

Authority: Toronto and East York Community Council  
Item TE4.11, as adopted by City of Toronto Council on  
May 10, 11 and 12, 2023  
City Council voted in favour of this by-law on  
December 15, 2023  
Written approval of this by-law was given by Mayoral  
Decision 30-2023 dated December 15, 2023

## CITY OF TORONTO

### BY-LAW 1296-2023

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 2039-2049 Yonge Street and 40-50 Tullis Drive.**

Whereas authority is given to Council of the City of Toronto 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. 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from R (d0.6)(x931), CR 3.0 (c2.0; r2.5) SS2 (x2407), and CR 3.0 (c2.0; r2.5) SS2 (x2424), to CR 3.0 (c2.0; r2.5) SS2 (x852) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 852 so that it reads:

(852) Exception CR 852

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

Site Specific Provisions:

- (A) On 2039-2049 Yonge Street and 40-50 Tullis Drive, if the requirements of By-law 1296-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (M) below;

- (B) Despite regulations 40.10.40.40(1) and (2), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 11,250 square metres, provided:
- (i) The residential **gross floor area** does not exceed 10,800 square metres; and
  - (ii) The non-residential **gross floor area** does not exceed 500 square metres;
- (C) Despite regulation 40.5.40.10(1) and (2) the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 154.885 metres to the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the height in metres specified by the numbers following the symbol HT as shown on Diagram 3 of By-law 1296-2023;
- (E) Despite (D) above and Regulations 40.5.40.10(3) to (8), the following may project above the permitted maximum height as shown on Diagram 3 of By-law 1296-2023 as follows:
- (i) equipment and **structures** used for the functional operation of the **building**, including elevator overruns, mechanical penthouses, and the screening of these equipment and **structures** by not more than 7.5 metres;
  - (ii) parapets, balustrades, railings, wind screens, balcony guards, handrails, window sills, skylights, terraces, light fixtures, scuppers, roof drainage, vents, stacks, roof access hatches, enclosed roof access stairs, fall-arrest systems, insulation and building envelope membranes, bollards, outdoor furniture, planters and built-in planter boxes by not more than 5.0 metres;
  - (iii) pergolas, trellises, awnings, window washing and related equipment by not more than 5.0 metres; and
  - (iv) **Green roof** and associated elements, including parapets, soil coverage, and sloped toppings by not more than 5.0 metres;
- (F) Despite Regulation 40.10.40.70(2) the minimum required **building setbacks** are as shown on Diagram 3 of By-law 1296-2023;
- (G) Despite (F) above, regulation 40.5.40.60(1) and Clause 40.10.40.60 the following may encroach into the required minimum **building setbacks** as follows:
- (i) cornices, ornamental elements, pillars, art and landscape features, awnings, balconies, canopies, parapets, railings, wind screens, balcony guards, handrails, windowsills, terraces, trellises, light fixtures, scuppers, fall-arrest systems, window washing equipment, site servicing features, insulation and **building** envelope membranes, bollards, built-in planter boxes by not more than 2.0 metres; and

- (ii) patios, decks, doors, wheelchair ramps, hose bibs, ventilation shafts and mechanical grilles by not more than 1.5 metres;
- (H) Despite Clause 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
  - (i) a minimum of 38 **parking spaces** for the use of the residents of the **building**;
  - (ii) a minimum of 5 **parking spaces** for the use of visitors of the residents; and
  - (iii) no **parking spaces** are required for non-residential uses;
- (I) Despite Regulation 200.5.1.10(2)(E) elements or equipment for the charging of electric or hybrid-electric **vehicles** may encroach into a **parking space** provided it encroaches no more than 0.30 metres so as to reduce the length of the **parking space**;
- (J) Despite regulations 230.5.1.10(4)(A) a **stacked bicycle parking space** must have the following minimum dimensions:
  - (i) minimum length of 1.8 metres; and
  - (ii) minimum width of 0.25 metres;
- (K) Despite regulations 230.5.1.10(5)(A) an area used to provide **stacked bicycle parking spaces** must have a vertical clearance of 1.2 metres;
- (L) Despite regulation 230.5.1.10(4), a **stacked bicycle parking space** may overlap horizontally with another **stacked bicycle parking space**; and
- (M) Despite regulation 230.5.1.10(4)(B) the minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is:
  - (i) minimum length or vertical clearance of 1.8 metres;
  - (ii) minimum width of 0.4 metres; and
  - (iii) minimum horizontal clearance from the wall of 1.0 metres.

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

6. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

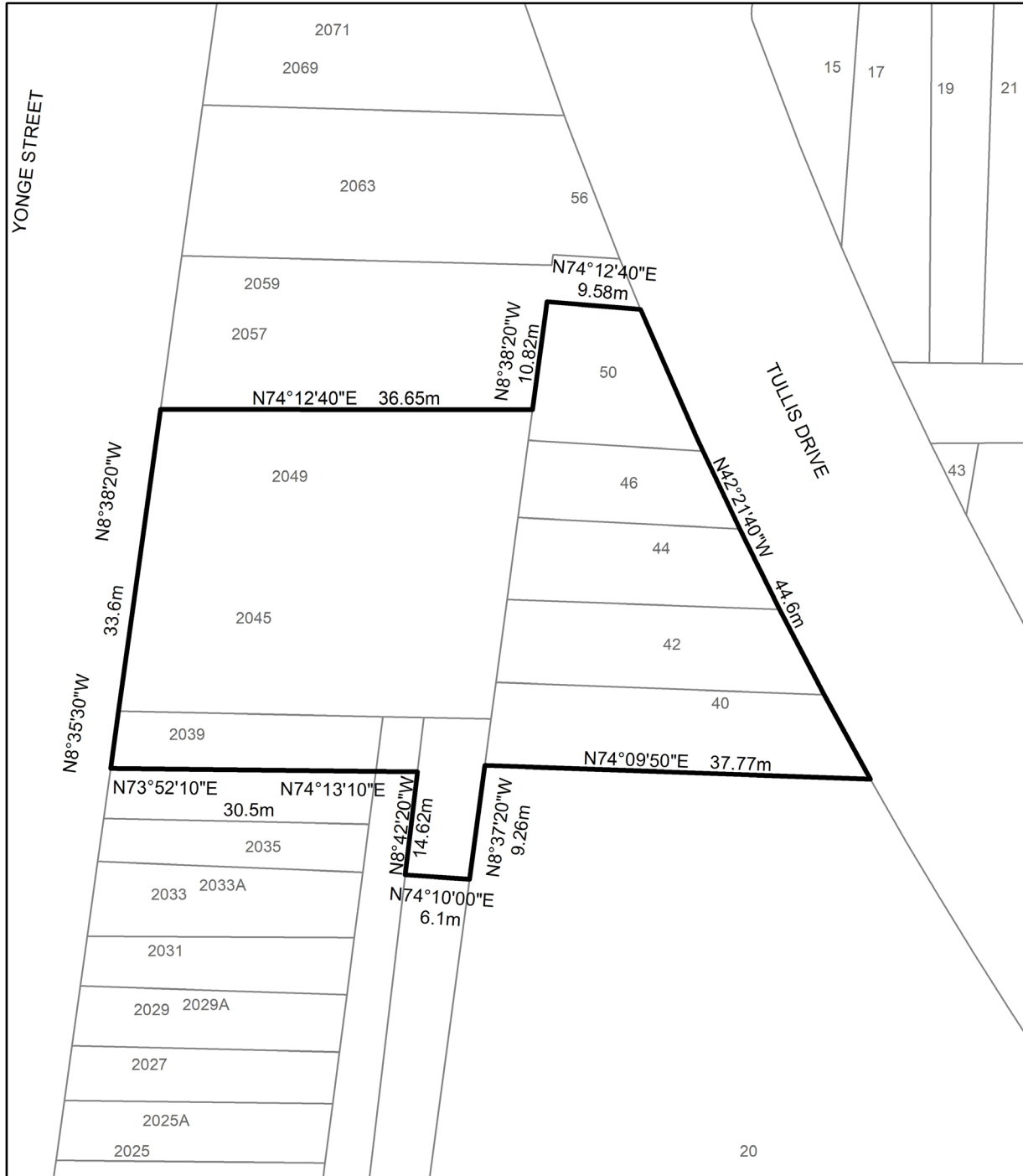
Enacted and passed on December 15, 2023.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

Diagram 1



**2039 - 2049 Yonge Street And  
40-50 Tullis Drive**

File # 21 242724 STE 12 OZ



Diagram 2

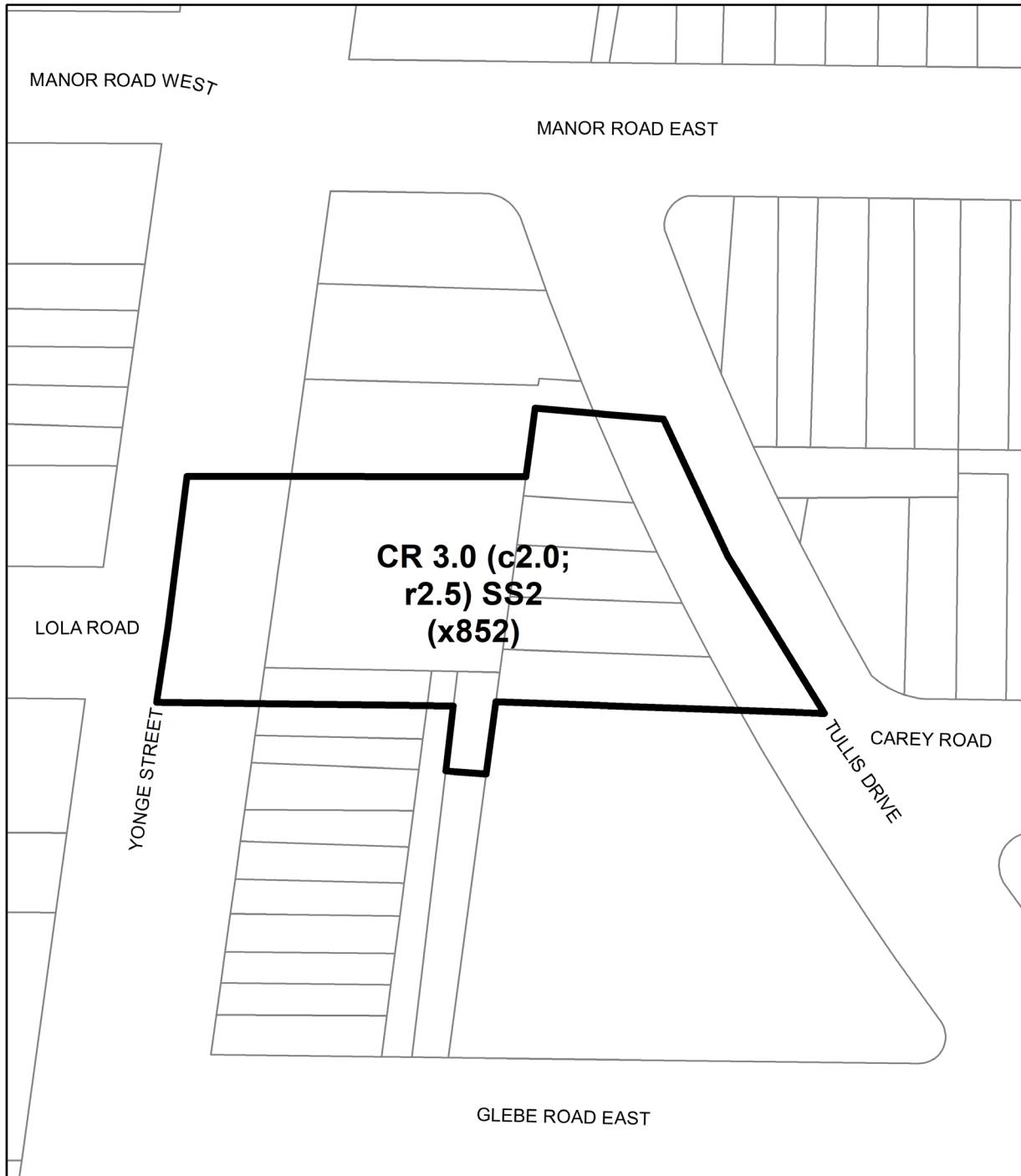


Diagram 3

