

Attachment 7: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item [-], as adopted by City of Toronto Council on [-]

CITY OF**TORONTO BY-LAW****XXX-20~**

To amend Zoning By-law 167-2023(OLT), being a by-law to amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2025 as 954, 956 and 958 Broadview Avenue and 72 Chester Hill Road.

Whereas Council of the City of Toronto has the authority pursuant to 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, as amended; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Subsection 37.1(3) of the Planning Act, subsection 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act came into force continue to apply to the lands where a municipality passes a bylaw described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2); and

Whereas pursuant to Section 37 of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020., c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the

municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto

The Council of the City of Toronto enacts:

1. Diagram 4 of By-law 167-2023(OLT) is replaced with Diagram 4 attached to this by-law;
2. Section 4 of By-law 167-2023(OLT), regarding Exception CR (x776), is amended as follows:
 - (A) Regulation (A) is deleted and replaced with the following:
 - (A) On the lands municipally known in the year 2025 as 954, 956 and 958 Broadview Avenue, as shown as Parcel A on Diagram 3 of By-law 167-2023(OLT), if the requirements of Section 11 and Schedule A of By-law 167-2023(OLT), as amended By-law XXX-2026 **[Clerks to provide number]** are complied with, a **building** or **structure** may be erected and used in compliance with (B) to (MM) below;
 - (B) Regulation (D) is deleted and replaced with the following:
 - (D) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on Parcel A as shown on Diagram 3 of By-law 167-2023(OLT) is 20,000 square metres, of which:
 - (i) a minimum of 90.0 square metres of **gross floor area** must be provided for non-residential uses; and
 - (ii) a maximum of 19,900 square metres of **gross floor area** may be provided for residential uses;
 - (C) Regulation (F) is deleted and replaced with "Not used."
 - (D) Regulation (G) is deleted and replaced with the following:
 - (G) The provision of **dwelling units** is subject to the following:

- (i) A minimum of 20 percent of the total number of **dwelling units** on the **lot** must contain two or more bedrooms;
 - (ii) A minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain three or more bedrooms;
 - (iii) Any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (iv) If the calculation of the number of required **dwelling units** with two or three bedrooms in (i) and (ii) above results in a number with a fraction, the number is rounded down to the nearest whole number.
- (E) Regulation (H) is deleted and replaced with “Not used.”
- (F) Regulation (I) is deleted and replaced with the following:
- (I) In addition to the elements that reduce **gross floor area** listed in Regulation 40.5.40.40(3), the **gross floor area** of a mixed use building is reduced by the area in the **building** occupied by a void in a floor if there is a vertical clearance of no more than 8.5 metres between the top of the floor below the void and the ceiling directly above it provided such void is not located in the area labelled HT10 metres or HT 13.6 metres as shown on Diagram 4 of By-law XXX-2026 **[Clerks to provide number]**;
- (G) Regulation (K) is amended by deleting the words “Diagram 4 of By-law 167-2023(OLT)” and replacing them with the words “Diagram 4 of By-law XXX-2026 **[Clerks to provide number]**.”
- (H) Regulation (L) is amended by replacing the words “Regulations 5.10.40.70(1) Clauses 40.5.40.60, 40.5.40.70, 40.10.60 and 40.10.40.70 and (K) above” with the words “Clauses 40.5.40.60, 40.5.40.70, 40.10.40.60 and 40.10.40.70 and (K) above
- (I) Regulation (M) is deleted and replaced with the following:
- (M) despite (L)(iii) above
 - (i) balconies are not permitted to project beyond the south facing **main wall** of the portion of the **building** in the area labelled HT10.0 metres as shown on Diagram 4 of By-law

xxx-2026 **[Clerks to provide number];**

- (ii) despite i) above, juliette balconies may project a maximum of 0.5 metres from the south facing **main wall** mentioned in i);
 - (iii) below a height of 24 metres as measured from **established grade**, balconies are not permitted to project beyond the **main walls** of the **building**, where such **main walls** are located above the Existing Buildings, as shown on Diagram 4 of By-law XXX-2026 **[Clerks to provide number]** with the exception of juliette balconies which may project a maximum of 0.5 metres;
 - (iv) for the portion of the **building** in the area labelled HT 84.5, balconies are not permitted on the portion of the northerly and southerly **main walls** located within 2.0 metres of the intersection with the easterly and westerly **main walls** of the **building** labelled HT 84.5 on Diagram 4 of By-law XXX-2026 **[Clerks to provide number]**.
- (J) Regulation (N) is deleted and replaced with the following:
- (N) Despite Regulations 40.10.40.10(2) and (7), the permitted maximum height of a **building** or **structure**, as measured between **established grade** and the highest point of the **building**, is the number following the HT symbol in metres as shown on Diagram 4 of By-law XXX-2026 **[Clerks to provide number]**.
- (K) Regulation (O)(iii) is deleted and replaced with the following:
- (iii) stairs, stair enclosures, and roof top storage enclosure may exceed the permitted maximum building height by up to 3.5 metres;
- (L) Regulation (O)(vi) is amended by deleting the words “Diagram 4 of By-law 164-2023(OLT)” and replacing them with the words “Diagram 4 of By-law XXX-2026 **[Clerks to provide number]**.”
- (M) Regulation (P) is deleted and replaced with the following:
- (P) Despite (O) and (N) above and Regulation 40.5.40.10(8)(B), the following elements may project above the maximum building height of 84.5 metres as measured from **established grade** within the area identified as “Mechanical Penthouse” as shown on Diagram 4 of By-law XXX-2026 **[Clerks to provide number]**:

- (i) equipment used for the functional operation of a **building**, including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, as well as structures that enclose, screen or cover such elements, including a mechanical penthouse, by a maximum of 6.2 metres;
 - (ii) parapets may extend beyond the elements in i. above, by a maximum of 0.6 metres; and
 - (iii) **building** maintenance units and window washing equipment, by a maximum of 4.0 metres;

- (N) Regulation (T) is deleted and replaced with “Not used”.

- (O) Regulation (U) is deleted and replaced with the following:
 - (U) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the ST symbol as shown on Diagram 4 of By-law xxx-2026
[Clerks to provide number];

- (P) Regulation (W) is deleted and replaced with the following:
 - (W) Despite Article 200.25.15, if **parking spaces** for **visitors** are provided on the **lot**, a minimum of five percent of the provided **visitor parking spaces** must be accessible **parking spaces**;

- (Q) Regulation (X) is deleted and replaced with the following:
 - (X) Despite Regulation 200.5.1.10(9), if the number of required accessible parking spaces calculated in accordance with (W) above results in a number with a fraction, the number is rounded down to the nearest whole number;

- (R) Regulation (Y)(ii) is deleted and replaced with the following:
 - (ii) a maximum of five percent of the **parking spaces** may have a minimum length of 5.0 metres;

- (S) Regulation (Z)(iii) is deleted and replaced with the following:

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- (iii) accessible **parking spaces** may be located a maximum of 32.5 metres from a passenger elevator that provides access to the first **storey** of the **building**;
- (T) Regulation (DD) is replaced with the following:
 - (DD) Regulation 40.10.40.1(1) with respect to the location of residential uses in a mixed-use building does not apply
 - (U) The following regulations are added after Regulation (KK):
 - (LL) Despite Regulation 230.5.1.10.(9)(B)(iii), **bicycle parking spaces** may be provided on levels of the **building** below ground;
 - (MM) Despite Regulation 230.5.1.10(14)(i), the minimum aisle width to a **stacked bicycle parking space** for an **oversized bicycle parking space** is 1.8 metres.
3. Section 5 of By-law 167-2023(OLT), regarding Exception R (x138), is amended as follows:
- (A) Regulation (C) is deleted and replaced with the following:
 - (C) For the purposes of this exception, lands on Parcel B, as shown on Diagram 3 of By-law 167-2023(OLT), may only be used for and occupied by uses, **buildings** and **structures ancillary** to uses on Parcel A as shown on Diagram 3 of By-law 167-2023(OLT), which **ancillary** uses, **buildings** and **structures** are limited to: driveways, **parking spaces**, visitor **parking spaces**, **landscaping** and **soft landscaping**, walkways, garage ramps and related **structures**, equipment for the functional operation of a **building**, such as electrical, utility and mechanical equipment, including screens or related enclosures;
4. Section 7. of By-law 167-2023(OLT), regarding Exception ON (x25) is amended as follows:
- (A) The reference to “Regulation 90.90.20.10(1)” is amended to refer to “Regulation 90.20.20.10(1)”.
5. Section 8 of By-law 167-2023(OLT), regarding temporary uses, is deleted and replaced with the following:
- 8. None of the provisions of By-law 569-2013, as amended, shall apply

to prevent temporary uses or structures on Parcel C, as shown on Diagram 3 attached to By-law 167-2023, including a construction office in an existing building, that are ancillary to the construction of a building or structure on Parcel A or Parcel B, as shown on Diagram 3 attached to By-law 167-2023(OLT), provided that the temporary use or structure is on the lot for a period of not more than 3 years from the date this By-law comes into full force and effect.

6. Section 11 of By-law 167-2023(OLT), regarding Section 37 Provisions, is deleted and replaced with the following:

11. Section 37 Provisions

- (A) Pursuant to subsections 37.1(2) and (3) of the Planning Act, which continues subsections 37(3) and (4) of the Planning Act as read prior to their repeal by section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law 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 By-law 167-2023(OLT) as amended by this By-law XXX-2026 **[Clerks to provide number]** 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 must not use, or permit the use of, a **building or structure** erected with an increase in height and density pursuant to regulation 900.11.10 (776) of By law 569-2013, as amended, unless the provisions of Schedule A of By law 167-2023(OLT), as amended by this By-law XXX-2026 **[Clerks to provide number]**, are satisfied.

7. Schedule A of By-law 167-2023(OLT) is amended as follows:

- a. The reference to a “new 14-storey mixed use building” in paragraph 1. is replaced with reference to a “new 26-storey mixed use building”.
- b. Paragraph 11. is deleted and replaced with the following, with no change to subparagraphs (a) and (b):

“11. Prior to the issuance of the first building permit for the Development, excluding a Demolition Permit, subject to adjustments

to timing satisfactory to the Owner and the City Solicitor, the Owner shall provide the following monetary contributions:"

c. Paragraph 11 is amended to add a new (c)

(c) A cash contribution in the amount of \$200,000 to be used for capital improvements in the ward in the vicinity of the site.

d. Paragraph 18. is replaced with the following, with no change to subparagraphs (i) through (v):

"18. Prior to the issuance of any permit for all or any part of the property at 958 Broadview Avenue, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, the Owner shall provide the following to the satisfaction of the Senior Manager, Heritage Planning:"

e. A new paragraph 33. is added as follows:

"33. Any obligation to provide a financial security of any form, including a Letter of Credit, may be met by the provision of financial security in accordance with the following definition:
"Financial Security" means a Letter of Credit, a certified cheque, wire payment/funds transfer payable to the City Treasurer, or a Surety Bond.

Diagram 4

