

Authority: Local Planning Appeal Tribunal Decision
issued May 31, 2018 and Order issued August 18, 2020 in
File PL160941

CITY OF TORONTO

BY-LAW 974-2020(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 117 and 127 Broadway Avenue.

Whereas the Local Planning Appeal Tribunal pursuant to its Decision/Order issued on August 18, 2020 in file PL160941 upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c. 1P.13, as amended deems it advisable to amend By-law 569-2013, as amended, for the City of Toronto with respect to lands municipally known as 117 and 127 Broadway Avenue; 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 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 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 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/or 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 black lines on Diagram 1, attached to and forming part of this By-law.
2. The words highlighted in bold type in the By-law have the meaning given in Zoning By-law 569-2013, Chapter 800 Definitions.

3. 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 black lines to R (d2.0) (x90), as shown on Diagram 2, attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 90 so that it reads:

Exception R 90

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 117 and 127 Broadway Avenue, if the requirements of Section 5 and Schedule A of By-law 974-2020(LPAT) are complied with, a **building** or **structure** may be erected or constructed in compliance with (B) to (Z) below;
- (B) For the purposes of this exception, **established grade** is the Canadian Geodetic Datum elevation of 158.80;
- (C) Despite Clause 10.10.40.70 the required minimum **building setbacks** are shown in metres on Diagram 3 of By-law 974-2020(LPAT);
- (D) 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 974-2020(LPAT);
- (E) Despite regulation 10.10.40.10(3) the permitted maximum number of **storeys** in a **building** or **structure** on the **lot** is the numerical value following the letters "ST" on Diagram 3 of By-law 974-2020(LPAT);
- (F) Despite regulations 10.5.40.10(2), (3) and (4), and 10.10.40.10(9), the following **building** elements and **structures** may exceed the permitted maximum **building** height:
 - (i) Roof drainage materials, thermal insulation, roof assemblies including decking and pavers or roof ballast to a maximum of 1.0 metres;
 - (ii) **Structures** on the roof at or above the 8th **storey** used for pool or spa maintenance or operational equipment and swimming pools (elevated or otherwise) to a maximum of 1.7 metres;
 - (iii) Parapets, safety railings, **green roof** elements, architectural elements and features, landscape elements and features, balcony and terrace partitions and dividers, telecommunications equipment and antennae, planters, lightning rods, exhaust flues, vents at each of the roof levels of the **building** to a maximum of 2.3 metres;

- (iv) Structures on the roof of any part of the **building** used for outside or open air recreation, mechanical equipment and associated screening structures, wind mitigation elements, elevator shafts and enclosed stairwells, window washing equipment to a maximum of 3.0 metres;
- (v) Trellises, fencing and or canopies at or above the 7th and 8th storey to a maximum of 4.0 metres;
- (G) Despite regulations (C), (D), (E), and (F) above, a stair enclosure is permitted on the **lot**;
- (H) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** is 62,341 square metres;
- (I) Areas devoted to a **day nursery** use must be provided as follows:
 - (i) a minimum of 692 square metres of **gross floor area** must be used for a **day nursery**;
 - (ii) a minimum of 290 square metres of outdoor area must be used for a **day nursery**; and
 - (iii) the outdoor area required by (ii) above must be adjacent to and accessible from the indoor area required by (i) above;
- (J) A maximum of 947 **dwelling units** are permitted, provided that:
 - (i) A minimum 19 percent of **dwelling units** must contain at least two bedrooms; and
 - (ii) A minimum of 8 percent of **dwelling units** must contain at least three bedrooms;
- (K) Despite regulation 10.5.40.60(1), a platform, mechanical penthouse or balcony attached to or within 0.3 metres from a **building** may encroach into the required **building setbacks** to a maximum of 2.1 metres, except that no platform may encroach within the area labeled "Main Wall where balcony projections are not permitted" as shown in Diagram 3 of By-law 974-2020(LPAT);
- (L) Despite regulation 10.5.40.60(2), an entrance canopy, awning, or similar structure at the ground floor, with or without structural support, or a roof over a platform may encroach into the required **building setbacks** to a maximum of 3.8 metres;
- (M) Despite regulation 10.5.40.60(3)(B) underground garage access ramps may encroach into a required **building setback** to a maximum of 3.0 metres, provided such encroachment is not located within the **front yard**;

- (N) Despite regulation 10.5.40.60(3), exterior stairs, wheelchair access ramps, pedestrian access ramps, and elevating devices may encroach into a required **building setback** to a maximum of 3.0 metres;
- (O) Despite regulation 10.5.40.60(5), architectural features including lighting on a **building** may encroach into a required **building setback** to a maximum of 1.0 metres;
- (P) Despite regulation 10.5.40.60(7), roof parapets and projections may encroach into a required **building setback** to a maximum of 2.2 metres;
- (Q) Despite regulation 10.5.40.60(8), vents, pipes, utility equipment, siamese connections, satellite dishes, and antennas (including mounting poles) may project into a required **building setback** except the **front yard setback** to a maximum of 1.0 metres;
- (R) Despite regulation 10.10.40.50(1), the minimum required **amenity space** is 1,448 square metres of indoor **amenity space** and 1,632 square metres of outdoor **amenity space**;
- (S) Despite clause 200.5.10.1 **parking spaces** must be provided and maintained as follows:
- (i) a minimum of 220 **parking spaces** for residents of **dwelling units**; and
 - (ii) a minimum of 32 **parking spaces** for the shared use of residential visitors and **non-residential** uses,
- (T) Despite regulation (S) above, if a **building** contains fewer than 947 **dwelling units**, the number of **parking spaces** for residents required in (S) above may be reduced by the figure obtained by multiplying the following number by 0.245:
- (i) 947 minus the total number of **dwelling units** in the **building**;
- (U) Despite regulation 200.5.1.10 (2), a maximum of 15 **parking spaces** may have minimum dimensions of:
- (i) length of 5.3 metres;
 - (ii) width of 2.4 metres; and
 - (iii) vertical clearance of 1.7 metres;
- (V) Despite regulations 200.15.1(4) and 200.15.10(1), a minimum of 9 accessible **parking spaces** must be provided on the **lot** and located within 10.0 metres to an accessible pedestrian entrance or an accessible elevator providing access to the first **storey** of the **building**;

- (W) Despite clause 220.5.10.1, **loading spaces** must be provided as follows:
- (i) A minimum of 1 Type "G" **loading space**; and
 - (ii) A minimum of 1 Type "B" **loading space**;
- (X) Despite regulation 200.5.10.1 (12) the total minimum number of **parking spaces** required on the **lot** may be reduced at a rate of 1 vehicle **parking space** for each 5 **bicycle parking spaces** provided in excess of the minimum number of **bicycle parking spaces** required by By-law 569-2013 if the reduction of vehicle **parking spaces** is not greater than 20 percent of the total minimum of vehicle **parking spaces** required;
- (Y) Despite regulations 10.5.50.10 (4), a minimum of 15 percent of the **lot** must be used for **landscaping** of which a minimum of 30 percent must be used for **soft landscaping**;
- (Z) Despite regulation 10.5.50.10(5), a 1.5 metre wide strip of **soft landscaping** is not required along any part of a **lot line** abutting another **lot** in the Residential zone category.

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

5. Section 37 Provisions

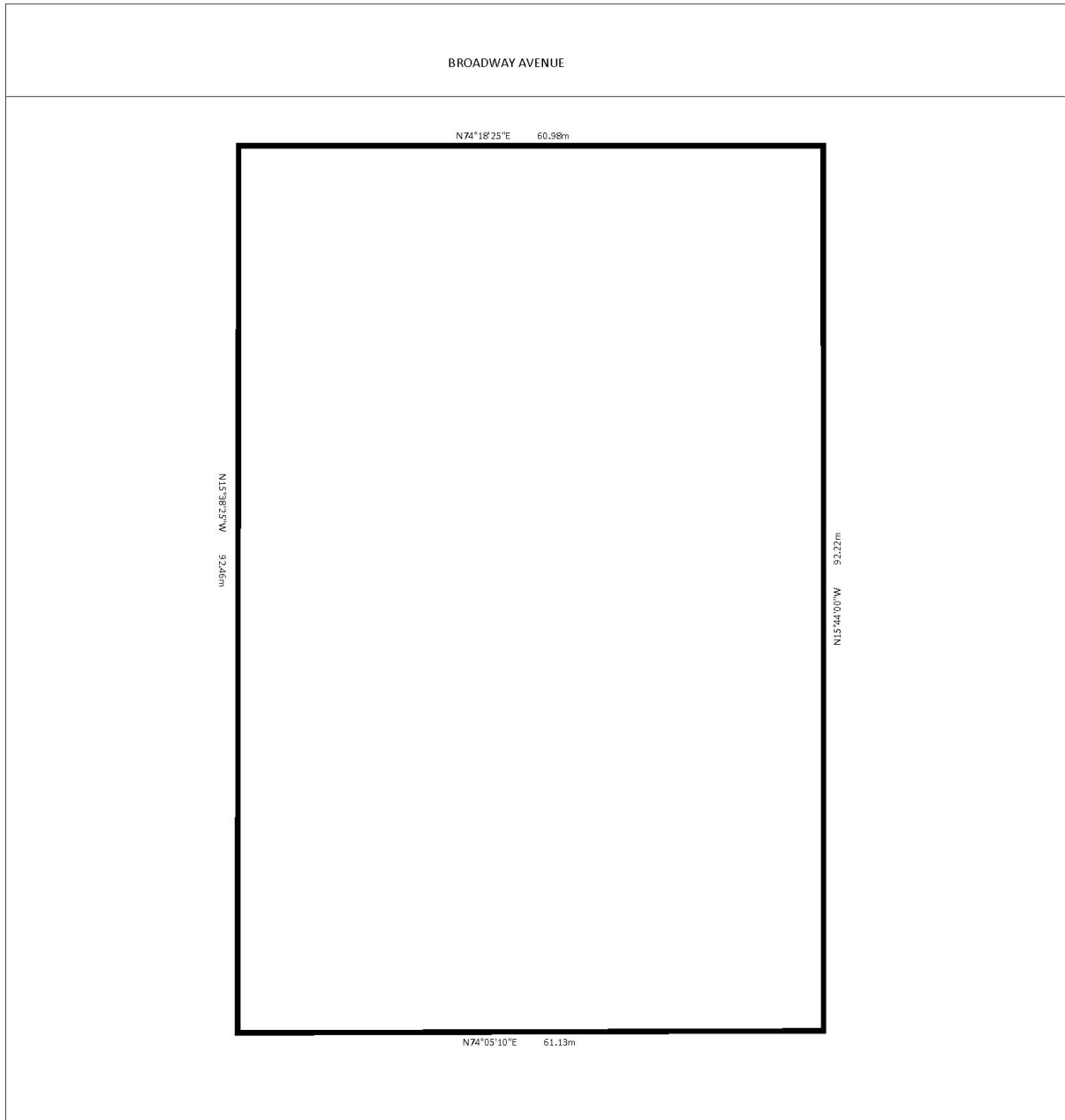
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagrams 1 and 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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 erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Local Planning Appeal Tribunal Decision issued May 31, 2018 and Order issued August 18, 2020 in File PL160941.

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagrams 1, 2 and 3 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) Prior to issuance of the first above-grade building permit for the **building**, the Owner shall provide to the City, as security for the Child Care Facility, a Letter of Credit, which security shall be released when the Child Care Facility is operation, in accordance with the terms of the Section 37 Agreement and to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (2) The Owner, at its expense, shall construct, finish, furnish and equip a non-profit licensed child care facility, including the associated outdoor play area, in compliance with the requirements of applicable legislation in effect at the time of construction and no later than 12 months following occupancy of the **building**, with a minimum area of 692 square metres within the first **storey** of the proposed **building** and a minimum of 290 square metres of directly adjacent exterior space accessible from the interior area.



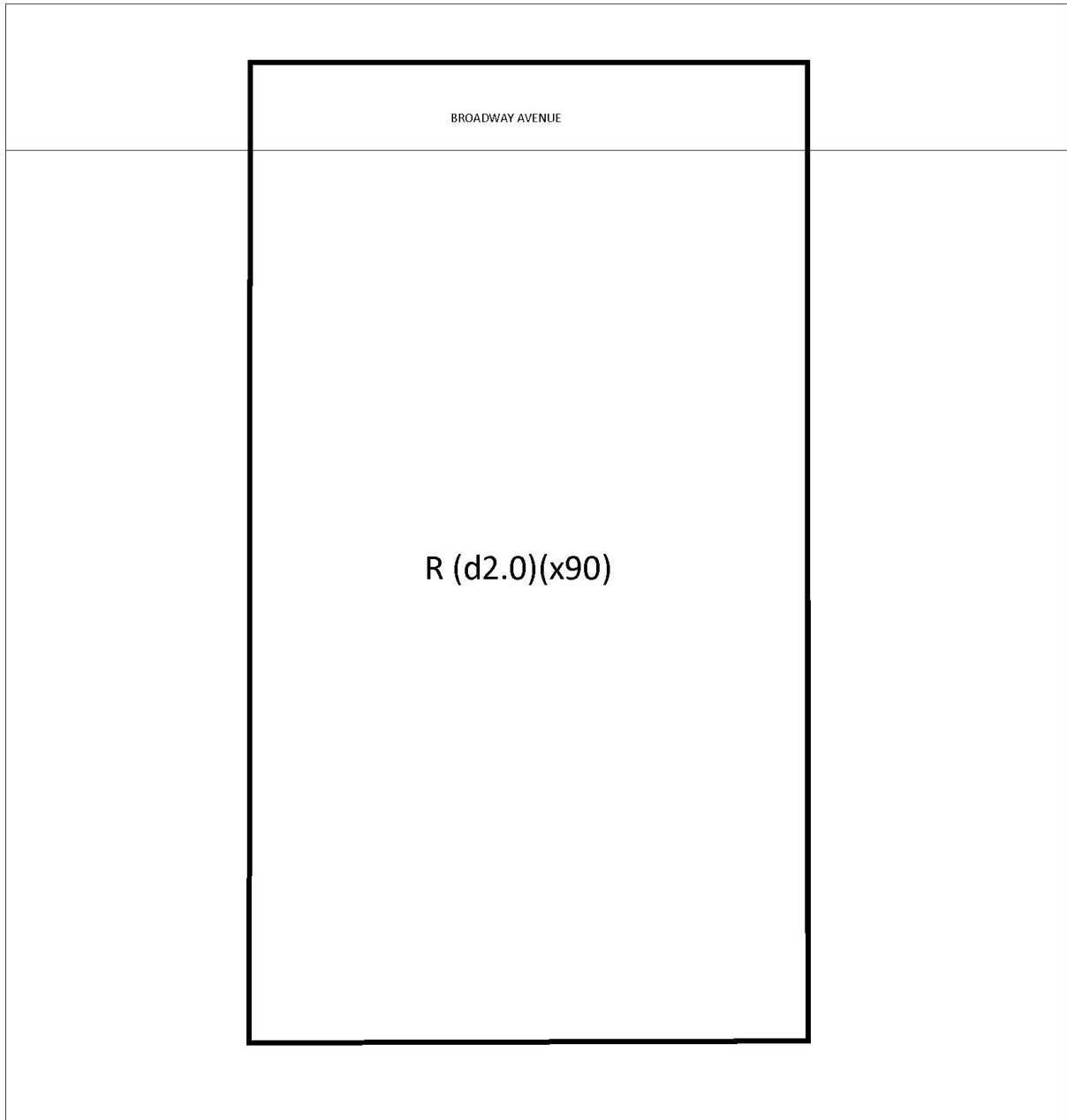
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DIAGRAM 1

Zoning By-law Amendment

117-127 Broadway Avenue
City of Toronto

 Area Affected By This Bylaw



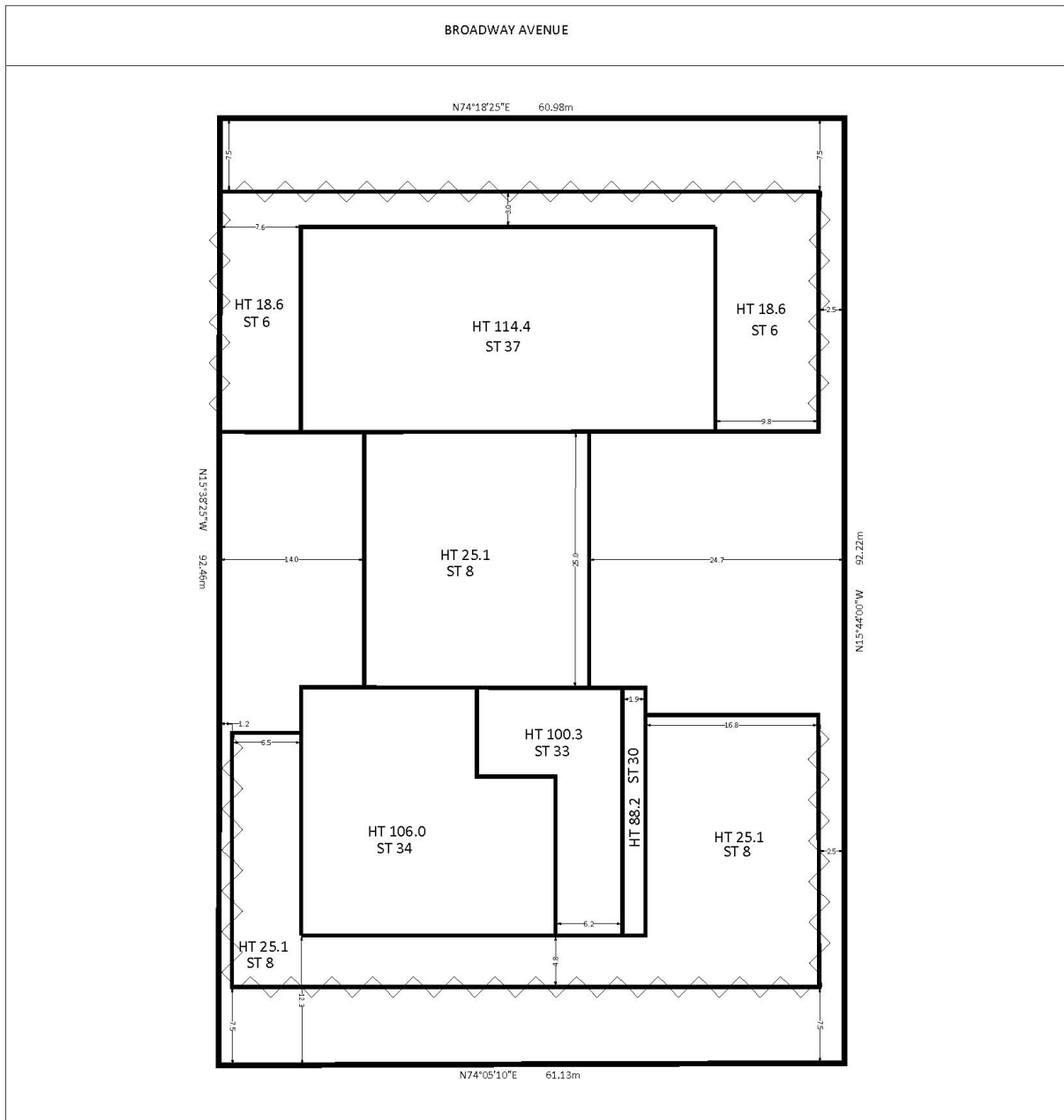
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DIAGRAM 2

Zoning By-law Amendment

117-127 Broadway Avenue
City of Toronto

 Area Affected By This Bylaw




Not to Scale

DIAGRAM 3

Zoning By-law Amendment

117-127 Broadway Avenue
City of Toronto

 Area Affected By This Bylaw

 Main Wall where balcony projections are not permitted