

Authority: Toronto and East York Community Council Report No. 9, Clause No. 5,  
as adopted by City of Toronto Council on December 5, 6 and 7, 2005  
Enacted by Council: December 7, 2005

## **CITY OF TORONTO**

### **BY-LAW No. 1072-2005**

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to lands municipally known as 500 Sherbourne Street.**

WHEREAS authority is given to Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this by-law; and

WHEREAS Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development beyond those otherwise permitted by the By-law 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 or matters in return for an increase in height and density of development, the municipality may require the *owner* to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the *owner* of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the *owner* of such lands and the City of Toronto; and

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 2(1) with respect to the definitions of *grade* and *lot*, 4(2)(a), 4(5)(i)(ii), 4(12), 4(13)(a) and (c), 4(16), 6(3) Part I 1, 6(3) Part II 2, 6(3) Part II 4, 6(3) Part II 5(i), 6(3) Part III 1(b), and 12(2) 260 of the aforesaid By-law No. 438-86 being, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of 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 and use on the lands shown delineated by heavy lines on Map 1 attached hereto of one or more buildings or

structures containing *residential gross floor area* and a *public park* on the lands, provided that:

- (1) the *lot* comprises those lands delineated by heavy lines and consisting of *Blocks 1 to 7* inclusive, all as shown on Map 1 attached hereto;
- (2) no building or structure on *Block 1* may be erected and used for any other purpose than an *apartment building, rowplex, and row house*;
- (3) no building or structure on *Block 2* may be erected and used for any other purpose than an *apartment building, rowplex and row house*;
- (4) none of the provisions of Subsection 1(2) and 1(3) of this by-law shall apply to prevent the sharing of pedestrian and vehicular access, vehicular parking, loading and services between the buildings and structures to be erected and used on *Block 1, and Block 2*;
- (5) the maximum *residential gross floor area* permitted on the *lot* does not exceed 32,388 square metres;
- (6) the maximum *residential gross floor area* permitted on *Block 1* does not exceed 29,713 square metres;
- (7) the maximum *residential gross floor area* permitted on *Block 2* does not exceed 2,675 square metres;
- (8) no portion of the *building* on the *lot*, shall have a greater *height* in metres than the *height* limit specified by the numbers following the symbol “H”, shown on Map 2A and Map 2B including any elements otherwise permitted in Section 4(2)(a)(i) and (ii) of the aforesaid By-law No. 438-86, provided that this paragraph does not prevent the erection and use of:
  - (a) a parapet at the roof level of the building provided the maximum vertical dimension of any such parapet does not exceed 1.2 metres above the *height* of the roof of the building on Parcel A on Map 2A;
  - (b) a parapet at the roof level of the building provided the maximum vertical dimension of any such parapet does not exceed 1.5 metres above the height of the roof of building on Block 2 and Parcel B on Map 2A;
  - (c) stair towers provided the maximum vertical dimension of any such stair tower does not exceed 3.6 metres above the *height* of the roof of building; and
  - (d) partitions dividing roof top outdoor recreation areas, glass railings or screens and trellises located above the *height* of the roof level of the building provided the maximum vertical dimension of any such elements do not exceed 3.0 metres above the *height* of the roof of the building;

- (9) no portion of any building or structure erected and used above the finished ground level is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2A and Map 2B, with the exception of:
- (a) entrance canopies, any other canopies, parapets, cornices, balustrades, mullions, ornamental elements, landscape features, retaining walls, eaves, which may extend beyond the heavy lines shown on Map 2A and Map 2B;
- (10) a minimum number of *parking spaces* for any building or structure erected and used on the *lot* shall be provided and maintained on the *lot* in accordance with the following:
- (a) 0.3 *parking spaces* for each *bachelor dwelling unit*;
  - (b) 0.7 *parking spaces* for each *one-bedroom dwelling unit*;
  - (c) 1.00 *parking spaces* for each *two-bedroom dwelling unit*;
  - (d) 1.20 *parking spaces* for each *three-bedroom or larger dwelling unit*; and
  - (e) 0.06 *visitor parking spaces* for every *dwelling unit* contained therein;
- (11) at least 1 *loading space — Type G* is provided on *Block 1* for any buildings or structures that are erected and used on *Block 1* and *Block 2*;
- (12) a minimum number of *bicycle parking spaces* for the residential uses on *Block 1* and *Block 2* shall be provided and maintained on the *lot* in accordance with the following:
- (a) 258 *bicycle parking spaces* of which 80 percent are designated *bicycle parking space – occupant* and 20 percent are designated *bicycle parking space – visitor* for *Parcel A* on Map 2A; and
  - (b) 33 *bicycle parking spaces* of which 80 percent are designated *bicycle parking space – occupant* and 20 percent are designated *bicycle parking space – visitor* for *Parcel B* on Map 2A and *Block 2*;
- (13) no person shall erect or use a building or structure containing 20 or more dwelling units on *Parcel A* of Map 2A unless a minimum of 2 square metres of indoor *residential amenity space* for each *dwelling unit* is provided in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom in the building or structure, and a minimum of 250 square metres of *residential amenity space* is provided outdoors, of which at least 120 square metres shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space*; and

- (14) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Section 2 of this By-law and that such an agreement be registered on title to the *lot*.
2. Pursuant to Section 37 of the *Planning Act*, the increased *heights* and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the *owner* of the *lot*, at its sole expense and in accordance with the agreement referred to in subsection 1(14) of this By-law, agreeing to:
- (a) provide \$650,000 to the City to be applied towards the cost of installing a public swimming pool at the Wellesley Community Centre, prior to the issuance of an above *grade* building permit;
  - (b) comply with the City's 1% public art policy;
  - (c) provide easements in favour of the City for pedestrian connections to Sherbourne Street in the hatched area shown on Map 1;
  - (d) create an extension to a *public park* on Blocks 6 and 7 and convey to the City, and secure conditions regarding Blocks 6 and 7 as identified by and to the satisfaction of Parks, Forestry and Recreation;
  - (e) prior to the issuance of an above *grade* building permit, post Letter of Credits for:
    - (i) the cash-in-lieu value of the strata conveyance;
    - (ii) the cash-in-lieu value of the statutory parkland dedication shortfall; and
    - (iii) security for the installation of base park improvements equal to 120 percent of the value of the base park improvements;
  - (f) convey to the City, at nominal cost, a 8.9 metre wide strip of land to the full extent of the site abutting Wellesley Lane identified as Block 4, to a minimum depth of 1.2 metre below grade or 1.8 metre below grade where additional depth is needed for city utilities;
  - (g) convey to the City, at nominal cost, a 2.81 metre wide strip of land to the full extent of the site abutting the east limit of Wellesley Place identified as Block 5;
  - (h) convey to the City, at nominal cost, for the northerly extension of Homewood Avenue, a 15 metre wide strip of land, extending between the proposed northerly extension of Homewood Avenue and Wellesley Lane, identified as Block 5, to a minimum depth of 1.2 metre below grade;
  - (i) convey to the City an easement of support rights in the lands located below the lands referred to in subsection 4(f) and (h) above;

- (j) pay all costs associated with the construction of the Homewood Avenue extension and improvements and widenings of Wellesley Place and Wellesley Lane and intersections improvements required in conjunction therewith;
- (k) secure, among other matters, the design, construction of the new storm sewer and watermain, construction and conveyance of the public street and widenings and associated municipal services and facilities and the *Owner's* financial obligations and responsibilities to pay for any improvements and upgrades to the municipal infrastructure for this development to the satisfaction of Technical Services;
- (l) prior to the issuance of a final building permit, construct the new storm sewer and watermain, construct and convey the public street and street widenings and associated municipal services and facilities to the satisfaction of Technical Services;
- (m) comply with, and pay for, the City's standard environmental site assessment and peer review process administered by Technical Services;
- (n) submission of a draft strata Reference Plan of Survey, for review and acceptance by Technical Services, prior to it being deposited in the Land Registry Office;
- (o) provide space within the development for the construction of any transformer vaults, Hydro, Bell and sewer maintenance holes required in connection with this development;
- (p) execute an indemnity agreement, binding on successors on title, regarding the construction of the garage beneath the public highways and such agreement to include conditions as required by Technical Service in consultation with the City Solicitor;
- (q) install, at the *owner's* expense, an irrigation system with automatic timer for all new trees in the public rights-of-ways and parkland, to the satisfaction of Technical Services and Parks, Forestry and Recreation, and ensure that the irrigation system is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer including requirements to maintain in good order and operation;
- (r) incorporate any measures into the building design should it be determined that measures are to required to mitigate the impact of wind conditions, according to the pedestrian level windy study as reviewed and accepted by City Planning;
- (s) exterior building materials on the elevations of the tower and stacked townhouses of the development and landscaping materials satisfactory to City Planning; and
- (t) any other condition to ensure the orderly development of the lands shown on Map 1.

3. None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the *lot*.
4. For the purpose of this By-law:
  - (1) “*sales office*” means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
  - (2) “Block 1”, “Block 2”, “Block 3”, “Block 4”, “Block 5”, “Block 6”, “Block 7”, “Parcel A” and “Parcel B” mean the areas identified as “*Block 1*”, “*Block 2*”, “*Block 3*”, “*Block 4*”, “*Block 5*”, “*Block 6*”, “*Block 7*”, “*Parcel A*” and “*Parcel B*” on Map 1 and Map 2A;
  - (3) “*grade*” shall mean 112.83 metres Canadian Geodetic Datum;
  - (4) “*lot*” comprises those lands delineated by heavy lines and consisting of *Blocks 1, 2, 3, 4, 5, 6 and 7* as shown on the attached Map 1. *Blocks 1, 2, 3, 4, 5, 6 and 7* shall be deemed to be one *lot* regardless of whether or not two or more buildings or structures are erected or are to be erected on any part or parts thereof and regardless of any conveyance or easements made or granted after the day this by-law comes into force; and
  - (5) each other word or expression which is italicized in this by-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.
5. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if not severance, partition or division occurred.
6. Upon execution of an agreement by the *owner* of the *lot* and registration of such agreement against the *lot* pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, the *lot* is subject to the provisions of this By-law.
7. Issuance of a building permit for the proposed development shall be dependant upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
8. By-law No. 22636 being “A By-law to amend By-law No. 20623 respecting *The Princess Margaret Hospital*” is hereby repealed.

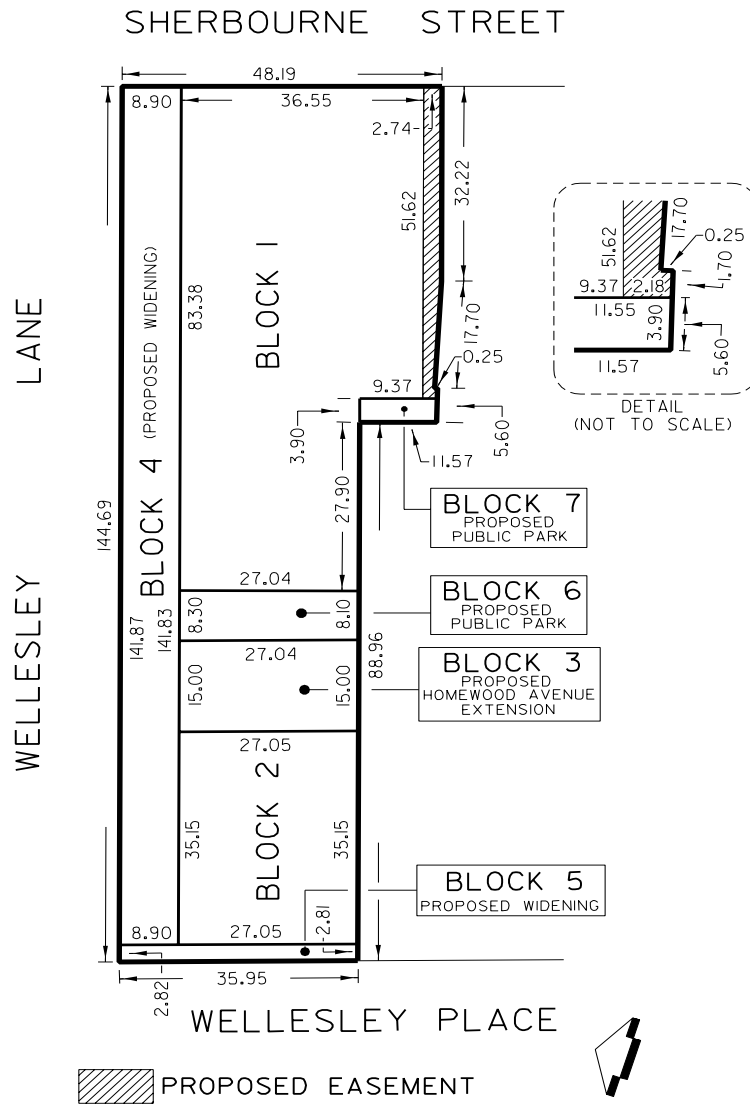
ENACTED AND PASSED this 7th day of December, A.D. 2005.

DAVID R. MILLER,  
Mayor

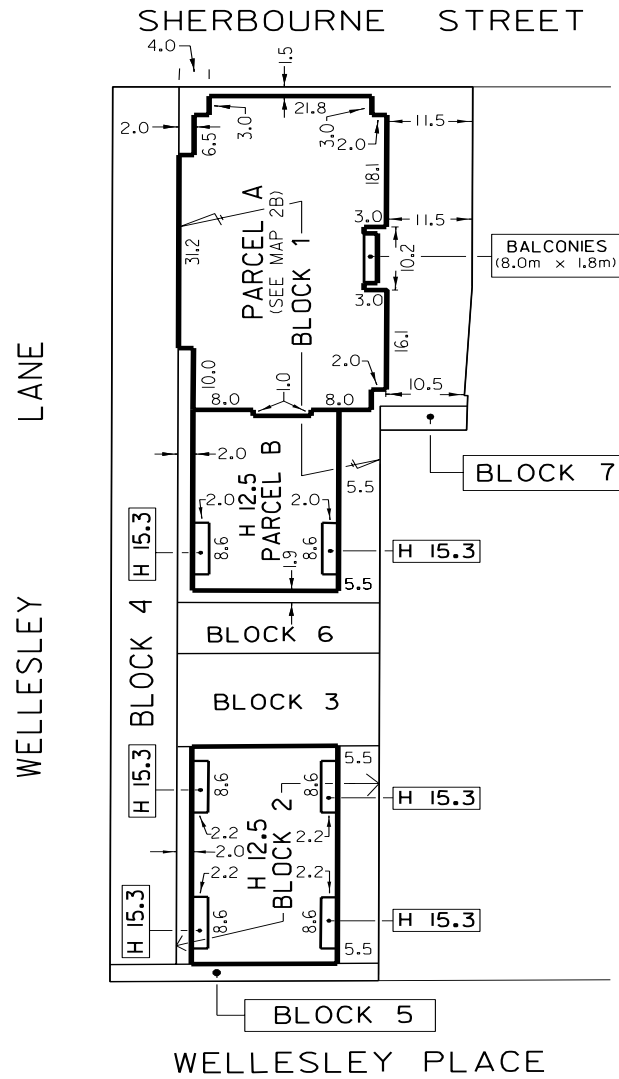
ULLI S. WATKISS  
City Clerk

(Corporate Seal)

## MAP I



## MAP 2A



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



SURVEY AND MAPPING SERVICES  
TORONTO DECEMBER 1, 2005  
BL05/500SHER2A.DGN  
FILE: S1-27  
MAP No. 51H-322 DRAWN: VG



## MAP 2B

