

Authority: Toronto and East York Community Council
Item TE4.12, 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 1299-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 49 Ontario Street and 72-94 Berkeley Street.

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 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, 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands subject to this By-law from a zone labels of CRE (x1), (x41), (x57) and (x58) and CR SS1 (x399) to a zone label of CR SS1 (855) and O 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 855 so that it reads:

(855) Exception CR SS1 855

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) Regulation 900.11.10(339) applies to the lands shown on Diagram 1 of By-law 1299-2023;
- (B) Despite (A) above, Regulation 900.11.10(339) does not apply to 49 Ontario Street and 72-94 Berkeley Street, as shown on Diagram 1 of By-law 1299-2023, if the requirements of By-law 1299-2023 are complied with, and a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (C) to (X) below;
- (C) Despite Regulation 40.10.20.40(1), **dwelling units** are permitted in an **apartment building** or a **mixed use building**;
- (D) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 82.0 metres and elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same **storey** and below non-residential use portions of the **building**;
- (F) Despite Regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres, as shown on Diagram 3 of By-law 1299-2023;
- (G) Despite Regulations 40.5.40.10(3) to (8) and (F) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, telecommunication equipment, enclosed stairwells, roof access, maintenance equipment storage, hatches, chimneys, vents and roof assemblies may project above the height limits to a maximum of 2.5 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above may project above the height limits to a maximum of 3.0 metres;
 - (iii) **building** maintenance units, elevator overrun, elevator shafts, and window washing equipment may project above the height limits to a maximum of 4.0 metres;
 - (iv) architectural features, parapets, and elements and **structures** associated with a **green roof** may project above the height limits to a maximum of 2.0 metres;
 - (v) planters and fencing may project above the height limits to a maximum of 1.8 metres;

- (vi) **landscaping** features, trellises, pergolas and unenclosed **structures** providing safety or wind protection to rooftop **amenity space** may project above the height limits to a maximum of 4.0 metres; and
 - (vii) architectural features, such as guard rails and balcony screens, may project above the finished floor height to a maximum of 2.3 metres;
- (H) Despite (F) above, no part of a **building**, except for any structural elements and associated cladding, may be located between the Canadian Geodetic Datum elevation of 82.0 metres and:
- (i) a minimum vertical clearance of 4.5 metres through an east-west opening with a minimum width of 7.5 metres, in the shaded area labelled as "Area A" on Diagram 4 of By-law 1299-2023;
 - (ii) a minimum vertical clearance of 10.0 metres in the shaded area labelled as "Area B" on Diagram 4 of By-law 1299-2023;
 - (iii) a minimum vertical clearance of 49.0 metres in the shaded area labelled as "Area C" on Diagram 4 of By-law 1299-2023; and
 - (iv) a minimum vertical clearance of 5.0 metres in the shaded area labelled as "Area D" on Diagram 4 of By-law 1299-2023;
- (I) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 2.8 metres;
- (J) Despite 40.10.40.10(5) and (I) above, there is no required minimum first **storey** height for the existing **buildings** in the shaded area labelled as 'Heritage Building' on Diagram 3 of By-law 1299-2023;
- (K) Despite Regulation 40.5.40.70(1), a **building** or **structure** may be no closer than 1.5 metres from the original centreline of a **lane**;
- (L) Where a **dwelling unit** has direct access to a **street**, a **home occupation**:
- (i) may be located in the first two **storeys** of the **building**;
 - (ii) despite 150.5.20.1(6), may have employees in the **dwelling unit** who are not the business operator;
 - (iii) for the purpose of this exception, may be located in a **dwelling unit** that is not the principal residence of the business operator, but must be the principal residence of an employee of the business;

- (iv) despite Regulation 150.5.20.1 (1)(A) to (D) and (4), may:
 - (a) sell, rent or lease physical goods directly from the **dwelling unit**;
 - (b) be a **personal service shop**;
 - (c) be an office or medical office for a professional regulated under the College of Physicians and Surgeons of Ontario;
 - (d) be an office or medical office for a professional regulated under the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, as amended; and
 - (e) be for music or dance instruction and training;
- (v) despite Regulation 150.5.20.1 (2), may have clients or customers attending the premises for:
 - (a) consultations;
 - (b) receiving services; and
 - (c) obtaining physical goods; and
- (vi) despite Regulation 150.5.40.40(1), the floor area used for the **home occupation** use may not exceed 50 percent of the **interior floor area** of the **dwelling unit** the **home occupation** is located in;
- (M) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 81,500 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 75,150 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 17,000 square metres; and
 - (iii) the required minimum **gross floor area** for non-residential uses is 6,350 square metres;
- (N) Despite (M) above, the required minimum **gross floor area** for non-residential uses may be reduced to 4,750 square metres provided a minimum of 1,850 square metres of the non-residential **gross floor area** is used for a **retail store** that is a grocery store, and in this case the permitted maximum **gross floor area** for residential uses is 76,750 square metres;

- (O) Despite Clause 40.10.40.50, a **building** with 20 or more **dwelling units** must provide at least 3.0 square metres of **amenity space** for each **dwelling unit**, of which:
- (i) at least 1.5 square metres for each **dwelling unit** is provided as indoor **amenity space**;
 - (ii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (P) Despite Regulations 40.10.40.70(1) and (4), 40.10.40.80(1) and Article 600.10.10, the required minimum **building setbacks** and separation distance between **main walls** are as shown in metres on Diagram 3 of By-law 1299-2023;
- (Q) Despite Clause 40.10.40.60, Regulation 40.5.40.60(1) and (P) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:
- (i) architectural features, such as pilasters, decorative columns, cornices, sills, belt courses, chimneys or frames, pillars, eaves, light fixtures, balustrades, parapets, fences, railings, guardrails, vents, retaining walls, landscape features, privacy screens, trellises, ornamental **structures**, **structures** for outside or open air recreation, exterior stairs, stair covers and enclosures, access ramps, elevating devices, window washing equipment, doors, planters, and public art features, to a maximum extent of 2.0 metres;
 - (ii) canopies and awnings, to a maximum extent of 6.0 metres;
 - (iii) balconies and terraces as follows:
 - (a) in the hatched area shown on Building A of Diagram 3 of By-law 1299-2023 between a height of 12.0 metres and 26.0 metres, to a maximum extent of 3.0 metres;
 - (b) on Building A shown on Diagram 3 of By-law 1299-2023, above a height of 33.0 metres, to a maximum extent of 1.5 metres;
 - (c) no balconies are permitted on Building B shown on Diagram 3 of By-law 1299-2023; and
 - (d) notwithstanding (Q)(iii)(a), (b), and (c) above, Juliette balconies are permitted on all **buildings**, to a maximum extent of 0.5 metres; and
 - (iv) **structures**, elements and enclosures permitted by regulation (G) above.

- (R) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of the required **parking spaces** may be obstructed as described in Regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (S) Despite Clause 200.5.10.1, Table 200.5.10.1, and Articles 200.15.10 and 200.20.10, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.0 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 2.0 plus 0.01 residential visitor **parking spaces** for each **dwelling unit**;
 - (iii) a minimum of 0.0 **parking spaces** for non-residential **gross floor area**;
 - (iv) a minimum of 9 accessible **parking spaces**; and
 - (v) a minimum of 4.0 "car-share parking spaces," where:
 - (a) "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; and
 - (b) "car-share parking space" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;
- (T) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (U) Despite Clause 220.5.10.1, **loading spaces** must be provided on the **lot** as follows:
- (i) 1 Type "G" **loading space**;
 - (ii) 1 Type "B" **loading space**; and
 - (iii) 2 Type "C" **loading spaces**;

- (V) Despite Regulations 230.5.1.10(4) and (5), a **bicycle parking space** may also be provided with the following minimum dimensions, subject to the additional requirements below:
- (i) the minimum dimension of a **bicycle parking space**, if placed in a horizontal position is:
 - (a) vertical clearance of 1.2 metres;
 - (b) width of 0.6 metres; and
 - (c) horizontal clearance of 1.8 metres; and
 - (ii) the minimum dimension of a **bicycle parking space**, if placed in a vertical position, is:
 - (a) vertical clearance of 1.9 metres;
 - (b) width of 0.45 metres; and
 - (c) horizontal clearance of 1.2 metres; and
 - (iii) the minimum dimension of a **stacked bicycle parking space** is:
 - (a) vertical clearance for each **bicycle parking space** is 1.2 metres;
 - (b) width of 0.45 metres; and
 - (c) horizontal clearance of 1.8 metres;
- (W) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
- (X) 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**; and
 - (iv) convertible **dwelling units**, as described in (X)(iii) above, may be converted using accessible or adaptable design measures, such as knock-out panels;

- (Y) A **building** or **structure** not constructed, used or enlarged in compliance with Regulations (C) to (X) above, must comply with Regulation 900.11.10(339).

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

5. 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.
6. None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the **lot**, used exclusively for the initial sale and/or initial leasing of non-residential space areas and **dwelling units** proposed on the same **lot**, for a period of not more than three years from the date this By-law comes into full force and effect.

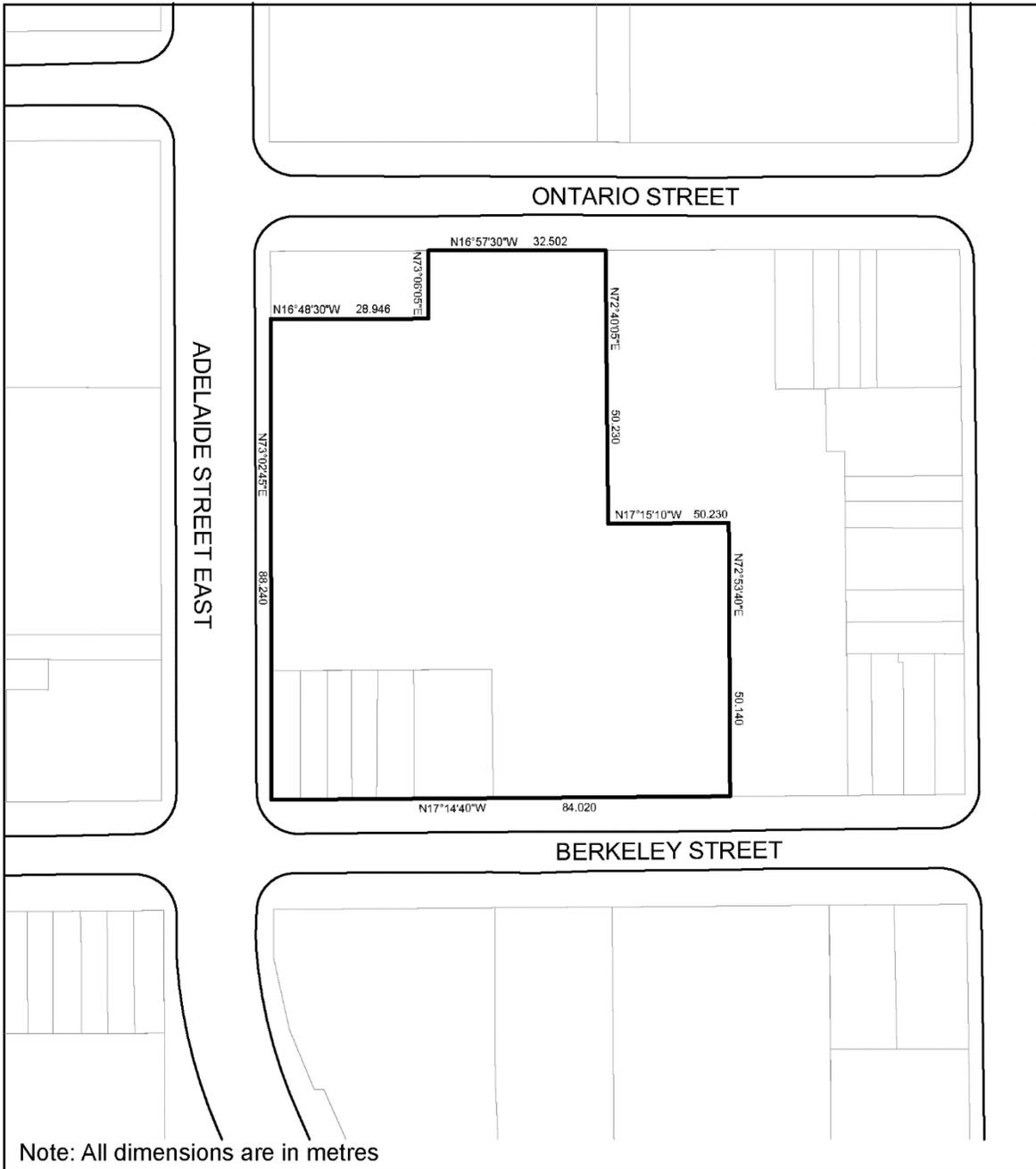
Enacted and passed on December 15, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1



49 Ontario Street and 72-94 Berkeley Street

File # 19 244188 STE 13 0Z

Diagram 2

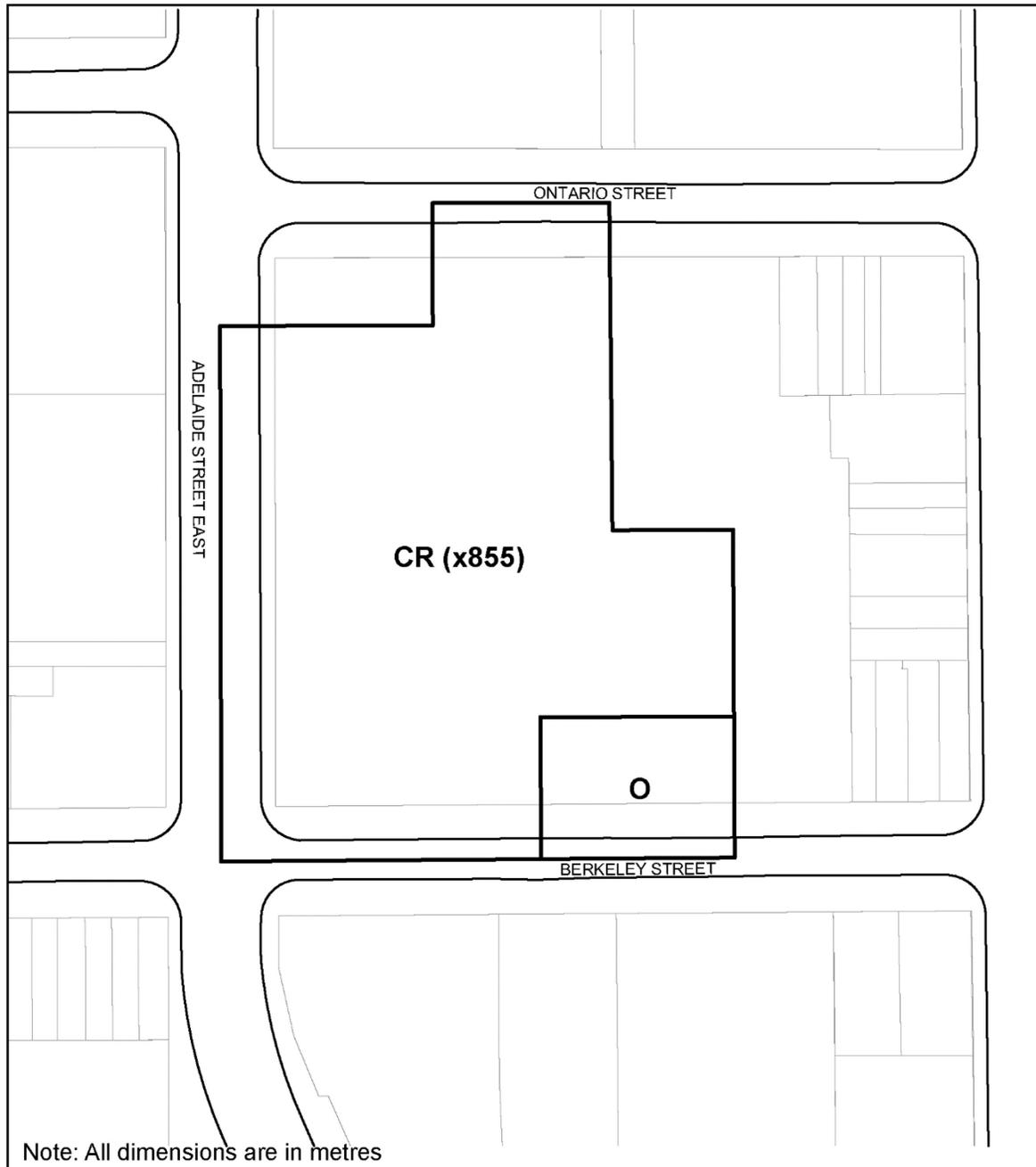


Diagram 3

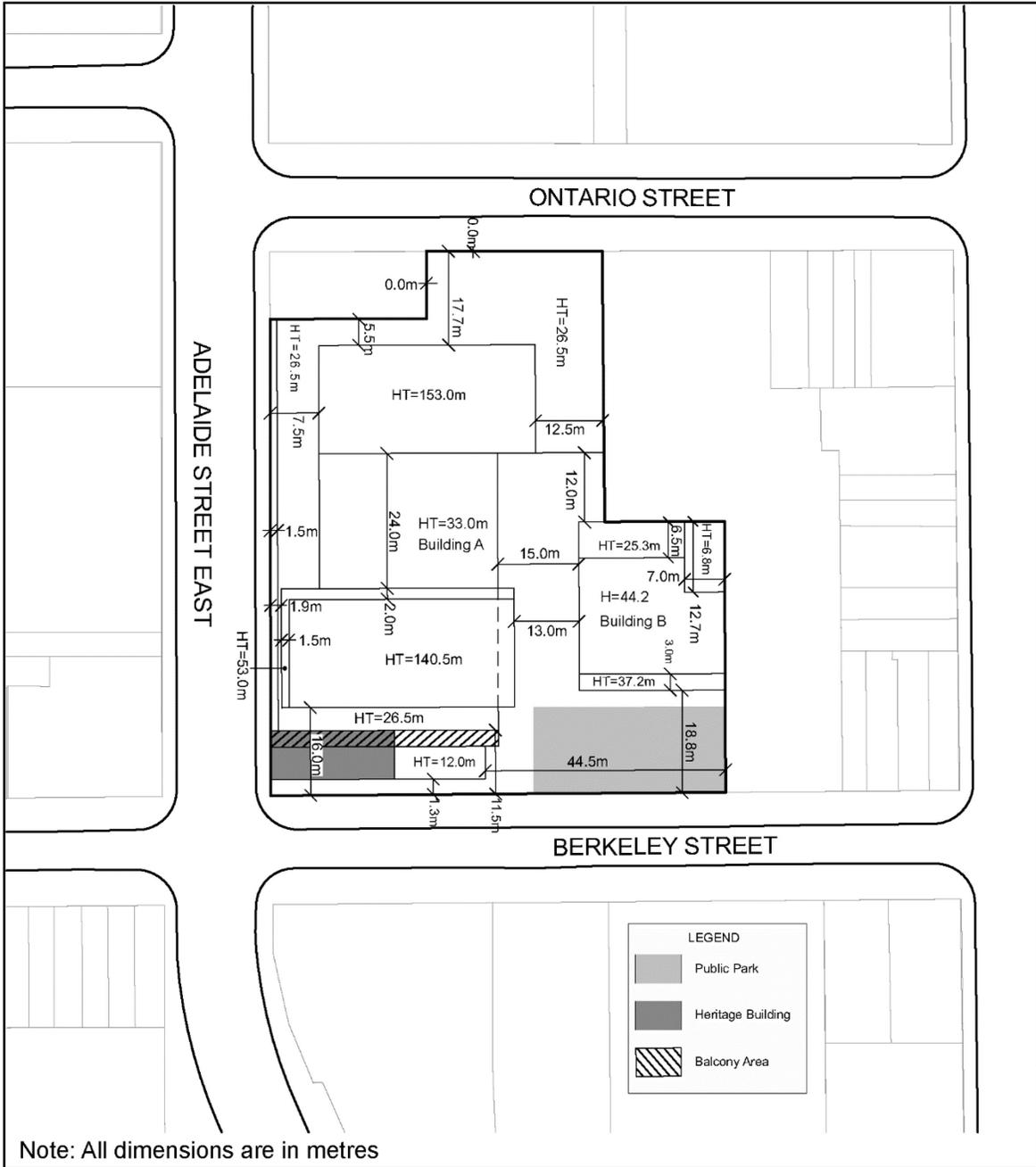


Diagram 4

