

Authority: Toronto and East York Community Council Item No. ● adopted by City of Toronto Council on ●, 2021

CITY OF TORONTO

BY-LAW No. XXX-2021

To amend Zoning By-law No. 569-2013, as amended, with respect to lands municipally known in the year 2020 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*;

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

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;

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;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

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; and

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 of 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 (x●) 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 (x●) so that it reads:

Exception CR (x●)

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 lands municipally known in the year 2020 as 109 to 125 George Street and 231 Richmond Street East, if the requirements of Section 6 and Schedule A of By-law XXX-2021 [Clerks to insert number] are complied with, a **building, structure**, addition or enlargement may be erected and used in compliance with (B) to (H) below;
- (B) For the purpose of this exception, "Existing Building" is the **building and structures** existing on the **lot** on [Clerks to insert date of passing], labelled as "Existing Building" as shown on Diagram 2 of By-law XXX-2021 [Clerks to insert number] subject to alterations and additions permitted in accordance with this Exception;
- (C) The **lot** comprises the lands outlined by heavy black lines as shown on Diagram 1 of By-law XXX-2021 [Clerks to insert number];
- (D) Despite Regulation 40.10.20.40(1) **dwelling units** are permitted in a **mixed-use building**;
- (E) Despite Regulation 40.10.40.40 (1), the total **gross floor areas** of the **buildings and structures** permitted on Parcel A and Parcel B as shown on Diagram 4 of By-law XXX-2021 [Clerks to insert number] are as follows:
 - (i) on Parcel A: 36,000.0 square metres, of which a maximum of 30,500 square metres of **gross floor area** may be used for residential uses; and
 - (ii) on Parcel B: 6,200.0 square metres, being the **gross floor area** of the Existing Building, as shown on Diagram 2 of By-law XXX-2021 [Clerks to insert number], plus an additional 680.0 square metres may be used for non-residential uses;
- (F) 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**;
- (G) 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**;
- (H) 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 XXX-2021 [Clerks to insert number];

- (I) Despite Clause 40.5.40.10, and Regulation (H) 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 XXX-2021 [Clerks to insert number] 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 (K) below; and
 - (v) despite (i) to (iv), above a height of 136.0 metres as shown on Diagram 5, only the following projections are permitted:
 - (a) elevator overrun to a maximum projection of 1.0 metres, plus 0.5 metres for an associated parapet;
 - (b) parapets to a maximum projection of 1.3 metres;
 - (c) window washing equipment to a maximum projection of 6.0 metres; and
 - (d) fans, chimneys, vents, stacks and flues to a maximum projection of 2.0 metres;
- (J) 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 XXX-2021 [Clerks to insert number];
- (K) Despite Regulation 5.10.40.70(1), Clauses 40.5.40.60 and 40.10.40.60, the following **building** elements and **structures** may encroach 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 projection of 1.8 metres;
 - (iii) cornices, sills, eaves, exterior building cladding materials, exterior doors and windows and ornamental or architectural features to a maximum projection of 1.0 metres;

- (iv) awnings and canopies including supporting structures to a maximum projection of 3.5 metres; and
 - (v) structures, elements and enclosures permitted by (I) above;
- (L) The portion of a **building** located above a height of 126.0 metres, as measured from **established grade**, and subject to a height limit of 136.0 metres as shown on Diagram 5 attached to By-law XXX-2021 **[Clerks to insert number]**, 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);
- (M) Despite Regulation 40.10.40.10(5), on Parcel A as shown on Diagram 4 of By-law XXX-2021 **[Clerks to insert number]** 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;
- (N) 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 XXX-2021 **[Clerks to insert number]**;
- (O) Despite Clause 40.10.40.50, **amenity space** is only required on Parcel A as shown on Diagram 4 of By-law XXX-2021 **[Clerks to insert number]** 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**;
 - (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**;
- (P) 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 as shown on Diagram 4 of By-law XXX-2021 **[Clerks to insert number]**;
 - (ii) A minimum of 0.04 **parking spaces** for each **dwelling unit** for the use of residential visitors or **public parking**;
 - (iii) No **parking spaces** are required for non-residential uses on the **lot**;

- (Q) Despite Regulations 40.5.80.1(1), 200.5.1.10(10) and 200.10.1, the parking spaces required in section (P)(ii) above may be provided on a non-exclusive basis within a public parking use on Parcel A as shown on Diagram 4 of By XXX-2021 [Clerks to insert number];
- (R) 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 shown on Diagram 4 of By XXX-2021 [Clerks to insert number] ;
- (S) Despite Regulation 200.5.1.10(2):
- (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;
- (T) Despite Regulation 200.15.1, an accessible **parking space** 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 the **building** that leads to a passenger elevator which provides access to the first **storey** of the **building**;
- (U) Despite Regulation 200.15.10(1) a minimum of four **parking spaces** must comply with the minimum dimensions for an accessible **parking space**;
- (V) 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 as shown on Diagram 4 of By-law XXX-2021; [Clerks to insert number]
- (W) Despite Regulation 40.10.90.40(1), **vehicle** access to a **loading space** may be from a major **street**;
- (X) Despite Regulation 40.10.100.10(1) **vehicle** access to the **lot** may be from a major **street**;
- (Y) Despite Regulations 230.5.1.10(9)(A)(iii) and (B)(iii), required long-term **bicycle parking spaces** may be located below-ground;
- (Z) 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**;

- (AA) Despite Regulation 230.5.1.10(4), the width of a **bicycle parking space** must be a minimum of 0.4 metres;
- (BB) 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** and within the first level of a below grade parking structure;
- (CC) Despite 40.10.20.100 (21), an outdoor patio may be permitted on the roof of the Existing Building on Parcel B provided:
 - (i) it is combined with an office use; and
 - (ii) the permitted maximum area of the outdoor patio is 200 square metres.
- (DD) Despite 40.10.40.1(1), all residential use portions of the **building** must be located above non-residential use portions of a **building**, other than residential lobby access;
- (EE) Regulation 40.10.40.1(2) does not apply with respect to the location of entrances and first floor elevation for the Existing Building on Parcel B;
- (FF) Regulation 40.10.40.10(5) with respect to the minimum height of a first **storey** does not apply with respect to the Existing Building on Parcel B as shown on Diagram 4 of By-law XXX-2021 **[Clerks to insert number]**;

Prevailing By-laws and Prevailing Sections

None

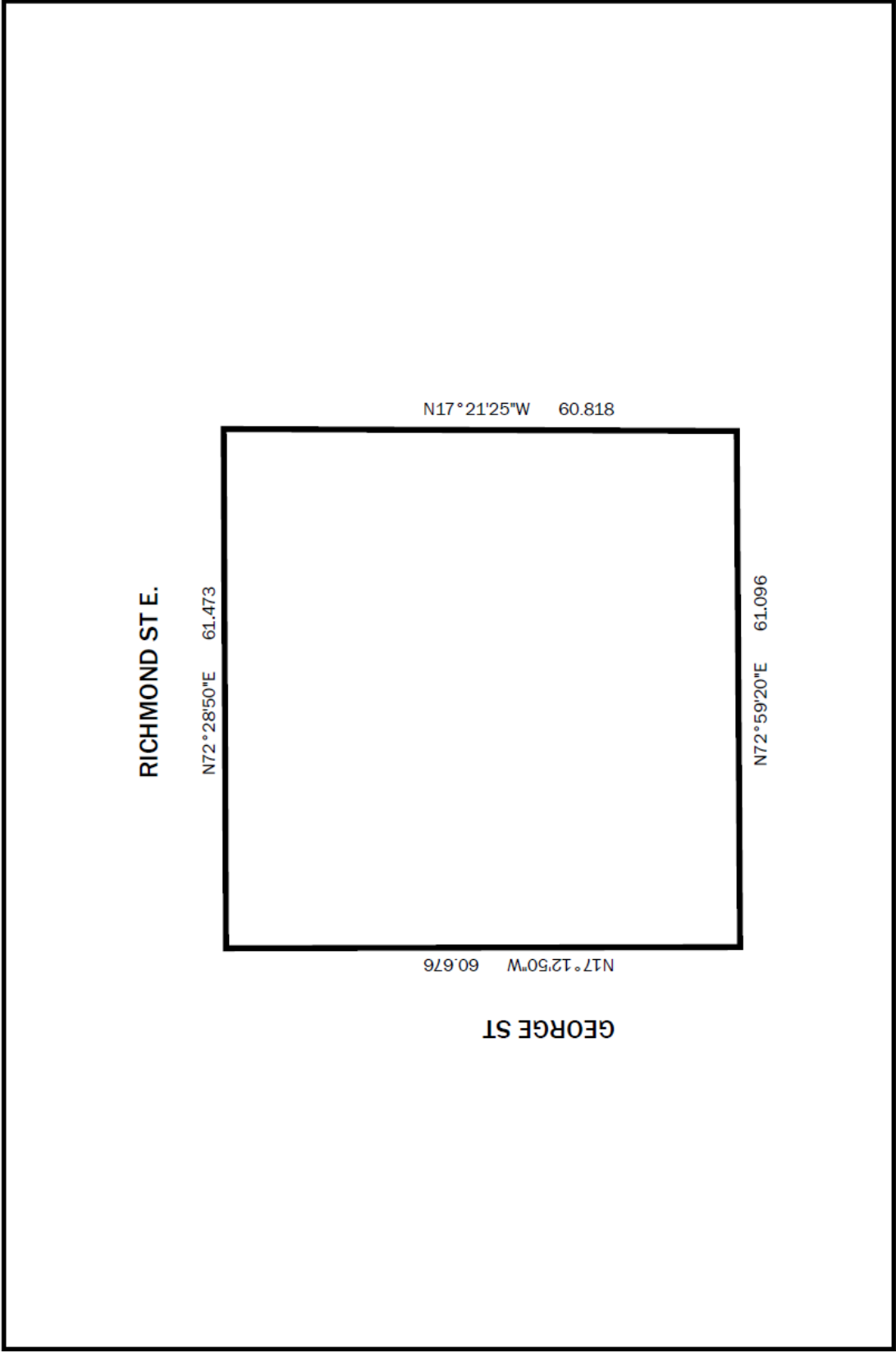
- 5. Notwithstanding any severance, partition or division of the lands, the provisions of this By-law shall apply to the whole of the lands as one lot, if no severance, partition or division had occurred.
- 6. Section 37 Provisions
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance 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 of 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 hereof 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 of 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 must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to exception CR(x●) of By law 569-2013, as amended, unless the provisions of Schedule A of such By law are satisfied.

Enacted and passed on XXXX, 2021.

Frances Nunziata,
Speaker

(Seal of the City)

John D. Elvidge
City Clerk

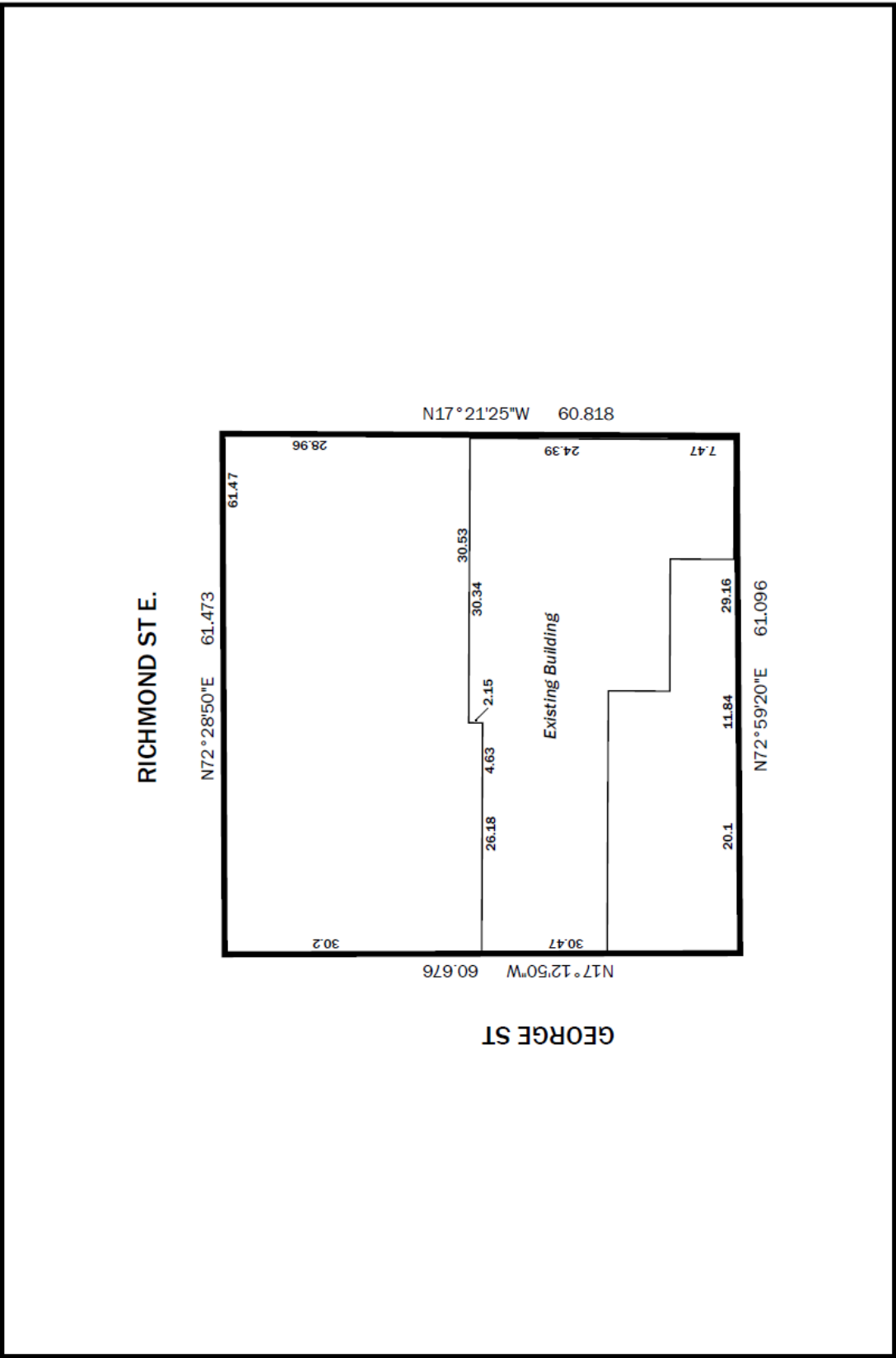


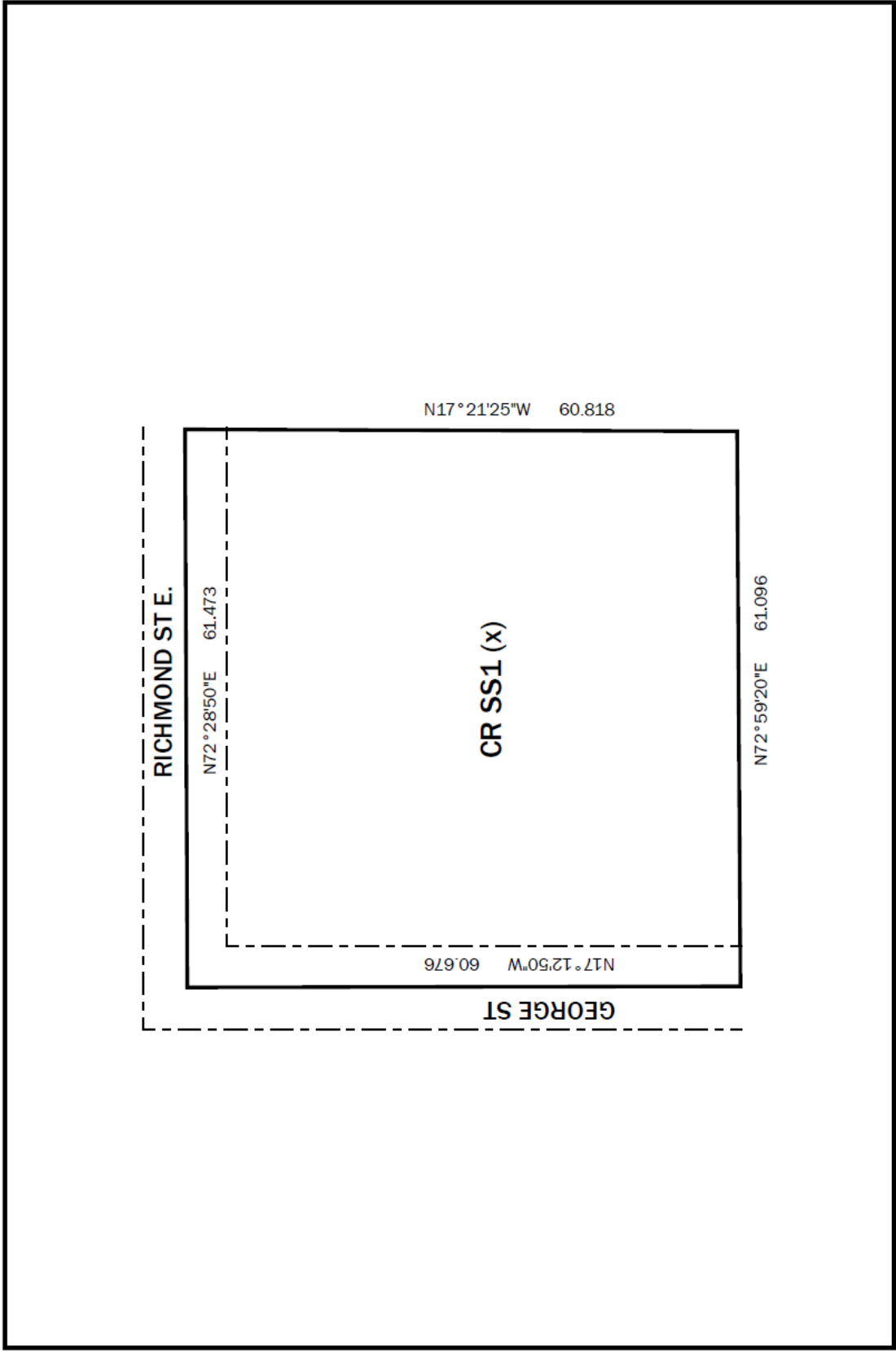
109-125 George Street and 231 Richmond Street East



Diagram 1

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109-125 George Street and 231 Richmond Street East

Diagram 3

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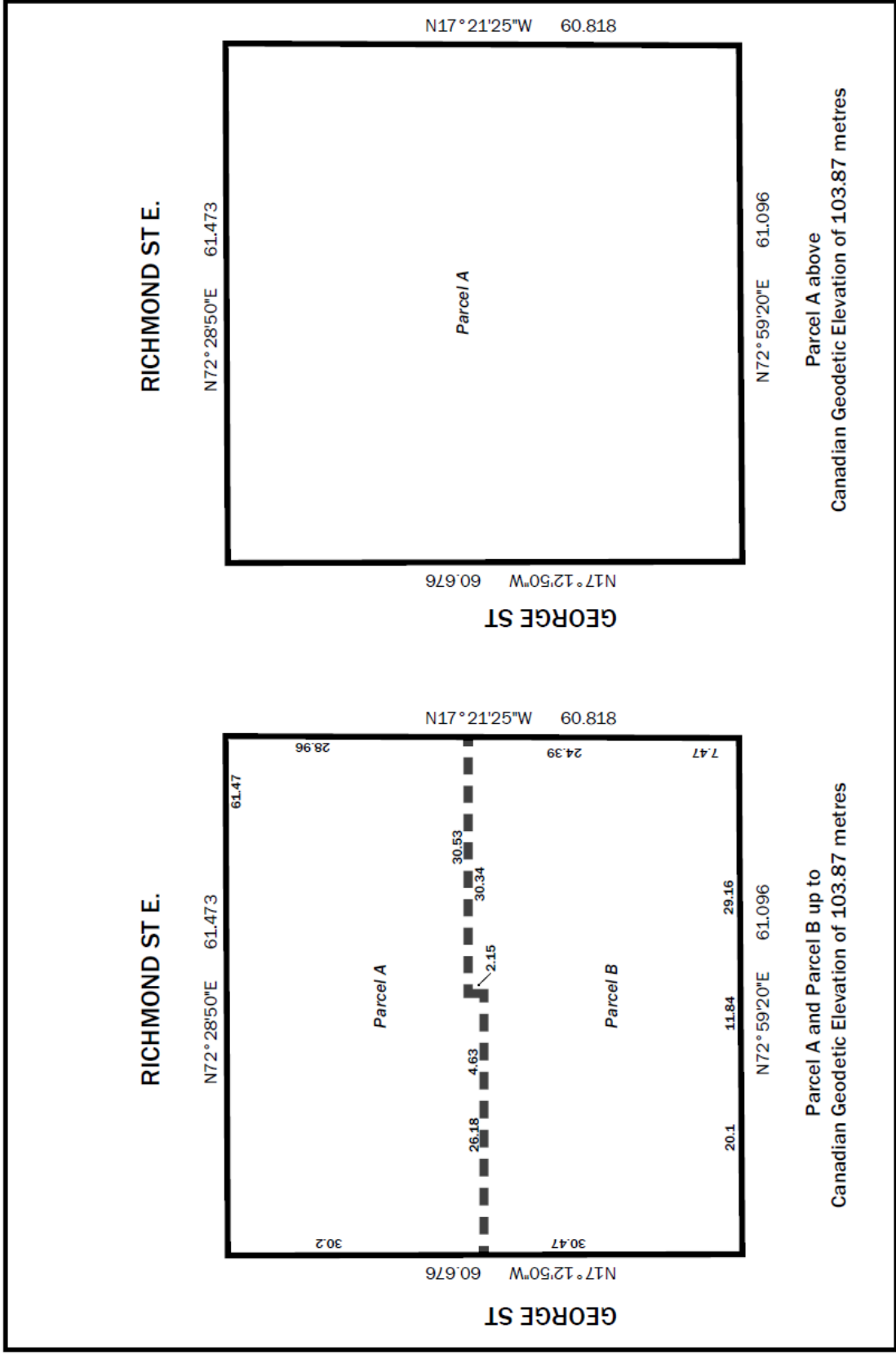


Diagram 4

109-125 George Street and 231 Richmond Street East

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