

Authority: Toronto and East York Community Council
Item TE7.7, as adopted by City of Toronto Council on
October 11 and 12, 2023
City Council voted in favour of this by-law on February 4,
2026
Written approval of this by-law was given by Mayoral
Decision 3-2026 dated February 4, 2026

CITY OF TORONTO

BY-LAW 113-2026

To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2025 as 399-405 Yonge 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 453.1 of the City of Toronto Act, 2006, as amended, a by-law passed under Section 34 of the Planning Act, may establish one or more residential densities of development applicable to any land in respect of which the owner of the land and the operator of the housing accommodation, if different from the owner, agree with the City to provide all or such proportion as specified in the by-law of the housing accommodation located or to be located on the land, for the purpose of a social housing program; 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 990.11 respecting the lands outlined by heavy black lines from a zone label of CR 4.0 (c4.0; r1.5) SS1 (x2154) to a zone label of CR 4.0(c4.0; r1.5) SS1 (x896) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number CR 896 so that it reads:

(896) Exception CR 896

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 399 – 405 Yonge Street, if the requirements of By-law 113-2026 are complied with, a **mixed-used building** may be constructed, used or enlarged in compliance with Regulations (B) to (T) below;
- (B) For the purposes of this exception, a "social housing program" means a program or project on the lands authorized under Section 453.1 of the City of Toronto Act, 2006, that:
 - (i) is entirely owned or operated by or is leased to and operated by a non-profit housing co-operative as defined in the Co-operative Corporations Act or a non-profit corporation as defined in the National Housing Act (Canada) and that, in the opinion of the City, is designed to provide housing accommodation primarily for persons with low to moderate incomes, at a charge not exceeding the greater of:
 - a. the amount required to finance, operate and maintain such accommodation without profit; and
 - b. the amount required to be charged for such accommodation under the terms of an agreement respecting the financing of the accommodation where one party is the provincial or federal government or an agent of either; or
 - (ii) provides housing accommodation that is owned and operated by or on behalf of Toronto Housing Company Inc. or Toronto Community Housing Corporation;
- (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 95.60 metres and the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.1(1), in a **mixed-use building** on the lands, all residential use portions of the **mixed-use building** must be located above non-residential use portions of the **mixed-use building**, other than residential lobby access;
- (E) Despite Regulation 40.10.40.10(1), the permitted maximum height of a **mixed-use building**, is the number, in metres, following the letters HT on Diagram 3 of By-law 113-2026, inclusive of equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
- (F) Despite Regulation 40.5.40.10(3) to (8) and (E) above, the following elements of a **building** or **structure** are permitted to project above the permitted maximum height shown on Diagram 3 of By-law 113-2026:

- (i) air intake and air handling units, airshafts, flues, chimneys, communication equipment, mechanical screens, window washing equipment on the roof of a **building**, and antennae, by a maximum of 6.5 metres;
- (ii) architectural features, architectural screens, a **structure** on the roof of the **building** used for the outside open air recreation including required residential **amenity space**, staircases or enclosures, privacy screens, roof top stair enclosure, balcony and terrace guards and dividers, railings, **landscaping**, planters and other **landscaping structures**, elements of a **green roof**, public art features, fences, awnings, guardrails, cornices, ornamental elements, parapets, railings, balustrades, trellises, insulation and roof surface materials, vents, window sills, by a maximum of 3.5 metres;
- (iii) Despite (i) and (ii) above, only the following elements of a **building** or **structure** may project above a height of 252.8 metres:
 - a. Window washing equipment and antennae by a maximum of 6.5 metres;
- (iv) Despite (i) and (ii) above, only the following elements of a **building** or **structure** may project within the first **storey building setback** along Gerrard Street East above a geodetic height of 95.60 metres:
 - a. awnings, canopies, and site servicing features by a maximum of 3.5 metres;
- (G) Despite (E) and (F) above, any part of a **building** or **structure** erected within each "Slope Zone" as shown on Diagram 3 of By-law 113-2026 must comply with the following:
 - (i) within the "Slope Zone 1" on Diagram 3 to By-law 113-2026, any part of the **building** or **structure** erected must be contained between the height of 234.5 metres and 246.1 metres;
 - (ii) within the "Slope Zone 2" on Diagram 3 to By-law 113-2026, any part of the **building** or **structure** erected must be contained between the height of 229.6 metres and 241.2 metres; and
 - (iii) within the "Slope Zone 3" on Diagram 3 to By-law 113-2026, any part of the **building** or **structure** erected must be contained between the height of 216.3 metres and 227.9 metres;
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the lands is 56,000 square metres, provided that:

- (i) the permitted maximum **gross floor area** for residential uses is 54,000 square metres;
 - (ii) the required minimum **gross floor area** for residential uses for exclusive use of a "social housing program" is 1,620 square metres; and
 - (iii) the required minimum **gross floor area** for non-residential uses is 165 square metres;
- (I) Despite regulation 40.10.40.50(1) and (2), **amenity space** must be provided at the following rate:
- (i) at least 1.8 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 0.5 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**;
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**; and
 - (iv) **amenity space** is not required to be provided for **dwelling units** associated with a "social housing program";
- (J) 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 3 of By-law 113-2026;
- (K) Despite Clause 40.10.40.60 and (J) above, the following elements of a **mixed-use building** are permitted to encroach into the required minimum **building setbacks** and separation distance between **main walls of buildings** as shown, in metres, on Diagram 3 of By-law 113-2026:
- (i) cornices, lighting fixtures, guards, balustrades, mechanical and architectural screens, window sills, chimneys, vents, stacks, mechanical fans, stairs, stair landings, and covered stairs and/or stair enclosures, by a maximum of 3.0 metres;
 - (ii) awnings, canopies, trellises, architectural features, site servicing features, landscape and public art features, mechanical grilles and/or areaways, and wheelchair ramps, by a maximum of 5.0 metres;
 - (iii) Despite (i) and (ii) above, only the following elements of a **building** or **structure** may encroach into the required minimum **building setbacks** on the first **storey** of the **building**:
 - a. awnings, canopies, and site servicing features, by a maximum of 1.7 metres;

- (L) 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** must have a combination of two and three bedrooms, or units that can be converted to 2 and 3 bedroom units through the use of accessible or adaptable design measures;
 - (iv) Any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (v) If the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- (M) Despite Regulation 200.5.1.10(2), Regulation 200.5.10.1(1), Table 200.5.10.1, and Regulation 200.15.10(1), **parking spaces** must be provided and maintained on the lands in accordance with the following:
- (i) No **parking spaces** are required for **dwelling units**;
 - (ii) No **parking spaces** are required for visitors of **dwelling units**; and
 - (iii) No **parking spaces** are required for non-residential uses;
- (N) Despite Regulation 200.5.1.10(12)(C), the **vehicle** entrance or exit to the **building** may be located 0.5 metres from a property line abutting the **street**;
- (O) Despite Regulation 230.5.10.1(1), (3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained on the lands, in accordance with the following minimum rates:
- (i) 0.9 "long-term" **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.1 "short-term **bicycle parking spaces** for each **dwelling unit**;
 - (iii) 0 "long term" **bicycle parking spaces** for each 100 square metres of **interior floor area** for all non-residential uses; and
 - (iv) 0 "short-term" **bicycle parking spaces** for each 100 square metres of **interior floor area** for all non-residential uses;
- (P) Despite Regulations 230.5.1.10(4), (5), (6), (9), and (10), **bicycle parking spaces**

must be provided and maintained in accordance with the following:

- (i) "long-term" and "short-term" **bicycle parking spaces** may be provided above or below ground and in a **stacked bicycle parking space**;
 - (ii) "long-term" **bicycle parking spaces** may be located indoors, enclosed or unenclosed space including within a secured room, in a locker, or area on any floor of a **building** above or below ground level, in any combination of vertical, horizontal or stacked positions if a bicycle elevator is provided or combination thereof;
 - (iii) for **stacked bicycle parking space**, the required minimum dimensions of a **bicycle parking space** is:
 - a. width of 1.8 metres;
 - b. length of 0.4 metres; and
 - c. vertical clearance of 1.0 metres;
- (Q) Despite Regulation 230.40.1.20(2) a "short term" **bicycle parking space** may be located more than 30 metres from a pedestrian entrance and may be located on any floor of a **building** above or below ground level;
- (R) Despite Regulation 600.20.10(1), the first **storey** of a **mixed-use building** must provide a minimum of 75 percent of the **lot frontage** abutting the priority retail **street** for one or more of the following uses:
- Clinic
 - Club**
 - Community Centre**
 - Custom Workshop Day Nursery**
 - Eating Establishment**
 - Entertainment Place of Assembly**
 - Place of Assembly**
 - Place of Worship**
 - Private School**
 - Recreation Use**
 - Retail Service**
 - Retail Store**
 - Service Shop**
 - Sports Place of Assembly**
 - Take-out Eating Establishment**
- (S) Despite Regulation 800.50(820) and for the purpose of this exception, a mezzanine floor level located above the first floor level is not a **storey**;
- (T) For the purposes of this exception, each word or expression that is in bold will

have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:

- (i) "Slope Zone" means the each of "Slope Zone 1", "Slope Zone 2" and "Slope Zone 3" being a part of the **building** as shown on Diagram 3 of By-law 113-2026;
- (ii) "Slope Zone 1" means the Slope Zone 1 being a part of the **building** as shown on Diagram 3 of By-law 113-2026;
- (iii) "Slope Zone 2" means the Slope Zone 2 being a part of the **building** as shown on Diagram 3 of By-law 113-2026; and
- (iv) "Slope Zone 2" means the Slope Zone 2 being a part of the **building** as shown on Diagram 3 of By-law 113-2026;

Prevailing By-laws and Prevailing Sections: None Apply

- 5.** 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.

Enacted and passed on February 4, 2026.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1

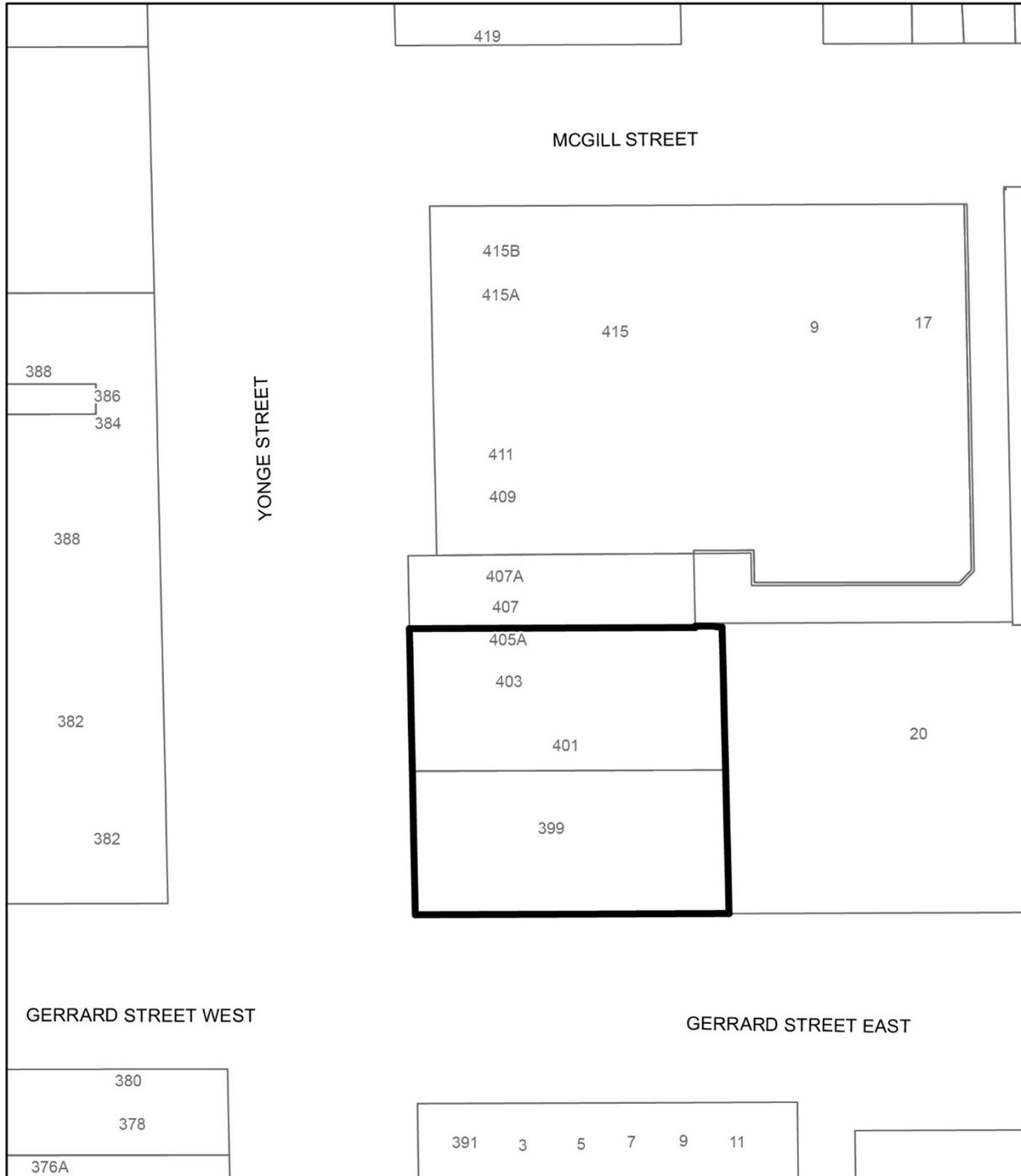


Diagram 2

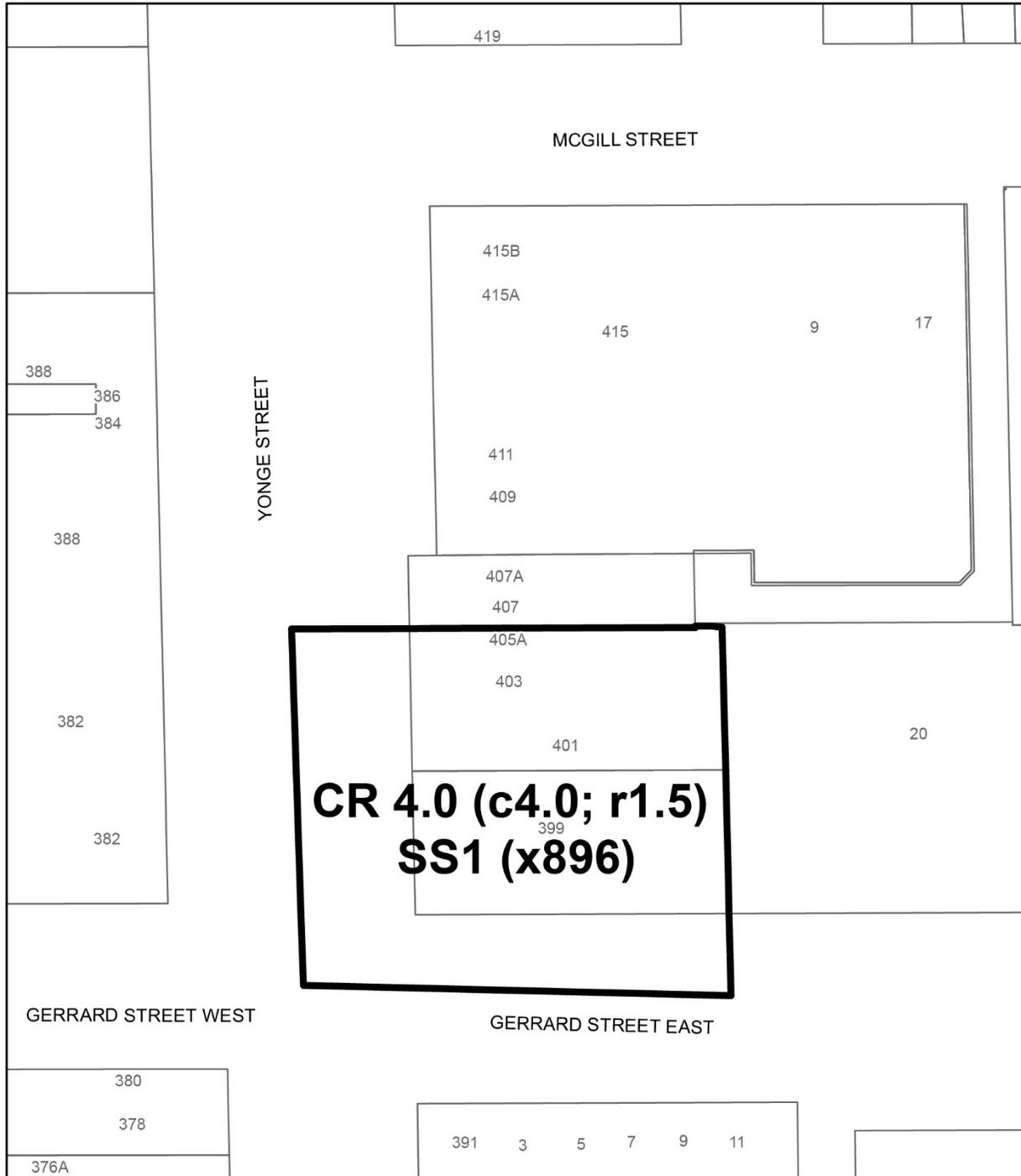


Diagram 3

