

Authority: Local Planning Appeal Tribunal Decision issued on January 24, 2019 and Local Planning Appeal Tribunal Order issued on December 3, 2020 in Case PL170299

## CITY OF TORONTO

### BY-LAW 1191-2020(LPAT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2020 as 307 Sherbourne Street.**

Whereas the Owner of the lands known municipally as 307 Sherbourne Street appealed a proposed zoning by-law amendment to the Local Planning Appeal Tribunal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Local Planning Appeal Tribunal, by its Decision issued on January 24, 2019, and its Order issued on December 3, 2020, in Case PL170299 approved amendments to Zoning By-law 43886, as amended, of the former City of Toronto with respect to the lands;

By-law 438-86, as amended, of the former City of Toronto, is further amended by the Local Planning Appeal Tribunal Order as follows:

1. The lands subject to this By-law are outlined by heavy lines on Map 1, attached to and forming part of this By-law.
2. None of the provisions of Section 2 with respect to the definitions of *lot*, *grade*, *bicycle parking space-occupant*, *bicycle parking space-visitor*, *temporary sales office*, *residential gross floor area*, *height* and Sections 4(2) (a), 4(3), 4(5)(b), 4(12), 4(13)(a), 4(13)(c), 4(16), 8(3) PART 1, 8(3) PART II 4(c), 8(3) PART IV 2, 12(1)(3)(a), 12(1)66, 12(2)132, 12(2)196, 12(2)207, 12(2)270 and 12 (2) 380, as amended, 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 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 of a *residential building* and ancillary uses thereto on the lands municipally known in the year 2019 as 307 Sherbourne Street (hereafter referred to as the *lot*) provided:
  - (a) The total *residential gross floor area* of the building does not exceed 8,100 square metres;
  - (b) The maximum number of *dwelling units* is 112, of which:
    - (i) A minimum of 22 *dwelling units* shall be 2 bedroom *dwelling units*, and
    - (ii) A minimum of 11 *dwelling units* shall be 3 bedroom *dwelling units*;
  - (c) The total number of *storeys* erected or used in the *residential building* shall not exceed 15 *storeys*, excluding the mechanical penthouse;

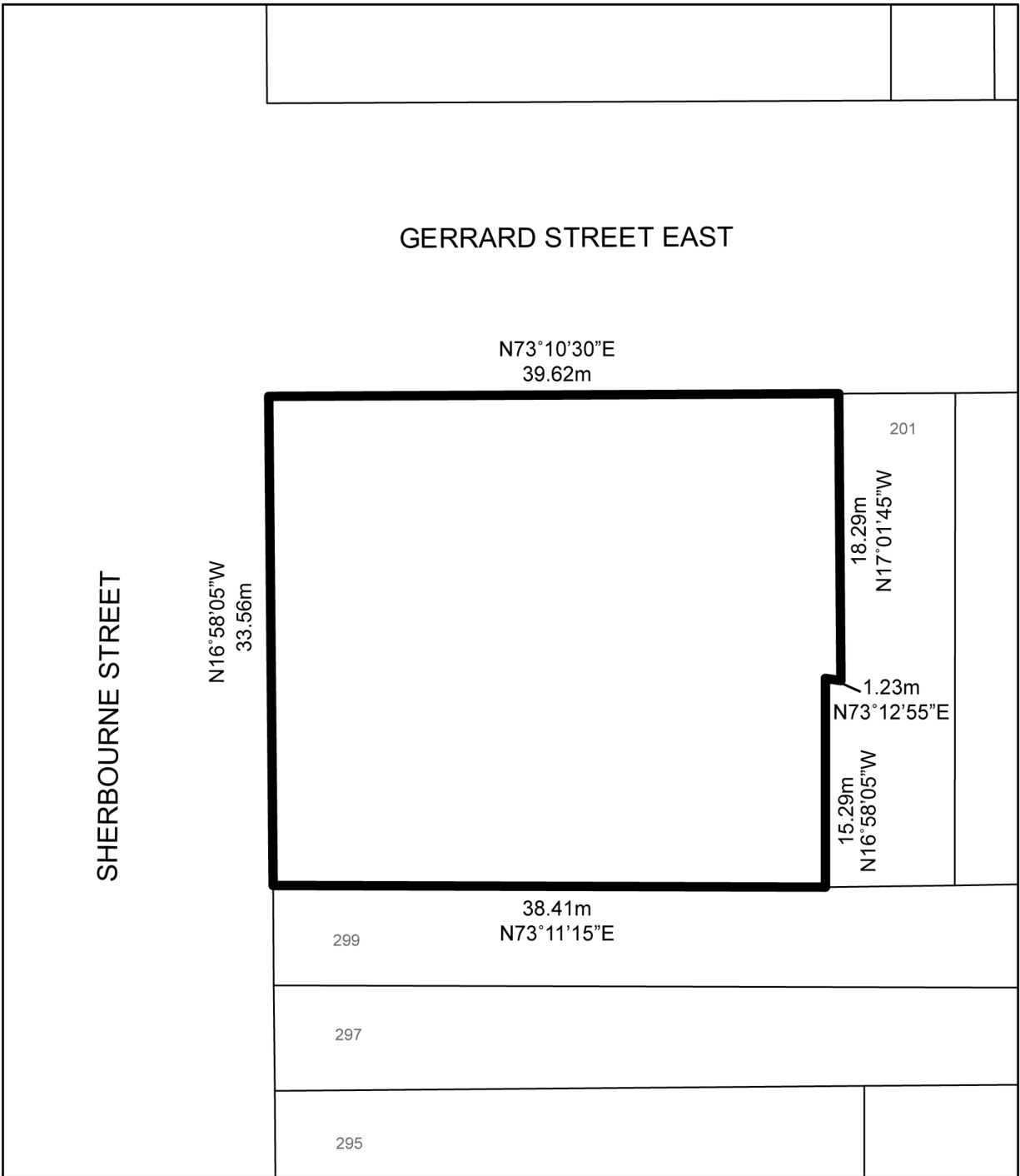
- (d) No part of any building or structure on the *lot* erected or used above *grade* shall exceed the *height* limits shown in metres as indicated by the numbers following the letter "H" in the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law;
- (e) Nothing in Section 2(d) above shall prevent the following elements from projecting above the *height* limits shown on Map 2, as follows:
- (i) A parapet, roof drainage components, or thermal and waterproofing assembly located at each of the roof levels of the building, provided the maximum vertical distance of any such does not exceed 1.2 metres;
  - (ii) Safety railings and fences at each of the roof levels of the building, provided the maximum vertical dimension of any such does not exceed 1.8 metres above the *height* of each roof level of the building;
  - (iii) Structures on the roof of any part of the building used for outside or open air recreation, green roof elements, wind mitigation elements, landscape features, elevator overruns, service ladders, telecommunications equipment and antennae, window washing equipment, partitions dividing outdoor recreation areas and private balconies/terraces, or lightning rods and exhaust flues provided the maximum vertical distance of such does not exceed 2.5 metres;
  - (iv) Mechanical or operational equipment provided the maximum vertical distance of such does not exceed 3.0 metres; and
  - (v) Balconies as specified in section (f)(ii) below;
- (f) No portion of any *building*, erected on the *lot* above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines and building envelopes shown on Map 2, except for the following:
- (i) Lighting fixtures, window washing equipment, awnings, canopies, parapet flashing, roof and terrace scupper,, window sills, guardrails, balustrades, railings, wind mitigation and acoustic screens and features, planters, wheel chair ramps, mechanical exhaust and intake components, underground garage ramps and their associated structures and elements, retaining walls, fences, and privacy screens to a maximum projection of 2.0 metres;
  - (ii) Balconies to a maximum projection of 1.8 metres on and or between *storeys* 7 through 14 on the north façade as generally indicated on Map 2; and
  - (iii) Trellises located at or below 113.20 metres Canadian Geodetic Datum of 2013 may project a maximum of 3.4 metres;

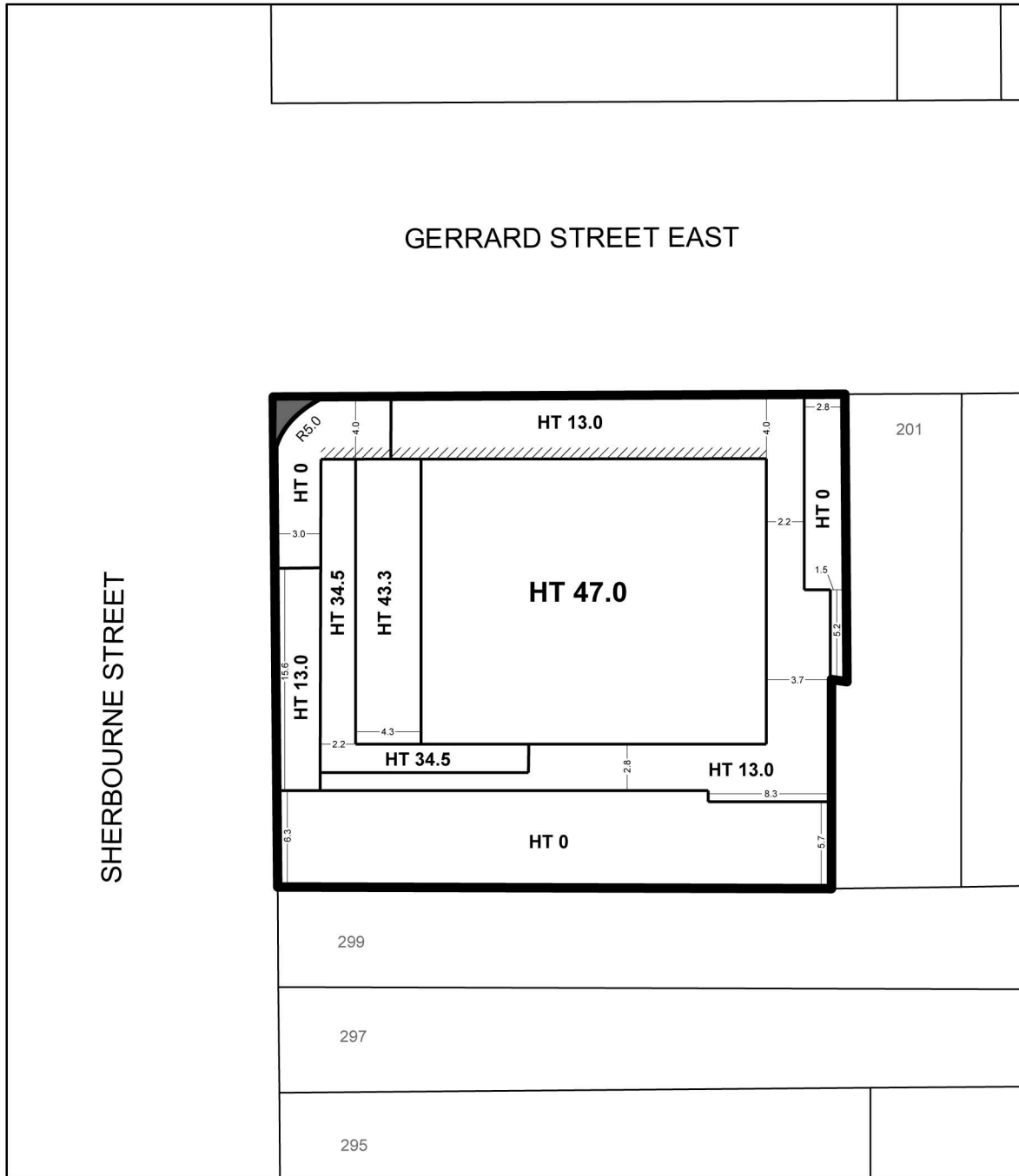
- (g) A minimum of 224 square metres of indoor *residential amenity space* and 140 square metres of outdoor *residential amenity space* shall be provided on the *lot*;
- (h) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
  - (i) A minimum of 0.39 *parking spaces* per *dwelling unit* for residential uses; and
  - (ii) A minimum of 0.06 *parking spaces* per *dwelling unit* for residential visitors;
- (i) In the event that the calculation of the number of required *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number;
- (j) Notwithstanding Section 4(17) of By-law 438-86, a maximum of 4 *parking spaces* may have a minimum width of 2.4 metres, a minimum length of 5.4 metres, and a minimum height of 1.7 metres, with or without obstructions;
- (k) The required *bicycle parking spaces* – occupant and *bicycle parking spaces* visitor may be provided in *stacked bicycle parking spaces* maintained on the *lot*;
- (l) *Bicycle parking* shall be provided and maintained on the *lot* and shall not be less than the number calculated in accordance with the following minimum ratios:
  - (i) 0.9 *bicycle parking spaces-occupant* per *dwelling unit*; and
  - (ii) 0.1 *bicycle parking spaces-visitor* per *dwelling unit*;
- (m) In the event that the calculation of the number of required *bicycle parking spaces* – occupant or *bicycle parking spaces* – visitor results in a number with a fraction, the number is rounded up to the nearest whole number;
- (n) *Loading spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
  - (i) One *loading space-type G* shall be provided;
- (o) None of the provisions of By-law 438-86, as amended, or this By-law shall apply to prevent a *temporary sales office* on the *lot* as of the date of passing of this By-law;



3. For the purposes of this By-law: all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law 438-86, as amended, except as herein provided:
- (a) "*Bicycle parking space-occupant*" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles; and
    - (i) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
    - (ii) Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
  - (b) "*Bicycle parking space-visitor*" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and maybe within a secured room and/or within a *parking stacker –bicycle*; and
    - (i) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
    - (ii) Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.4 metres by 1.2 metres and a vertical dimension of 1.9 metres; and
    - (iii) May be located indoors or outdoors including within a secured room or enclosure;
  - (c) "*grade*" shall mean an elevation of 94.02 metres Canadian Geodetic Datum of 2013.
  - (d) "*height*" shall be measured from "*grade*" to the highest point of the building;
  - (e) "*residential gross floor area*" shall mean the sum of the total areas of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area of the building used for:
    - (i) Parking, loading and bicycle parking below ground;
    - (ii) Required loading spaces at the ground level and required bicycle parking spaces at or above ground;
    - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;

- (iv) Shower and change facilities required by this By-law for required bicycle parking spaces;
  - (v) Amenity space required by this By-law;
  - (vi) Elevator shafts;
  - (vii) Garbage shafts;
  - (viii) mechanical penthouse; and
  - (ix) Exit stairwells in the building;
- (f) "*Stacked bicycle parking space*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces; and
- (i) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.2 metres.
4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this by-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
5. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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-  Main wall - balcony projections permitted on storeys 7-14 inclusive
-  5 metre corner rounding