

Authority: Toronto and East York Community Council Report 7, Clause 11,  
as adopted by City of Toronto Council on September 25, 26 and 27, 2006  
Enacted by Council: September 27, 2006

**CITY OF TORONTO**

**BY-LAW No. 907-2006**

**To amend the General Zoning By-law No. 438-86 for the former City of Toronto with respect to lands municipally known as 204 Bloor Street West.**

WHEREAS the Council of the City of Toronto has been requested to amend its 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 Zoning By-law amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held September 25, 26 and 27, 2006, determined to amend Zoning By-law No. 438-86, as amended, for the former City of Toronto;

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
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 projection does not exceed 6 m<sup>2</sup> in area</p> <p>on the west façade: no projection is permitted</p>

Structure	Maximum Permitted Projection
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; and
  - (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; and
  - (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 27th day of September, A.D. 2006.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**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 \$15,000.00 to be allocated to the Annex Residents Association for the Heritage Conservation District Study once the 30 day appeal period has passed following the passage of this By-law;
- (b) 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 November 1, 2006, to the date of payment;
- (c) 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;
- (d) 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 council of 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;

- (e) 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*;
- (f) 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;
- (g) 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 and the *City* accepts no responsibility for such effects;
- (h) 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*;
- (i) 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.

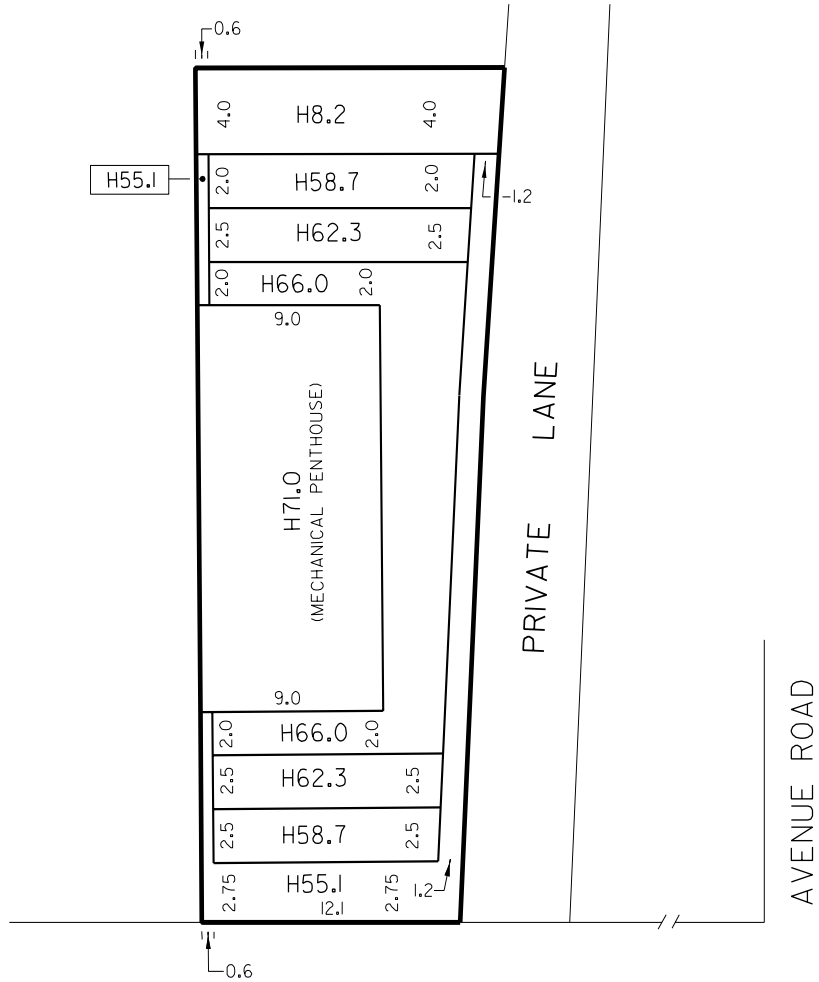
MAP 1



SURVEY AND MAPPING SERVICES  
JUNE 2006 DRAWN: VG  
BL06/204BLOOR1.DGN  
FILE: B22-2126  
MAP No. 50J-312



MAP 2



BLOOR STREET WEST

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



SURVEY AND MAPPING SERVICES  
 SEPTEMBER 2006 DRAWN: VG  
 BL06/204BLOOR2.DGN  
 FILE: B22-Z126  
 MAP No. 50J-312