

CITY OF TORONTO

BY-LAW 233-2020

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2020 as 1151 Queen Street East.

Whereas authority is given to the Council of a municipality by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass Zoning By-laws; 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; and

Whereas Council of the City of Toronto, at its meeting on February 26, 2020, determined to amend the former City of Toronto Zoning By-law 438-86 with respect to lands known municipally in the year 2020 as 1151 Queen Street East;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2(1) with respect to *grade, height, residential gross floor area, and lot*, and Sections 4(2), 4(3)(a); 4(6)(c), 4(10)(d), 4(12), 4(13(a)(c), 4(14)(a), 8(3) Part I 1, 8(3) Part I 3(A), 8(3) Part II 1(B)(II), 8(3) Part II 4(A), 8(3) Part II 4(C)(I)(III), 8(3) Part IV 2, 8(3) Part XI 2(i), 8(3) Part XI 2(iii) of By-law 438-86 of the former City of Toronto, 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, shall apply to prevent the erection and use of a *mixed-use* building on the *lot*, provided that:
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) in addition to those uses permitted pursuant to Section 8(1) of By-law 438-86, permitted uses on the *lot* shall also include *car-share parking spaces*;
 - (c) notwithstanding 8(3) Part I 1 and 8(3) Part I 3(A), the total aggregate *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 4,030 square metres, provided:
 - (i) The *residential gross floor area* does not exceed 3,595 square metres; and
 - (ii) The *non-residential gross floor area* does not exceed 435 square metres;
 - (d) no portion of any building or structure on the *lot* shall have a *height* greater than the *height* in metres specified by the number following the "HT" symbol as shown on Map 2 attached to and forming part of this By-law, with the exception of the following:

- (i) wind screens, elevator overruns parapets, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, screens, stairs, stair enclosures, roof drainage, window sills, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features, landscaping, and elements of a green roof, which may project above the height limits shown on Map 2; and
 - (ii) equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment which may project above the height limits shown on Map 2 by a maximum of 5.0 metres;
- (e) no portions of a building or structure located above ground 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, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, parking elevator structure and enclosure, and underground garage ramps and associated structures may extend beyond the heavy lines shown on Map 2 of this By-law;
- (f) notwithstanding 8(3) Part II 1(A) and 1 B(II), the windows of a *dwelling unit* may be setback 1.92 metres from the east lot line;
- (g) notwithstanding 8(3) Part II 4(A), a building may be setback at least 6.9 metres from a lot in the residential or park district;
- (h) notwithstanding 4(12), *residential amenity space* shall be provided at a minimum rate of 4.0 square metres for each *dwelling unit* of which:
- (i) A minimum of 2.2 square metres for each *dwelling unit* shall be indoor *residential amenity space*; and
 - (ii) A minimum of 1.8 square metres for each *dwelling unit* shall be outdoor *residential amenity space*;
- (i) notwithstanding 4(3), *parking spaces* for the *mixed-use building* shall be provided and maintained on the *lot* in accordance with the following:
- (i) A minimum of 21 *parking spaces* for the use of the residents of the building;
 - (ii) Despite (i)(i) above, a minimum of 19 *parking spaces* for the use of residents of the building are required if Geo-energy is included on site;
 - (iii) A minimum of 3 *parking spaces* for the shared use of non-residential uses and visitors to residents of the building; and

- (iv) A minimum of 2 *car-share parking spaces* will be provided on the *lot*;
 - (j) notwithstanding Section 4(17)(a), a maximum of 1 *parking space* may have a height of no less than 1.9 metres;
 - (k) notwithstanding Section 4(17)(b), a maximum of 5 *parking spaces* accessed by a drive aisle have a width of less than 6.0 metres may have a minimum width of 2.6 metres;
 - (l) notwithstanding Section 4(17)(b), a maximum of 2 *parking spaces* accessed by a drive aisle having a width of less than 6.0 metres and is obstructed on one side may have a minimum width of 2.6 metres;
 - (m) notwithstanding 8(3) Part IV 2, a parking facility may be located within 5.9 metres from a *lot* located in the residential (R) district;
 - (n) an accessible *parking space* shall have the following minimum dimensions:
 - (i) Length of 5.6 metres;
 - (ii) Width of 3.4 metres;
 - (iii) Vertical clearance of 2.1 metres; and
 - (iv) The entire length of an accessible *parking space* must be adjacent to a 1.5-metre-wide accessible barrier free aisle or path;
 - (o) bicycle *parking spaces* shall be provided on the *lot* as follows:
 - (i) A minimum of 0.9 *bicycle parking spaces – occupant* for each dwelling unit the use of residents of the building shall be provided;
 - (ii) A minimum of 0.1 *bicycle parking spaces – visitor* for each dwelling unit for visitors to the building shall be provided; and
 - (iii) Notwithstanding the definition of *bicycle parking space – occupant* in Section 2(1) of Zoning By-law 438-86, as amended, a bicycle parking space may be provided in a *stacked bicycle parking space*;
 - (p) notwithstanding 4(6)(C), one *loading space - Type "C"* shall be provided and maintained on the *lot*.
2. None of the provisions of By-law 438-86 shall apply to prevent a *sales office* on the *lot*.
3. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

4. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, with the exception of the following terms:
- (a) "*bicycle parking space*" means an area used for storing bicycles having the following minimum dimensions:
 - (i) Where the bicycles are to be parked on a horizontal surface, the bicycle parking space shall have a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical dimension from the ground of at least 1.9 metres;
 - (ii) Where the bicycles are to be parked in a vertical position, the bicycle parking space shall have a minimum length or horizontal clearance from the wall of 1.1 metres, a minimum width of 0.46 metres and a vertical dimension of at least 1.83 metres; and
 - (iii) Where the bicycles are to be parked in bicycle stacker, each bicycle parking space shall have a minimum vertical clearance of 1.2 metres;
 - (b) "*car share*" means the operation of a car-sharing program either by an existing car share company or one established by a condominium corporation;
 - (c) "*car-share parking space*" shall mean a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;
 - (d) "*grade*" shall mean 78.37 metres Canadian Geodetic Datum;
 - (e) "*height*" shall mean the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;
 - (f) "*gross floor area*" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level. The gross floor area of the *mixed use building* is reduced by the area in the building used for:
 - (i) parking, loading and bicycle parking below *grade*;
 - (ii) *loading spaces* at the ground level and *bicycle parking spaces* at or above *grade*;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
 - (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) *residential amenity space* required by this By-law;

- (vi) elevator shafts;
 - (vii) *garbage* shafts;
 - (viii) *mechanical* penthouse; and
 - (ix) exit stairwells in the building;
- (g) "*sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the used exclusively for the initial sale and/or initial leasing of *dwelling units* or *non-residential gross floor area* uses proposed on the *lot*;
- (h) "*stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*, having horizontal dimensions of at least 0.27 metres by 1.8 metres and a vertical dimension of at least 1.2 metres.
5. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.

Enacted and passed on February 26, 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



