

TORONTO STAFF REPORT

August 22, 2006

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Subject: Final Report
Official Plan Amendment & Rezoning Application 05 175885 STE 20 OZ
Applicant: Tony Volpentesta, Bousfields Inc.
Architect: Page + Steele Architects Planners
204 Bloor Street West
Ward 20 - Trinity-Spadina

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a 19-storey mixed use building containing 34 condominium units with retail uses at grade at 204 Bloor Street West.

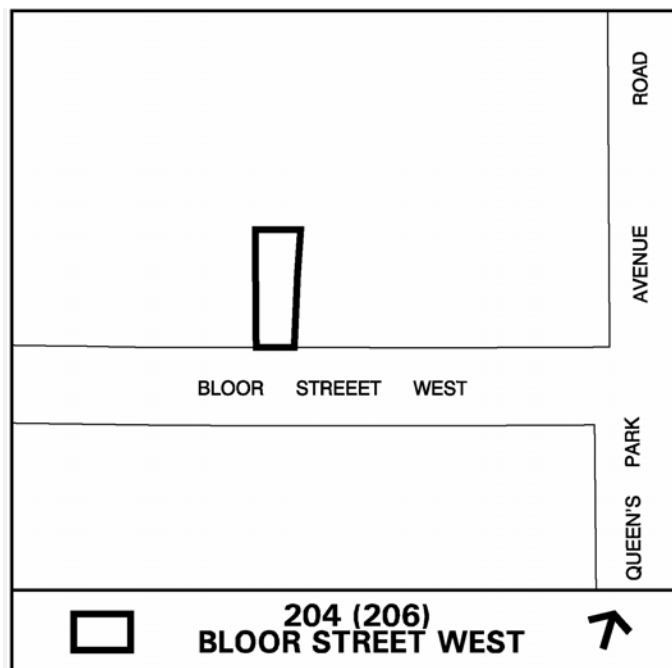
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Zoning By-law 438-86, as amended, for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required; and
- (3) before introducing the necessary Bills to City Council for



enactment, require the owner to enter into an agreement pursuant to Section 37 of the Planning Act to secure facilities, services and matters associated with the approval of this development proposal.

Background:

The applicant proposes a 19-storey residential condominium building containing 34 units, with first and second floor retail and commercial uses along the Bloor Street frontage. The proposed height of the building is 71 metres; the proposed gross floor area is 7924 m² at a density of 14.4 times the lot area. There would be one or two residential units per floor, each of which would exceed 185 m² (approximately 2,000 sq. ft) in size. A total of 45 parking spaces are proposed in five underground parking levels, to be accessed through the use of a car elevator. No visitor parking spaces are proposed. More detailed information is provided in the Application Data Sheet (Attachment 1).

Site Description

The site is located on the north side of Bloor Street West, between Bedford Road and Avenue Road. The property has a frontage of 12.71 metres along Bloor Street and a depth of 39.57 metres, with a total site area of 550 m². There is currently a two-storey commercial building on the property, occupied by a restaurant at the ground level with office space above.

The following uses surround the site:

North: a 399-space Toronto Parking Authority surface parking lot, with the 2½-storey houseform buildings facing Prince Arthur Avenue beyond;

South: the Royal Ontario Museum, the Royal Conservatory of Music and the north entrance to Philosopher's Walk;

East: a north-south lane, 2 and 3-storey retail/commercial buildings, a 14-storey office building and the 17-storey Park Hyatt Hotel; and

West: a 9-storey commercial building; a 2-storey retail building, the 8-storey Hotel Intercontinental and the site of the recently approved 32-storey development at One Bedford Road.

New Official Plan

The Plan designates the site as a Mixed Use Area, located within the Downtown and Central Waterfront Area in the City's Urban Structure. Policies within the Plan indicate that a full range of housing opportunities will be encouraged through residential intensification in the Mixed Use Areas of Downtown, thus offsetting the need for in-bound commuting each day. The Plan also contains a number of policies to guide the built form of new development, so that it is massed to fit harmoniously into its surroundings and so that it respects and improves the local scale and character.

Zoning

The site is zoned CR T3.0 C2.0 R2.5, which permits mixed-use buildings with a maximum total density of 3.0 times, of which a maximum of 2.0 times may be for non-residential uses and 2.5 times may be for residential uses. The maximum height limit for the site is 24 metres.

Site Plan Control

A concurrent Site Plan application has been filed with this proposal and will be finalized should Council approve the rezoning.

Reasons for the Application

The proposed development does not comply with certain policies contained in the Zoning By-law, in particular as they relate to height and density. At 19 storeys and 71 metres in height the proposal exceeds the maximum 24 metre height limit permitted by the Zoning By-law. The proposed density of 14.4 times the lot area exceeds the maximum total 3.0 times permitted by the Zoning By-law, notwithstanding the mix of uses.

Other areas of non-compliance with the Zoning By-law include:

- the minimum required setback of 5.5 metres from the north, west and east lot lines has not been provided;
- the minimum required 2 visitor parking spaces are not being provided;
- the proposed outdoor residential amenity space will be 40 square metres, where a minimum of 68 square metres is required; and
- the proposed parking spaces will have a length of 5.7 metres rather than 5.9 metres as required.

The original application necessitated an amendment to the Official Plan for the former City of Toronto, which is no longer in force. No amendment to the new Official Plan is required.

Community Consultation

Planning staff held a community consultation meeting in the neighbourhood to discuss the application on October 6, 2005. Five members of the public were in attendance. Attendees raised concerns about traffic, access and circulation, and about the design of the building as it relates to street level and to neighbouring buildings on the block. In a written submission received from an area resident following the meeting, concerns were raised about the proposed height and density, car entry and exits to/from Bloor Street, and the overall traffic impact of major new developments along this portion of Bloor Street West.

Following the community consultation meeting staff met several times with representatives of the Annex Residents Association (ARA) and other area stakeholders, together with the applicant, to further explore issues related to the proposed height of the building, visual and shadow

impacts of the original and revised proposals and traffic-related concerns. On the initiative of the ARA, the Ward Councillor convened a meeting with the applicant, area stakeholders and relevant City departments and agencies to address a broader concern about long-term vehicular access, parking and pedestrian safety within the block. The outcome of this meeting is a Council-directed area study, to be undertaken by City staff in consultation with area stakeholders, to investigate options for accommodating future vehicular access and parking arising from potential development on the block. It was noted that approval of the proposed development at 204 Bloor Street West would not prejudice this study.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

Comments:

Land Use

The proposed mixed commercial-residential building is an appropriate use for this location and will contribute toward the redevelopment of Bloor Street. The provision of up to 34 new units will allow for the suitable residential intensification of a central corridor in an area well served by two transit lines. The retail uses proposed at grade will continue and improve the animation of the street.

Density, Height, Massing

In the new Official Plan, the Mixed Use Area designation of the site contemplates buildings of greater height and intensity, particularly in the Downtown.

The site is within a block that is in transition, as demonstrated most recently by the approval of a 32-storey (100-metre) residential development at the corner of Bloor Street and Bedford Road. At this mid-block location, additional height can be considered at a more modest scale. In the evaluation of this proposal, staff considered benchmarks set by the heights of the Park Hyatt Hotel and existing office buildings to the east, in order to establish a comparable “cornice line” at the approximately 56-metre height level.

For the proposed building, the cornice line is clearly delineated at this height at the top of the 16th storey. Beyond that, an additional three storeys faced with glass are stepped back in a terracing fashion from both the north and south sides. The total height of the building, including the mechanical penthouse, is 71 metres. Having reviewed building massing and pedestrian-level view analysis of the proposal, staff are satisfied that the proposed building will fit within the context of the block.

Sun/Shadow

Staff have reviewed shadow analysis drawings submitted by the applicant, demonstrating both the impact of the proposal on its own, and in the context of a potential redevelopment scenario with neighbouring sites built out at a comparable height. In the morning hours of March and September the proposal will cast additional shadows onto portions of the rear yards of properties on Prince Arthur Avenue. These properties are collectively designated a Mixed Use Area in the new Official Plan, and they currently accommodate a range of office, restaurant and generally non-residential uses. By the early afternoon, shadows cast by the proposed building will have moved to the Toronto Parking Authority lot at the centre of the block and to neighbouring mixed-use properties. Given the short duration of shadows at limited times of the year in a mixed-use context, Planning staff are satisfied that the shadow impact of this development is not of concern.

Traffic Impact and Access

The proposed development will be accessed via a privately owned lane running north-south from Bloor Street West, immediately adjacent to the site. Vehicles entering the site will travel over the private right-of-way to access either a valet-operated car elevator, or a turning circle interior to the site. A Traffic Impact Statement submitted by the applicant concludes that the development will generate a total of 5 and 8 two-way vehicular trips in the AM and PM peak hours, respectively, which represents a minor increase over the volume of traffic generated by the current use of the site. Staff have reviewed the consultant's report and concur with their findings.

In addition to the subject site, there are four owners of neighbouring properties with a right of access over the private lane. There are currently no active development applications on any of these sites, however, redevelopment on this block is reasonably foreseeable in the future and may have similar site and access constraints. As noted above, City staff will undertake a review of the block bounded by Bloor Street West, Avenue Road, Prince Arthur Avenue and Bedford Road, to review the City's land holdings in the area and investigate options for providing access to, within and through the block to accommodate potential future development.

Though the current access arrangement for this particular development is acceptable as proposed, this separate study may result in an opportunity to reduce or eliminate the vehicular use of the north-south right-of-way by reconfiguring access through the block. Staff recommend that the Section 37 agreement for the development contain provisions to allow for reconfigured site access, to be binding on any future owners of the property. In addition, staff will continue to monitor the operations of the vehicular site access and impose inbound and/or outbound left turn prohibitions as may be required.

Parking and Loading

The proposal provides for 45 resident parking spaces, located within a five-level underground parking garage accessed through the use of a valet-operated car elevator. The surveyed parking

demand for residential condominiums calls for a minimum of 34 spaces for resident use and 2 spaces for the use of residential visitors. Recognizing that the property is well-served by public transit, and given the site constraints imposed by the size of the lot, staff find the non-provision of visitor parking for this development to be acceptable.

Access to and from the underground parking facilities will be provided through the use of a car elevator with vehicles parked and retrieved through the use of a valet service. Staff recommend that the provision of a valet attendant on site at all times of the day on a continual basis be secured through a site plan agreement pursuant to Section 41 of the Planning Act and in future declaration of condominium approval documents.

Zoning By-law 438-86 does not require the provision of on-site loading spaces for developments situated on lots measuring less than 1,000 m² in size, therefore the non-provision of a loading space for this site is acceptable. Private refuse collection services will be provided on-site for the development, and secured in perpetuity through the site plan agreement on title.

Section 37

Following negotiations with staff, the applicant has agreed to provide \$275,000.00 pursuant to Section 37 of the Planning Act to be applied toward public benefits in conjunction with the proposed increase in height and density. Of this sum, \$100,000.00 will be paid within 15 days of this By-law coming into full force and effect, and the remaining \$175,000.00 will be paid prior to the issuance of the first building permit.

Staff recommend that these funds be directed to the improvement of the Bedford Parkette at Bloor Street West and Bedford Road and to the physical improvement of the Bedford Road entrance to the St. George Subway Station.

The following matters are recommended to be secured in the Section 37 agreement as a legal convenience, but would otherwise have been required for this development in the absence of using Section 37: improvements to the street right-of-way abutting the site, and provisions to allow an alternative access to the site to reduce dependency on the north-south private right-of-way.

Development Charges

It is estimated that the Development Charges for this project will be \$217,904.28. This is an estimate based on the proposed maximum number of units to be built and retail space as reflected in current plans on file. The actual charge is assessed and collected upon issuance of the Building Permit.

Conclusions:

The proposed development represents the appropriate intensification of a mixed-use site within the Downtown in a location well served by transit and area amenities. The proposed built form

fits into its context with minimal shadow impact. While the proposal functions sufficiently on its own merit, potential future development on neighbouring properties with access over the existing private right-of-way may require a review of traffic, access and parking arrangements on the block. City staff will be undertaking a study of the block bounded by Bloor Street West, Bedford Road, Prince Arthur Avenue and Avenue Road to explore opportunities for improving access and vehicular servicing arrangements.

Contact:

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Gary Wright
Director, Community Planning, Toronto and East York District

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List of Attachments:

Attachment 1: Application Data Sheet
Attachment 2: Official Plan
Attachment 3: Zoning
Attachment 4: Site Plan
Attachment 5-7: Elevations
Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Application Data Sheet

Application Type Official Plan Amendment & Application Number: 05 175885 STE 20 OZ
 Details Rezoning
 OPA & Rezoning, Standard Application Date: August 29, 2005

Municipal Address: 204 BLOOR ST W, TORONTO ON
 Location Description: PL 289 PT LT1 **GRID S2003
 Project Description: Proposed 19 storey (34 unit) residential condominium with retail at grade.

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC. TONY VOLPENTESTA		PAGE + STEELE ARCHITECTS	206 BLOOR STREET WEST LTD.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area	Site Specific Provision:	n/a
Zoning:	CR T3.0 C2.0 R2.5	Historical Status:	n/a
Height Limit (m):	24	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	550	Height:	Storeys:	19
Frontage (m):	12.713		Metres:	71
Depth (m):	39.692			
Total Ground Floor Area (sq. m):	345			Total
Total Residential GFA (sq. m):	7680		Parking Spaces:	45
Total Non-Residential GFA (sq. m):	244		Loading Docks	0
Total GFA (sq. m):	7924			
Lot Coverage Ratio (%):	62.7			
Floor Space Index:	14.4			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	34
3 + Bedroom:	0
Total Units:	34

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	7680	0
Retail GFA (sq. m):	244	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Melanie Melnyk, Planner
TELEPHONE: (416) 338-5747

Attachment 2: Official Plan



 **TORONTO** City
Planning Division
Official Plan

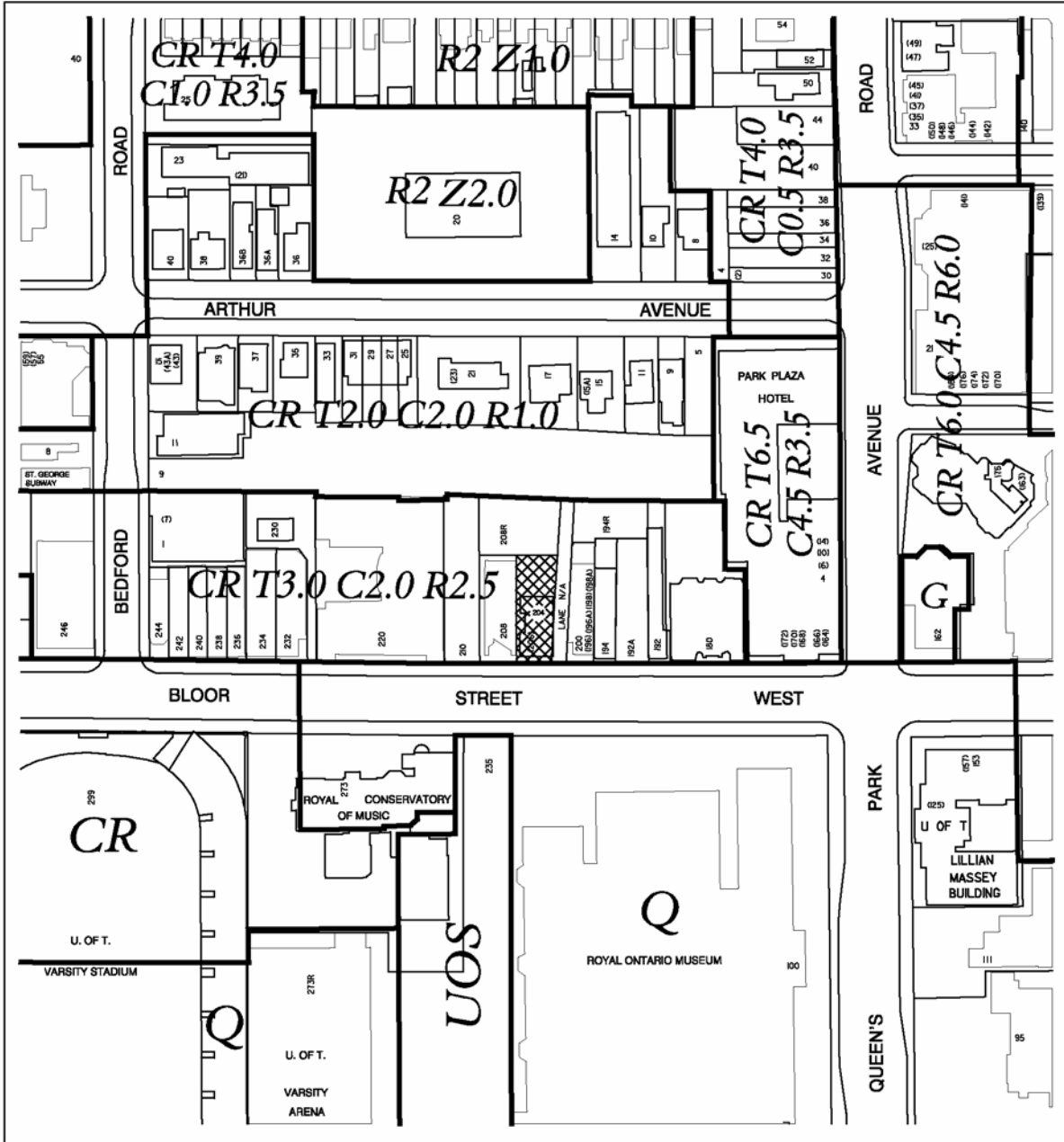
204 (206) Bloor Street West

File # 05_175885

- | | | |
|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
|  Site |  Mixed Use Areas |  Institutional Areas |
|  Neighbourhoods |  Parks and Open Space Areas | |
|  Apartment Neighbourhoods |  Parks | |


Not to Scale
08/22/06

Attachment 3: Zoning



204 (206) Bloor Street West

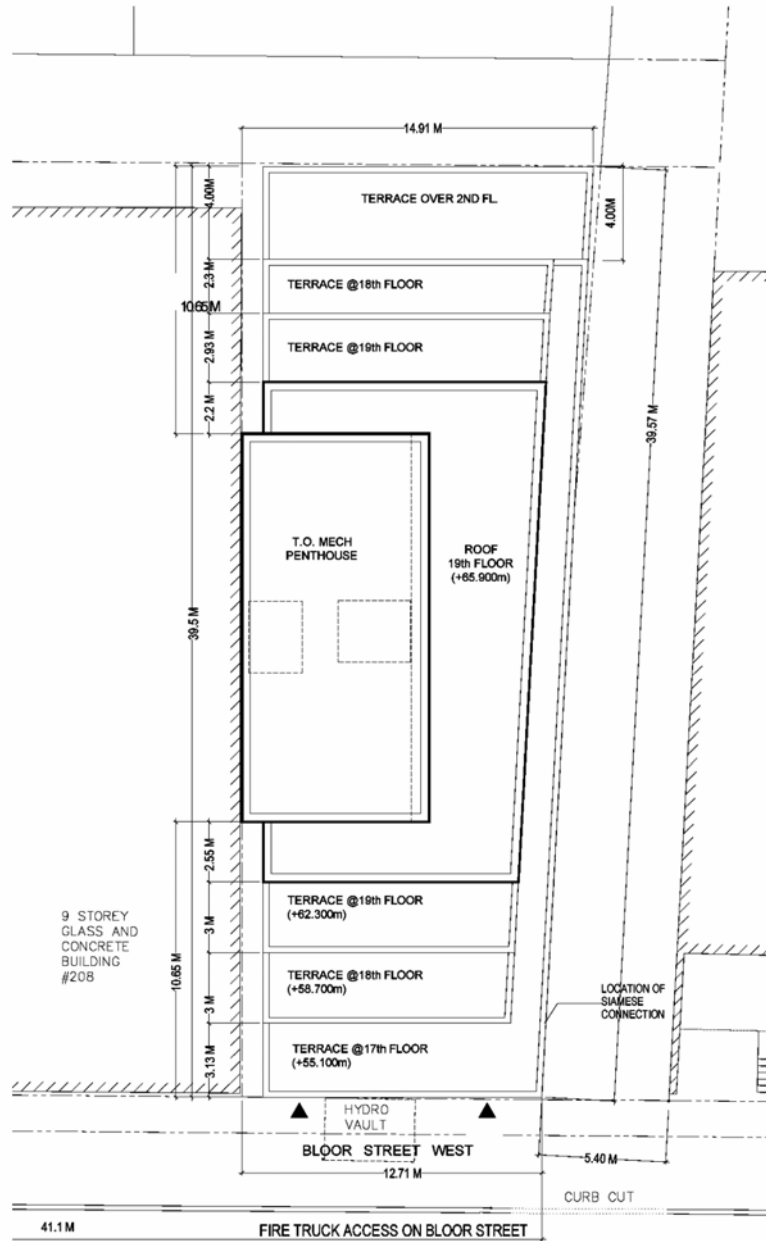
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- G Parks District
- UOS Parks District
- CR Mixed-Use District
- Q Mixed-Use District



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 09/13/05 - DR

Attachment 4: Site Plan



Site Plan

Applicant's Submitted Drawing

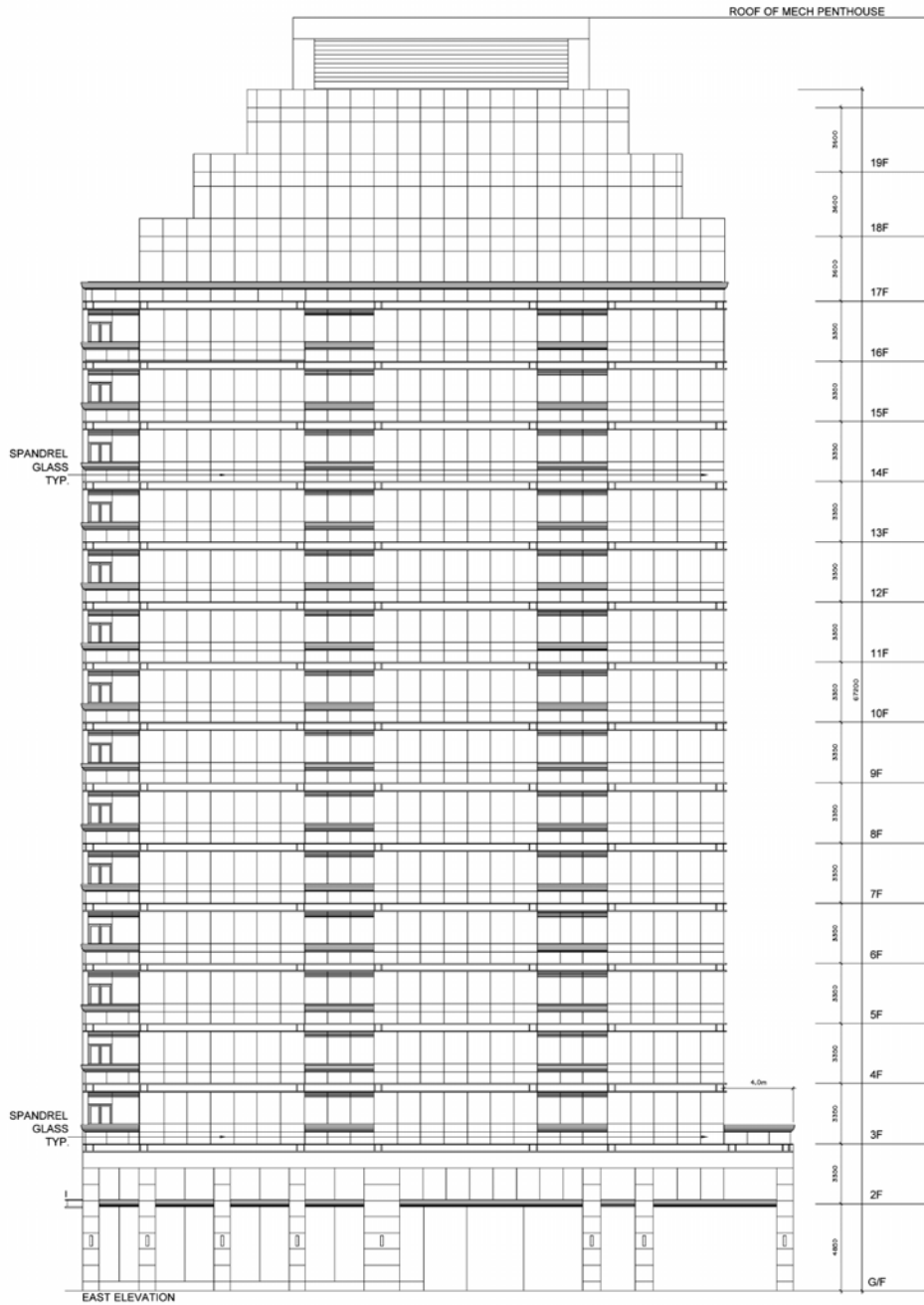
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204 (206) Bloor Street West

File # 05_17585

Attachment 5: East Elevation



East Elevation

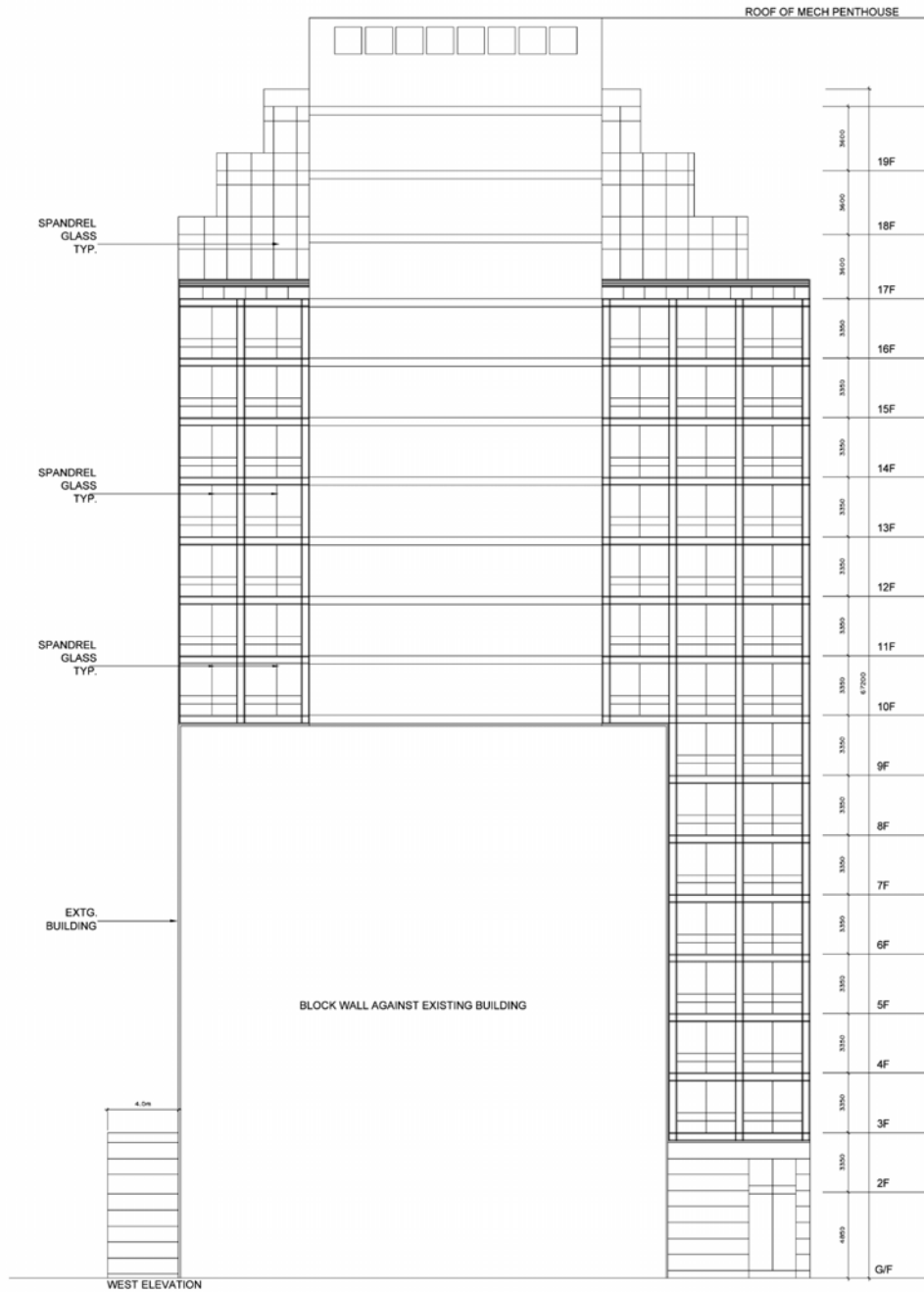
204 (206) Bloor Street West

Applicant's Submitted Drawing

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06/29/06

File # 05_17585

Attachment 6: West Elevation



West Elevation

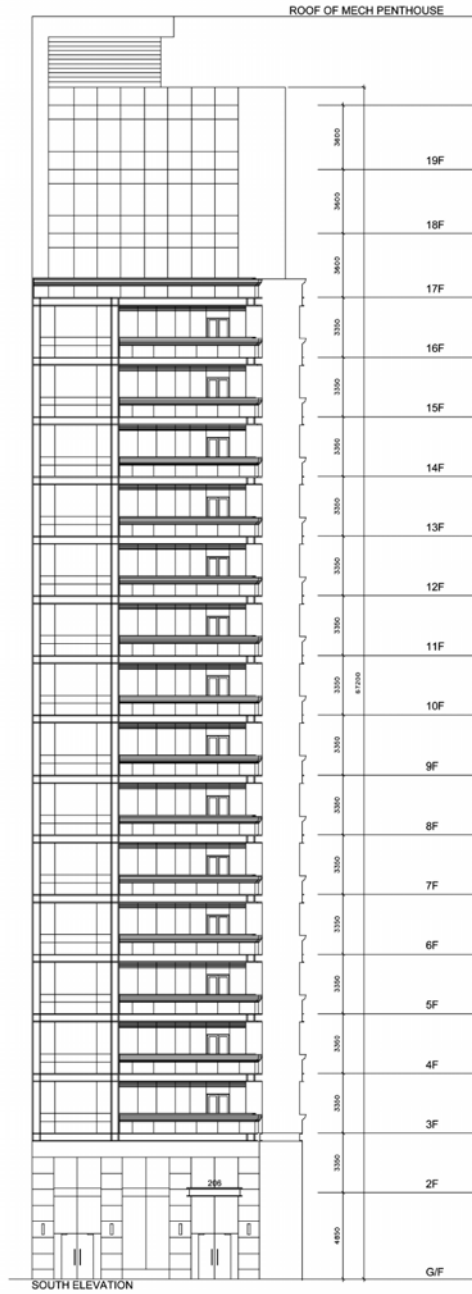
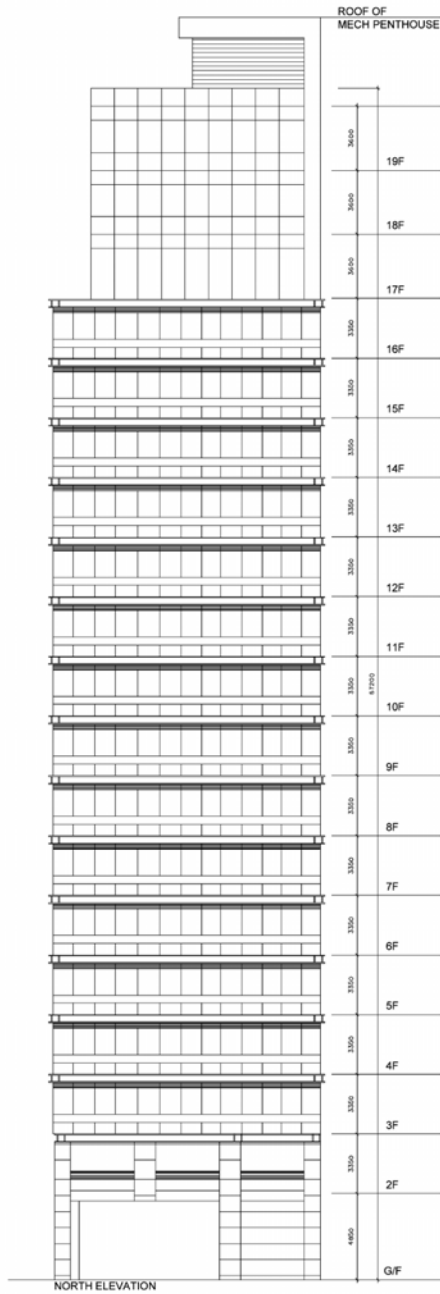
204 (206) Bloor Street West

Applicant's Submitted Drawing

Not to Scale
06/29/06

File # 05_17585

Attachment 7: North & South Elevations



North & South Elevations

Applicant's Submitted Drawing

Not to Scale
06/29/06

204 (206) Bloor Street West

File # 05_17585

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2006

Enacted by Council: ~, 2006

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2006

To amend the General Zoning By-law No. 438-86 for the former City of Toronto respecting lands known municipally in the year 2006 as 204 Bloor Street West

WHEREAS the Council of the City of Toronto has been requested to amend its Official Plan and Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2006 as 204 Bloor Street West,

AND WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Official Plan and Zoning By-law amendment, and

AND WHEREAS the Council of the City of Toronto, at its meeting held and , 2006, determined to amend Zoning By-law No. 438-86, as amended, for the former City of Toronto,

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS 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” hereof, 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 provisions of the facilities, services and matters set out in Appendix “1” hereof, 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 the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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”, shall continue to apply to the *site*.
4. Notwithstanding Section 8(1) of By-law No. 438-86, as amended, the uses permitted on the *site* are one *mixed-use building* containing *dwelling units* and one or more uses

permitted under section 8(1)(f)(b)(iv) of By-law No. 438-86 and *accessory* uses thereto including a *parking garage*.

5. Notwithstanding Sections 8(3) Part I 1 and 8(3) Part I 3(a) of By-law No. 438-86, as amended, the maximum combined *residential gross floor area* and *non-residential gross floor area* of all buildings or structures erected within the *site*, shall not exceed 8,000 square metres, of which the maximum *residential gross floor area* shall not exceed 7,750 square metres and the maximum *non-residential gross floor area* shall not exceed 300 square metres.
6. Notwithstanding Section 8(3) Part II 1(a) (ii) of By-law No. 438-86 no part of any building or structure erected within the *site* after the passage of this By-law shall be located above finished ground level other than within a *building envelope*.
7. Section 6 hereof does not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
Parapets, planters, flower boxes, ornamental or architectural elements, roof build up and finishes, exhaust fans and flues	Maximum 1.0 metre projection, provided the height of such “STRUCTURE” is not greater than 2.0 metres above the <i>height</i> limits established in Section 8 of this By-law
eaves, lighting fixtures, cornices, ornamental or architectural elements, balustrades, mullions, window sills	Maximum 1.0 metre projection, provided the height of the “STRUCTURE” is no higher than that portion of the building to which it is attached
fences, safety railings, guardrails and landscape features, including trellises	no restriction on the extent of the projection provided the height of such “STRUCTURE” does not exceed 3.0 metres
Canopies	Maximum 2.0 metre projection, provided the height of the canopy is no higher than that portion of the building to which it is attached
ramps, wheelchair ramps and/or stairs (and associated structures) servicing an underground <i>parking garage</i>	no restriction, provided the height of such “STRUCTURES” does not exceed 2.0 metres above finished ground level

STRUCTURE	MAXIMUM PERMITTED PROJECTION
Balconies	<p>On the east and south façades: Maximum 1.5 metre projection, provided the balcony is no higher than that portion of the building to which it is attached</p> <p>On the north façade: Maximum 1.5 metre projection, provided the balcony is no higher than that portion of the building to which it is attached, and provided the balcony does not exceed 6 m² in area</p> <p>On the west façade: No projection is permitted.</p>
stairs, stair enclosures, landings and associated railings	no restriction, provided the height of such “STRUCTURE” does not exceed 3.0 metres
Public art features	no restriction in extent of projection or height of “STRUCTURE”

8. Notwithstanding Section 4(2)(a) of By-law No. 438-86, as amended:
 - (a) each component of a building or structure erected within the *site* may, in respect of each corresponding area as identified and shown on Map 2, have the maximum *height* as shown following the corresponding symbol “H” on Map 2;
 - (b) no building or structure shall be erected above finished ground level within the *site* outside the *building envelope*, other than structural projections permitted outside a *building envelope* by Section 7 hereof.

9. The preceding Section hereof does not apply to prevent the erection or use above the said maximum *height* limits of:
 - (a) the structural projections identified in Section 7 of this By-law, subject to the limitations contained therein,
 - (b) the structures identified in Section 4(2)(a)(ii) of By-law No. 438-86, as amended, provided that:
 - (i) the maximum height to the top of the structure is not higher than the sum of 3.0 metres and the *height* limits shown on Map 2, and
 - (ii) the structure does not enclose space so as to constitute a form of penthouse or other room or rooms.

10. Notwithstanding any other provision of this By-law or of By-law No. 438-86, as amended, no part of any building or structure erected within the *site* after the passage of

this By-law shall contain a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment on the roof of the said building or structure, or a fence, wall or structure enclosing such roof elements, unless the said roof elements are located entirely within the portion of the building or structure identified on Map 2 as “Mechanical Penthouse” and, for clarity, no component of any such roof element shall be higher than 71.0 metres above *grade*.

11. Notwithstanding Section 4(5)(b) of By-law No. 438-86, as amended, *parking spaces* for uses within the *site* shall be provided and maintained in accordance with the following minimums:
 - (i) 0.3 *parking spaces* for each *bachelor dwelling unit* located on the *site*,
 - (ii) 0.5 *parking spaces* for each one *bedroom dwelling unit* located on the *site*,
 - (iii) 1.0 *parking spaces* for each two *bedroom dwelling unit* located on the *site*,
 - (iv) 1.2 *parking spaces* for each three or more *bedroom dwelling unit* located on the *site*,
 - (v) 0.0 *parking spaces* for visitors for each *dwelling unit* located on the *site*, and
 - (vi) 0.0 *parking spaces* shall be required for any non-residential use located on the *site*.
12. Notwithstanding Section 4(5)(i)(ii) of By-law No. 438-86, as amended, the east-west drive aisle on each floor of the parking garage may have a minimum width of 5.3 metres.
13. Notwithstanding Section 4(12) of By-law No. 438-86, as amended, no person shall erect or use a building, located within the *site* unless *residential amenity space* is provided and maintained in accordance with the following table:

Type of Residential Amenity Space Required	Amount of Residential Amenity Space Required
<i>residential amenity space</i> in a multi-purpose room(s), at least one of which contains a kitchen and a washroom:	a minimum of 150 square metres of <i>residential amenity space</i>
<i>residential amenity space</i> located outdoors:	a minimum of 40 square metres of <i>residential amenity space</i> shall be provided in a location adjoining or directly accessible from indoor <i>residential amenity space</i> .

14. Notwithstanding Section 4(13) of By-law No. 438-86, as amended, no person shall erect or use a building, located within the *site* unless *bicycle parking spaces* are provided and maintained as follows,

- (a) at least 0.75 *bicycle parking spaces* for each dwelling unit, or fraction thereof equal to or greater than 0.5, and
 - (b) provided in the following proportion: 80 percent designated as *bicycle parking space – occupant* and 20 percent designated as *bicycle parking space – visitor*.
15. None of the provisions of this By-law or of Section 8(1) of By-law No. 438-86 shall apply to prevent the erection within the *site* of one temporary sales office and showroom for the purposes of marketing *dwelling units* provided the *total floor area* of the temporary sales office and showroom does not exceed 250 square metres.
16. For clarity, the *site* shall be deemed to be a *lot* for the purposes of the *proposed building*.
17. For clarity, Appendix “1” attached to this By-law is incorporated into this By-law and is deemed to be a part of this By-law.
18. For the purposes of the By-law, the following expressions shall have the following meanings:
- (a) “*building envelope*” means a building envelope as delineated by heavy lines on Map 2 attached hereto,
 - (b) “*City*” means the City of Toronto,
 - (c) “*grade*” shall mean an elevation of 113.19 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment),
 - (d) “*height*” shall mean the vertical distance in metres between *grade* and the highest point of the roof,
 - (e) “*owner*” means the owner of the fee simple of the *site* or any part thereof,
 - (f) “*parking space*” means an unobstructed area, at least 5.7 metres in length and at least 2.6 metres in width that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle,
 - (g) “*proposed building*” means a *mixed use-building* containing *dwelling units* and one or more uses permitted under section 8(1)(f)(b)(iv) of By-law No. 438-86 and *accessory* uses thereto including a *parking garage*, erected on the *site* after the passage of this By-law,
 - (h) “*site*” means those lands outlined by heavy lines on Map 1 attached hereto,

- (i) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.

ENACTED AND PASSED this day of , A.D. 2006.

DAVID R. MILLER,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

APPENDIX "1"

SECTION 37 PROVISIONS

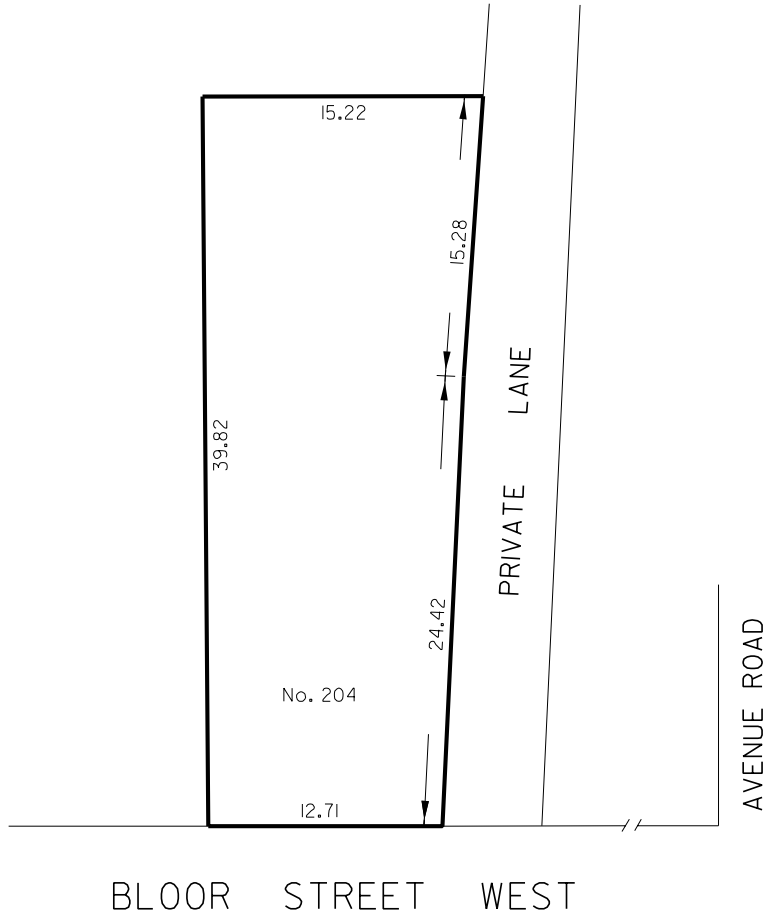
The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- (a) payment of \$275,000.00 to the City to be applied towards the cost of improvements to Bedford Parkette and to St. George subway station, as determined by the Chief Planner in consultation with the Ward Councillor and the Toronto Transit Commission:
 - (i) with \$100,000.00 paid within 15 days of this By-law coming into full force and effect, and
 - (ii) \$175,000.00 paid prior to the issuance of the first building permit, indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment;
- (b) improvement to the street right-of-way abutting the *site*, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Technical Services Division;
- (c) the *owner*
 - (i) shall agree, without prejudice to its rights under the *Planning Act*, to waive and forego any right or action that it may have pursuant to its easement for a right-of-way to object to any future increase in vehicular and pedestrian traffic on the private laneway as may be caused by redevelopment of any lands having legal access to said laneway, including any change of use or increase heights and densities as the City (or the Ontario Municipal Board on appeal) may approve, and
 - (ii) further consents to release its right-of-way without cost to the City in the event the City acquires the fee simple ownership of the laneway and opens it as a public lane;
- (d) the *owner* shall agree to waive and release any claim against the City, and to indemnify and hold the City harmless from any claim or action brought by any person arising from the use of the laneway for ingress/egress to and from the *proposed building* and shall agree to include a clause to that effect satisfactory to the City in all offers to purchase, and agreements of Purchase and Sale or Lease of each Dwelling Unit, within the Proposed Building;

- (e) prior to starting any demolition or construction, or the issuance of the first or any building permit, the *owner* shall complete a Toronto Transit Commission (TTC) Technical Review of the proposed development as applicable to the particular permit under application, and obtain the TTC's written acknowledgement that the *owner* has satisfied all of the conditions arising out of the review. As part of the review process, the owner shall provide the requisite information, and pay the associated review fee to the TTC;
- (f) the *owner* agrees that warning clauses regarding the TTC right-of-way shall be inserted in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit, lot, and/or lot and/or block within the proposed development. Such warning clauses shall advise of the potential for noise, vibration or electromagnetic interference and stray current impacts on the proposed development, and that the TTC accepts no responsibility for such effects; and
- (g) the *owner* agrees that if vehicular access is provided in the future over or through such lands abutting to the north and otherwise in proximity to the site, which may include but may not be limited to lands known municipally in the year 2006 as 9 Bedford Road, 5 Prince Arthur Avenue, 194R and 208R Bloor Street West, the *owner* shall take all reasonable and appropriate measures, to the satisfaction of the Chief Planner and the Commissioner of Works and Emergency Services, to redirect vehicular traffic over such access and to reduce vehicular use of the north-south private right-of-way immediately abutting the *site*.
- (h) the owner agrees that warning clauses shall be inserted in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit, lot, and/or lot and/or block within the proposed development, such warning clauses to advise of the legal possibility that a building or structure may be erected immediately abutting the north and east property lines of the *site*, to an indeterminate height.

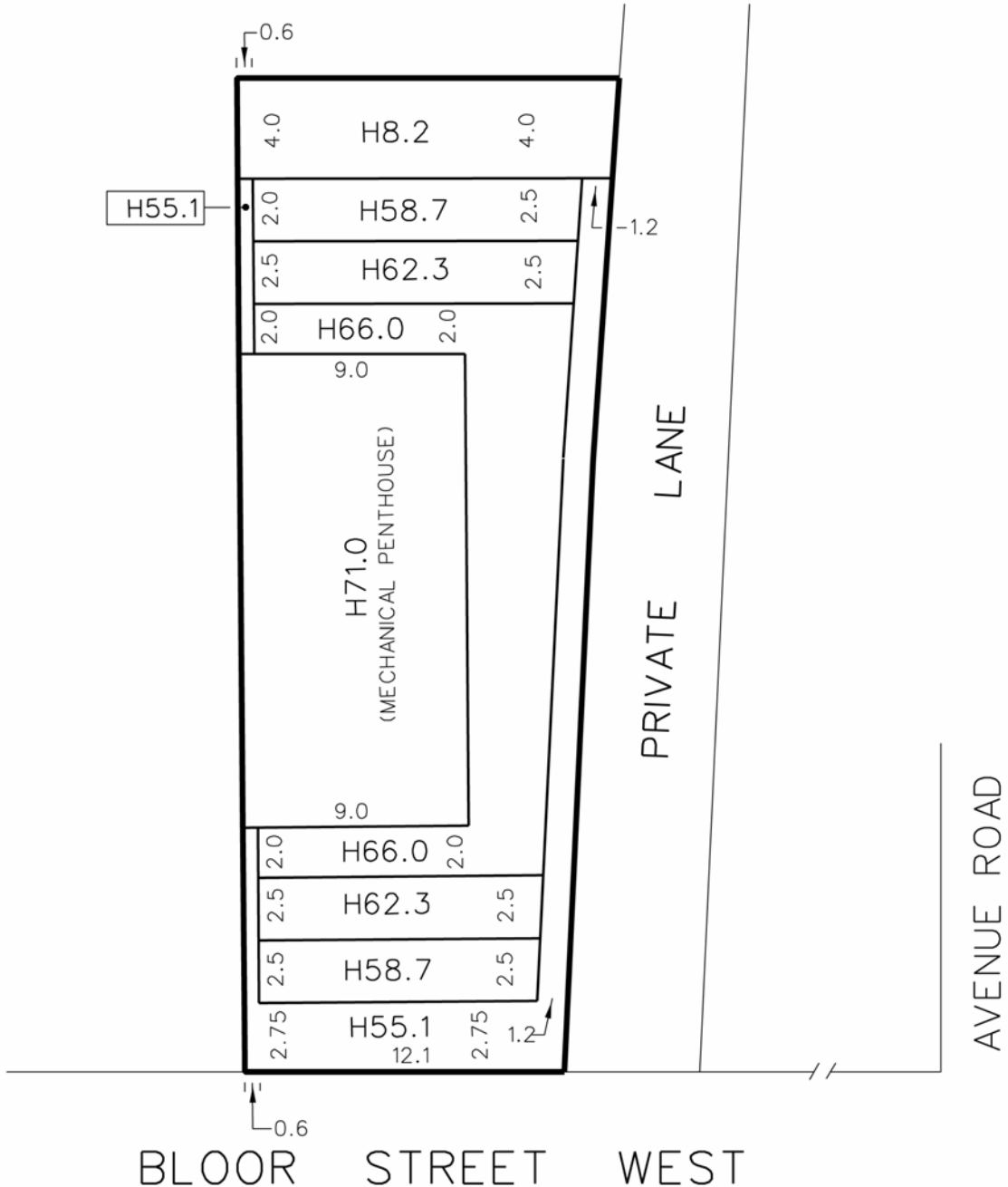
Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.

MAP 1



SURVEY AND MAPPING SERVICES
JUNE 2006 DRAWN: VG
BL06/204BLOOR1.DGN
FILE: B22-Z126
MAP NO. 50J-312

MAP 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



SURVEY AND MAPPING SERVICES
JULY 2006
BLOG/204BLOOR2.DGN
FILE: B22-Z126
MAP No. 50J-312

DRAWN: VG