

Authority: Toronto and East York Community Council Item XX, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW ###-2023

To amend 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 pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may in a by-law passed under Section 34 of the Planning Act, may authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the 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 as amended; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Map 1 attached to this By-law.
2. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply;
3. None of the provisions of Section 2 with respect to the definition of the terms, *lot*, grade, gross floor area, height, interior floor area, residential amenity area, stacked bicycle parking space and 3(e), 3(f), 4(2), 4(4), 4(5), 4(6), 4(7), 4(8), 4(12), 4(13), 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, 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”, as amended, shall apply to prevent the erection or use of an apartment building on the lands municipally known as 145 St. George Street in the year 2022 (hereafter referred to as 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. the following uses are permitted on the *lot*:
- i. residential and non-residential uses permitted for the R4A zone by Section 6(1)(f) of By-law 438-86, as amended, which uses shall not be subject to the qualifications where indicated;
 - 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:
 1. that the maximum are of an *outdoor patio* is 150 square metres;
 2. an *outdoor patio* may not be used to provide entertainment such as performances, music and dancing; and
 3. an *outdoor patio* must be set back at least 7.5 metres from a *lot* in a Residential R Zone category;
- c. 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* will be any combination of two bedroom and three bedroom *dwelling units*, or *dwelling units* that can be converted into any combination of two and three bedroom *dwelling units*;
 - iv. Convertible *dwelling units* as described in (c)(iii) above, may be converted using accessible or adaptable design measures, such as knock-out panels; if the calculation of the number of required *dwelling units* in accordance with (c)(i), (ii), and (iii) above, results in

- a number with a fraction, the number may be rounded down to the nearest whole number;
- v. None of (c)(i) to (v) above apply to rental replacement *dwelling units* provided in accordance with Section 111 of the Municipal Code;
- d. the combined total *gross floor area* of all buildings erected or used on the *lot* for residential and non-residential uses shall not exceed 24,400 square metres, provided;
- i. the area of buildings occupied by residential uses does not exceed a *gross floor area* of 24,400 square metres; and
 - ii. the area of building occupied by non-residential uses does not exceed a *gross floor area* of 200 square metres;
- e. no portion of any *building* or *structure* on the *lot* shall have a height in metres greater than the *height* limits specified by the numbers following the symbol “H” as shown on Map 2 attached to and forming part of this By-law, except for:
- i. elements on or above any roof used for elevator related structural elements and elevator shafts, chimneys, piping, flues, stacks, vents, antennae, enclosed stairwells, solar energy and wind energy devices, window washing equipment, and roof access by 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;
 - iii. elements on or above any roof used for lightning rods by a maximum of 6.5 metres;
 - iv. structures associated with a green roof by a maximum of 1.5 metres;
 - v. trellises, pergolas, louvres, and unenclosed structures providing safety or wind protection to rooftop amenity space by a maximum of 3.0 metres; and
 - vi. planters, landscaping features, lighting fixtures, guardrails, and divider screens on a balcony and/or terrace by a maximum of 3.0

metres;

- f. for the purpose of this exception a mezzanine does not constitute a *storey*;
- g. no part of a *building*, except for any structural elements and associated cladding may be located between *grade* and;
 - i. a minimum vertical clearance of 4.5 metres in the shaded area on Map 3 attached to and forming part of this By-law;
- h. notwithstanding (d) and (f), architectural features may project into the minimum vertical clearance of 4.5 metres in the shaded area on Map 3 of the By-law to a maximum of 0.5 metres.
- i. *residential amenity space* shall be provided and maintained as follows:
 - i. a minimum of 4.0 square metres of *residential amenity space* per *dwelling unit*, of which:
 - 1. not less than 2.0 square metres per *dwelling unit* shall be provided as indoor *residential amenity space*;
 - 2. not less than 2.0 metres per *dwelling unit* shall be provided as outdoor *residential amenity space*;
 - 3. a maximum of 0.5 square metres per *dwelling unit* of indoor *residential amenity space* may be located below *grade*; and
 - 4. no more than 25 percent of the outdoor *residential amenity space* may be a green roof.
- j. no portion of any *building* or *structure* erected on the *lot* above *grade* shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this By-law, except for:
 - i. balconies and related structures and elements such as balcony dividers, guardrails, railings and soffit cladding may encroach a maximum of 1.8 metres provided 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, by a maximum of 1 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, by a maximum of 1 metre;
- iv. utilities such as gas equipment and metres, hydro equipment and meters, telecommunications equipment and *renewable energy* facilities and devices by a maximum of 1.0 metre;
 - v. underground garage ramp and associated structures by 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, by a maximum of 1.0 metre;
- k. *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
- i. a minimum of 0 *parking spaces* for residents of the *dwelling units*;
 - ii. a maximum of:
 - 1. 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; and
 - 2. 0.5 *parking spaces* for each one bedroom *dwelling unit*;
 - 3. 0.8 *parking spaces* for each two bedroom *dwelling unit*; and
 - 4. 1.0 *parking spaces* for each three or more bedroom *dwelling unit*;
 - iii. a minimum of 4 *parking spaces* for visitors;
 - iv. a minimum of 0 *parking spaces* for non-residential uses;
 - v. a total of 20% of *parking spaces* shall be equipped with electric vehicle supply equipment (EVSE); and
 - vi. a minimum of 1 accessible *parking space* shall be provided;

- I. the requirements of Section 4(17) of By-law 438-86, as amended, shall apply with the exception that:
 - i. the total number of *parking spaces* may have the following minimum dimensions:
 - 1. Length – 5.4 metres;
 - 2. Width – 2.4 metres; and
 - 3. Height 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*; and
 - iii. electric vehicle infrastructure, including electric vehicle supply equipment, does not constitute an obstruction to a *parking space*;
- m. *parking spaces* required by (k)(i) and (k)(ii) above may be provided on a non-exclusive basis;
- n. *loading spaces* shall be provided on the *lot* in accordance with the following:
 - i. a minimum of 1 Type “G” *loading space*;
- o. *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - i. long term *bicycle parking spaces* are for use by the occupants or tenants of a building;
 - ii. short term *bicycle parking spaces* are for use by visitors to a building;
 - iii. for *dwelling units*: 0.9 *bicycle parking spaces* for each *dwelling unit*, allocated as long term *bicycle parking spaces* and 0.2 *bicycle parking spaces* for each *dwelling unit* allocated as short term *bicycle parking spaces*;
 - iv. for all non-residential uses: 0.2 *bicycle parking spaces* for each 100 square metres of *interior floor area* used for all other non-residential uses allocated as long term *bicycle parking spaces* and 3 plus 0.3

bicycle parking spaces for each 100 square metres of *interior floor area* used for non-residential uses allocated as short term *bicycle parking spaces* provided that if a use on a *lot* is 2000 square meters or less, then no bicycle parking space is required;

- v. long term and short-term *bicycle parking spaces* may also be located in a stacked bicycle parking space; and
 - vi. short-term *bicycle parking spaces* may be located below ground, and at and above established grade
4. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred;
5. Pursuant to Section 39(1) of the Planning Act, none of the provisions of By-law 438-86, as amended, apply to prevent the erection or use of a temporary sales office, with a maximum height of 7.5 metres, on the lands subject to this By-law, which means a building, structure, facility, trailer, or portion thereof used exclusively for the purpose of the sale, leasing or rental of dwelling units or non-residential units to be constructed on the *lot*, for a period of not more than three years from the date this By-law comes into full force and effect, after which this temporary use permission expires;
6. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:
- a. "*bicycle parking space*" means an area that is equipped with a bicycle rack, bicycle ring, bicycle stacker or bicycle locker for the purpose of parking and securing bicycles, and:
 - i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.3 metres by 1.8 metres and vertical dimension of at least 1.9 metres;
 - ii. Where the bicycles are to be parked in a vertical position, on a wall, structure or mechanical device must have a minimum length or vertical clearance of 1.9 metres, minimum width of 0.4 metres, and minimum horizontal clearance from the wall of 1.2 metres; and
 - iii. If a stacked *bicycle parking space* is provided, the minimum vertical clearance for each *bicycle parking space* is 1.2 metres
 - b. "*car-share*" and "*car-sharing*" means the practice where a number of

people share the use of one or more cars that are owned by a profit or nonprofit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car sharing organization, including the payment of a membership fee that may or may not be refundable;

- c. “*car-share parking space*” means a *parking space* that is reserved and actively used for *car-sharing*
- d. “*geo energy*” means energy derived from the temperature of the earth that is used to produce thermal energy or converted to produce electrical energy.
- e. “*geo-energy facility*” mean premises containing devices to generate geo-energy for the exclusive use of the building.
- f. “*grade*” means 116.1 metres Canadian Geodetic Datum;
- g. “*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. *parking, loading and bicycle parking below grade*;
 - ii. required *loading spaces* and required *bicycle parking spaces* at or above *grade*;
 - iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement Required *loading spaces* at the ground level;
 - iv. shower and change facilities and bicycle maintenance facilities required by this By-law for required *bicycle parking spaces*;
 - v. indoor amenity space required by this By-law;
 - vi. elevator shafts;
 - vii. garbage shafts;
 - viii. mechanical penthouse;
 - ix. exit stairwells in the building;
 - x. storage rooms, electrical, utility, service corridors and mechanical and ventilation rooms above a height of 87 metres; and
 - xi. *renewable energy* facilities, below *grade*, at or above *grade*;
- h. “*height*” means the vertical distance between grade and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law;

- i. "*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;
- j. "*lot*" means those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- k. "*outdoor patio*" means an outdoor patron area that is ancillary to a non-residential use
- l. "*renewable energy*" means energy obtained from solar energy, wind energy, or geo-energy;
- m. "*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;
- n. "*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.







