

Authority: Toronto and East York Community Council
Item TE3.4, as adopted by City of Toronto Council on
March 29, 30 and 31, 2023
City Council voted in favour of this by-law on March 31,
2023

CITY OF TORONTO

BY-LAW 302-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 1235 and 1255 Bay 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, 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;

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 meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 7.8 (c4.5; r7.8) SS1(x847), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Area Overlay Map in Article 995.10.1 and applying the following Policy Area Overlay label to these lands: PA-1, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by amending the lands subject to this By-law to the Height Overlay Map in Article 995.20.1 and applying the Height label: HT 61.0, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Article 995.40.1 and applying to the

following Rooming House Label to these lands, B3, as shown on Diagram 5 attached to this By-law.

8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 847 so that it reads:

(847) Exception CR 847

The lands, or portions 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 municipally known as 1235 and 1255 Bay Street, if the requirements of By-law 302-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (S) below;
- (B) For the purpose of this exception, the **lot** shall refer to those lands delineated by heavy black lines as shown on Diagram 1 attached to By-law 302-2023;
- (C) Despite Regulations 40.5.40.10 (1) and (2), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 116.35 metres and the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.1(1), in a **building** or **structure** on the lands, all residential use portions of the **building** must be located above non-residential use portions of a **building**, other than residential lobby access;
- (E) Despite Regulation 40.10.40.10(1), the permitted maximum **height** of a **building** or **structure** is the number, in metres, following the letters HT on Diagram 7 of By-law 302-2023;
- (F) Despite (E) above, and Regulations 40.5.40.10 (3), (4), (5), (6) and (8), the following elements of a **building** or **structure** are permitted to project above the permitted maximum **building** heights shown on Diagram 7 of By-law 302-2023;
 - (i) elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing material, window washing equipment, safety anchors, lightning rods, safety railings, guard rails, railings, terraces, patios, landscape features, parapets, terrace guards/landscape planters, vents, stacks, ladders, garbage chute vents, balustrades, bollards, ornamental or architectural features, to a maximum of 2.0 metres;
 - (ii) **structures** on any roof used for maintenance or wind mitigation purposes, to a maximum of 3.0 metres;
 - (iii) satellite dishes, antennae, acoustical barriers, signage, cabanas and trellises, to a maximum of 4.0 metres; and

- (iv) mechanical penthouses or rooftop mechanical equipment and screening, to a maximum of 7.5 metres;
- (G) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of the all **buildings** and **structures** on the lands is 35,600 square metres, provided:
 - (i) the permitted maximum **gross floor area** for residential uses is 24,100 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses, including office uses, is 11,500 square metres;
- (H) In addition to the elements listed in Regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by the areas in a **building** used for the area of a void in the floor;
- (I) Despite Regulations 40.10.40.70(1), 40.10.40.80(1) and Article 600.10.10, the required minimum **building setbacks** and separation distance between **main walls** of **buildings** are as shown, in metres, on Diagram 7 of By-law 302-2023;
- (J) Despite (I) above, the required minimum **building setbacks** and separation distance between **main walls** of **buildings** for the ground floor are as shown, in metres, on Diagram 6 of By-law 302-2023;
- (K) Despite (I) above, Regulation 40.5.40.60(1) and Clause 40.10.40.60, the following elements of a **building** or **structure** are permitted to encroach into the required minimum **building setbacks** and separation distance between **main walls** of **buildings** as shown, in metres, on Diagram 6 and Diagram 7 of By-law 302-2023:
 - (i) cornices, lighting fixtures, awnings, ornamental elements, commercial signage, parapets, eaves, guardrails, balustrades, railings, vents, fences, screens, landscaping, planter boxes, intake and exhaust vents, to a maximum of 1.5 metres;
 - (ii) along Bay Street and Yorkville Avenue:
 - a. balconies may be permitted to project beyond the **main walls** of the **building**, to a maximum of 1.25 metres;
 - b. balconies may be permitted to project on the east **main wall** of the **building**, to a maximum of 1.55 metres;
 - c. balconies may be permitted to project on the south **main wall** on the cantilevered portion of the **building** beyond the **main walls** of the **building**, to a maximum of 1.55 metres;

- (iii) wind mitigation features including canopies and awnings, to a maximum of 4.0 metres;
- (L) Despite (K) above, Regulation 40.5.40.60(1) and Clause 40.10.40.60, no balconies are permitted to project within the hatched area shown on Diagram 7 of By-law 302-2023;
- (M) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms; and
 - (ii) a minimum of 15 percent of the total number of **dwelling units** must contain two bedrooms;
- (N) Despite Regulations 40.10.40.50(1) and (2), a **building** with 20 or more **dwelling units** must provide **amenity space** at the following rate:
 - (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**; and
 - (ii) at least 1.6 square metres of outdoor **amenity space** for each **dwelling unit** of which 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**;
- (O) Despite Clause 200.5.10.1, Table 200.5.10.1 **parking space** must be provided and maintained on the lands in accordance with the following minimum requirements:
 - (i) Zero **parking spaces** are required for **dwelling units**;
 - (ii) one visitor **parking space** is required; and
 - (iii) Zero **parking spaces** are required for non-residential uses;
- (P) Despite Regulation 200.5.1(3), the required minimum **drive aisle** width is 4.0 metres;
- (Q) Despite Regulation 200.5.1.10(E), equipment for the charging of electric vehicles is permitted to be located within a **parking space**, subject to the equipment being located in the same **parking space** as the **vehicle** to be charged and does not constitute an obstruction;
- (R) Despite Regulation 230.5.1.10(9)(B), "long term" **bicycle parking spaces** may be located on any parking level below ground; and
- (S) On the part of the lands municipally known as 1235 Bay Street, the existing **building** and structures, including office and other non-residential uses located within the existing **building, parking spaces, bicycle parking spaces** and

loading spaces for use and operation of that existing **building**, as shown on Diagram 1 of this By-law 302-2023 are deemed to comply with the requirements of By-law 569-2013.

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

9. Despite any future severance, partition or division of the lands subject to this By-law, the provisions of this By-law will apply as if no severance, partition or division occurred.
10. Pursuant to Section 39(1) of the Planning Act, none of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a **retail store** in a **building, structure** or trailer for the purpose of selling or leasing **dwelling units** on the lands in the CR Zone to which this By-law applies. Section 10 of this By-law shall expire on April 3, 2026.

Enacted and passed on April 3, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1

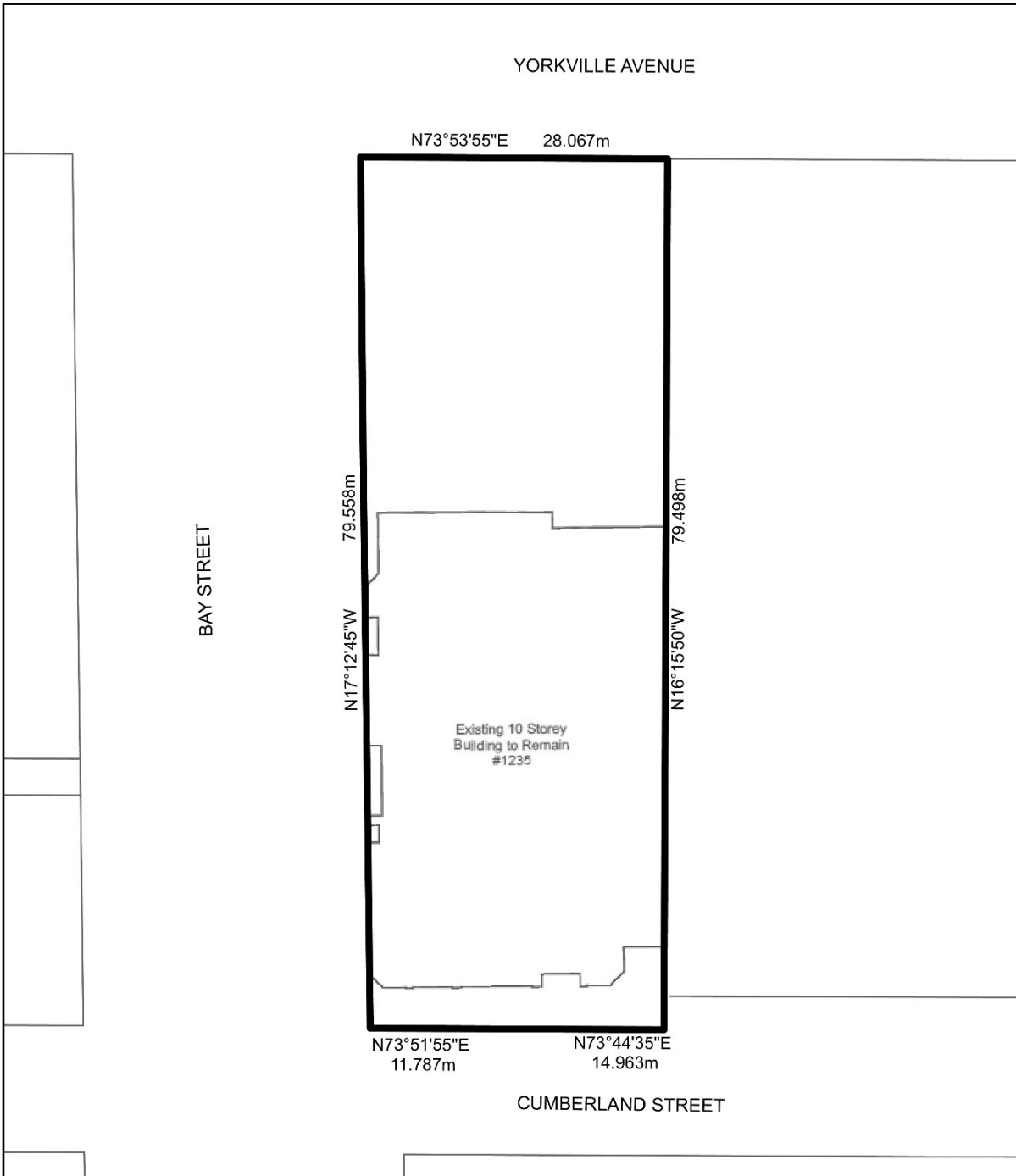


Diagram 2

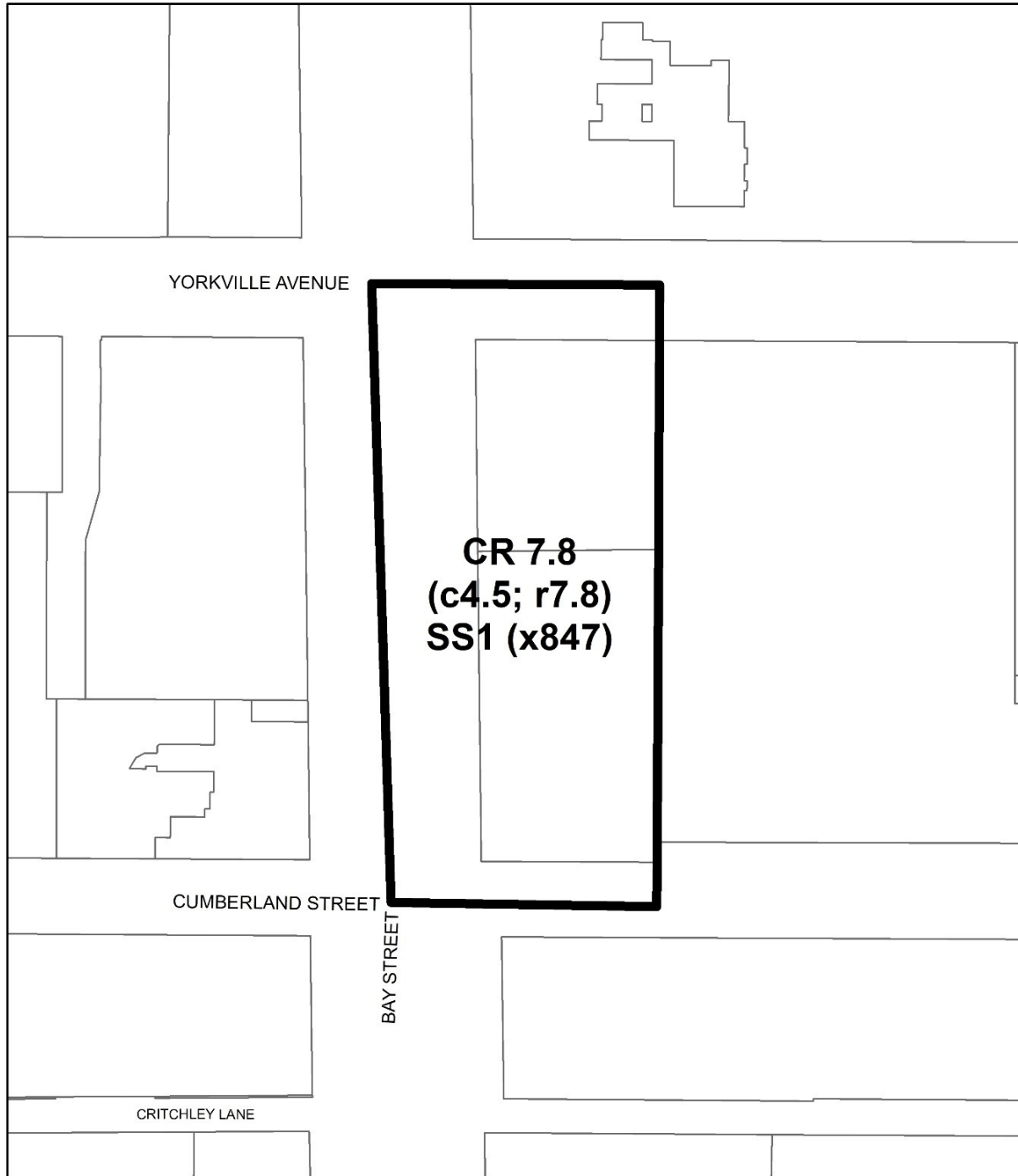


Diagram 3

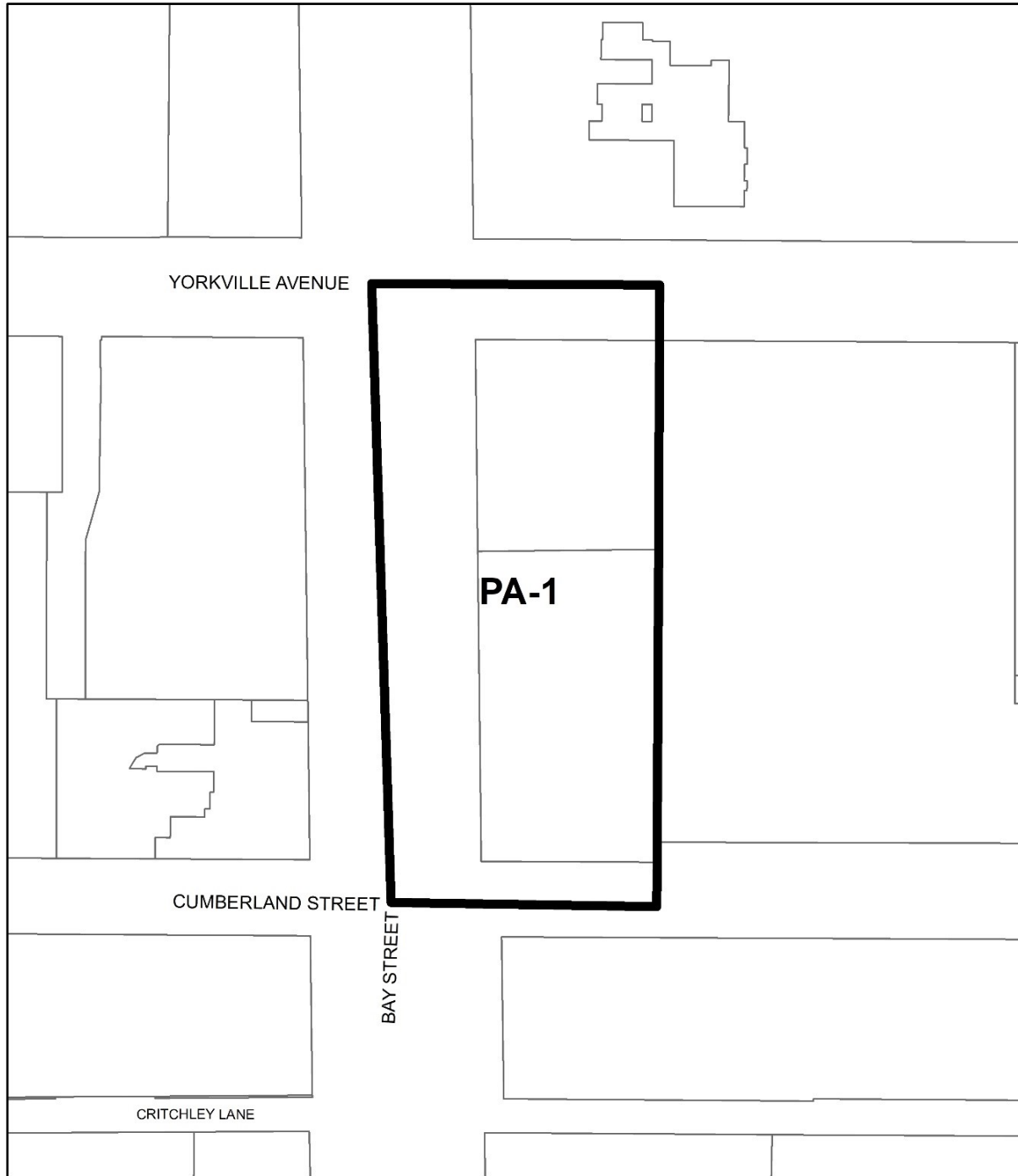


Diagram 4

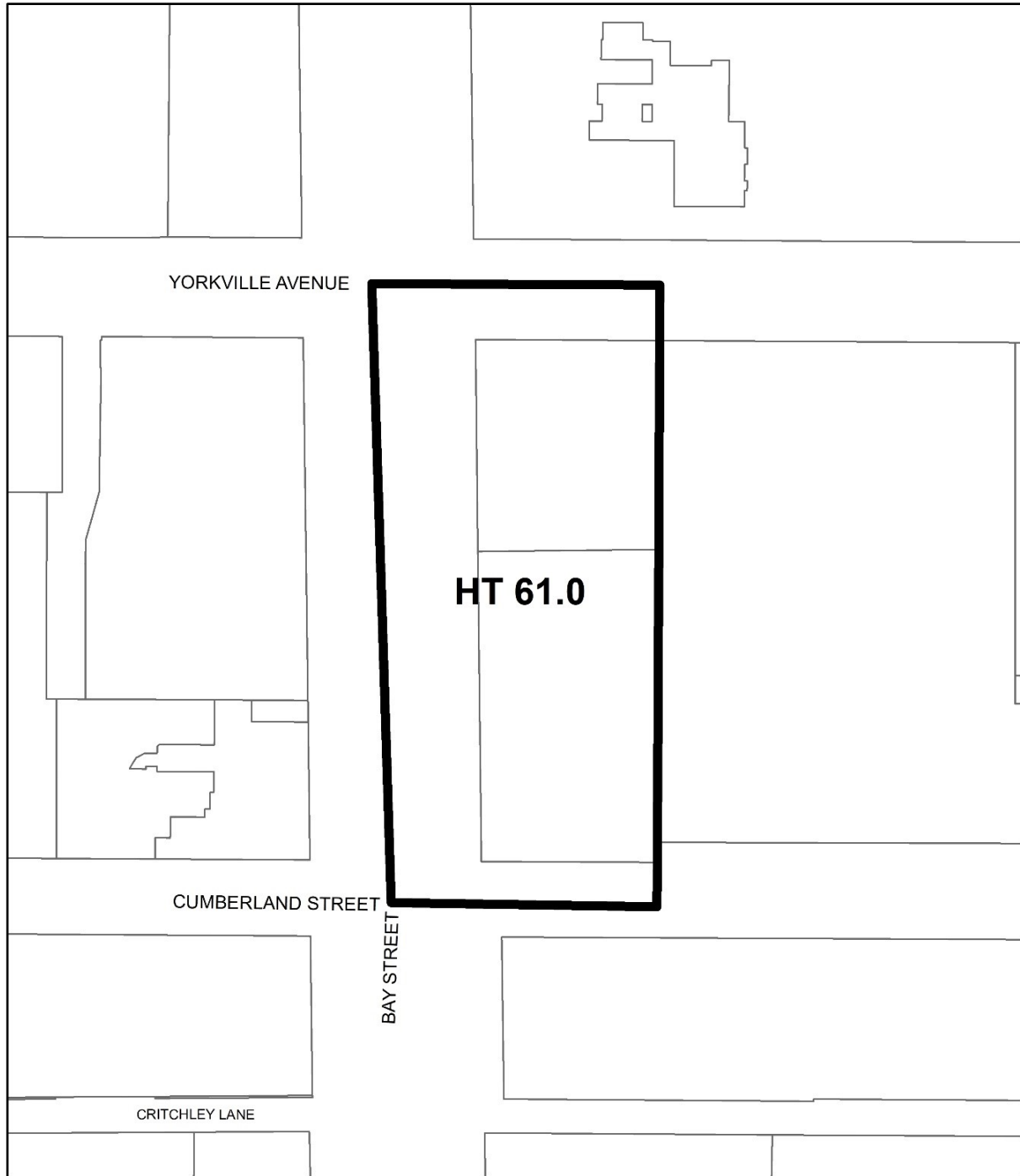


Diagram 5

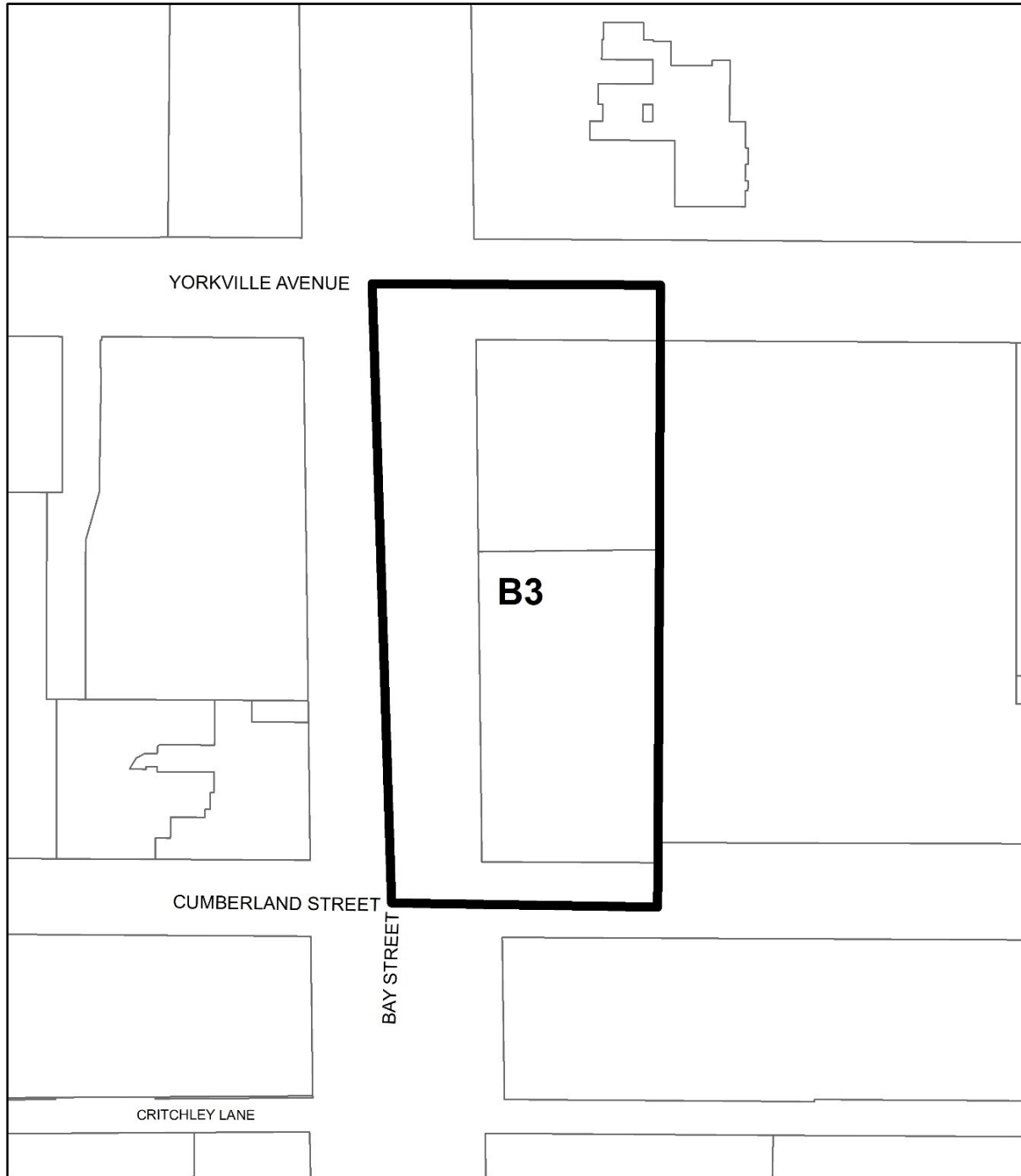


Diagram 6

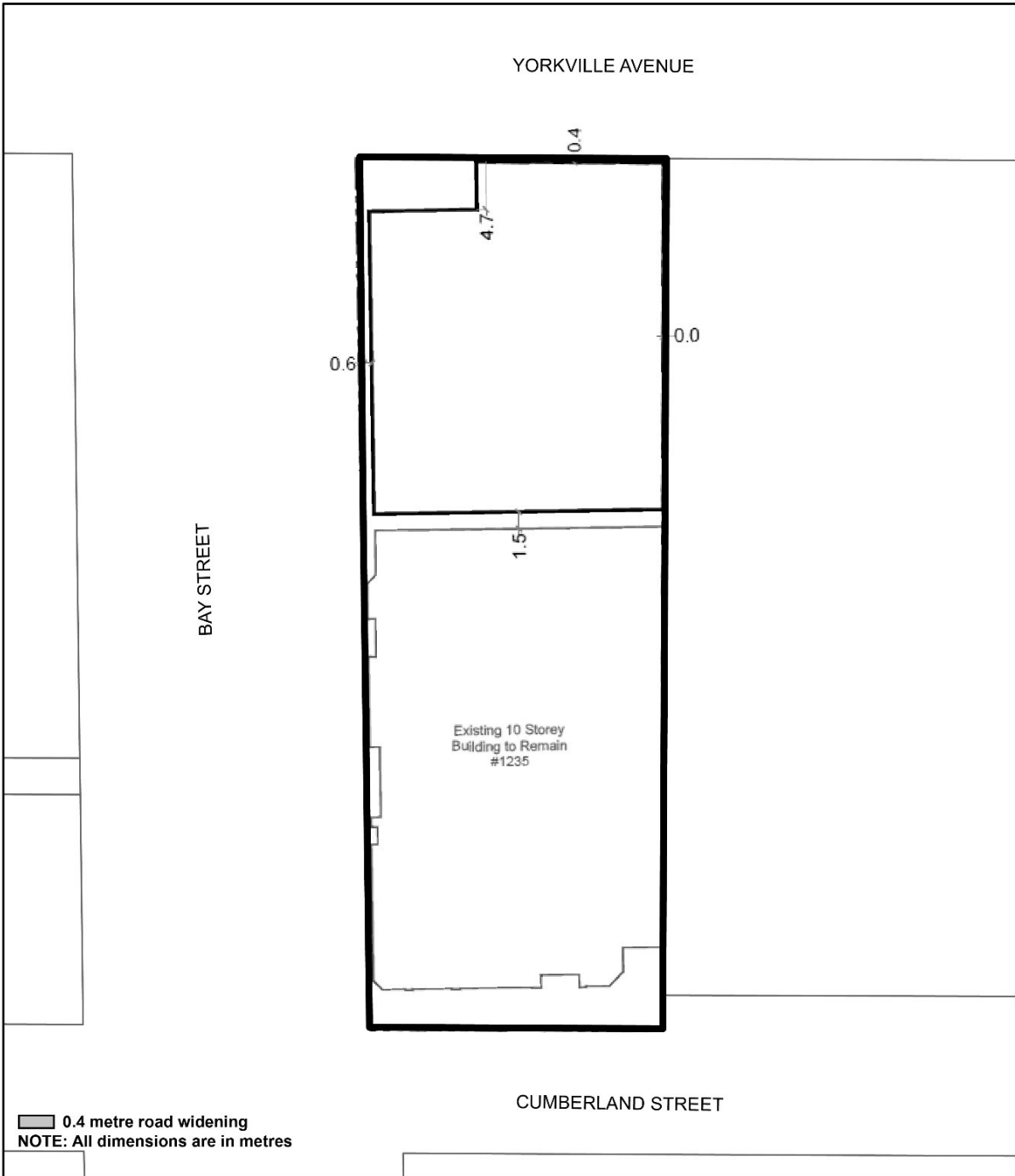


Diagram 7

