

Authority: Toronto and East York Community Council
Item TE12.8, as adopted by City of Toronto Council on
April 17 and 18, 2024
City Council voted in favour of this by-law on
December 18, 2024
Written approval of this by-law was given by Mayoral
Decision 26-2024 dated December 18, 2024

CITY OF TORONTO

BY-LAW 1391-2024

To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 646–664 Yonge Street and 2–4 Irwin Avenue.

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, as amended, 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 a zone label of "CR 3.0 (c2.0; r3.0) SS1 (x2546)" to a zone label of "CR 3.0 (c2.0; r3.0) SS1 (1029)" 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 1029 so that it reads:

(1029) Exception CR 1029

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 the lands municipally known in the year 2023 as 646-664 Yonge Street and 2-4 Irwin Avenue, if the requirements of By-law 1391-2024 are complied with, a

mixed use building may be constructed, used or enlarged in compliance with Regulations (B) to (AA) 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 1391-2024;
- (C) 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 111.417 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.1(1), in a **mixed use building** on the lands, residential use portions of the **building** may be permitted to be located on the same **storey** as non-residential use portions of the **building**, except for **dwelling units** which must be located above non-residential use portions of a **building**;
- (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 3 of By-law 1391-2024, inclusive of equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
- (F) 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 4.25 metres;
- (G) Despite Regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building** shown on Diagram 3 of By-law 1391-2024:
 - (i) enclosed stairwells, roof access, maintenance equipment storage, water supply facilities, safety elements and railings, pipes, elevator machine rooms, elevator shafts and overruns, solar panels chimneys, and vents, by a maximum of 5.0 metres;
 - (ii) elements above the equipment used for the functional operation of the **building** included (E) above, such as electrical, utility, mechanical and ventilation equipment, cooling equipment, **structures** that enclose, screen, or cover the equipment, by a maximum of 4.0 metres;
 - (iii) elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing materials, architectural features, parapets, terrace guards/landscape planters, stacks, ladders, garbage chute vents, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace and enclosed stairwells, maintenance storage equipment, safety anchors, lightning rods, railings, ballustrades, bollards, terraces, patios, landscape features, and elements, by a maximum of 3.5 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 6.5 metres;

- (v) trellises, pergolas, satellite dishes, antennae, acoustical barriers, signage, cabanas and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 4.0 metres;
 - (vi) recreation and play **structures**, by a maximum of 5.0 metres; and
 - (vii) the total area of all projections noted in (i), (ii), (iii) and (iv) above may cover is no more than 50 percent of the area of the roof, measured horizontally;
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 47,200 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 46,700 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 300 square metres;
- (I) A minimum of three areas, separated by interior walls, must be provided on the ground floor of the **building** for the uses listed in regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A);
- (J) In addition to the **building** elements listed in Regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** are also reduced by the areas in a **building** used for the area of a void in a floor if there is a vertical clearance of more than 4.5 metres between the top of the floor below the void and the ceiling directly above it;
- (K) 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**;
 - (ii) at least 0.51 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**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (L) Despite Regulations 40.5.40.70(1), 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 3 of By-law 1391-2024;
- (M) Despite Clause 40.10.40.60 and (L) above, the following elements may encroach into the required minimum **building setbacks** and minimum **main wall** separation distances as follows:

- (i) balconies, by a maximum of 2.0 metres;
 - (ii) unenclosed **structures** providing safety or wind protection including canopies and awnings, by a maximum of 5.0 metres;
 - (iii) window washing equipment including **building** maintenance unit or crane, bollards, by a maximum of 3.0 metres;
 - (iv) exterior stairs, covered stairs or stair enclosures, access ramps and elevating devices, by a maximum of 1.0 metres;
 - (v) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.5 metres;
 - (vi) architectural or ornamental features, such as a pilaster, decorative column, parapet, cornice, sill, light fixtures, privacy screens, eaves, underground garage ramps and ancillary **structures**, retaining walls, wheelchair ramps may extend, by a maximum of 2.0 metres;
 - (vii) window projections, including bay windows and box windows, by a maximum of 0.5 metres; and
 - (viii) Art, **structures** and elements associated with outdoor amenity and children's play areas, **landscaping** features, privacy screens, planters, retaining walls, vents and pipes, and ventilation shafts, by a maximum of 3.0 metres;
- (N) Despite (M) above, elements of the "Conserved Heritage Facades" shown on Diagram 3 of By-law 1391-2024 where authorized by the City of Toronto are permitted encroachments into a **street**;
- (O) Despite Regulation 200.5.10.1(1), Table 200.5.10.1, Clauses 200.15.10.5 and 200.15.10.10, and Table 200.15.10.5, no **parking spaces** or accessible **parking spaces** are required to be provided;
- (P) Despite Regulations 200.5.1.10(12) and (13), vehicle access to the **parking spaces** within the **building** may be provided by a car elevator or an "automated parking system", subject to the following;
- (i) for the purpose of this exception, an "automated parking system" means a mechanical system for the purpose of parking and retrieving **vehicles** with or without drivers in the **vehicle** during parking and without the use of ramping or **drive aisles**, and where automated maneuvering of other **vehicles** may be required for **vehicles** to be parked or retrieved;
- (Q) Despite Regulation 200.5.1.10(2), any parking space provided in a "automated parking system" must have the following minimum dimensions:

- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) the entire length of the elevating mechanism enclosure must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (R) 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;
- (S) Despite Regulation 200.15.1(3), the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (T) Despite Regulation 200.15.1(4), accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
 - (i) entrance to a **building**;
 - (ii) passenger elevator that provides access to the first **storey** of the **building**; and
 - (iii) shortest route from the required entrances in (T)(i) and (ii);
- (U) Despite Regulation 230.5.1.10(10), "short-term" and "long-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (V) Despite Regulations 230.5.10.1(1), (3), and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
 - (i) 0.9 "long-term" **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.2 "short-term" **bicycle parking spaces** for each **dwelling unit**; and
 - (iii) no "long term" and "short-term" **bicycle parking spaces** are required for non-residential uses;
- (W) Despite Regulation 230.5.1.10(4)(A), the dimensions of a **bicycle parking space** must comply with the following:

- (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.4 metres; and
 - (iii) minimum vertical clearance from the ground of 1.2 metres;
- (X) Despite Regulation 230.5.1.10(4)(B), the minimum dimension for 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 1.9 metres;
 - (ii) minimum width of 0.4 metres; and
 - (iii) minimum horizontal clearance from the wall of 1.2 metres;
- (Y) 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 or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms;
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy 0 above are not included in the provision required by 0 above;
 - (iv) 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
 - (v) **dwelling units**, as described in (iv) above, may be converted using accessible or adaptable design measures such as knock-out panels;
- (Z) A "Public Open Space" with a minimum area of 134 square metres must be provided on the ground level within the hatched area shown on Diagram 3 of By-law 1391-2024, subject to the following:
 - (i) a minimum vertical clearance of 6.0 metres is provided;
 - (ii) projections included in (G) and (M) are permitted height projections and encroachments in the Public Open Space; and

- (AA) For the purpose of this exception, "Public Open Space" means a space on the **lot** that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures and is used principally for the purpose of sitting, standing and other recreational uses.

Prevailing By-laws and Prevailing Sections:

- (BB) For existing **buildings** and **structures** on the **lot** as of the day before enactment of By-law 1391-2024, the following provisions continue to apply:
- (i) Section 12(2) 132 of former City of Toronto By-law 438-86;
 - (ii) Section 12(2) 208 of former City of Toronto By-law 438-86; and
 - (iii) Section 12(2) 260 of former City of Toronto By-law 438-86.
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. 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 6 of this By-law shall expire on December 18, 2027.

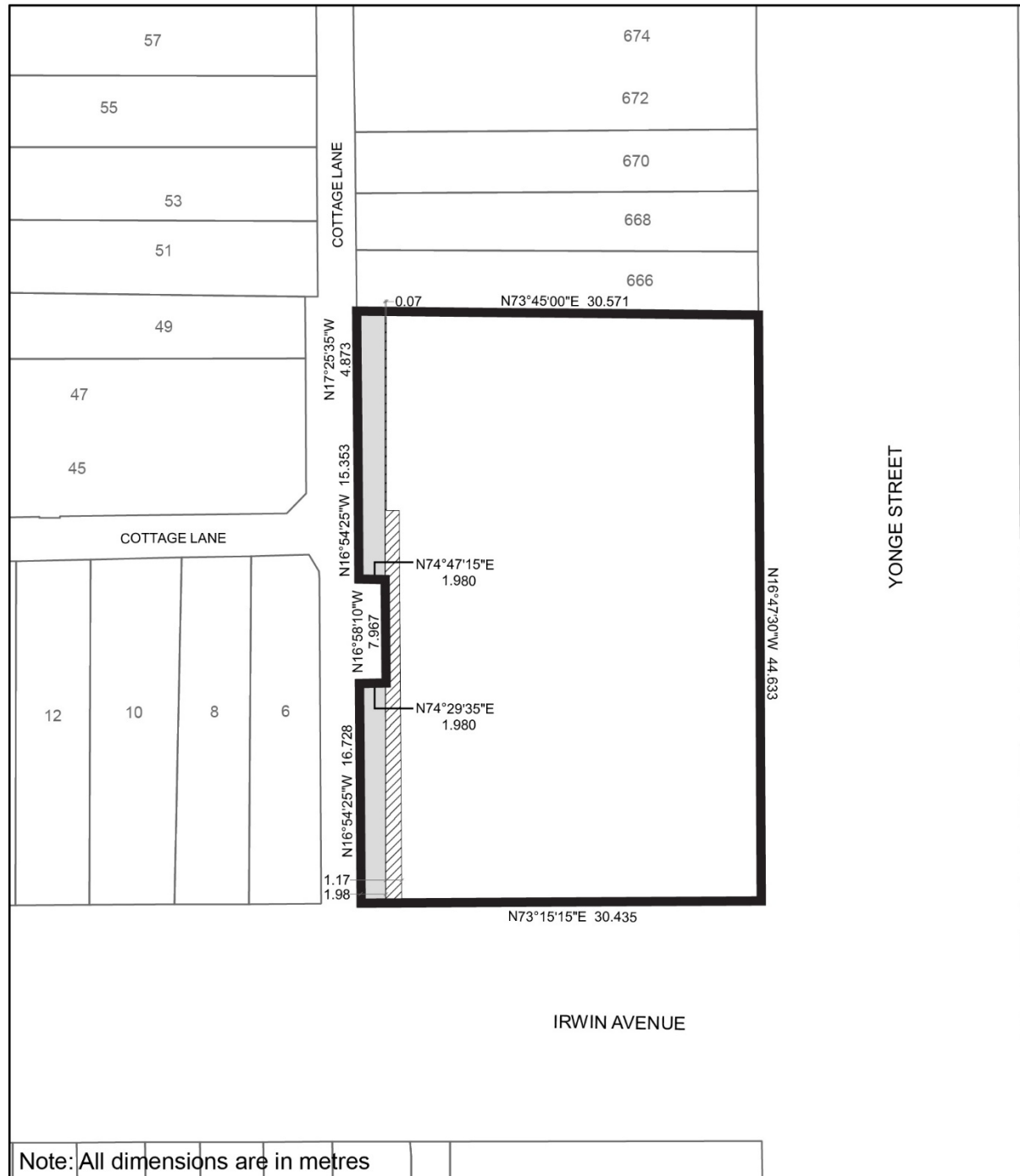
Enacted and passed on December 18, 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)



Diagram 1



Toronto
Diagram 1

**646-664 Yonge Street
and 2-4 Irwin Avenue**

File # 22 241865 STE 13 0Z

 Private laneway widening
 Public laneway widening


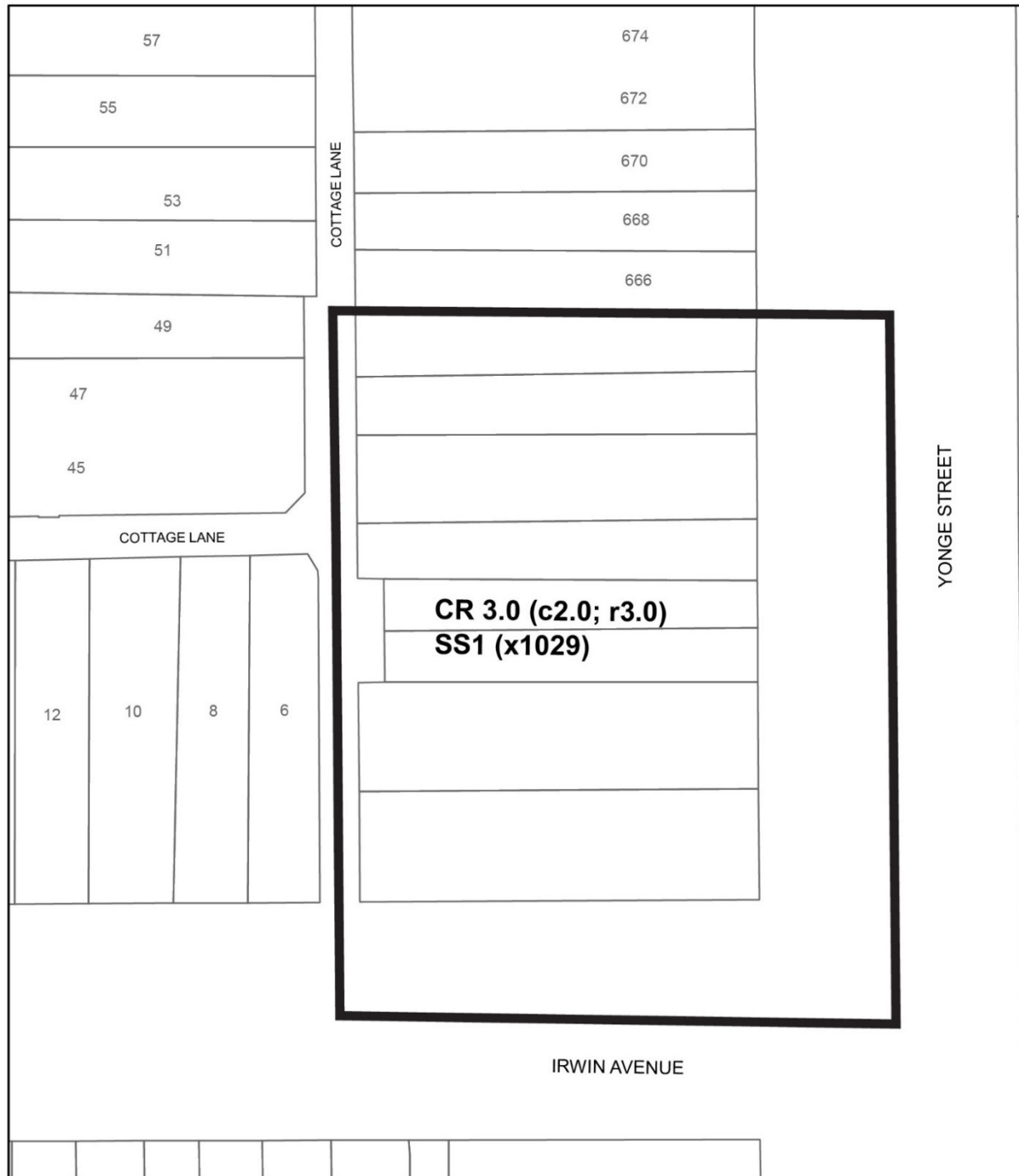

City of Toronto By-law 569-2013
Not to Scale
02/21/2024

Diagram 2

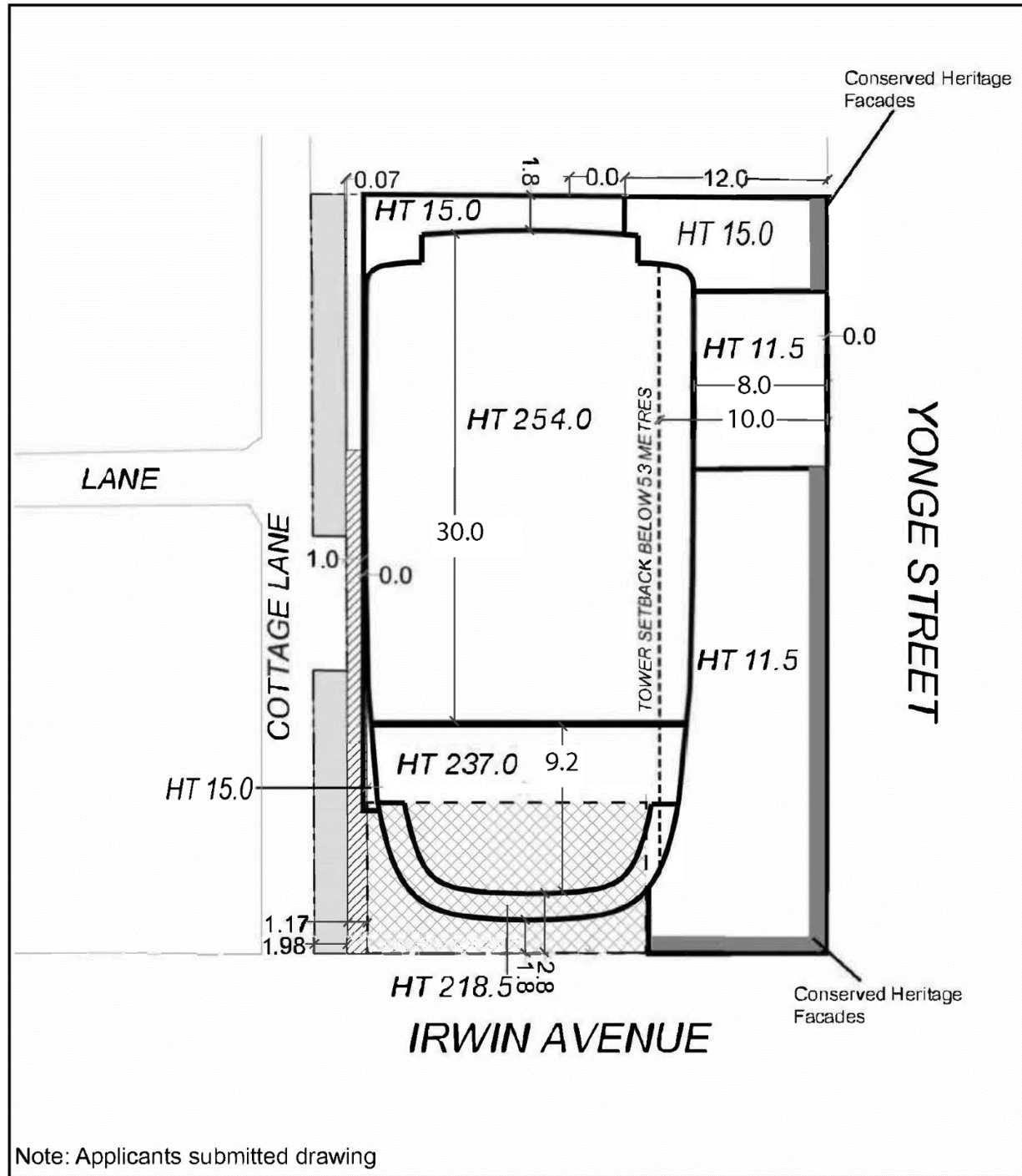
Toronto
Diagram 2

**646-664 Yonge Street
and 2-4 Irwin Avenue**

File # 22 241865 STE 13 0Z



Diagram 3




 **TORONTO**
Diagram 3

646-664 Yonge Street
and 2-4 Irwin Avenue

File # 22 241865 STE 13 02

-  Private laneway widening
-  Public laneway widening
-  Public Open Space


City of Toronto By-law 569-2013
Not to Scale
07/15/2024