

Authority: Toronto and East York Community Council Item _____

**CITY OF TORONTO
BY-LAW No. ____-2021**

To amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands known municipally as 2400-2440 Yonge Street in the year 2021

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2020 as 2400-2440 Yonge Street; and

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 2(1) with respect to the definition of *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *height*, *lot*, and Sections 4(2)(a), 4(3), (4)(4), 4(5), 4(8), 4(10), 4(13), 4(16), 8(3)Part I, 8(3)Part II, 8(3)PART IV, 12(2)118, 12(2)119, 12(2)269, and 12(2)270(a) of Zoning By-law No. 438-86 being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a *mixed use building* on the *lot*, including uses *accessory* thereto, including *carshare*, provided that:
 - (a) For the purposes of this By-law, the *lot* consists of the lands delineated by heavy lines on Map 1 attached to this By-law;
 - (b) No portion of the building shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
 - (c) The total of *gross floor area* shall not exceed 47,800 square metres, of which a maximum of 41,700 square metres of *residential gross floor area* is permitted;
 - (d) No portion of any building erected above *grade* on the *lot* is located above the maximum height in metres as indicated by the following letter "HT" as shown on Map 2, attached to and forming part of this Bylaw;
 - (e) No portion of any building or structure erected on the *lot* may extend beyond the minimum building setbacks for buildings and structures on the lot as shown on Diagram 2, attached to By-law ### [NTD: City Clerk to provide By-law #];
 - (f) Notwithstanding Section 1.(d) and (e) above of this By-law, the following building elements, structures and projections are permitted to extend beyond the heavy lines and above the *heights* as shown on Map 2, attached to and forming part of this By-law, and referred to therein:

- i. architectural features, air intake and air handling units, awnings, balconies, bay windows, bicycle racks, bollards, canopies, chimneys, communication equipment, cooling tower, cornices, columns, eaves, elevator enclosures and overruns, fences, flues, green roof, guardrails, insulation and roof surface materials, landscape and public art features, lighting fixtures, ornamental elements, parapets, pipes, planters, platforms, railings, retaining walls, satellite dishes, screens, stacks, stairs, stair enclosures, terraces, trellises, utility and mechanical equipment, underground garage ramps and their associated structures, vents, walkways, wheel chair ramps, wind protection, window sills, and window washing equipment; and
 - ii. elements or structures on any portion of a roof used for outside or open air recreation, including required *residential amenity space*;
- (g) *Parking spaces* shall be provided and maintained on the *lot* in in a *parking garage* accordance with the following requirements:
 - i. A minimum of 0.3 resident *parking spaces*; and
 - ii. A minimum of 0.1 residential visitor *parking spaces*;
- (h) Required residential visitor *parking spaces* may be shared with retail commercial uses and may be used commercially for profit.
- (i) Notwithstanding Section 4(17)(e), *parking spaces* may be obstructed;
- (j) *Bicycle parking spaces* shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
 - i. A minimum of 494 *bicycle parking spaces – occupant*; and
 - ii. A minimum of 72 *bicycle parking spaces – visitor*
- (k) Notwithstanding Section 4(6) and 4(7), a minimum of one *loading space – Type C*, one *loading space – type G* and three *loading space – Type E* shall be provided and maintained on the *lot*;
- (l) Indoor and outdoor *residential amenity space* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - i. A minimum of 1,070 square metres of indoor *residential amenity space*; and
 - ii. A minimum of 860 square metres of outdoor *residential amenity space*
- 2. None of the provisions of this By-law and By-law No. 438-86 shall apply to prevent a “*Temporary Sales Office*” on the *lot*;

3. For the purposes of this By-law, every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid Bylaw No. 438-86, as amended, with the exception of the following:
- (a) “*bicycle parking space – occupant*” means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
 - i. Where the bicycles are to be parked in a stacked horizontal manner, have dimensions of at least 2.0 m in length, a minimum width of 0.45 metres, and a minimum vertical clearance of 1.3 metres; and
 - ii. May be located outdoors or indoors including within a secured room or enclosure.
 - (b) “*bicycle parking space – visitor*” means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
 - i. Where the bicycles are to be parked in a stacked horizontal manner, have dimensions of at least 2.0 m in length, a minimum width of 0.45 metres, and a minimum vertical clearance of 1.3 metres; and
 - ii. May be located outdoors or indoors including within a secured room or enclosure.
 - (c) “*Car-share*” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (d) “*grade*” means an elevation of 167.70 metres Canadian Geodetic Datum;
 - (e) “*height*” means the vertical distance between *grade* and the highest point of the building or structure, subject to permitted projections;
 - (f) “*lot*” means the lands outlined by heavy lines on Map 1 attached to this By-law;
 - (g) “*storey*” means a level of a building, other than a basement, located between any floor and the floor, ceiling or roof immediately above it. For the purposes of this By-law, a mezzanine is not a *storey*;
 - (h) “*temporary sales office*” shall mean a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot* and/or the administration and management of construction activity related to construction on the *lot*.

4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

ENACTED AND PASSED this __day of _____, A.D. 2021.

JOHN TORY
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk