

Authority: Toronto and East York Community Council Report 1, Clause 2, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006
Enacted by Council: February 2, 2006

CITY OF TORONTO

BY-LAW No. 157-2006

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 430 Broadview Avenue, 14 St. Mathews Road, and 548, 550-558 Gerrard Street East.

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

1. District Map No. 52H-311 contained in Appendix “A” of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, is further amended by:
 - (1) redesignating to “G (h)” the lands identified as “G (h)” and as outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (2) redesignating to “Q (h)” the lands identified as “Q (h)” and as outlined by heavy lines on Map 1 attached to and forming part of this By-law; and
 - (3) redesignating to “CR (h)” the lands identified as “CR (h)” and as outlined by heavy lines on Map 1 attached to and forming part of this By-law.

2. None of the provisions of Section 2(1) with respect to the definition of the words *grade*, *height* and *public hospital* and none of the provisions of Sections 4(2), 4(4)(b), 4(11), 4(16) and 8(3) of the aforesaid By-law No. 438-86, as amended, shall apply to prevent the uses or the erection or use of any buildings or structures for any purpose permitted in Section 8(1) of By-law No. 438-86, as amended, on *Blocks A, A1, B, B1, C, C1, D, D1 and E*, shown on Map 1 attached hereto, as well as for any purpose permitted in Section 5(1) of By-law No. 438-86, as amended, on *Block F*, also shown on Map 1 attached hereto, provided that:
 - (1) in addition to the uses permitted in a “Q” zone under Section 8(1)(f) of By-law No. 438-86, as amended, *senior citizens’ housing* and uses *accessory* thereto shall also be a permitted use on *Block B*;
 - (2) no person shall on *Blocks C, D and E* erect or use a building or structure or any portion thereof for any retail or service shop permitted in Section 8(1)(f)(b)(iv) of By-law No. 438-86 unless:
 - (i) the main floor is located within 0.2 metres of the sidewalk level directly opposite the door to such retail and service shop;
 - (ii) the main floor level has a depth of not less than 7.5 metres measured from the main front wall of the building; and

- (iii) all entrance doors, other than service entrance doors, which provide access to a retail and service shop within the building, shall be directly accessible from the public sidewalk by a level surface or a ramp not exceeding a gradient of 1 in 25 (4%);
- (3) Notwithstanding any other provisions of this By-law:
- (i) *Blocks A1, B1, C1 and D1* shall only be used for *accessory* uses and structures to *Blocks A, B, C and D*, respectively which may include but are not limited to *landscape open space*, ornamental structures, landscape features, walkways, trellises, benches, fountains and underground *parking garages*;
 - (ii) notwithstanding paragraph (i) above, *Block C1 and D1* may not be used for an underground *parking garage*;
 - (iii) *Block A1 and B1* may also be used for structures permitted pursuant to Section 2(7) of this By-law in connection with buildings on *Blocks A*, and *Blocks B and C*, respectively; and
 - (iv) *Block C1 and D1* may also be used for structures permitted pursuant to Section 2(7) of this By-law in connection with buildings on *Block C and Block D*, respectively with the exception that covered stairs or stair enclosures associated with an entrance or exit from an underground *parking garage* and vents shall not be permitted.
- (4) the height of the existing historic Don Jail Building shown in hatching on Map 3 north of the “Proposed Public Street” shall not exceed its height as it existed on the date that this By-law is enacted with the exception of ventilators or other mechanical elements and related screening as may be permitted pursuant to a Heritage Easement Agreement or amending agreement entered into pursuant to Section 37 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
- (5) in addition to the uses permitted in a “G” zone under Section 5(1)(f) of By-law No. 438-86, as amended, a children’s home or residence, a *day nursery*, community related uses and *accessory* uses shall also be permitted uses within the existing historic buildings located on *Block F* as shown on Map 3 attached hereto and further, none of the provisions of By-law No. 438-86, as amended, or this By-law shall prevent the renovation and re-use of such buildings for uses permitted by Section 6(1)(f)(b)(i) and (ii) of By-law No. 438-86, as amended.
- (6) no part of any building or structure erected or used above finished ground level within any *Block* is located otherwise than wholly within the areas delineated by the heavy lines on Map 3;

- (7) except where a heavy line shown on Map 3 is contiguous with the boundary of a *lot*, nothing in Section 2(6) hereof shall prevent the following elements from projecting beyond the heavy lines shown on Map 3 respecting buildings on *Blocks A, B, C, D and E* provided the restrictions set out are complied with:
- (i) eaves, cornices, fences and safety railings, chimney breasts, vents, wheelchair ramps, retaining walls, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground *parking garage*, stair landings, decks, planters, and entry vestibules;
 - (ii) balconies to a maximum horizontal projection of not more than 1.5 metres;
 - (iii) canopies to a maximum horizontal projection of not more than 2.5 metres;
 - (iv) bay windows to a maximum horizontal projection of not more than 0.75 metres and with a width not to exceed 3.0 metres; and
 - (v) the restrictions as set out in Section 2(3) of this By-law;
- (8) no part of any building or structure to be erected shall exceed the *height* limits specified by the numbers following the symbol “H” as shown on Map 3;
- (9) subject to the height limits set out in Section 2 (8) of this By-law, the number of storeys above *grade* for any building on a *Block*, shall not exceed the following maximum number of storeys:
- (i) *Block A*: 12 storeys;
 - (ii) *Block B*: 10 storeys;
 - (iii) *Blocks C, D and E*: 8 storeys
- (10) nothing in Section 2(8) or 2(9) of this By-law shall prevent:
- (i) the erection or use of the building elements or structures identified in Section 4(2)(a)(i) of By-law No. 438-86, as amended, subject to the limitations contained therein provided that:
 - (a) the provisions of Section 4(2)(a)(i) shall not apply to *Block A*; and
 - (b) the building elements and structures identified in Section 4(2)(a)(i) of By-law No. 438-86, as amended, shall be permitted on *Block A* to a height of seven metres plus the *height* limit applicable to *Block A*;

- (ii) structures on the roof of the building, used for outside or open air recreation, safety or wind protection purposes, provided:
- (a) the maximum height of the top of the structure is no higher than the sum of three metres and the *height* limit; and
 - (b) the structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
- (iii) parapet walls to a maximum vertical projection of 1.5 metres; and
- (iv) eaves, cornices, fences and safety railings, chimney breasts, planters, balconies and bay windows permitted in Section 2(7) of this By-law;
- (11) no person shall erect or use part of a building or a structure, in which a window of a *dwelling unit* in the building or structure is closer than 11.0 metres to a window of another *dwelling unit* on the same *Block* unless:
- (i) at least one of the windows is the window of a kitchen or a bathroom; and
 - (ii) the windows are not directly facing each other;
- (12) *parking spaces* shall be provided in accordance with Section 4(4) of By-law No. 438-86, as amended, except that the following uses shall be subject to the following minimum *parking* standards:

<i>Public Hospital</i>	0.7 <i>parking spaces</i> / bed or 1 parking space / 250m ² <i>total floor area</i> , whichever is greater
Medical / Dental Office or <i>Clinic</i>	1.0 <i>parking space</i> / 30 square metres of <i>net floor area</i>
Retail and Service Shop	1.0 <i>parking space</i> / 80 square metres of <i>non-residential gross floor area</i>
Residential:	
<i>Bachelor Dwelling Unit</i>	0.3 <i>parking spaces</i> / <i>dwelling unit</i>
<i>Dwelling Unit - one bedroom</i>	0.7 <i>parking spaces</i> / <i>dwelling unit</i>
<i>Dwelling Unit - two bedroom</i>	1.0 <i>parking spaces</i> / <i>dwelling unit</i>
<i>Dwelling Unit - three or more bedrooms</i>	1.2 <i>parking spaces</i> / <i>dwelling unit</i>
Visitor	0.12 <i>parking spaces</i> / <i>dwelling unit</i>

- (13) loading spaces for a *public hospital* shall be provided in accordance with the requirements for a *public hospital* as set out in Section 4.(5) Schedule 1 Table 6 of By-law No. 438-86, as amended.
3. None of the provisions of By-law No. 438-86, as amended, or this By-law shall apply to prevent:
- (1) erection and use of a temporary sales office for the sale of residential *dwelling units* contemplated by this By-law on each of *Block C*, *Block D* or *Block E*, without parking or building setback restrictions for the purpose of selling residential units on the respective *Block*; and
- (2) prior to the conveyance of *Block F* to the City of Toronto as a public park:
- (i) temporary surface parking *accessory* to the *public hospital* is permitted on the *lands*; and *public hospital* uses existing as of the date of passing of this By-law, and *accessory* uses thereto, are permitted to be located anywhere on the *lands* or within any building or structure erected prior to the passing of this By-law.
4. While the “(h)” holding symbol is in place, no person shall, within any part of the *lands* zoned “Q(h)”, “CR(h)” and “G (h)”, on Map 1 attached hereto, use any lot or erect, alter or use any building or structure erected prior to passage of this By-law for any purpose except uses existing on the date of passing of this By-law, or a children’s residence or home, *day nursery* or community related uses associated with the existing buildings shown on Map 3 attached hereto on that part of the *lands* zoned “G(h)”. Upon removal of the “(h)” holding symbol, pursuant too Section 36 of the *Planning Act*, permitted uses shall be as set out in the respective Q, CR or G zone pursuant to By-law No. 438-86, as amended, and this By-law.
5. Blocks zoned with the “(h)” symbol shall not be used for any purpose permitted by this By-law, other than as provided for in Section 4, until the “(h)” symbol has been removed from the subject lands. An amending by-law to remove the “(h)” symbol shall be enacted by Council when the following conditions have been fulfilled to the satisfaction of Council:
- (1) execution and registration of a subdivision agreement satisfactory to the Chief Planner pursuant to section 51 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, and registration of the related plan of subdivision;
- (2) arrangements and/or necessary agreements satisfactory to the Chief Planner and the Executive Director Facilities and Real Estate are made respecting the future land arrangements and land ownership;
- (3) arrangements are made and all necessary agreements or amending agreements satisfactory to the Chief Planner are executed and registered respecting the heritage buildings and features; and

- (4) Notice of Conditions of Site Plan Approval have been issued for a *public hospital* on *Block A* which includes integration of the designated Don Jail building.

6. For the purposes of this by-law:

- (1) “*Block*” means any one of the *Blocks* as defined;
- (2) “*Blocks*” means any or all of the *Blocks* defined in Section 6(3) below, as the case may be;
- (3) “*Block A*”, “*Block A1*”, “*Block B*”, “*Block B1*”, “*Block C*”, “*Block C1*”, “*Block D*”, “*Block D1*”, “*Block E*” and “*Block F*” means those lands respectively delineated and identified as *Block A*, *Block A1*, *Block B*, *Block B1*, *Block C*, *Block C1*, *Block D*, *Block D1*, *Block E* and *Block F* on Map 2 attached to and forming part of this by-law;
- (4) “*grade*” shall mean the following for each of the following *Blocks*:
- (i) *Block A* – 95.38 metres Canadian Geodetic Datum;
 - (ii) *Block B*, *Block C* – the average elevation of the finished level of the ground adjoining the main wall of the building adjacent to the southerly limit of the *Block*;
 - (iii) *Block D* – the average elevation of the finished level of the ground adjoining the main wall of the building adjacent to the western limit of the *Block*;
 - (iv) *Block E* – the average elevation of the finished level of the ground adjoining the main wall of the building adjacent to the northern limit of the *Block*; and
 - (v) *Block F* – the average elevation of the finished level of the ground adjoining the front wall of the building;
- (5) “*height*” means the vertical distance between *grade* and;
- (i) in the case of a pitched roof building, the mean height level between the eaves and the ridge of the roof; and
 - (ii) in the case of another kind of roof, the highest point of the roof;
- (6) “*lands*” shall mean those lands outlined by heavy lines on Map 1 attached hereto and forming part of this By-law being those lands bounded by Broadview Avenue, Gerrard Street East, Riverdale Park and the Don Valley Parkway but excluding those lands comprising the existing location of the Riverdale Library at the north west corner of Broadview Avenue and Gerrard Street East;

- (7) “*public hospital*” includes appurtenant buildings and *accessory* uses such as but not limited to laboratories, *clinics*, *retail stores*, *restaurants*, offices, pharmacies and dispensaries, but does not include:
- (i) a mental hospital within the meaning of *The Mental Hospitals Act*, R.S.O. 1990, chapter 118; or
 - (ii) an institution for the treatment and care of persons with substance addictions, psychiatric and/or nervous diseases and disorders;
- (8) each other word or expression which is italicized in this By-law shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.
7. Despite any existing or future severance, partition, or division of any *Block*, the provisions of this By-law shall apply to the whole of each of the *Blocks* as if no severance, partition or division occurred.

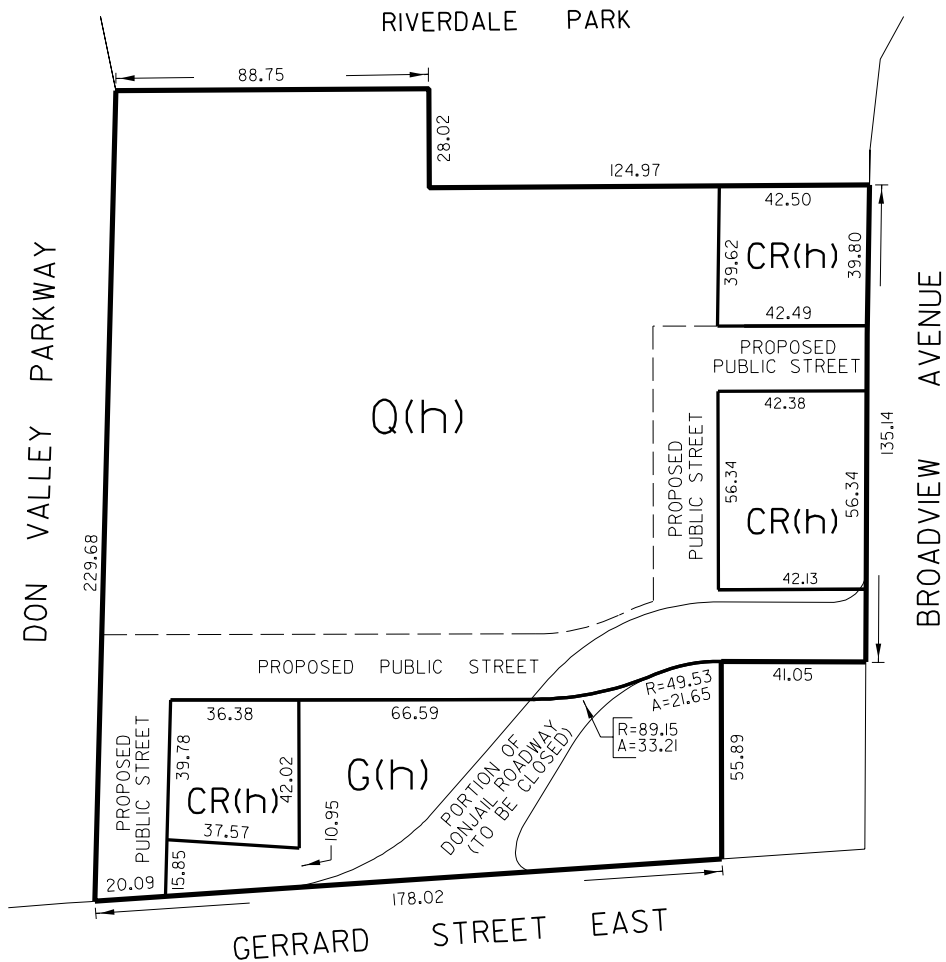
ENACTED AND PASSED this 2nd day of February, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

MAP I



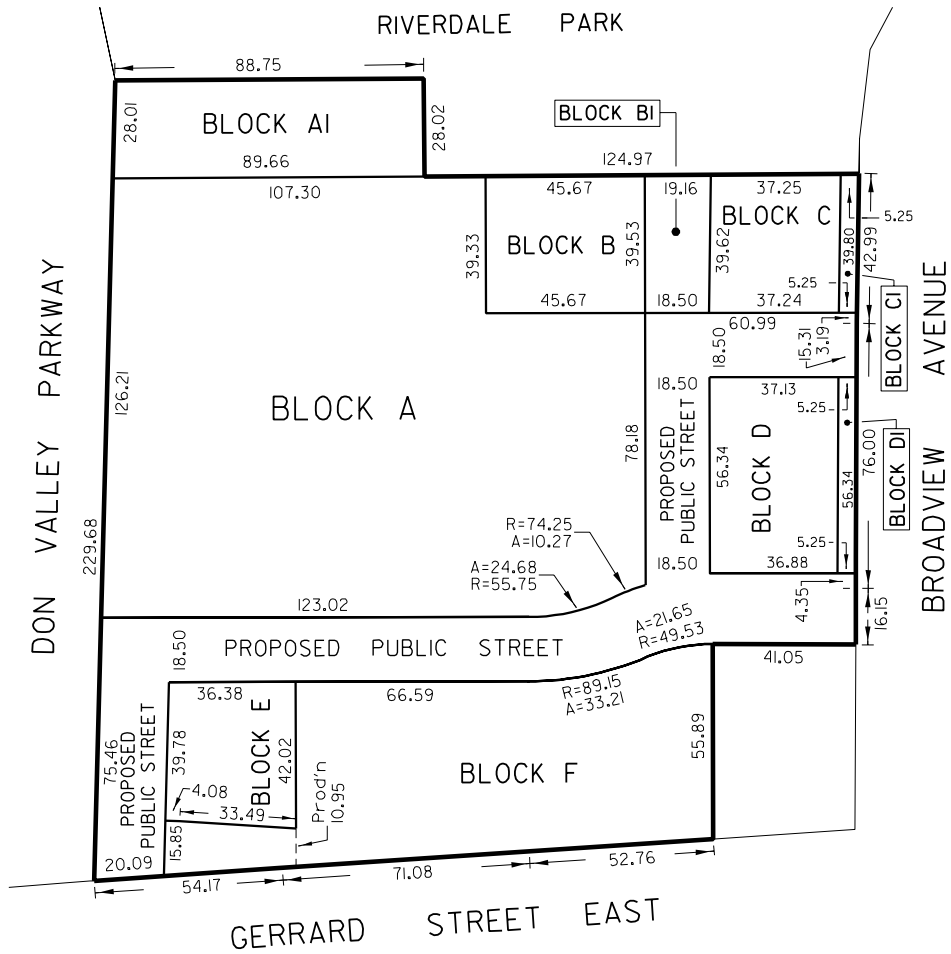
----- PROPOSED PUBLIC STREETS

▭ LANDS SUBJECT TO AMENDMENT



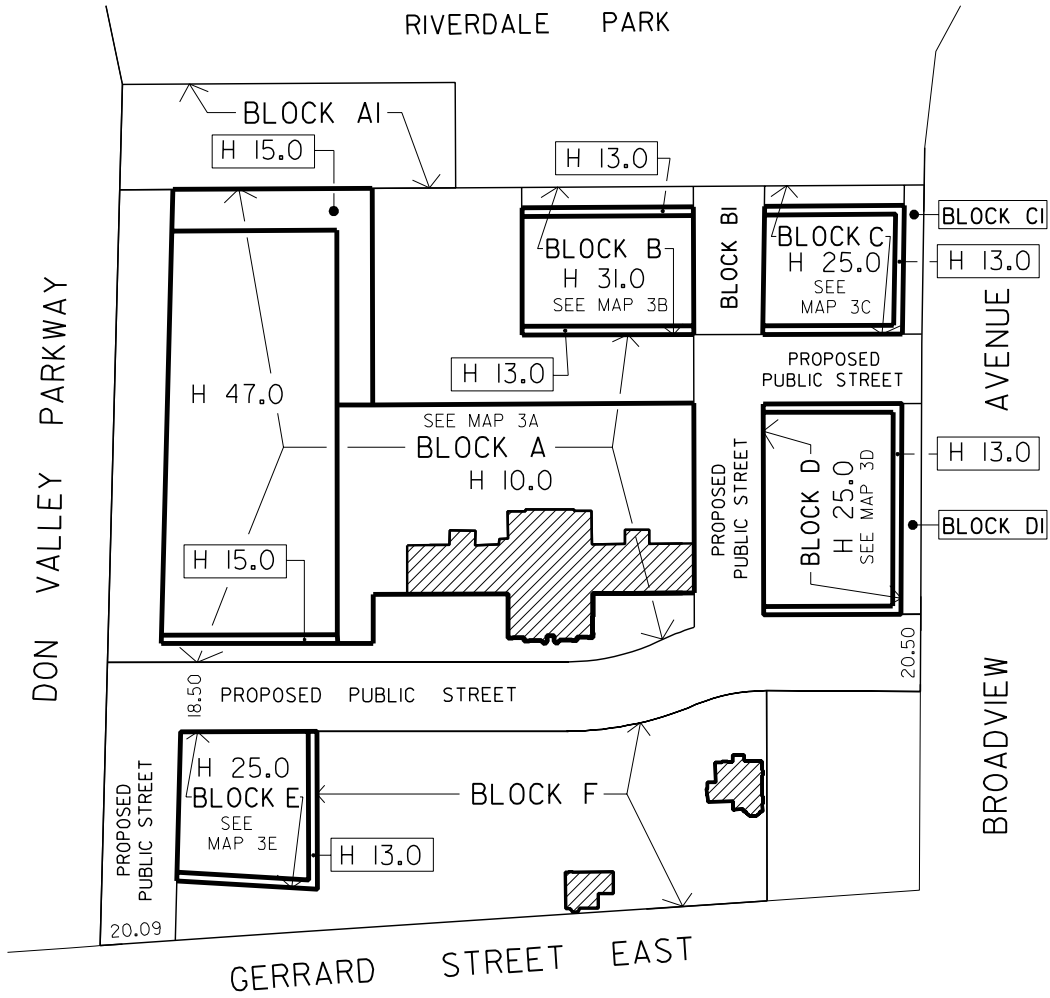
SURVEY AND MAPPING SERVICES
 TORONTO JANUARY 24, 2006
 BLO6/430BROAD1.DGN
 FILE: S145-21
 MAP No. 52H-311 DRAWN: VG

MAP 2



SURVEY AND MAPPING SERVICES
TORONTO JANUARY 25, 2006
BLOS/430BRDAD2.DGN
FILE: S145-Z1
MAP No. 52H-311 DRAWN: VG

MAP 3



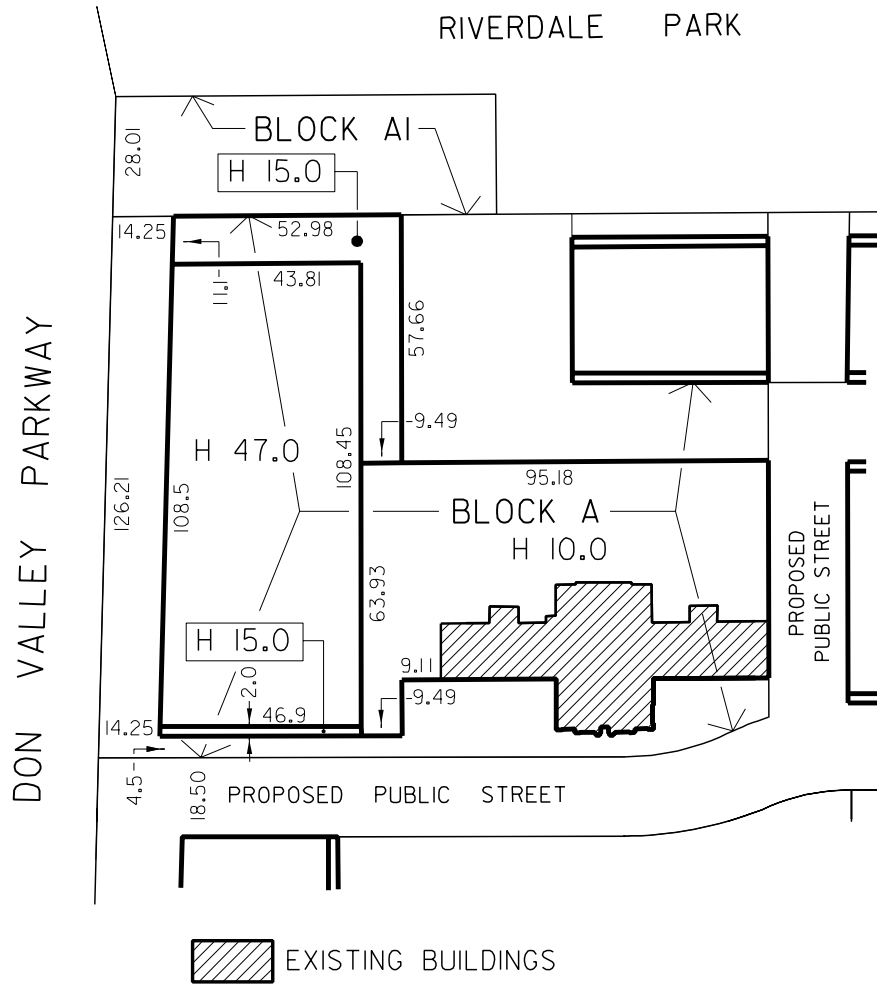
 EXISTING BUILDINGS

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



SURVEY AND MAPPING SERVICES
 TORONTO FEBRUARY 2006
 BL06/430BROAD3.DGN
 FILE: S145-Z1
 MAP No. 52H-311 DRAWN: VG

MAP 3A

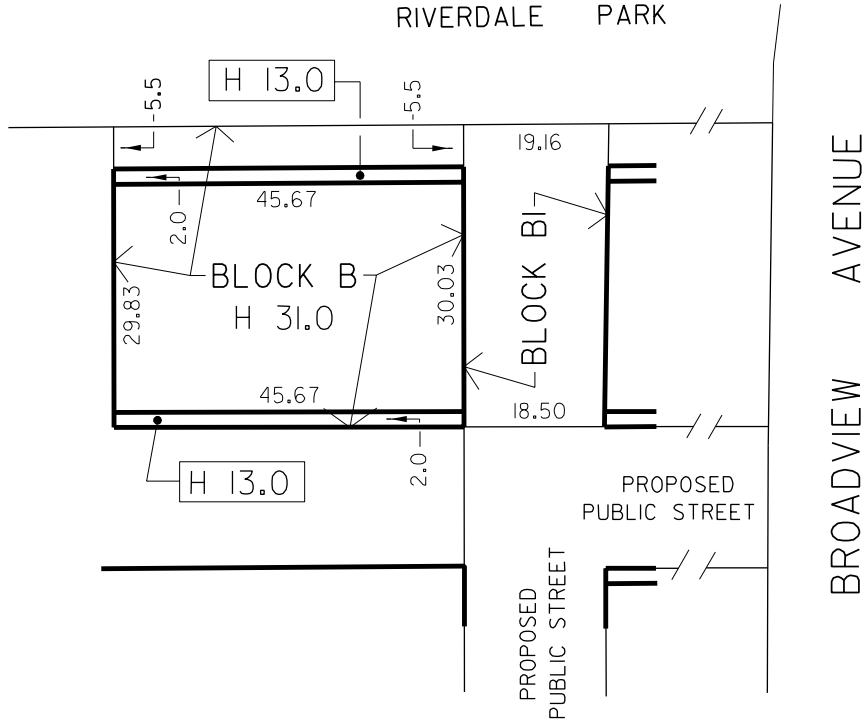


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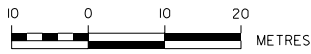


SURVEY AND MAPPING SERVICES
TORONTO FEBRUARY 2006
BL06/430BROAD3A.DGN
FILE: S145-Z1
MAP No. 52H-311 DRAWN: VG

MAP 3B

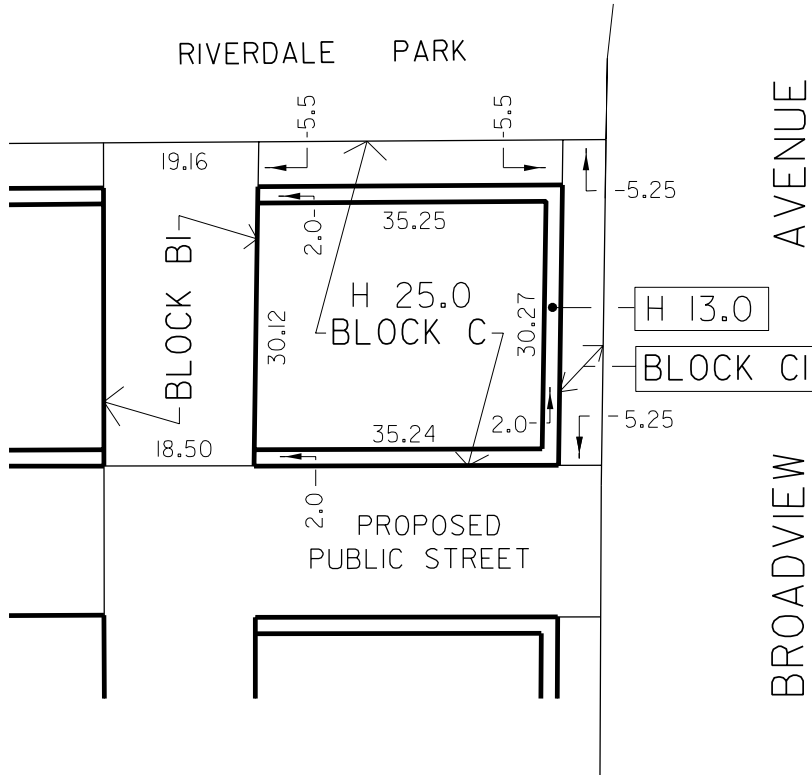


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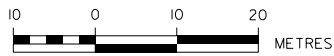


SURVEY AND MAPPING SERVICES
TORONTO FEBRUARY 2006
BL06/430BROAD3B.DGN
FILE: S145-Z1
MAP No. 52H-311 DRAWN: VG

MAP 3C

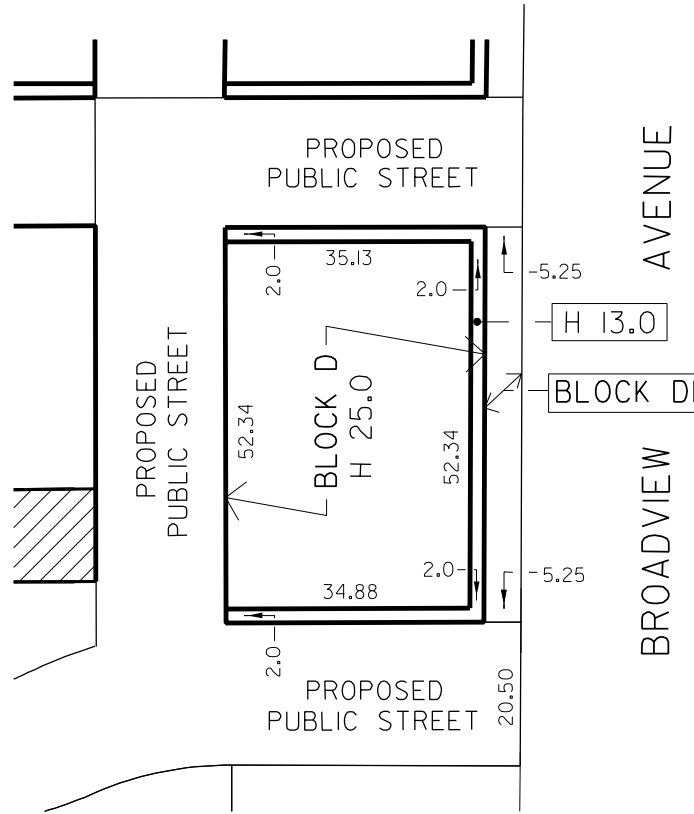


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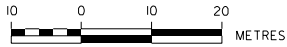


SURVEY AND MAPPING SERVICES
TORONTO FEBRUARY 2006
BL06/430BROAD3C.DGN
FILE: S145-Z1
MAP No. 52H-311 DRAWN: VG

MAP 3D

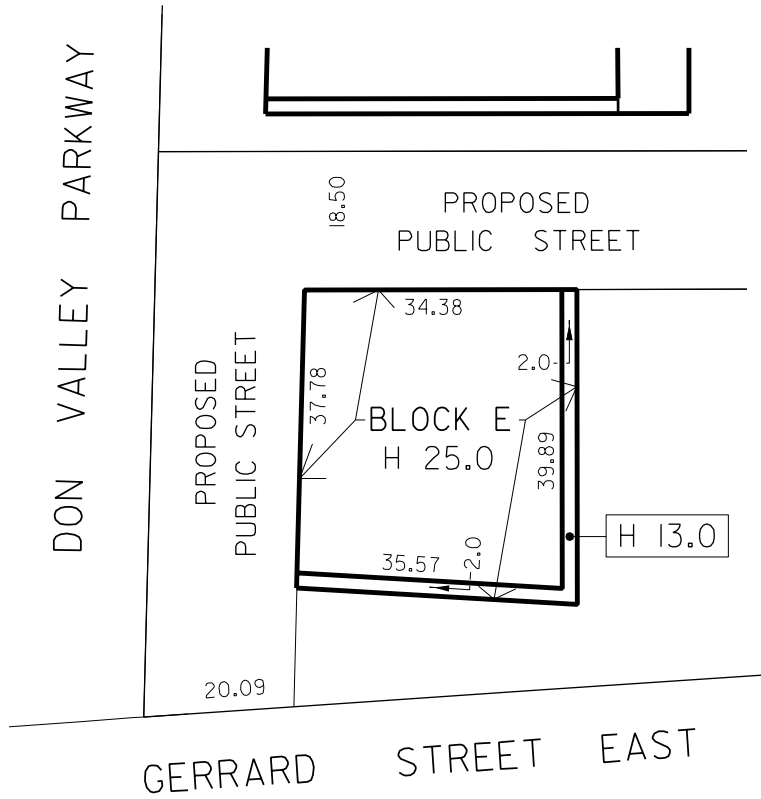


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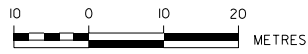


SURVEY AND MAPPING SERVICES
TORONTO FEBRUARY 2006
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FILE: S145-Z1
MAP No. 52H-311 DRAWN: VG

MAP 3E



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



SURVEY AND MAPPING SERVICES
TORONTO FEBRUARY 2006
BL06/430BROAD3E.DGN
FILE: S145-Z1
MAP No. 52H-311 DRAWN: VG