

Authority: Toronto and East York Community Council
Item TE6.9, as adopted by City of Toronto Council on July
19 and 20, 2023
City Council voted in favour of this by-law on July 20,
2023
Written approval of this by-law was given by Mayoral
Decision 8-2023 dated July 20, 2023

CITY OF TORONTO

BY-LAW 749-2023

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2022 as 145 St. George Street.

Whereas Council of the City of Toronto has the authority 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;

The Council of the City of Toronto enacts:

1. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply.
2. None of the provisions of Section 2(1) with respect to the definitions of *lot*, *grade*, *gross floor area*, *height*, *interior floor area*, *residential amenity area*, *stacked bicycle parking space* and 4(2), 4(4), 4(5), 4(6), 4(7), 4(8), 4(12), 4(13), 4(16), 6(1), 6(2), 6(3)Part I, 6(3)Part II, 6(3)Part III, 6(3)Part IV, 6(3)Part V, and 6(3)Part VI, and 12(2)132 of Zoning By-law 438-86, as amended, being "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of lands 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 apply to prevent the erection or use of a *mixed-use building* or an *apartment building* on the *lot*, provided that:
 - (a) The *lot* on which the buildings are to be located comprises the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) The following uses are permitted on the *lot*:
 - i. residential uses and non-residential uses permitted for the R4A zone by Section 6(1)(f) of By-law 438-86, as amended, and the qualifications to be completed before certain uses are permitted in residential districts in Section 6(2) of By-law 438-86 do not apply;
 - ii. ambulance depot, artist studio, automated banking machine, club, cogeneration energy, custom workshop, eating establishment, education use, financial institution, fire hall, market garden, medical office, municipal shelter, office, outdoor sales or display, performing arts studio,

- personal service shop, pet services, police station, production studio, public utility, recreation use, renewable energy, retail store, retail service, secondary suite, service shop, short term rental, take-out eating establishment, animal hospital;
- iii. massage therapy, *geo-energy facility*, *car share*, wellness centre; and
 - iv. an *outdoor patio* provided that:
 - A. the maximum area of an *outdoor patio* is 150 square metres;
 - B. an *outdoor patio* may not be used to provide entertainment such as performances, music and dancing; and
 - C. an *outdoor patio* must be set back at least 7.5 metres from a *lot* in a Residential R Zone category;
- (c) The total aggregate *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 24,400 square metres, provided:
- i. a maximum of 24,400 square metres may be used as *residential gross floor area*; and
 - ii. a maximum of 200 square metres may be used for *non-residential gross floor area*;
- (d) No portion of any *mixed-use building* or *apartment building* on the *lot* inclusive of equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment, shall be located above the *heights*, in metres, shown following the symbol "H" as shown on Map 2 attached to and forming part of this By-law, with exception of the following:
- i. Elements on or above any roof used for elevator related structural elements and elevator shafts, chimneys, pipes, flues, stacks, vents, antennae, enclosed stairwells, solar energy and wind energy devices, window washing equipment, and roof access, to a maximum of 3.5 metres;
 - ii. Elements on or above any roof used for parapets, exterior cladding and ornamental or architectural features by a maximum of 6.5 metres, provided that none of these elements exceed a height of 96.0 metres as shown on as shown on Map 2 attached to and forming part of this By-law;
 - iii. Elements on or above any roof used for lightning rods, to a maximum of 6.5 metres;
 - iv. *structures* associated with a *green roof*, to a maximum of 1.5 metres;

- v. trellises, pergolas, louvres, and unenclosed *structures* providing safety or wind protection to rooftop *amenity space*, to a maximum of 3.0 metres; and
 - vi. planters, *landscaping* features, lighting fixtures, guardrails, and divider screens on a balcony and/or terrace, to a maximum of 3.0 metres;
- (e) For the purposes of this By-law, a mezzanine does not constitute a *storey*;
- (f) Notwithstanding (d) above, no part of a *building*, except for any structural elements and associated cladding may be located between the Canadian Geodetic Datum elevation of 116.1 metres and a minimum vertical clearance of 4.5 metres in the shaded area on Map 3 attached to and forming part of this By-law;
- (g) Notwithstanding (f) above, architectural features may project into the minimum vertical clearance of 4.5 metres in the shaded area on Map 3 attached to and forming part of this By-law to a maximum of 0.5 metres;
- (h) No portion of a *mixed-use building* or an *apartment building* erected on the *lot* above grade 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 exception of the following:
 - i. balconies and related *structures* and elements such as balcony dividers, guardrails, railings and soffit cladding, to a maximum of 1.8 metres provided that they are located within the area identified as "Balcony Zone" on Map 4 attached to and forming part of this By-law;
 - ii. exterior stairs, ladders, access ramps and elevating devices, to a maximum of 1.0 metre;
 - iii. ornamental and architectural features such as pilaster, decorative column, cornice, sill, belt course, eaves, dormer, flashing and cladding elements added to the exterior surface of the main wall of a *building*, to a maximum of 1.0 metre;
 - iv. utilities such as gas equipment and meters, hydro equipment and meters, telecommunications equipment and solar energy and wind energy devices, to a maximum of 1.0 metre;
 - v. underground garage ramp and associated *structures*, to a maximum of 6.0 metres;
 - vi. canopies and awnings with or without support, to a maximum of 3.0 metres;
 - vii. elevator shafts, to a maximum of 3.0 metres; and

- viii. air conditioners, satellite dishes, antennae, signage, lighting fixtures, vents, and pipes, to a maximum of 1.0 metre;
- (i) The provision of *dwelling units* is subject to the following:
 - i. a minimum of 15 percent of the total number of *dwelling units* must contain two bedrooms;
 - ii. a minimum of 10 percent of the total number of *dwelling units* must contain three or more bedrooms;
 - iii. an additional 15 percent of the total number of *dwelling units* must be any combination of two bedroom *dwelling units* and three or more bedroom *dwelling units*, or *dwelling units* that can be converted into any combination of two bedroom *dwelling units* and three or more bedroom *dwelling units*;
 - iv. convertible *dwelling units* as described in (i)iii. above, may be converted using accessible or adaptable design measures, such as knock-out panels;
 - v. if the calculation of the number of required *dwelling units* in accordance with (i)i., ii., and iii. above, results in a number with a fraction, the number may be rounded down to the nearest whole number; and
 - vi. none of (i)i. to v. above apply to rental replacement *dwelling units* provided in accordance with Section 111 of the City of Toronto Act, 2006, and Chapter 667 of the Municipal Code;
- (j) *Residential amenity space* shall be provided in accordance with the following:
 - i. at least 2.0 square metres for each *dwelling unit* as indoor *amenity space*, of which;
 - A. a maximum of 0.5 square metres per *dwelling unit* of indoor *amenity space* may be located below ground;
 - ii. at least 2.0 square metres of outdoor *amenity space* for each *dwelling unit*; and
 - iii. no more than 25 percent of the outdoor component may be a *green roof*;
- (k) Parking spaces shall be provided on the lot in accordance with the following:
 - i. for *parking spaces* for occupants of residential *dwelling units*, a minimum of 0 *parking spaces*;
 - ii. for *parking spaces* for occupants of residential *dwelling units*, a maximum of:

- A. 0.3 *parking spaces* for each bachelor *dwelling unit* up to 45 square metres and 1.0 for each bachelor *dwelling unit* greater than 45 square metres;
 - B. 0.5 *parking spaces* for each one bedroom *dwelling unit*;
 - C. 0.8 *parking spaces* for each two bedroom *dwelling unit*; and
 - D. 1.0 *parking spaces* for each three or more bedroom *dwelling unit*;
 - iii. a minimum of 4 *parking spaces* for residential visitors;
 - iv. a minimum of 0 *parking spaces* for non-residential uses;
 - v. a minimum of 1 accessible *parking space* shall be provided; and
 - vi. a minimum of 20 percent of the parking spaces shall provide equipment for the charging of an electric vehicle;
- (l) Section 4(17) of By-law 438-86, as amended, shall apply to *parking spaces* on the *lot*, except as follows:
- i. Each *parking space* may have the following minimum dimensions:
 - A. width of 2.4 metres;
 - B. length of 5.4 metres; and
 - C. vertical clearance of 1.8 metres;
 - ii. the required *parking spaces* may be obstructed without being required to provide additional width for the obstructed sides of the *parking space*;
 - iii. the equipment for the charging of an electric vehicle does not constitute an obstruction to a *parking space*;
 - iv. the equipment for the charging of electric vehicles is permitted in one or more *parking spaces*; and
 - v. the required *parking spaces* may be provided on a non-exclusive basis;
- (m) One loading space – Type "G" shall be provided and maintained on the lot;
- (n) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
- i. for *dwelling units*:

- A. a minimum of 0.9 *bicycle parking spaces – long term* for each *dwelling unit*; and
 - B. a minimum of 0.2 short-term *bicycle parking spaces – short term* for each *dwelling unit*;
 - ii. for all non-residential uses:
 - A. 0.2 *bicycle parking spaces – long term* for every 100 square metres of *interior floor area* used for all other non-residential uses; and
 - B. 3 *bicycle parking spaces – short term* plus 0.3 *bicycle parking spaces – short term* for every 100 square metres of *interior floor area* used for non-residential uses;
 - iii. notwithstanding the *bicycle parking space* rates set out in (n)i. and (n)ii., if a *bicycle parking space* is required for uses on a *lot*, other than a *dwelling unit*, and the total *interior floor area* of all such uses on the *lot* is 2000 square metres or less, then no *bicycle parking space* is required;
 - iv. the required minimum dimensions of a *bicycle parking space* placed in a horizontal position are:
 - A. length of 1.8 metres;
 - B. width of 0.3 metres; and
 - C. vertical clearance of 1.9 metres;
 - v. the required minimum dimensions for a *bicycle parking space* placed in a vertical position on a wall, *structure* or mechanical device are:
 - A. length or vertical clearance of 1.9 metres;
 - B. width of 0.4 metres; and
 - C. horizontal clearance from the wall of 1.2 metres;
 - vi. *bicycle parking spaces – short term* may be located in a *stacked bicycle parking space* and may be located below ground, and at and above established *grade*; and
 - vii. *bicycle parking spaces – long term* and *bicycle parking spaces – short term* may be located in a *stacked bicycle parking space*.
3. 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 – long term*" means an area that is equipped with a bicycle rack, caged locker or bicycle stacker for the purpose of parking and securing bicycles for residents, occupants or tenants of the building;
- (b) "*bicycle parking space – short term*" means an area that is equipped with a bicycle rack, caged locker or bicycle stacker for the purpose of parking and securing bicycles for visitors of the *building*;
- (c) "car-share" means the practice whereby a number of people share the use of one or more motor vehicles and such "car-share" motor vehicles are made available to at least the occupants of the *building* for short-term rental, including hourly rental;
- (d) "car-share parking space" means a *parking space* exclusively reserved and signed for a vehicle used only for "car-share" purposes;
- (e) "*geo energy*" means energy derived from the temperature of the earth that is used to produce thermal energy or converted to produce electrical energy;
- (f) "geo-energy facility" means premises containing devices to generate *geo-energy* for the exclusive use of the *building*;
- (g) "*grade*" means 116.1 metres Canadian Geodetic Datum;
- (h) "*green roof*" shall mean an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code;
- (i) "*gross floor area*" means the sum of the total area of each floor level of a *building* or structure above and below finished ground level, measured from the exterior main wall of each floor level, exclusive of any areas in a *building* or *structure* used for:
 - i. elevator shafts;
 - ii. exit stairwells in the *building*;
 - iii. garbage shafts;
 - iv. *geo-energy facilities*, below ground, at, or above-ground;
 - v. indoor *residential amenity space* required by this By-law;
 - vi. *loading spaces* and *bicycle parking spaces* at, or above, *grade*;
 - vii. *parking spaces*, *loading spaces* and *bicycle parking spaces* below *grade*;

- viii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- ix. storage rooms, electrical, utility, service corridors, and mechanical and ventilation rooms above a height of 87.0 metres to maximum height of 96.0 as shown on Map 2 attached to and forming part of this By-law; and
- x. shower and change facilities and bicycle maintenance facilities required by this By-law for required *bicycle parking spaces*;
- (j) "*height*" means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, excluding any elements described in subsection 2(d), (f), and (g) of this By-law;
- (k) "*interior floor area*" means the floor area of any part of a building measured to the interior side of a main wall, the centre line of an interior wall, or as measured to a line delineating the part being measured;
- (l) "*lot*" means those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (m) "*outdoor patio*" means an outdoor patron area that is ancillary to a non-residential use;
- (n) "*renewable energy*" means energy obtained from solar energy, wind energy, or geo-energy;
- (o) "*residential amenity space*" means a common area or areas within a *lot* which are provided for the use of residents, visitors and guests of a building for recreational or social purposes and such areas may include guest suites;
- (p) "*stacked bicycle parking space*" shall mean 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.

Prevailing By-laws and Prevailing Sections: (None Apply)

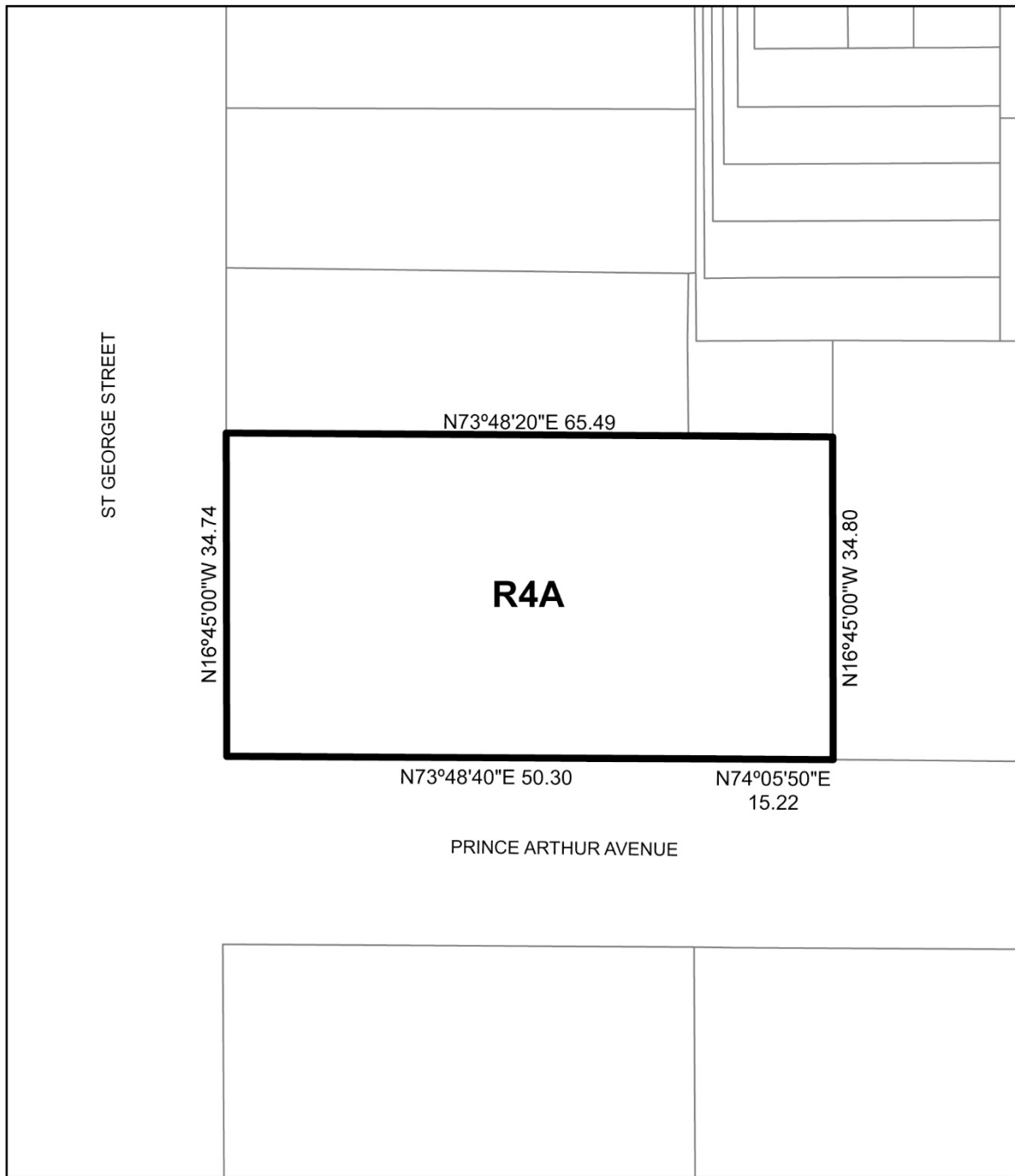
4. Despite any future severance, partition or division of the lands as shown on Map 1 attached to and forming part of this By-law, the provisions of this By-law will apply as if no severance, partition or division occurred.

Enacted and passed on July 20, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

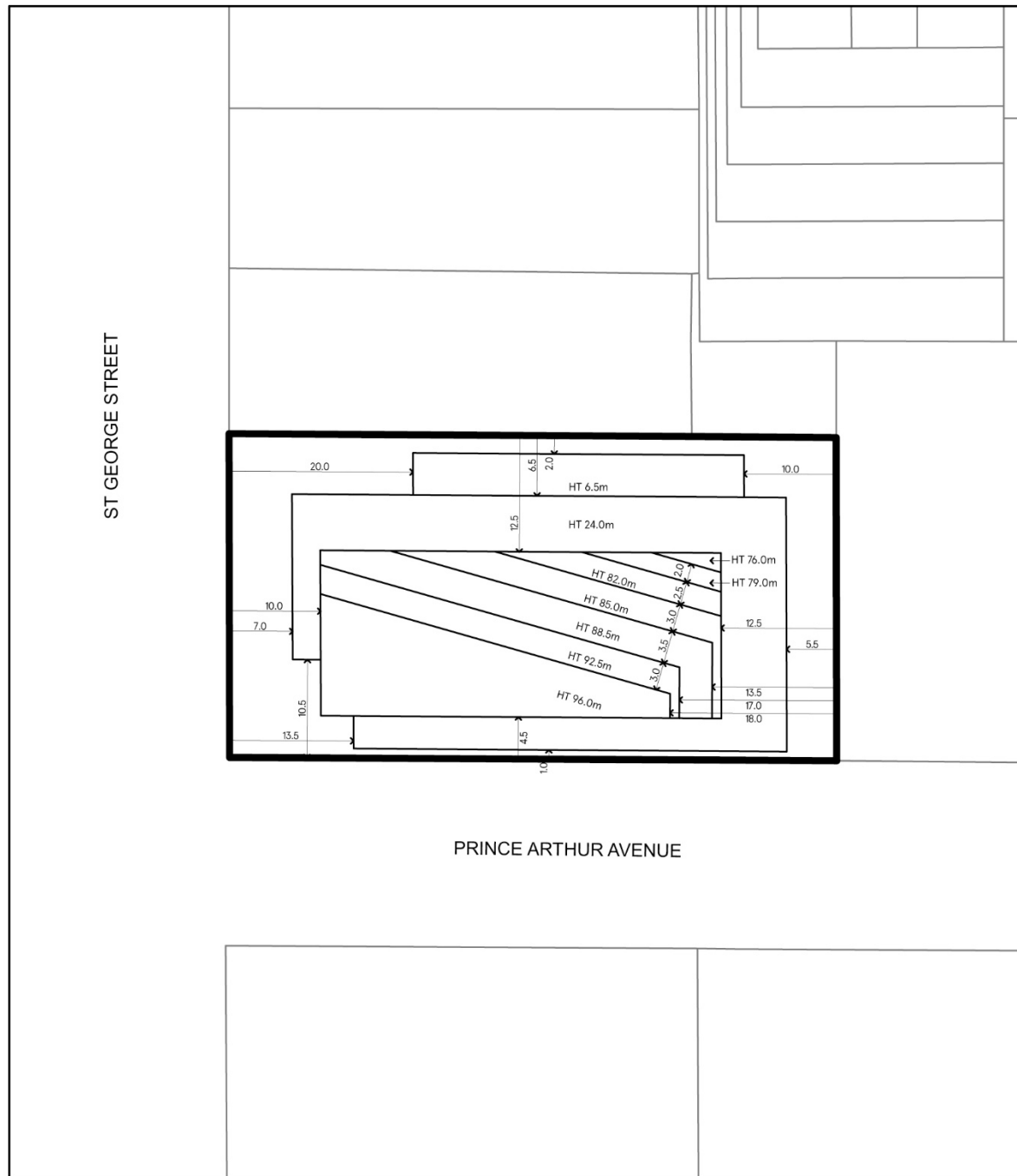
Map 1

Toronto
Map 1

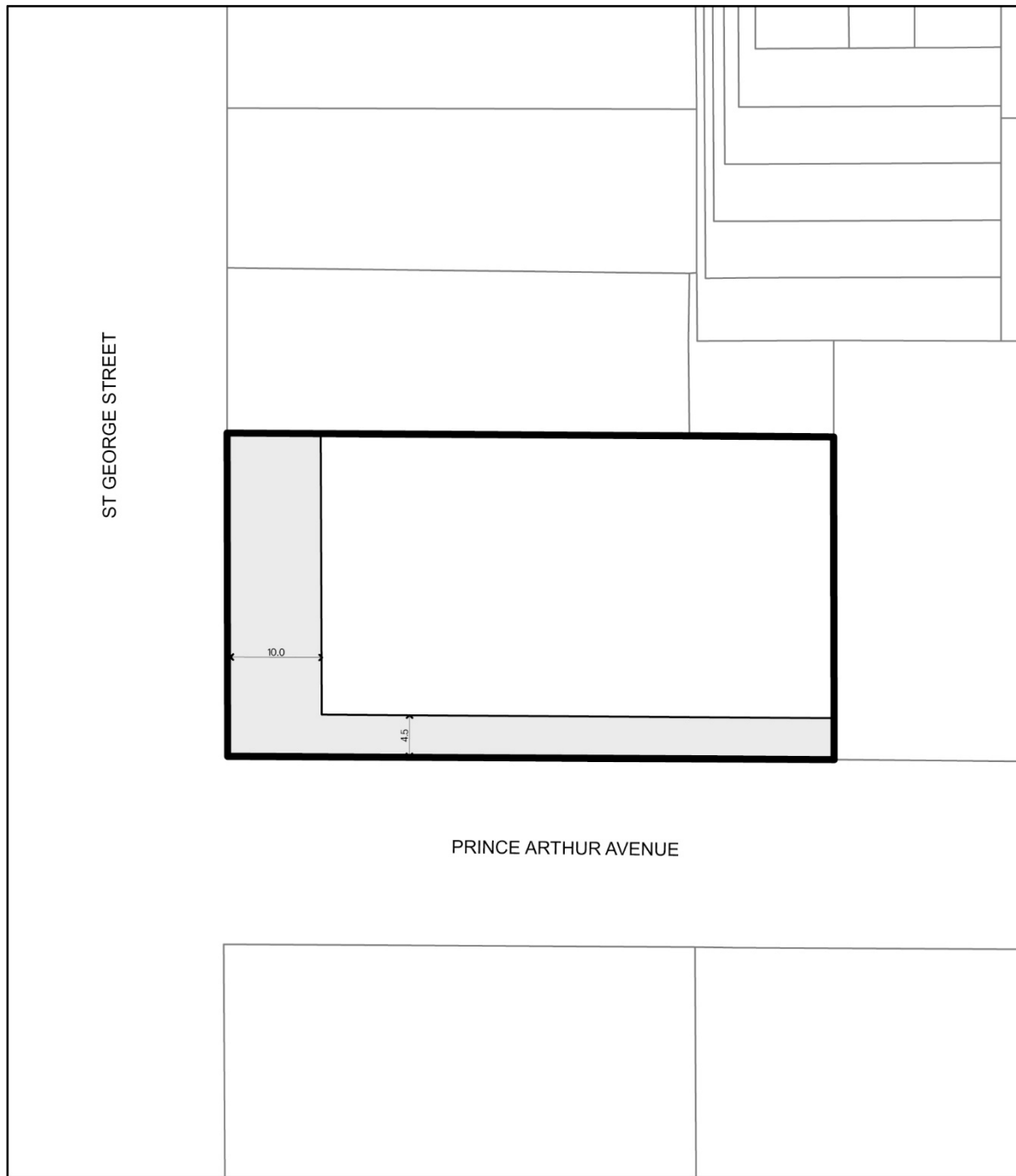
145 St. George Street

File # 21 155923 STE 11 OZ

Map 2



Map 3



 **Toronto**
Map 3

145 St. George Street

File # 21 155923 STE 11 OZ

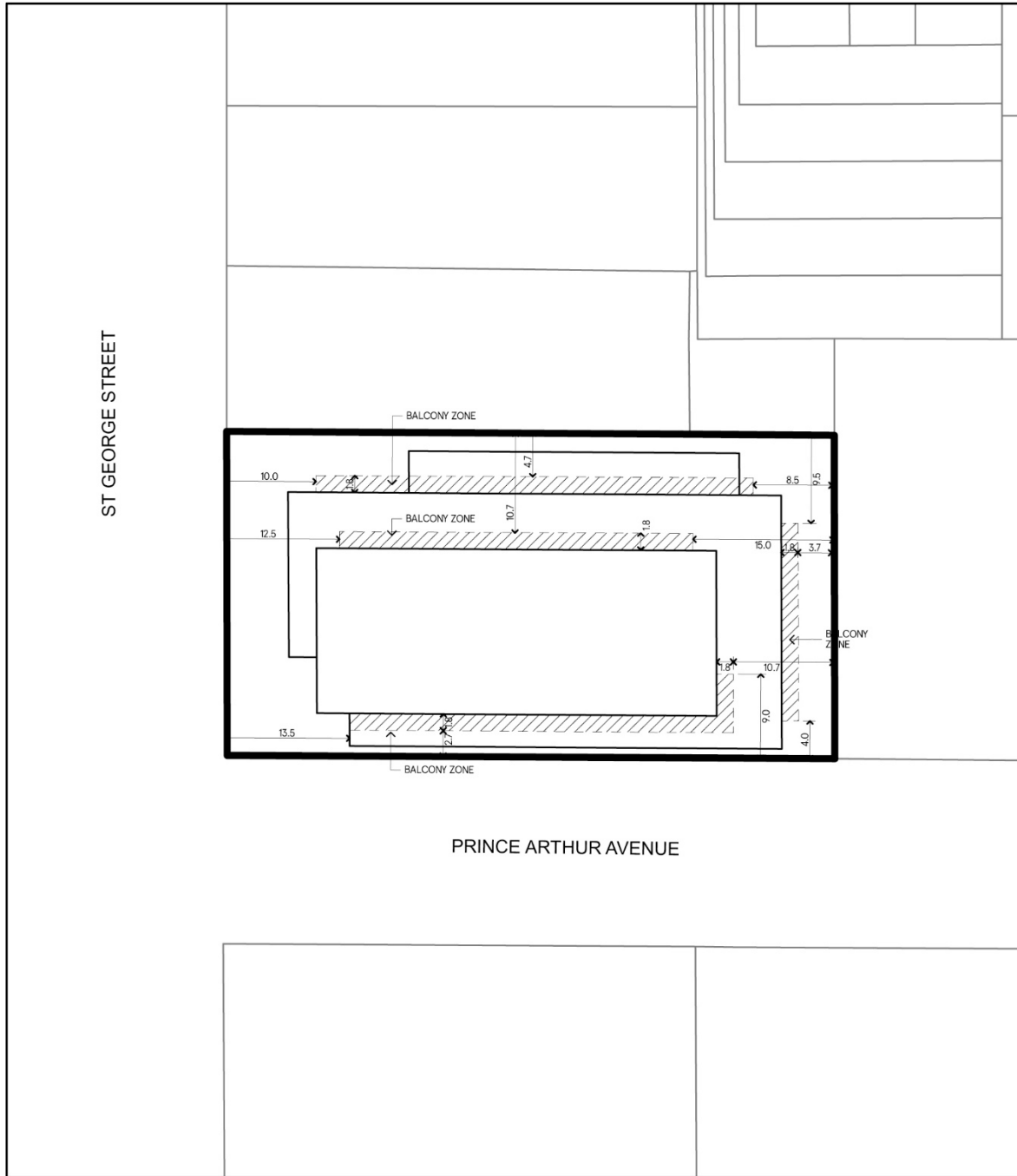


No part of a building, except for any structural elements associated cladding and architectural features, may be located between the Canadian Geodetic Datum elevation of 116.1 metres and a minimum vertical clearance of 4.5 metres in the shaded area.



City of Toronto By-law 438-86
Not to Scale
06/20/2023


Map 4




 **TORONTO**
Map 4

145 St. George Street

File # 21 155923 STE 11 0Z

 Balcony Zone


City of Toronto By-law 438-86
Not to Scale
06/20/2023