

Authority: Planning and Housing Committee Item PH25.4,  
as adopted by City of Toronto Council on July 14 and 15,  
2021

## CITY OF TORONTO

Bill 426

BY-LAW -2022

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 405 Sherbourne Street.**

Whereas Council of the City of Toronto has the authority to 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;

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, 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 990.10 respecting the lands outlined by heavy black lines to R (d2.0) Exception R 108 as shown on Diagram 2 attached to this By-law;
4. Zoning By-law 569 -2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law, from a height and storey label of null, to HT 30.0, as shown on Diagram 3 attached to this By-law;
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number R 108 so that it reads:

### **Exception R 108**

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

Site Specific Provisions:

- (A) On 405 Sherbourne Street, an **apartment building** or **mixed use building** may be constructed, used or enlarged in compliance with Sections (B) to (II) below;
- (B) in Chapter 10, 200, 220 and 230, reference to an **apartment building** is also a reference to a **mixed use building** and in addition to those permitted **building** types listed in regulation 10.10.20.40(1), a **mixed use building** is also permitted;

- (C) in accordance with the regulation 5.10.30.20(2) and 10.5.30.20(1), the **lot line** abutting Sherbourne Street is the **front lot line**;
- (D) despite regulation 10.5.40.10(1), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 102.00 metres and the highest point of the **building** or **structure**;
- (E) regulation 10.5.40.50(2), with regards to platforms in relation to **building setbacks**, does not apply;
- (F) despite regulations 10.10.40.10(1)(A) and 10.10.40.10(3)(B), the permitted maximum height of any **building** or **structure** is the height in metres specified by the number following the HT symbol and the number of **storeys** following the ST symbol as shown on Diagram 4 of By-law **[Clerks to supply By-law number]**;
- (G) in determining compliance with regulation 10.10.40.10(3) and (F) above, a mechanical penthouse and rooftop exit vestibules shall not constitute a **storey**;
- (H) despite regulations 10.5.40.10(2)(3) and (4), 10.10.40.10(8)(9) and (10) and (F) above, the following elements of a **building** may project above the permitted maximum height in Diagram 4 of By-law **[Clerks to supply By-law number]**:
  - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage , elevator shafts, chimneys and vents and a mechanical penthouse may project above the height limits to a maximum of 7.0 metres;
  - (ii) an exit vestibule for a **green roof** located above a mechanical penthouse as noted in (i) above, may project an additional 2.0 metres above the height limits noted in (i) above;
  - (iii) architectural features and parapets may project above the height limits to a maximum of 1.0 metre;
  - (iv) elements and **structures** associated with a **green roof** to a maximum of 1.0 metre;
  - (v) **building** maintenance equipment and window washing equipment may project above the height limits to a maximum of 6.5 metres;
  - (vi) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace to a maximum of 2.5 metres; and
  - (vii) trellises, pergolas, and unenclosed **structures** providing safety, wind or noise protection to rooftop **amenity space** to a maximum of 3.0 metres.
- (I) despite regulation 10.5.40.40(4), the **gross floor area** of an **apartment building** or a **mixed use building** is reduced by:

- (i) all areas located below ground;
  - (ii) required **loading spaces**;
  - (iii) all **bicycle parking spaces** and the entirety of the room separated by demising walls containing those **bicycle parking spaces**;
  - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms;
  - (v) shower and change facilities required by this By-law for required **bicycle parking spaces**;
  - (vi) all indoor **amenity space**;
  - (vii) elevator shafts;
  - (viii) garbage shafts;
  - (ix) mechanical penthouse; and
  - (x) exit stairwells in the **building**.
- (J) despite regulation 10.5.50.10(4)(A), an **apartment building** or **mixed use building** must have a minimum of 25 percent percent of the area of the **lot** for **landscaping**, and regulation 10.5.50.10(4)(B) with regard to **soft landscaping** does not apply;
- (K) regulation 10.5.50.10(5), with regards to **soft landscaping** requirements for an **apartment building** or **mixed use building** abutting another residential lot, does not apply;
- (L) despite regulation 10.5.80.40(3)(B), **vehicle** access to a **parking space** on a **lot** may be from both a **street** that is a major **street** and a **street** that is not a major **street** on the Policy Areas Overlay Map;
- (M) despite regulation 10.5.100.1(4)(B), the permitted maximum **driveway** width is 8.2 metres;
- (N) in addition to those uses permitted in regulation 10.10.20.10(1), the following are also permitted uses:
- (i) **art gallery**;
  - (ii) **artist studio**;
  - (iii) **club**;
  - (iv) **education use**;
  - (v) **financial institution**;

- (vi) **massage therapy**;
  - (vii) medical office;
  - (viii) office, provided it is **ancillary** to a permitted non-residential use;
  - (ix) **outdoor patio**, provided:
    - (a) its location is restricted to the south **side yard**;
    - (b) it has a maximum area of 30 square metres;
    - (c) it is located no further than 12 metres from the front **lot line**; and
    - (d) it abuts the **building**.
  - (x) **performing arts studio**;
  - (xi) **personal service shop**;
  - (xii) **pet services**;
  - (xiii) **public parking**;
  - (xiv) **retail service**;
  - (xv) **service shop**; and
  - (xvi) **wellness centre**.
- (O) In addition to those uses permitted with conditions in regulation 10.10.20.20(1), the following uses are also permitted:
- (i) **automated banking machine**, provided it is located in a **building**;
  - (ii) **eating establishment** or **take-out eating establishment**, provided:
    - (a) an **eating establishment** complies with the specific use regulations in Section 150.100;
    - (b) the permitted maximum **interior floor area** on the **lot** for all **eating establishments** or **take-out eating establishments** is 400 square metres; and
    - (c) the calculation of total **interior floor area** may be reduced by an area in the **building** used for the areas used for associated offices, storage rooms, and staff rooms located in the **basement** or on a different **storey** than the **eating establishment** or **take-out eating establishment**.

- (iii) **recreation use**, provided all **recreation uses** are within a wholly enclosed **building**.
- (P) Despite regulation 10.10.20.100(3), a **community centre** or a library is not required to be operated by, or on behalf of, the City of Toronto;
- (Q) clause 10.10.40.30, with regards to **building depth**, does not apply;
- (R) despite regulation 10.10.40.40(1)(A), the permitted maximum **gross floor area** of an **apartment building** or **mixed use building** is 19,800 square metres, of which:
  - (i) a maximum of 19,632 square metres is permitted for residential uses;
  - (ii) a minimum of 168 square metres is required for non-residential uses; and
  - (iii) a maximum of 500 square metres is permitted for non-residential uses.
- (S) In addition to the **gross floor area** requirements of (R) above, within the area labelled "HT 77.4, ST 26" on Diagram 4 of By-law [Clerks to supply By-law number], the portions of a **building** or **structure** located above a height of 14.0 metres must:
  - (i) not exceed a maximum floor area, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, of 750 square metres.
- (T) despite regulation 10.10.40.50(1)(B), at least 2.0 square metres of outdoor **amenity space** per **dwelling unit** is required, of which 50 percent of the required outdoor **amenity space** must be in a location adjoining or directly accessible to the required indoor **amenity space**;
- (U) despite regulation 10.5.40.70(1)(B) and clauses 10.10.40.70 and 10.10.40.80, the required minimum **building setbacks** and distance between **main walls** for a **building** or **structure** are shown on Diagram 4 of By-law [Clerks to supply By-law number];
- (V) despite clause 10.5.40.60 and (U) above, the following may encroach into the required minimum **building setbacks** on Diagram 4 of By-law [Clerks to supply By-law number]:
  - (i) canopies and awnings may encroach up 3.0 metres;
  - (ii) cornices, architectural elements, pilasters, eaves, window sills and light fixtures may encroach up to 0.5 metres;
  - (iii) bay windows, box windows or other window projections may encroach up to 1.0 metre;
  - (iv) vents, pipes, utility equipment may encroach up to 0.6 metres;

- (v) stairs, stair enclosures, doors, wheelchair ramps, screens, site servicing features and underground garage ramps and associated structures;
  - (vi) balconies located on the east and west sides of the **building** may encroach up to a maximum of 2.5 metres, balconies on the south side of the **building** may encroach up to a maximum of 2.0 metres and balconies located on the north side of the **building** may encroach up to 1.5 metres;
  - (vii) terraces may encroach to the extent of the **main wall** of the **storey** located below it; and
  - (viii) **landscaping** features.
- (W) The mechanical penthouse is limited to the area delineated by a dashed line on Diagram 4;
- (X) Despite regulation 200.5.1.10(A)(iv), a maximum of 15 percent of the provided **parking spaces** may be obstructed on one side only without being required to provide an additional 0.3 metres of width.
- (Y) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 43 **parking spaces** must be provided for the use of residential occupants of the **apartment building** or **mixed use building** and six of these required **parking spaces** may be provided as "car-share parking spaces" for the use of "car-share";
  - (ii) a minimum of 16 **parking spaces** must be provided for visitors of residents of the **apartment building** or **mixed use building**; and
  - (iii) no **parking spaces** are required for non-residential uses in the **apartment building** or **mixed use building**.
- (Z) Despite regulation 10.5.80.1(1), a portion of the **parking spaces** required by regulations (Y)(i) and (Y)(ii) above may be provided for the shared use of residents, residential visitors, and non-residential as **public parking**, on a non-exclusive basis up to an equivalent of:
- (i) 40 percent of the provided **parking spaces** for residential occupants described in Section Y(i); and
  - (ii) 100 percent of the provided **parking spaces** for residential visitors described in Section Y(ii).
- (AA) despite regulation 200.15.1(1), an accessible **parking space** must have the following dimensions:
- (i) length of 5.6 metres;

- (ii) width of 3.4 metres; and
  - (iii) vertical clearance of 2.1 metres.
- (BB) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagrams 5 and 6 of By-law [Clerks to supply By-law number];
- (CC) despite regulation 200.15.1(4), accessible **parking spaces** must be **parking spaces** located within a distance of 15 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (DD) despite clause 220.5.10.1, one Type "G" **loading space** is required on the **lot**;
- (EE) despite regulation 230.5.1.10(4), **stacked bicycle parking spaces** must be in accordance with the following:
- (i) a **stacked bicycle parking space** may overlap an adjacent **stacked bicycle parking space** on one or both sides on the same tier to a maximum of 0.155 metres per side;
  - (ii) the required minimum length of a **stacked bicycle parking space** is 1.84 metres; and
  - (iii) the required minimum vertical clearance from the ground for a **stacked bicycle parking space** is 1.4 metres for the lower tier and 1.2 metres for the upper tier of **stacked bicycle parking spaces** in a mechanical device.
- (FF) despite regulation 230.5.1.10(9)(B), a required "long-term" **bicycle parking space** for a **dwelling unit** or non-residential use in an **apartment building** or **mixed use building** may be located:
- (i) on the first **storey** of the **building**;
  - (ii) on the second **storey** of the **building**; and
  - (iii) on levels of the **building** below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50 percent of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been occupied.
- (GG) A minimum of 15 percent of the **dwelling units** in the **building** must contain a minimum of two bedrooms;
- (HH) A minimum of 10 percent of the **dwelling units** in the **building** must contain a minimum of three bedrooms;
- (II) In addition to the requirements of (FF) and (GG) above, a minimum of 15 percent of the **dwelling units** in the **building** must contain a minimum of two-bedrooms;

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

6. For the purpose of interpreting By-law [Clerks to supply By-law number]:
- (A) "car-share" 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
  - (B) "car-share parking space" means a **parking space** exclusively reserved and signed for a car used only for "car-share" purposes.
7. The provisions of this By-law apply collectively to the lands outlined by heavy black lines on Diagram 1 attached to the by-law despite any future severance, conveyance, partition, or division.

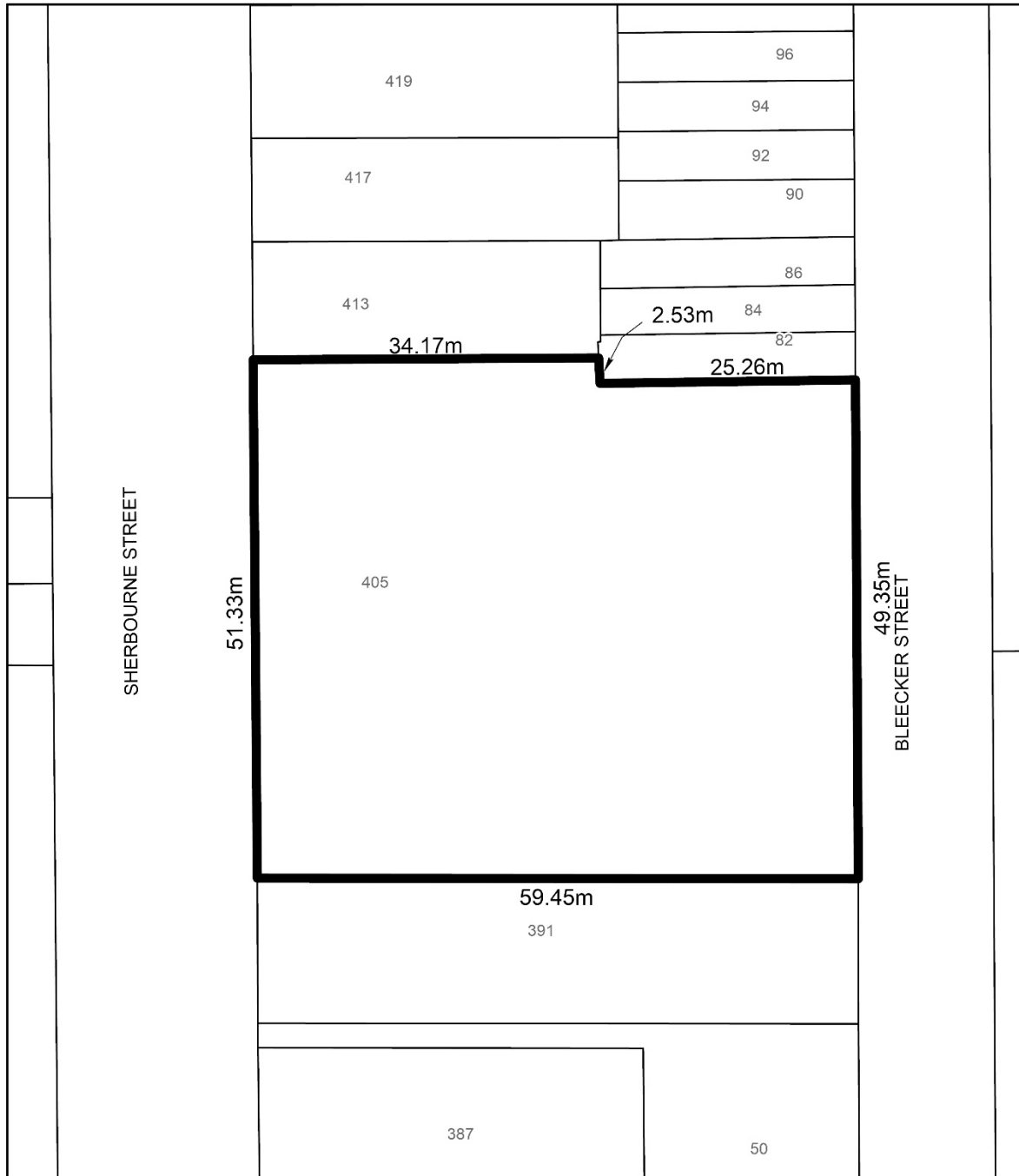
Enacted and passed on May , 2022.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

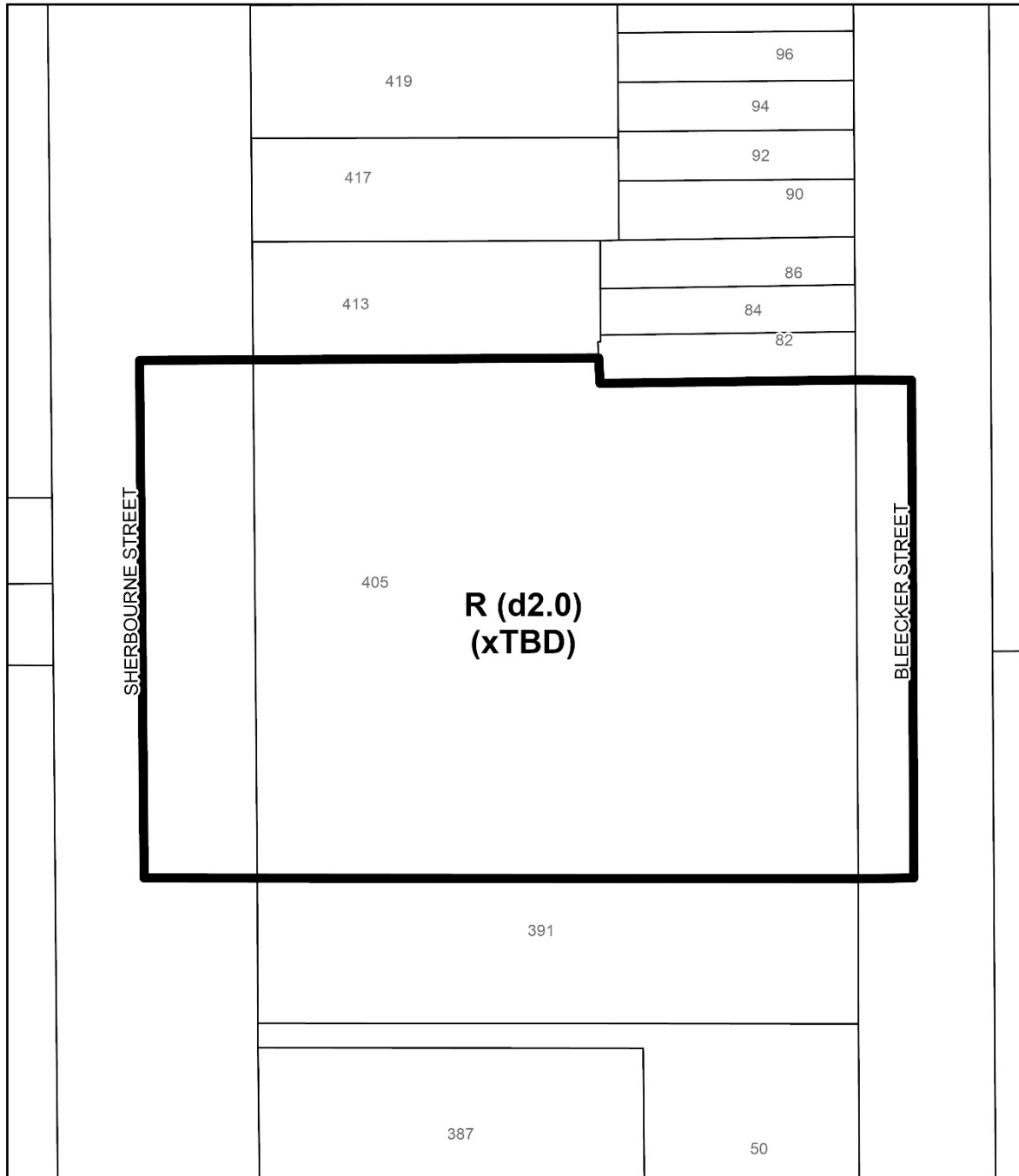


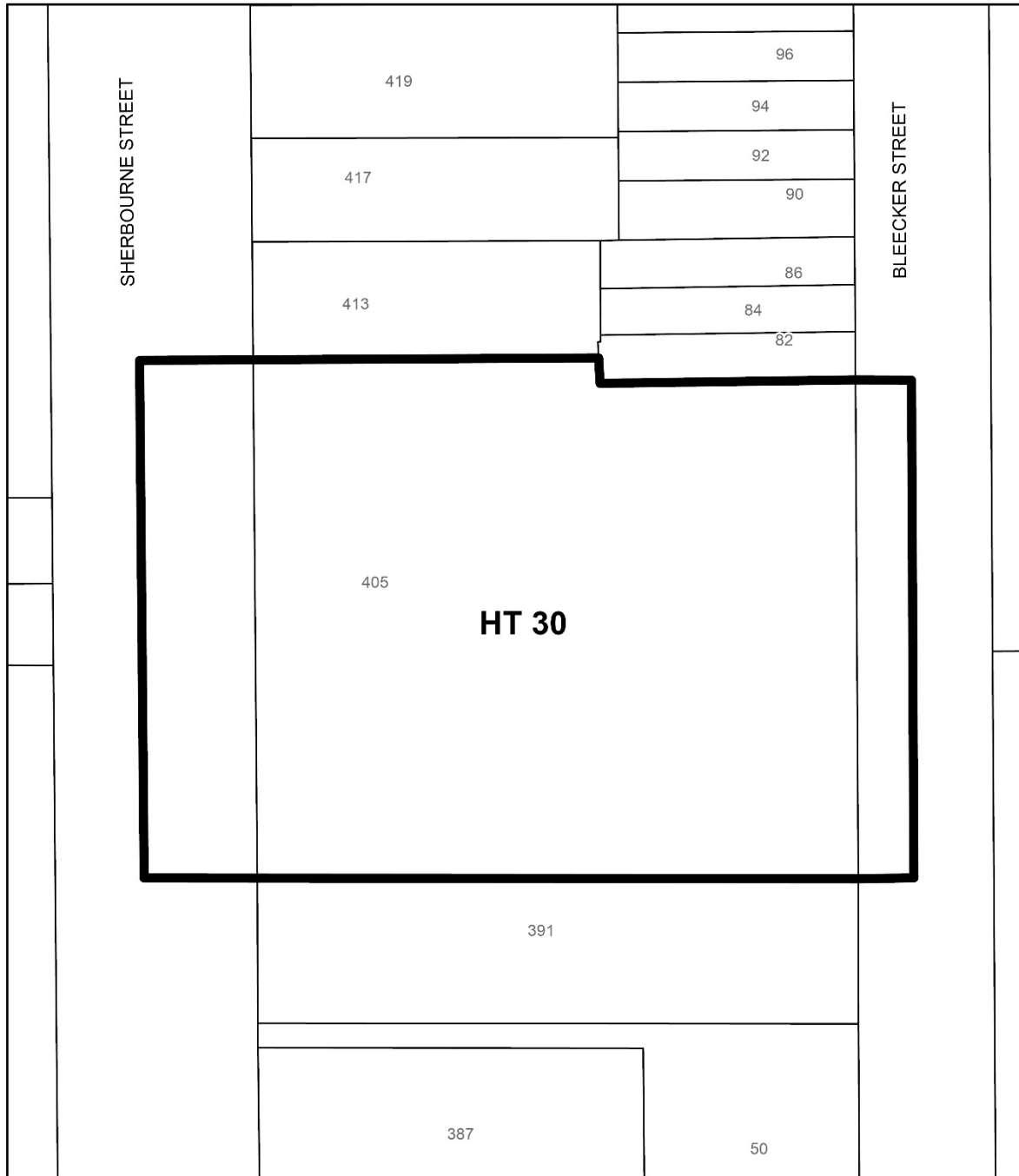


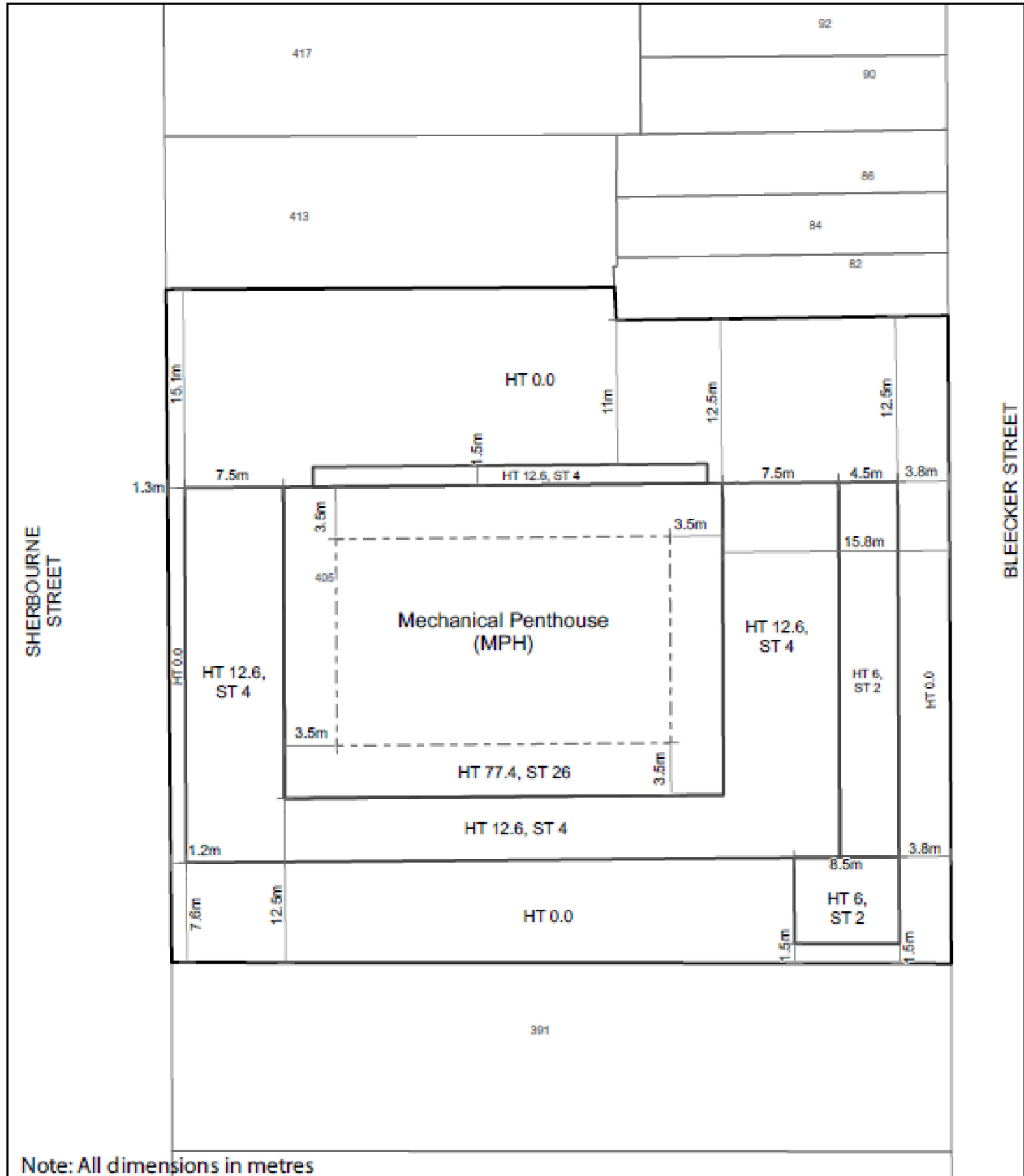
 **TORONTO**  
Diagram 1

**405 Sherbourne Street**

File # 21 102281 STE 13 0Z







405 Sherbourne Street

File # 21 102281 STE 13 OZ

