

**90-100 Broadview Avenue –  
Zoning Application – Supplementary Report**

<b>Date:</b>	December 1, 2008
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 30 – Toronto-Danforth
<b>Reference Number:</b>	File No: 07 280694 STE 30 OZ

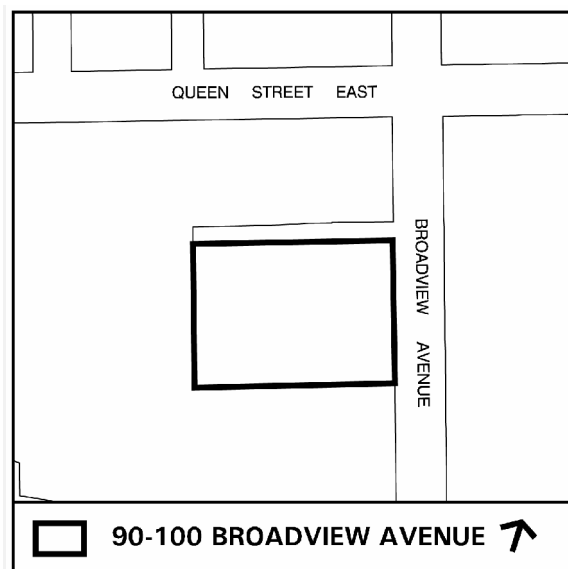
**SUMMARY**

On November 18, 2008, Toronto and East York Community Council moved the Final Report, prepared by the Acting Director, Community Planning Division, dated October 23, 2008 directly to City Council with no recommendations. This supplementary report makes additional recommendations to the October 23, 2008 report, in addition to outlining the technical modifications made to the Zoning By-law Amendment.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council replace the recommendations contained within the report prepared by the Acting Director, Community Planning Division, dated October 23, 2008, with the recommendations contained within this report.
2. City Council amend the Zoning By-law for the former City of Toronto, 438-86, as amended, substantially in accordance with the Draft Zoning By-law Amendment attached to this report as Attachment 1.



3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;
4. Before introducing the necessary Bills to City Council for enactment, authorize the appropriate City officials and require the owner to execute one or more agreements pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, to secure the following facilities, services and matters:
  - i) A cash contribution in the amount of \$75,000 for the undertaking and completion of the Queen Street East Heritage Conservation District Study;
  - ii) A cash contribution in the amount of \$75,000 for the development of the Joel Weeks Park;
  - iii) A cash contribution in the amount of \$40,000 for capital facilities improvements at the Jimmy Simpson Recreation Centre;
  - iv) A cash contribution in the amount of \$40,000 for capital facilities improvements at the Matty Eckler Community Centre;
  - v) A cash contribution in the amount of \$30,000 for the Chinese Archway Reserve Fund;
  - vi) A cash contribution in the amount of \$50,000 for public realm improvements, including decorative boulevard paving and lighting, in the Riverside District Business Improvement Area;
  - vii) A cash contribution in the amount of \$40,000 for capital facilities improvements at the Ralph Thornton Community Centre;
  - viii) The existing 3 ½ storey non-residential building at 100 Broadview Avenue be preserved, maintained as non-residential, and incorporated into any development on the lot;
  - ix) The provision of a one-year membership to the car-sharing program, which will operate in conjunction with the car-share parking spaces provided for on this site, at no cost to all initial purchasers of residential units in the development; and
  - x) The incorporation, in the construction of the building, of exterior materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The Owner shall include 1:50 scale drawings for the first to fourth storey portions of the Broadview Avenue elevations with building materials labelled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian.

5. City Council require that a construction management plan be secured as a condition of Site Plan Control Approval.
6. City Council request that Transportation Services examine and report back to Toronto and East York Community Council on January 13, 2008 regarding the realignment of parking area 7E, and the exclusion of the subject site from the parking area.
7. The appropriate City officials direct the cash-in-lieu of parkland dedication which is in excess of 5%, to park improvements in the immediate area.
8. City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.
9. City Council determine that pursuant to Section 34(17) of the Planning Act, no further notice is to be given with respect to the changes to the proposed Zoning By-law Amendment as set out in this report.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On November 18, 2008, Toronto and East York Community Council moved the Final Report, prepared by the Chief Planner and Executive Director, City Planning Division, dated October 23, 2008 directly to City Council with no recommendations.

### **COMMENTS**

#### **Modifications to Zoning By-law**

The Zoning By-law Amendment, contained as Attachment 1 to this report, contains minor modifications to the Draft Zoning By-law Amendment which was before Community Council on November 8, 2008. This section of the report provides additional information and clarification regarding the modifications made.

The section of the Zoning By-law that deals with height has been modified to include additional elements that may be found on the roof of the building, which were not captured in the previous version of the Amendment. Additional items such as elements of a green roof, the installation of roof surface material, chimney stacks, maintenance ladders, and wind protection structures have now been included in this Section.

The modifications are as follows:

Section 2(f)(i) has been modified from “the maximum height for terraces and balcony guards, planters, railings, parapets, decorative screens, window washing equipment and ornamental architectural features shall be the sum of 1.5 metres and the applicable height limit shown on Map “2”” to now read as:

“2 (f) (i) the maximum height for terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, window washing equipment, ornamental architectural features, chimney stacks and structures used for safety or wind protection purposes shall be the sum of 1.5 metres and the applicable height limit shown on Map “2””.

Section 2(f)(ii) has been modified from “the maximum height for an elevator shaft, chimney stack, stair tower, or other heating, cooling or ventilating equipment on the roof of the building, or a fence, wall, or structure enclosing such elements shall not exceed the applicable height limit shown on Map “2”” to now read as:

“2(f)(ii) the maximum height for divider screens shall be the sum of 2.0 metres and the applicable height limit shown on Map “2”

A new subsection has been added to allow for a ladder for maintenance purposes to exceed the permitted height by an additional metre. Section 2(f)(iii) has been added and reads as:

“2(f)(iii) the maximum height for a ladder for maintenance purposes shall not exceed the sum of 1.0 metre and the applicable height limit shown on Map “2””.

Section 2(g)(iii) has been modified to allow for the balcony at the seventh storey to extend an additional 2.5 metres eastward. In order to prevent confusion and misinterpretation of this provision of the Zoning By-law amendment, and to further ensure that the balcony at this level does not overhang/encroach within the municipal right-of-way, greater restrictions were included to this Section requiring that the balcony be wholly located within the lot.

Section 2(g)(iii) of the Draft Zoning By-law Amendment has been modified from “ the floor slab and balcony at the seventh *storey* may extend up to 2.5 metres eastward beyond the areas delineated by heavy lines on Map "2"” to now read as:

“2(g)(iii) the floor slab and balcony at the seventh *storey* may extend up to 5.0 metres eastward, and shall be wholly located within the *lot*, as delineated by heavy lines on Map "1" attached to and forming part of this By-law.”

In addition to the foregoing, typographical errors have been corrected.

**Deletion of the requirement that the applicant enter into a Site Plan Control Agreement under Section 41 of the Planning Act prior to the introduction of Bills**  
Recommendation 5 of the October 23, 2008 Final Report required that the applicant enter into a Site Plan Control Agreement with the City prior to the introduction of Bills to Council for enactment.

The applicant has resubmitted revised plans and studies which incorporate the comments and revisions required by the various commenting agencies and City departments. The resubmission is currently under review by various departments and Planning staff anticipate comments to be received by December 16, 2008.

Planning Staff do not foresee any major changes being required to the Site Plan Control Application resubmission. Furthermore, staff anticipate that the Site Plan Control Agreement will be entered into early 2009. As such, staff are comfortable with the deletion of the recommendation that the Bills be held until the applicant enters into a Site Plan Control Agreement.

**Revisions to the requirement that the Section 37 Agreement be registered on title prior to the introduction of Bills**

Recommendation 3 of the October 23, 2008 Final Report required that the owner execute one or more agreements pursuant to Section 37 of the Planning Act, and that the agreements be registered on title on the lands prior to the introduction of Bills to Council for enactment.

In order to allow the Bills to be introduced to City Council during their session on December 1 and December 2, 2008, it is recommended that the requirement that the Section 37 agreement be registered on title be replaced with a recommendation that the Section 37 agreement be executed by the owner. The Section 37 Agreement has been executed by the owner, and is currently with the City Legal Division and awaiting signature by the appropriate City signing authorities. The execution of the Section 37 agreement by the City is expected to occur shortly.

Planning staff have discussed the proposed revision to the recommendation with the Legal Division, and the City Solicitor has indicated that they do not have any concerns with this revision, or the wording contained in Recommendation 4 attached to this report.

**Construction Management Plan**

In order to mitigate construction impacts on the surrounding neighbourhood, staff recommend that the applicant develop and implement a construction management plan. The construction management plan will identify the numerous construction related issues that are regulated by other City-wide enforcement measures (i.e. Noise By-law, Dust Control By-law, etc.).

The applicant would be required to draft the construction management plan as condition of Site Plan Control approval.

The construction management plan would at minimum address the following matters:

- The period of construction including the general construction processes involved in the construction stages and the duration of each stage;
- An approach to identifying and mitigating, if possible, potential negative impacts of construction activity such as construction noise, dust control, construction

- vehicle access and material deliveries, parking for construction trades, interruptions of services (hydro, water, gas) for local residents;
- The provision of notice for residents and/or tenants at 68 Broadview Avenue and 100 Broadview Avenue that identifies the start date for the commencement of each phase of the construction and the anticipated completion date and information regarding applicable regulating provisions that would apply; and
  - Any other matters that may be appropriate, including but not limited to the provision of reasonable notice respecting the anticipated interruption to services and the provision of alternative services, where possible, and measures to prevent dust and construction debris from endangering existing tenants and/or residents.

### **Parking**

The Ward Councillor has requested that staff from the Transportation Services examine the realignment of parking area 7E and the exclusion of the subject site from the parking area.

This request has been included as Recommendation 6 to this report.

### **CONTACT**

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### **SIGNATURE**

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Gary Wright, Chief Planner and Executive Director  
City Planning Division

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### **ATTACHMENTS**

Attachment 1: Zoning By-law Amendment

## **Attachment 1: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Item ~ as adopted by City of  
Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend Zoning By-law No. 438-86, as amended,  
With respect to the lands municipally known as 90 -100 Broadview Ave**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this By-law are those lands outlined by a heavy black line and identified as “90-100 Broadview Avenue” as shown on Map “1” attached hereto.
2. Section 12(1) to the Zoning By-law 438-86, is further amended by adding a new Section 12(1) 478 immediately after Section 12(1) 477 of the By-law as follows:

None of the provisions of Sections 4(1), 4(2), 4(4)(b),4(6)b, 4(12), 4(13), 9(1), and 9(3) Part I (2) and (3) of By-law No. 438-86, as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *lot* containing *dwelling units* and non-residential uses, provided;

- (a) the *lot* is comprised of at least those lands shown outlined by heavy lines on Map “1” attached to and forming part of this By-law;
- (b) the *mixed-use building* contains:
  - (i) no more than 18,750 square metres of *residential gross floor area*;
  - (ii) no less than 6,000 square metres and no more than 9,500 square metres of *non-residential gross floor area*, provided that the total cumulative amount of *non-residential gross floor area* for *retail stores* shall not exceed 900 square metres and that no individual *retail store* shall exceed 300 square metres of *non-residential gross floor area*; and

- (iii) the *retail stores* shall only be permitted on first *storey* above *grade* and first *storey* below *grade*.
- (c) the following residential uses are permitted:
- (i) a maximum of 222 *dwelling units*;
  - (ii) of the 222 *dwelling units* listed in Section 2(c)(i), a maximum of 12 *live-work units* are permitted; and
  - (iii) of the 12 *live-work units* listed in Section 2(c)(ii) , the *live-work units* shall only be permitted on the first *storey* above *grade* and first *storey* below *grade*.
- (d) home/work uses shall be a permitted residential use *accessory* to a *dwelling unit* if:
- (i) only the residents of the *dwelling unit* work in the home/work use;
  - (ii) the work component of the home/work use is restricted to the following uses or classifications: office, workshop, studio, *personal grooming establishment*, or *tailoring shop*;
  - (iii) the maximum gross floor area being the aggregate of the area of each floor above and below *grade* for work purposes does not exceed the lesser of 30m<sup>2</sup> or 30% of the *residential gross floor area* of the *dwelling unit*;
  - (iv) there is no sale of goods from the *dwelling unit*; and
  - (v) there is no outside storage associated with the use.
- (e) the following non-residential uses are permitted:
- (i) *artist's or photographer's studio*;
  - (ii) *bake-shop*;
  - (iii) *branch of a bank or financial institution*;
  - (iv) *caterer's shop*;
  - (v) *clinic*;
  - (vi) *commercial school*;
  - (vii) *communications and broadcasting establishment*;
  - (viii) *community or social agency*;



- (ix) *courier service;*
  - (x) *custom workshop;*
  - (xi) *data processing establishment;*
  - (xii) *designer's studio;*
  - (xiii) *duplicating shop;*
  - (xiv) *newsstand;*
  - (xv) *office;*
  - (xvi) *performing arts studio;*
  - (xvii) *personal grooming establishment;*
  - (xviii) *premises of a charitable institution or non-profit institution;*
  - (xix) *private art gallery;*
  - (xx) *public art gallery;*
  - (xxi) *publisher;*
  - (xxii) *retail store;*
  - (xxiii) *service, rental or repair shop;*
  - (xxiv) *showroom;*
  - (xxv) *software design and development establishment*
  - (xxvi) *tailoring shop;* and
  - (xxvii) *trade school.*
- (f) no portion of the *mixed-use building* shall have a *height* in metres greater than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, with exception of the following:
- (i) the maximum height for terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, window washing equipment, ornamental architectural features, chimney stacks and structures used for safety or wind protection purposes shall be the sum of 1.5 metres and the applicable height limit shown on Map “2;

- (ii) the maximum height for diver screens shall be the sum of 2.0 metres and the applicable height limit shown on Map “2”; and
  - (iii) the maximum height for a ladder for maintenance purposes shall not exceed the sum of 1.0 metre and the applicable height limit shown on Map “2”.
- (g) no portion of the *mixed-use building* above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on Map “2”, attached to and forming part of this By-law, with the exception of the following:
- (i) cornices, light fixtures, awnings, ornamental elements, parapets, landscape features, trellises, eaves, window sills, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheel chair ramps and underground garage ramps and associated structures;
  - (ii) balconies and canopies provided they extend no more than 1.8 metres beyond the areas delineated by heavy lines on Map “2” attached to and forming part of this By-law; and
  - (iii) the floor slab and balcony at the seventh *storey* may extend up to 5.0 metres eastward, and shall be wholly located within the *lot*, as delineated by heavy lines on Map "1" attached to and forming part of this By-law.
- (h) *parking spaces* are provided and maintained on the *lot*, at the following rates:
- |     |                 |                      |
|-----|-----------------|----------------------|
| (i) | Bachelor Units  | 0.3 spaces per unit  |
|     | 1-Bedroom Units | 0.7 spaces per unit  |
|     | 2-Bedroom Units | 1.0 spaces per unit  |
|     | 3-Bedroom Units | 1.2 spaces per unit  |
|     | Visitor Spaces  | 0.12 spaces per unit |
- (ii) a minimum of 24 *parking spaces* shall be provided for the exclusive use of the non-residential uses;
  - (iii) the residential visitor parking spaces shall be shared by residential and non-residential visitors; and
  - (iv) a minimum of one *car-share parking space* shall be provided on the first parking level below *grade*.
- (i) a minimum of 166 *bicycle parking spaces* shall be provided and maintained on the *lot*, of which:

- (i) a total of 133 *bicycle parking spaces* shall be provided and maintained for the exclusive use of residents of the building, and shall be located on the parking levels below *grade* in the building; and
  - (ii) a total of 33 *bicycle parking spaces* shall be provided and maintained for the exclusive use of visitors, and shall be located at ground level and accessed via the building vestibule or lobby.
- (j) not less than 0.75 square metres of indoor *residential amenity space* per *dwelling unit* and not less than 1.45 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *lot*.
- (i) The indoor and outdoor *residential amenity space* referenced in 2(j) shall be contiguous, and located on the first floor of the *mixed-use building*.
- (k) not less than 80% of the residential units will have a balcony and/or a terrace.

**3.** Pursuant to Section 37 of the Planning Act, the heights and density of the development contemplated by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the Owner of the *lot*, of the following facilities, services and matters to the City at the Owner's sole expense and in accordance with and subject to the agreement referred to in Section 3(f) herein:

- (a) the amount of \$350,000 payable to the City of Toronto prior to the issuance of any above *grade* building permits for the development of the *lot*, the amount to be used for:
  - i) A cash contribution in the amount of \$75,000 for the undertaking and completion of the Queen Street East Heritage Conservation District Study;
  - ii) A cash contribution in the amount of \$75,000 for the development of the Joel Weeks Park;
  - iii) A cash contribution in the amount of \$40,000 for capital facilities improvements at the Jimmy Simpson Recreation Centre;
  - v) A cash contribution in the amount of \$40,000 for capital facilities improvements at the Matty Eckler Community Centre;

- vi) A cash contribution in the amount of \$30,000 for the Chinese Archway Reserve Fund;
  - vii) A cash contribution in the amount of \$50,000 for public realm improvements, including decorative boulevard paving and lighting, in the Riverside District Business Improvement Area; and
  - viii) A cash contribution in the amount of \$40,000 for capital facilities improvements at the Ralph Thornton Community Centre.
- (b) The following matters are also to be secured in the Section 37 agreement:
- i) The existing 3 ½ storey non-residential building at 100 Broadview Avenue be preserved, maintained as non-residential, and incorporated into any development on the *lot*; and
  - ii) The provision of a one-year membership to the *car-sharing* program, which will operate in conjunction with the *car-share parking spaces* provided for on this site, at no cost to all initial purchasers of residential units in the development.
- (c) the incorporation, in the construction of the building, of exterior materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The Owner shall include 1:50 scale drawings for the first to fourth storey portions of the Broadview Avenue elevations with building materials labeled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian.
- (d) the payments required in clause (a) herein shall increase in accordance with the increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement or, if the site specific by-laws for the project are appealed to the Ontario Municipal Board, from the date of the Board order approving the by-laws, to the date of submission of the funds by the owner to the City.
- (e) the payments required in clause (a) herein shall be paid prior to the issuance of the first above *grade* building permit to permit construction of a building or a portion of a building on the *lot*.

- (f) the Owner of the lands enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required in Section 3(a), (b) and (c) herein and registers such agreement against title to the *lot* as a first charge, all to the satisfaction of the City Solicitor prior to this By-law coming into full force and effect.

4. For the purposes of this By-law:

- (a) “*car-share*” shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (b) “*car-share parking space*” shall mean a *parking space* that is reserved and actively used for *car-share* purposes;
- (c) “*grade*” shall mean 80.3 metres Canadian Geodetic Datum;
- (d) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure on the *lot*;
- (e) “*live-work unit*” shall mean a *dwelling unit* which may be used for work purposes by the residents of the unit and which may also be used for work purposes by persons not residing in the unit; and
- (f) each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

5. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division occurred.

6. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

7. Within the lands shown on Map “1” attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

