

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 2022

**CITY OF TORONTO**

**BY-LAW ###-2022**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 353-355 Sherbourne Street and 157 Carlton 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; 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 Section 37.1 of the *Planning Act* provides that Subsections 37(1) to (4) of the *Planning Act* as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 569-2013 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. 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 subject to this By-law from a zone label of CR 1.5 (c1.0; r1.0) SS2 (x1913) to a zone label of CR 1.5 (c1.0; r1.0) SS2 (x671) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 671 so that it reads:

(671) Exception CR 671

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 353-355 Sherbourne Street and 157 Carlton Street, if the requirements of Section 6 and Schedule A of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (P) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 98.808 metres and elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.1(1), non-residential use portions of the **building** are permitted to be located on the second **storey** of the **building**;
- (D) Despite Regulation 40.10.40.1(2), for any non-residential use:
  - (i) the floor level of the first **storey** is permitted to be 1.0 metre from the Canadian Geodetic Datum of 98.808 metres;
  - (ii) the floor level of the first **storey** must have a pedestrian access ramp which rises no more than 0.06 metres vertically for every 1.0

metre horizontally; and

- (iii) clauses (i) and (ii) above do not apply to the area labelled as "Existing Church" as shown on Diagram 3 of By-law [Clerks to supply By-law ##];
- (E) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number following the "HT" symbol in metres as shown on Diagram 3 of By-law [Clerks to supply By-law ##];
- (F) Despite Regulations 40.5.40.10(4), (6), (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height as shown on Diagram 3 of By-law [Clerks to supply By-law ##]:
  - (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, by a maximum of 6.0 metres;
  - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 6.0 metres;
  - (iii) window washing equipment, by a maximum of 6.0 metres;
  - (iv) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 1.8 metres; and
  - (v) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres;
- (G) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 11,150 square metres, of which:
  - (i) the permitted maximum **gross floor area** for residential uses is 8,150 square metres;
  - (ii) the permitted maximum **gross floor area** for non-residential uses is 3,300 square metres; and
  - (iii) the required minimum **gross floor area** for a **community centre** is 2,600 square metres;
- (H) The maximum permitted number of **dwelling units** is 108, of which:
  - (i) a minimum of 15 percent must be two-bedroom **dwelling units**;

- (ii) a minimum of 10 percent must be three-or-more-bedroom **dwelling units**; and
- (iii) a minimum of 15 percent of the total number of **dwelling units** must be:
  - (a) a combination of two-bedroom and three-bedroom **dwelling units**; or
  - (b) **dwelling units** that can be converted to two-bedroom and three-bedroom **dwelling units** through the use of accessible or adaptable design measures;
- (I) Despite Regulation 40.10.40.60(1)(C), a platform attached to the front **main wall** may be located at the second **storey**;
- (J) Despite Regulation 40.10.40.70(2) and Clause 600.10.10.1, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law **[Clerks to supply By-law ##]**;
- (K) Despite Regulation 40.10.40.70(2)(G) and 40.10.40.70(2)(H), the **building** may penetrate a 45-degree **angular plane** equal to 80 percent of the width of the **street** right-of-way on which the **lot** fronts;
- (L) Despite Regulation 40.10.50.10(2), no fence is required along the portion of the **lot line** abutting a **lot** in the Residential or Residential Apartment Zone category;
- (M) Despite Regulation 40.10.50.10(3), no strip of **soft landscaping** is required along the part of the **lot line** abutting a **lot** in the Residential or Residential Apartment Zone category;
- (N) Despite Regulation 40.10.90.40(1) and Regulation 40.10.100.40(1), vehicle access to a **loading space** may be provided from Sherbourne Street;
- (O) Despite Regulations 200.5.10.1(1), no **vehicle parking spaces** are required to be provided and maintained on the **lot**; and
- (P) Despite Regulation 220.5.10.1(8), a minimum of one Type "G" **loading space** is required to be provided and maintained on the lands.

Prevailing By-laws and Prevailing Sections:

(None Apply)

5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
6. Section 37 Provisions:
  - (A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, 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 Diagram 1 attached to this by-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this by-law and 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 attached to 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; and
  - (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 [month day], 2022.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

## SCHEDULE A

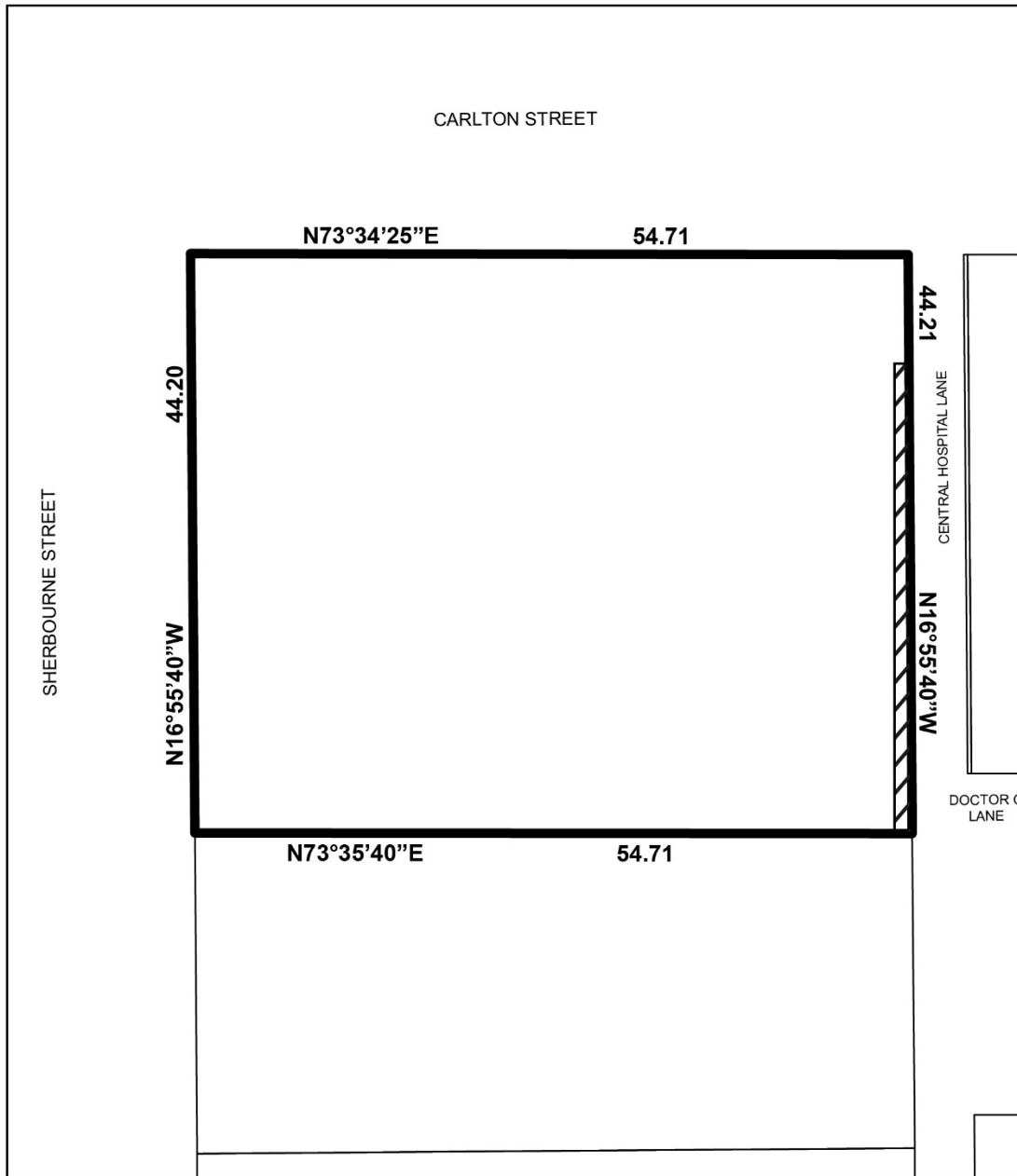
### Section 37 Provisions

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. The owner shall enter into an agreement, on such terms and conditions, to the satisfaction of the City Solicitor pursuant to Section 37(3) and (4) of the Planning Act, as it read on the day before section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, C.18, as amended, came into force, to secure the community benefits below, whereby the owner agrees as follows:

1. The owner shall construct, provide, and maintain a privately owned publicly-accessible open space on the lands, having a minimum size of 250 square metres along the Sherbourne Street and Carleton Street frontages of the site to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the privately owned publicly accessible open space and any required public access easements to connect the privately owned publicly accessible open space to adjacent privately owned publicly accessible open space and/or public rights-of-way, where necessary. The owner shall own, operate, maintain and repair the privately owned publicly accessible open space and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately owned publicly accessible open space at all times of the day and night, 365 days of the year. The specific location, configuration, design and timing of conveyance of the privately owned publicly accessible open space shall be determined in the context of site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;
2. The owner shall provide and maintain new affordable rental dwelling units in the amount that is 30% of the total amount of all new dwelling units on the lands at 353-355 Sherbourne Street and 157 Carlton Street (the "Affordable Housing Units"), all to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Executive Director, Housing Secretariat, in accordance with such terms and conditions as specified in the Section 37 Agreement;
3. The owner shall construct and maintain the development of the site in accordance with Tier 3 of the Toronto Green Standard Version 4.0, or the equivalent in the Toronto Green Standard version applicable at the time of the site plan application for each building on the site; and
4. Prior to the issuance of the first building permit for a residential use on any part of the site, including permits for excavation and shoring, the owner shall enter into a

municipal housing facility agreement with the City ("Contribution Agreement"), for the Affordable Housing Units that are approved for Open Door incentives, on terms satisfactory to the Executive Director, Housing Secretariat and in a form satisfactory to the City Solicitor. The owner shall provide such Affordable Housing Units in accordance with such agreement(s).

Diagram 1



 **Toronto**  
Diagram 1

**353-355 Sherbourne Street &  
157 Carlton Street**  
File # 21 175955 STE 13 0Z


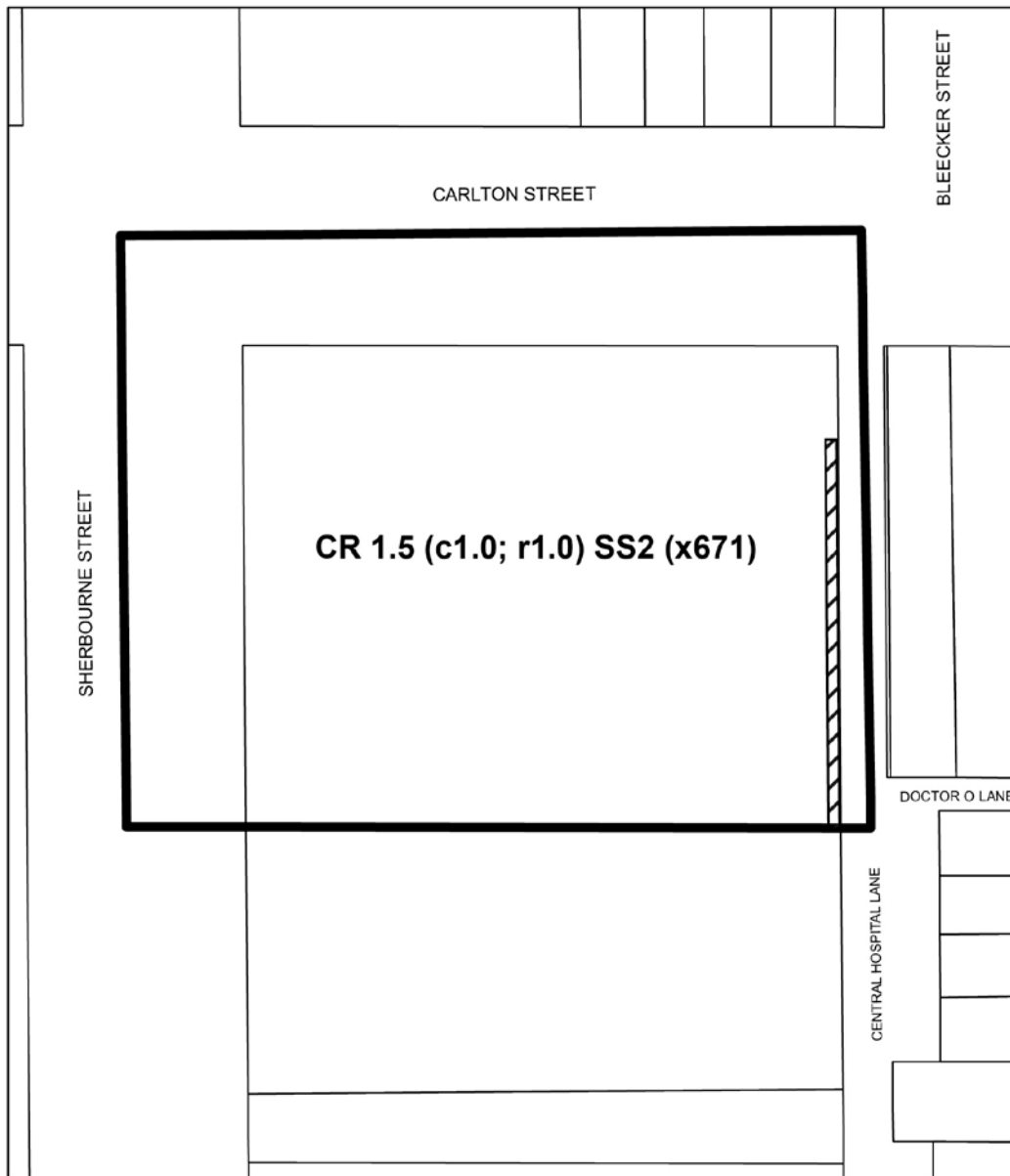
 0.87 m road widening




Diagram 2



 **TORONTO**  
Diagram 2

**353-355 Sherbourne Street &  
157 Carlton Street**  
File # 21 175955 STE 13 OZ

 0.87 m road widening


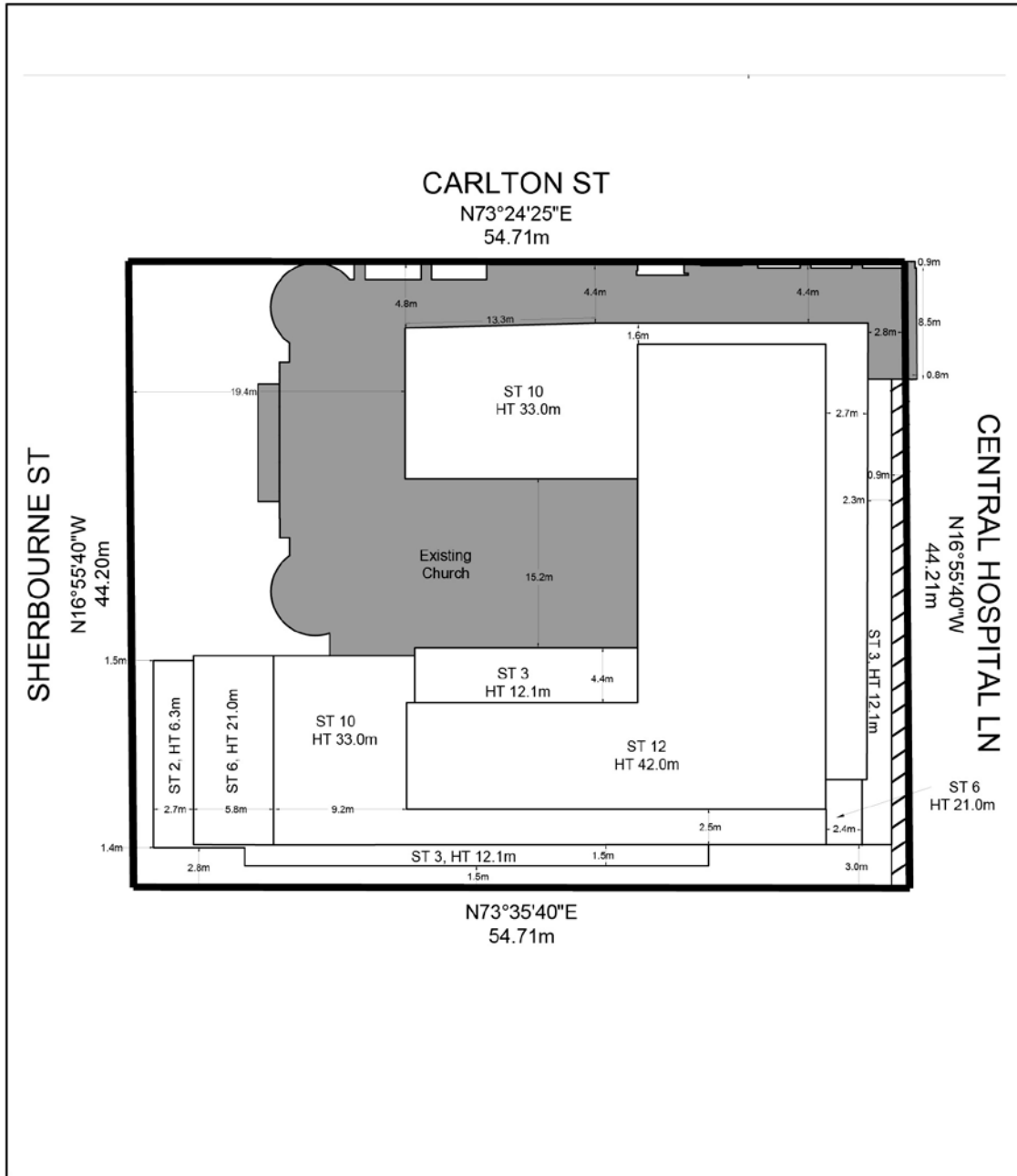

  
City of Toronto By-law 569-2013  
Not to Scale  
06/13/2022


Diagram 3



 **TORONTO**  
Diagram 3

353-355 Sherbourne Street &  
157 Carlton Street  
File # 21 175955 STE 13 0Z

 0.87 m lane widening

  
City of Toronto By-law 569-2013  
Not to Scale  
06/27/2022