

Authority: [Toronto and East York Community Council] Item [-], as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 399 to 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;

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, as amended; 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;

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 990.1 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 Article 900.11.10 Exception Number 896 that it reads:

(896) Exception CR 896

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 lands municipally known as 399-405 Yonge Street, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (T) below;
- (B) For the purposes of this exception, “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 the distance between the Canadian Geodetic Datum of 95.60 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.1(1), residential use portions of the **building** must be located above non-residential use portions of the **building**, other than residential lobby;
- (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" as shown on Diagram 3 of By-law [Clerks to insert By-law number], inclusive

of equipment used for the functional operation of the **building** or **structure** such as electrical, utility, mechanical and ventilation equipment;

- (F) Despite regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert By-law number]:
- (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 252.8m:
 - (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 1st **storey building setback** along Gerrard Street East above a Canadian Geodetic Datum of 95.60 metres:
 - (a) Awnings, canopies, and site servicing features by a maximum of 3.5 metres;
- (G) Despite section (E) above, a building or structure erected within a Slope Zone as shown on Diagram 3 of By-law [Clerks to insert By-law number] will be consistent with the following:
- (i) a building or structure erected within the Slope Zone 1 on Diagram 3 to By-law [Clerks to insert By-law number], must be contained within the slope between the height of 234.5 metres and 246.1 metres;
 - (ii) a building or structure erected within the Slope Zone 2 on Diagram

- 3 to By-law [Clerks to insert By-law number], must be contained within the slope between the height of 229.6 metres and 241.2 metres;
- (iii) a building or structure erected within the Slope Zone 3 on Diagram 3 to By-law [Clerks to insert By-law number], must be contained within the slope 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** is 56,000 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 54,000 square metres;
- (ii) the required minimum **gross floor area** for the exclusive use of a “social housing program” is 1,620 square metres;
- (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 regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (K) Despite regulation 40.10.40.80(1), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (L) Despite Clause 40.10.40.60 and (I) and (J) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

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- (i) cornices, lighting fixtures, guards, , balustrades, , mechanical and architectural screens, window sills, chimneys, vents, stacks, mechanical fans, stairs, stair landings, 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 1st **storey** of the **building**:
 - (a) awnings, canopies, and site servicing features, by a maximum of 1.7 metres;
- (M) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) No **parking spaces** are required for residential occupants;
 - (ii) No **parking spaces** are required for residential visitors; 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 **lot line** abutting the **street**.
- (O) 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) 0.1 "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:

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- (i) Both "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 m; 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 the **building** above or below ground level;
 - (R) The following uses without conditions, in addition to the uses permitted in Regulation 40.10.20.10 are permitted on the **lot**:
 - 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) For the purpose of this exception, a mezzanine floor level located above

the first floor level is not a **storey**;

- (T) The provision of **dwelling units** is subject to the following:
- (i) A minimum of 15 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) A minimum of 10 percent of the total number of **dwelling units** must have 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.

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

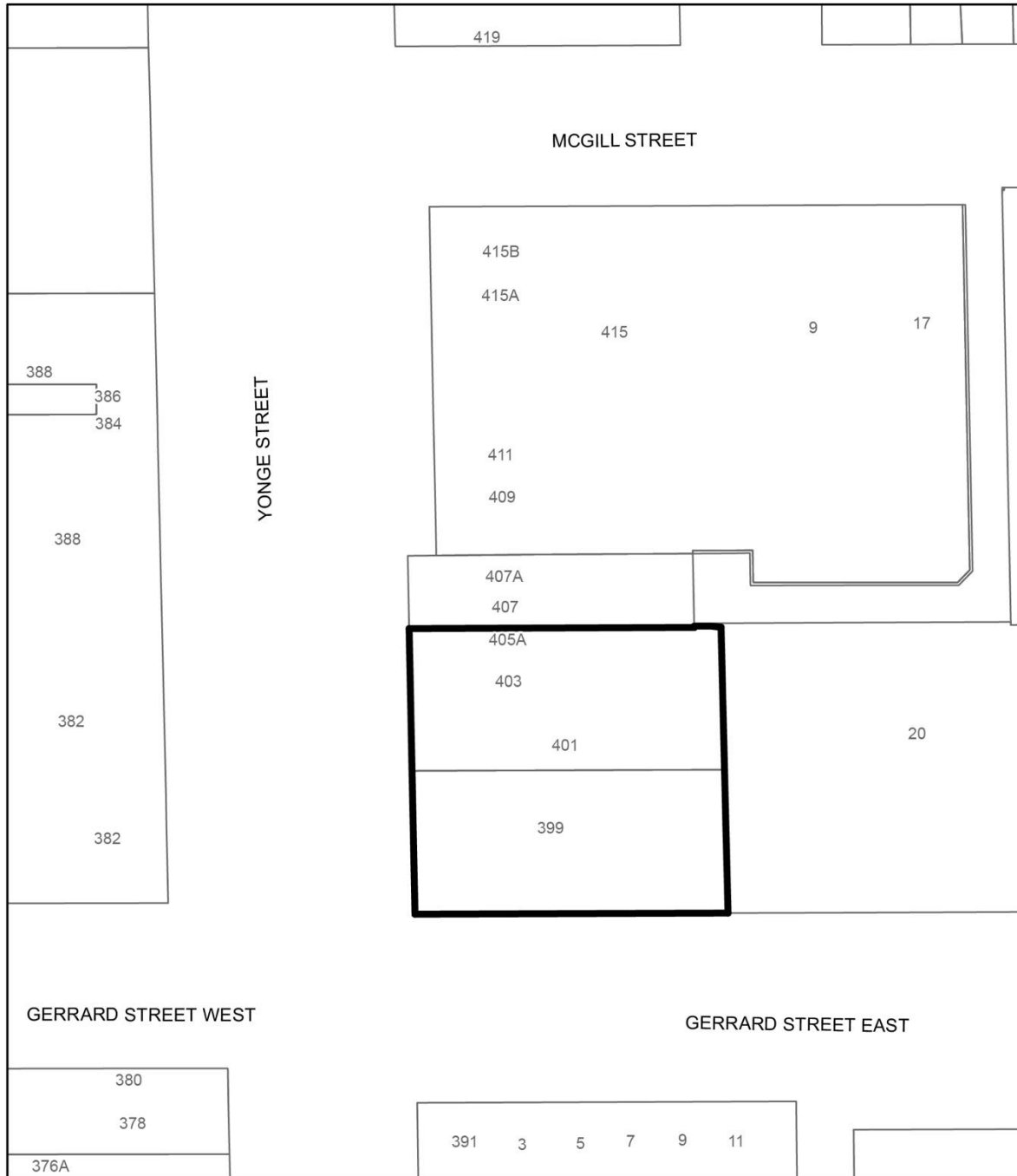
5. None of the provisions of this By-law or By-law 569-2013, as amended, apply to prevent the erection and use of a Construction Office/Sales Office on the lands identified on Diagram 1 of this By-law where a Construction Office/Sales Office means **buildings, structures**, facilities or trailers, or portions thereof, used for the purpose of the administration and management of construction activity and/or for selling or leasing dwelling units and/or non-residential **gross floor area** on the lands identified on Diagram 1 of this By-law.
6. Despite any severance, conveyance, 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 [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)



 **TORONTO**
Diagram 1

399-405 YONGE STREET

File # 22 162248 STE 13 OZ



