

Authority: Local Planning Appeal Tribunal
Decision/Order issued August 9, 2019 and
February 11, 2021 in File PL160910

CITY OF TORONTO

BY-LAW 71-2021(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 100 Broadway Avenue and 223, 225, 227, 229, 231 and 233 Redpath Avenue.

Whereas the Local Planning Appeal Tribunal pursuant to its Decision/Order issued on August 9, 2019 and February 11, 2021 in File PL160910 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 569-2013, as amended, for the City of Toronto with respect to lands municipally known as 100 Broadway Avenue and 223, 225, 227, 229, 231 and 233 Redpath 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/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;

Pursuant to the Local Planning Appeal Tribunal Decision/Order issued August 9, 2019 and February 11, 2021 in Tribunal File PL160910, By-law 569-2013 of the City of Toronto, as amended, 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 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) (x99) and O, as shown on Diagram 2, attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 99 so that it reads:

Exception R (x99)

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 100 Broadway Avenue and 223, 225, 227, 229, 231 and 233 Redpath Avenue, if the requirements of Sections 4 and 5 and Schedule A of By-law 71-2021(LPAT) are complied with, a **building** or **structure** may be erected or constructed in compliance with Sections (B) to (S) below;
- (B) Despite regulation 10.10.20.40 (1), a **mixed use building** is a permitted building type;
- (C) Despite regulation 10.10.20.10 (1), the following uses are permitted:
 - (i) **Dwelling Unit** in a permitted **building** type;
 - (ii) **Municipal Shelter**;
 - (iii) **Park**;
 - (iv) **Retail Store**; and
 - (v) Offices;
- (D) Despite regulation 10.5.40.10(1), height is measured from the Canadian Geodetic Datum elevation of 159.30 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 71-2021(LPAT);
- (F) Despite Section (E) above and regulation 10.5.40.10, the following **building** elements and **structures** may project above the permitted maximum height in Diagram 3 of By-law 71-2021(LPAT) as follows:
 - (i) roof drainage materials, thermal insulation, roof assemblies including decking and pavers or roof ballast, parapets, terraces, patios, balustrades,

- bollards, and accessory **structures**, may project above the height limits by no more than 1.5 metres;
- (ii) elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing material may project above the height limits by no more than 2.0 metres;
 - (iii) parapets, garbage chutes, aircraft warning lights, lightning rods, safety railings, guard rails, ornamental or architectural elements and features, balcony and terrace partitions and dividers, telecommunications equipment and antennae, planters, retaining walls, wheelchair ramps, and lightning rods to a maximum of 2.3 metres;
 - (iv) equipment used for the functional operation of the **building**, such as electrical, utility, air handling, emergency generators, mechanical, exhaust flues, vents, ventilation equipment, and associated screening to a maximum of 3.0 metres;
 - (v) stairs, elevator shafts and enclosed stairwells, window washing equipment to a maximum of 3.0 metres;
 - (vi) **structures** on the roof of any part of the **building** used for outside or open air recreation, acoustical barriers, wind mitigation features, **amenity space** features, **amenity space** screens, trellises, gazebos, landscape elements and features, fencing, canopies, enclosed stairs, unenclosed stairs, elevator shafts, to a maximum of 4.0 metres;
- (G) Despite regulations 5.10.40.70(1), 10.5.40.70(1) and Clause 10.10.40.70, the required minimum **building setbacks** for all above ground portions of any **building** or **structure** are as shown on Diagram 3 of By-law 71-2021(LPAT);
- (H) Despite regulations 10.5.40.60(1), (2), (3), (5), (7) and (8) and Section G above, the following may encroach into the required minimum **building setbacks on Diagram 3** of By-law 71-2021(LPAT):
- (i) a **platform**, mechanical penthouse or balcony attached to or within 0.3m from a **building** may encroach into the required **building setbacks** to a maximum of 2.1 metres unless otherwise prohibited as shown in Diagram 3 of this By-law;
 - (ii) 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 3.0 metres;
 - (iii) underground garage access ramps may encroach into a required **building setback** to a maximum of 3.0 metres;

- (iv) 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;
 - (v) architectural features including lighting on a **building** may encroach into a required **building setback** to a maximum of 1.0 metres;
 - (vi) roof parapets may encroach into a required **building setback** to a maximum of 1.0 metres; and,
 - (vii) vents, pipes, utility equipment, siamese connections, satellite dishes, and antennas (including mounting poles) may encroach into a required **building setback** to a maximum of 1.0 metres;
- (I) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** is 27,250 square metres;
- (J) Despite 10.5.40.40(4), the **gross floor area** of a **mixed use building** with may be reduced by the area in the **building** used for:
- (i) Parking, loading and bicycle parking at, above or below ground;
 - (ii) Required loading spaces at the ground level and required bicycle parking spaces at, above or below ground;
 - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in any level of the **building**;
 - (iv) Shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) Residential **amenity space** required and above the requirement of this By-law;
 - (vi) Elevator shafts;
 - (vii) Garbage shafts;
 - (viii) Mechanical penthouse; and
 - (ix) Exit stairwells in the **building**.
- (K) A maximum of 413 **dwelling units** are permitted, of which a minimum of 8% must have three-bedrooms with the required amount rounded down to the nearest whole number;

- (L) Despite regulation 10.10.40.50(1), a minimum of 710 square metres of indoor **amenity space** and a minimum 575 square metres of outdoor **amenity space** must be provided;
- (M) Despite clause 200.5.10.1 **parking spaces** must be provided and maintained as follows:
- (i) a minimum of 70 **parking spaces** for **residential** and **residential** visitor uses and **parking spaces** may be allocated in any combination to the residents on the **lot** and the residents of the **lot** known municipally in the year 2021 as 110-120 Broadway Avenue;
- (N) Despite Article 200.15.1 and By-law 579-2017, accessible **parking spaces** must be provided as follows;
- (i) of the required **parking spaces** in (M) above, a minimum of 3 must be accessible **parking spaces** and must be provided in the underground **parking garage**;
 - (ii) accessible **parking spaces** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.9 metres; and
 - (c) vertical clearance of 2.1 metres;
 - (iii) despite N(ii) above, the minimum required width of 3.9 metres may be reduced to 3.4 metres provided that an accessible barrier-free aisle or path measuring 1.5 metres in width is provided along a side of the **parking space** for its entire length; and
 - (iv) despite 200.15.1(4), accessible **parking spaces** may be located anywhere in the underground **parking garage**;
- (O) Despite clause 220.5.10.1, a minimum of one Type "G" and one Type "C" **loading space** must be provided on the **lot**;
- (P) Despite regulation 200.5.1.10(2), a maximum of 10 **parking spaces** may have a minimum width of 2.6 metres when obstructed on one or two sides;
- (Q) 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% of the total minimum of vehicle **parking spaces** required;

- (R) **Bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) Despite regulations 230.5.10.1(1), (3) and (5):
 - (a) a minimum of 0.9 bicycle parking spaces per dwelling unit must be provided as long-term bicycle parking spaces; and
 - (b) a minimum of 0.1 bicycle parking spaces per dwelling unit must be provided as short-term bicycle parking spaces;
 - (ii) Despite regulation 230.5.1.10(2), the number of required **bicycle parking spaces** shall be rounded down when the calculation results in a fraction;
 - (iii) Despite regulation 230.5.1.10(4), a **bicycle parking space** oriented in a horizontal position must have a minimum length of 1.8 metres, a minimum width of 0.45 metres and a minimum vertical clearance of 1.9 metres;
 - (iv) Despite 4(R)(iii), if a **stacked bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres;
 - (v) Despite regulation 230.5.1.10(4), a **bicycle parking space** oriented in a vertical position must have a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.45 metres and a minimum horizontal clearance from the wall of 1.2 metres;
 - (vi) Despite regulation 230.5.1.10(9), long-term and short-term **bicycle parking spaces** for **dwelling units** may be located anywhere above or below ground in the **building**;
 - (vii) Despite regulation 230.5.1.10(10), long-term and short-term **bicycle parking spaces** for **dwelling units** may be provided in any combination of vertical, horizontal or stacked positions;
 - (viii) Despite regulation 230.10.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** on the **lot** and may be located in a secured room or an unsecured room;
- (S) Regulation 10.5.50.10(4) does not apply.

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 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.
- (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/Order issued August 9, 2019 and February 11, 2021 in File PL160910.

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out herein are 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 indexing escalation of all financial contributions from the passage of the zoning by-law, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the owner shall agree as follows:

1. Prior to the issuance of an above-grade building permit for the proposed development, a cash contribution of \$1,750,000.00 is to be paid by the owner and to be allocated toward community services and facilities, local parkland acquisition and improvements, and/or public realm improvements within the vicinity of the subject property, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
2. The \$1,750,000.00 cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor, calculated from the date of the Local Planning Appeal Tribunal decision to the date of payment; all cash contributions will be payable prior to issuance of the first above-grade building permit;
3. In the event the cash contribution referred to in Part 1 above has not been used for the determined purpose within three years of the amending Zoning 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, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;
4. The Owner shall provide an off-site parkland dedication for a 148 square metre portion of a proposed park at 174 and 180 Broadway Avenue, in satisfaction of the applicant's required parkland contribution pursuant to Section 42 of the Planning Act for 100 Broadway Avenue, 223 and 225 Redpath Avenue, with the final location and configuration of the off-site parkland to be to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor; the off-site parkland to be transferred to the City shall be free and clear, above and below grade, of all easements, encumbrances, and encroachments and is to be conveyed to the City prior to the issuance of the first above-grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation, and the City Solicitor;
5. The Owner shall provide an off-site parkland dedication of 92.3 square metres at 100 Broadway Avenue, in satisfaction of the applicant's required parkland contribution pursuant to Section 42 of the Planning Act for 227-233 Redpath Avenue, with the final location and configuration of the off-site parkland to be to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor; the off-site parkland to be transferred to the City shall be free and clear, above and below

- grade, of all easements, encumbrances, and encroachments and is to be conveyed to the City prior to the issuance of the first above-grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation, and the City Solicitor;
6. The Owner shall construct the base park improvements for the off-site parkland dedication referred to in Part 4 above; and shall construct the above base park improvements for the off-site parkland dedications referred to in Part 5 above;
 7. A development charge credit will be payable against the Parks and Recreation component of the development charges for the design and construction by the Owner of above base park improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation; the development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the above base park improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time;
 8. The rental tenure for the 64 rental replacement units located at 100 Broadway Avenue and 223-233 Redpath Avenue for at least 20 years, rents for the affordable and mid-range rental replacement units for at least 10 years, and an acceptable tenant relocation and assistance plan for all eligible tenants within the existing rental buildings that are proposed to be demolished as part of the development application, and any other related rental matters, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 9. The rental tenure for the 260 replacement rental dwelling units located at 174, 180, 110, 114, 120 and 117-127 Broadway Avenue for at least 20 years, rents for the affordable and mid-range replacement units for at least 10 years, and an acceptable tenant relocation and assistance plan for all eligible tenants within the existing rental buildings that are proposed to be demolished as part of the off-site parkland dedication at 174 and 180 Broadway Avenue, and related development applications at the remainder of the listed addresses, and any other related rental matters, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 10. The Owner shall provide and maintain three-hundred and twenty-four (324) replacement rental dwelling units at 100 Broadway Avenue, 223-225 Redpath Avenue and 227-233 Redpath Avenue for a period of at least twenty (20) years, beginning from the date that each replacement rental unit is first occupied and, during which time, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement during the, at minimum, twenty (20) year period; the three-hundred and twenty-four (324) replacement rental units shall be composed of at least fifty-eight (58) bachelor units, one-hundred and ninety-two (192) one-bedroom units, sixty-eight (68) two-bedroom and six (6) three-bedroom units as shown on the floor plans by IBI Group Architects dated July 26, 2019 submitted to City Planning with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning;

11. The Owner shall, as part of the three-hundred and twenty-four (324) replacement rental dwelling units required above, provide at least twenty-one (21) bachelor units, eighty-seven (87) one-bedroom units, thirty-eight (38) two-bedroom and four (4) three-bedroom units at affordable rents, as defined in the City's Official Plan, and thirty-six (36) bachelor, ninety-seven (97) one-bedroom, thirty (30) two-bedroom and two (2) three-bedroom replacement rental dwelling units at mid-range rents, as defined in the City's Official Plan, all for a period of at least ten (10) years, beginning from the date of first occupancy of each unit;
12. The Owner shall provide and maintain fifty (50) new secured rental units on the subject site for a period of at least twenty (20) years beginning from the date that each such additional rental dwelling unit is first occupied, as shown on the floor plans by IBI Group Architects dated July 26, 2019 submitted to City Planning with any revisions to these plans to the satisfaction of the Chief Planner and Executive Director, City Planning;
13. The owner shall, as part of the fifty (50) new secured rental units required above, provide all units at affordable rents, as defined in the City's Official Plan, all for a period of at least fifteen (15) years, beginning from the date of first occupancy;
14. The Owner shall provide tenants of the replacement rental dwelling units and new secured rental units with access to all indoor and outdoor amenities in the proposed rental replacement building as shown on the floor plans by IBI Group Architects dated July 26, 2019 at no extra charge; access and use of these amenities shall be on the same terms and conditions as any other building resident without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;
15. The owner shall provide all three-hundred and twenty-four (324) replacement rental dwelling units and all fifty (50) new secured rental units with a balcony or terrace and ensuite laundry;
16. The Owner shall provide tenants of the three-hundred and twenty-four (324) replacement rental dwelling units and the additional fifty (50) affordable rental dwelling units with access to all bicycle parking and all car parking and visitor parking and storage lockers on the same terms and conditions as any other resident of the building;
17. The Owner shall provide tenant relocation and assistance to all eligible tenants occupying the existing sixty-four (64) rental dwelling units proposed to be demolished at 100 Broadway Avenue and 223, 225, 227 and 233 Redpath Avenue, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
18. The Owner shall provide a privately owned publicly accessible open space of not less than 122 square metres, as generally shown in Public Appendix B to the report (June 17, 2019) from the City Solicitor in Item CC8.10, as adopted by Toronto City Council at its meeting on June 18 and 19, 2019, to the satisfaction of the Chief Planner and Executive Director, City Planning; prior to the issuance of Site Plan Approval, the Owner shall convey to the City, for nominal consideration, an easement along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the privately

owned publicly accessible open space; and the Owner shall own, operate, maintain and repair the privately owned publicly accessible open space and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately owned publicly accessible open space at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the privately owned publicly accessible open space shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;

19. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time; and
20. The Owner shall erect a sign to the Toronto District School Board's specifications and satisfaction prior to issuance of any building permit.

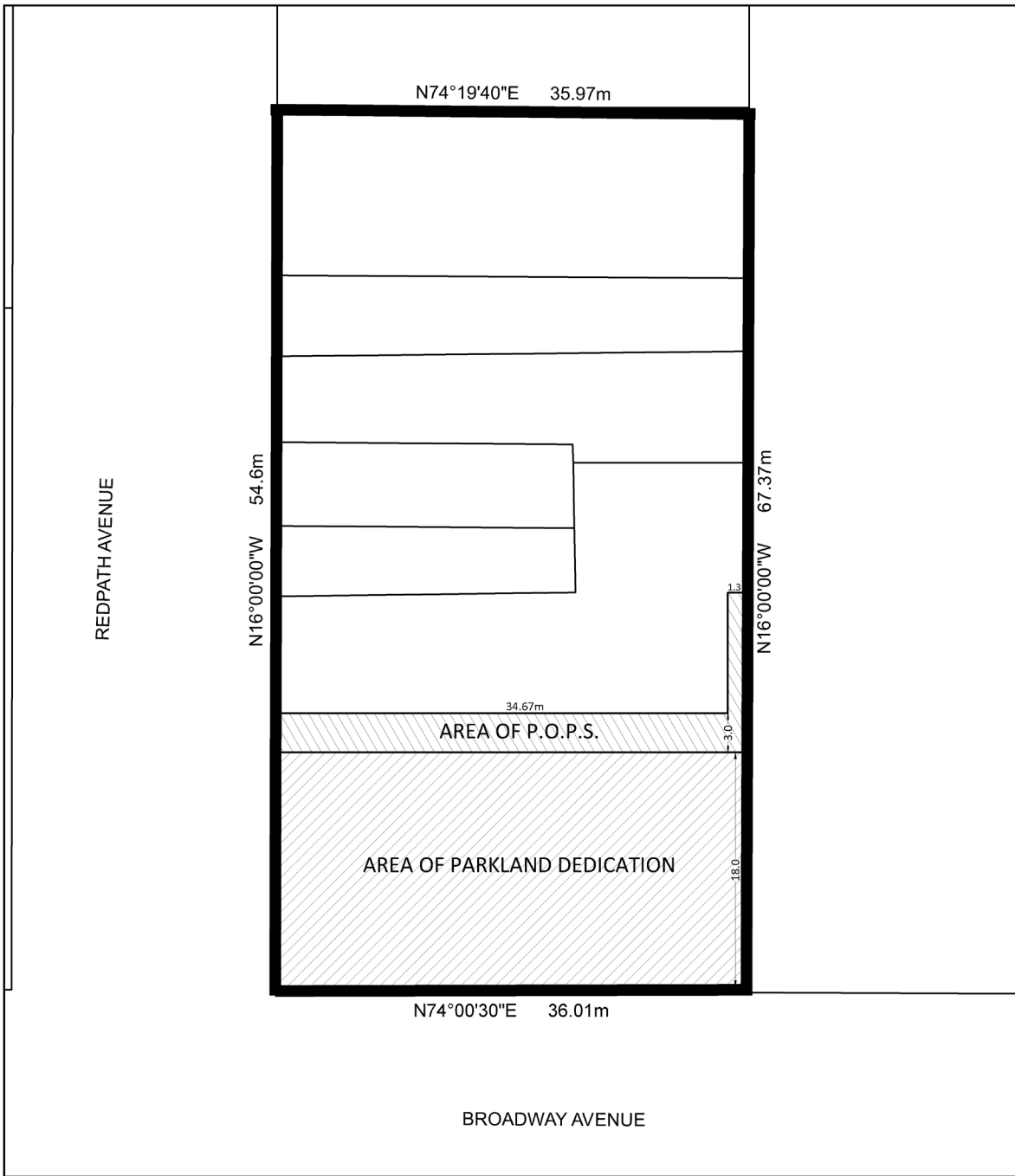






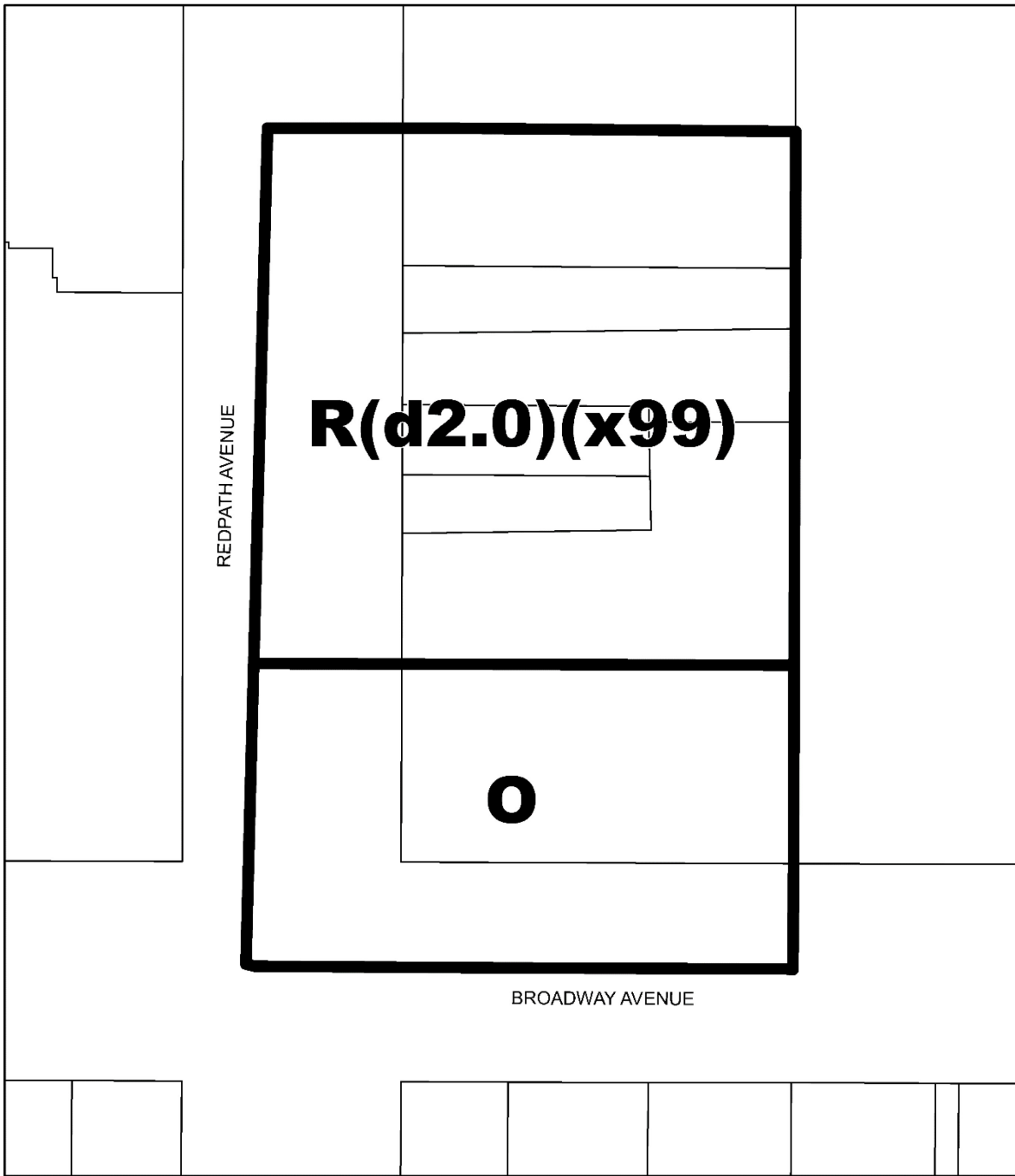

Diagram 1

100 Broadway Avenue and 223, 225, 227,
229, 231 and 233 Redpath Avenue

File #: 15 228723 NNY 25 0Z

-  Lands subject to this By-law
-  Area of Parkland Dedication
-  Area of P.O.P.S.


City of Toronto By-law 569-2013
Not to Scale
12/17/2020

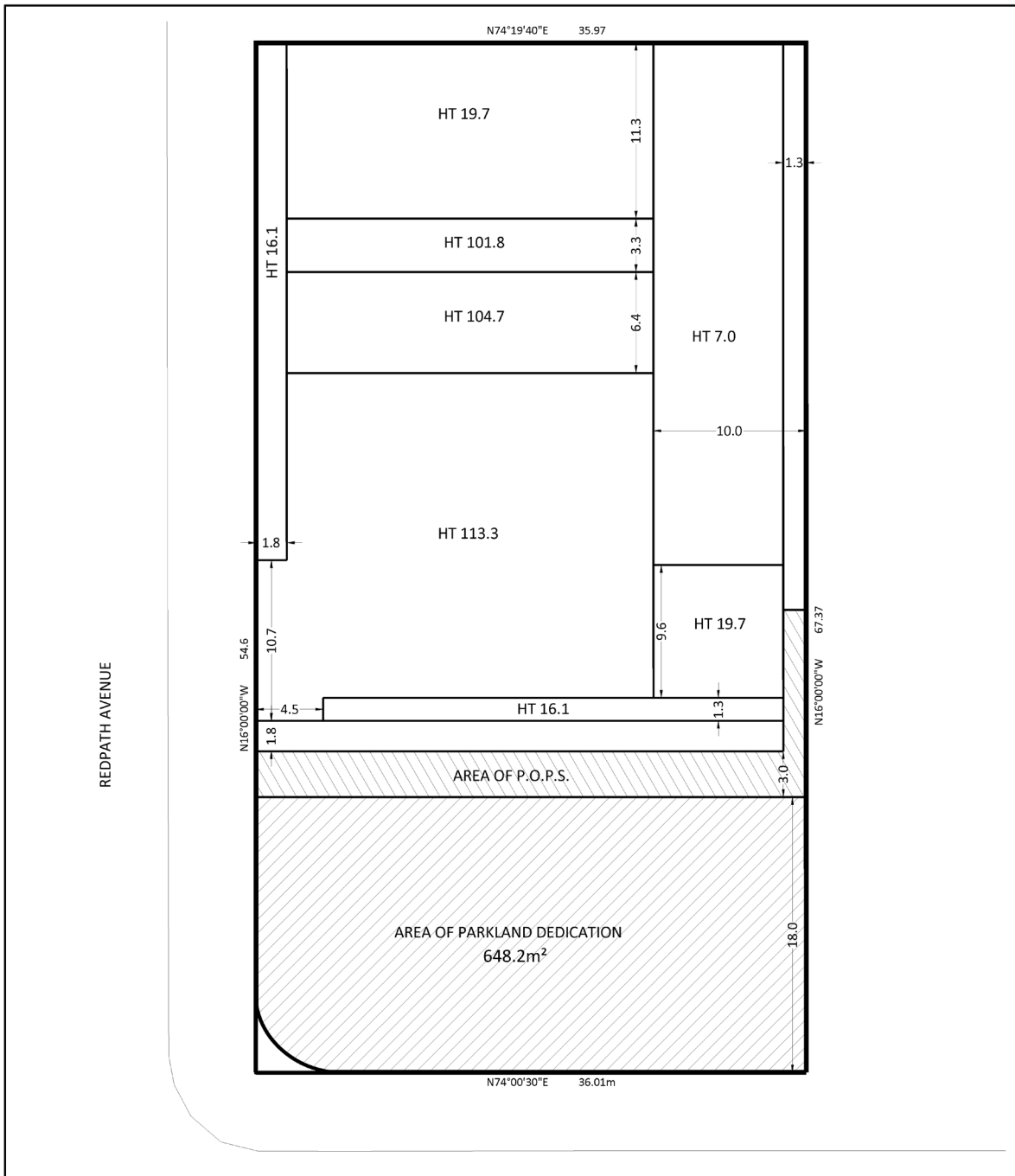


 **TORONTO**
Diagram 2

100 Broadway Avenue and 223, 225, 227,
229, 231 and 233 Redpath Avenue

File #: 15 228723 NNY 25 OZ









Toronto
Diagram 3

100 Broadway Avenue and 223, 225, 227,
229, 231 and 233 Redpath Avenue

File #: 15 228723 NNY 25 0Z

-  Lands subject to this By-law
-  Area of Parkland Dedication
-  Area of P.O.P.S.


 City of Toronto By-law 569-2013
 Not to Scale
 01/26/2021