

Authority: Local Planning Appeal Tribunal  
Decision/Order issued August 9, 2019 and  
February 11, 2021 in File PL180033

## CITY OF TORONTO

### BY-LAW 209-2021(LPAT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2021 as 110, 114 and 120 Broadway Avenue.**

Whereas the Local Planning Appeal Tribunal pursuant to its Decision/Order issued on August 9, 2019 and February 11, 2021 in File PL180033 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 110, 114 and 120 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/or 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;

Pursuant to the Order of the Local Planning Appeal Tribunal, By-law 438-86, the Zoning By-law of the former City of Toronto, as amended, is further amended as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site of the facilities, services and matters set out in Appendix 1 of this By-law the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the owner of the site, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 of this By-law, the site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the

provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied said requirements.

3. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the *lot*.
4. None of the provisions of Sections 2 with respect to *lot, residential gross floor area, non-residential gross floor area, grade, height, bicycle parking space- occupant, bicycle parking space-visitor* and Sections 4(2), 4(4), 4(11), 4(12), 4(13), 4(17), 6(2)(11), 6(2)(12), 6(3) Part I 1, 6(3) Part II, and 6(3) Part III, 6(3) Part IV of By-law 438-86, 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* or a *mixed use building* containing *dwelling units* and an *office* on the *lot* provided that:
  - (a) the combined *residential gross floor area* and *non-residential gross floor area* of an *apartment building* or a *mixed-use building* shall not exceed 47,500 square metres;
  - (b) Despite 6(1)(f) the following uses are permitted:
    - i. *dwelling units* in an *apartment building* or a *mixed-use building*;
    - ii. *crisis care facility*;
    - iii. *public park*;
    - iv. *retail store*; and
    - v. *office*;
  - (c) the following shall apply to *dwelling units*:
    - i. A maximum of 751 *dwelling units* are permitted;
    - ii. a minimum of 10 percent of the *dwelling units* must contain at least three bedrooms; and
    - iii. in the event that the calculation of the number of required *dwelling units* with three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
  - (d) No part of any *building* or *structure* on the *lot* erected or used above *grade* shall exceed the *height* limits shown in metres as indicated by the numbers following

the letters "HT" in the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, except for the following;

- 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. Structures used for pool or spa maintenance or operational equipment and swimming pools (elevated or otherwise) to a maximum of 1.7 metres;
  - iii. 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;
  - iv. 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;
  - v. 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;
  - vi. stairs, elevator shafts and enclosed stairwells, window washing equipment to a maximum of 3.0 metres;
  - vii. 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;
- (e) No portion of any *building* erected on the *lot* above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, except for the following:
- i. A platform, mechanical penthouse or balcony attached to or within 0.3m of a building to a maximum of 2.1 metres;
  - ii. An entrance canopy, awning, or similar structure at the ground floor, with or without structural support, to a maximum of 3.0 metres;
  - iii. Underground garage access ramps may encroach to a maximum of 3.0 metres;

- iv. Exterior stairs, wheelchair access ramps, pedestrian access ramps, and elevating devices to a maximum of 3.0 metres;
  - v. Architectural features including lighting to a maximum of 1.0 metre;
  - vi. Parapets to a maximum of 1.0 metre; and
  - vii. Vents, pipes, utility equipment, Siamese connections, satellite dishes, and antennas (including mounting poles) to a maximum of 1.0 metre;
- (f) *Residential amenity space* shall be provided in accordance with following:
- i. A minimum of 2 square metres per *dwelling unit* shall be provided as indoor *amenity space*;
  - ii. A minimum of 2 square metres per *dwelling unit* shall be provided as outdoor *amenity space*;
  - iii. No more than 25 percent of the outdoor component may be a *green roof*; and
  - iv. The indoor *residential amenity space* does not need to be contiguous with the outdoor *residential amenity space*;
- (g) a minimum of 256 *parking spaces* must be provided and maintained on the *lot*, of which:
- i. At least 231 *parking spaces* shall be provided for residential uses and these *parking spaces* may be allocated in any combination to residents on the *lot* and to residents at 100 Broadway Avenue and 223 to 233 Redpath Avenue;
  - ii. At least 24 *parking spaces* shall be provided for residential visitors on the *lot*; and
  - iii. At least 1 *parking space* shall be provided for non-residential uses on the *lot*;
- (h) a maximum of 15 *parking spaces* may have a minimum width of 2.6 metres when obstructed on one or two sides;
- (i) A minimum of one "*loading space - type G*" and one "*loading space - type C*" must be provided on the *lot*;
- (j) *Bicycle parking spaces* shall be provided in accordance with the following:
- i. The minimum ratios are as follows:

1. *Bicycle parking spaces – occupant* shall be provided at a rate of 0.9 *bicycle parking spaces per dwelling unit*; and
  2. *Bicycle parking spaces –visitor* shall be provided at a rate of 0.1 *bicycle parking spaces per dwelling unit*;
- ii. In the event that the calculation of the number of required *parking spaces* or *bicycle parking spaces* results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- (k) Notwithstanding Section 4(g) of this By-law 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 Section 2(j) of this By-law if the reduction of *vehicle parking spaces* is not greater than 20 percent of the total minimum of *vehicle parking spaces* required;
5. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
- (a) "*Bicycle parking space-visitor*" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and may be within a secured room and/or within a *parking stacker - bicycle*, and;
- i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.45 metres by 1.8 metres;
  - ii. Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.45 metres by 1.2 metres; and
  - iii. May be located indoors or outdoors including within a secured room or enclosure;
- (b) "*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 may be within a secured room and/or within a *parking stacker - bicycle*, and;
- i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.45 metres by 1.8 metres;
  - ii. Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.45 metres by 1.2 metres; and
  - iii. May be located indoors or outdoors including within a secured room or enclosure

- (c) "*parking stacked – bicycle*" means a mechanical bicycle parking facility with *bicycle parking spaces* which:
- i. Positioned above each other or another *bicycle parking space*;
  - ii. The platform of such *bicycle parking space* may have dimensions of not less than 0.37 metres by 1.8 metres and a height allowance of 1.2 metres; and
  - iii. May not be readily accessible at all times without maneuvering another bicycle or device;
- (d) "*grade*" means 158.80 metres Canadian Geodetic Datum;
- (e) "*green roof*" means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code;
- (f) "*non-residential gross floor area*" shall mean the sum of the total areas of each floor level of a building, above and below grade, measured from the exterior of the main wall of each floor level, reduced by the area of the building used for:
- i. Parking, loading and bicycle parking at, above or below ground;
  - ii. *Commercial Parking Garage*;
  - iii. Required loading spaces and surrounding areas at the ground level and required bicycle parking spaces at, above or below ground;
  - iv. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in any level of the building;
  - v. Shower and change facilities required by this By-law for required bicycle parking spaces;
  - vi. Indoor amenity space required by this By-law;
  - vii. Elevator shafts;
  - viii. *Garbage shafts*;
  - ix. Mechanical *penthouse*; and
  - x. *Exit* stairwells in the *building*;
- (g) "*height*" means the vertical distance between *grade* and the highest point of the building or structure;

- (h) "*lot*" means those lands identified within the heavy lines on Map 1 attached to and forming part of this By-law;
- (i) "*residential gross floor area*" shall mean the sum of the total areas of each floor level of a building, above and below grade, measured from the exterior of the main wall of each floor level, reduced by the area of 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.
6. Nothing within this By-law or By-law 438-86 shall prevent the erection and maintenance of a *temporary sales office* on the *lot*.
7. Despite any existing or future severance, partition, division, dedication or conveyance of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition, division, dedication or conveyance occurred.

Pursuant to Local Planning Appeal Tribunal Decision/Order issued August 9, 2019 and February 11, 2021 in File PL180033.

**APPENDIX 1**

## 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 of the proposed development, a cash contribution of \$3,000,000.00 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 \$3,000,000.00 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 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 over-dedication of 86.1 square metres of parkland at 100 Broadway Avenue with the final location and configuration of the off-site parkland over-dedication to be to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor; the off-site parkland over-dedication 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 fifty (50) new rental dwelling units at affordable rents in the building constructed on 100 Broadway Avenue, with a value of \$3,000,000.00, as defined by the Official Plan, for a period of 15 years, beginning from the date of first occupancy, and offered to tenants in accordance with a Tenant Access Plan to ensure the benefit of the affordable units is linked to households in need of affordable housing, to the satisfaction of the Chief Planner and Executive Director, City Planning;

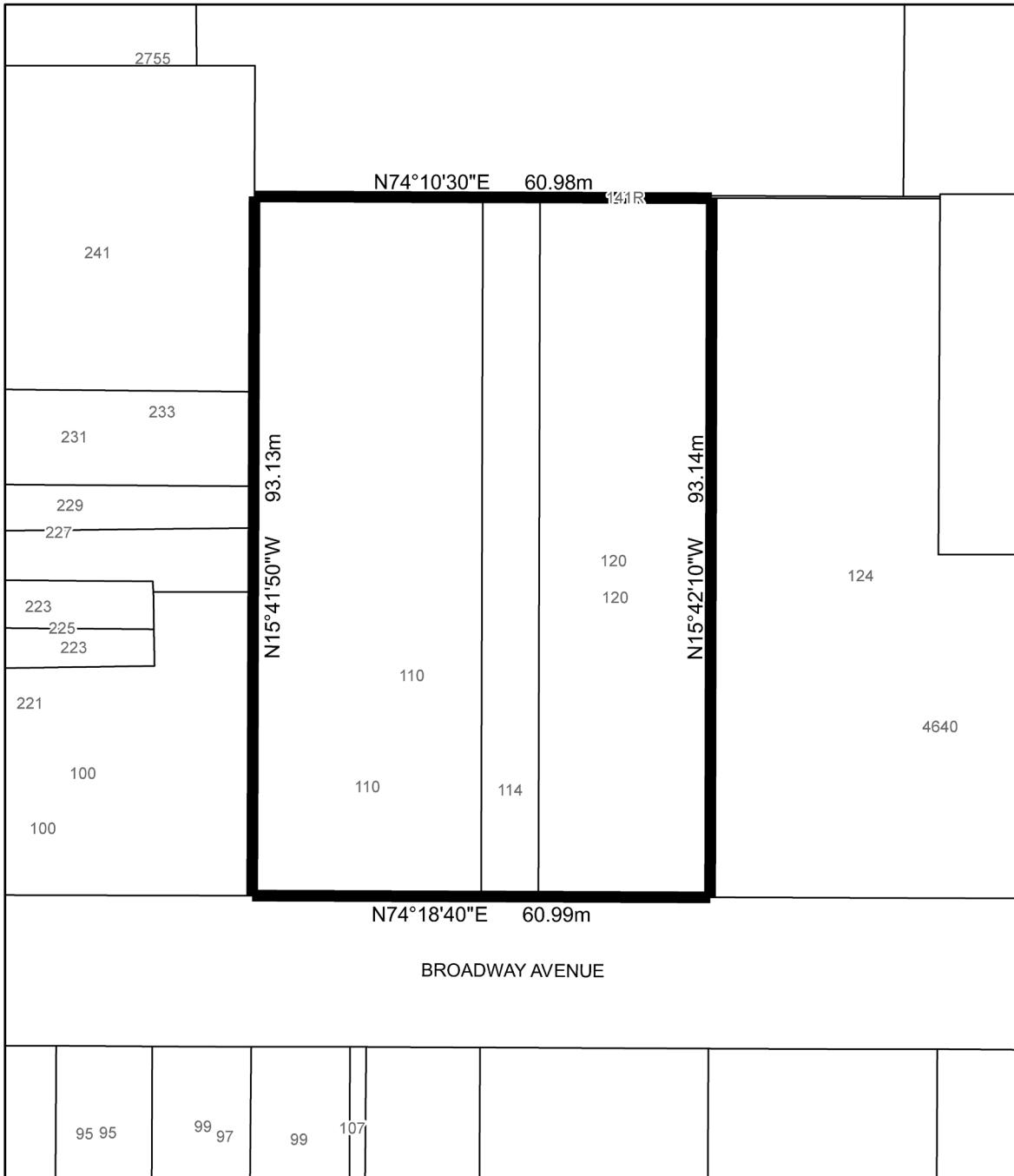


6. The Owner shall provide an off-site parkland dedication of 567.6 square metres at 100 Broadway Avenue, in satisfaction of the Applicant's required parkland contribution pursuant to Section 42 of the Planning Act, generally as shown in Public Appendix B to the report (June 17, 2019) from the City Solicitor in Item CC8.10, as adopted by City of Toronto Council on June 18 and 19, 2019, 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;
7. The Owner shall provide the base and above base improvements for the off-site parkland dedication referred in Part 6 above and for the offsite parkland over-dedication referred to in Part 4 above;
8. 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;
9. The Owner shall provide and maintain one-hundred and twenty-one (121) replacement rental dwelling units at 100 Broadway Avenue and 223-233 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 one-hundred and twenty-one (121) replacement rental units shall be comprised of at least twenty-four (24) bachelor units, seventy-five (75) two-bedroom units and twenty-two (22) three-bedroom units as shown on the Floor Plans by IBI Group Architects dated July 26, 2019 submitted to the City Planning Division with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning;
10. The owner shall, as part of the one-hundred and twenty-one (121) replacement rental dwelling units required above, provide at least nine (9) bachelor, forty-four (44) two-bedroom, and fifteen (15) three-bedroom replacement rental dwelling units at affordable rents, as defined in the City's Official Plan, and fifteen (15) bachelor, twenty-nine (29) two-bedroom and nine (9) 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;
11. The Owner shall provide tenants of the replacement rental dwelling 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;
12. The Owner shall provide all one-hundred and twenty-one (121) replacement rental dwelling units with a balcony or terrace and ensuite laundry;
  13. The Owner shall provide tenants of the one-hundred and twenty-one (121) replacement rental dwelling units with access to all bicycle parking, all vehicle parking, visitor parking and storage lockers on the same terms and conditions as any other resident of the building;
  14. The owner shall provide tenant relocation and assistance to all eligible tenants occupying the existing one-hundred and twenty-one (121) rental dwelling units proposed to be demolished at 110-120 Broadway Avenue, including the right to return to a replacement rental dwelling unit at 100 Broadway Avenue and 223-233 Redpath Avenue, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
  15. The Owner shall enter into and register on title at 110-120 Broadway Avenue and 100 Broadway Avenue and 223, 225, 227 and 233 Redpath Avenue one or more agreement(s), including a Section 111 Agreement and a Section 37 Agreement, to secure the conditions outlined in Parts 9, 10, 11, 12, 13 and 14 above, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
  16. The Owner shall provide a privately owned publicly accessible open space of not less than 988.4 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 City of Toronto Council 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;
  17. The Owner shall provide a cash contribution of \$100,000.00 to be paid by the Owner prior to the issuance of the first above-grade building permit for the proposed development to be allocated to the expansion of bike share facilities;
  18. The \$100,000.00 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

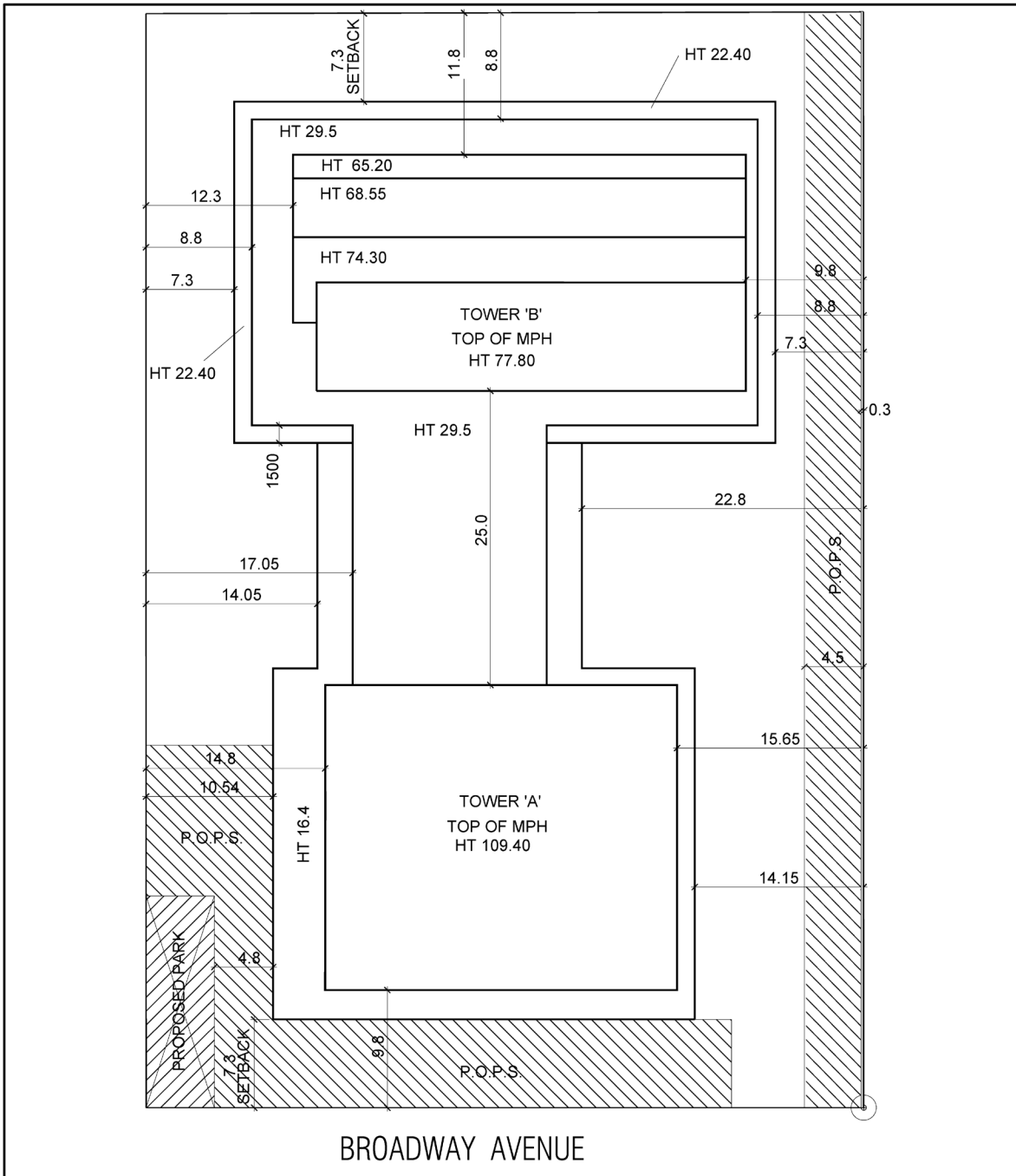
Indexes Publication No. 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment;

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.





# 110-120 Broadway Avenue


File #: 17 218847 NNY 25 0Z



110-120 Broadway Avenue

File #: 17 218847 NNY 25 0Z

-  Area of Proposed Park
-  Area of P.O.P.S.

  
Former City of Toronto By-law 438-86  
Not to Scale  
01/25/2021