

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

## CITY OF TORONTO

### BY-LAW 210-2021(LPAT)

#### **To amend Zoning By-law 569-2013, 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 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 PL180033, 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 No. 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

4. black lines to R (d2.0)(x100) and O, as shown on Diagram 2, attached to this By-law. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 100 so that it reads:

**Exception R (x100)**

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 110, 114 and 120 Broadway Avenue, if the requirements of Section 5 and Schedule A of By-law 210-2021(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 also 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 158.80 metres and the elevation of the highest point of the **building**;
- (E) Despite regulation 10.10.40.10(1), the permitted maximum height of any **building** or **structure** or portion thereof, is the height in metres specified by the numbers following "HT" as shown on Diagram 3 of By-law 210-2021(LPAT);
- (F) Despite Section (E) above and Regulation 10.5.40.10(2), (3) and (4) and 10.5.75.1(4), the following may project above the permitted maximum height as shown on Diagram 3 attached to By-law 210-2021(LPAT):
  - (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
- (G) Despite regulations 5.10.40.70(1), 10.5.40.70(1), 10.10.40.30(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 210-2021(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 210-2021(LPAT):
- (i) a **platform**, mechanical penthouse or balcony attached to or within 0.3 metre 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 metre;
  - (vi) roof parapets may encroach into a required **building setback** to a maximum of 1.0 metre; and
  - (vii) vents, pipes, utility equipment, siamese connections, satellite dishes, and antennas (including mounting poles) may project into a required **building setback** to a maximum of 1.0 metre;
- (I) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** is 47,500 square metres;
- (J) Despite 10.5.40.40(4), the residential and non-residential **gross floor area** of a **mixed use building** or an **apartment building** 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 required amount by this By-law;
  - (vi) Elevator shafts;
  - (vii) Garbage shafts;
  - (viii) Mechanical penthouse and mechanical rooms; and
  - (ix) Exit stairwells in the **building**;
- (K) 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;
- (L) Despite regulation 10.10.40.50(1):
- (i) a minimum of 2.0 square metres for each **dwelling unit** of outdoor **amenity space** and a minimum of 2.0 square metres for each **dwelling unit** of indoor **amenity space** must be provided for the **dwelling units**; and
  - (ii) no more than 25 percent of the outdoor **amenity space** component may be a **green roof**;
- (M) Despite clause 200.5.10.1, a minimum of 256 **parking spaces** must be provided and maintained on the **lot**, of which:
- (i) A minimum of 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) A minimum of 24 **parking spaces** shall be provided for residential visitors on the **lot**; and
  - (iii) A minimum of least 1 **parking space** shall be provided for **non-residential** uses on the **lot**;
- (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 6 must be accessible **parking spaces** and must be provided in the underground **parking garage**;
  - (ii) accessible **parking spaces** must have the following minimum dimensions:
    - i. length of 5.6 metres;
    - ii. width of 3.9 metres; and
    - iii. 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 regulation 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 15 **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 a **lot** in Policy Area 2 (PA2) 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;
- (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**;
    - (b) a minimum of 0.1 **bicycle parking spaces** per **dwelling unit** must be provided as short-term **bicycle parking spaces**; and
    - (c) no bicycle parking spaces are required for the non-residential use;
  - (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; and
- (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) Regulations 10.5.50.10(3), (4) and (5) do not apply.

Prevailing By-laws and Prevailing Section(s): (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.

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

**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:

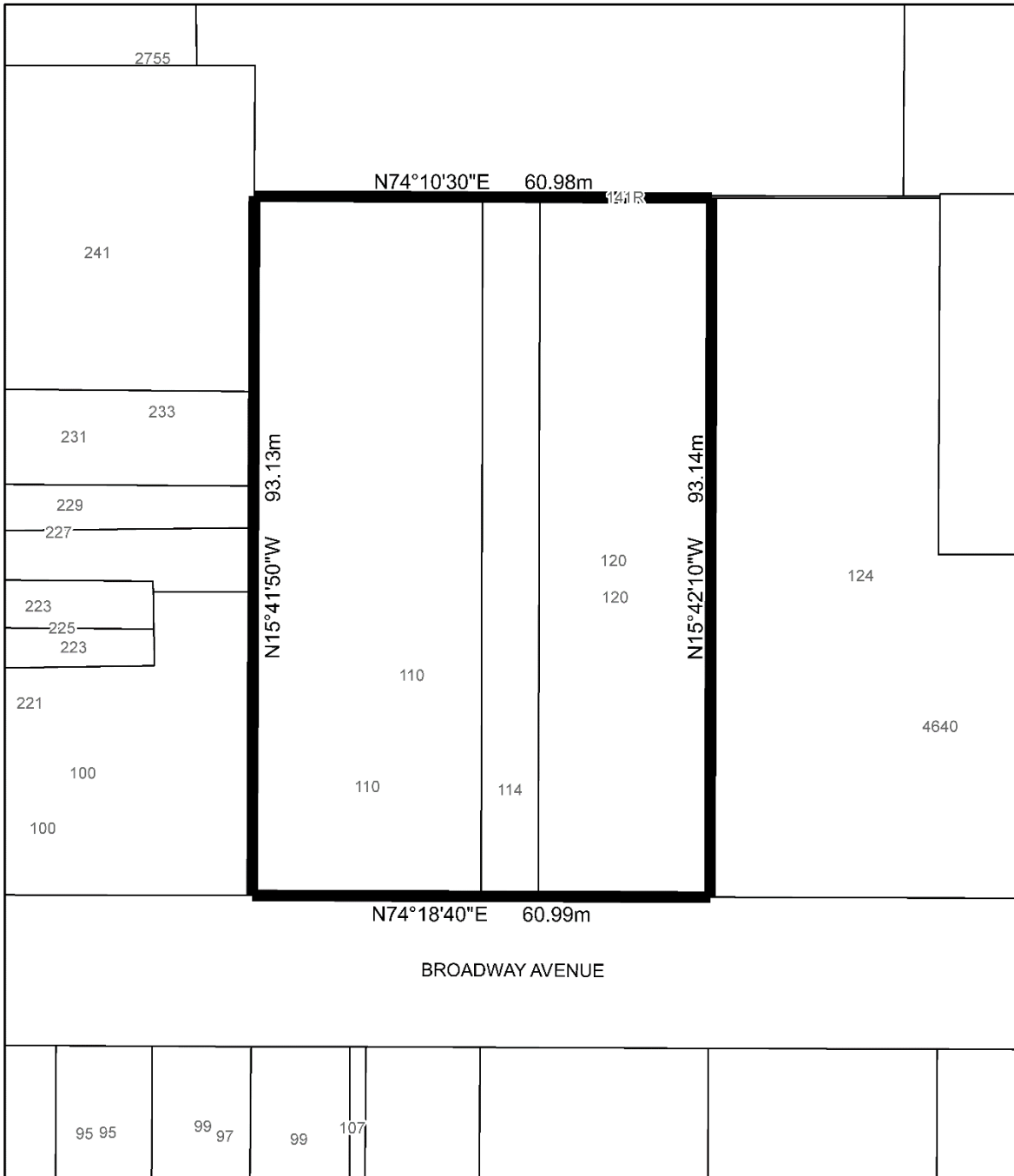
1. Prior to the issuance of an above-grade building permit of the proposed development, a cash contribution of \$3,000,000.00 to be paid by the Owner and to be allocated toward community services and facilities, local parkland acquisition and improvements, and/or public realm improvements within the 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;
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;

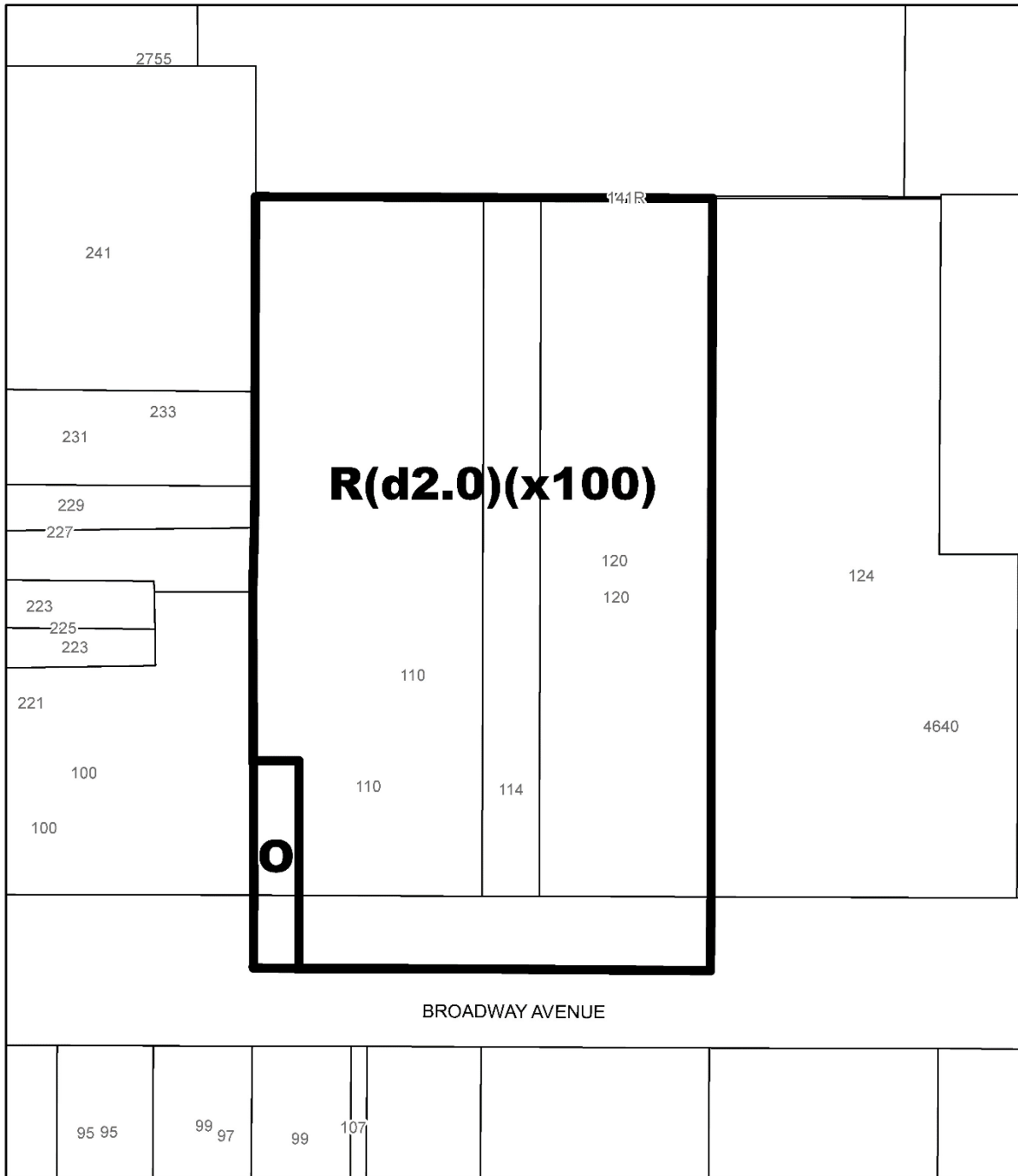
19. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, 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.



 **TORONTO**  
Diagram 1

**110-120 Broadway Avenue**

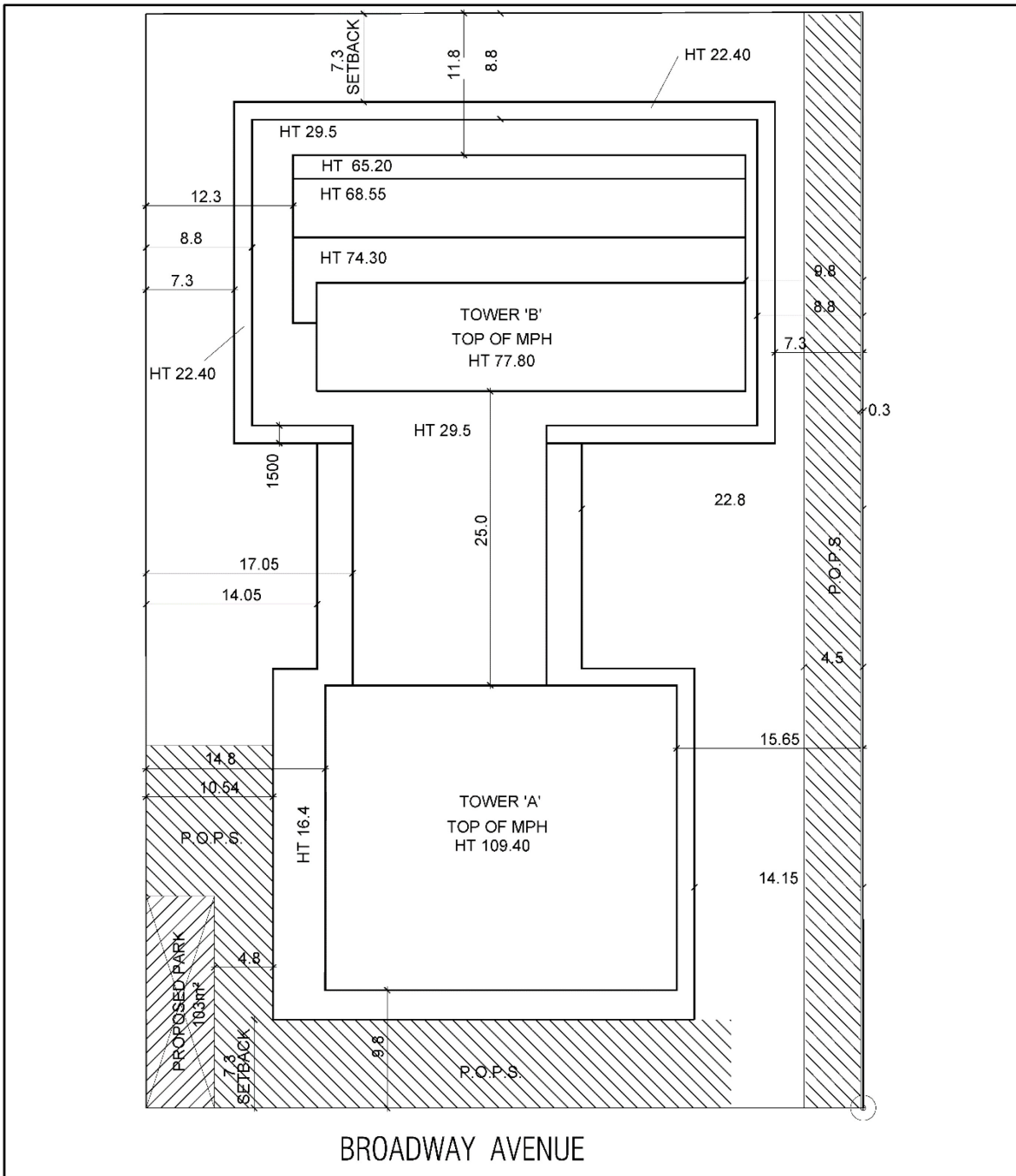
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 **Toronto**  
Diagram 2

110-120 Broadway Avenue



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**TORONTO**  
Diagram 3

110-120 Broadway Avenue

File #: 17 218847 NNY 25 0Z

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

  
 City of Toronto By-law 569-2013  
 Not to Scale  
 01/25/2021