

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

CITY OF TORONTO

BY-LAW 450-2022

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 450-2022;
- (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 450-2022:
 - (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**; and

- (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 450-2022, 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 450-2022;
- (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 450-2022:
 - (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 metres wide accessible barrier free aisle or path as shown on Diagrams 5 and 6 of By-law 450-2022;
- (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; and
- (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)

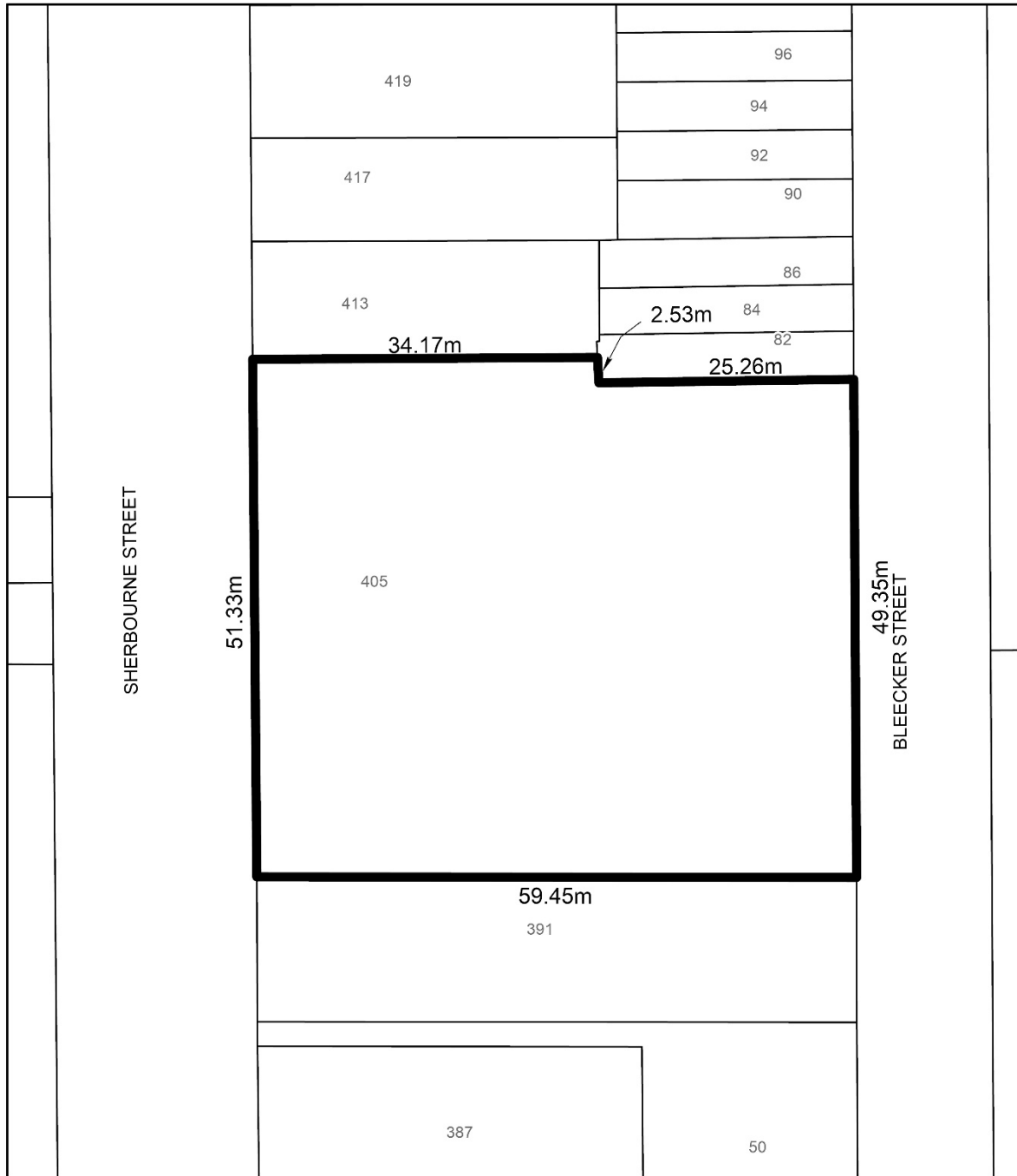
6. For the purpose of interpreting By-law 450-2022:
- (A) "car-share" means the practice whereby a number of people share the use of one or more motor vehicles and such car-share motor vehicles are made available to at least the occupants of the **building** for short-term rental, including hourly rental; 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 12, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

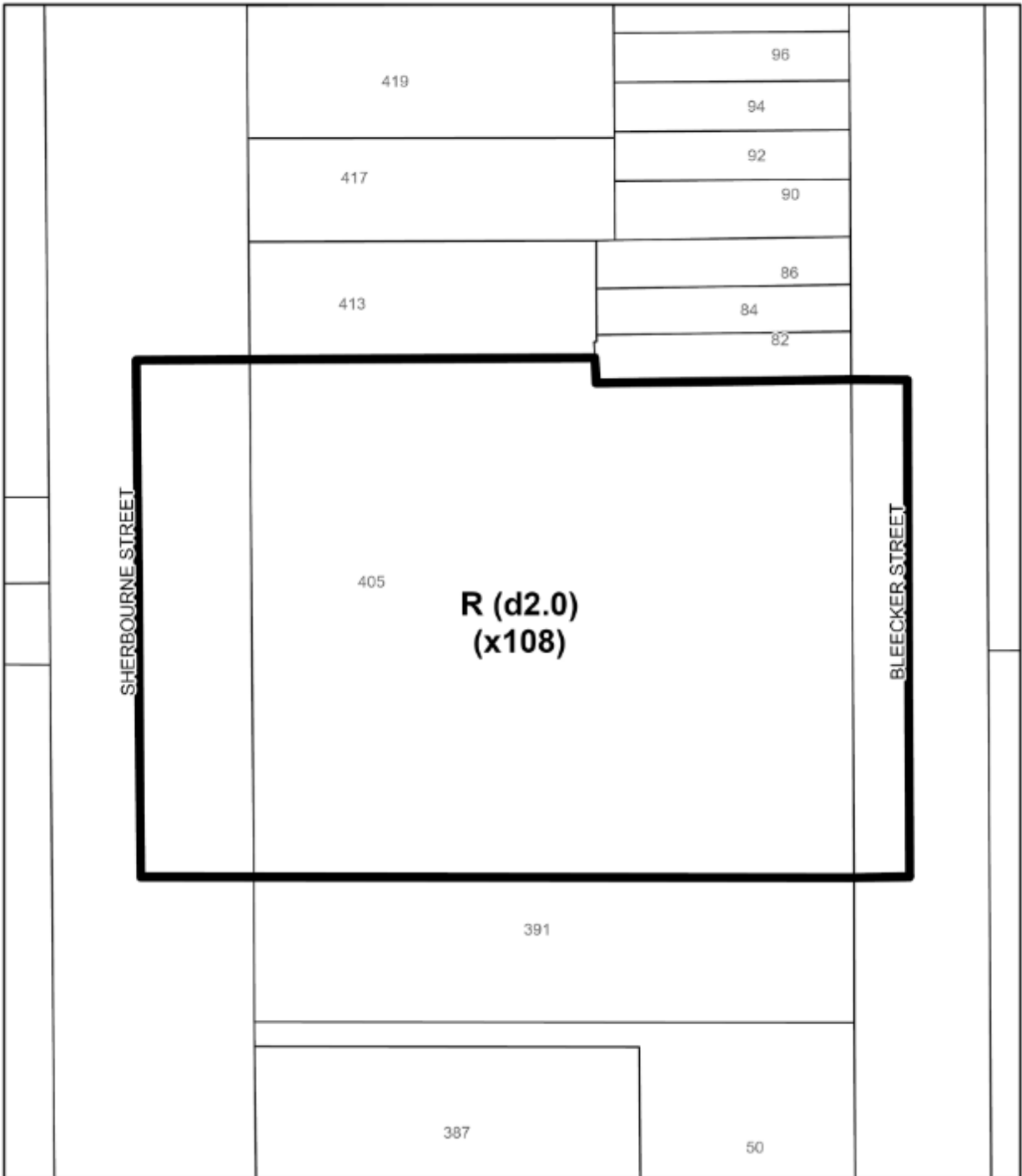
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 **TORONTO**
Diagram 1

405 Sherbourne Street

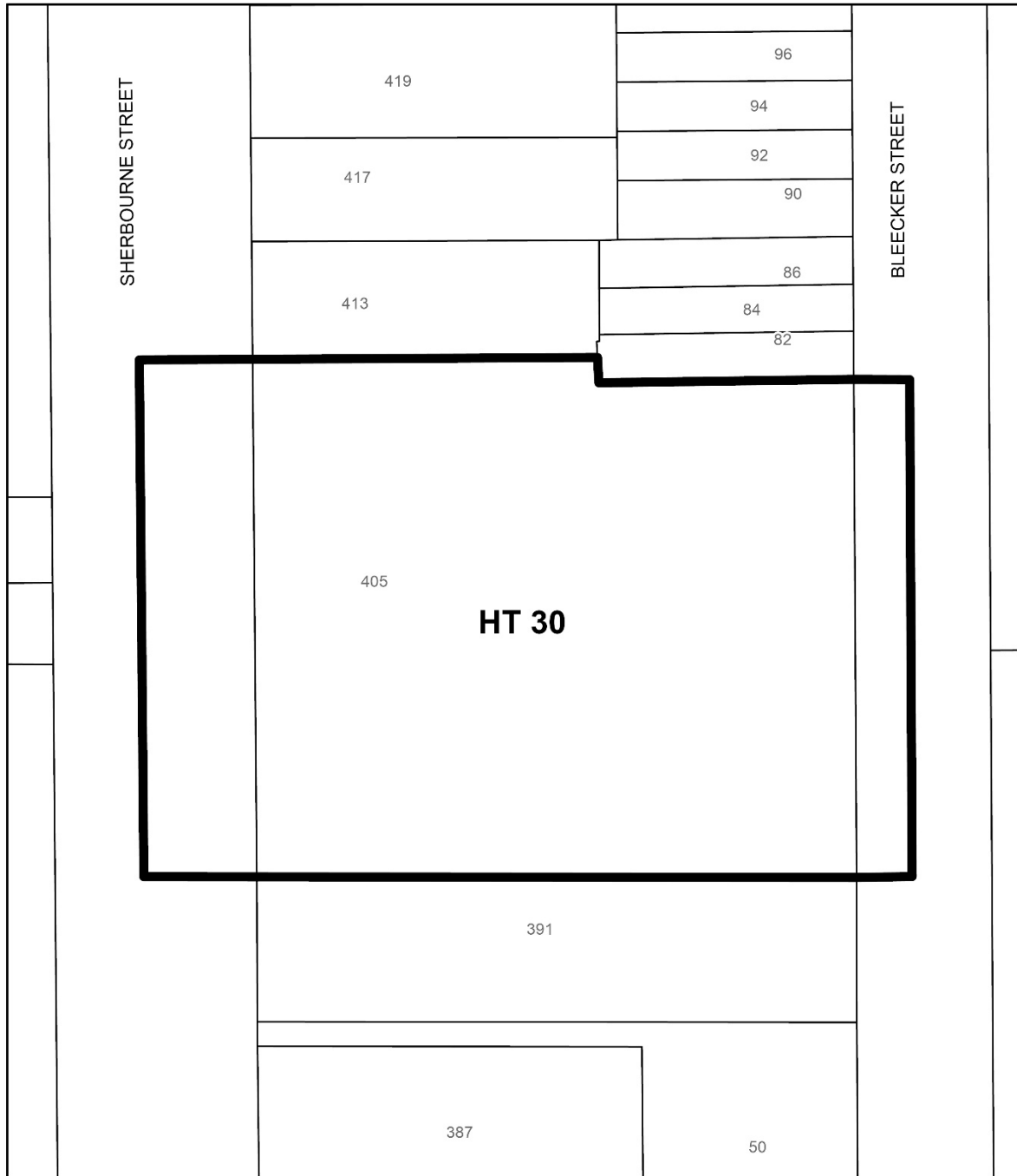
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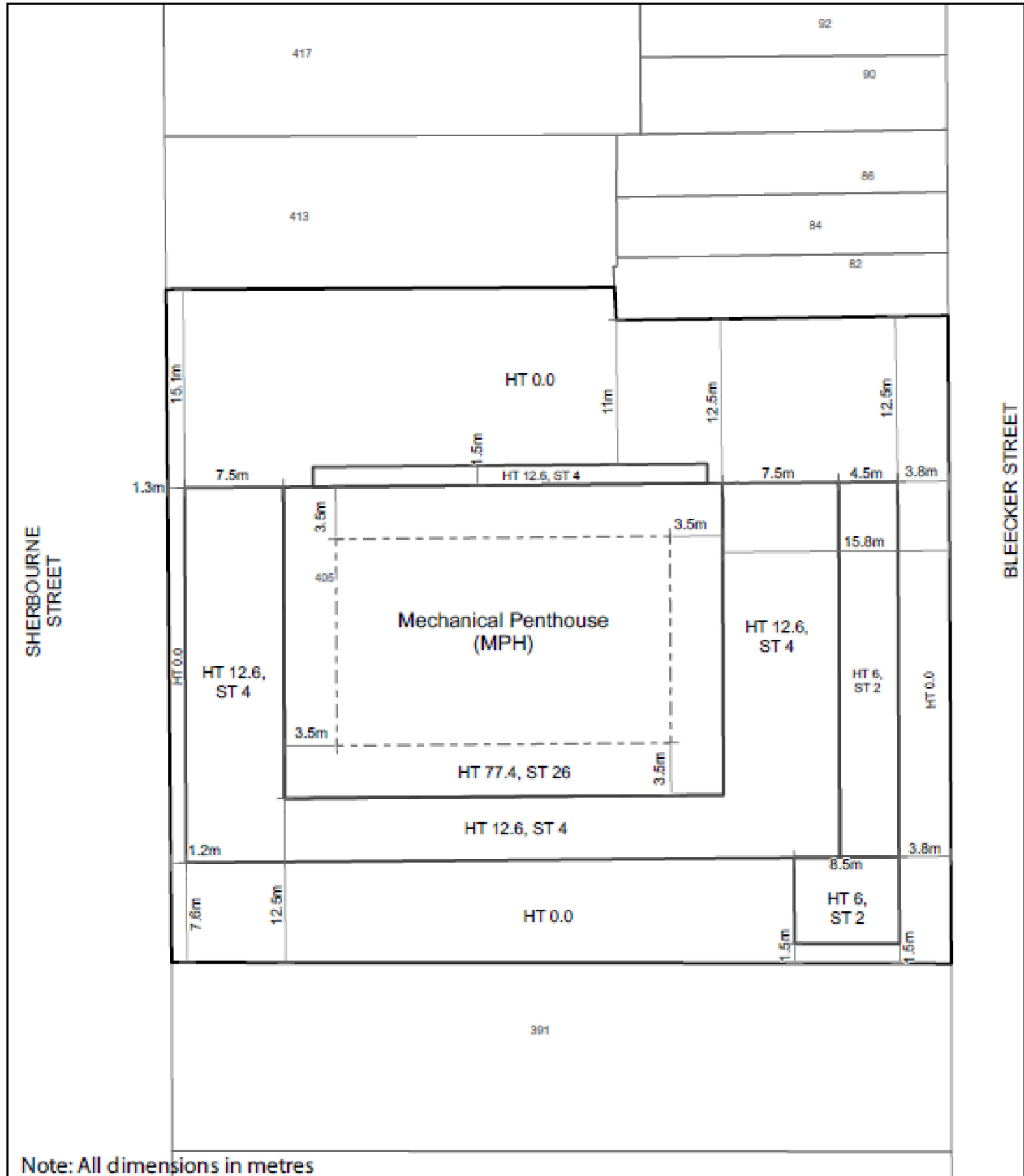


 **TORONTO**
Diagram 2

405 Sherbourne Street

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405 Sherbourne Street

File # 21 102281 STE 13 OZ

