

Authority: **Toronto and East York Community Council** Item ##, as adopted by City of Toronto Council on ~, 2024

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 191 and 201 Sherbourne Street.

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, as amended; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law.

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, as amended, 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 990.1 respecting the lands outlined by heavy black lines from a zone label R (d1.0) (x984) to a zone label of R (d1.0) (x204) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 204 so that it reads:

(204) Exception R 204

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) The lands must comply with exception 900.2.10(984);
- (B) Despite (A) above, on lands municipally known as 191 and 201 Sherbourne Street, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (C) to (FF) below;
- (C) For the purposes of this exception, the **lot** shall refer to those lands delineated by a heavy black line on Diagram 1 of By-law [Clerks to insert By-law number];
- (D) The **buildings** and **structures** permitted on the **lot** include the “Existing Buildings”, “Building A”, and “Building B” as shown on Diagrams 3, 4, and 5 of By-law [Clerks to insert By-law number], and:
- (i) For the purposes of this exception, “Existing Buildings” means the **buildings** that existed on the **lot** as of (1972), identified as “191 Sherbourne” and “201 Sherbourne” on Diagrams 3, 4, and 5 of By-law [Clerks to insert By-law number], including any alterations and internal modifications that do not result in additional **gross floor area**;
 - (ii) For the purposes of this exception, “Building A” means the **building** identified as “Building A” on Diagrams 3, 4, and 5 of By-law [Clerks to insert By-law number], if constructed in compliance with the regulations of this exception;
 - (iii) For the purposes of this exception, “Building B” means the **building** identified as “Building B” on Diagrams 3, 4, and 5 of By-law [Clerks to insert By-law number], if constructed in compliance with the regulations of this exception;
- (E) Despite regulation 10.5.40.10(1), the height of a **building** or **structure** is measured from the orthometric elevation of 88.19 metres with reference to the Canadian Geodetic Vertical Datum of 1928, Pre-1978 Adjustment (CGVD1928:Pre-1978Adj) to the highest point of the **building** or **structure**;
- (F) Despite regulation 10.10.40.10(1), the permitted height of a **building** or **structure** is as follows:
- (i) the permitted maximum height of a **building** or **structure** is the number in metres following the letters “HT” as shown on Diagram 5 of By-law [Clerks to insert By-law number];
 - (ii) the required minimum height of the portions of “Building A”

measured from the floor of Level 1 to the ceiling of Level 16 and “Building B” measured from the floor of Level 1 to the ceiling of Level 15, excluding mezzanines, is 45 metres;

- (G) Despite regulations 10.5.40.10(2), (3) and (4) and 10.10.40.10(8), (9) and (10) and (F) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagrams 3, 4, and 5 of By-law [Clerks to insert By-law number]:
- (i) aeronautical lighting and weathervanes, within the area labelled “TOWER ROOF A” and “TOWER ROOF B”, by a maximum of 2.5 metres;
 - (ii) roof assembly, elements and structures associated with a **green roof, green roof** vegetation, chimneys, vents, guard rails and parapets within the area labelled “TOWER ROOF A” and “TOWER ROOF B”, by a maximum of 1.1 metres;
 - (iii) roof hatches within the area labelled “TOWER ROOF A” and “TOWER ROOF B”, by a maximum of 0.6 metres when closed and 1.0 metres when open;
 - (iv) **building** maintenance davit arms and window washing equipment within the area labelled “TOWER ROOF A” and “TOWER ROOF B”, by a maximum of 1.0 metres when not in use and 3.0 metres when in use, or to an orthometric elevation not exceeding the limitation surfaces for the St. Michael’s Hospital Heliport as described by O.Reg. 10/24 and the St. Michael’s Hospital Air Ambulance Service Protection Corridor Map (Map #346), as amended, whichever is less;
 - (v) wind screens, parapets, awnings, railings and dividers, structures for open air recreation, flues, chimneys, light fixtures, pergolas, trellises, terraces, landscaping elements, planters, integrated seating, architectural features, balustrades, and screens by a maximum of 3.0 metres within the areas labelled “HT 7.0” only, and are not permitted to project within the area labelled “TOWER ROOF A” or “TOWER ROOF B”; and
 - (vi) wind screens, parapets, awnings, railings and dividers, structures for open air recreation, flues, chimneys, light fixtures, pergolas, trellises, terraces, landscaping elements, planters, integrated seating, architectural features, balustrades, and screens by a maximum of 6.0 metres within the areas labelled “HT 58.0” only,

and are not permitted to project within the area labelled “TOWER ROOF A” or “TOWER ROOF B”;

- (H) Despite regulation 10.10.40.1(2), a maximum of four **residential buildings** are permitted on the **lot**;
- (I) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 96,700 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses in the Existing Buildings is 40,000 square metres;
 - (ii) the permitted maximum **gross floor area** for residential uses in Building A is 28,800 square metres;
 - (iii) the permitted maximum **gross floor area** for residential uses in Building B is 27,200 square metres;
 - (iv) the required minimum **gross floor area** for non-residential uses in the **first floor** of Building B is 500 square metres;
- (J) Despite Regulation 10.10.40.50(1), **amenity space** must be provided at the following rate:
 - (i) At least 2.1 square metres of indoor **amenity space** for each **dwelling unit** in “Building A” and “Building B”;
 - (ii) At least 2.6 square metres of outdoor **amenity space** for each **dwelling unit** in “Building A” and “Building B”;
 - (iii) at least 40.0 square metres of outdoor **amenity space** must be in a location adjoining or directly accessible to indoor **amenity space**; and
 - (iv) no more than 25% of the outdoor component may be a **green roof**;
- (K) Despite clauses 10.5.40.70, 10.10.40.70, and 10.10.40.80, the required minimum **building setbacks** and separation of **main walls** are as follows:
 - (i) For “Building A” from Level 1 to Level 16 and “Building B” from Level 1 to 15, excluding mezzanines, refer to Diagram 3 of By-law [Clerks to insert By-law number];
 - (ii) For any **structure** above the “Existing Buildings,” refer to Diagram 3 of By-law [Clerks to insert By-law number];
 - (iii) For “Building A” from Level 17 to Level 25 and “Building B” from

Level 16 to Level 24, excluding mezzanines, refer to Diagram 4 of By-law [Clerks to insert By-law number];

- (iv) For “Building A” at Level 26 and above and “Building B” at Level 25 and above, excluding mezzanines, refer to Diagram 5 of By-law [Clerks to insert By-law number];
- (L) Despite clause 10.5.40.60 and (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) canopies and awnings, by a maximum of 3.0 metres;
 - (ii) exterior stairs, access ramps, and elevating devices, by a maximum of 1.0 metres;
 - (iii) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 0.5 metres;
 - (iv) window projections, including bay windows and box windows, by a maximum of 0.5 metres;
 - (v) **structures** and elements used for open air recreation and **amenity space** by a maximum of 3.0 metres;
 - (vi) utility meters, vents, and pipes by a maximum of 0.5 metres;
- (M) Regulation 10.5.100.1(4)(B), with respect to the maximum total width of a **driveway**, does not apply;
- (N) In addition to the uses permitted with conditions listed in regulation 10.10.20.20(1), an **eating establishment** and an **outdoor patio** are also permitted on the **lot** subject to the following:
 - (i) the **eating establishment** is not located above the first **storey** of the **building**;
 - (ii) the **outdoor patio** must be combined with the **eating establishment**;
 - (iii) the permitted maximum area of the **outdoor patio** is the greater of:
 - (a) 50.0 square metres; or
 - (b) 50 percent of the **interior floor area** of the **eating establishment** it is combined with;

- (iv) the **outdoor patio** may not be used to provide entertainment such as performances, music, and dancing;
 - (v) the **outdoor patio** must be set back at least 10.0 metres from a **lot** in the Residential Zone category; and
 - (vi) if the **outdoor patio** is located on a pedestrian walkway, it must maintain a pedestrian clearance with a minimum width of 1.5 metres along its entire length;
- (O) Regulation 10.10.40.30(1) with respect to maximum **building depth** does not apply;
- (P) Despite regulation 150.45.40.1(1) and 150.45.40.1(2)(A), a **day nursery** may be located on the first two **storeys** of a **building**;
- (Q) Despite regulation 150.45.40.1(2)(B), the **interior floor area** used by the **day nursery** may not exceed 60% of the **interior floor area** of the **first floor** of a **building**;
- (R) Despite regulations 200.5.1(3) and 200.5.1.10(2), a maximum of 283 existing **parking spaces**, including the associated existing **drive aisle** widths and **parking space** dimensions for the Existing Buildings, continue to be permitted on the **lot** as of the date of the passing of By-law [Clerks to insert By-law number];
- (S) Despite regulations 200.5.10.1(1) and (2) and table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.19 residential occupant **parking spaces** for each **dwelling unit**; and
 - (ii) a minimum of 0.02 residential visitor **parking spaces** for each **dwelling unit**; and
 - (iii) no **parking spaces** are required for non-residential uses;
- (T) Despite regulation 200.5.1.10(2)(A)(iv), **parking spaces** may be obstructed on one or both sides in accordance with regulation 200.5.1.10(2)(D), without a requirement to increase the width by 0.3 metres;
- (U) Despite regulation 200.15.10.10(1), a minimum of 13 of the required **parking spaces** on the **lot** are required to be accessible **parking spaces**;
- (V) Despite Clause 220.5.10.1, one Type 'G' **loading space** and three Type "C" **loading spaces** must be provided and maintained on the **lot**;

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- (W) Despite regulation 220.5.20.1(2), access to all **loading spaces** provided below-ground may be provided via a ramp with a maximum grade of 12 percent;
- (X) Despite regulations 230.5.10.1(1), 230.5.1.10(6), 230.5.1.10(9), and 230.10.1.20(2), a maximum of 67 existing **bicycle parking spaces** with their existing dimensions continue to be permitted on the **lot**, in their current location, as of the date of passing of By-law [Clerks to insert By-law number];
- (Y) Despite regulation 230.5.1.10 (6), “long-term” **bicycle parking spaces** may be located in a **stacked bicycle parking space** and may be located outdoors or indoors in an enclosed or secured room or enclosure;
- (Z) Despite regulation 230.5.1.10(10), “short-term” **bicycle parking spaces** are also permitted in a **stacked bicycle parking space**;
- (AA) Despite regulation 230.5.1.10(9), “long-term” **bicycle parking spaces** may be located at-grade, in a mezzanine above the **first floor**, and within any level below ground;
- (BB) Despite regulation 230.10.1.20(2), “short-term” **bicycle parking spaces** may be located at-grade, in a mezzanine above the **first floor**, and within any level below ground;
- (CC) Despite regulation 230.5.1.10(4)(C), **stacked bicycle parking spaces** must be in accordance with the following:
- (i) the required minimum length of a **stacked bicycle parking space** is 1.84 metres;
 - (ii) the minimum width of a **stacked bicycle parking space** is 0.4 metres;
 - (iii) the required minimum vertical clearance for each **stacked bicycle parking space** is 1.2 metres;
- (DD) Article 600.10.10 with respect to **building setbacks** does not apply;
- (EE) The combined provision of **dwelling units** in “Building A” and “Building B” is subject to the following:
- (i) A combined minimum of 15 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) A combined minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;

- (iii) A combined additional 15 percent of the total number of **dwelling units** must have a combination of two and three bedrooms, or units that can be converted to two and three bedroom units through the use of accessible or adaptable design measures;
 - (iv) Any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (v) If the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number.
- (FF) For the purposes of this exception, a mezzanine is not considered a **storey** provided that the **interior floor area** of the mezzanine level does not exceed 60 percent of the **interior floor area** of the storey below in the **building**.

Prevailing By-laws and Prevailing Sections: (None Apply)

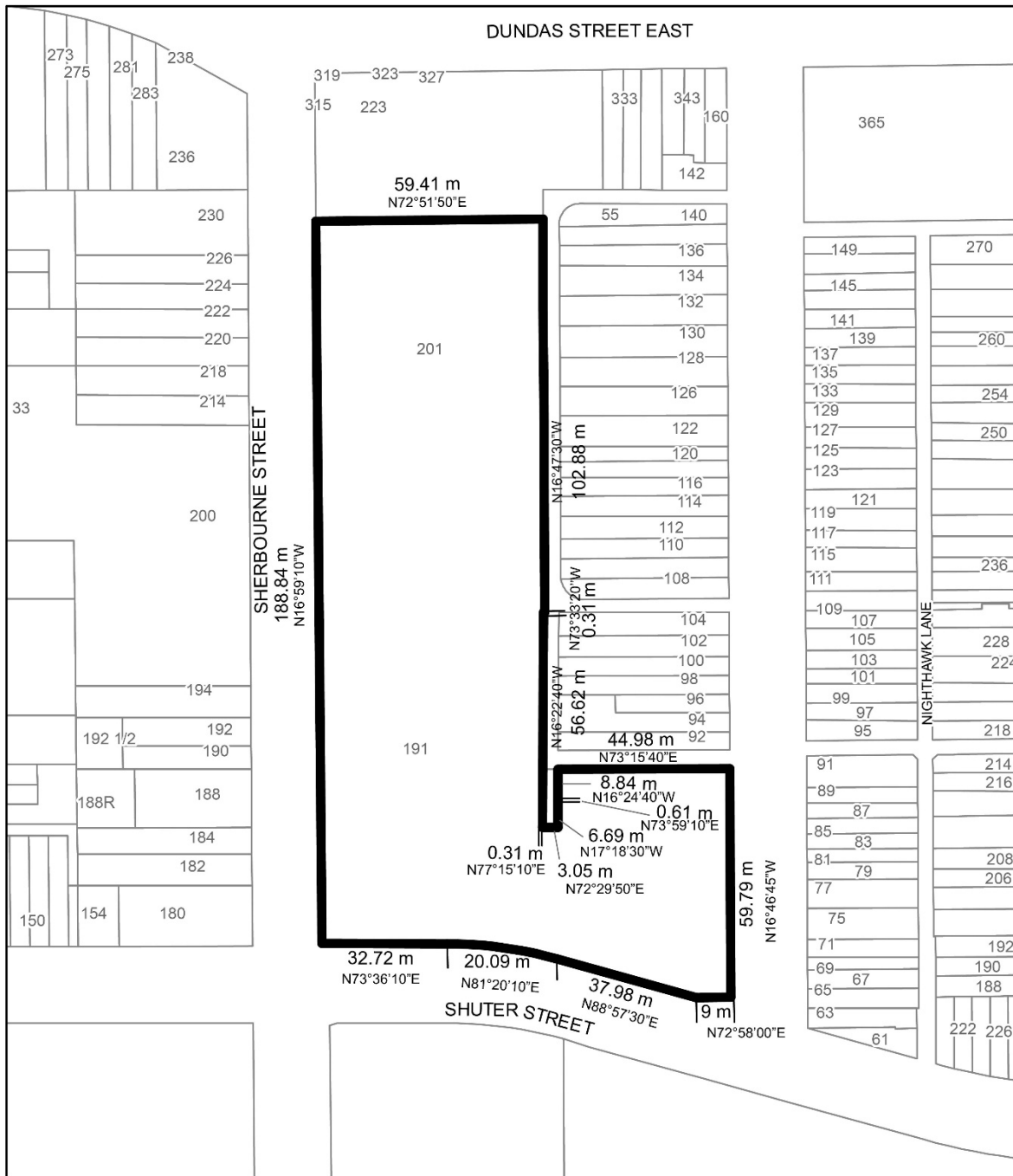
5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
6. Temporary Use(s):
 - (A) None of the provisions of Zoning By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a temporary sales presentation centre, which shall mean an office, showroom or sales trailer used exclusively for the initial sale and/or leasing of **dwelling units** or non-residential units to be erected on the **lot**, and none of the other provisions of By-law [Clerks to supply by-law ##] on the lands to which this By-law applies for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

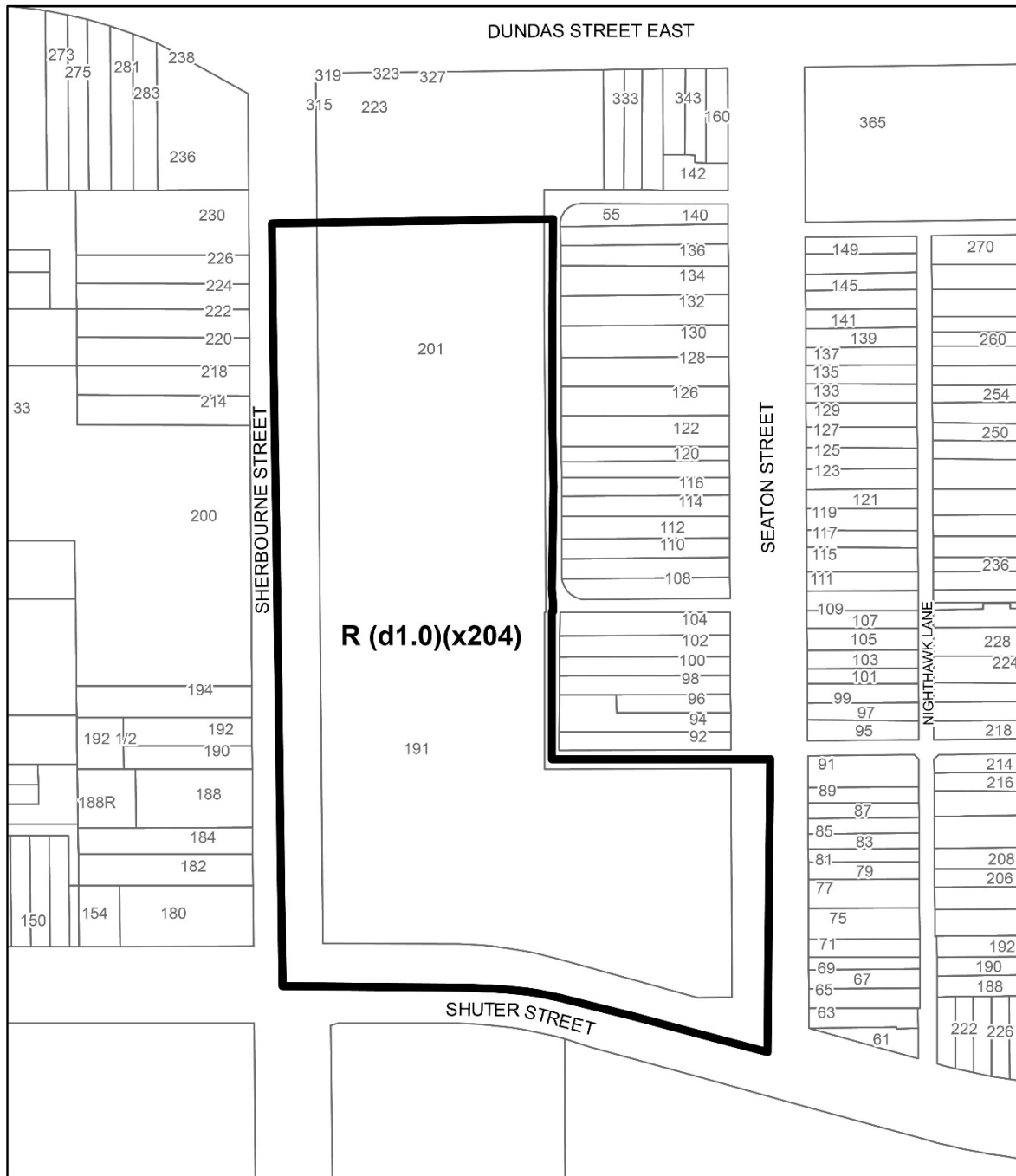
[full name],
City Clerk

(Seal of the City)



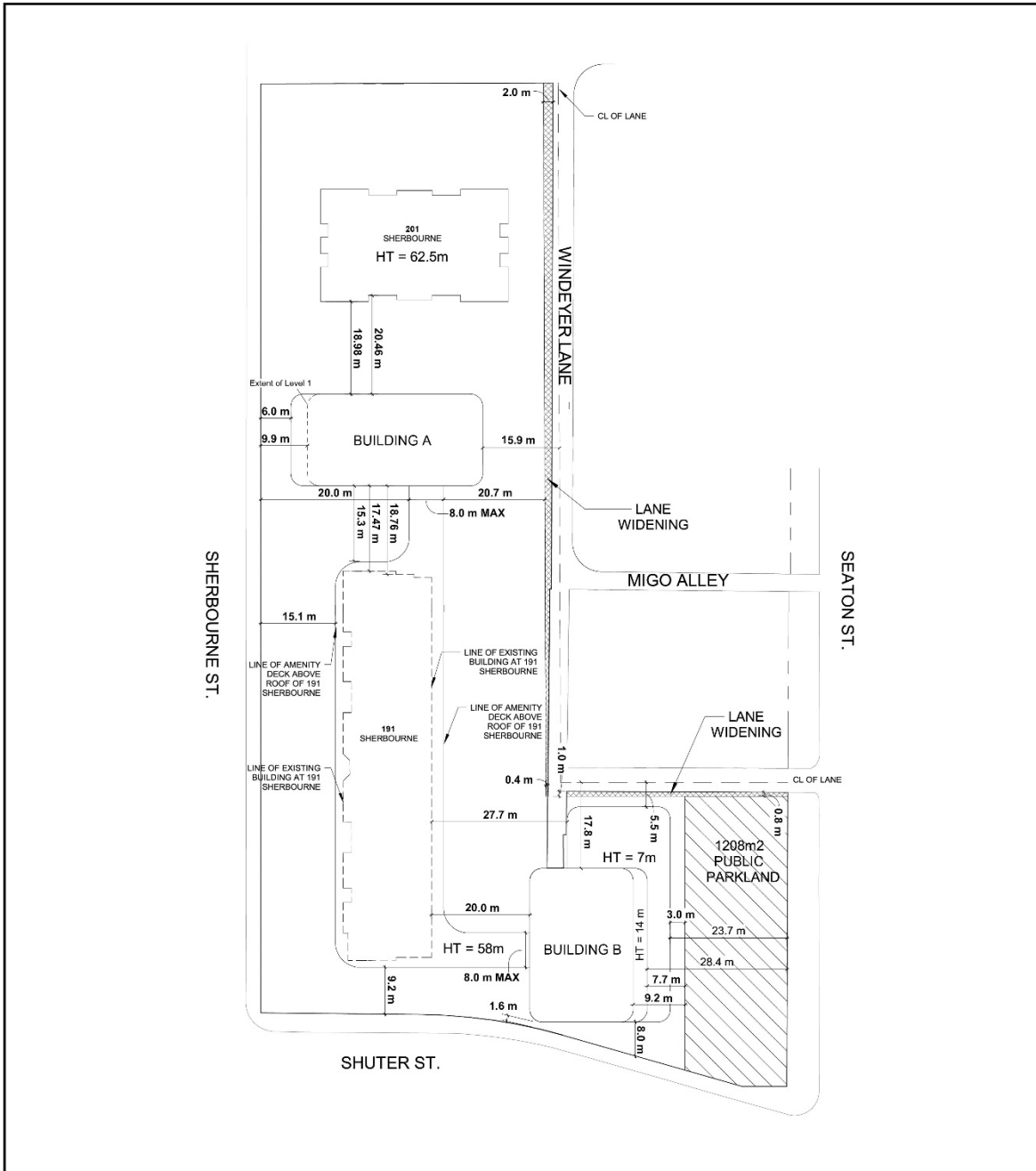
191 and 201 Sherbourne Street

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191 and 201 Sherbourne Street

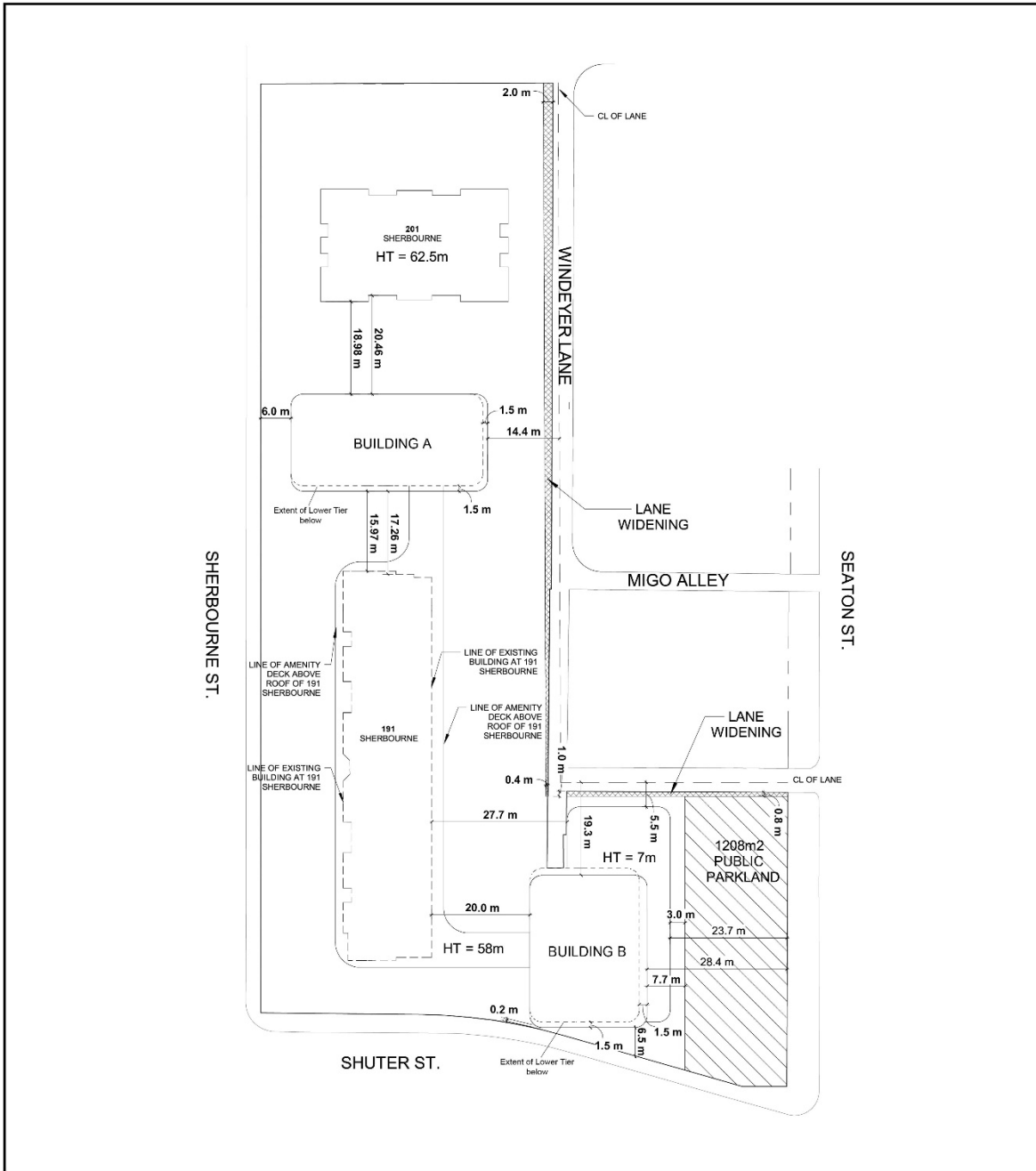
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 **TORONTO**
Diagram 3

191 and 201 Sherbourne Street

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 **TORONTO**
Diagram 4

191 and 201 Sherbourne Street

File # 20 224753 STE 13 OZ

