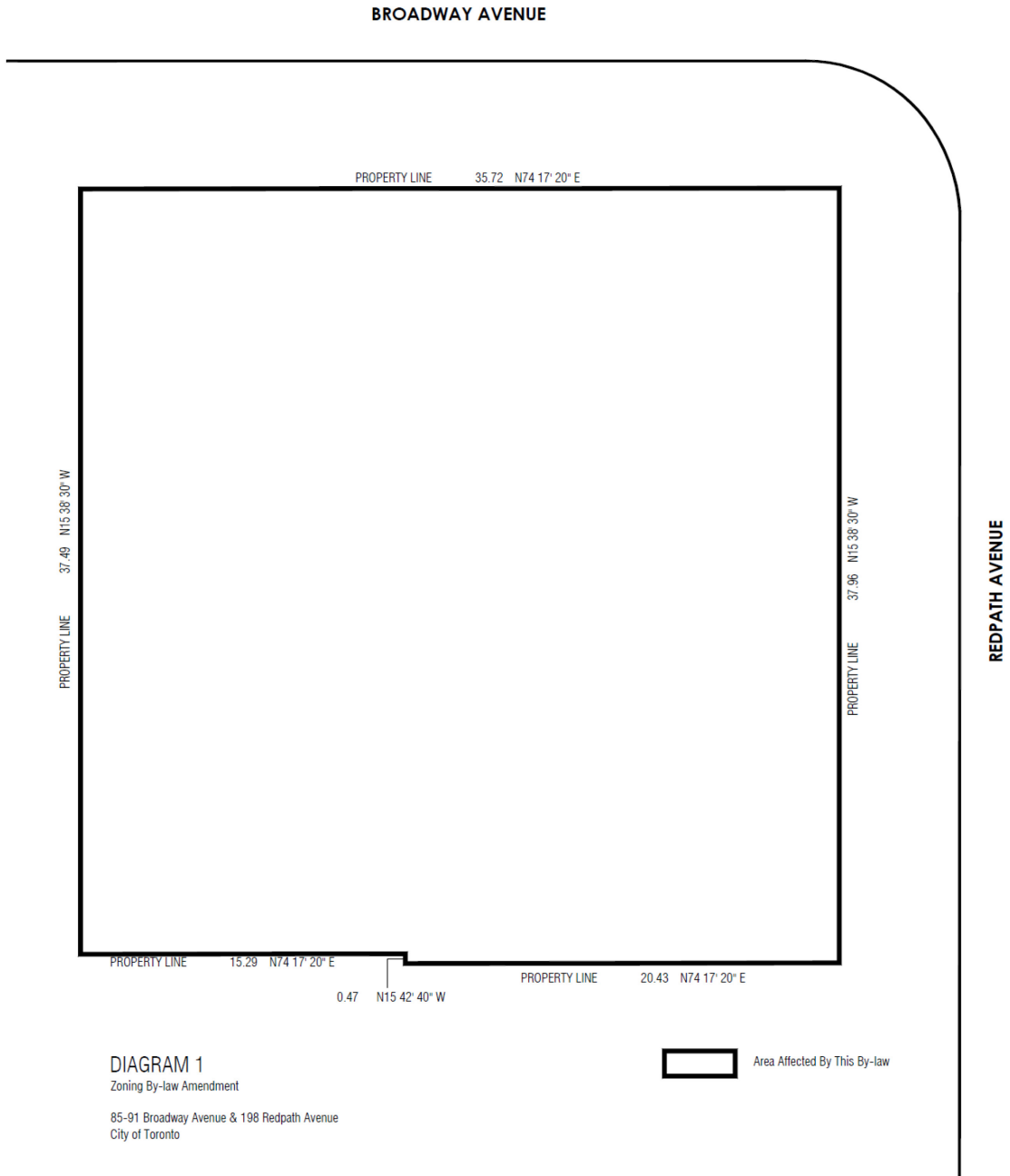


DIAGRAM 1

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



**GRAZIANI
+
CORAZZA
ARCHITECTS INC.**

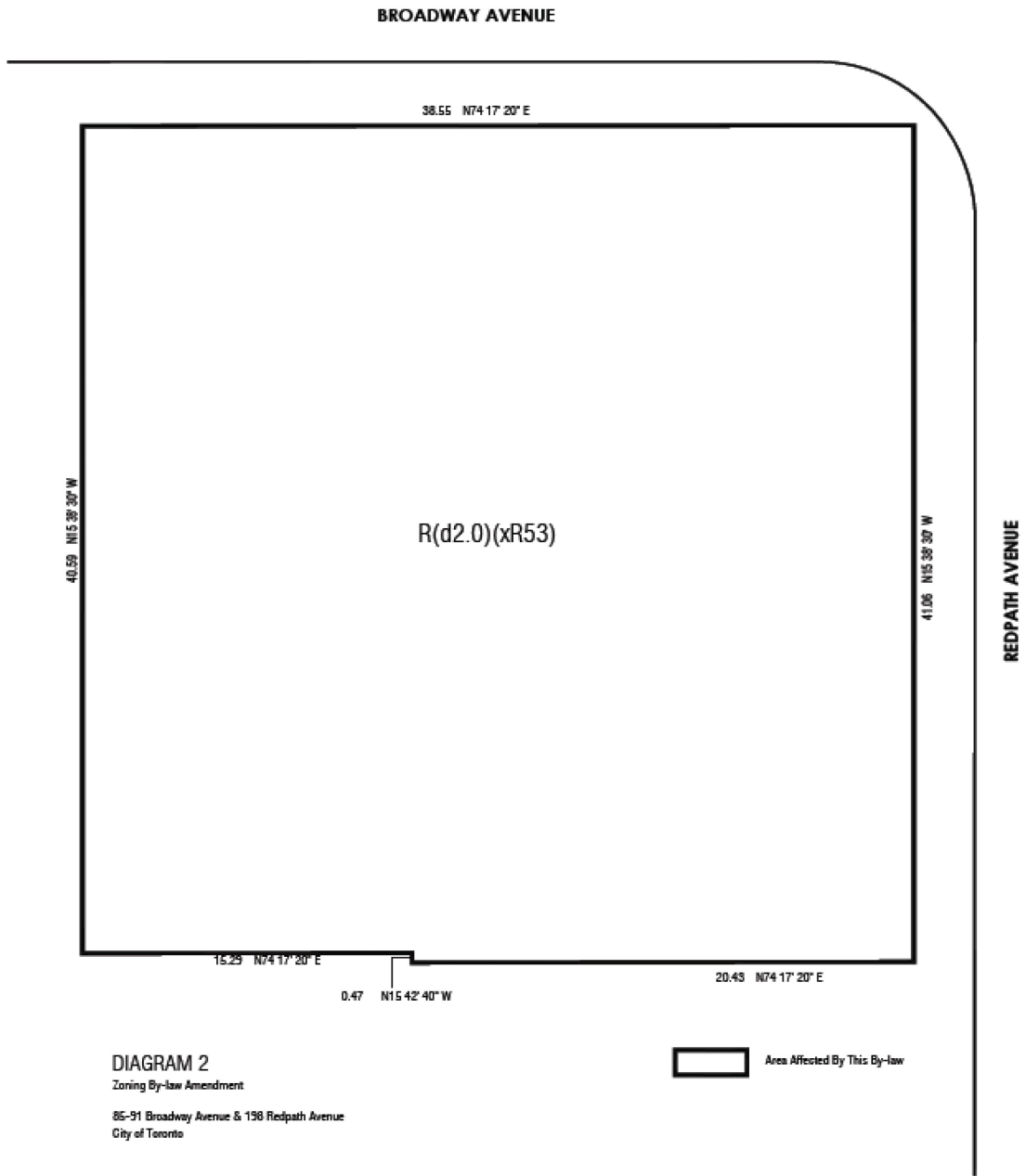


DIAGRAM 2

• BROADWAY HOLDINGS INC • 85 BROADWAY AVENUE • 1196.16D • Sep. 20, 2018



**GRAZIANI
+
CORAZZA**
ARCHITECTS INC.

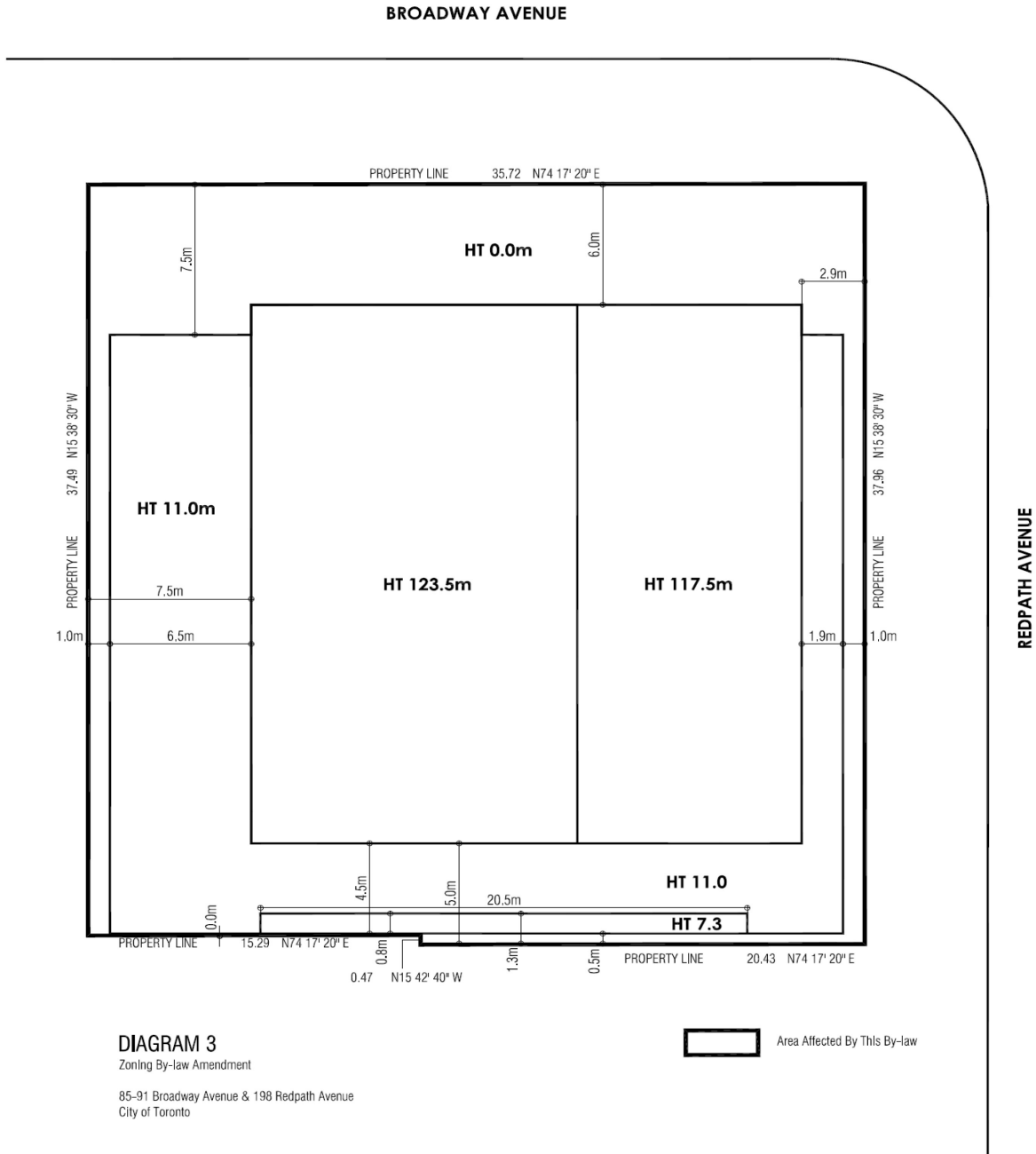


DIAGRAM 3

• BROADWAY HOLDINGS INC • 85 BROADWAY AVENUE • 1196.16D • Jun. 18, 2018



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ARCHITECTS INC.**

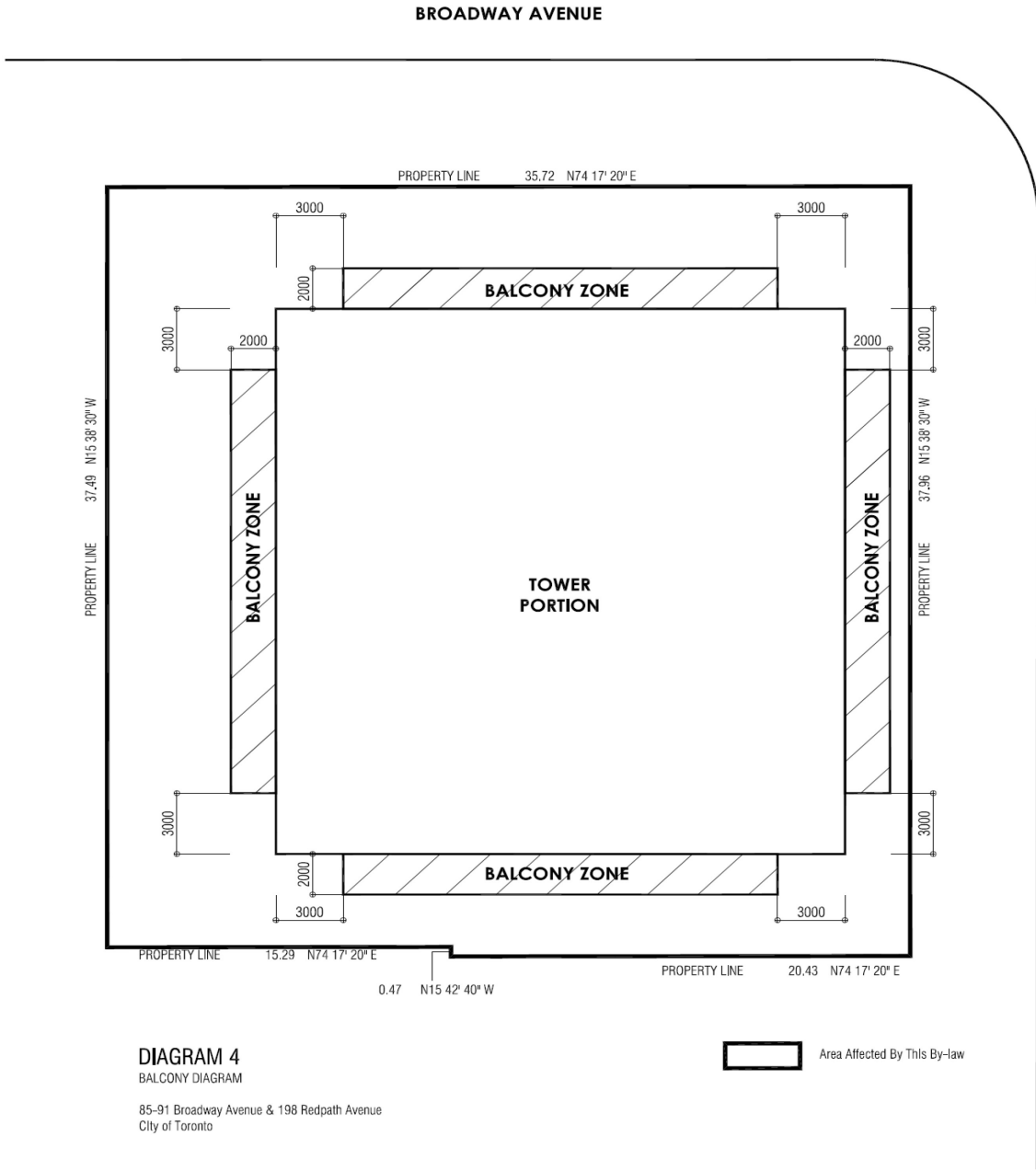


DIAGRAM 4
BALCONY DIAGRAM

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

 Area Affected By This By-law

DIAGRAM 4

▪ BROADWAY HOLDINGS INC ▪ 85 BROADWAY AVENUE ▪ 1196.16D ▪ Jun. 18, 2018



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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.