

Authority: Toronto and East York Community Council
Item TE29.7, as adopted by City of Toronto Council on
January 31 and February 1, 2018

CITY OF TORONTO

BY-LAW 1172-2019

To amend former City of Toronto Zoning By-law 438-86, as amended, respecting the lands municipally known in 2019 as 21-27, 29, 31 and 33 Sherbourne Street North.

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; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the By-law; and

Whereas subsection 37(3) of the Planning Act 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 hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply to the *lot*.
2. None of the provisions of Section 2(1) with respect to the definition of '*converted house*', '*lot*', '*semi-detached house*' and '*parking garage*', and Sections 4(2)(a), 6(2)1., 6(3) Part I 1., 6(3) Part II, 6(3) Part VI, 6(3) Part IX 1., and 12(2)210. of By-law 438-86 of the former City of Toronto, being "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of land 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 or use of an addition to an existing *detached house* and the construction of a pair of *semi-detached houses* on the lands municipally known in 2019 as 21-27, 29, 31 and 33 Sherbourne Street North (hereinafter referred to as the *lot*), provided that:

- (a) the *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
- (b) notwithstanding Section 6(1) to By-law 438-86, permitted uses on the *lot* shall also include a *below-grade parking garage, coach house/studio, converted house and semi-detached house*;
- (c) a maximum total of 11 *dwelling units* shall be permitted on the *lot*, and shall be contained in Buildings A, B, C, D and F, as shown on Map 2, attached and forming part of this By-law;
- (d) the total residential *gross floor area* of any building or structure on the *lot* shall not exceed 2,960 square meters, inclusive of the *coach house/studio* and the two enclosed parking garage stairwells comprising part of Building D as shown on Map 2, attached to and forming part of this By-law;
- (e) no portion of any building or structure erected or used above *grade* shall exceed the *height* limits above *grade* in metres specified by the numbers following the symbol "H" as shown on Map 2, attached to and forming part of this By-law, but for Building D shown on Map 2, this paragraph does not prevent the erection or use of a skylight, chimney, flue, or mechanical equipment necessary for the operation of the building, provided the maximum *height* of the top of such element is no higher than the sum of 1.5 metres and the applicable *height* limit;
- (f) no portion of any building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2, attached to and forming part of this By-law; and
- (g) the minimum required number of *parking spaces* for the *residential buildings* on the *lot* shall be provided and maintained in a *below-grade parking garage*, to serve the residents of the *lot* and the *detached house* on the property municipally known in 2019 as 35 Sherbourne Street North.

3. For the purposes of this By-law:

- (a) '*below-grade parking garage*' shall mean a below-grade, one level portion of a building, accessory to the principal use or uses permitted on the whole of the *lot*, and accommodating the required parking for all *dwelling units* on the *lot* and the *detached house* on the property municipally known in 2019 as 35 Sherbourne Street North;

- (b) '*coach house/studio*' shall mean a 2-storey accessory building, shown as Building E on Map 2, attached to and forming part of this By-law, to be used exclusively for artistic pursuits and containing only sanitary facilities and a kitchenette therein;
 - (c) '*converted house*' shall mean a building which is altered to contain two or more *dwelling units*;
 - (d) '*height*' shall mean the vertical distance between the average elevation of the natural or finished level of the ground, whichever is lower, along the *side lot lines* or *flank* opposite the building or structure, and the highest point of the roof;
 - (e) '*semi-detached house*' shall mean one of a pair of attached buildings:
 - (i) each building comprising one *dwelling unit*; and
 - (ii) each building divided vertically from the other by a party wall; and
 - (f) each word or expression that is italicized in this By-law shall have the same meaning as each word or expression as defined in By-law 438-86, as amended, except that the terms '*below-grade parking garage*', '*coach house/studio*', '*converted house*', '*lot*' and '*semi-detached house*' shall be as defined in this By-law.
4. Notwithstanding any division of lands subject to this exception, the regulations of this Section shall continue to apply to the whole of the lands.
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 Map 2 in return for the provision by the owner, at the owner's expense, as a mechanism to support development, of the facilities, services and matters set out in Schedule A hereof 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 or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

- (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.

Enacted and passed on July 18, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

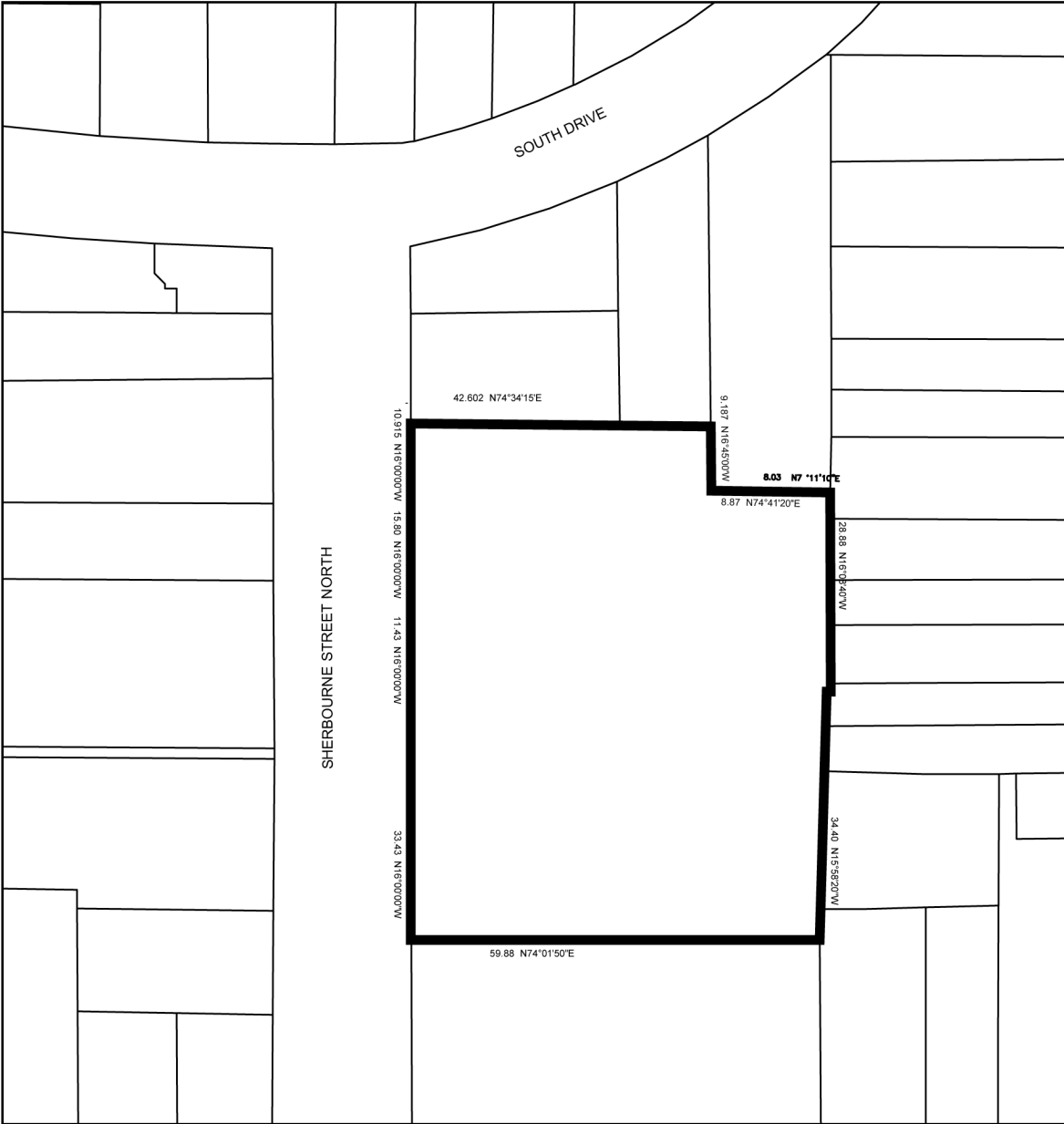
SCHEDULE A

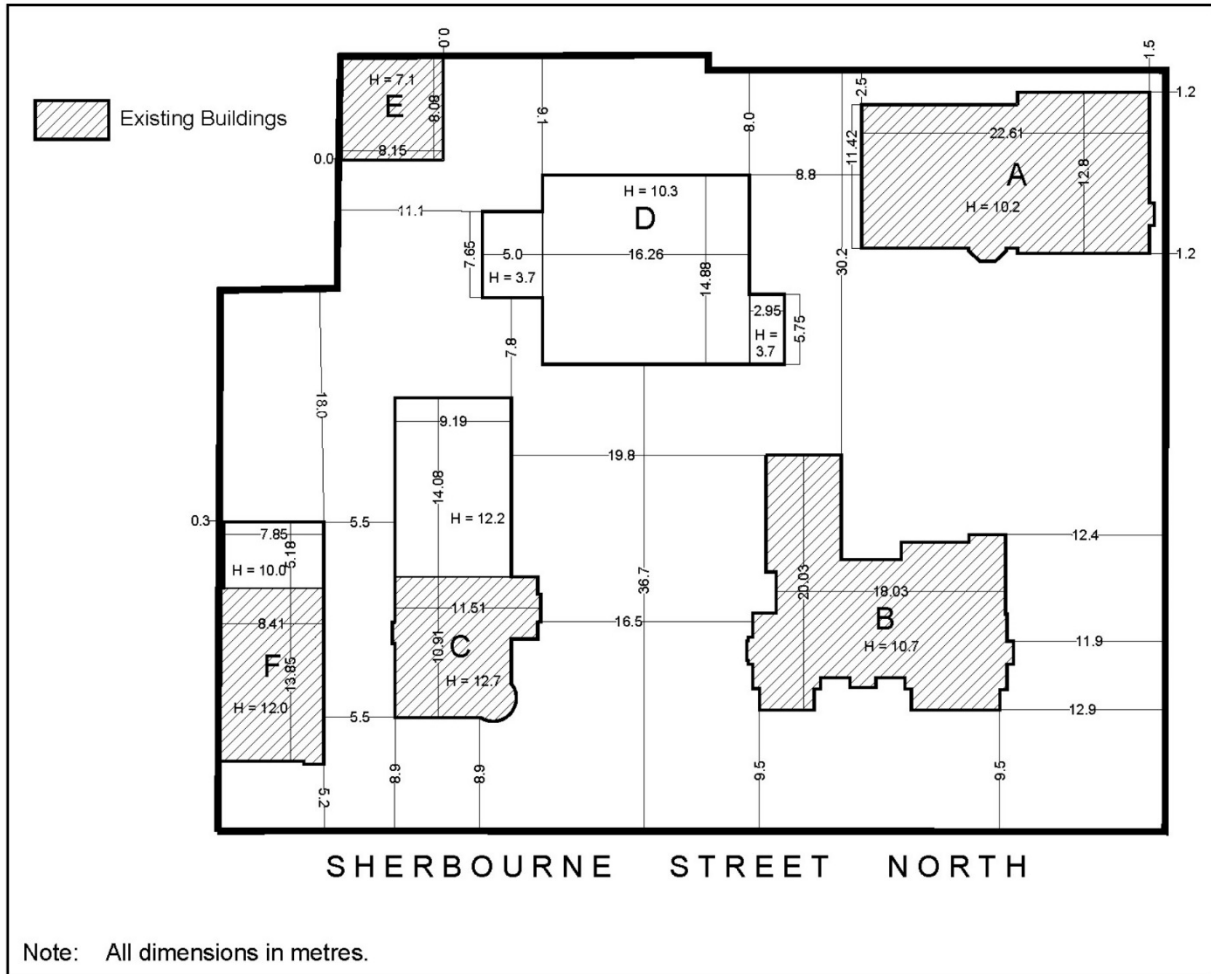
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - A. prior to Final Site Plan approval, the owner shall provide final site plan drawings substantially in accordance with an approved Conservation Plan prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 21-33 Sherbourne Street North prepared by ERA Architects Inc., dated September 7, 2017, to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - B. prior to the issuance of any permit for all or any part of the properties at 21-33 Sherbourne Street North, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:
 - i. have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;
 - ii. provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to an approved Conservation Plan including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - iii. provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan;
 - C. prior to the release of the Letter of Credit required in 1.B.iii. above the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work has been completed in accordance with the Conservation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and

- D. prior to obtaining Site Plan Approval, the owner shall make an application for a common elements condominium for 21-33 Sherbourne Street, to provide access to and use of the underground parking structure and any shared services, as appropriate.





21-33 Sherbourne Street

File # 13 109447 STE 27 0Z

