

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 2024 as 2323 and 2329 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 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 the Official Plan for the former City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Subsection 37.1(3) of the Planning Act, R.S.O. c. P.13, Subsections 37(1) to (4) of the Planning Act as they read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, shall continue to apply to a by-law passed pursuant to the repealed Section 37(1), prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas City Council by its decision of July 19, 2022 approved By-law No. 890-2022 being an amendment to 569-2013 as amended, with respect to lands municipally known as 2323 and 2329 Yonge Street, which is a by-law described in repealed 37(1) of the Planning Act; and

Whereas this By-law does not amend or remove the requirement to provide facilities, services and matters and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID- 19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas subsection 37(3) of the Planning Act, as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the

owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters in return for certain increases in density and height beyond those set out in By-law 569-2013 through amendments set out in By-law 890-2022; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law, to be secured by one or more agreements between the owner of the land and the City of Toronto; 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 No. 569-2013, Chapter 800 Definitions.
3. Diagram 1, Diagram 2, and Diagram 3 of By-law 569-2013 as amended by By-law 890-2022 are amended by replacing them with Diagram 1, Diagram 2, Diagram 3, and Diagram 4 attached to this By-law [Clerks to insert By-law number].
4. Regulation 900.11.10(759) of Zoning By-law No. 569-2013 is further amended by deleting subsections CR 759 (A) to (BB) and replacing with the following.

(759) Exception CR (759)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions:

Site Specific Provisions:

- (A) On lands municipally known as 2323 and 2229 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 (AA) below:
- (B) In addition to the permitted uses listed in Clauses 40.10.20.10 and

40.10.20.20, car-share parking spaces are permitted as a non-residential use;

- (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 elevation of 166.35 metres and the highest point of the **building** or **structure**;
- (D) Despite regulation 40.10.20.100(21)(D), an **outdoor patio** must be set back at least 6.0 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category;
- (E) Despite regulation 40.10.40.10(2), 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];
- (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 ##]:
 - (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 6.5 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 7.0 metres;
 - (iii) architectural features, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
 - (iv) **building** maintenance units, a structural damper, lightning rods, and window washing equipment, by a maximum of 8.0 metres;
 - (v) antennae, flagpoles, satellite dishes, by a maximum of 4.0 metres;
 - (vi) parapets, cornices, and mouldings, by a maximum of 1.2 metres;
 - (vii) planters, **landscaping** features, guard rails, divider screens on a balcony and/or terrace, by a maximum of 2.8 metres; and
 - (viii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space** by maximum of 5.0 metres;

- (G) Despite regulation 40.5.40.60(1), a canopy, awning or similar **structure**, with or without structural support, may encroach into a required minimum **building setback** that abuts a **street**, if no part of the canopy, awning or similar **structure** is located more than 7.5 metres above the elevation of the ground below directly below it;
- (H) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 48,500 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 48,500 square metres;
- (I) Despite regulations 40.10.40.50(1) and (2), **amenity space** must be provided at the following rate:
- (i) at least 1.55 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 1.65 square metres of outdoor **amenity space** for each **dwelling unit**, of which 40.0 square metres must be in a location adjoining or directly accessible to indoor **amenity space**; and
 - (iii) no more than 25 percent of the outdoor **amenity space** may be a **green roof**;
- (J) Despite regulation 40.10.40.70(2) the required minimum **building setbacks** are as shown in metres on Diagram 3 [clerks to insert By-law number];
- (K) Despite regulation 40.10.40.80(2), 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 (K) and (L) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, and balconies, by a maximum of 2.5 metres;
 - (ii) despite (i) above, between a height of 14.5 and 21.5 metres, balconies may project as shown on Diagram 4;
 - (iii) canopies, trellises, privacy screens, landscape features, lighting features, public art features and awnings, by a maximum of 4.0 metres;
 - (iv) exterior stairs, access ramps and elevating devices, by a maximum

of 3.0 metres;

- (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.0 metre;
 - (vi) mechanical and architectural screens, windowsills, window mullions, vents, metal panel, and stacks, by a maximum of 1.0 metre;
 - (vii) window projections, including bay windows and box windows, by a maximum of 1.0 metre;
 - (viii) eaves, by a maximum of 1.0 metre; and
 - (ix) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 2.0 metres;
- (M) Despite regulation 200.5.1.10(2)(A)(iv), if an **apartment building, mixed use building** or a **building** with non-residential uses, has an area for parking **vehicles**, a maximum of 10 percent of **parking spaces** may be obstructed as described in regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (N) Despite regulation 200.5.1.10(12)(C), if an **apartment building, mixed use building** or a **building** with non-residential uses, has an area for parking 2 or more **vehicles**, the **vehicle** entrance and exit to the **building** must be at least 4.0 metres from the **lot line** abutting a **street**;
- (O) Despite regulation 200.5.1.10(14), if an **apartment building, mixed use building** or a **building** with non-residential uses has an area for parking **vehicles**, 25 percent of the residential and non-residential **parking spaces** in the **building** must include an energized outlet capable of providing Level 2 charging or higher;
- (P) For the purpose of this exception:
- (i) "car-share" or "car-sharing" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
 - (ii) "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;

- (Q) Despite regulation 200.15.1(1), accessible **parking spaces** 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;
- (R) 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, and such aisle or path may be shared by 2 accessible **parking spaces**;
- (S) Despite regulation 200.15.1(4), an accessible **parking space** must be located within 30 metres of a barrier free entrance to a passenger elevator that provides access to the first **storey** of a **building**;
- (T) Despite regulations 970.10.15.5(11) and (12) a minimum of 7 of the required **parking spaces** are required to be accessible **parking spaces**;
- (U) Despite regulation 230.5.1.10(10), both “long-term” and “short-term” **bicycle parking spaces** may be stacked **bicycle parking spaces**;
- (V) Despite regulation 230.5.1.10(7), shower and change facilities are not required;
- (W) Despite regulation 230.5.10.20(1), the number of **bicycle parking spaces** required by regulation 230.5.10.1(5) may be reduced, subject to the following:
- (i) the number of “short-term” **bicycle parking spaces** reduced is not more than half the amount required by regulations 230.5.10.1(5)(A) or (B), rounded down to the nearest whole number;
 - (ii) the number of “long-term” **bicycle parking spaces** reduced is not more than half the amount required by regulations 230.5.10.1(5)(A) or (B), rounded down to the nearest whole number;
 - (iii) for each **bicycle parking space** required by regulation 230.5.10.1(5) to be reduced, the owner or occupant must provide a payment-in-lieu to the City of Toronto; and
 - (iv) the owner or occupant must enter into an agreement with the City of Toronto pursuant to Section 40 of the Planning Act
- (X) 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) In addition to those **dwelling units** provided to satisfy (i) and (ii) above, a minimum of an additional 15 percent of the total number of **dwelling units** must have two or three or more bedrooms (or be convertible to two or three or more bedrooms through the use of 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 or more bedrooms results in a number with a fraction, the number may be rounded up to the nearest whole number;
- (Y) Despite regulation 230.5.1.10(4)(A), the required minimum of a stacked **bicycle parking space** is:
- (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.4 metres; and
 - (iii) minimum vertical clearance of 1.2 metres;
- (Z) Despite regulation 200.25.15.2(2) regarding vehicular parking transition requirements for zoning by-law amendment applications, regulations 200.5.10.1(7)(C), 200.5.10.1(12), 200.15.1(5), 200.15.10.5(1), Table 200.15.10.5 – Minimum Parking Space rates for Accessible Parking Spaces, 200.15.10.5(2), (3), and (4), and 200.15.10.10(1) do not apply, provided that the building or structure complies with the provisions of 970.10.1(2) and (3), 970.10.15.5(13), (14), (15), (16), Table 970.10.15.5(1) – Parking Space Rates for Effective Parking Spaces, 970.10.15.5(17) and (18), or with the provisions of By-law 569-2013, as amended, as it read after July 22, 2022 and prior to March 31, 2025;
- (AA) Despite regulation 230.90.15.2(1) regarding bicycle parking transition requirements for zoning by-law amendment applications, regulations 230.5.1.10(4)(D) and (E), 230.5.1.10(7), 230.5.1.10(13), (14), (15), and (16), 230.5.10.1(1), Table 230.5.10.1(1) – Bicycle Parking Space Rates, and 230.5.10.1(7) do not apply, provided that the building or structure

complies with Clauses 970.30.15.5 , 970.30.15.10 , 970.30.15.15 , 970.30.15.30 , 970.30.15.40 , 970.30.15.50 , and 970.30.15.60, or with the provisions of By-law 569-2013, as amended, as it read after July 22, 2022 and prior to March 31, 2025;

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

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 3 of by-law [Clerks to insert By-law number] in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services and matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied; and
- (D) The facilities, services and matters identified in Schedule A are in addition to any benefits secured in By-law 569-2013 as amended by By-law 890-2022;

6. 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.

7. Temporary Uses:

- (A) 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 temporary sales centre or office in a building, structure, or trailer for the purpose of selling or leasing dwelling units on the lands to which this By-law applies for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

SCHEDULE A**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City by the owner at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown on Diagram 1 of By-law [Clerks to insert By-law number]; in accordance with and as secured in an agreement or agreements under Section 37(3) of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force in a form satisfactory to the City (the "Section 37 Agreement"), whereby the owner agrees as follows:

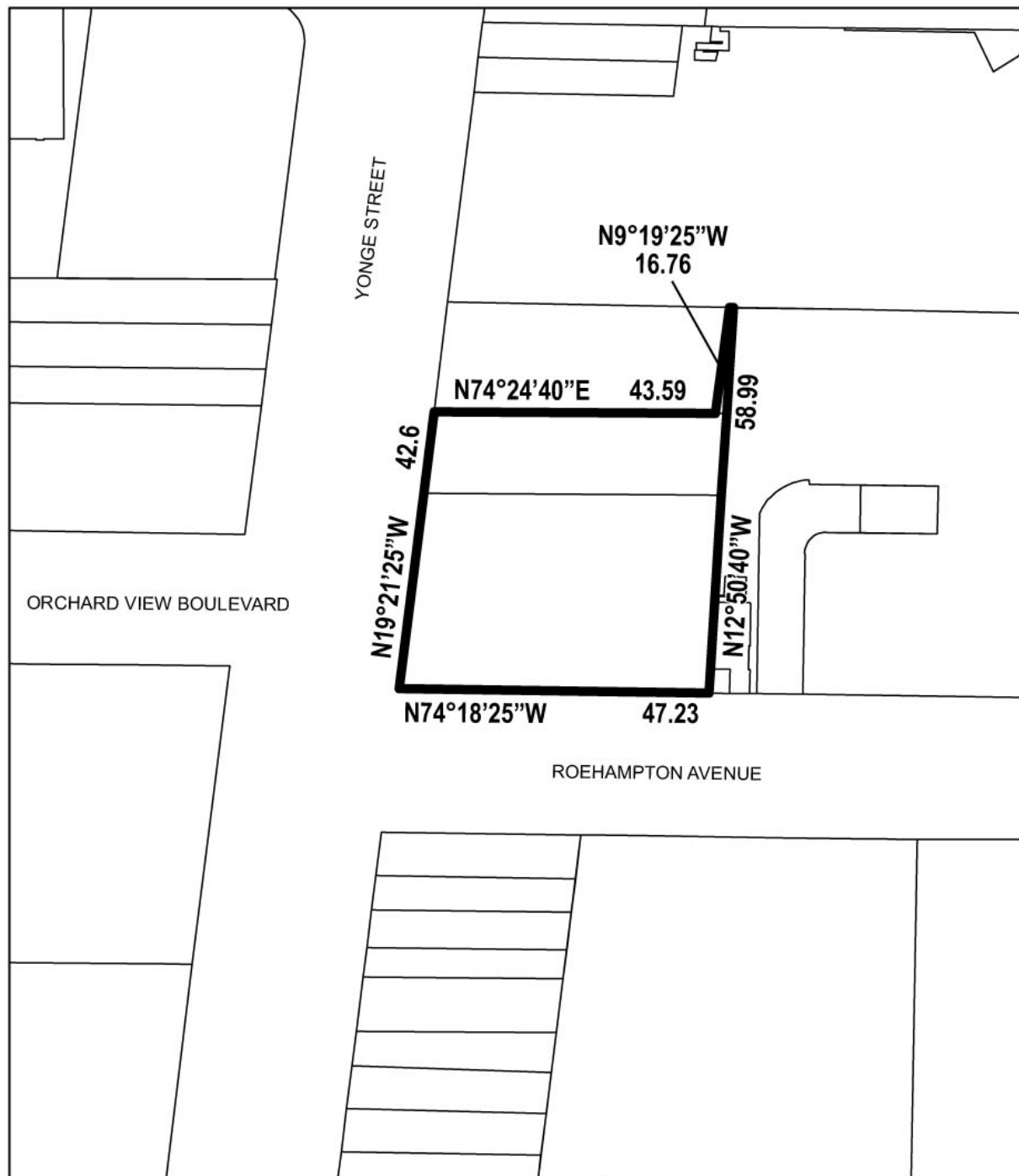
1. Prior to the issuance of any above grade building permit for the building shown on Diagram 3, attached to this By-law, the owner shall enter into an agreement to the satisfaction of the City Solicitor, pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID19 Economic Recovery Act, 2020, came into force to secure the community benefits below.

Affordable Rental Housing

2. The owner shall provide a minimum of 1,480 square metres of non-residential uses or affordable rental housing, which will include a minimum of 6 affordable rental housing units onsite totaling 345 square metres, to be secured as affordable for 25 years and as rental for 25 years all in accordance with the Section 111 agreement and terms and/or other agreements to the satisfaction of the Executive Director, Development Review and the City Solicitor.

The following matter(s) are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

3. The owner shall submit an updated Pedestrian Level Wind Tunnel Study prior to Site Plan Approval to the satisfaction of the Executive Director, Development Review, and the owner shall agree to implement any wind mitigation measures required therein to the satisfaction of the Executive Director, Development Review;



Toronto
Diagram 1

2323-2329 Yonge Street

File #: 24 166703 STE 12 OZ

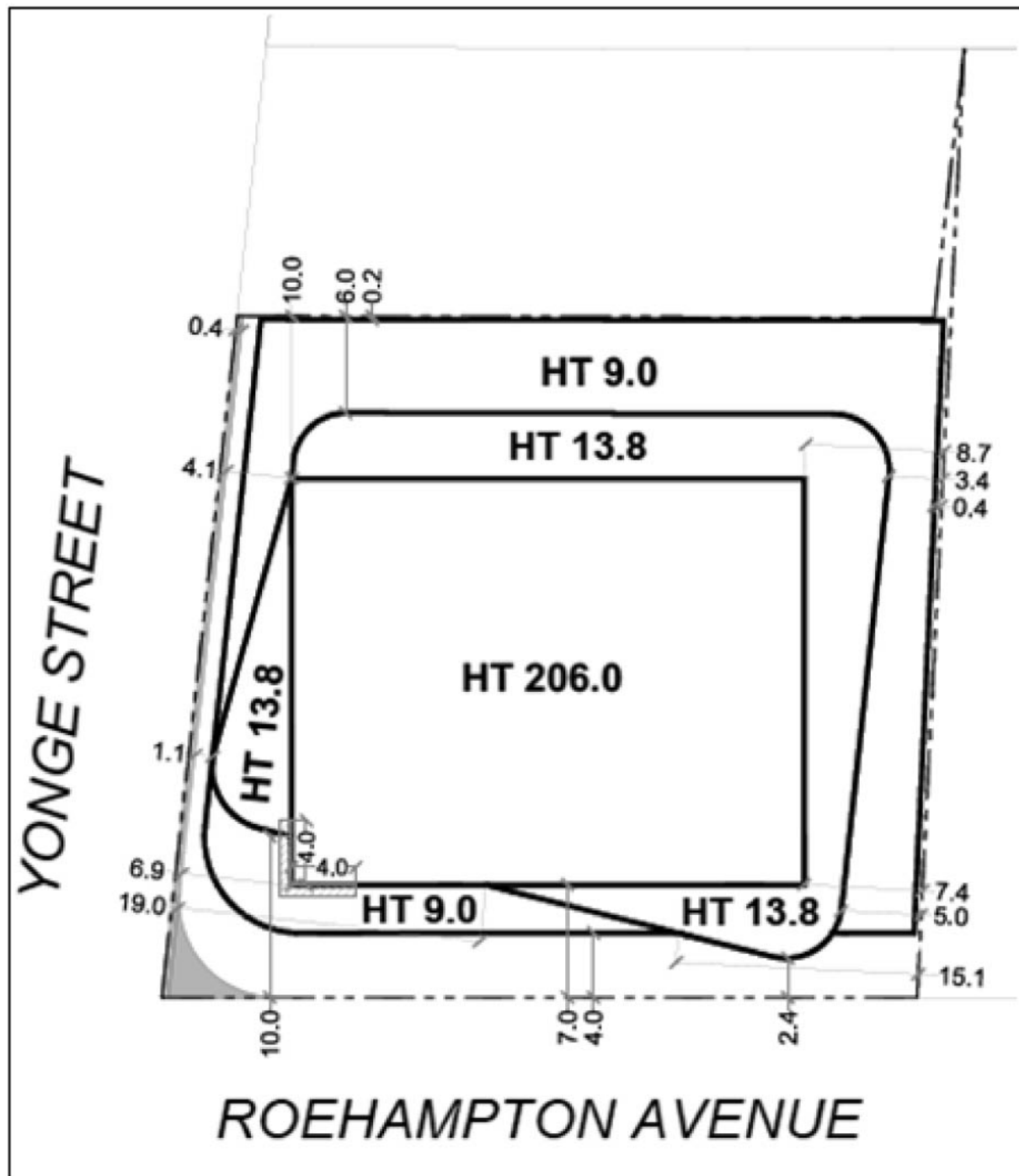




 **TORONTO**
Diagram 2

2323-2329 Yonge Street

File #: 24 166703 STE 12 0Z



TORONTO
Diagram 3

2323-2329 Yonge Street

File #: 24 166703 STE 12 OZ



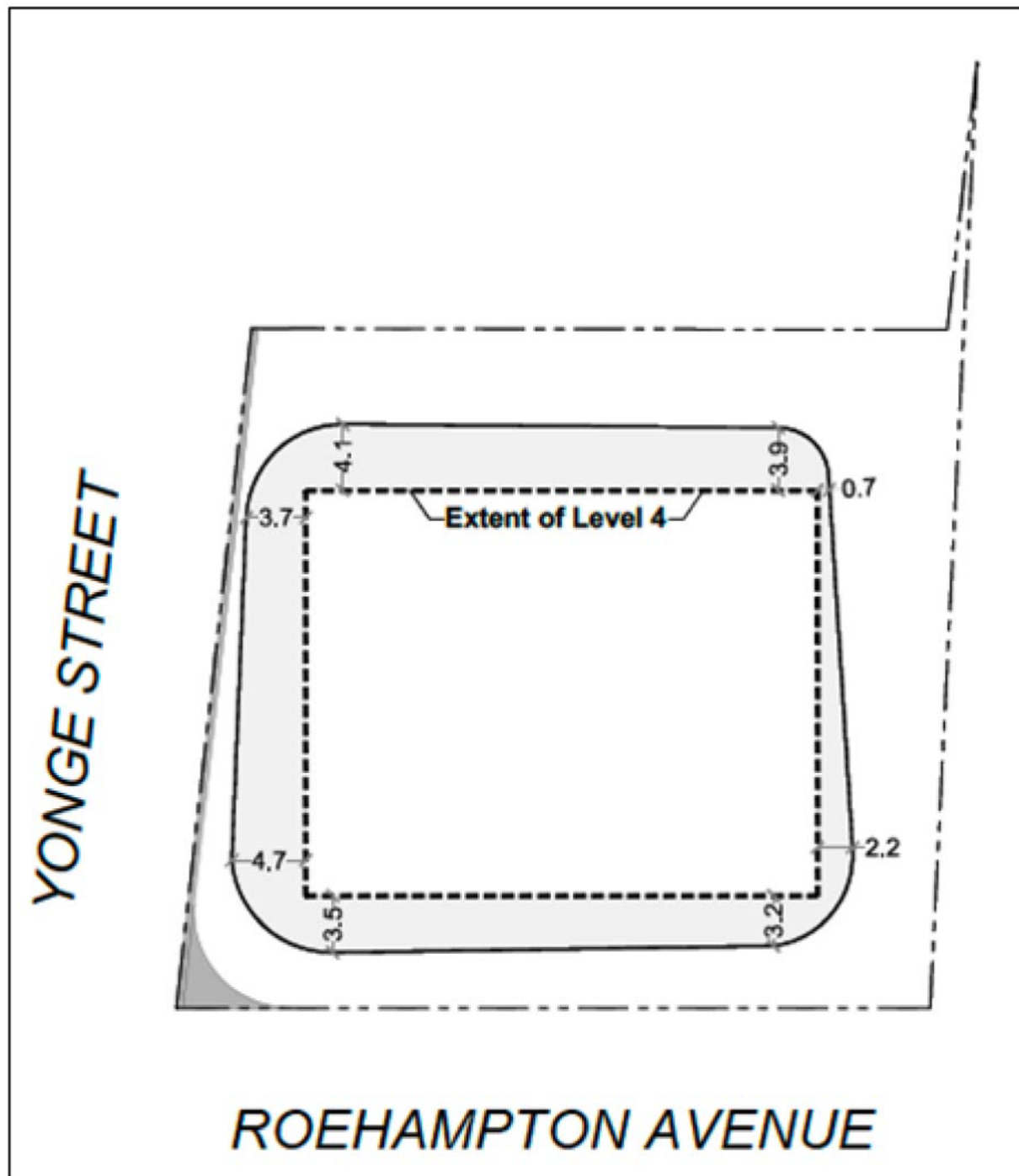
Road Conveyance



No balconies permitted above a height of 21.5 metres



City of Toronto By-law 569-2013
Not to Scale
09/16/2025



TORONTO
Diagram 4

2323-2329 Yonge Street

File #: 24 166703 STE 12 OZ

-  Road Conveyance
-  Extent of balcony on Level 4



City of Toronto By-law 569-2013
Not to Scale
09/16/2025