

Authority: Local Planning Appeal Tribunal Decision  
issued May 10, 2018 and Decision/Order issued  
January 21, 2020 in Tribunal File PL160873

## CITY OF TORONTO

### BY-LAW 24-2021(LPAT)

**To amend Zoning By-law 569-2013, as amended, respecting land municipally known in the year 2021 as 55 and 65 Broadway Avenue.**

Whereas the Local Planning Appeal Tribunal pursuant to its Decision issued on May 10, 2018, and Decision/Order issued January 21, 2020 in respect of Tribunal File PL160873, 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 municipally known in the year 2021 as 55 and 65 Broadway Avenue; 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 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;

Therefore pursuant to the Decision/Order of the Local Planning Appeal Tribunal, By-law 569-2013 is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending and replacing 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) (x74), 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 74 so that it reads:

**Exception R (x74)**

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 55 and 65 Broadway Avenue, if the requirements of Section 6 and Schedule A of By-law 24-2021(LPAT) are complied with, a **building, structure**, addition or enlargement is permitted in compliance with (B) to (U) below;
- (B) In addition to the uses permitted in Article 10.10.20, **public parking** is a permitted use;
- (C) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 60,950 square metres, subject to the following:
  - (i) the total **gross floor area** for residential uses must not exceed 60,100 square metres; and
  - (ii) the total **gross floor area** for a **day nursery** must not exceed 850 square metres;
- (D) Despite regulation 150.45.40.1(1), a **day nursery** may be located above the first **storey**;
- (E) For purposes of this exception, **established grade** is the Canadian Geodetic Datum elevation of 162.3 metres in the year 2021;
- (F) Despite regulation 10.10.40.10(1), the permitted maximum height in metres is specified by the numbers following the symbol HT on Diagram 3 of By-law 24-2021(LPAT);
- (G) Despite regulation 10.10.40.10(3), the number of **storeys** of each portion of the **buildings** must not exceed the numbers shown following the symbol ST on Diagram 3 of By-law 24-2021(LPAT), excluding mechanical and roof top elements;
- (H) Despite (F) above, in addition to those elements listed in regulations 10.5.40.10(2) and (3), and despite regulation 10.5.40.10(4), the following elements may project

above the height indicated by the numbers following the letters "HT" shown on Diagram 3 of By-law 24-2021(LPAT):

- (i) safety railings, privacy screens, parapets, window washing equipment, guardrails, planters, public art features, stacks, ornamental elements, ventilation shafts, landscape elements, **green roof** elements, roof access hatches, stairs, and covered stairs, all of which may project to a maximum of 2.0 metres;
  - (ii) lighting fixtures and trellises, all of which may project to a maximum of 3.0 metres; and
  - (iii) a decorative screen above the portion of the building shown as HT 126.0 metres on Diagram 3, may project to a maximum of 9.0 metres;
- (I) Clause 10.10.40.30 regarding **building depth**, does not apply;
- (J) Despite regulation 10.5.40.70(1) and Clause 10.10.40.70, the required minimum **building setbacks** are shown on Diagram 3 of By-law 24-2021(LPAT);
- (K) Despite regulations 5.10.40.70(1) and 10.5.40.50(2), clause 10.5.40.60, the following **building** elements may encroach into the required minimum **building setbacks**:
- (i) eaves, cornices, lighting fixtures, bay windows, mullions, ornamental, decorative or architectural elements, and window sills, all of which may encroach to a maximum of 1.0 metres;
  - (ii) balconies and terraces, both of which may encroach to a maximum of 1.8 metres;
  - (iii) canopies and awnings, both of which may encroach to a maximum of 3.0 metres; and
  - (iv) safety railings, guardrails, ramps, stairs, stair enclosures, privacy screens, public art features, wheelchair ramps and associated **structures**, underground garage ramps and associated **structures**, garbage and servicing areas and associated **structures**, **structures** for **day nursery** storage, air shafts, and elements required for the functional operation of the **building**;
- (L) Despite clause 10.5.50.10, a minimum of 15 percent of the area of the **lot** must be **landscaping**;
- (M) A minimum of ten percent of the total number of **dwelling units**, excluding rental replacement **dwelling units**, must contain three bedrooms or more;

- (N) Despite regulations 200.5.10.1(1) and (6), and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot**, according to the following ratios:
- (i) a minimum of 0.45 **parking spaces** for each **dwelling unit** for residents; and
  - (ii) a minimum of 0.10 **parking spaces** for each **dwelling unit** for visitors;
- (O) Despite regulation 200.5.1.10(2)(D), a parking space is only considered obstructed if a wall is within 0.3 metres of the **parking space**;
- (P) Despite regulation 10.5.80.1(3), **parking spaces** required by (N)(ii) above may be provided on a non-exclusive basis in a **public parking** facility for which a fee may be charged;
- (R) Despite regulations 230.5.1.10(4)(B), 230.5.1.10(5)(A) and 230.5.1.10(10), a **bicycle parking space** must comply with the following standards:
- (i) where the bicycles are to be parked in a vertical position, a **bicycle parking space** must have a horizontal dimension of at least 0.45 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
  - (ii) where the bicycles are to be parked in a **stacked bicycle parking space**, the spaces within the stacker must have a length of at least 1.8 metres, width of at least 0.45 metres and a vertical dimension of at least 1.2 metres;
- (S) Despite regulation 230.5.1.10(9) and 230.10.1.20(2), **bicycle parking spaces** may be located anywhere below ground and in an enclosed room, in accordance with the following standards:
- (i) a minimum of 0.3 long-term **bicycle parking spaces** per **dwelling unit** on the first level below ground; and
  - (ii) a minimum of 0.2 long-term **bicycle parking spaces** per **dwelling unit** on the second level below ground;
- (T) Despite regulation 220.5.10.1, a minimum of two Type "G" **loading spaces** must be provided and maintained on the **lot**; and
- (U) Despite regulation 10.5.100.1(4)(B), a **driveway** for an **apartment building** on the **lot** may have a maximum width of 7.0 metres.

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

5. Despite any existing or future severance, partition, or division of the lands, the provisions of By-law 24-2021(LPAT) apply as if no severance, partition or division occurred.

**6.** 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 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; and
- (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 10, 2018 and Decision/Order issued January 21, 2020 in Tribunal File PL160873.

## 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/or density] of the proposed development on the lands as shown in Diagram 1 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 the issuance of the first above-grade building permit, the owner shall provide, at its sole election, one of the following:
  - a. a cash contribution of two million nine hundred thousand dollars (\$2,900,000.00) by certified cheque to be used by the City toward a non-profit licensed daycare centre, public realm and parks improvements in the Yonge-Eglinton Secondary Plan area, upgrades to the Davisville Community Centre recreational facilities, or additional community services and facilities in the Yonge-Eglinton Secondary Plan area, all to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor. The cash contribution in this subsection shall be indexed upwardly in accordance with the Construction Price Index, commencing from the date of the Local Planning Appeal Tribunal Order approving the By-law to the date of payment of the respective funds by the owner to the City; or
  - b. The owner shall advise the City in writing that it will provide a child care facility to the City together with a Letter of Credit in an amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and provision of the child care facility, to the satisfaction of the General Manager of Children Services and the Chief Financial Officer and Treasurer and in accordance with the Section 37 Agreement. The financial security set out in this subsection shall be indexed upwardly in accordance with the Construction Price Index for Toronto and calculated from the date of the registration of the Section 37 Agreement to the date of submission of the Letter of Credit by the owner to the City.

#### Child Care Facility

2. If the owner elects to provide the City with a child care facility in accordance with section 1(b) above, then the owner shall provide the following:
  - a. the owner shall design, construct, finish, furnish and fully equip (fixtures and appliances) the child care facility comprising of 776.1 square metres of interior space and 381.5 square of outdoor space on the lot, entirely at its sole cost, and in accordance with the plans and specifications approved in writing by the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Children's Services;

- b. prior to issuance of the first above-grade building permit, working drawings and specifications for the child care facility shall be to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Children's Services, the Chief Medical Officer of Health and the Province's Ministry of Education's Early Learning Child Care Licensing System;
- c. prior to the issuance of the final building permit, the owner shall enter into a lease agreement for the child care facility for a term of ninety-nine (99) years and such facility shall be rent free with no cost to the Child Care Facility Operator as tenant or the City;
- d. prior to the issuance of the final occupancy permit for the development, the owner shall complete the child care facility and have it ready for occupancy and available to the Child Care Facility Operator;
- e. the owner shall pay the following cash contributions upon the earlier of the issuance of any above-grade building permit, or within thirty (30) days of the owner being notified in writing by the City that Site Plan Notice of Approval Conditions have been issued:
  - i. A one-time time cash contribution in the amount of \$250,000 to fully equip the child care facility in accordance with provincial and municipal standards based on an inventory list provided by Children's Services and finalized by the Childcare Facility Operator and Children's Services;
  - ii. A one-time time cash contribution in the amount of \$180,000 towards a replacement reserve fund for the child care facility to replace appliances and large equipment due to wear and tear; and
  - iii. A one-time time cash contribution in the amount of \$150,000 for the defrayment of operational deficits incurred during the first year of operation.
- f. the payments in section 2.e. above shall be indexed to reflect increases in the Construction Price Index from the date of Site Plan Notice of Approval Conditions issuance to the year of substantial performance under the Construction Act.

#### Public Park

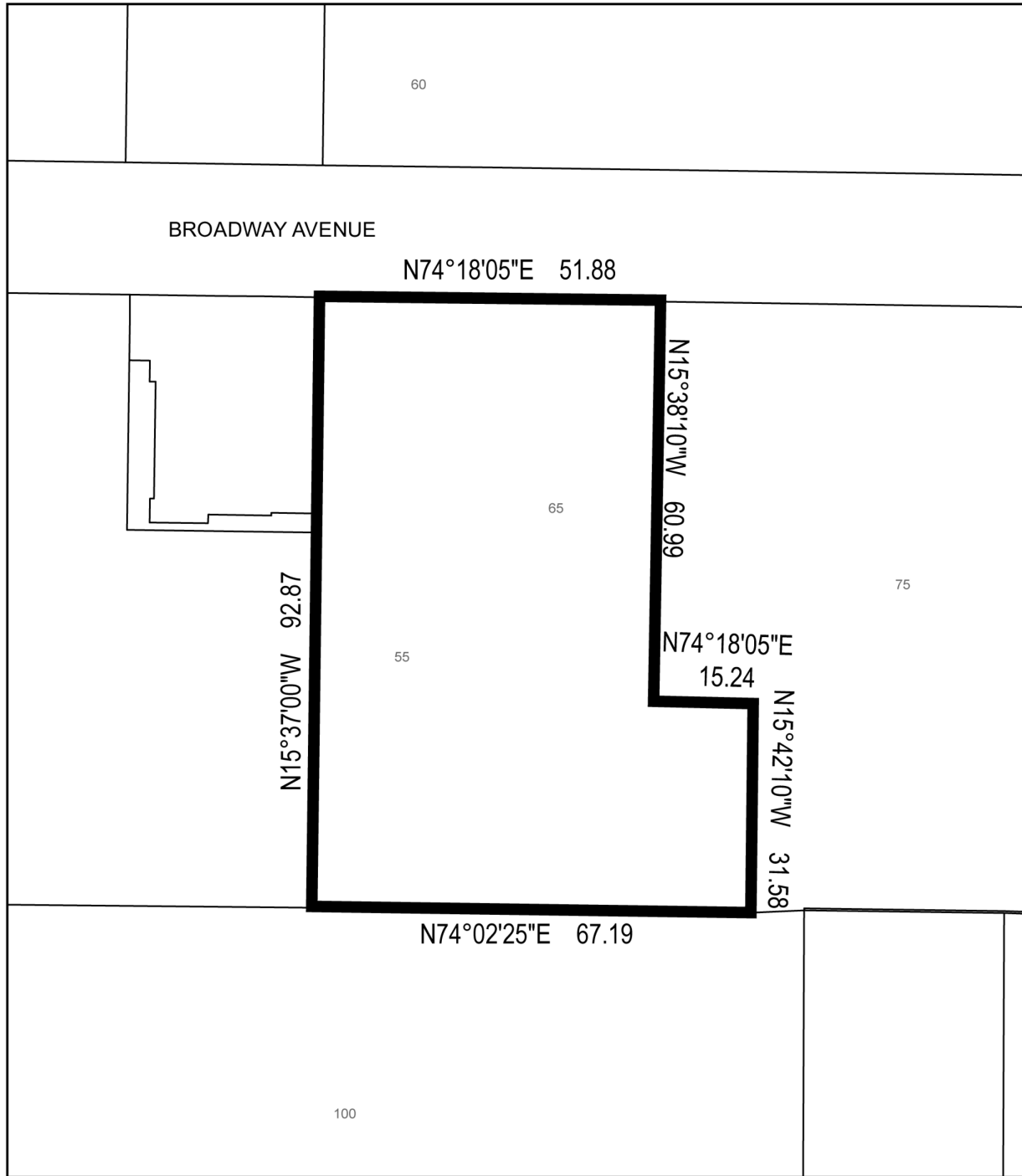
- 3. Prior to the first above-grade building permit, the owner shall convey a minimum of 709.5 square metres of land located at the properties known municipally as 70, 72, 74, and 76 Soudan Avenue to the City for public parkland purposes.
- 4. Prior to issuance of the first above-grade building permit, the owner shall post an irrevocable Letter of Credit in the amount of 120 percent of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, Parks Forestry and Recreation.

### Rental Housing

5. The owner shall provide and maintain one hundred and thirty (130) rental replacement **dwelling units**, comprised of ten (10) bachelor units, one hundred (100) one-bedroom units and twenty (20) two-bedroom units on the subject site, as illustrated on the plans submitted to the City Planning Division dated November 12, 2018, for a period of at least twenty years beginning from the date that each replacement rental **dwelling unit** is first occupied; any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning.
6. The owner shall provide and maintain not less than one (1) bachelor, eighteen (18) one-bedroom and six (6) two-bedroom rental replacement **dwelling units** at affordable rents and not less than nine (9) bachelor, eighty-two (82) one-bedroom and fourteen (14) two-bedroom rental replacement **dwelling units** at mid-range rents for a period of at least ten years beginning from the date that each rental replacement **dwelling unit** is first occupied.
7. The owner shall provide tenants of the rental replacement **dwelling units** with access to all indoor and outdoor amenities located within the rental tower as illustrated on the plans submitted to the City Planning Division on November 12, 2018, and any revisions shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
8. The owner shall provide at least fifty (50) vehicle parking spaces to tenants of the rental replacement **dwelling units**, and any revisions shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
9. The owner shall provide storage lockers to tenants of the rental replacement **dwelling units**; the number, size, location and monthly rent of the storage lockers shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
10. The owner shall provide ensuite laundry facilities in each of the rental replacement **dwelling units**, at no additional cost to the tenants.
11. The owner shall provide tenant relocation and assistance to all eligible tenants, including the right to return to a rental replacement **dwelling unit**, to the satisfaction of the Chief Planner and Executive Director, City Planning.

### Publicly Accessible Walkway

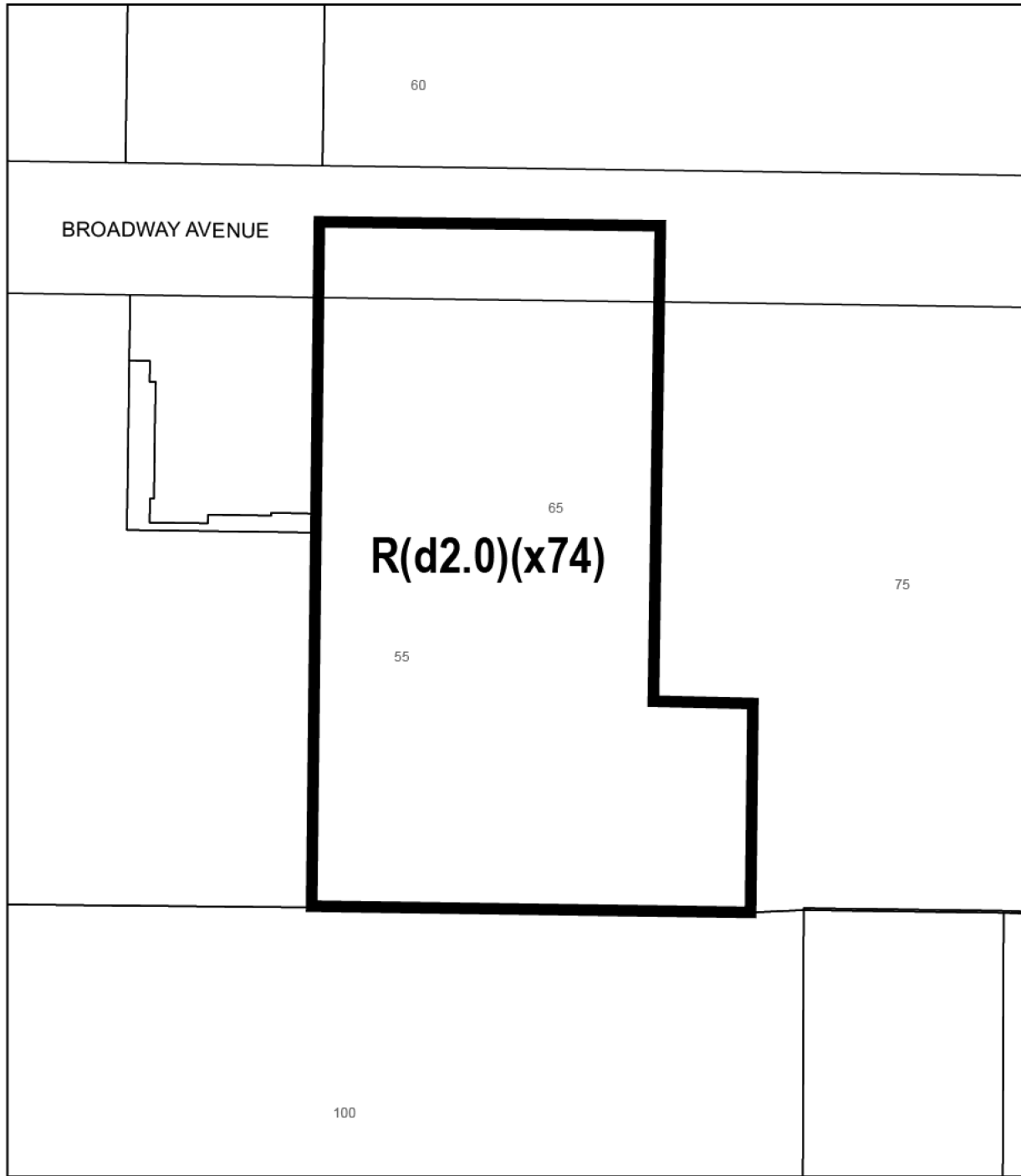
12. Prior to the earlier of any residential use or occupancy, including interim occupancy, or any condominium registration of all or any part of the development on the site, the owner shall convey in perpetuity for nominal consideration and at no cost to the City, one or more easements, including right of support, in favour of the City for use by the City and the general public, a public pedestrian walkway with a minimum width of 6 metres on the west portion of the site, to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning.



 **TORONTO**  
Diagram 1

**55-65 Broadway Avenue**

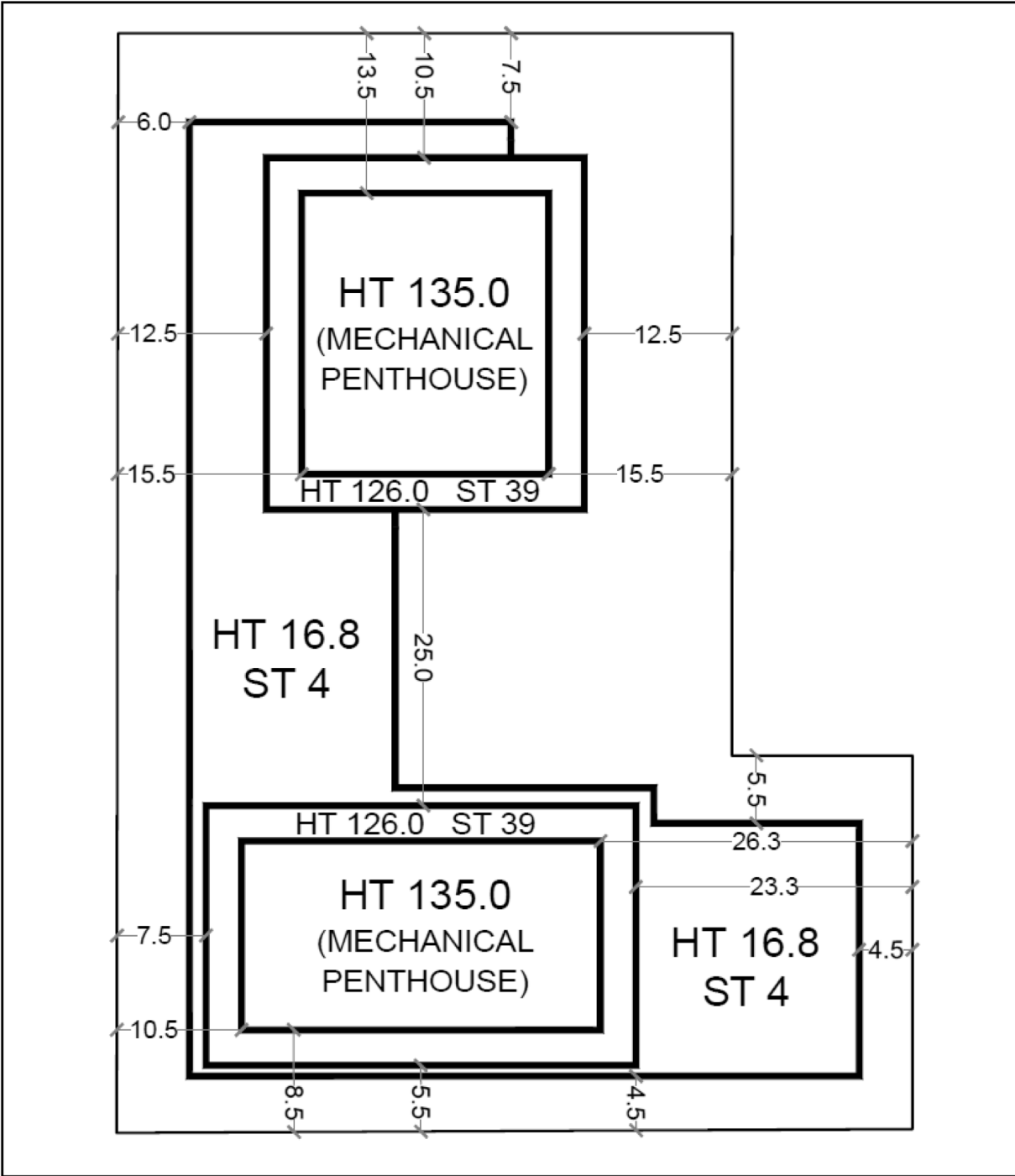
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 **TORONTO**  
Diagram 2

55-65 Broadway Avenue

File # 16 118645 STE 22 OZ



 **TORONTO**  
Diagram 3

55-65 Broadway Avenue

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