

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

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]-2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 639-653 Yonge Street and 12A Isabella 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 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 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.

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, 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 label of CR 3.0 (c2,0; r3.0) SS1 (x2546) to a zone label of CR 3.0 (c2,0; r3.0) (XXXX) 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 [XX] so that it reads:

([assigned exception number]) Exception CR ([assigned exception number])

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 639-653 Yonge Street, as shown on Diagram 1 of By-law [Clerks to insert By-law ##], a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (BB) below:
- (B) For the purpose of this exception, the **lot** consists of the lands delineated by heavy lines on Diagram 1 attached to By-law [Clerks to insert By-law number];
- (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 112.0 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** are permitted to be located on the same **storey** as non-residential use portions of a **building**;
- (E) Despite Regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure**, including a mechanical penthouse, cooling equipment and structures that enclose, screen or cover them, is the number following the HT symbol in metres as shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (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 of a **building** shown on Diagram 3 of By-law [Clerks to insert By-law number]:
 - (i) 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, safety anchors, lightning rods, railings, ballustrades, bollards, terraces, and patios by a maximum of 3.5 metres;
 - (ii) equipment and elements used for the functional operation of the **building** including electrical, utility, and **structures** that enclose, screen, or cover the equipment by 4.0 metres;
 - (iii) 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;

- (iv) enclosed stairwells, roof access, maintenance equipment storage, water supply facilities, safety elements, pipes, elevator machine rooms, elevator shafts and overruns, solar panels chimneys, and vents, by a maximum of 5.0 metres;
 - (v) **building** maintenance units and window washing equipment, by a maximum of 6.5 metres;
 - (vi) recreation and play **structures**, by a maximum of 5.0 metres;
- (G) Despite Regulation 40.10.40.10(5), the required minimum height of the first floor level above ground, measured between the floor and the floor, ceiling, or roof immediately above it, is:
 - (i) 2.8 metres for non-residential uses;
 - (ii) 2.8 metres for residential uses; and
 - (iii) a mezzanine shall not constitute a storey or floor as described in (D) above;
- (H) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 56,600 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 56,050 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 550 square metres;
- (I) In addition to the **building** elements listed in regulation 40.5.40.40(3), the **gross floor area** of a **mixed-use building** is also reduced by the areas in a **building** used for:
 - (i) 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;
 - (ii) Electrical, utility, service corridors, mechanical and ventilation rooms above grade, excluding such areas located in **dwelling units**.
- (J) Despite Regulation 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 0.53 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**;
- (K) 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 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 K, the minimum setback from the Yonge Street frontage property line to the tower portion of the building above an elevation of 54 metres and below an elevation of 96 metres follows a gradual sloped transition between these two points as illustrated on Diagram 4 of By-law [Clerks to insert By-law number];
- (M) Despite Clause 40.10.40.60 and (K) and (L) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) unenclosed **structures** providing safety or wind protection including canopies and awnings, by a maximum of 5.0 metres;
 - (ii) window washing equipment including building maintenance unit or crane, bollards, by a maximum of 3.0 metres;
 - (iii) exterior stairs, covered stairs or stair enclosures, access ramps and elevating devices, by a maximum of 1.0 metres;
 - (iv) architectural or ornamental features, such as a pilaster, decorative column, fins, cladding, parapet, cornice, sill, light fixtures, privacy screens, eaves, canopies, awnings, underground garage ramps and ancillary **structures**, retaining walls, wheelchair ramps may extend by a maximum of 2.0 metres;
 - (v) window projections, including bay windows and box windows, by a maximum of 0.5 metres;
 - (vi) 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;

- (vii) Projecting balconies within the shaded area identified as “Projecting Balcony Area” on Diagram 3 of By-law [Clerks to insert By-law Number] and the Yonge Street façade on Diagram 4 [Clerks to insert By-law Number] by a maximum of 2.0 metres up to an elevation of 102 metres;
- (N) Inset balconies provided within the hatched area identified as “Inset Balcony Area” on Diagram 3 of By-law [Clerks to insert By-law Number] between an elevation of 102 and 221 metres along the Yonge Street façade, are permitted;
- (O) Despite (N) above, inset balconies are permitted on all other façades of the building;
- (P) Despite (M) and (K) above, elements of the “Heritage Facade to Remain” shown on Diagram 3 of By-law [Clerks to insert By-law Number] where authorized by the City of Toronto are permitted encroachments into a public street;
- (Q) Despite Regulation 200.5.10.1(1), Table 200.5.10.1, and Clauses 200.15.10.5, 200.15.10.10, **parking spaces** must be provided in accordance with the following:
 - (i) 1 **parking space** shall be provided for residential visitors and may provide pick-up/drop-off functions; and
 - (ii) 2 **parking spaces** shall be provided for residents and must be accessible **parking spaces**;
- (R) Despite Regulation 200.5.10(12), vehicle access to the **parking spaces** within the **building** may be provided by a car elevator, an automated parking system, or a parking stacker;
 - (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;
 - (ii) for the purposes of this exception “parking stacker” shall mean a mechanical motor vehicle parking facility with parking spaces which are positioned above or below each other and may not be readily accessible without manoeuvring a mechanical device;
 - (iii) the length of one side of an accessible **parking space**, and such

aisle or path may be shared by 2 accessible **parking spaces**;

- (S) Despite the minimum dimensions set out in Regulation 200.5.1.10(2), **parking spaces** provided in parking stackers shall have:
 - (i) a minimum length of 5.4 metres;
 - (ii) a minimum width of 3.6 metres;
 - (iii) a minimum vertical clearance of 1.6 metres;
 - (iv) a minimum of 2.1 clearance only at the point of ingress and egress to and from the parking vehicle; and
 - (v) parking stacker mechanisms and equipment may be located within these dimensions;
- (T) Despite Regulation 200.15.1(3) and (R(iii)) above, the entire length of an accessible parking space may not be adjacent at all times to a 1.5 metre wide accessible barrier free aisle or path, and may require the maneuvering of the mechanical parking stacker to bring the accessible parking space in a position where it is adjacent to the 1.5 metre wide accessible aisle;
- (U) Despite Regulation 200.15.1.5, an accessible parking space may not be free of physical, architectural or design barriers at all times and may require the maneuvering of the mechanical parking stacker to bring the accessible parking space in a position where it is free of any physical, architectural, or design barrier;
- (V) Regulation 200.15.1(4) with respect to the location of accessible **parking spaces** does not apply;
- (W) Despite Regulation 230.5.1.10(10), "short-term" and "long-term" **bicycle parking spaces** may be located in a stacked bicycle parking space arrangement and in any combination of vertical, horizontal or stacked positions;
- (X) 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;
- (Y) Despite Regulation 230.40.1.20(2), "short-term" bicycle parking spaces may be located more than 30 metres from a pedestrian entrance to the building on the **lot**, provided that they are located:
 - (i) on the first or second storey of the building in a publicly-accessible room, area or enclosure;
 - (ii) on the levels of the building below-ground in a publicly-accessible room, area or enclosure; or
 - (iii) outside the building, on the **lot**.
- (Z) 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 meters;
 - (ii) minimum width of 0.4 meters;
 - (iii) minimum horizontal clearance from the wall of 1.2 meters.
- (AA) 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 (ii) above are not included in the provision required by (i) 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;
- (BB) Despite Regulation 40.10.20.100(21)(D), an **outdoor patio** is permitted within 30 metres of a **lot** in the Residential Zone category.

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. Temporary Use(s):
 - (A) None of the provisions of Zoning By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a temporary sales office, leasing or construction office, which is a temporary **building** or **structure**, facility, or trailer or portion thereof exclusively for the purpose of marketing, leasing, or sale of a **dwelling unit** or non-residential unit on the **lot** for a period of 3 years.

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

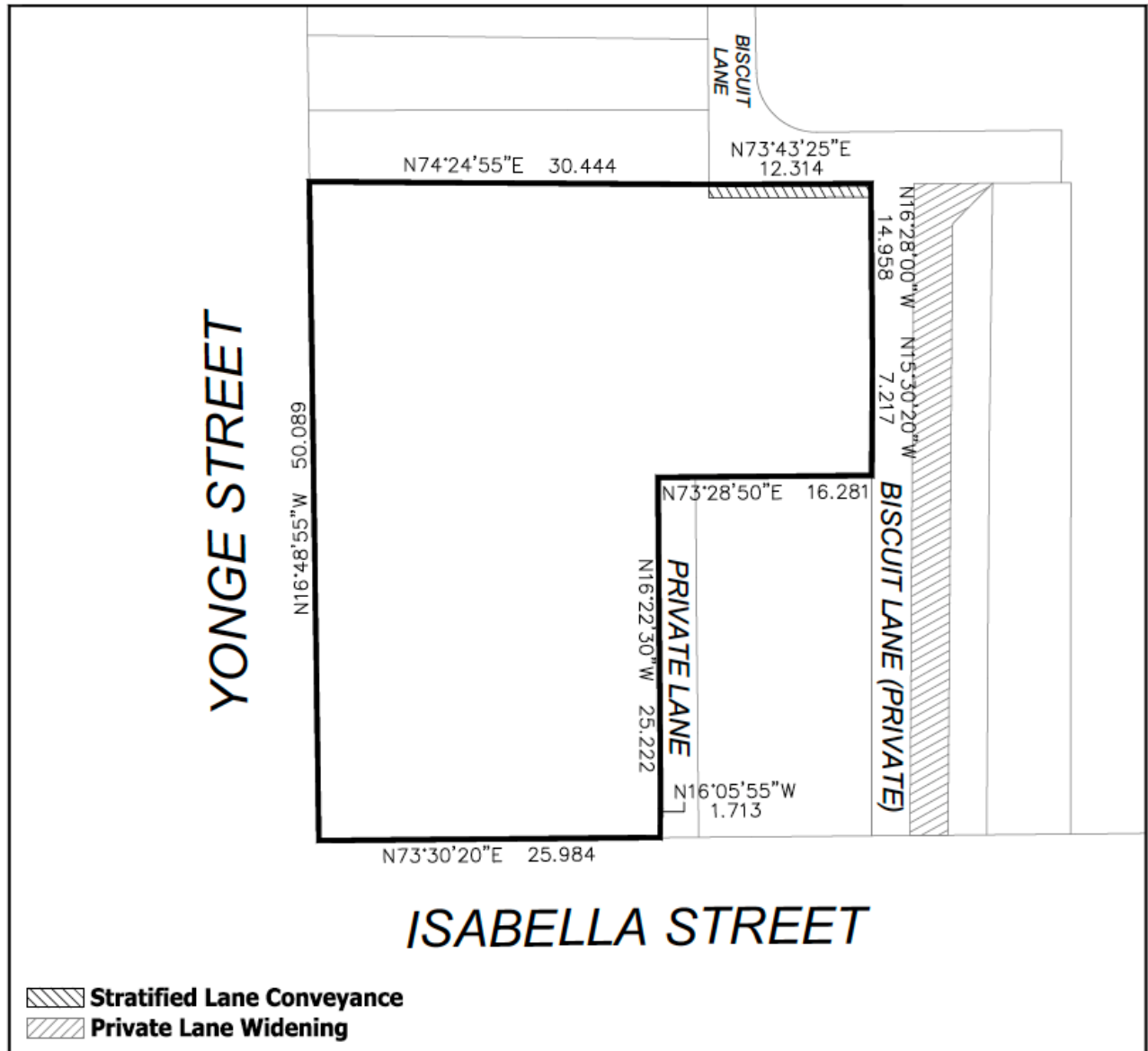


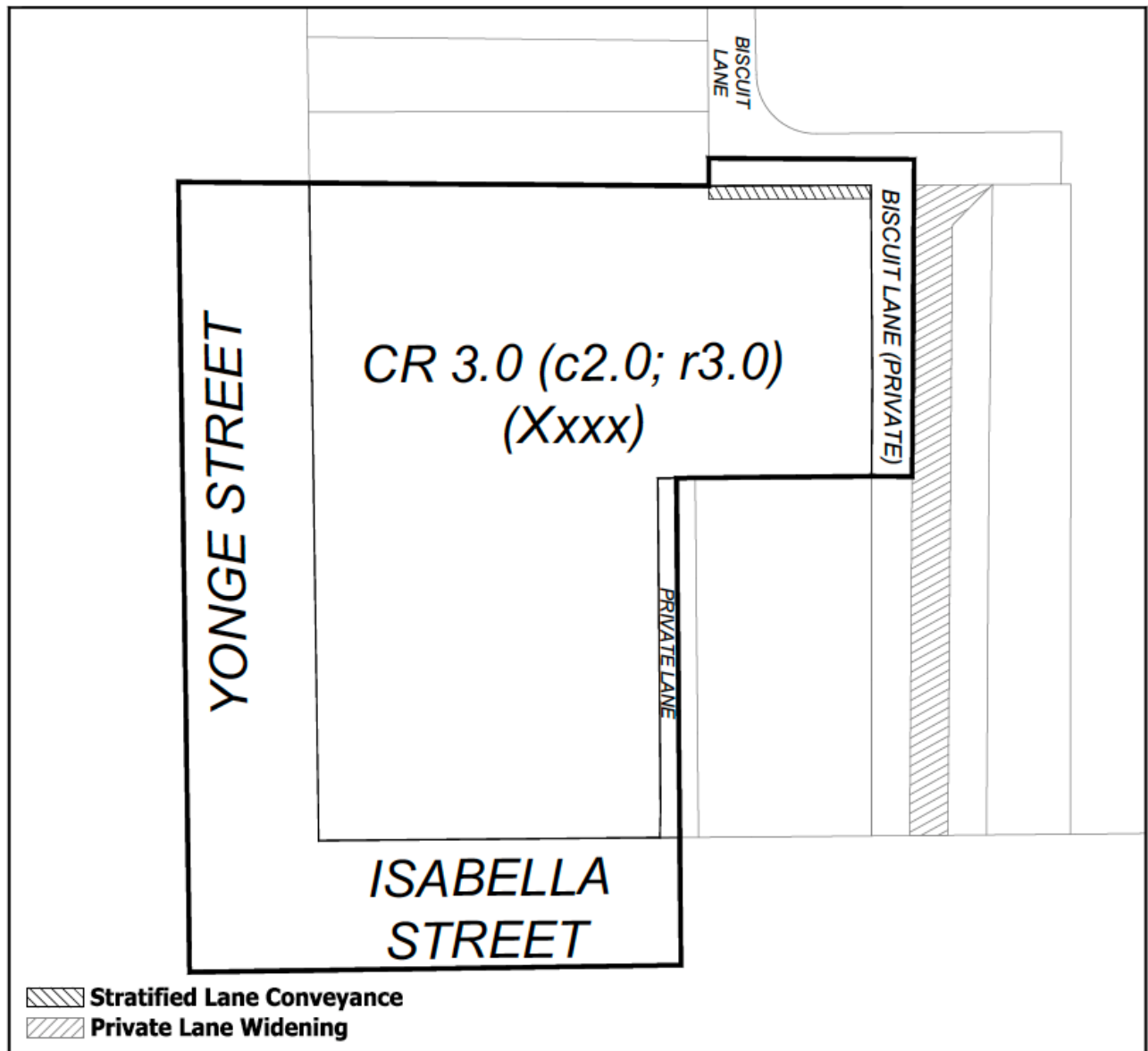
Diagram 1

639-653 Yonge Street, Toronto

File #22



Not to Scale



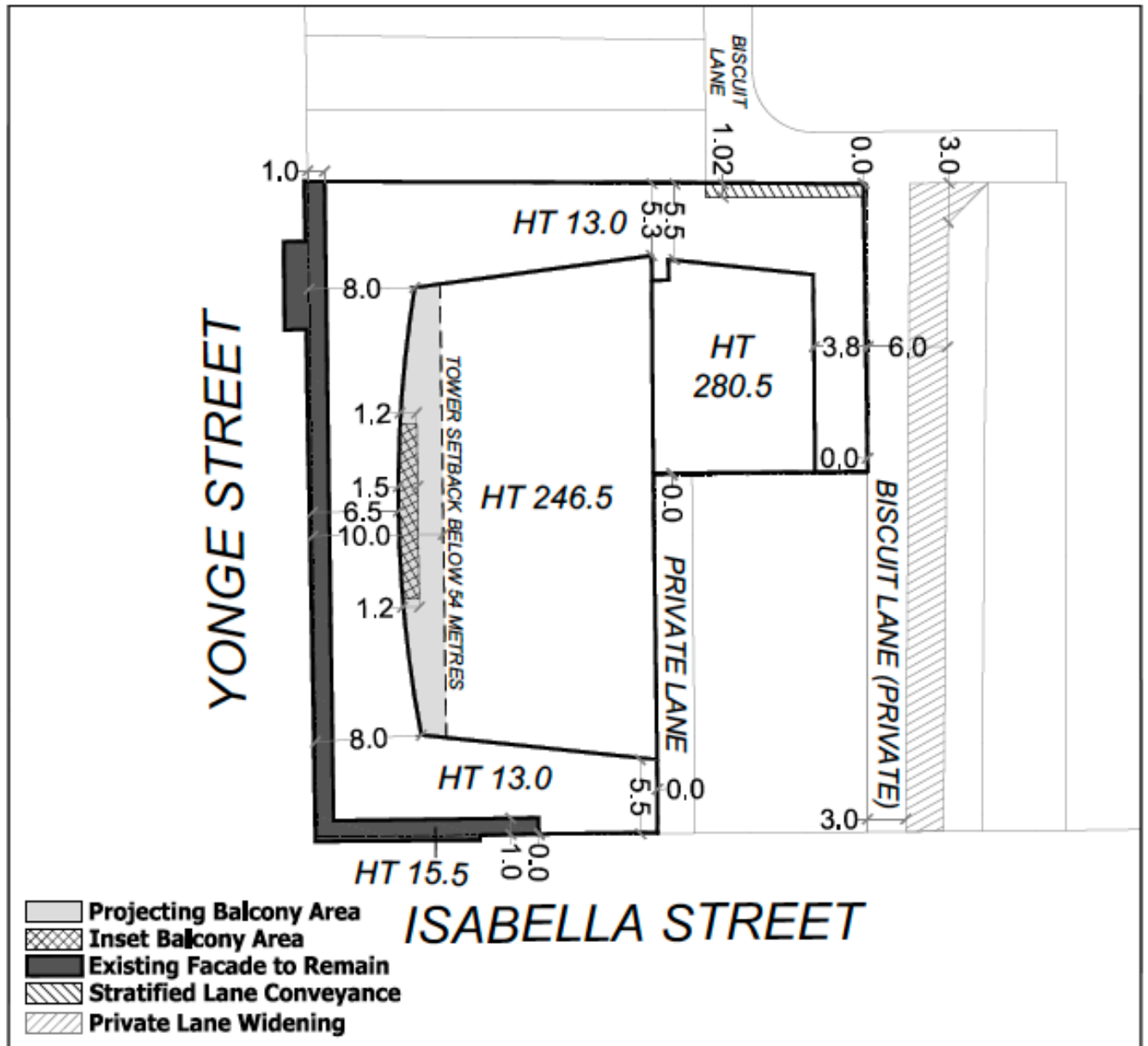
639-653 Yonge Street, Toronto

Diagram 2

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639-653 Yonge Street, Toronto

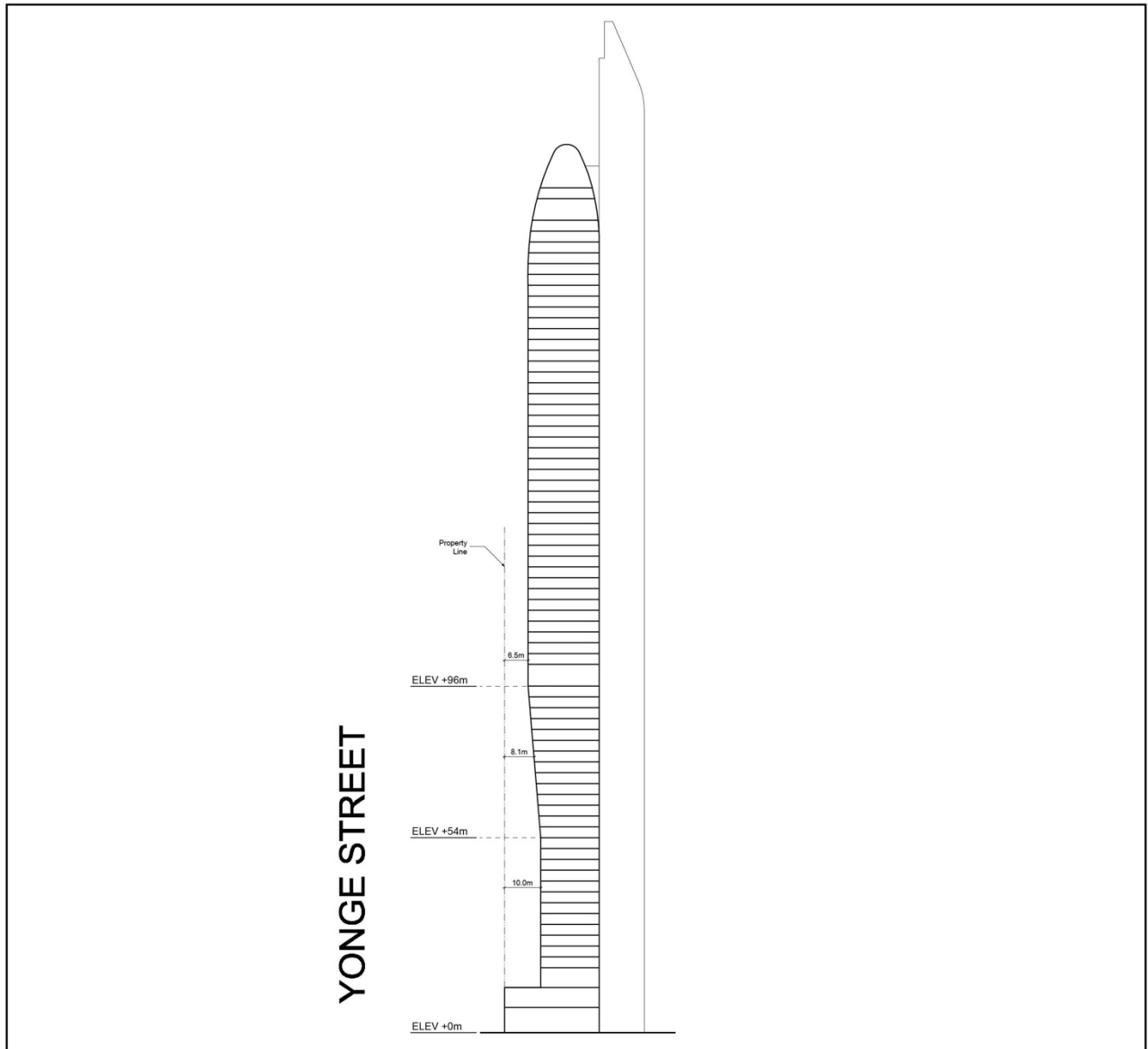
Diagram 3

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NOTE: All existing building dimensions to be verified in the field.



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**Diagram 4****639-653 Yonge Street, Toronto**

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