

Authority: Toronto and East York Community Council  
Item TE27.4, adopted as amended, by City of Toronto  
Council on October 1 and 4, 2021

## **CITY OF TORONTO**

### **BY-LAW 103-2022**

**To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 109 to 125 George Street and 231 Richmond Street East.**

Whereas Council of the City of Toronto has the authority to 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; and

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

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize increases in the height or 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 provides that where an owner of lands elects to provide facilities, services or matters, in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality in respect of 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR SS1 (x405) as shown on Diagram 3 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (x405) so that it reads:

Exception CR (x405)

The lands or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

**Site Specific Provisions:**

- (A) On the lands shown on Diagram 1 of By-law 103-2022 municipally known in the year 2021 as 109 to 125 George Street and 231 Richmond Street East, if the requirements of By-law 103-2022 are complied with, a **building, structure**, addition or enlargement may be erected and used in compliance with Regulations (B) to (LL) below;
- (B) For the purpose of this exception, "Parcel A" is the parcel of land as shown on Diagram 4 of By-law 103-2022;
- (C) For the purpose of this exception, "Parcel B" is the parcel of land as shown on Diagram 4 of By-law 103-2022;
- (D) For the purpose of this exception, "Parcel B Building" is the **building** and **structures** existing on Parcel B on the date of enactment of By-law 103-2022, labelled as "Parcel B Building" on Diagram 2 of By-law 103-2022 and as illustrated with grey shading on Diagram 5 of By-law 103-2022;
- (E) Despite any Regulation to the contrary, the Parcel B Building is permitted subject to alterations and additions permitted in accordance with this exception;
- (F) For the purpose of this exception, the **lot** comprises the lands outlined by heavy black lines as shown on Diagram 1 of By-law 103-2022;
- (G) Despite Regulation 40.10.20.40(1) **dwelling units** are permitted in a **mixed-use building** on Parcel A;
- (H) Despite Regulation 40.10.40.40 (1), the **gross floor areas** of the **buildings** and **structures** permitted on Parcel A and Parcel B are as follows:
  - (i) for Parcel A: the permitted maximum **gross floor area** is 36,000 square metres, of which:
    - (a) the permitted maximum **gross floor area** for residential uses is 30,500 square metres;
    - (b) the permitted maximum **gross floor area** for non-residential uses is 5,500 square metres;

- (c) the required minimum **gross floor area** for non-residential uses is 2,000 square metres; and
  - (ii) for Parcel B: the total permitted maximum **gross floor area** is 6,200 square metres for non-residential uses, which is comprised of the **gross floor area** of the Parcel B Building and an additional 680.0 square metres;
- (I) In addition to the provisions of Clause 40.5.40.40, the **gross floor area** of a **building** is reduced by the area of the **building** used for:
  - (i) **public parking**;
  - (ii) atrium areas, **amenity space**; and
  - (iii) any area of the **building** occupied by non-structural architectural or ornamental features that are attached to and project from the **main wall** of a **building**;
- (J) Of the total number of **dwelling units** provided on Parcel A:
  - (i) a minimum of 25 percent must be two-bedroom **dwelling units** or larger; and
  - (ii) of the **dwelling units** referred to in Regulation (J)(i) above, a minimum of 10 percent must be three-bedroom **dwelling units** or larger;
- (K) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 85.22 metres, and the highest point of the **building** or **structure**;
- (L) Despite Regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure**, is the height measured in metres, specified by the numbers following the HT symbol as shown on Diagram 5 of By-law 103-2022;
- (M) Despite Clause 40.5.40.10, and Regulation (L) above, the following elements of a **building** or **structure** may project above the permitted maximum height limits as shown on Diagram 5 of By-law 103-2022 as follows:
  - (i) **structures** used for outdoor **amenity space**, roof top terraces and patios, maintenance equipment, safety, wind protection purposes and **structures**, or elements associated with a green roof to a maximum of 4.0 metres;
  - (ii) parapets and sky lights to a maximum of 4.0 metres;
  - (iii) stairs, enclosed stairs and access ladders to a maximum of 2.5 metres;

- (iv) structures, elements and enclosures permitted by Regulation (O) below; and
- (v) despite (i) to (iv) above, within the area subject to a height of 136.0 metres as shown on Diagram 5, only the following projections are permitted above the permitted maximum height limit:
  - (a) elevator overrun to a maximum of 1.0 metres, plus 0.5 metres for an associated parapet;
  - (b) parapets to a maximum of 1.6 metres;
  - (c) window washing equipment to a maximum of 6.0 metres; and
  - (d) fans, chimneys, vents, stacks and flues to a maximum of 2.0 metres;
- (N) Despite Regulations 5.10.40.70(1), 40.10.40.80(1), 40.10.40.70(1) and Section 600.10, the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** and **structures** above ground must be provided as shown on Diagram 5 of By law 103-2022;
- (O) Despite Regulation 5.10.40.70(1), Clauses 40.5.40.60 and 40.10.40.60, the following **building** elements and **structures** may project into the required minimum **building setbacks** and a required minimum **main wall** separation distance as follows:
  - (i) railings, balustrades, planters, lighting, patios, bollards, trellises, guards, guardrails, retaining walls, wheelchair ramps, bicycle parking facilities, landscape features and art installations;
  - (ii) balconies and privacy screens to a maximum of 1.8 metres;
  - (iii) cornices, sills, eaves, exterior building cladding materials, exterior doors and windows and ornamental or architectural features to a maximum of 1.0 metre;
  - (iv) awnings and canopies including supporting structures to a maximum of 3.5 metres; and
  - (v) structures, elements and enclosures permitted by Regulation (M) above;
- (P) No portion of a **building** on Parcel A may be located less than:
  - (i) 12.5 metres from the eastern limit of Parcel A above the Canadian Geodetic Datum elevation of 103.87 metres, with the exception of the permitted projections set out in Regulations (M) and (O) above; and

- (ii) 30.4 metres from the southern limit of Parcel A above the Canadian Geodetic Datum elevation of 103.87 metres;
- (Q) The portion of a **building** on Parcel A located above a height of 126.0 metres, as measured from the Canadian Geodetic Datum elevation of 85.22 metres, and subject to a height limit of 136.0 metres as shown on Diagram 5 attached to By-law 103-2022, may only be used for:
- (i) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
  - (ii) **structures** used for the functional operation of the **building** such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, and water supply facilities;
  - (iii) indoor **amenity space** up to a maximum of 250.0 square metres plus associated corridor areas; and
  - (iv) **structures** that enclose, screen or cover the parts of a **building** listed in (i), (ii) and (iii) above;
- (R) Despite Regulation (L) above, no portion of a **building** or **structure** shall be located between a height of 14.5 metres and 18.65 metres, as measured above the Canadian Geodetic Datum elevation of 85.22 metres, within the area of Parcel B shown with hatching on Diagram 5 attached to By-law 103-2022 with the exception of permitted projections set out in Regulation (M);
- (S) Despite Regulation 40.10.40.10(5), on Parcel A the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the floor of the second **storey** is 4.5 metres;
- (T) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the numerical value following the letters "ST" on Diagram 5 of By-law 103-2022;
- (U) Despite Clause 40.10.40.50, **amenity space** is only required on Parcel A in accordance with the following:
- (i) a minimum of 3.0 square metres per **dwelling unit** must be provided as indoor or outdoor **amenity space**; and
  - (ii) of which a minimum of 40.0 square metres must be provided as outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**;
- (V) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:

- (i) a minimum of 0.15 **parking spaces** for each **dwelling unit** must be provided on Parcel A;
  - (ii) a minimum of 0.04 **parking spaces** for each **dwelling unit** for the use of residential visitors or **public parking** must be provided on Parcel A; and
  - (iii) no **parking spaces** are required for non-residential uses on both Parcels A and B;
- (W) Despite Regulations 40.5.80.1(1), 200.5.1.10(10) and 200.10.1, the residential visitor **parking spaces** required in Regulation (V)(ii) above may be provided on a non-exclusive basis within a **public parking** use on Parcel A and such **parking spaces** may also be used by occupants and visitors of non-residential uses on Parcel B;
- (X) Despite Regulation 230.5.10.1(1), Table 230.5.10.1(1) and Clause 220.5.10.1 **bicycle parking spaces** and **loading spaces** are not required for non-residential uses on Parcel B;
- (Y) Despite Regulation 200.5.1.10(2), on Parcel A:
- (i) up to 15 **parking spaces** that are obstructed on one side may have a minimum width of 2.6 metres; and
  - (ii) up to 5 **parking spaces** may have a minimum length of 5.3 metres;
- (Z) Despite Regulation 200.15.1, an accessible **parking space** on Parcel A must comply with the following:
- (i) an accessible **parking space** must have the following minimum dimensions:
    - (a) Length of 5.6 metres;
    - (b) Width of 3.4 metres; and
    - (c) Vertical clearance of 2.1 metres;
  - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path; and
  - (iii) accessible **parking spaces** must be located a minimum of 20.0 metres from a barrier free entrance to a **building** on Parcel A that leads to a passenger elevator which provides access to the first **storey** of the **building**;

- (AA) Despite Regulation 200.15.10(1), a minimum of four **parking spaces** of the required **parking spaces** on Parcel A must comply with the minimum dimensions for an accessible **parking space**;
- (BB) Despite Clause 220.5.10.1, a minimum of 1 Type "C" **loading space**; and minimum of 1 Type "G" **loading space** must be provided on Parcel A;
- (CC) Despite Regulation 40.10.90.40(1), **vehicle** access to a **loading space** on Parcel A may be from a major **street**;
- (DD) Despite Regulation 40.10.100.10(1), **vehicle** access to Parcel A may be from a major **street**;
- (EE) Despite Regulations 230.5.1.10(9)(A)(iii) and (B)(iii), required "long-term" **bicycle parking spaces** may be located below-ground;
- (FF) Despite Regulation 230.5.1.10(10), a "long-term" and "short-term" **bicycle parking space** may be located in a **stacked bicycle parking space**;
- (GG) Despite Regulation 230.5.1.10(4), the width of a **bicycle parking space** must be a minimum of 0.4 metres;
- (HH) Despite 230.40.1.20(2), a "short term" **bicycle parking spaces** may be located outside the **building**, within the first **storey** of the **building** or within the first level of a below grade parking structure;
- (II) Despite Regulation 40.10.20.100(21), **outdoor patios** on Parcel B are subject to the following:
- (i) roof top **outdoor patios** must be combined with an office use and have a combined total area of not more than 220.0 square metres; and
  - (ii) grade related **outdoor patios** must be combined with one of the uses set out in Regulation 40.10.20.100(21)(A) and/or an office use and have a combined total area of not more than 250.0 square metres;
- (JJ) Despite Regulation 40.10.40.1(1), **dwelling units** must be located above non-residential use portions of a **mixed-use building** on Parcel A;
- (KK) Regulation 40.10.40.1(2) with respect to the location of entrances and first floor elevation does not apply; and
- (LL) Regulation 40.10.40.10(5) with respect to the minimum height of a first **storey** does not apply with respect to Parcel B.

Prevailing By-laws and Prevailing Sections  
None

5. Notwithstanding any severance, partition or division of the lands, the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division had occurred.
6. Section 37 Provisions
  - (A) Pursuant to Section 37 of the Planning Act, 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 attached to this By-law 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 shall not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A of this By law are satisfied.

Enacted and passed on February 3, 2022.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

**SCHEDULE A**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lands and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

*Community Benefits*

1. The conveyance of, for nominal consideration, a minimum of one (1) one-bedroom, four (4) two-bedroom, and two (2) three-bedroom dwelling units (the "Affordable Rental Units") in the new 39-storey mixed use building for operation of affordable rental housing to WoodGreen Community Housing Inc. or another non-profit housing provider (the "Provider"), to the satisfaction of the Executive Director, Housing Secretariat, on terms and conditions to the satisfaction of the Executive Director, Housing Secretariat, and such units shall have the following minimum specifications:
  - A. each three-bedroom rental unit shall have a minimum unit size of 75 square metres;
  - B. each two-bedroom rental unit shall have a minimum unit size of 56 square metres;
  - C. each one-bedroom rental unit shall have a minimum unit size of 39 square metres;
  - D. the location and layouts of the new Affordable Rental Units within the approved development on the lands shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat; and
  - E. the seven Affordable Rental Units shall be constructed to a fully-finished condition, to a similar standard as the market units in the remainder of the development.
2. The Provider shall provide and maintain the Affordable Rental Units as secured rental housing for a minimum period of 49 years beginning from the date that each such unit is first occupied.
3. The initial rent (inclusive of utilities) charged to the first tenants of any Affordable Rental Unit shall not exceed 80 percent of the average rent for the same bedroom type in the City of Toronto, as reported by the Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report.
4. At least six months in advance of any new Affordable Rental Unit being made available for rent, the Provider shall develop and implement a Tenant Access Plan in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat.

5. The new Affordable Rental Units shall be made ready and available for occupancy no later than the date by which 70 percent of the new dwelling units erected on the lands are available and ready for occupancy.
6. The owner shall ensure that the condominium declaration, bylaws, and proposed rules provides all tenants of the Affordable Rental Units with access to, and use of, all indoor and outdoor amenities in the development at no extra charge; access to, and use of, these amenities shall be provided on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings.
7. The owner shall ensure that the condominium declaration, by-laws, and proposed rules provide all tenants of the Affordable Rental Units with laundry facilities on the same basis as other units within the development at no extra charge.
8. The owner ensure that the condominium declaration, by-laws, and proposed rules shall provide all tenants of the Affordable Rental Units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building, and in accordance with the Zoning By-law.
9. The common expense fees for the Affordable Rental Units shall be reduced by 50 percent from the other market condominium units in the building for the affordability period of 49 years, or the owner shall make an equivalent monetary contribution to the City.
10. The current owner shall pay all applicable land transfer taxes associated with the conveyance of the Affordable Rental Units to the Provider.
11. There shall be no closing adjustments made with respect to the seven (7) Affordable Rental Units transferred to the Provider, other than adjustments for monthly occupancy fees or common expense fees and realty taxes for the year in which the final closing date occurs to be adjusted and payable on either the interim occupancy or final closing date of the sale of the units.
12. The owner shall be solely responsible and liable for remitting the Harmonized Sales Tax eligible on each of the Affordable Rental Unit conveyances (on the basis that such conveyances to the Provider and/or the City may not be eligible for any new housing rebates whatsoever).
13. Prior to the issuance of the first above grade buiding permit for the development, the owner shall enter into Agreements of Purchase and Sale on its standard terms as modified by these recommendations with respect to all the Affordable Rental Units referenced in Clause 1 above, with the City and/or the Provider and there shall be provisions allowing the Agreements of Purchase and Sale of all these units to be assignable by the City to a Provider at the City's sole discretion.

*Privately-Owned Publicly-Accessible Space (POPS)*

14. The owner(s) will construct and maintain an area of not less than 265 square metres, at grade, for use by the general public as privately-owned, publicly-accessible space (POPS), in the southwest corner of the site in a location generally identified in the Zoning By-law Amendment, with the specific configuration and design of the POPS, and associated terms, to be secured in the Section 37 Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
15. The owner(s) will prepare all documents and convey, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement, including support rights, in perpetuity in favour of the City over the privately-owned, publicly-accessible, space (POPS), on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning.

*Toronto Green Standard*

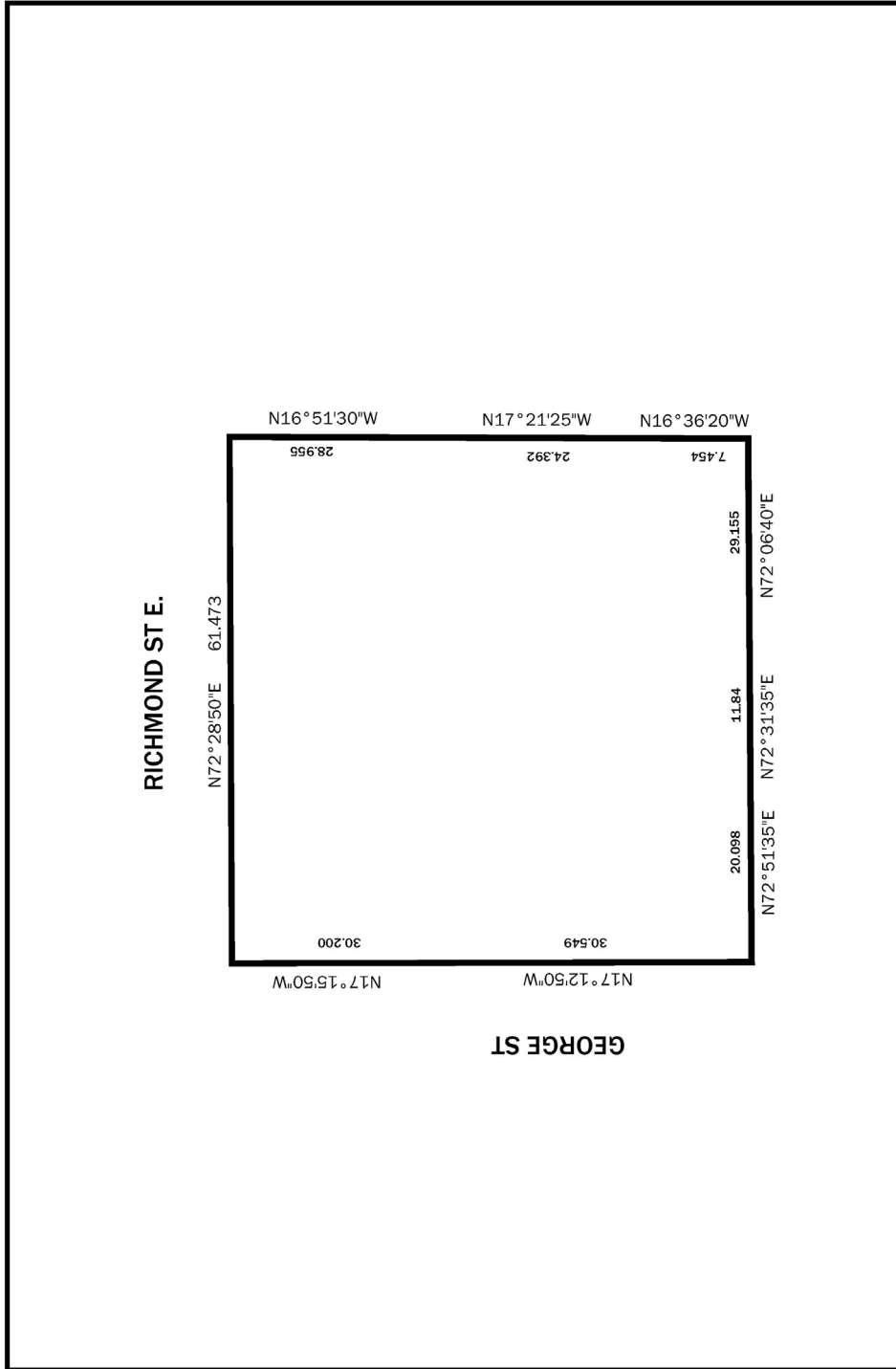
16. The owner(s) will construct and maintain the development of the site in accordance with Tier 1 of the Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 of the Toronto Green Standard, through the site lan approval process.

*Limiting Distance Agreement*

17. Prior to the issuance of first above grade building permit the owner(s) of 109-117 George Street, 119-125 George Street and 231 Richmond Street East will enter into and register a Limiting Distance Agreement with the City of Toronto, to the satisfaction of the City Solicitor, which will establish a Limiting Distance Area on the property at 109-117 George Street where no new building or structure may be constructed within 30.4 metres of the south property line abutting 105 George Street above a geodetic height of 103.87 metres.

*Servicing*

18. The owner(s) will enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the transportation report accepted by the General Manager, Transportation Services and the functional servicing report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.

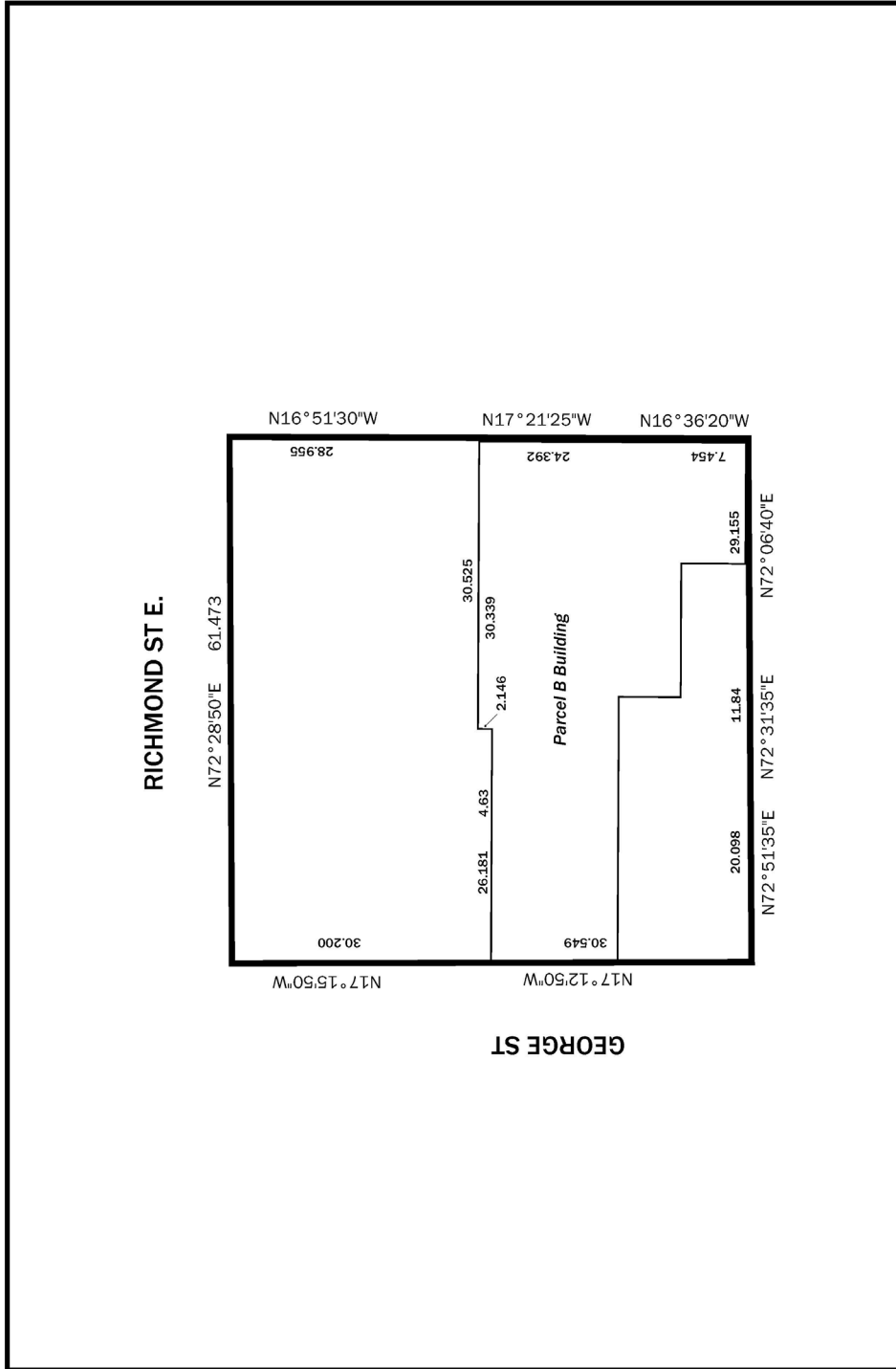


109-125 George Street and 231 Richmond Street East

Diagram 1

Not to Scale ↗

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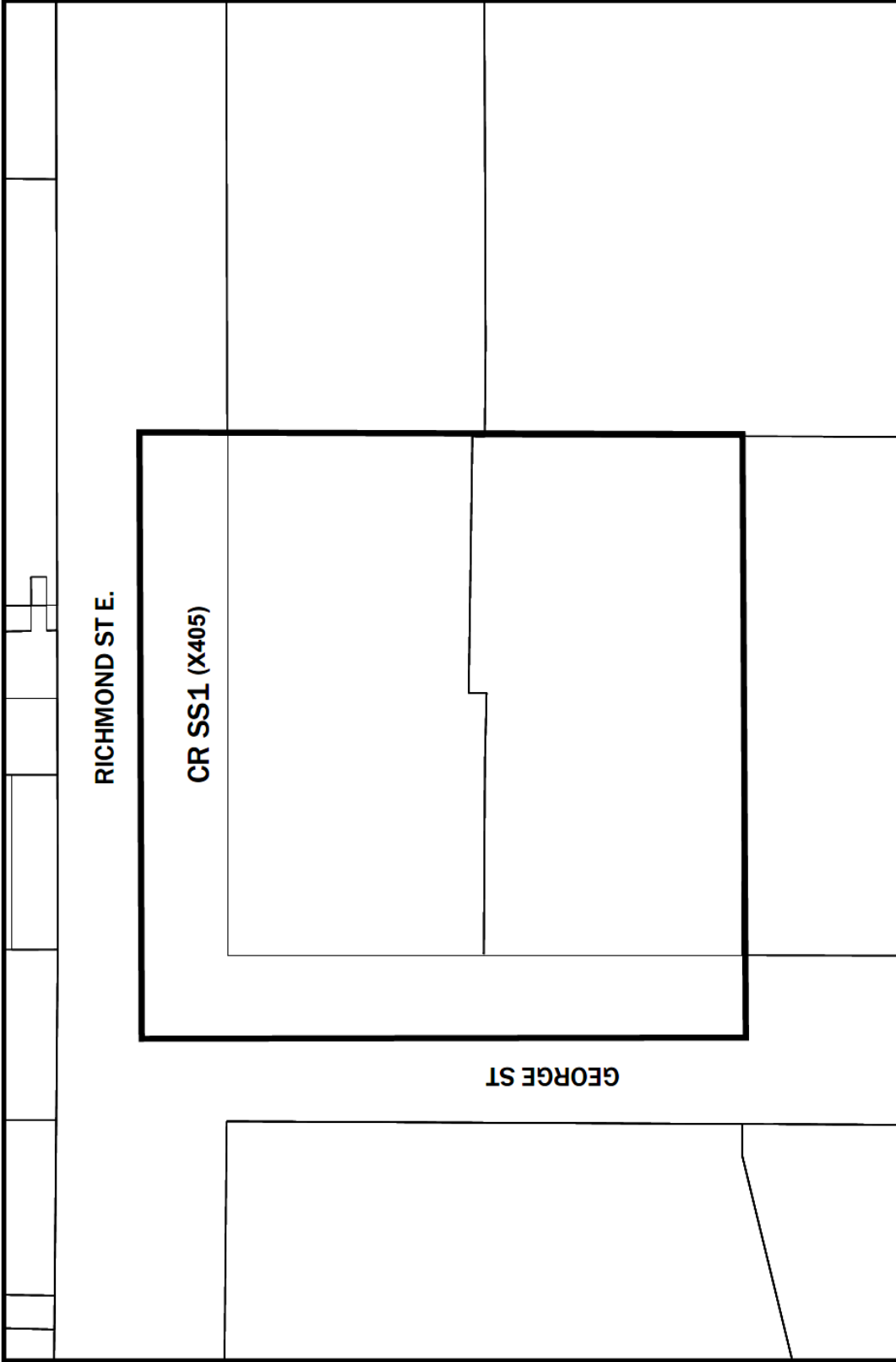


109-125 George Street and 231 Richmond Street East

Diagram 2

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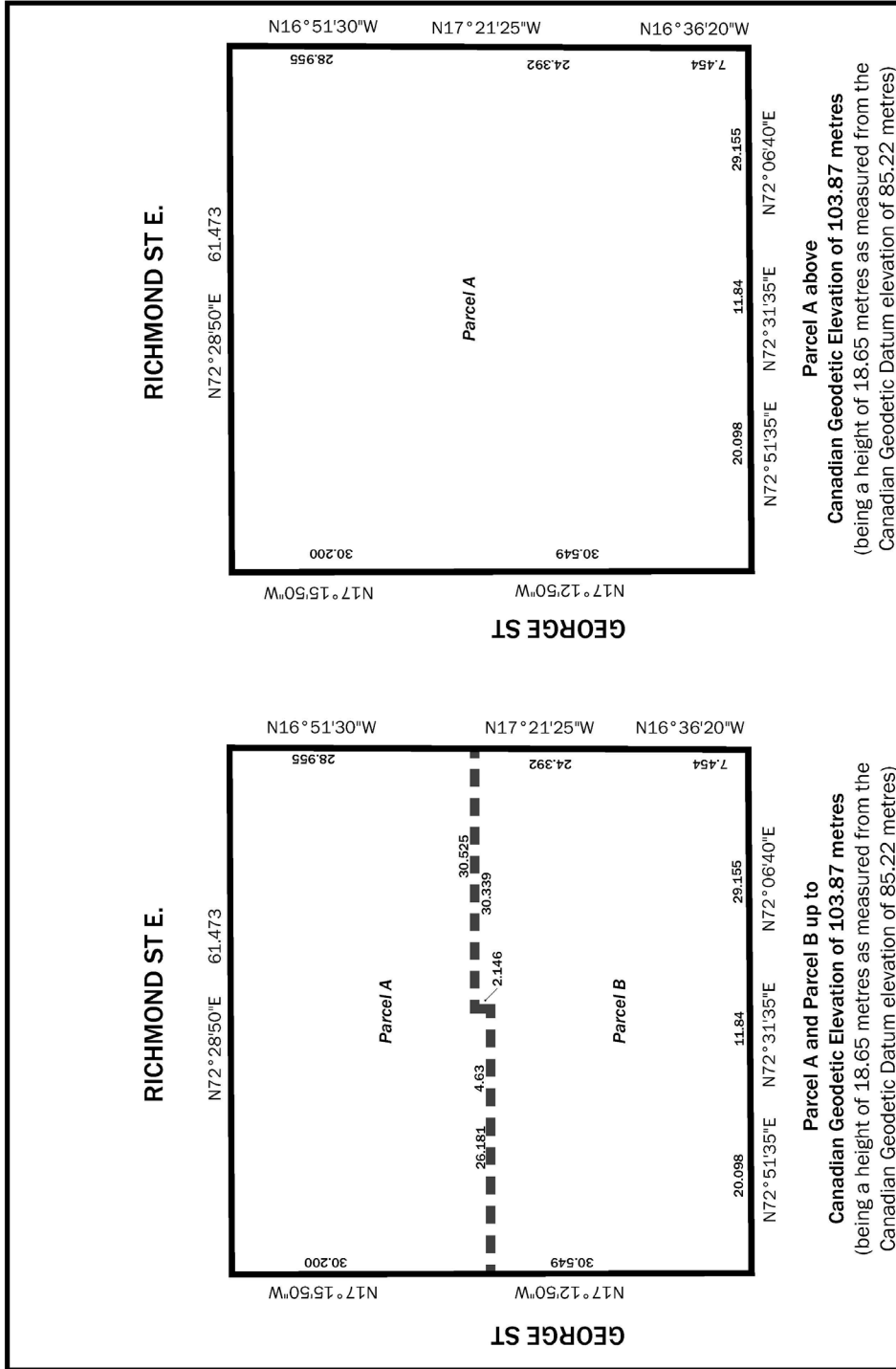
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109-125 George Street and 231 Richmond Street East

**Diagram 3**

Not to Scale ↗



109-125 George Street and 231 Richmond Street East

**Diagram 4**

Not to Scale ↗

XX/XX/2021

